

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2010 Legislative Session, Legislative Day No. : April 27, 2010

Bill No.: 1183

Expiration Date: July 1, 2010

Introduced by: Mr. Bartlett, Mr. Duncan, Mr. Foster, Mr. Harrison, Mr. Pack

A BILL TO AMEND CHAPTER 20, "BOARD OF APPEALS" §§ 20-13 AND 20-14 TO ELIMINATE THE REQUIREMENT THAT PARTIES WISHING TO OPPOSE AN APPLICATION FOR A SPECIAL EXCEPTION OR VARIANCE BE REQUIRED TO FILE A "NOTICE OF INTENTION TO PARTICIPATE" AND TO ELIMINATE THE REQUIREMENT THAT APPLICANTS AND THOSE OPPOSING APPLICATIONS FOR A SPECIAL EXCEPTION OR VARIANCE BE REQUIRED TO FILE A PRE-HEARING STATEMENT

By the Council: April 27, 2010

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, May 25, 2010 at 2:00 p.m. Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order _____
Susan W. Moran, Secretary

A BILL TO AMEND CHAPTER 20, "BOARD OF APPEALS" §§ 20-13 AND 20-14 TO ELIMINATE THE REQUIREMENT THAT PARTIES WISHING TO OPPOSE AN APPLICATION FOR A SPECIAL EXCEPTION OR VARIANCE BE REQUIRED TO FILE A "NOTICE OF INTENTION TO PARTICIPATE" AND TO ELIMINATE THE REQUIREMENT THAT APPLICANTS AND THOSE OPPOSING APPLICATIONS FOR A SPECIAL EXCEPTION OR VARIANCE BE REQUIRED TO FILE A PRE-HEARING STATEMENT

KEY

- Boldface**.....Heading or defined term.
- UnderliningAdded to existing law by original amendment
- ~~Strikethrough~~.....Deleted from existing law by original amendment.
- Double underliningAdded to Bill by amendment.
- ~~Double strikethrough~~Deleted from existing law or bill by amendment.
- * * *Existing law or bill unaffected.

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that the Talbot County Code entitled “Board of Appeals” shall be and are hereby amended as follows:

* * *

§ 20-13. Contested ~~applications.~~ administrative appeals.

An ~~application~~ administrative appeal becomes contested when any person, or any County agency, department, or commission files with the Board a “Notice of Intention to Participate.” Such Notice shall be filed within 15 days after either (1) being served with a copy of the administrative appeal, or (2) receiving actual notice of the administrative appeal.

~~A. County.~~

~~A County agency, department or commission shall file a “Notice of Intention to Participate” within 15 days after being served with a copy of the application.~~

~~B. Adjacent properties.~~

~~Any adjacent property owner receiving notice under § 20-7 may file a “Notice of Intention to Participate” which shall be filed within 15 days after receiving the notice of the application.~~

§ 20-14. Procedure for contested ~~applications~~. administrative appeals.

The following requirements apply to all contested ~~applications before the Board~~ administrative appeals:

A. Pre-hearing statement.

The applicant shall file original and 5 copies of a pre-hearing statement no later than 30 days prior to the public hearing and shall serve a copy on all parties of record and upon counsel to the Board. The statement shall include the following information:

* * *

SECTION TWO: BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1183 having been published, a public hearing was held on Tuesday, May 25, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: May 25, 2010

By Order _____
Susan W. Moran, Secretary

Harrison – Aye (via ballot)

Pack- Aye

Duncan- Aye

Foster - Aye

Bartlett- Aye