

COUNTY ORDINANCE NO. 00-05

A BILL ENTITLED

AN ACT Concerning the Adoption of New Sections 18-1-179(a) (4) and (5) of the Public Local Laws of Queen Anne's County (1996 Ed.)

FOR THE PURPOSE of providing direct appeals to the Circuit Court for Queen Anne's County in certain circumstances, providing for the award of attorney's fees and costs on such appeals, requiring the appellant to post bond to guarantee payment of such costs and attorney's fees and generally providing for and regulating direct appeals from certain zoning actions to the Circuit Court for Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-179 of the Code of Public Local Laws of Queen Anne's County be amended by adding new sub-sections (4) and (5) to Paragraph (a) thereof to read as follows:

18-1-179. Appeals.

(a) Right of Appeal

. . . .

(4) Appeals by nongovernmental organizations or individuals contesting approvals of subdivision or development applications, including building permits, shall be made directly to the Circuit Court for Queen Anne's County, and the Board of Appeals shall have no jurisdiction in such matters.

Such an appeal shall not stay any action or development under said approval, however, a property owner or developer commencing development or construction does so at their own risk.

(5) An appeal to the Courts taken under (4) shall provide that, if the appellant loses any final decision, it shall be responsible for any and all reasonable costs incurred by Queen Anne's County and/or the property

owner/developer, in defending the appeal, and the appellant shall be required to post bond to guarantee payment.

SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

INTRODUCED BY: Marlene Davis

DATE: May 16, 2000

PUBLIC HEARING: June 13, 2000 @ 10:30 a.m.

VOTE: 0 Yea 3 Nay

DATE OF ACTION: July 18, 2000 - Failed