

COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND

(EMERGENCY) LEGISLATIVE BILL #2025-002

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INTRODUCED BY: COMMISSIONERS BREEDING, PORTER, AND BARTZ

INTRODUCED ON: MARCH 11, 2025

ATTEST:   
J. TRAVIS BREEDING, PRESIDENT

PUBLIC HEARING: MARCH 18, 2025, BEGINNING AT 9:15 A.M.  
COURTHOUSE, 109 MARKET STREET,  
ROOM 106  
DENTON, MARYLAND 21629

THIRD READING: APRIL 8, 2025

ENACTED: APRIL 8, 2025

EFFECTIVE: APRIL 8, 2025

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**AN EMERGENCY BILL ENTITLED**

**New Section 194 - Permit Denials - of Article XXI of Chapter 175 - Zoning**

AN Act for the purpose of authorizing the Zoning Administrator to deny permits to owners of property in Caroline County which have existing and unabated violations of State law or the Code of Public Local Laws of Caroline County; and making this Act an Emergency Bill.

BY adding to the Code of Public Local Laws of Caroline County new Section 194 of Chapter 175, Zoning.

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WHEREAS, the County Commissioners of Caroline County, Maryland (the "County Commissioners") are authorized under Article XI-F of the Maryland Constitution and §9-308 of the Local Government Article of the Annotated Code of Maryland (the "Local Government Article") to adopt public local laws in general;

**WHEREAS**, the County Commissioners are authorized under the Land Use Article, Title 4, of the Annotated Code of Maryland to enact and administer zoning and land use Bills and a Comprehensive Plan;

**WHEREAS**, the County Commissioners, pursuant to Local Government Article §§10-324 and 10-328 of the Annotated Code of Maryland, have the power to enact local laws relating to zoning and planning to protect and promote public safety and health, and to provide for the prevention, abatement, and removal of nuisances;

**WHEREAS**, the County Commissioners find and declare as follows:

- (1) There are deteriorated properties located in this County as a result of neglect by their owners in violation of applicable State laws and the Code of Public Local Laws of Caroline County.
- (2) These deteriorated properties create public nuisances which have an impact on crime and quality of life of our residents and require significant expenditures of public funds in order to abate and correct the nuisances.
- (3) There are properties located in this County which have existing uses and/or structures which constitute violations of applicable State laws and the Code of Public Local Laws of Caroline County.
- (4) To address these situations, it is appropriate to deny certain governmental permits and approvals:
  - (i) To prohibit property owners from further extending their financial commitments to render themselves unable to abate or correct the code, statutory and regulatory violations; and
  - (ii) To sanction the owners for not adhering to their legal obligations to the State and this County, as well as to tenants, adjoining property owners and neighborhoods.

**WHEREAS**, pursuant to Local Government Article §13-401 of the Annotated Code of Maryland, the County Commissioners have the power to prevent and remove nuisances in the County;

**WHEREAS**, pursuant to Health-General Article §§3-201 and 3-302, the County Commissioners are *ex officio* the Board of Health for Caroline County and, as such, have the power to adopt and enforce rules and regulations on any nuisance in the County;

**WHEREAS**, pursuant to §197.B of Chapter 128 of the Code of Public Local Laws of Caroline County, the County Commissioners have received the positive recommendation of the Planning Commission and the staff of the Caroline County Department of Planning and Codes regarding the provisions proposed in this Bill, which will have the effect of creating additional incentive for property owners to comply with State and County laws; and

**WHEREAS**, this Bill may also be known by its short title “Chapter 175 § 194–Permit Denials by Department of Planning and Codes”.

**NOW, THEREFORE**, in an exercise of the County’s police power as a Code Home Rule County, be it enacted by the County Commissioners of Caroline County, Maryland that:

**SECTION 1. A NEW SECTION 194, PERMIT DENIAL BY ZONING ADMINISTRATOR, OF ARTICLE XXI, ADMINISTRATION AND ENFORCEMENT, OF CHAPTER 175, ZONING, OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE COUNTY, MARYLAND** be, and it is hereby enacted, to read as follows:

**§ 175–194. Permit Denials by Zoning Administrator**

A. The Zoning Administrator may deny issuing to an applicant a permit if the applicant owns the real property in Caroline County which is the subject of the application and there exists on the subject real property a violation of State law or of the Code of Public Local Laws of Caroline County.

B. If an applicant files an otherwise proper and complete application for a permit and meets all permit requirements, the Zoning Administrator shall not deny the permit under subsection A above if the permit is necessary to correct a violation of State law or of the Code of Public Local Laws of Caroline County.

C. For the purposes of this Section, a County permit may only be denied to an applicant other than an owner if:

- (1) the applicant is acting under the direction or with the permission of an owner; and
- (2) the owner owns the real property satisfying the conditions of subsection A.

**SECTION 2.** The Recitals to this Bill are incorporated herein and deemed a substantive part of this Bill.

**SECTION 3.** The provisions of this Bill are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Bill is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the same shall be deemed separate, distinct, and independent from, and such holding shall not affect the validity of, the remaining portions of this Bill, it being the intent of the County that this Bill shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.


**SECTION 4.** The Publishers of the Code of Public Local Laws of Caroline County, Maryland (the "Code"), the Caroline County Office of Law, or the Caroline County Department of Planning and Codes, in consultation with and subject to the approval of the County Administrator, shall be authorized to make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, organization, and any internal or external reference or citations to the Code that is incorrect or obsolete, with no further action required by the County Commissioners. All such corrections shall be adequately referenced and described in the editor's note following the section affected.

**SECTION 5.** The title and summary of this Bill shall be published in at least one newspaper of general circulation in Caroline County three times, at weekly intervals, and within the 4-week period after passage of the Bill, in accordance with §9-311 (i) of the Local Government Article of the Annotated Code of Maryland. The title of this Bill, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Bill for publication and all other purposes. The title is not a substantive part of this Bill for publication and all other purposes. If the Bill is amended, the title may be administratively revised to conform to the content of the Bill as finally enacted.

**SECTION 6. AND BE IT FURTHER ENACTED,** that this Bill is hereby declared to be an emergency ordinance and a necessary measure to address an immediate public emergency affecting the peace, health, safety, welfare and property of the residents of Caroline County, and being passed by the affirmative vote of all three County Commissioners, shall become effective upon enactment. Upon enactment, this ordinance shall be retroactive and applicable, to the maximum extent permitted by law and subject to the severability clause above, to all proceedings, and to all filed, pending, or future applications for building, use, special exception, or permits issuable by the Department.

Enacted this 8<sup>th</sup> day of MARCH, 2025.


ATTEST:

  
Jennifer Reibly  
Public Information Officer


(SEAL)





APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
Stewart Barroll  
County Attorney

COUNTY COMMISSIONERS OF  
CAROLINE COUNTY, MARYLAND

  
J. Travis Breeding, President

  
Larry C. Porter, Vice-President

  
N. Franklin Bartz III, Commissioner