

ORDINANCE NO. 2012-02

Town of Rising Sun

Cecil County, Maryland

AN ORDINANCE OF THE TOWN OF RISING SUN, ("TOWN") CECIL COUNTY, MARYLAND, AMENDING AND ADDING LANGUAGE TO CHAPTER 12, TITLED TOWN OF RISING SUN ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE TOWN OF RISING SUN, IN ORDER TO ESTABLISH MINIMUM CRITERIA FOR THE NOTIFICATION OF AREA PROPERTIES AND RESIDENTS OF A PENDING APPLICATION FOR A HEARING BEFORE THE BOARD OF ZONING APPEALS; AND TO REPEAL ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Town, located in Cecil County, Maryland is a municipality organized under and governed by Article 23A of the Annotated Code of Maryland; and

WHEREAS, the Town is proclaimed as a perpetual entity with the right to pass laws; and

WHEREAS, pursuant to section § 2.01. titled Grant of power, of article 66B titled Land Use, of the Annotated Code of Maryland, the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning controls and such Planning and Zoning controls shall be implemented by local government; and

WHEREAS, the Code of Ordinances of the Town, contains Chapter 12, titled TOWN OF RISING SUN ZONING ORDINANCE, which establishes the general guidelines associated with the proper administration of affairs and business for the Town of Rising Sun, Maryland, in accordance with the Town Charter and other applicable Federal and State Laws; and

WHEREAS, this Chapter, contains Section 12-1110, titled HEARING REQUIRED ON APPEALS AND APPLICATIONS, sub note 5 titled NOTICE OF HEARING, which establishes the guidelines and standards to be used in order to notify area property owners and residents of a pending application of a hearing before the Board of Zoning Appeals; and

WHEREAS, the Town desires to repeal, amend, modify and add additional language to this chapter, in order to more effectively regulate these conditions.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Town Commissioners of the Town of Rising Sun, Cecil County, Maryland, and it is hereby enacted and ordained by its authority that this Chapter and Article shall be modified as follows:

SECTION 1

Chapter 12 titled Town of Rising Sun Zoning Code, section 12-1110, titled Hearing Required on Appeals and Applications, sub note 5, titled Notice of Hearing, currently reads as follows:

5. *Notice of Hearing*

The Inspector shall give notice of any hearing required by Section 1 above as follows:

- (a) The inspector shall publish notice of the time and place of the public hearing, together with a summary of the proposed regulation, restriction, or boundary, in at least one newspaper of general circulation in Rising Sun once each week for two (2) successive weeks.*
- (b) Notice of such hearings shall be posted on the subject property and at the Town Office.*
- (c) Notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice before the hearing.*
- (d) The notice required by this section shall state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed.*

SECTION 2

Notes and (a) and (b) of Sub note 5, titled Notice of Hearing, shall remain unchanged, notes (c) and (d) will be relabeled (d) and (e) and a new note (c) will be added to read as follows:

- (c) Notice shall be mailed to all adjacent property owners, whose property boundary lines are within 500 lineal feet of the subject property involved in the hearing. Such notice shall be mailed out at least 10 days prior to the hearing date.*

SECTION 3.

All ordinances or parts thereof inconsistent herewith are repealed, rescinded, canceled and annulled.

SECTION 4.

Should any provision, section, paragraph or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable for a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code text adopted hereby. The Town of Rising Sun hereby declares that it would have passed this ordinance, and each section,

subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

SECTION 5.

That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

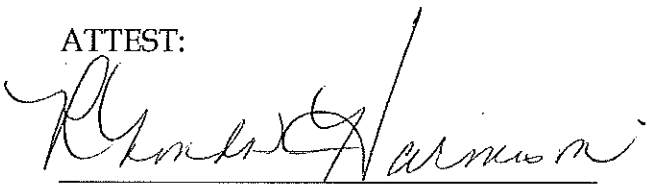
SECTION 6.

That the Rising Sun Town Clerk is hereby ordered and directed to cause this ordinance to be published in a newspaper in general circulation.

SECTION 7.

NOW THEREFORE BE IT FURTHER RESOLVED that this ordinance was introduced for consideration on this 24 day of January, 2012 and will hold this ordinance over for final consideration at the next Special or Regularly scheduled Town Meeting.

ATTEST:

A handwritten signature in cursive script, appearing to read 'Rhonda Harmison', written over a horizontal line.

Rhonda Harmison,

Town Clerk

SECTION 8.

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor and Commissioners of the Town of Rising Sun passed, approved and adopted this ordinance on this 14th day of February, 2012

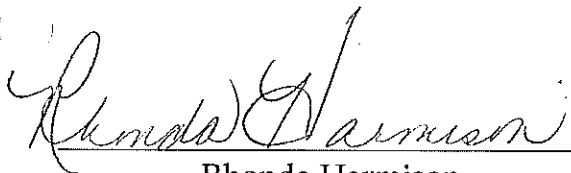
AYES: 4 _____.

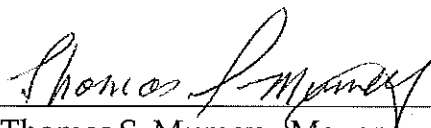
NAYS: 0 _____.

ABSTAINED: _____.

ATTEST:

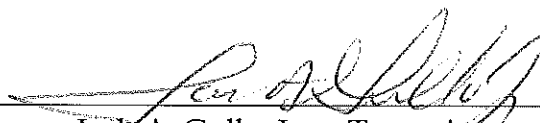
THE MAYOR AND COMMISSIONERS
OF THE TOWN OF RISING SUN


Rhonda Harmison,
Town Clerk

BY: 
Thomas S. Mumey - Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

THIS _____ DAY OF FEBRUARY, 2012

BY: 
Jack A. Gullo, Jr., - Town Attorney