

VOID AB INITIO

IN THE CIRCUIT COURT FOR CHARLES COUNTY, MARYLAND

COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND

Petitioner

vs.

Case No.: C-08-CV-22-000576

[REDACTED] et al

Respondents

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ORDER

UPON CONSIDERATION of the Emergency Petition for Temporary Injunctive and Other Appropriate Relief filed herein by the Petitioner, COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, (“the County”) and arguments made by counsel for the County and Respondents, [REDACTED] et al, at a hearing held in open Court on September 9, 2022, as to the granting of a Preliminary Injunction, the Court hereby finds the following:

That the Respondents have stated an intention to conduct firearms training activities in connection with an event scheduled to take place on the property located at [REDACTED], Welcome, Maryland 20693, Charles County, Maryland, which is located in the Agricultural Conservation Zone.

That the Charles County Zoning Ordinance only allows a “rifle and pistol range [. . .] or other recreational activities using weapons” to be conducted within the Agricultural Conservation Zone if the property has received a special exception and a use and occupancy permit that has been approved by the Charles County Board of Appeals.

That the operative activity that places the property into the category that requires special exception approval is the actual shooting of firearms on the property due to the safety concerns associated therewith.

That the prongs required to be satisfied by the Petition to obtain a preliminary injunction of the Respondents’ activity are as follows:

A real probability that the party seeking the injunction will succeed on the merits. The Court finds that there is such a real probability because the Respondents have not

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obtained the requisite special exception. If they cannot obtain it, then the proposed activity would clearly be illegal. If they are able to obtain it, then their activity as proposed would cease to be illegal, but until then, it remains illegal.

The injury that would be suffered if the preliminary injunction is granted is less than the harm that would result from its refusal (the balance of convenience test). The case law is replete with holdings that the enforcement of zoning laws is crucial for the maintenance of the purpose of zoning laws – assuring that the health, safety, morals and general welfare of the public is maintained; and that failure to implement such enforcement not only violates such purposes, but also encourages citizens to ignore the very regulations that are implemented to protect them and others.

The County, as a governmental entity, is not required to prove that it will suffer irreparable harm if the injunction is not granted because of the public safety concerns involved.

Granting the injunction is in the public interest due to the safety issues involved and the need for the County to be able to enforce its regulations that promulgate public safety.

See: *Maroon v. Dept. of the Environment*, 156 Md. App. 682 (2001); *Joy v. Anne Arundel County*, 52 Md. App. 653 (1982).

For the above reasons, the preliminary injunction is hereby **GRANTED** this 9th day of September, 2022, by the Circuit Court for Charles County, Maryland, and it is further

ORDERED, that discharge or shooting of any firearms by the Respondents or any other person on the property in question is prohibited, but the Respondents are not prohibited from having their scheduled event not involving the discharge or shooting of firearms, and it is further

ORDERED, that this injunction shall remain in full force and effect until Respondents obtain the requisite special exception to conduct recreational activities using weapons.



JUDGE September 12, 2022

c: All parties

TRUE COPY



TEST: SHARON L. HANCOCK, CLERK