

**ORDINANCE NO. 8-2023**

Introduced by: Comm. Chase

**AN ORDINANCE OF THE COUNCIL OF TRAPPE AMENDING THE TRAPPE SUBDIVISION REGULATIONS TO ESTABLISH A SCHEDULE OF FEES, CHARGES AND EXPENSES, AND A COLLECTION PROCEDURE FOR APPLICATIONS AND REVIEW FOR LAND SUBDIVISIONS AND SITE PLANS**

WHEREAS, Md. Code Ann., Land Use Article § 5-201 authorizes the Town to enact subdivision regulations, and to exercise subdivision power; and

WHEREAS, the Town of Trappe adopted subdivision regulations in accordance with Land Use Article § 5-201, and

WHEREAS, the Trappe Planning Commission has recommended that the Trappe Subdivision Regulations be amended to provide a schedule of fees, charges and expenses and a collection procedure for applications for land subdivisions and site plans and the authority to seek reimbursement for the expense of any consultant assisting the Town with review of a proposed subdivision plat or site plan; and

WHEREAS, the Trappe Planning Commission further recommended that the Trappe Subdivision Regulations be amended to reflect the appropriate references to Article 66B, which was repealed, to the Land Use Article; and

WHEREAS, the Council of Trappe has determined that it is desirable and in the public interest to amend the Trappe Subdivision Regulations to incorporate the revisions as recommended by the Planning Commission.

NOW, THEREFORE, the Council of Trappe hereby ordains that the Town of Trappe Subdivision Regulations are hereby amended as follows:

**Section 1.** Article I, Section 2 of the Subdivision Regulations is hereby amended as follows:

**Section 2. Authority**

The ~~Town Commissioners~~ *Council of Trappe* pursuant to the recommendation of the Planning Commission and public hearing held in accordance with *Md. Code Ann., Land Use Article, Title 5* ~~the Article 66B, Annotated Code of Maryland, as amended, §5.03~~ does hereby exercise the power conferred by *Land Use Article, Title 5* ~~the Article 66B, Annotated Code of Maryland, as amended, §5.02~~ to assure the orderly subdivision of land, and the power conferred by the *Land Use Article,*

~~Title 5, Article 66B, Annotated Code of Maryland, as amended, §3.05~~ to implement the Comprehensive Plan of Trappe.

**Section 2.** Article I, Section 4 of the Subdivision Regulations is hereby amended as follows:

**Section 4. Territorial Limit**

1. Under the authority of *Land Use Article, Title 5, Article 66B of the Annotated Code of Maryland*, the following regulations governing the subdivision of land are hereby established for all the incorporated areas of the Town of Trappe, Maryland.

...

**Section 3.** Article I, Section 5 of the Subdivision Regulations is hereby amended as follows:

**Section 5. Enforcement and Penalty**

1. It shall be unlawful for the owner of any land which lies within the subdivision control jurisdiction of the Town of Trappe to subdivide any lot, tract or parcel of land unless and until:

- a. A plat of such subdivision is made in accordance with the regulations set forth herein and with the provisions of *Land Use Article, § 5-201 et seq. Article 66B of the Annotated Code of Maryland, as amended, §5.02*.

...

7. Upon or after (date) the effective date of this Ordinance, pursuant to *Land Use Article, § 5-202 Article 66B of the Annotated Code of Maryland, as amended, §5.06*, the Clerk of the Circuit Court shall not file or record a plat of a subdivision required to be recorded until such plat has been approved as required herein.

...

**Section 4.** Article I, Section 8 of the Subdivision Regulations is hereby amended as follows:

**Section 8. Appeals**

Under provisions of *Land Use Article, § 5-401 Article 66B of the Annotated Code of Maryland*, any person or persons, jointly or severally, aggrieved by a decision of the Commission, or any taxpayer, or any officer, department, board, or bureau of the Town may appeal the same to the Circuit Court of Talbot County in a manner

as set forth in Title 7, Chapter 200 of the Maryland Rules. The decision of the Circuit Court may be appealed to the Maryland Court of Special Appeals.

**Section 5.** Article I, Section 9 of the Subdivision Regulations is hereby amended as follows:

**Section 9. Approving Authority and Fees.**

1. Except as otherwise specifically provided, primary responsibility for administering and enforcing this Ordinance shall be the Planning Commission. The Planning Commission may assign responsibility to one or more individuals, including, but not limited to the Town Planner and/or the Zoning Administrator. The person or persons to whom these functions are assigned shall be referred to in this Ordinance as the "Inspector".

2. *The Town shall establish a schedule of fees, charges and expenses and a collection procedure for applications for land subdivisions and site plans. Such schedule shall be posted at the Town. The Council of Trappe may amend the fee schedule by resolution.*

3. *These fees may include the cost of the consulting services of an independent engineer, architect, landscape architect, land planner, attorney, or similar service as may be used to assist the Town in review of the proposed subdivision or site plans.*

4. *Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.*

**Section 6.** Article II, Section 10 of the Subdivision Regulations is hereby amended as follows:

**Section 10. Definitions of Basic Terms**

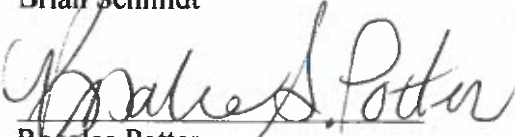
...  
**Comprehensive Plan** - The legally adopted plan for the development of the Town in accordance with the provisions of *Land Use Article, Title 3 Annotated Code of Md. art. 66B*.  
...


**Section 7.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance, which can be given effect without the invalid section, subsection, sentence, clause or phrase, and to that end, all provisions of this Ordinance are hereby declared to be severable.

**Section 8.** This Ordinance shall become effective on the 20<sup>th</sup> day after passage which shall be the 24<sup>th</sup> day of January, 2024.

  
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Nicholas Newnam

  
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Brian Schmidt

  
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Rosalee Potter

  
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Walter Chase

  
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Michael Sullivan

I hereby certify that the above Ordinance was adopted by a yea and nay vote of the Council  
this 3<sup>rd</sup> day of January, 2024.

  
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Erin Braband, Town Administrator/Town Clerk

Language in ***bold and italicized*** reflects language added  
Language ~~stricken~~ reflects language to be deleted