

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1137

Introduced by _____ Council Member Schneegas _____

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO AMEND CHAPTER 20 ANNEXATION POLICY AND PROCEDURE

On: 1/2/2024

at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Ordinance having been published according to the Charter, a public hearing was held on January 16, 2024 at 7:00 p.m., and concluded on January 16, 2024 at 7:02 p.m.

EXPLANATION

Underlining indicates matter added to existing law.

[Bold Brackets] indicate matter deleted from existing law.

Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

Pertinent sections of City Code Chapter 20-2 are amended below with additions shown as underlined, and deletions shown within **[bold brackets]**.

20-2 Procedures.

B. Annexation Procedures for Petitions Involving More Than Ten Acres or Causing a Potentially Significant Burden on Municipal Services

In addition to meeting the requirements of Section A above, Annexation requests by property owners for properties that incorporate ten (10) or more acres, or are determined by the Director of Planning to create a potentially significant burden on municipal services or public facilities, the following additional procedures shall govern the annexation:

- (1) **[C.]** Petition preliminary review. Within 90 days following the date of the filing of a petition with all required attachments, the Director of Planning shall conduct a preliminary review of the petition with the petitioner(s), or the petitioner's representative, and the Director of the Department of Public Works. Prior to beginning the review, the Department of Planning shall inform the petitioner(s), in writing, of the date when the petition and all required attachments have been provided and accepted. Based upon this review, the Director of Planning may direct the petitioner to submit additional information within a thirty (30) day period or to take other reasonable steps with regard to the petition, including:
 - a) **[(1)]** Supplementation of the information required to be submitted in the petition.
 - b) **[(2)]** Provision for a study by an independent consultant selected by the City and the petitioner to evaluate the information submitted in support of the petition and to determine the fiscal impact of the annexation on the City.
 - c) **[(3)]** Provision for any other studies necessary for the proper consideration of the petition.
 - d) **[(4)]** Additional mailing, posting, or advertising notice requirements.
- (2) **[B.]** Community Informational Meeting (CIM). Within 45 days **[prior]** after [to] the date of the preliminary petition review [filing date], the petitioner shall hold a CIM. This meeting will be facilitated by the property owner, developer or their respective representatives and held at a public location (library, City Hall, etc.) adequate to serve the expected turnout of residents. The meeting shall be advertised by a posting on the property or properties at each public road frontage. Notice of the CIM shall also be sent to all property owners within a 1,000 foot radius of the subject property by U.S. first class mail. The City shall advertise on the City website and public notice board at City Hall the date of the CIM upon notification by the property owner, developer, or their representative at least 10 days prior to the date of the CIM. At a minimum, all documents included in the petitioner's filing shall be made available for review at the CIM. The City will provide copies of all documents on the City's website. Within 45 calendar days after the CIM, the developer shall submit a list of attendees and minutes of the meeting. The Department of Planning may require that the meeting be livestreamed, recorded and/or subsequently transcribed by a court reporter [of the meeting].

(3) **[D.]** Petition review by Planning Commission.

- a) **[(1)]** Upon completion of the petition review and CIM discussed in the subsections herein, the Director of Planning shall incorporate any changes and forward the revised petition package to the Planning Commission for review at the next scheduled Planning Commission meeting. The Director of Planning shall also provide a staff report detailing the procedures that have taken place and the results of any meetings, studies or other pertinent information. The Director shall advertise the agenda of the Planning Commission on the City webpage and public notice board at City Hall. The petitioner shall supply **[10 copies and one]** a digital-format copy of the completed petition package to the Director of Planning prior to this submittal.
- b) **[(2)]** The Planning Commission will review the petition for annexation and take public comment during its scheduled meeting.
- c) **[(3)]** The Planning Commission shall submit its recommendation to the City Council within 60 days of the Planning Commission meeting.

C. [E.] Payment for processing and review.

- (1) The petitioner shall be responsible for payment for all studies required by the Director of Planning and reimbursement of all staff and attorney time necessary for review of the petition and all studies. Upon filing the petition, the Petitioner shall place \$5,000 in escrow with the City to use for processing, review, and legal fees. The Petitioner will receive invoices monthly for the amount of escrow used during the previous month. The Petitioner shall contribute monthly to the escrow an amount necessary to maintain the \$5,000 minimum escrow balance. Payment to replenish the escrow balance shall be paid within 15 days of receiving the invoice. Any amounts remaining in escrow upon completion of the annexation process will be returned to the Petitioner.
- (2) City staff shall keep an accounting of their time spent on the annexation review reflecting the hourly rate of each employee established by the City.

D. [F.] Adoption of Annexation Plan

Consistent with §4-415 of the Local Government Article of the Annotated Code of Maryland, the City Council shall adopt an annexation plan which shall be open to public review and discussion at a public hearing.

E. [G.] Public Hearing

- (1) When the petitioner has complied with the requirements as specified by the Director of Planning following the review and the annexation petition has been prepared and distributed, the City Council shall introduce an annexation resolution and conduct a public hearing with regard to the proposed annexation at the time and place as shall be established by it.

- (2) The hearing shall be conducted and a record of the proceedings shall be preserved in a manner as the City Council prescribes.
- (3) A description of the annexation and a notice of the time and place of the hearing shall be published as specified in §4-406 of the Local Government Article of the Annotated Code of Maryland.
- (4) At the hearing, the recommendation of any board, commission, or agency shall be considered as evidence.

F. [H.] Conditions.

In acting favorably with regard to the petition, the City Council may include in its resolution such conditions and restrictions as are deemed necessary for the protection of the public interest, economic development, furtherance of the health, safety, and welfare of the residents of the City and to secure compliance with any relevant legal standards or requirements.

G. [I.] Annexation Agreement

- (1) The City Council may, prior to voting on the resolution, enter into an annexation agreement with persons and entities that are petitioners in the annexation petition. Only those petitioners that agree to be responsible to the City for performance of contractual or financial commitments, or that promise community benefits, are required to be a party to the agreement.
- (2) The City Council shall hold a public hearing on the proposed agreement prior to the City's final approval and execution of the agreement and before taking a vote on the annexation resolution. The copies of the proposed agreement shall be made available to the public at City Hall no later than 10 calendar days prior to the public hearing.
- (3) The effective date of the agreement shall be the date that the approval of the annexation resolution by the City Council becomes final. Upon the annexation resolution becoming final, the agreement shall be binding upon the parties thereto, their heirs, successors, grantees, and assigns.
- (4) The annexation agreement shall be recorded by the City in the land records of Harford County, Maryland, within 30 days of the date the annexation resolution becomes final.

H. [J.] Zoning

In acting favorably with regard to the petition, the City Council shall designate the zoning classification of the annexed land as provided for in this Chapter and in other applicable laws, ordinances, regulations, and procedures related to zoning of annexed land.

I. [K.] Approval or rejection

- (1) No property shall be annexed except by a favorable vote of a majority of the members of the City Council.

(2) The City Council may reject the petition for any reason. The City Council is not required to make any finding of fact in the event it rejects the petition.

J. [L.] Other applicable law.

This procedure is in addition to any other provisions of the City Charter and Code of the City of Havre de Grace and of the Annotated Code of Maryland that govern annexation and the development of land.

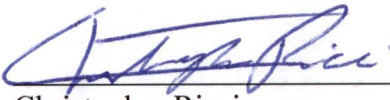
NOW, THEREFORE, it is determined, decided, and ordained by the City Council that the foregoing amendments are hereby approved.

ADOPTED by the City Council of Havre de Grace, Maryland this 5th day of February, 2024.

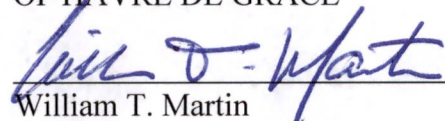
SIGNED by the Mayor and attested by the Director of Administration this 6th day of February, 2024.

ATTEST:

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE



Christopher Ricci
Director of Administration



William T. Martin
Mayor

Introduced/First Reading: 1/2/2024
Public Hearing: 1/16/2024
Second Reading/Adopted: 2/5/2024

Effective Date: 2/6/2024