

## **ARTICLE I GENERAL PROVISIONS**

### **Section 1. Purpose**

The purpose of these regulations is to regulate and control the development of land within the Town of Elkton in order to promote the public health, safety, and general welfare and to assure sites suitable for building purposes and human habitation in a harmonious environment.

### **Section 2. Authority**

The Town Commissioners pursuant to the recommendation of the Planning Commission and public hearing held in accordance with the Article 66B, Annotated Code of Maryland, as amended, §5.03 does hereby exercise the power conferred by the Article 66B, Annotated Code of Maryland, as amended, §5.02 to assure the orderly subdivision of land, and the power conferred by the Article 66B, Annotated Code of Maryland, as amended, §3.05 to implement the Comprehensive Plan of Elkton.

### **Section 3. Effective Date**

These regulations shall take effect immediately upon adoption by the Elkton Town Commissioners.

### **Section 4. Territorial Limit**

Under the authority of 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 Elkton.

### **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 Elkton 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 Article 66B of the Annotated Code of Maryland, as amended, §5.02.
  - b.** Approval is secured thereof from the Planning Commission as provided herein; and
  - c.** The applicant has caused copies of said plat to be recorded in the office of the Clerk of the Circuit Court.
- 2.** No land in a subdivision created after the adoption of these Regulations shall be transferred, sold or offered for sale, nor shall a building permit be issued for a structure thereon until the Final Plat of such subdivision has been recorded in accordance with these Regulations and until the improvements required in connection with the subdivision have either been constructed or guaranteed as hereinafter provided.
- 3.** No subdivision plat shall be recorded unless and until it shall have been submitted to and approved by the Planning Commission in accordance with the requirements of this Ordinance.

4. No person shall sell or transfer any such land by reference to, or exhibition of, or by other use of a plat of a subdivision before such plat has been duly recorded under this Ordinance or a previous subdivision ordinance, provided that nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.
5. Any person violating the provisions of this Ordinance shall be subject to a fine of not more than five hundred dollars (\$500) for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.
6. Any person, corporation, association, partnership, or the agent of any such person who shall violate a provision of this Ordinance or fails to comply with any requirements hereof shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or by imprisonment not exceeding 10 days, or by both such fine and imprisonment.
7. Upon or after November 11, 1994, the effective date of this Ordinance, pursuant to 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.
8. The Town may enjoin the transfer or sale or agreement by action for injunction in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction.

#### **Section 6. Modifications**

1. Modification of Requirements. Where in the case of a particular proposed subdivision it can be shown that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography or shape of the parcel or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Planning Commission may, after consultation with appropriate agencies, vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured, provided that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of this regulation or of interfering with carrying out the Comprehensive Plan of Elkton. In no case shall any variation or modification be more than a minimum easing of the requirements and in no instance shall it conflict with any zoning ordinance or zoning map. In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.
2. If changes from the approved final plat become necessary during construction of the subdivision, an amended plat of the subdivision shall be filed with the Planning Commission for approval and shall be recorded.

#### **Section 7. Administration**

1. Separability. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provision of these regulations to be invalid or ineffective in whole or in

part, the effect of such decision shall be limited to those provisions that are expressly stated in the decision to be invalid or ineffective, and all other provisions of these regulations shall continue to be separately and fully effective.

**2. Changes and Amendments.**

- a.** These regulations may from time to time be amended, supplemented, changed, modified, or repealed by the Town Commissioners.
- b.** Any person or officer, department, board, commission, or bureau of the Town may petition for such change or amendment; however, no such change or amendment shall be presented to the Town Commissioners for approval until the Planning Commission has held a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. At least 15 days notice of the time and place of such hearing shall be published in newspapers of general circulation in the Town. After said public hearing, the Planning Commission shall forward to the Town Commissioners its recommendation concerning such change and amendment.
- c.** Upon receipt and prior to taking action on such change or amendment, and accompanied by a recommendation from the Planning Commission, the Town Commissioners shall schedule a public hearing in relations thereto; at least 15 days notice of the time and place of such hearing shall be published in newspapers of general circulation in the Town.

**Section 8. Appeal**

Under provisions of 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 Cecil County in a manner as set forth in Chapter 1100, Subtitle B of the Maryland Rules. The decision of the Circuit Court may be appealed to the Maryland Court of Appeals.

**Section 9. Approving Authority**

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. The person or persons to whom these functions are assigned shall be referred to in this Ordinance as the "administrator".

**Section 10. Fees**

A fee(s), as set forth and established by a resolution of the Mayor and Commissioners, shall be paid upon the submission of any plan(s) relating to the subdivision and/or the development of land in the Town.