

Mayor and City Council  
X-9510-2023  
Exhibit #57

## Document: Md. Local Government Code Ann. § 4-401

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### Md. Local Government Code Ann. § 4-401

#### Copy Citation

Current with all legislation from the 2022 Regular Session of the General Assembly; including legislation ratified by the voters at the November 2022 election.

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**Municipalities. (Titles 4 – 8)**    **Title 4. In General. (Subts. 1 – 5)**    **Subtitle 4. Annexation.**  
**(§§ 4-401 – 4-416)**

#### § 4-401. Power to enlarge municipal boundaries by annexation.

**(a)** Subject to subsections (b) and (c) of this section, the legislative body of a municipality may enlarge its boundaries by annexation as provided in this subtitle.

**(b)** The power of annexation applies only to land that:

**(1)** is contiguous and adjoining to the existing boundaries of the municipality; and

**(2)** does not create an unincorporated area that is bounded on all sides by:

**(i)** real property presently in the boundaries of the municipality;

**(ii)** real property proposed to be in the boundaries of the municipality as a result of the proposed annexation; or

**(iii)** any combination of real property described in item (i) or (ii) of this item.

**(c)** A municipality may not annex land that is in another municipality.

#### History

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An. Code 1957, art. 23A, § 19(a), (m); 2013, ch. 119, § 2.

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## Document: Md. Local Government Code Ann. § 4-402

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### Md. Local Government Code Ann. § 4-402

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Municipalities. (Titles 4 – 8)    Title 4. In General. (Subts. 1 – 5)    Subtitle 4. Annexation.  
(§§ 4-401 – 4-416)**

#### § 4-402. Initiation of annexation — In general.

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An annexation proposal may be initiated by:

- (1) the legislative body of the municipality as provided in § 4-403 of this subtitle; or
- (2) a petition in accordance with § 4-404 of this subtitle.

#### History

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An. Code 1957, art. 23A, § 19(b)(1), (c); 2013, ch. 119, § 2.

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## Document: Md. Local Government Code Ann. § 4-403

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### Md. Local Government Code Ann. § 4-403

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**Michie's™ Annotated Code of Maryland Local Government (Divs. I – V) Division II. Municipalities. (Titles 4 – 8) Title 4. In General. (Subts. 1 – 5) Subtitle 4. Annexation. (§§ 4-401 – 4-416)**

#### § 4-403. Proposal for annexation — Initiation by legislative body.

(a) Subject to subsection (b) of this section, an annexation resolution may be introduced in the legislative body of the municipality in accordance with:

- (1) the requirements and practices applicable to its legislative enactments; and
- (2) the requirements of § 4-303(a) of this title.

(b) Before an annexation resolution is introduced, the legislative body shall obtain consent from:

- (1) at least 25% of the registered voters who are residents in the area to be annexed; and
- (2) the owners of at least 25% of the assessed valuation of the real property in the area to be annexed.

(c) The annexation resolution:

- (1) shall describe by a survey of courses and distances the exact area to be annexed;
- (2) may also describe by landmarks and other well-known terms the exact area to be annexed; and
- (3) shall contain a complete and detailed description of the conditions and circumstances that apply to:
  - (i) the change in boundaries; and
  - (ii) the residents and property in the area to be annexed.

#### History

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An. Code 1957, art. 23A, § 19(b)(1); 2013, ch. 119, § 2.

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## Document: Md. Local Government Code Ann. § 4-404

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### Md. Local Government Code Ann. § 4-404

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Municipalities. (Titles 4 – 8)    Title 4. In General. (Subts. 1 – 5)    Subtitle 4. Annexation.  
(§§ 4-401 – 4-416)**

#### § 4-404. Proposal for annexation — Initiation by petition.

(a) Subject to § 4-413 of this subtitle, an annexation petition shall be signed by:

- (1) at least 25% of the registered voters who are residents in the area to be annexed; and
- (2) the owners of at least 25% of the assessed valuation of the real property in the area to be annexed.

(b) After an annexation petition is presented to the legislative body of the municipality, the presiding officer of the legislative body shall verify:

- (1) the signatures on the petition; and
- (2) that the petition meets the requirements of subsection (a) of this section.

(c)

(1) After verifying compliance with the requirements of this section, the presiding officer of the legislative body promptly shall cause a resolution proposing the change of boundaries as requested by the petition to be introduced in the legislative body.

(2) The annexation resolution shall conform to the form and content requirements of this subtitle.

#### History

An. Code 1957, art. 23A, § 19(c); 2013, ch. 119, § 2.

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## Document: Md. Local Government Code Ann. § 4-405

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### Md. Local Government Code Ann. § 4-405

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Municipalities. (Titles 4 – 8)    Title 4. In General. (Subts. 1 – 5)    Subtitle 4. Annexation.  
(§§ 4-401 – 4-416)**

#### § 4-405. Provisions of resolution.

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**(a)** An annexation resolution shall provide that the residents in the area to be annexed and their property shall be added to the municipality, generally subject or not, as applicable, to specific provisions of the municipal charter.

**(b)**

**(1)** Notwithstanding subsection (a) of this section, an annexation resolution may provide, for stated periods and under specific conditions, special treatment of the residents in the area to be annexed and their property as to:

**(i)** rates of municipal taxation; and

**(ii)** municipal services and facilities.

**(2)** After an annexation resolution takes effect, any change in the provisions for special treatment for stated periods and under specific conditions may be made only by a resolution enacted under this subtitle.

#### History

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An. Code 1957, art. 23A, § 19(n); 2013, ch. 119, § 2.

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## Document: Md. Local Government Code Ann. § 4-406

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### Md. Local Government Code Ann. § 4-406

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Municipalities. (Titles 4 – 8)    Title 4. In General. (Subts. 1 – 5)    Subtitle 4. Annexation.  
(§§ 4-401 – 4-416)**

#### § 4-406. Public notice and hearing on resolution.

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**(a)** After an annexation resolution is introduced, the chief executive and administrative officer of the municipality shall publish notice in accordance with the requirements of this section that:

**(1)** briefly and accurately describes the proposed annexation and the applicable conditions and circumstances; and

**(2)** specifies the date, time, and place that the legislative body sets for the public hearing on the proposed annexation.

**(b)** After an annexation resolution is introduced, the chief executive or the administrative officer of the municipality shall notify commercial property owners in the area to be annexed of:

**(1)** all personal property taxes and fees imposed by the municipality; and

**(2)** the date, time, and place that the legislative body sets for the public hearing on the proposed annexation.

**(c)**

**(1)** Public notice of the annexation resolution shall be published:

**(i)**

**1.** At least four times; or

**2.** if the total area of the proposed annexation is 25 acres or less, at least two times;

**(ii)** at not less than weekly intervals; and

**(iii)** in at least one newspaper of general circulation in the municipality and the area to be annexed.

**(2)** The public hearing shall be:

**(i)** set no sooner than 15 days after the final required publication of the public notice; and

**(ii)** held in the municipality or the area to be annexed.

**(d)** Immediately after the first publication of the public notice, the municipality shall provide a copy of the public notice to:

**(1)** the governing body of the county in which the municipality is located; and

**(2)** any regional or State planning agency with jurisdiction in the county.

**(e)** The county and any regional or State planning agency with jurisdiction in the county has the right to be heard before the public at the hearing on the proposed annexation.

**(f)**

**(1)** The public hearing may be rescheduled for or continued to a later date not more than 30 days after:

**(i)** the date when the hearing was originally scheduled; or

**(ii)** the date on which the hearing began but was not completed.

**(2)** If the hearing is rescheduled or continued, public notice shall be published:

**(i)** at least 7 days before the date of the rescheduled or continued hearing; and

**(ii)** in a newspaper of general circulation in the municipality and the area to be annexed.

**(3)** The public notice shall:

**(i)** briefly and accurately describe the area to be annexed; and

**(ii)** specify the date, time, and place of the rescheduled or continued public hearing.

## History

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An. Code 1957, art. 23A, § 19(d); 2013, ch. 119, § 2; 2019, ch. 250.

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## Document: Md. Local Government Code Ann. § 4-407

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### Md. Local Government Code Ann. § 4-407

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(§§ 4-401 – 4-416)**

#### § 4-407. Enactment of resolution.

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- (a) After a public hearing, the legislative body of a municipality may enact an annexation resolution in accordance with its normal legislative procedure.
- (b) The annexation resolution may not take effect until at least 45 days after its enactment.

#### History

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An. Code 1957, art. 23A, § 19(e); 2013, ch. 119, § 2.

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## Document: Md. Local Government Code Ann. § 4-408

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### Md. Local Government Code Ann. § 4-408

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(§§ 4-401 – 4-416)**

#### § 4-408. Petition for referendum — By residents of area to be annexed.

**(a)** Subject to § 4-413 of this subtitle, at any time within 45 days after enactment of an annexation resolution, at least 20% of the registered voters who are residents in the area to be annexed may petition the chief executive and administrative officer of the municipality in writing for a referendum on the resolution.

**(b)** After a petition is presented to the chief executive and administrative officer, the officer shall verify:

- (1)** the signatures on the petition; and
- (2)** that the petition meets the requirements of subsection (a) of this section.

**(c)** After verifying compliance with the requirements of this section, the chief executive and administrative officer, by proclamation, shall suspend the effectiveness of the annexation resolution pending the results of the referendum.

#### History

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An. Code 1957, art. 23A, § 19(f); 2013, ch. 119, § 2.

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## Document: Md. Local Government Code Ann. § 4-409

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Municipalities. (Titles 4 – 8)    Title 4. In General. (Subts. 1 – 5)    Subtitle 4. Annexation.  
(§§ 4-401 – 4-416)**

#### § 4-409. Petition for referendum — By qualified voters of municipality.

**(a)** At any time within 45 days after enactment of an annexation resolution, at least 20% of the qualified voters of the municipality may petition the chief executive and administrative officer of the municipality in writing for a referendum on the resolution.

**(b)** After a petition is presented to the chief executive and administrative officer, the officer shall verify:

- (1)** the signatures on the petition; and
- (2)** that the petition meets the requirements of subsection (a) of this section.

**(c)** After verifying compliance with the requirements of this section, the chief executive and administrative officer, by proclamation, shall suspend the effectiveness of the annexation resolution pending the results of the referendum.

#### History

An. Code 1957, art. 23A, § 19(g); 2013, ch. 119, § 2.

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## Document: Md. Local Government Code Ann. § 4-410

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(§§ 4-401 – 4-416)**

#### § 4-410. Petition for referendum — By county governing body.

**(a)** At any time within 45 days after enactment of an annexation resolution, the governing body of the county or counties in which the municipality is located, by at least a two-thirds majority vote, may petition the chief executive and administrative officer of the municipality for a referendum on the resolution.

**(b)** After verifying compliance with the requirements of this section, the chief executive and administrative officer, by proclamation, shall suspend the effectiveness of the annexation resolution pending the results of the referendum.

#### History

An. Code 1957, art. 23A, § 19(h); 2013, ch. 119, § 2.

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## Document: Md. Local Government Code Ann. § 4-411

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### Md. Local Government Code Ann. § 4-411

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(§§ 4-401 – 4-416)**

#### § 4-411. Date and location for referendum; public notice.

---

**(a)** The chief executive and administrative officer of the municipality shall schedule a referendum on the annexation resolution and publish notice of the date, time, and place at which the referendum will be held.

**(b)** The referendum shall be held:

**(1)** no sooner than 15 days and no later than 90 days after notices of the referendum are published; and

**(2)** at one or more places in:

**(i)** the municipality, for the referendum in the municipality; and

**(ii)** the area to be annexed, for the referendum in that area.

**(c)** Public notice of the referendum shall be published:

**(1)** twice at not less than weekly intervals; and

**(2)** in at least one newspaper of general circulation in the municipality and the area to be annexed.

#### History

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An. Code 1957, art. 23A, § 19(i); 2013, ch. 119, § 2.

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## Document: Md. Local Government Code Ann. § 4-412

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### Md. Local Government Code Ann. § 4-412

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Municipalities. (Titles 4 – 8)    Title 4. In General. (Subts. 1 – 5)    Subtitle 4. Annexation.  
(§§ 4-401 – 4-416)**

#### § 4-412. Referendum.

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**(a)** The governing body of a municipality, by ordinance, resolution, or regulation, may provide for conducting and tabulating the results of a referendum held under this subtitle.

**(b)**

**(1)** The annexation resolution shall be submitted to:

**(i)** a referendum of the qualified voters of the municipality if the petition for referendum was presented by the residents of the municipality;

**(ii)** subject to § 4-413 of this subtitle, a referendum of the registered voters who are residents in the area to be annexed if the petition for referendum was presented by the residents of the area to be annexed; or

**(iii)** separate referendums of the voters specified in items (i) and (ii) of this paragraph if a petition for referendum was presented by the residents of the municipality and the residents in the area to be annexed.

**(2)** A petition for referendum presented by the governing body of a county shall be acted on in the same manner as a petition for referendum presented by the residents of the area to be annexed.

**(c)** The ballot shall:

**(1)** contain a summary of the annexation resolution; and

**(2)** provide for the voter to indicate a choice for or against the annexation resolution.

**(d)**

**(1)** If only one petition for a referendum is filed and if a majority of the persons voting on the annexation resolution vote for the resolution, the resolution takes effect on the 14th day after the referendum.

**(2)**

**(i)** If a referendum is conducted for both the residents of the municipality and the residents in the area to be annexed, the votes cast for the two referendums shall be tabulated separately to show the votes cast in the municipality and the area to be annexed.

**(ii)** If in both referendums a majority of the persons voting on the annexation resolution vote for the resolution, the resolution takes effect on the 14th day after the referendum.

**(iii)** If two referendums are held, the annexation resolution is void unless a majority in both referendums vote for the resolution.

**(e)** The municipality shall pay for a referendum held under this subtitle.

## History

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An. Code 1957, art. 23A, § 19(j), (l), (r); 2013, ch. 119, § 2.

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## Document: Md. Local Government Code Ann. § 4-413

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### Md. Local Government Code Ann. § 4-413

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(§§ 4-401 – 4-416)**

#### § 4-413. Right of property owners to participate.

---

If fewer than 20 residents in an area to be annexed are eligible to sign a petition for annexation and vote in a referendum under this subtitle, any person, including the two or more joint owners of jointly owned property, who owns real property in the area to be annexed may sign the petition and vote in the referendum.

#### History

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An. Code 1957, art. 23A, § 19(k); 2013, ch. 119, § 2.

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### Md. Local Government Code Ann. § 4-414

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Municipalities. (Titles 4 – 8)    Title 4. In General. (Subts. 1 – 5)    Subtitle 4. Annexation.  
(§§ 4-401 – 4-416)**

#### § 4-414. Copies of resolution.

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**(a)**

**(1)** The chief executive and administrative officer of a municipality that has annexed property shall send a copy of the annexation resolution with the new boundaries to:

**(i)** the clerk or similar official of the municipality;

**(ii)** the clerk of the court in any county in which the municipality is located;

**(iii)** the Department of Legislative Services in accordance with paragraph (2) of this subsection; and

**(iv)** for any municipality located in the regional district, the Maryland-National Capital Park and Planning Commission.

**(2)** The annexation resolution shall be sent to the Department of Legislative Services within 10 days after the resolution takes effect.

**(b)** Each official or agency that receives an annexation resolution under subsection (a) of this section shall:

**(1)** keep on record the resolution with the new boundaries; and

**(2)** make the resolution available for public inspection during regular business hours.

#### History

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An. Code 1957, art. 23A, §§ 9A(c)(2), 19(p); 2013, ch. 119, § 2.

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## Document: Md. Local Government Code Ann. § 4-415

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### Md. Local Government Code Ann. § 4-415

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#### § 4-415. Annexation plan.

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**(a)** In addition to, but not as part of, an annexation resolution, the legislative body of the municipality shall adopt an annexation plan for the area to be annexed.

**(b)** Except as provided in subsection (e) of this section, for an annexation that began before October 1, 2009, the annexation plan shall:

**(1)** contain a description of the land use pattern proposed for the area to be annexed, which may include a county master plan already in effect for the area;

**(2)** describe the schedule to extend each municipal service performed in the municipality at the time of the annexation to the area to be annexed;

**(3)** describe the general methods by which the municipality anticipates financing the extension of municipal services to the area to be annexed; and

**(4)** be presented so as to demonstrate the available land for public facilities that may be considered reasonably necessary for the proposed use, including facilities for schools, water or sewage treatment, libraries, recreation, or fire or police services.

**(c)** Except as provided in subsection (e) of this section, for annexation that begins on or after October 1, 2009, the annexation plan shall be consistent with the municipal growth element of the comprehensive plan of the municipality.

**(d)** For purposes of subsections (b) and (c) of this section, an annexation begins when a proposal for annexation is initiated by:

**(1)** resolution under § 4-403 of this subtitle; or

**(2)** petition under § 4-404 of this subtitle.

**(e)**

**(1)** On or after October 1, 2009, a municipality may submit an annexation plan under subsection (b) of this section if the municipality is granted an extension for the inclusion of a municipal growth element under § 3-304 of the Land Use Article.

**(2)** After the expiration of a final extension granted under § 3-304 of the Land Use Article for the inclusion of a municipal growth element, an annexation plan shall be submitted in accordance with subsection (c) of this section.

**(f)** At least 30 days before the public hearing on an annexation resolution required under § 4-406 of this subtitle, a copy of the annexation plan shall be provided to:

**(1)** the governing body of any county in which the municipality is located;

**(2)** the Department of Planning; and

**(3)** any regional or State planning agency with jurisdiction in the county.

**(g)**

**(1)** The annexation plan shall be open to public review and discussion at the public hearing on the annexation resolution.

**(2)** An amendment to the annexation plan does not:

**(i)** amend the proposed annexation resolution; or

**(ii)** cause a reinitiation of the annexation procedure then in process.

## History

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An. Code 1957, art. 23A, § 19(o); 2013, ch. 119, § 2.

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## Document: Md. Local Government Code Ann. § 4-416

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### Md. Local Government Code Ann. § 4-416

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(§§ 4-401 – 4-416)**

#### § 4-416. Planning and zoning authority.

---

**(a)**

**(1)** Notwithstanding § 4-104(f) of this title, if an area is annexed to a municipality that has planning and zoning authority at the time of annexation, the municipality shall have exclusive jurisdiction over planning, subdivision control, and zoning in the area annexed.

**(2)** Paragraph (1) of this subsection does not grant any planning or zoning power or subdivision control to a municipality that is not authorized to exercise planning or zoning power or subdivision control at the time of annexation.

**(b)** Without the express approval of the county commissioners or county council of the county in which the municipality is located, for 5 years after an annexation by a municipality, the municipality may not allow development of the annexed land for land uses substantially different than the authorized use, or at a substantially higher density, not exceeding 50%, than could be granted for the proposed development, in accordance with the zoning classification of the county applicable at the time of the annexation.

**(c)** Notwithstanding § 4-204 of the Land Use Article and if the county expressly approves, the municipality may place the annexed land in a zoning classification that allows a land use or density different from the land use or density specified in the zoning classification of the county or agency with planning and zoning jurisdiction over the land prior to its annexation applicable at the time of the annexation.

## History

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An. Code 1957, art. 23A, §§ 9(c)(1), (2), 19(s); 2013, ch. 119, § 2.

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