

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2012 Legislative Session

Resolution No. CR-81-2012
Proposed by Council Members Franklin and Harrison
Introduced by Council Members Franklin and Harrison
Co-Sponsors _____
Date of Introduction October 16, 2012

RESOLUTION

1 A RESOLUTION concerning

2 Repeal of Chapter 10, 2007 Laws of Prince George’s County, Maryland

3 For the purpose of repealing the enactment of Chapter 10, 2007 Laws of Prince George’s
4 County, Maryland.

5 WHEREAS, the County Council of Prince George’s County, Maryland, sitting as the
6 District Council, enacted CB-18-2007 on July 24, 2007, and the measure was signed into law as
7 Chapter 10, 2007 Laws of Prince George’s County effective September 10, 2007; and

8 WHEREAS, Chapter 10 of the 2007 Laws of Prince George’s County pertained primarily
9 to a new use, “Rural Entertainment Park,” provided a definition for a “Rural Entertainment
10 Park,” assigned areas for which the use was permitted with an approved special exception, and
11 promulgated criteria on which the permissible operation of the use within those areas was
12 conditioned; and

13 WHEREAS, various plaintiffs have challenged the enactment of Chapter 10 in a lawsuit
14 styled *Accokeek, Mattawoman, Piscataway Creeks Communities Council et al. v. Prince*
15 *George’s County Council*, CAL07-21377, filed on August 23, 2007, in the Circuit Court for
16 Prince George’s County, Maryland; and

17 WHEREAS, since the enactment of Chapter 10, there has been a substantial change in
18 circumstances affecting the viability of a Rural Entertainment Park as enacted in Chapter 10; and

19 WHEREAS, as a result of this substantial change, the District Council desires to reverse the
20 policy and prescriptions of Chapter 10 in its entirety; and

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WHEREAS, the repeal of Chapter 10 by the District Council renders all claims in the pending lawsuit moot; and

WHEREAS, the District Council introduced CB-107-2012, an Ordinance concerning the Repeal of Chapter 10, 2007 Laws of Prince George’s County, Maryland, to repeal the provisions of Chapter 10 entirely; and

WHEREAS, in accordance with notice and hearing requirements prescribed by law, a public hearing for CB-107-2012 will be held on November 20, 2012, after which final action on the proposed Ordinance is appropriate; and

WHEREAS, the repeal of Chapter 10 by ordinance cannot be completed before the expiration of certain prescribed timeframes for action by parties to litigation set forth in the Maryland Rules of Procedure; and

WHEREAS, expeditious repeal of Chapter 10 is needed to resolve the pending litigation and facilitate the pursuit of new land use policy by the District Council; and

WHEREAS, a Resolution has the force and effect of law but of a temporary or administrative character.

1 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
2 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
3 Regional District in Prince George's County, Maryland, that Chapter 10, 2007 Laws of Prince
4 George's County, Maryland, as enacted into law by CB-18-2007, is hereby repealed in its
5 entirety, effective on the date of adoption of this Resolution.

Adopted this 16th day of October , 2012.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council