

THE COUNTY BY THE CIRCUIT COURT OF THE COUNTY IN ACCORDANCE WITH THE PROVISIONS OF THE MARYLAND RULES OF PROCEDURE GOVERNING APPEALS FROM ADMINISTRATIVE AGENCIES. ANY APPEAL SHALL BE FILED WITHIN 30 DAYS OF THE EFFECTIVE DATE OF SUCH COUNTY LEGISLATION. IN ANY JUDICIAL PROCEEDING COMMENCED UNDER THE PROVISIONS OF THIS PARAGRAPH, THE SOLE ISSUES ARE WHETHER THE COUNTY LEGISLATIVE BODY (1) COMPLIED WITH THE PROCEDURES OF PARAGRAPH (B)(3), AND (2) HAD BEFORE IT SUFFICIENT EVIDENCE FROM WHICH A REASONABLE PERSON COULD CONCLUDE THAT THERE WILL BE A SIGNIFICANT ADVERSE IMPACT ON ~~CITIZENS~~ THE PUBLIC HEALTH, SAFETY, OR WELFARE AFFECTING RESIDENTS OF THE COUNTY IN UNINCORPORATED AREAS IF SUCH COUNTY LEGISLATION DOES NOT APPLY IN ALL MUNICIPALITIES LOCATED IN THE COUNTY. THE ISSUES SHALL BE DECIDED BY THE COURT WITHOUT A JURY. IN THE EVENT THAT THE COURT REVERSES SUCH FINDING, THE LEGISLATION SHALL CONTINUE TO APPLY IN UNINCORPORATED AREAS OF THE COUNTY AND THE APPLICABILITY OF SUCH COUNTY LEGISLATION IN MUNICIPALITIES SHALL BE GOVERNED BY THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION. THE DECISION OF THE CIRCUIT COURT IN ANY SUCH PROCEEDING SHALL BE SUBJECT TO FURTHER APPEAL TO THE COURT OF SPECIAL APPEALS BY THE COUNTY OR ANY MUNICIPALITY IN THE COUNTY.

(C) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (B)(3) OF THIS SECTION, COUNTY LEGISLATION ENACTED IN ACCORDANCE WITH THE PROCEDURES AND REQUIREMENTS THEREOF SHALL NEVERTHELESS BE OR BECOME INAPPLICABLE IN ANY MUNICIPALITY WHICH HAS ENACTED OR ENACTS MUNICIPAL LEGISLATION THAT:

(1) COVERS THE SAME SUBJECT MATTER AND FURTHERS THE SAME POLICIES AS THE COUNTY LEGISLATION;

(2) IS AT LEAST AS RESTRICTIVE AS THE COUNTY LEGISLATION; AND

(3) INCLUDES PROVISIONS FOR ENFORCEMENT.

(D) ANY MUNICIPALITY MAY, BY ORDINANCE, REQUEST AND AUTHORIZE THE COUNTY WITHIN WHICH IT IS LOCATED TO ADMINISTER OR ENFORCE ANY MUNICIPAL LEGISLATION. UPON THE ENACTMENT OF SUCH AN ORDINANCE, SUCH COUNTY MAY ADMINISTER OR ENFORCE SUCH MUNICIPAL LEGISLATION ON SUCH TERMS AND CONDITIONS AS MAY MUTUALLY BE AGREED.

(E) AS USED IN THIS SECTION:

(1) ~~"COUNTY" SHALL MEAN ALL FORMS~~ MEANS ANY COUNTY, REGARDLESS OF THE FORM OF COUNTY GOVERNMENT, INCLUDING CHARTER HOME RULE, CODE HOME RULE, AND COUNTY COMMISSIONERS; AND

(2) ~~"LEGISLATION" SHALL MEAN ALL FORMS OR~~ MEANS ANY FORM OF COUNTY OR MUNICIPAL LEGISLATIVE ENACTMENT, INCLUDING A LAW, ORDINANCE, RESOLUTION, OR ANY RULE OR REGULATION ADOPTED UNDER THE AUTHORITY OF ANY OF THE FOREGOING AND ANY ACTION BY WHICH A COUNTY BUDGET IS ADOPTED.