

(1) AS A CONDITION PRECEDENT TO THE ISSUANCE BY THE DEPARTMENT SECRETARY OF A PERMIT FOR A LANDFILL UNDER THIS SUBTITLE, THE COUNTY OR MUNICIPAL CORPORATION WITH JURISDICTION OVER THE LANDFILL MAY REQUIRE THE OWNER OF THE SITE WHERE THE LANDFILL IS TO BE LOCATED TO GRANT AN OPTION FOR THE COUNTY OR MUNICIPAL CORPORATION TO PURCHASE THE SITE FOR OPEN SPACE OR RECREATIONAL PURPOSES.

(2) AN OPTION REQUIRED UNDER THIS SUBSECTION EXPIRES ON THE EARLIER OF:

(I) THE DATE SPECIFIED IN THE OPTION; OR

(II) THE DATE WHEN THE LANDFILL CEASES TO BE ACTIVELY USED.

(B) RIGHTS OF THE STATE.

(1) IF THE COUNTY OR MUNICIPAL CORPORATION WITH JURISDICTION OVER THE LANDFILL DOES NOT REQUIRE AN OPTION UNDER SUBSECTION (A) OF THIS SECTION, THE STATE MAY REQUIRE AN OPTION FOR THE STATE TO PURCHASE THE SITE FOR OPEN SPACE OR RECREATIONAL PURPOSES.

(2) IF THE COUNTY OR MUNICIPAL CORPORATION WITH JURISDICTION OVER THE LANDFILL REQUIRES BUT DOES WILL NOT EXERCISE AN OPTION UNDER SUBSECTION (A) OF THIS SECTION, THE STATE MAY EXERCISE THE OPTION.

(C) OPTION BINDS HEIRS, REPRESENTATIVES, SUCCESSORS, AND ASSIGNS OF GRANTOR.

ANY OPTION GRANTED UNDER THIS SECTION IS BINDING ON ANY HEIR, REPRESENTATIVE, SUCCESSOR, OR ASSIGN OF THE GRANTOR.

REVISOR'S NOTE: This section is new language derived without substantive change from former HE § 9-213(b).

In subsections (a) and (b) of this section, the references to "municipal corporation" are substituted for the former references to "municipality" to conform to the language used in Md. Constitution Art. XI-E.

Also in subsections (a) and (b) of this section, the phrase "with jurisdiction over the landfill" is substituted for the former clause "exercising responsibility for the landfill", for clarity.

In subsection (a)(1) of this section, the reference to "Secretary" is substituted for the former reference to "Department" to conform to the wording of § 9-204 of this subtitle.