

(i) The legislative body of the county makes a specific finding based on evidence of record after a hearing held in accordance with the requirements of subparagraph (ii) hereof that there will be a significant adverse impact on 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 such county;

(ii) The legislative body of the county conducts a public hearing at which all municipalities in the county and interested persons shall be given an opportunity to be heard, notice of which is given by the mailing of certified mail notice to each municipality in the county not less than 30 days prior to the hearing and by publication in a newspaper of general circulation in the county for 3 successive weeks, the first publication to be not less than 30 days prior to the hearing; and

(iii) The county legislation is enacted by the affirmative vote of not less than two-thirds of the authorized membership of the county legislative body.

(4) County legislation which is enacted in accordance with the procedures set forth in paragraph (b)(3) shall be subject to judicial review of the finding made under subparagraph (3)(i) and of the resultant applicability of such legislation to municipalities in 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 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.

DRAFTER'S NOTE:

Error: Stylistic error in Article 23A, § 2B(b).

Occurred: Ch. 398, Acts of 1983.