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Twenty per centum or more of the persons within any particular area in a county who are registered to vote in county elections, together with the owners of not less than twenty-five per centum (25%) of the assessed valuation of the real property of the area to be incorporated, may initiate a proposal to incorporate that area as a municipal corporation, by a petition presented to the board of county commissioners or to the county council of the county. Each person signing the petition shall indicate thereon both his name and residence address and the location and assessed valuation of his property. Upon receiving the petition, the board of county commissioners or county council is directed to verify that any person who signed it is a resident of the particular area and is registered to vote in county elections, and/or is an owner of real property within the area to be incorporated, and shall consider the petition of no effect if it is signed by fewer than twenty per centum of the persons from that area who are registered to vote in county elections, or by persons owning less than twenty-five per centum (25%) of said real property. If the petition complies with the requirements of this section, the board or the council shall by resolution, passed as in its normal legislative procedure, specify the day and the hours for the election at which the question of incorporation shall be submitted to the voters of the particular area, or reject the referendum request within 60 days of the petition requirements having been met. If the board or council rejects the referendum request, the board or council shall provide in writing and make available to the general public the reasons for rejecting the referendum request. The board or council shall establish reasonable procedures by which reconsideration of a referendum request denial can be undertaken, including an opportunity for a public hearing with sufficient advance public notice. Upon completion of this hearing and review process, the board or council shall, by resolution, affirm its previous action or grant the referendum request.

If the resolution to grant a referendum is approved, there shall be [at] a special election, within a period of not less than forty days nor more than sixty days after the passage of the resolution. In that portion of the resolution which provides for submitting the question of incorporation to the voters of the particular area, the exact wording shall be specified which is to be placed on the ballots or voting machines at the time of the referendum.

The petition when so filed shall then become the property of the board of county commissioners or the county council, and shall not thereafter be used for the purposes of initiating further referenda thereon.

No municipal corporation shall be created under the provisions of this subtitle without the specific approval of the