

a State's Attorney shall be appointed and qualify, or be able to attend and act in person, as the case may be, and the person so appointed shall receive the same compensation as the State's Attorney.

DRAFTER'S NOTE:

Error: Incorrect word usage in Article 10, § 41.

Occurred: Annotated Code of Maryland, 1957.

Article 23A - Corporations - Municipal

2B.

(b) Notwithstanding the provisions of subsection (a)(2) and (3) of this section, the following categories of county legislation, if otherwise within the scope of legislative powers granted the county by the General Assembly, shall nevertheless apply within all municipalities in the county:

(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.

3.

(b) (3) (ii) The citation shall be served on the defendant:

1. In accordance with MARYLAND Rule 3-121 [of the Maryland Rules]; or

2. For real property-related violations, if proof is made by affidavit that good faith efforts to serve the defendant under MARYLAND Rule 3-121(a) [of the Maryland Rules] have not succeeded, by:

A. Regular mail to the defendant's last known address; and