
By: **Frederick County Delegation**
Introduced and read first time: January 31, 2003
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 4, 2003

CHAPTER _____

1 AN ACT concerning

2 **Environment - County Water and Sewerage Plan - Appeal**

3 FOR the purpose of authorizing a certain person to appeal to the circuit court, in
4 accordance with certain rules, a reclassification decision by the county
5 governing body ~~of~~ regarding a specific property ~~is~~ governed by the county water
6 and sewerage plan; authorizing a county governing body to be a party to the
7 appeal; authorizing the governing body of a municipal corporation to be a party
8 to the appeal under certain circumstances; providing that this Act does not
9 affect the standards for review of certain actions taken by the county governing
10 body; and generally relating to county water and sewerage plans.

11 BY repealing and reenacting, with amendments,
12 Article - Environment
13 Section 9-503
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 2002 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Environment**

19 9-503.

20 (a) Each county shall have a county plan or a plan with adjoining counties
21 that:

22 (1) Is approved by the Department;

1 (2) Covers at least the 10-year period next following adoption by the
2 county governing body; and

3 (3) Deals with:

4 (i) Water supply systems;

5 (ii) Sewerage systems;

6 (iii) Solid waste disposal systems;

7 (iv) Solid waste acceptance facilities; and

8 (v) The systematic collection and disposal of solid waste, including
9 litter.

10 (b) Except as provided in § 9-515 of this subtitle, each county governing body
11 shall review its county plan at least once every 3 years in accordance with a schedule
12 set by the Department.

13 (c) Each county governing body shall adopt and submit to the Department a
14 revision or amendment to its county plan if:

15 (1) The governing body considers a revision or amendment necessary; or

16 (2) The Department requires a revision or amendment.

17 (d) (1) Before a county governing body adopts any revision or amendment to
18 its county plan or adopts a new county plan, the governing body shall:

19 (i) Conduct a public hearing on the county plan, revision, or
20 amendment that may be conducted jointly with other public hearings or meetings;
21 and

22 (ii) Give the principal elected official of each municipal corporation
23 that is affected notice of the county plan, revision, or amendment at least 14 days
24 before the hearing.

25 (2) (i) Notice of the time and place of the public hearing, together with
26 a summary of the plan, revision, or amendment, shall be published in at least 1
27 newspaper of general circulation in the county once each week for 2 successive weeks,
28 with the first publication of notice appearing at least 14 days before the hearing.

29 (ii) Notice of the public hearing may be a part of the general notice
30 listing all other items to be considered during the public hearing or meeting.

31 (E) (1) A PERSON WHO IS AGGRIEVED BY MAY APPEAL A RECLASSIFICATION
32 DECISION MADE BY THE COUNTY GOVERNING BODY OF REGARDING A SPECIFIC
33 PROPERTY IN GOVERNED BY THE COUNTY PLAN MAY APPEAL TO THE CIRCUIT
34 COURT IN ACCORDANCE WITH TITLE 7, CHAPTER 200 OF THE MARYLAND RULES OF
35 THE COUNTY IF THE PERSON:

1 (I) IS AGGRIEVED BY THE DECISION; AND

2 (II) PARTICIPATED IN THE PUBLIC HEARING BEFORE THE COUNTY
3 GOVERNING BODY.

4 (2) THE APPEAL SHALL BE TAKEN IN ACCORDANCE WITH TITLE 7,
5 CHAPTER 200 OF THE MARYLAND RULES.

6 (3) (I) THE COUNTY GOVERNING BODY MAY BE A PARTY TO THE
7 APPEAL.

8 (II) THE GOVERNING BODY OF A MUNICIPAL CORPORATION MAY BE
9 A PARTY TO THE APPEAL IF:

10 1. THE SPECIFIC PROPERTY IS LOCATED WITHIN OR
11 IMMEDIATELY ADJACENT TO THE CORPORATE LIMITS OF THE MUNICIPAL
12 CORPORATION; AND

13 2. THE MUNICIPAL CORPORATION PARTICIPATED IN THE
14 PUBLIC HEARING BEFORE THE COUNTY GOVERNING BODY.

15 (3) (4) THIS SUBSECTION DOES NOT AFFECT STANDARDS FOR REVIEW
16 OF ANY LEGISLATIVE ACTION THE COUNTY GOVERNING BODY TAKES TO ADOPT,
17 REVISE, OR AMEND THE COUNTY PLAN.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
19 effect October 1, 2003.