

Sec. 11.01. Conflict of County ordinances with Municipal ordinances

Any County ordinance in conflict with a Municipal ordinance shall not be effective within the Municipality to the extent that a conflict exists regardless of whether such Municipal ordinance was adopted or enacted before or after the County ordinance. A County ordinance shall prevail over Municipal ordinances whenever the County acts with respect to the following:

A. Sets minimum standards protecting the environment through the prohibition or regulation of air or water pollution, or the destruction of resources in the County belonging to the general public.

B. Land use planning.

C. Regulates the conduct of elected officials, appointed officials, and public employees through an enacted Code of Ethics.

D. The development of transportation improvements, funded in whole or in part with transportation surtax proceeds, on County-owned or County-leased property, including through County regulation of zoning, permitting, construction, operation, or administration. This provision shall not apply to any County transportation improvement project that is located in an area zoned residential as of June 16, 2020, unless (1) the construction thereof commenced on or before June 16, 2020, or (2) the municipality agrees to modify such zoning or takes such other action that would permit the intended County use. Prior to exercising its power under an ordinance enacted pursuant to this provision, the County: (1) shall conduct a public meeting during which it shall be available to discuss with the municipality(ies) in which the project is located the proposed transportation improvement and seek to achieve consensus on any disputed issue(s); and (2) shall determine by a vote of a majority plus one (1) of the total membership of the County Commission that (a) the County considered other potential sites for such transportation improvement, including all sites proposed to the County by affected municipality(ies), and selected the site that, on balance, provides the greatest regional benefit, and (b) if the transportation improvement is to be located in an area in which the exteriors of then-existing buildings display a consistent aesthetic theme, the exterior of the transportation improvement is consistent with that theme to the greatest extent practicable.

In the event a County ordinance and a Municipal ordinance shall cover the same subject matter without conflict, both the Municipal ordinance and the County ordinance shall be effective.