



FREDERICK COUNTY PLANNING COMMISSION
April 11, 2018 9:30 a.m.

TITLE: Bill #18-04 Zoning Violation Reporting

FILE NUMBER: N/A

REQUEST: Bill #18-04 Zoning Violation Reporting
Public Hearing

PROJECT INFORMATION: N/A

APPLICANT/REPRESENTATIVES: Council Member Billy Shreve

STAFF:

RECOMMENDATION: That the Planning Commission provide a recommendation to the Frederick County Council regarding the Text Amendment.

ATTACHMENTS:

Proposed Bill
Council Summary Memorandum




FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Jan H. Gardner
County Executive

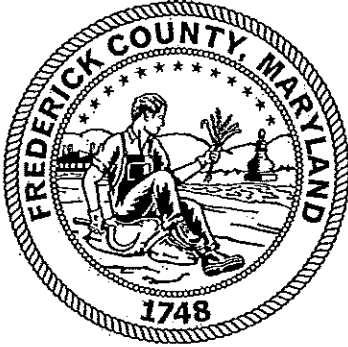
Steven C. Horn, Division Director

To: Frederick County Planning Commission
From: Steven C. Horn, Director, Planning & Permitting Division 
Date: March 16, 2018
Subject: Zoning Violation Reporting (By: Council Member Billy Shreve)

Attached, please find the proposed Bill and summary memorandum from Council Member Billy Shreve.

Thank you for your attention to this matter.

Attachment
Proposed Bill
Council Summary Memorandum



Bill No. 18-04

Concerning: Zoning Violation Reporting

Introduced: February 6, 2018

Revised: _____ Draft No. _____

Enacted: _____

Effective: _____

Expires: _____

Frederick County Code, Chapter 1-19

Section(s) 2.200

**COUNTY COUNCIL
FOR FREDERICK COUNTY, MARYLAND**

By: Council Member Billy Shreve

AN ACT to: require the Zoning Administrator provide the County governing body with monthly zoning code violation notices and other specific information.

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending:

Frederick County Code, Chapter, 1-19 Section(s): 2.200

Other: _____

Boldface
Underlining
[Single boldface brackets]
* * *

Heading or defined term.
Added to existing law by original bill.
Deleted from existing law by original bill.
Existing law unaffected by bill.

Bill No. 18-04

The County Council of Frederick County, Maryland, finds it necessary and appropriate to mandate the Zoning Administrator provide the County governing body with a monthly list of zoning code violations containing certain specified information.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

Harold F. (Bud) Otis, President
County Council of Frederick County,
Maryland

§ 1-19-2.200. COMPLAINTS

(C) The Zoning Administrator shall keep public records in accordance with the county's records retention policy of all complaints and findings of fact disposing of alleged zoning violations.

(1) The Zoning Administrator shall, on the first of each month, provide to the County governing body, a list of all businesses who have received zoning code violations during the previous month. The list shall include:

(1) The name of the business;

(2) The business' address;

(3) The zoning case number;

(4) The nature of the violation;

(5) The date of the complaint;

(6) The date by which the business must come into compliance with said violation; and

(7) The name of the complainant, including complainant's:

(A) Home/Frederick County address

(B) Telephone number; and

(C) Email address

There must be a second person verifying the complaint who is a Frederick County, MD resident, and no anonymous complaints shall be acted upon.

Underlining indicates entirely new matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

**** - indicates existing law unaffected by bill*

BILL NO. 18-04



FREDERICK COUNTY GOVERNMENT
COUNTY COUNCIL

To: County Council
From: Council Member Billy Shreve
Date: January 9, 2018
Subject: Zoning Violation Reporting

Issue:

Should the County Council require the Zoning Administrator to provide the County governing body with monthly zoning violation notices and other specific information?

Background:

Historically, it has been difficult for County Council members to ascertain information regarding zoning violations. The County Council usually hears of violations after a business has been aggrieved, and a Council Member expresses a desire to evaluate the situation affecting the business for the purpose of potential legislation that may address an issue. As of late, several long-standing, local businesses have received zoning violations. Time and again the Administration staff have failed to provide this information to the Council in a timely manner, and sometimes even after several requests, not at all. Unfortunately, this continuous lack of communication has forced Council Members to resort to using Maryland's Public Information Act to obtain this information. The Maryland Public Information Act grants citizens a broad right of access to public records. The Annotated Code of Maryland, General Provisions § 4-103(a) provides that "[a]ll persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees." This includes all citizens, Council Members, and government staff. The County government prides itself on running an open and transparent government, however, unfortunately when it comes to zoning violations, this is not the case.

What will this bill do?

The new bill will require the Zoning Administrator to provide the County governing body, consisting of the County Executive and the County Council, with all monthly zoning code violation notices along with specific corresponding information. In an effort to provide a clear and transparent process, it is imperative that our County's business owners are assured they are not being targeted by the County Administration, as their reluctance suggests. In addition to a list of all zoning violations, the bill would require, the name of the business, its address, the zoning case number, the nature of the violation, date of complaint, date by which aggrieved business must come into compliance with violation, complainant's name, address, telephone number, email address, and County of residence (if not local resident). In addition, a second person, whom is a Frederick County, MD resident must verify the complaint.



FREDERICK COUNTY GOVERNMENT
COUNTY COUNCIL

Further, the bill provides that no anonymous complaints be acted upon. Put simply, this is to maintain governmental transparency and accountability. Anonymous complaints should not be considered in potential zoning violation cases. On a Constitutional level, the sixth amendment states that, "[I]n all criminal prosecutions, the accused shall enjoy the right... **to be confronted with the witnesses against him...**" While zoning violations certainly do not rise to the occasion of criminal prosecution, shouldn't business/property owners have the right to confront their accusers and vice versa? There is a very rational argument that divulging a complainant's personal information gives him/her a greater level of credibility, as well as accountability. This is of utmost importance since anonymous complaints often put perfectly innocent people under unnecessary governmental scrutiny.

In conclusion, it is for these very valid reasons and for the purpose of maintaining an open and transparent government, as well as assuring local businesses they are not targets of the Administration, that this legislation before you be carefully considered. Too often Frederick County is perceived as anti-business friendly. It is pertinent the County embrace its local businesses and the hard-working citizens that make Frederick County a great place to live and work. This bill would be a small step in the right direction.

