

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

House Bill 1374

(Delegate Brinkley, *et al.*)

Commerce and Government Matters

Education, Health, and Environmental Affairs

Frederick County - Zoning - Referendum

This bill provides that an ordinance or amendment to an existing ordinance that enacts a substantial rewrite, replacement, or repeal in zoning laws adopted by the Frederick County Board of County Commissioners: (1) must take effect 30 days after the date of enactment; and (2) may be petitioned to a county referendum within 60 days of enactment. The bill outlines various procedures of how such a petition and referendum would be administered.

The bill is effective June 1, 2002 and sunsets November 30, 2003.

Fiscal Summary

State Effect: None.

Local Effect: Frederick County expenditures would increase by \$105,000 for each special election held to vote on zoning ordinances. Frederick County expenditures would not change if a referendum on zoning ordinances was held at a general election.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: To be effective, the petition must be signed by 3% of the number of qualified voters of Frederick County who voted for Governor in the preceding gubernatorial election. If a petition with more than one-third but not the full number of required signatures is filed with the Secretary of State before 30 days after the date of enactment, the time for the ordinance to take effect shall be extended to 60 days after the date of enactment. The substantial rewrite, replacement, or repeal of the zoning

ordinance must be suspended after a petition is submitted and until a court of competent jurisdiction declares the petition invalid or the petition is disapproved by the voters of Frederick County. The Board of Supervisors of Elections of Frederick County must verify the registration of individuals signing the petition and, if the number of qualified voters is verified, place the substantial rewrite, replacement, or repeal of zoning laws on the ballot in Frederick County at a special election or at the next general election for approval or rejection. The cost of the referendum must be paid by the board of county commissioners. The bill provides that if the majority of the votes cast on the question are: (1) “for the deferred law” the enactment becomes effective on the date specified in the enactment; and (2) “against the referred law” the enactment is of no effect.

Current Law: No jurisdiction in Maryland has a provision of law that requires an ordinance or amendment to an existing ordinance that effects a comprehensive change in zoning laws to be submitted to and approved by the voters at a referendum held a general or special election.

Article 16, Section 3 (a) of the Maryland Constitution provides that public local laws subject to a referendum petition require the signatures of 10% of the qualified voters of the jurisdiction before being placed on the ballot.

Background: The next general election is November 2002. There is no special election currently scheduled in Frederick County. The Frederick County Board of Elections advises that the last special election in Frederick County was held in 1991.

Local Fiscal Effect: Frederick County advises that the county’s fiscal 2003 budget has budgeted \$105,000 for the cost of the November 2002 general election. Adding questions to approve zoning ordinances at a general election could be handled with existing resources. However, Frederick County advises that a special election would incur the same costs as a general election; accordingly, Frederick County expenditures would increase by \$105,000 for each special election. The cost of a special election is not normally budgeted in the Frederick County Board of Elections’ budget and the Frederick County Board of County Commissioners would be required to supplement the budget of the Board of Elections to pay for the costs of any special election.

Frederick County further advises that any delay in a zoning ordinance being effective could impact economic development in the county.

Small Business Effect: Small businesses in Frederick County would be negatively impacted to the extent that any delay in implementing a zoning ordinance or any rejection of a zoning ordinance occurs that could have enhanced economic development opportunities for small businesses.

Additional Information

Prior Introductions: None.

Cross File: None. However, a similar bill has been introduced in the 2002 session as SB 232 that would authorize the citizens of Frederick County to petition to referendum any adoption, amendment, or repeal of a zoning ordinance adopted by the Frederick County Board of Commissioners.

Information Source(s): Frederick County, Department of Legislative Services

Fiscal Note History: First Reader - March 13, 2002
mam/hlb Revised - House Third Reader - March 29, 2002

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