

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1458  
Judiciary

(Calvert County Delegation)

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District Court – County Zoning Violation – Appeals

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This bill authorizes a defendant or a county to appeal from the final judgment entered in the District Court in a case alleging a county zoning violation.

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Fiscal Summary

**State Effect:** The bill is not anticipated to materially impact the Judiciary, as discussed below.

**Local Effect:** Potential minimal legal costs for counties. Penalty revenues may increase or decrease, as discussed below.

**Small Business Effect:** Potential meaningful.

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Analysis

**Current Law:** A legislative body of a county may establish a civil penalty for a zoning violation. A person receiving a citation for a zoning violation may elect to stand trial in the District Court, as specified. The legislative body of a municipality may classify a violation of an ordinance or regulation concerning zoning or land use as a municipal infraction. A zoning violation is adjudicated in the same manner and to the same extent as a municipal infraction. A *defendant* who has been found guilty of a municipal infraction may appeal from the final judgment entered in the District Court. All fines, penalties, or forfeitures collected by the District Court for zoning violations are remitted to the county in which the zoning violation occurred.

**State/Local Fiscal Effect:** The Judiciary does not have specific data on the number of county zoning violations under the bill's purview. Although the circuit courts may receive additional appeals for zoning violation cases, any such increase in hearings is not anticipated to materially impact Judiciary expenditures or circuit court caseloads. The bill is also not anticipated to materially impact filing fee revenues.

Local penalty revenues from zoning violations may increase or decrease, depending on the result of any cases appealed to the circuit courts. Legal costs may increase minimally to the extent counties elect to appeal zoning cases to the circuit courts.

**Small Business Effect:** Small businesses involved in zoning disputes may have additional legal costs to the extent counties elect to appeal zoning violation cases to the circuit courts.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City; Montgomery County; Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2018  
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