




## FREDERICK COUNTY GOVERNMENT

Jan H. Gardner  
County Executive

OFFICE OF THE COUNTY EXECUTIVE *Raymond V. Barnes, Jr., Acting, Chief Administrative Officer*

**TO:** County Council

**FROM:** County Executive Jan H. Gardner 

**DATE:** March 5, 2018

**SUBJECT:** Comments on Council Bill #18-04 – Zoning Violation Reporting

The Administration is opposed to Bill #18-04. This bill proposes that the Zoning Administrator provide a report to the Council of all businesses that have received a zoning code violation, the location and nature of the violation, the name and contact information of the complainant as well as the name of a second witness that verifies the complaint. No anonymous complaints would be acted upon.

Based on information requested in 2017 by Council Member Shreve, there were 244 zoning violations of all types reported to the Planning and Permitting Division between September 2015 and September 2017. Most were focused on complaints about junk cars, blighted properties, farm animals in residential areas and so on. Complaints about businesses were generally focused on businesses operating in residential areas that did not comply with home occupation permit requirements.

As noted above, Bill #18-04 eliminates the ability of staff to respond to anonymous complaints. The bill also requires a second witness to verify the complaint. Currently, Frederick County does permit complaints to be submitted anonymously. Frederick County allows anonymous reporting so that residents are not inhibited from reporting potential health and safety concerns, or violations regarding the use of property, out of fear of conflict with a neighbor. The Planning and Permitting Division staff coordinate the investigation of anonymous complaints in the same way as any other reported complaint.

Frederick County is not alone in permitting anonymous complaints to be filed and acted on. Like Frederick County, Montgomery, Talbot, Howard, and Dorchester Counties allow anonymous complaints. Howard and Dorchester Counties require all complaints to be in writing, but the complainant's name and contact information is not required. None of the counties surveyed required a second witness to verify a violation. The inability to process anonymous requests, and the requirement for a second complainant, may significantly delay correction of a violation of the County code and elimination of a public nuisance or public health hazard.

Requiring “date by which business must come into compliance” may force staff to take more immediate actions against a business and thwart administration efforts take to work with property owners to find solutions. Some violations may require site plan and/or permit approval, multi-

agency coordination, or significant site work (such as removing trailers, vehicles, stockpiles, etc.). Deadlines for coming into compliance are not always in the best interest of the citizen whose violation needs to be corrected.

Finally it should be noted that not all complaints received about businesses relate to violations of the zoning regulations. Other complaints received include violations of the fire code, noise ordinances, environmental regulations, and so on.

It is the Administration's position that this bill will result in unnecessary additional reporting and administrative effort for a problem that is not clearly demonstrated and no goal established. Regardless, the enforcement of County's codes and regulations is an administrative function. There is no legislative role in the administration of zoning violation enforcement.

For the above reason, the Administration is opposed to Bill #18-04 and urges its defeat by the Council.