

Bond Case Briefs

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MUNICIPAL ORDINANCE - MARYLAND

Baddock v. Baltimore County

Court of Special Appeals of Maryland - November 28, 2018 - A.3d - 2018 WL 6187574

Hookah lounge operator and landlord sought judicial review of the decision of the county board of appeals upholding the constitutionality of an ordinance requiring hookah lounges to close between midnight and 6:00 a.m.

The Circuit Court affirmed. Operator and landlord appealed.

The Court of Special Appeals held that:

- Ordinance was an exercise of charter county's police power and not a zoning law, and thus county did not act ultra vires by enacting time restrictions in a zoning regulation;
- Ordinance did not render hookah lounge a nonconforming use;
- Ordinance was rationally related to protecting public health and safety and thus did not violate substantive due process; and
- Ordinance requiring midnight closure for hookah lounges but not for other late-night establishments, including cigar bars and liquor-licensed establishments, was not an arbitrary distinction that rose to the level of an equal protection violation.