

Bond Case Briefs

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MUNICIPAL ORDINANCE - MARYLAND

Kendall v. Howard County

Court of Appeals of Maryland - May 21, 2013 - A.3d - 2013 WL 2157879

County residents brought action for declaratory and injunctive relief against county, alleging that various county resolutions, ordinances, zoning decisions, and administrative actions relating to land use violated county charter, which required certain land use decisions to be made in the form of legislative acts passed by city council by original bill, so that the decisions could be petitioned to referendum.

The court of appeals held that residents lacked standing to bring action.

In order to demonstrate taxpayer standing to bring an action challenging a municipal ordinance, a party, as a taxpayer, may satisfy the special damage standing requirement by alleging both (1) an action by a municipal corporation or public official that is illegal or ultra vires, and (2) that the action may injuriously affect the taxpayer's property, meaning that it reasonably may result in a pecuniary loss to the taxpayer or an increase in taxes.

County residents lacked standing to bring declaratory judgment action challenging validity of various county resolutions, ordinances, zoning decisions, and administrative actions as having been made in violation of sections of county charter requiring certain land use decisions to be made in the form of legislative acts passed by city council by original bill, allegedly violating residents' right to petition the decisions for referendum and associated free speech and voting rights as the county charter did not afford an automatic right to approve the decisions at the polls, and residents alleged no specific and personal harm flowing from the denial of the opportunity to petition the decisions to referendum.