

1 **City Citation Process and Appeals to the Building Board of Appeals**

2 For the purpose of clarifying the City's citation process; explaining the Building Board of Appeals  
3 review process; updating Building Board of Appeals procedures for filing and reviewing appeals;  
4 adding Building Board of Appeals duties to the Title 2; and general Building Board of Appeals  
5 responsibilities.

6  
7 **CITY COUNCIL OF THE**  
8 **City of Annapolis**

9  
10 **Ordinance 4-25**

11  
12 **Introduced by:**  
13 **Co-sponsored by:**

14  
15 **Referred to:**

16 Rules and City Government Committee  
17 Housing and Human Welfare Committee  
18 Environmental Matters Committee  
19 Economic Matters Committee  
20 Building Board of Appeals

21  
22 **AN ORDINANCE** concerning

23  
24 **City Citation Process and Appeals to the Building Board of Appeals**

25  
26 **FOR** the purpose of clarifying the City's citation process; explaining the Building Board of  
27 Appeals review process; updating Building Board of Appeals procedures for filing and  
28 reviewing appeals; adding Building Board of Appeals duties to the Title 2; and general  
29 Building Board of Appeals responsibilities.

30  
31 **BY** enacting with amendments the following portions of the Code of the City of Annapolis,  
32 2025 Edition:  
33 **2.48.080**  
34 **17.05.132**

35  
36 **BY** repealing and reenacting with amendments the following portions of the Code of the City  
37 of Annapolis, 2025 Edition:  
38 **2.48.050**                      40 **2.48.070**                      42 **10.16.310**                      44 **14.12.210**  
39 **2.48.060**                      41 **7.40.060**                      43 **14.04.070**                      45 **17.05.130**

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1	17.07.140	8	17.14.070	15	17.40.890	22	17.48.360
2	17.08.250	9	17.20.140	16	17.44.060	23	17.52.040
3	17.09.130	10	17.22.090	17	17.44.100	24	17.60.160
4	17.09.140	11	17,34.020	18	17.48.290	25	17.60.170
5	17.11.320	12	17.34.030	19	17,48.300		
6	17.11.390	13	17.40.840	20	17.48.320		
7	17.12.210	14	17.40.880	21	17.48.350		

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**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall be amended as follows:

**Title 2 - ADMINISTRATION**  
**Chapter 2.48 - BOARDS, COMMISSIONS AND COMMITTEES**  
**Article III - Building Board of Appeals**

**Section 2.48.050 - Establishment and Membership.**

**A. Establishment.**

The Building Board of Appeals (BBOA) is created to hear appeals of decisions made by City officials under Title 17, Buildings and Construction, as well as other chapters of the City Code where the Building Board of Appeals is authorized to hear appeals.

**B. Membership.**

**1. Appointment.**

- a. The Building Board of Appeals shall consist of five members who are residents and registered voters of the City of Annapolis.
- b. The regular members shall be appointed by the Mayor and confirmed by the City Council.

**2. Qualifications.**

- a. Each Building Board of Appeals appointee shall be qualified by experience and training to pass on matters pertaining to building construction, forest conservation or environmental issues.
- b. None of the members shall be employees of the City.
- c. Members shall serve without compensation.

**3. Member Terms.**

- a. The term of office of each member of the Building Board of Appeals shall be for five years, commencing on the first day of April.

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- b. The terms shall be staggered so that no more than one term will expire yearly.
- c. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- d. The Building Board of Appeals shall select one member annually to serve as the chairperson.

## **Section 2.48.060 - Duties and Meetings.**

### **A. Duties.**

1. The Building Board of Appeals shall hear and decide appeals regarding orders, requirements, decisions or determinations made by a City official or body in the enforcement of:
  - a. Building and Construction Title 17 of the City Code;
  - b. Requirements of the International Building Code (IBC) adopted by the City Council in Chapter 17.12 of the City Code; and
  - c. All matters in other chapters of the City Code where the Building Board of Appeals has been delegated administrative appeal authority.
2. The Building Board of Appeals shall consider whether:
  - a. The responsible City enforcement official has correctly interpreted the Code or the rules legally adopted;
  - b. The provisions of this Code are applicable; or
  - c. An equally good or better form of construction is proposed.
3. The Building Board of Appeals shall not have the authority to waive the requirements of this Code.

### **B. Meetings.**

1. The Building Board of Appeals meetings shall be held at the chair's call and at other times as determined by the Building Board of Appeals.
2. The Building Board of Appeals shall give notice of the public session date, time, and place on the City's website, ensuring transparency and inviting public participation.
3. Notice shall include all issues to be considered at the session.
4. All meetings shall be open to the public and conform to the Maryland Open Meetings Act.

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- 1           5. The chair or the acting chair may administer oaths and compel the attendance of  
2           witnesses.
- 3           6. The Building Board of Appeals shall abide by Robert's Rules of Order and may  
4           adopt additional rules of practice and procedure as needed.
- 5           7. Building Board of Appeals meeting rules shall be available on the City website.

6           **C. Votes.**

- 7           1. The Building Board of Appeals may consider each standard individually but shall  
8           only vote on the application as a whole.
- 9           2. The Building Board of Appeals shall render all decisions and findings in writing  
10          to the appellant with a duplicate copy to the City's building official.

11

12          **Section 2.48.070 - Building Board of Appeals Process.**

13          **A. For Issues Under Building Board of Appeals Jurisdiction.**

14           **1. Requesting the Department to Reconsider.**

- 15           a. Once a person has received notice of a departmental order, decision, or  
16           determination, they may submit a written request for reconsideration to the  
17           director of the City department that issued the order or made the decision  
18           or determination.
- 19           b. This reconsideration request can request a hearing with the Director to  
20           reconsider the order, decision, or determination. It is within the Director's  
21           sole discretion whether to provide such a hearing.
- 22           2. **Timeframe.** Should the Director decide to conduct a hearing on the request to  
23           reconsider, said hearing shall be conducted within 30 calendar days of the request  
24           and a final decision on the matter issued within a reasonable time thereafter.

25          **B. Appeals to Building Board of Appeals.**

- 26           1. **Superseded.** The appeal process detailed in this section supersedes the appeal  
27           procedure outlined in the building codes adopted by the Council and any other  
28           sections of the Code pertaining to the Building Board of Appeals.
- 29           2. **Appeals of Director's Decision.** Decisions made by the Director to modify,  
30           overrule, or uphold an order, decision, or determination issued by the City may be  
31           appealed to the Building Board of Appeals in accordance with § 2.48.060.
  - 32           a. Any appeal of the Director's final decision must be made in writing within  
33           10 calendar days of publication of the Director's final decision.
  - 34           b. An appeal to the Building Board of Appeals may be filed by:

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- 1                   i. An aggrieved party to the final decision of the Director or their  
2                   designee; or  
3                   ii. An officer or unit of the City.  
4           c. An aggrieved party:  
5                   i. Is a party that is entitled to pursue a remedy; and  
6                   ii. Cannot appeal to the Building Board of Appeals unless:  
7                               (1) they have received an order, decision or determination  
8                               issued by the City regarding the matter to be appealed; or  
9                               (2) appeared as a party at the hearing before the board.

10           **3. Appeals Limits.**

- 11                   a. An application for appeals shall be based on:  
12                               i. A claim that the true intent of the City Code or Planning and  
13                               Zoning Department rules legally adopted have been incorrectly  
14                               interpreted;  
15                               ii. The provisions of this Code do not full apply; or  
16                               iii. An equivalent or better form of construction is proposed.  
17                   b. The Building Board of Appeals shall not have the authority to waive  
18                   requirements of this Code or interpret the administration of this Code.

19           **4. Appeals Request.** The appeal is a request for a hearing before the Building Board  
20           of Appeals and shall include in writing the reasons for the appeal:

- 21                   a. Describing the order, requirements, decision, or determination being  
22                   appealed;  
23                   b. Providing sufficient facts to demonstrate an error in the order,  
24                   requirement, decision, or determination; and  
25                   c. Stating the expected implications of the decision on the project.

26           **5. Violation Notice.** A notice of violation serves as a warning to the responsible  
27           party prior to the issuance of a departmental citation for a municipal infraction. A  
28           notice of violation is not appealable.

29           **C. Appeals Hearing.**

30           **1. Process.**

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- a. Upon receiving the notice of appeal, the Director will notify the Building Board of Appeals and provide the board with all papers constituting the record of the action appealed.
- b. The Building Board of Appeals shall meet upon notice from the chair within 10 days of the filing of the appeal or at stated periodic intervals.
- c. The Building Board of Appeals shall determine rules of conduct for the hearing.
- d. At a hearing, the appellant, the appellant's attorney or other representative, the City official, and any person whose interests are affected shall be allowed to be heard.
- e. The Board shall issue its decision within 45 calendar days of the conclusion of the hearing on the appeal.

2. **Hearing Notice.**

- a. The Building Board of Appeals shall give public notice of:
  - i. The existence of the appeal; and
  - ii. The date and time of the hearing.
- b. The notice shall be provided to the parties involved in the Department order, decision, or determination, and to other persons entitled to notice under the City Code or the rules of the Building Board of Appeals.
- c. Notice shall be published on the City's website.
- d. Notice shall be provided to all parties before the hearing.
- e. All required notices shall be at the appellant's expense.

3. **Deliberations and Decisions.**

- a. The Building Board of Appeals shall consider the appeal based upon the information provided to the department at the time of the order, decision or determination from which the appeal is taken.
- b. If the Building Board of Appeals finds that the order, decision or determination was in error or contrary to the provisions of this Code or other applicable law, the Building Board of Appeals may:
  - i. Wholly or partly reverse the order, decision, or determination that is the subject of the appeal;
  - ii. Wholly or partly affirm the order, decision or determination that is the subject of the appeal;

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1 iii. Modify the order, decision or determination that is the subject of  
2 the appeal; or

3 iv. Issue a new order, decision or determination.

4 c. The Building Board of Appeals shall issue a written decision for all  
5 appeals, which will include the Board's factual findings as well as the  
6 reasons for its decision.

7 d. The Building Board of Appeals' decision is final in all cases.

8 e. Anyone who fails, refuses, or neglects to comply with the final decision of  
9 the Building Board of Appeals violates this chapter.

10 f. The City's building official shall take immediate action in accordance with  
11 the decision of the Building Board of Appeals.

12 **D. New Evidence.**

13 1. A person aggrieved by the final decision of Building Board of Appeals may  
14 request a reconsideration of the decision only if they have new evidence that was  
15 not available or discoverable prior to and during the appeal hearing.

16 2. Reconsideration requests must be filed in writing within 10 calendar days of  
17 publication of the final written decision of the Building Board of Appeals.

18 3. A new hearing will be scheduled only upon a majority vote of the members of the  
19 Building Board of Appeals that new evidence exists to warrant such a hearing.

20 **E. Expedited Reviews and Emergency Orders.**

21 1. The scheduling of the hearing and the rendering of the decision shall be expedited  
22 if warranted by the circumstances as determined by the Director.

23 2. In an emergency requiring immediate action to protect public health, the Planning  
24 and Zoning Director may issue an order without notice or hearing.

25 3. The order will be effective immediately, subject to a hearing requested in writing  
26 by the property owner within five calendar days of the order.

27 **F. Stays of Enforcement.**

28 1. Except for Imminent Danger notices, an appeal to the Building Board of Appeals  
29 shall stay all actions related to the application, but this stay will only be in effect  
30 until the Building Board of Appeals issues a final decision.

31 2. A judicial appeal filed under § 2.48.080 does not stay the action being appealed  
32 unless state law or a court of competent jurisdiction orders otherwise.

33 **G. Fee.** The appeal shall be accompanied by a filing fee as established by the annual  
34 resolution of the City Council in the Fees Schedule.

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1  
2 **Section 2.48.080 - Judicial Review.**

- 3 A. A person aggrieved by a final decision issued by the Building Board of Appeals may  
4 appeal that final decision to the Anne Arundel County Circuit Court.  
5 B. The appeal shall be filed by:  
6 1. An aggrieved party as determined by the Circuit Court; or  
7 2. An officer or unit of the City.  
8 C. The appeal shall be filed within 30 calendar days after publication of the final written  
9 decision of the Building Board of Appeals.  
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12 **Title 17 - BUILDINGS AND CONSTRUCTION**  
13 **Chapter 17.05 - Building Code**  
14 **Section 17.05.130 - Appeals; judicial review**

15 ***Strike § 17.05.130 -- Appeals; judicial review -- in its entirety and insert the following:***

16 **Section 17.05.130 - Violation and Notice.**

- 17 A. **Municipal Infraction.** A person who violates this title is guilty of a municipal infraction  
18 and is subject to a fine set by resolution of the City Council.  
19 B. **Warning.** The department may provide written notice of a violation as a warning,  
20 allowing the recipient to correct the violation before a citation alleging a municipal  
21 infraction is issued.  
22 C. **Notice of Violation.** Unless otherwise noted in this title, the Notice of Violation shall:  
23 1. Be in writing;  
24 2. Include a statement of the reason why it is being issued;  
25 3. Allow a reasonable time for the performance of any act it requires;  
26 4. Be served upon the owner or the agent of the owner of the premises on which the  
27 alleged violation occurred. The notice shall be served personally or in accordance  
28 with any other method authorized under the laws of the state;  
29 5. Contain an outline of remedial action which, if taken, will effect compliance with  
30 the provisions of this chapter;

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- 1           6. State that, unless conditions or practices described in the notice are corrected  
2           within the reasonable time specified in the notice the person involved will be  
3           subject to the penalty provided for violations of this chapter.

4           **D. Citation.**

- 5           1. If the same violation has been unabated by the time of a follow-up inspection, a  
6           citation alleging a municipal infraction may be issued pursuant to § 1.20.  
7           2. Citations may issue without a prior notice of violation.  
8           3. Citations may issue each day the violation remains unabated.  
9           4. If the fine is paid but the violation remains unabated, it is still a violation and the  
10           violation may be cited again until the issue is resolved to the satisfaction of the  
11           Director or their designee.

12  
13           **Section 17.05.132 - Appeal of Order Made Pursuant to this Chapter.**

14           Unless otherwise noted in this title, a person aggrieved by an order of the Director or the  
15           Director's designee may appeal such ruling or determination to the Building Board of  
16           Appeals pursuant to the procedures set forth in §§ 2.48.070 through 2.48.080.

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19                                   **Title 7 – BUSINESS LICENSE**  
20                                   **Chapter 7.40 – Peddlers, Hawkers and Itinerant Merchants**

21  
22           **Section 7.40.060 - License—Appeals.**

23           ~~If an application is denied, suspended, or revoked, the Department shall set forth the~~  
24           ~~reasons in writing and a copy of the decision shall be provided to the applicant. The~~  
25           ~~decision of the Department to grant, deny, suspend, or revoke any license under this chapter~~  
26           ~~shall be final, unless a person aggrieved by the decision files a written appeal of the decision~~  
27           ~~with the Building Board of Appeals within fifteen days after the date of the decision, setting~~  
28           ~~forth the grounds of the appeal. The decision of the Department shall be reversed only upon~~  
29           ~~a determination that the decision was arbitrary or capricious. The decision of the~~  
30           ~~Department shall not be stayed by the filing of any appeal.~~

31           A person who receives an order, decision, or determination regarding the administration  
32           of this chapter may appeal to the Building Board of Appeals pursuant to §§ 2.48.070  
33           through 2.48.080.

**Title 10 - HEALTH AND SAFETY**  
**Chapter 10.16 - SOLID WASTE**  
**Article IX - Enforcement**

**Section 10.16.310 Appeals.**

~~A person aggrieved in the administration of this chapter may direct a written appeal to the Building Board of Appeals.~~

~~1. The written notice of appeal shall be filed with the Director of Planning and Zoning within fifteen days after the date of the determination.~~

~~2. Appeals of any order by the Building Board of Appeals shall be noted to the Circuit Court for Anne Arundel County in accordance with the Maryland Rules of Procedure.~~

A person who receives an order, decision, or determination regarding the administration of this chapter may appeal to the Building Board of Appeals pursuant to §§ 2.48.070 through 2.48.080.

**Title 14 - STREETS, SIDEWALKS, PUBLIC PLACES,**  
**AND SMALL CELL SYSTEMS**  
**Chapter 14.12 - Trees**

**Section 14.12.210 - Appeals.**

~~A person aggrieved by an order from the department may appeal to the Building Board of Appeals within fifteen calendar days of receipt of the order, per Section 17.12.130. The petition for appeal shall be in writing and shall state the grounds for appeal. The scheduling of the hearing and the rendering of the decision shall be expedited if warranted by the circumstances. The board may affirm, rescind or modify the order, in its discretion, to conform the order to the intent of this chapter.~~

A person who receives an order, decision, or determination regarding the administration of this chapter may appeal to the Building Board of Appeals pursuant to §§ 2.48.070 through 2.48.080.

1 Title 17 - BUILDINGS AND CONSTRUCTION  
2 Chapter 17.05 - Building Code

3 **Section 17.05.130 - Appeals; judicial review**Notice of Violation, Citations, Appeals.

4 ~~A. Appeal from Order Made Pursuant to this Chapter. A person aggrieved by an order of the~~  
5 ~~Director or the Director's designee made pursuant to this chapter, other than the issuance of~~  
6 ~~a municipal citation or the charging of a misdemeanor, may appeal to the Building Board of~~  
7 ~~Appeals within fifteen calendar days of the date of the order. A notice of appeal shall be in~~  
8 ~~writing, state the grounds for the appeal, and be filed with the Department of Planning and~~  
9 ~~Zoning, along with a nonrefundable fee in an amount established by resolution of the City~~  
10 ~~Council. The right to appeal is waived if the notice of appeal is not timely filed.~~

11 ~~B. Building Board of Appeals. The Building Board of Appeals shall consider the appeal based~~  
12 ~~on the information provided to the Department of Planning and Zoning at the time of the~~  
13 ~~order from which the appeal is taken. If the Board finds that the order was in error or~~  
14 ~~contrary to the provisions of this Code or other applicable law, the Board may reverse or~~  
15 ~~modify the order. The decision of the Board on all appeals shall be in writing and shall~~  
16 ~~contain the factual findings of the Board and the reasons for the decision.~~

17 ~~C. Judicial Review. A person aggrieved by a decision of the Building Board of Appeals may~~  
18 ~~file, as an exclusive remedy, a petition for judicial review in the Circuit Court for Anne~~  
19 ~~Arundel County pursuant to Title 7, Chapter 200, as amended. For purposes of this~~  
20 ~~subsection, a person is not aggrieved unless the person appeared as a party at the hearing~~  
21 ~~before the Board.~~

22 ~~D. Building Code Appeals Superseded. The appeal process in this section supersedes the~~  
23 ~~appeal process contained in the adopted building codes.~~

24 A. **Violation Notice and Citations.** Violations of this chapter may result in either a notice  
25 of violation or issuance of a municipal citation pursuant to §17.05.130.

26 B. **Appeals.** Persons who are aggrieved by orders, decisions, and determinations regarding  
27 the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

28  
29  
30 Title 17 - BUILDINGS AND CONSTRUCTION  
31 Chapter 17.07 - Illicit Discharge and Connection Stormwater

32 **Section 17.07.140** ~~Appeal of notice of violation.~~Notice of Violation, Citations,  
33 Appeals.

34 ~~Any person who receives a notice of violation may appeal that violation by submitting a~~  
35 ~~written notice of appeal to the City Manager within fifteen days of the date of the notice of~~

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1 violation. A hearing on the appeal before the City Manager or his or her designee shall take place  
2 within fifteen days from the date of receipt of the notice of appeal. The decision of the City  
3 Manager or his or her designee shall be final.

4 A. Violation Notice and Citations. Violations of this chapter may result in either a notice  
5 of violation or issuance of a municipal citation pursuant to §17.05.130.

6 B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding  
7 the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

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9  
10 **Title 17 - BUILDINGS AND CONSTRUCTION**  
11 **Chapter 17.08 - Grading, Erosion and Sediment Control**  
12

13 **Section 17.08.250 - Appeals.**Notice of Violation, Citations, Appeals.

14 A. ~~A person aggrieved by an order from the Director or the Director's designee made~~  
15 ~~pursuant to this chapter, other than the issuance of a municipal citation or the charging~~  
16 ~~of a misdemeanor, may appeal to the Building Board of Appeals within fifteen~~  
17 ~~calendar days of the date of the order. The petition for appeal shall be in writing stating~~  
18 ~~the grounds for appeal and shall be filed with the Department of Planning and Zoning~~  
19 ~~along with a nonrefundable fee in an amount established by the City Council. Any~~  
20 ~~right to appeal shall be waived if not timely filed.~~

21 B. ~~The Building Board of Appeals shall consider the appeal based upon the information~~  
22 ~~provided to the Department of Planning and Zoning at the time of the order from which~~  
23 ~~the appeal is taking. If the Board finds that the order was in error or contrary to the~~  
24 ~~provisions of this code or other applicable law, the Board may reverse or modify the~~  
25 ~~order. The decision of the Board on all appeals shall be in writing and shall contain the~~  
26 ~~factual findings of the Board and the reasons for the decision.~~

27 C. ~~A person aggrieved by a decision of the Building Board of Appeals made pursuant to~~  
28 ~~this section may appeal that decision to the circuit court for Anne Arundel County~~  
29 ~~pursuant to Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this~~  
30 ~~subsection, a person shall not be considered aggrieved by a decision of the Board~~  
31 ~~unless the person has appeared as a party at the hearing before the Board. An appeal~~  
32 ~~under this section shall be taken within thirty days of the date of the decision appealed~~  
33 ~~and shall be the exclusive remedy of the aggrieved party from that decision.~~

34 A. Violation Notice and Citations. Violations of this chapter may result in either a notice  
35 of violation or issuance of a municipal citation pursuant to §17.05.130.

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1 B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding  
2 the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.  
3  
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5 **Title 17 - BUILDINGS AND CONSTRUCTION**  
6 **Chapter 17.09 - Trees in Development Areas**  
7

8 **Section 17.09.130 – Waiver or modification.**

- 9 A. The Director of Planning and Zoning, may waive or modify the minimum requirements  
10 set forth in this chapter if it can be demonstrated by the applicant that:
- 11 1. Special practices may be undertaken ~~which~~that will meet the intent of this chapter  
12 but not the minimum requirements as strictly interpreted; or
  - 13 2. Special circumstances ~~exist which~~ prevent the applicant from meeting the  
14 minimum requirements as strictly interpreted.
- 15 B. The Director of Planning and Zoning may not waive or modify, ~~under the provisions of~~  
16 ~~this section,~~ any existing City or State requirements under the provisions of this  
17 section.
- 18 C. ~~Any applicant aggrieved by refusal to grant a waiver or modification of any of the~~  
19 ~~requirements of this chapter by the Director of Planning and Zoning may appeal the~~  
20 ~~decision to the Building Board of Appeals within fifteen working days of the decision.~~

21  
22 **Section 17.09.140 - Enforcement—Violation.**

- 23 A. ~~Enforcement. The administration and enforcement of this chapter shall be the~~  
24 ~~responsibility of the Department of Planning and Zoning.~~
- 25 B. ~~Violation. Violation of this chapter may be cause for the developer to be required to~~  
26 ~~stop work until a satisfactory resolution is established by the Department of Planning~~  
27 ~~and Zoning and the developer.~~
- 28 C. ~~Penalties. Any developer who violates this chapter is guilty of a municipal infraction~~  
29 ~~and is subject to a fine as established by resolution of the City Council. The~~  
30 ~~unapproved removal of a single tree constitutes a single violation and each day a~~  
31 ~~violation continues without abatement or mitigation will be considered a separate~~  
32 ~~violation with fines as established by resolution of the City Council. If any trees shown~~  
33 ~~to be preserved on the approved plan subsequently are removed or are dead or dying~~  
34 ~~because of acts of negligence by a developer, this shall be considered a violation and~~  
35 ~~fines shall be assessed. The developer shall replace the trees, or the developer shall be~~

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1 assessed a fee in lieu. The size, species and quantity of replacement trees or fee in lieu  
2 shall be specified by the Department of Planning and Zoning and shall be consistent  
3 with Section 17.09.070(C). If necessary, off-site locations identified by the Department  
4 may be utilized if there are constraints on the site. Replacement shall be within a time  
5 frame specified by the Department of Planning and Zoning.

6 ~~D. Replacement Trees. In addition to any other penalty or requirement that may be~~  
7 ~~imposed under this section, if any trees shown to be preserved on the approved plan~~  
8 ~~subsequently are removed or are dead or dying because of acts of negligence by a~~  
9 ~~developer, they shall be replaced by the developer. The size, species and quantity of~~  
10 ~~replacement trees shall be specified by the Department of Planning and Zoning based~~  
11 ~~upon Section 17.09.070(C). The quantity shall be dictated by the constraints of the site.~~  
12 ~~Replacement shall be within a time frame specified by the Department of Planning and~~  
13 ~~Zoning.~~

14 ~~E. Appeals. The Building Board of Appeals shall consider appeals from the provisions of~~  
15 ~~this chapter from the determination of the Director of Planning and Zoning in the~~  
16 ~~manner specified in the Building Code. The Board may make determinations of~~  
17 ~~alternative methods, standards or materials when, in its opinion, strict compliance with~~  
18 ~~this chapter is unnecessary. The provisions of this subsection shall not apply to any~~  
19 ~~municipal citation issued pursuant to section.~~

20 A. Enforcement. The Department of Planning and Zoning shall administer and enforce this  
21 chapter.

22 B. Violation. The Department may require the developer to stop work for violation of this  
23 chapter until a satisfactory resolution is established by the Department and the developer.

24 C. Penalties. Any developer who violates this chapter is guilty of a municipal infraction and  
25 is subject to a fine as established by resolution of the City Council.

26 1. The unapproved removal of a single tree constitutes a single violation, and each  
27 day a violation continues without abatement or mitigation will be considered a  
28 separate violation with fines as established by resolution of the City Council.

29 2. If any trees shown to be preserved on the approved plan are subsequently  
30 removed or are dead or dying because of a developer's negligence, this shall be  
31 considered a violation, and fines shall be assessed.

32 3. The trees shall be replaced by the developer, or the developer shall be assessed a  
33 fee in lieu.

34 4. The Planning and Zoning Department shall specify 1) the size, species, and  
35 quantity of replacement tree, or 2) the fee in lieu of planting trees pursuant to §  
36 17.09.070(C).

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1 5. Off-site locations identified by the department may be utilized if the site is  
2 constrained.

3 6. Replacement shall be within a time frame specified by the Planning and Zoning  
4 Department.

5 **D. Replacement Trees.** In addition to any other penalty or requirement that may be imposed  
6 under this section, if any trees shown to be preserved on the approved plan are removed  
7 subsequently or are dead or dying because of a developer's negligence, the developer  
8 shall replace them.

9 1. The size, species and quantity of replacement trees shall be specified by the  
10 Department of Planning and Zoning based upon § 17.09.070(C).

11 2. The quantity shall be dictated by the constraints of the site.

12 3. Replacement shall be within a time frame specified by the Planning and Zoning  
13 Department.

14 **E. Notice of Violation, Citations, Appeals**

15 1. Violation Notice and Citations. Violations of this chapter may result in either a  
16 notice of violation or issuance of a municipal citation pursuant to §17.05.130.

17 2. Appeals. Persons who are aggrieved by orders, decisions, and determinations  
18 regarding the administration of this chapter may appeal pursuant to §§ 2.48.070  
19 through 2.48.080.

22 **Title 17 - BUILDINGS AND CONSTRUCTION**

23 **Chapter 17.11 - Floodplain Management**

24  
25 **Section 17.11.320 - Use and interpretation of ~~FIRMs~~Flood Insurance Rate Maps**  
26 **(~~FIRMs~~).**

27 ~~The floodplain administrator shall make interpretations, where needed, as to the exact~~  
28 ~~location of Special Flood Hazard Areas, Floodplain Boundaries, and Floodway Boundaries.~~  
29 ~~The following shall apply to the use and interpretation of FIRMs and data:~~

30 ~~(A) Where field surveyed topography indicates that ground elevations:~~

31 ~~(1) Are below the base flood elevation, even in areas not delineated as a special~~  
32 ~~flood hazard area on a FIRM, the area shall be considered as special flood hazard~~  
33 ~~area and subject to the requirements of this chapter;~~

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- 1           (2) ~~Are above the base flood elevation, the area shall be regulated as special flood~~  
2           ~~hazard area unless the applicant obtains a letter of map change that removes the~~  
3           ~~area from the special flood hazard area.~~
- 4           (B) ~~In FEMA-identified special flood hazard areas where base flood elevation and~~  
5           ~~floodway data have not been identified and in areas where FEMA has not~~  
6           ~~identified special flood hazard areas, any other flood hazard data available from a~~  
7           ~~Federal, State, or other source shall be reviewed and reasonably used.~~
- 8           (C) ~~Base flood elevations and designated floodway boundaries on FIRMs and in FISs~~  
9           ~~shall take precedence over base flood elevations and floodway boundaries by any~~  
10           ~~other sources if such sources show reduced floodway widths and/or lower base~~  
11           ~~flood elevations.~~
- 12           (D) ~~Other sources of data shall be reasonably used if such sources show increased~~  
13           ~~base flood elevations and/or larger floodway areas than are shown on FIRMs and~~  
14           ~~in FISs.~~
- 15           (E) ~~If a preliminary flood insurance rate map and/or a preliminary flood insurance~~  
16           ~~study has been provided by FEMA:~~
- 17           (1) ~~Upon the issuance of a letter of final determination by FEMA, if the preliminary~~  
18           ~~flood hazard data is more restrictive than the effective data, it shall be used and~~  
19           ~~shall replace the flood hazard data previously provided from FEMA for the~~  
20           ~~purposes of administering this chapter.~~
- 21           (2) ~~Prior to the issuance of a letter of final determination by FEMA, the use of~~  
22           ~~preliminary flood hazard data shall be deemed the best available data pursuant to~~  
23           ~~Section 17.11.050(c) and used where no base flood elevations and/or floodway~~  
24           ~~areas are provided on the effective FIRM.~~
- 25           (3) ~~Prior to issuance of a letter of final determination by FEMA, the use of~~  
26           ~~preliminary flood hazard data is permitted where the preliminary base flood~~  
27           ~~elevations, floodplain or floodway boundaries exceed the base flood elevations~~  
28           ~~and/or designated floodway widths in existing flood hazard data provided by~~  
29           ~~FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.~~
- 30           (F) ~~If a dispute arises concerning any district boundary, an initial determination shall be~~  
31           ~~made by the Floodplain Administrator. The applicant aggrieved by this decision may~~  
32           ~~appeal to the Building Board of Appeals within thirty calendar days of the decision.~~  
33           ~~The burden of proof is on the appellant. The appeal shall be accompanied by a~~  
34           ~~nonrefundable fee as established by resolution of the City Council. The Floodplain~~  
35           ~~Administrator shall schedule a hearing within thirty calendar days after the filing of the~~  
36           ~~appeal and shall notify the appellant of the hearing date.~~
- 37           A. **Boundary Oversight.** The Floodplain Administrator shall interpret, where needed, the  
38           exact location of Special Flood Hazard Areas, Floodplain Boundaries, and Floodway  
39           Boundaries.

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1 **B. Flood Insurance Rate Map (FIRM) Boundaries.** The following shall apply to the use  
2 and interpretation of a Flood Insurance Rate Map (FIRM) and data:

- 3 1. Areas where ground elevations are found to be below the base flood elevation,  
4 even if they are not identified as special flood hazard areas on FIRM, will be  
5 considered special flood hazard areas and will be subject to the regulations  
6 outlined in this chapter.
- 7 2. For areas where ground elevations are above the base flood elevation, they will be  
8 treated as special flood hazard areas unless the applicant obtains a letter of map  
9 change that removes the area from the special flood hazard designation.

10 **C. Data Sources.**

- 11 1. Other flood hazard data available from a Federal, State, or other source shall be  
12 reviewed and reasonably used in:
- 13 a. Federal Emergency Management Agency (FEMA)-identified special flood  
14 hazard areas where base flood elevation and floodway data have not been  
15 identified; and
- 16 b. In areas where FEMA has not identified special flood hazard areas.
- 17 2. Base flood elevations and designated floodway boundaries on FIRMs and in FISs  
18 shall take precedence over base flood elevations and floodway boundaries by any  
19 other sources if such sources show reduced floodway widths and/or lower base  
20 flood elevations.
- 21 3. Other sources of data shall be reasonably used if such sources show increased  
22 base flood elevations and/or larger floodway areas than are shown on FIRMs and  
23 in FISs.

24 **D. FEMA Data.** If a preliminary flood insurance rate map and/or a preliminary flood  
25 insurance study has been provided by FEMA:

- 26 1. Upon the issuance of a letter of final determination by FEMA, if the preliminary  
27 flood hazard data is more restrictive than the effective data, it shall be used and  
28 shall replace the flood hazard data previously provided by FEMA for the purposes  
29 of administering this chapter.
- 30 2. Prior to the issuance of a letter of final determination by FEMA,
- 31 a. The use of preliminary flood hazard data shall be deemed the best  
32 available data pursuant to § 17.11.050(c) and used where no base flood  
33 elevations and/or floodway areas are provided on the effective FIRM.
- 34 b. The use of preliminary flood hazard data is permitted where the  
35 preliminary base flood elevations, floodplain or floodway boundaries

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1 exceed the base flood elevations and/or designated floodway widths in  
2 existing flood hazard data provided by FEMA.

3 c. Such preliminary data may be subject to change and appeal to FEMA.

4 **E. Disputes.**

- 5 1. If a dispute arises concerning any district boundary, an initial determination shall  
6 be made by the Floodplain Administrator
- 7 2. The applicant aggrieved by this decision may appeal to the Building Board of  
8 Appeals pursuant to §§ 2.48.070 through 2.48.080.
- 9 3. The burden of proof is on the appellant.
- 10 4. The Floodplain Administrator shall schedule a hearing within thirty calendar days  
11 after the filing of the appeal and shall notify the appellant of the hearing date.

12 **F. Notice of Violation, Citations.**

13 **Violation Notice and Citations.** Violations of this chapter may result in either a  
14 notice of violation or issuance of a municipal citation pursuant to §17.05.130.

15  
16  
17 **Section 17.11.390 - Appeals.** **Notice of Violation, Citations, Appeals.**

18 ~~(A) A person aggrieved by an order from the Director or the Director's designee made~~  
19 ~~pursuant to this chapter, other than the issuance of a municipal citation or the charging~~  
20 ~~of a misdemeanor, may appeal to the Building Board of Appeals within fifteen~~  
21 ~~calendar days of the date of the order. The petition for appeal shall be in writing stating~~  
22 ~~the grounds for appeal and shall be filed with the Department of Planning and Zoning~~  
23 ~~along with a nonrefundable fee in an amount established by the City Council. Any~~  
24 ~~right to appeal shall be waived if not timely filed.~~

25 ~~(B) The Building Board of Appeals shall consider the appeal based upon the information~~  
26 ~~provided to the Department of Planning and Zoning at the time of the order from which~~  
27 ~~the appeal is taking. If the Board finds that the order was in error or contrary to the~~  
28 ~~provisions of this Code or other applicable law, the Board may reverse or modify the~~  
29 ~~order. The decision of the Board on all appeals shall be in writing and shall contain the~~  
30 ~~factual findings of the Board and the reasons for the decision.~~

31 ~~(C) A person aggrieved by a decision of the Building Board of Appeals made pursuant to~~  
32 ~~this section may appeal that decision to the Circuit Court for Anne Arundel County~~  
33 ~~pursuant to Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this~~  
34 ~~subsection, a person shall not be considered aggrieved by a decision of the Board~~  
35 ~~unless the person has appeared as a party at the hearing before the Board. An appeal~~

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1 under this section shall be taken within thirty days of the date of the decision appealed  
2 and shall be the exclusive remedy of the aggrieved party from that decision.

3 **A. Violation Notice and Citations.** Violations of this chapter may result in either a notice  
4 of violation or issuance of a municipal citation pursuant to §17.05.130.

5 **B. Appeals.** Persons who are aggrieved by orders, decisions, and determinations regarding  
6 the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

7  
8  
9 **Title 17 - BUILDINGS AND CONSTRUCTION**  
10 **Chapter 17.12 - Additional Building Codes**  
11

12 **Section 17.12.210 - Appeals.****Notice of Violation, Citations, Appeals.**

13 A person aggrieved by an order from the department may appeal to the Building  
14 Board of Appeals within fifteen calendar days of receipt of the order, per Section  
15 17.12.130. The petition for appeal shall be in writing and shall state the grounds  
16 for appeal. The scheduling of the hearing and the rendering of the decision shall  
17 be expedited if warranted by the circumstances. The board may affirm, rescind or  
18 modify the order, in its discretion, to conform the order to the intent of this  
19 chapter.

20 **A. Violation Notice and Citations.** Violations of this chapter may result in either a notice  
21 of violation or issuance of a municipal citation pursuant to §17.05.130.

22 **B. Appeals.** Persons who are aggrieved by orders, decisions, and determinations regarding  
23 the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

24  
25  
26 **Title 17 - BUILDINGS AND CONSTRUCTION**  
27 **Chapter 17.14 - Green Buildings: Energy Efficiency and Environmental Design**  
28

29 **Section 17.14.070 - Appeal.****Notice of Violation, Citations, Appeals.**

30 Appeals of a decision by the Director pertaining to this chapter shall be made to the  
31 Building Board of Appeals.

32 **A. Violation Notice and Citations.** Violations of this chapter may result in either a notice  
33 of violation or issuance of a municipal citation pursuant to §17.05.130.

34 **B. Appeals.** Persons who are aggrieved by orders, decisions, and determinations regarding  
35 the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

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1  
2  
3 Title 17 - BUILDINGS AND CONSTRUCTION  
4 Chapter 17.20 - Fire Prevention Code  
5

6 Section 17.20.140 - ~~Appeals to the Building Board of Appeals.~~ Notice of Violation,  
7 Citations, Appeals.

8 A person aggrieved by a decision of the Fire Chief under this chapter may appeal the  
9 decision within thirty days after the decision to the Board of Building Appeals.

10 A. Violation Notice and Citations. Violations of this chapter may result in either a notice  
11 of violation or issuance of a municipal citation pursuant to §17.05.130.

12 B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding  
13 the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.  
14  
15

16 Title 17 - BUILDINGS AND CONSTRUCTION  
17 Chapter 17.22 - Petroleum Storage Facilities  
18

19 Section 17.22.090 - ~~Appeals.~~ Notice of Violation, Citations, Appeals.

20 A. ~~A person aggrieved by an order from the Director or the Director's designee made~~  
21 ~~pursuant to this chapter, other than the issuance of a municipal citation or the charging~~  
22 ~~of a misdemeanor, may appeal to the Building Board of Appeals within fifteen~~  
23 ~~calendar days of the date of the order. The petition for appeal shall be in writing stating~~  
24 ~~the grounds for appeal and shall be filed with the Department of Planning and Zoning~~  
25 ~~along with a nonrefundable fee in an amount established by the City Council. Any~~  
26 ~~right to appeal shall be waived if not timely filed.~~

27 B. ~~The Building Board of Appeals shall consider the appeal based upon the information~~  
28 ~~provided to the Department of Planning and Zoning at the time of the order from which~~  
29 ~~the appeal is taking. If the Board finds that the order was in error or contrary to the~~  
30 ~~provisions of this code or other applicable law, the Board may reverse or modify the~~  
31 ~~order. The decision of the Board on all appeals shall be in writing and shall contain the~~  
32 ~~factual findings of the Board and the reasons for the decision.~~

33 C. ~~A person aggrieved by a decision of the Building Board of Appeals made pursuant~~  
34 ~~to this section may appeal that decision to the circuit court for Anne Arundel County~~  
35 ~~pursuant to Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this~~  
36 ~~subsection, a person shall not be considered aggrieved by a decision of the Board~~  
37 ~~unless the person has appeared as a party at the hearing before the Board. An appeal~~

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1 under this section shall be taken within thirty days of the date of the decision  
2 appealed and shall be the exclusive remedy of the aggrieved party from that  
3 decision.

4 A. Violation Notice and Citations. Violations of this chapter may result in either a notice  
5 of violation or issuance of a municipal citation pursuant to §17.05.130.

6 B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding  
7 the administration of this chapter may appeal pursuant to §§ 2.48.070 though 2.48.080.

8 ~~DC.~~ Notwithstanding any provision in this chapter to the contrary, Violations of the State  
9 Fire Prevention Code shall be appealed through the State Fire Prevention Commission  
10 pursuant to the procedures set forth in State law.

## 11 Title 17 - BUILDINGS AND CONSTRUCTION

### 12 Chapter 17.34 - Fence Permits

#### 13 Section 17.34.020 - Appeals. Notice of Violation, Citations, Appeals.

14 A.— A person aggrieved by a determination or an order of the Director or the Director's  
15 designee made pursuant to this chapter, other than the issuance of a municipal citation,  
16 may appeal to the Building Board of Appeals within fifteen calendar days of the date  
17 of the determination or order. The notice of appeal shall be in writing stating the  
18 grounds for appeal and shall be filed with the Department of Planning and Zoning  
19 along with a nonrefundable fee in an amount established by the City Council. Any  
20 right to appeal shall be waived if not timely filed.

21 B.— Fifteen days' notice of the hearing shall be given to persons or entities owning property  
22 within two hundred feet of the location of the proposed fence or wall that is the subject  
23 of the appeal. Notice shall be by first class mail, and to the general public by a notice  
24 published in a newspaper of general circulation in the City. All required notices shall  
25 be at the appellant's expense.

26 C.— The Building Board of Appeals shall consider the appeal based upon the information  
27 and documentation provided to the Department of Planning and Zoning at the time of  
28 the determination or order from which the appeal is taken. If the Board finds that the  
29 determination or order was in error or contrary to the provisions of this Code or other  
30 applicable law, the Board may reverse or modify the determination or order. The  
31 decision of the Board on all appeals shall be in writing and shall contain the factual  
32 findings of the Board and the reasons for the decision.  
33  
34  
35

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1 D.—A person aggrieved by a decision of the Building Board of Appeals made  
2 pursuant to this section may appeal that decision to the Circuit Court for Anne Arundel  
3 County pursuant to Maryland Rule Title 7, Chapter 200, as may be amended from time to  
4 time. For purposes of this subsection, a person shall not be considered aggrieved by a  
5 decision of the Board unless the person has appeared as a party at the hearing before the  
6 Board. An appeal under this section shall be taken within thirty days of the date of the  
7 decision appealed and shall be the exclusive remedy of the aggrieved party from that  
8 decision.

9 A. Violation Notice and Citations. Violations of this chapter may receive a notice of  
10 violation or citation pursuant to §17.05.130. Each day that a violation continues  
11 constitutes a separate offense.

12 B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding  
13 the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

14  
15 ~~Section 17.34.030 Violations.~~

16 A violation of this section is declared a municipal infraction subject to a civil fine as  
17 established by resolution of the City Council. Each day that a violation continues constitutes a  
18 separate offense.

19  
20 **Title 17 - BUILDINGS AND CONSTRUCTION**  
21 **Chapter 17.40 - Residential Property Maintenance Code**

22 ~~Section 17.40.840 - Correction notice.~~ **Notice of Violation, Citations.**

23 A.—Whenever an inspecting officer has reasonable grounds to believe that there has been a  
24 violation of this chapter, a written notice of the violation shall be made to the owner, or the  
25 owner's agent, or the occupant of the premises upon which a violation exists, setting forth  
26 the specific violation and stating a reasonable time within which the violation must be  
27 corrected. The notice shall advise the owner, agent, operator, or occupant, as the case may  
28 be, of the right to appeal to the Board of Appeals and shall state that unless the condition  
29 violating this chapter is corrected within the time specified, the owner, occupant, or  
30 operator, as the case may be, may be prosecuted for the violation. The notice is properly  
31 served upon the owner, agent, occupant, or operator if a copy is sent by certified mail to the  
32 owner's, agent's, occupant's or operator's last known address, or if a copy of the notice is  
33 posted in a conspicuous place in or about the premises affected by the notice, or if notice is  
34 served by any other method authorized under the laws of this State.

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1 ~~B.—If the Director finds that there has been an unreasonable failure of the licensee to comply~~  
2 ~~with a notice of violation, a license may be suspended and subsequently revoked according~~  
3 ~~to the provisions of Section 17.44.090.~~

4 ~~C.—If the Director finds that the violations constitute any of the defects listed in Section~~  
5 ~~17.40.850(A), then the provisions of that section shall apply as well as the penalties~~  
6 ~~described in Section 17.44.140.~~

7 Violations of this chapter may result in either a notice of violation or issuance of a  
8 municipal citation pursuant to §17.05.130.

9  
10 **Section 17.40.880 - Appeals.**

11 ~~A.—The Building Board of Appeals has jurisdiction to hear and decide appeals from any~~  
12 ~~order, requirement, decision or determination made by the Director of Planning and~~  
13 ~~Zoning or the Director's designee under this chapter, other than the issuance of a~~  
14 ~~municipal citation or the charging of a misdemeanor. The petition for appeal shall be in~~  
15 ~~writing stating the grounds for appeal and shall be filed with the Department of~~  
16 ~~Planning and Zoning along with a nonrefundable fee in an amount established by the~~  
17 ~~City Council. Any right to appeal shall be waived if not timely filed.~~

18 ~~B.—Appeals to the Building Board of Appeals shall be made within the time specified by~~  
19 ~~the Director of Planning and Zoning for correction of the alleged violation, as~~  
20 ~~mentioned in Section 17.40.840, or within ten days from the receipt of notice of~~  
21 ~~violation, suspension or revocation, whichever is the shorter period, by letter addressed~~  
22 ~~to the Board setting forth the order, requirements, decision or determination from~~  
23 ~~which the appeal is taken, and alleging sufficient facts to show an error in the order,~~  
24 ~~requirement, decision or determination, or that compliance with the order, requirement,~~  
25 ~~decision or determination will result in severe and undue hardship unwarranted by the~~  
26 ~~circumstances.~~

27 ~~C.—Within a reasonable time after receiving notice of an appeal, but not less than five~~  
28 ~~days, the chair shall fix a time and place for the hearing of the appeal, and shall send~~  
29 ~~notice of the hearing to the appellant or the appellant's attorney of record.~~

30 ~~D.—In deciding appeals, the Building Board of Appeals shall determine from all of the~~  
31 ~~evidence presented to it, if there is any error in the order, requirement, decision or~~  
32 ~~determination from which the appeal is taken, or if severe and undue hardship will~~  
33 ~~result to the appellant, or others, by enforcement of the order, requirement, decision or~~  
34 ~~determination, not warranted by considerations for the public health, safety and~~  
35 ~~welfare. The Board may reverse, affirm or modify, wholly or partly, the order,~~  
36 ~~requirement, decision or determination appealed from, and may make any further~~  
37 ~~order, requirement, decision or determination as ought to be made upon all of the~~  
38 ~~evidence presented to it.~~

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1 E.— Upon making a final determination, the Building Board of Appeals shall give notice of  
2 the determination to the appellant by the same procedures set forth in Section  
3 17.40.840, and in the event the determination requires some action to be taken by the  
4 appellant, the notice shall state a reasonable time within which the action shall be  
5 taken, and further shall state that unless the action is taken within the time specified,  
6 the appellant will be subject to the penalties provided in Section 17.40.890.

7 F.— A person aggrieved by a decision of the Building Board of Appeals made pursuant to  
8 this section may appeal that decision to the circuit court for Anne Arundel County  
9 pursuant to Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this  
10 subsection, a person shall not be considered aggrieved by a decision of the Board  
11 unless the person has appeared as a party at the hearing before the Board. An appeal  
12 under this section shall be taken within thirty days of the date of the decision appealed  
13 and shall be the exclusive remedy of the aggrieved party from that decision.

14 Persons who are aggrieved by orders, decisions, and determinations regarding the  
15 administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

16  
17 **Section 17.40.890 - Residential housing standards violation. Notice of Violation,**  
18 **Citations, Appeals.**

19 A.— A person served with the notice required by Section 17.40.840 who fails to comply  
20 with the notice is guilty of a municipal infraction and is subject to a fine as established  
21 by resolution of the City Council. If the violation is not corrected fully within the  
22 following five-day period, a second citation may be issued assessing an additional fine  
23 as established by resolution of the City Council. For each successive five-day period  
24 during which the violation is not corrected fully a new citation shall be issued  
25 assessing the fine as established by resolution of the City Council. No citation shall be  
26 issued if an election to stand trial on the original citation has been filed and is pending.  
27 In the event of an appeal to the Building Board of Appeals, no citation for a municipal  
28 infraction shall be issued until the final notice required by Section 17.40.880 first has  
29 been served upon the alleged violator and the time specified in the notice for taking the  
30 required action has expired with the action required by the notice not having been  
31 taken and completed.

32 B.— A person served with notice of violation required by Section 17.40.840 who fails to  
33 comply with the notice according to the schedule specified by the Director of Planning  
34 and Zoning and who has not elected to stand trial on the citation is guilty of a  
35 misdemeanor and on conviction is subject to a fine as established by resolution of the  
36 City Council or imprisonment or both. Each day the violation remains uncorrected  
37 shall be considered a separate offense.

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1 A. **Violation Notice and Citations.** Violations of this chapter may result in either a notice  
2 of violation or issuance of a municipal citation pursuant to §17.05.130.

3 B. **Appeals.** Persons who are aggrieved by orders, decisions, and determinations regarding  
4 the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

5  
6  
7 **Title 17 - BUILDINGS AND CONSTRUCTION**  
8 **Chapter 17.44 - Rental Unit Licenses**  
9

10 **Section 17.44.060 - ~~Complaints, suspension and revocation~~ Revocation, Suspension,**  
11 **Notice to Vacate.**

12 ~~A.— Fraud, misrepresentation, false statement or a material inaccuracy in an application for a~~  
13 ~~rental operator's license discovered after issuance or renewal shall be grounds for immediate~~  
14 ~~revocation of the rental operator's license by the Director.~~

15 ~~B.— If the Police Department makes three or more documented calls for service in a thirty-day~~  
16 ~~period to a premises in response to a complaint of disorderly conduct as defined by Section~~  
17 ~~11.12.010 or disturbing the peace as defined by Section 11.12.020, or if a premises or the~~  
18 ~~licensee of a premises violates any provision of Chapter 17.40 or 17.44, the Director may~~  
19 ~~order the licensee, by written notice sent by certified mail to the licensee's address of record,~~  
20 ~~to show cause before the Building Board of Appeals within thirty days of said notice why~~  
21 ~~the applicable rental operator's license for the premises should not be revoked. If the~~  
22 ~~licensee shall fail to show cause to the satisfaction of the Board within the stipulated time,~~  
23 ~~the Board shall issue an order suspending the rental operator's license and stating the~~  
24 ~~violations in need of correction. If the violations causing the suspension are corrected to the~~  
25 ~~satisfaction of the Director within thirty days of the Board's order of suspension, the~~  
26 ~~suspension imposed under this subsection shall be vacated by the Director.~~

27 ~~C.— A suspension imposed under Subsection B of this section shall expire and, in its place, the~~  
28 ~~rental operator's license shall be revoked thirty days after the order of suspension unless,~~  
29 ~~during that thirty-day period, the violations causing the suspension have been corrected to~~  
30 ~~the satisfaction of the Director. The Director shall send to the licensee written notice by~~  
31 ~~certified mail of any such revocation. The notice shall inform the licensee of the right to~~  
32 ~~appeal the revocation pursuant to Section 17.44.100 and shall set forth the grounds for the~~  
33 ~~revocation.~~

34 ~~D.— A rental operator's license revoked pursuant to either Subsection A or C of this section shall~~  
35 ~~not be revalidated or renewed. However, nothing contained herein shall preclude a person~~  
36 ~~from filing an application for a new rental operator's license for such premises pursuant to~~  
37 ~~this chapter.~~

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- 1 ~~E.—The Department, under the direction of the Director, shall enforce the provisions of this~~  
2 ~~section. Upon receipt of a complaint under this section or a recommendation by the Chief of~~  
3 ~~Police to take action under this section, the Director or his or her designee shall obtain such~~  
4 ~~information as necessary to determine whether to proceed under Subsection B of this~~  
5 ~~section.~~
- 6 ~~F.—If any persons, other than the licensee, are occupying the premises at the time of a~~  
7 ~~suspension or revocation of a rental operator's license, the Director shall post a notice on the~~  
8 ~~front door of the premises indicating that all persons, other than the licensee must vacate as~~  
9 ~~of the date of the posting of the notice. At any time after the posting of the notice, the~~  
10 ~~licensee or local property manager shall permit an inspection of the premises by the~~  
11 ~~Department to verify the premises has been vacated.~~
- 12 ~~G.—A person who violates this section is guilty of a municipal infraction and subject to a fine~~  
13 ~~set by resolution of the City Council.~~
- 14 **A. Revocation.**
- 15 1. If fraud, misrepresentation, false statements, or material inaccuracies are  
16 discovered in an application for a rental operator's license after it has been issued  
17 or renewed, the Director has the authority to immediately revoke the license.
- 18 2. A rental operator's license that is revoked under Subsection A(1) or C of this  
19 section cannot be revalidated or renewed.
- 20 3. However, this does not prevent an individual from applying for a new rental  
21 operator's license for the same premises according to this chapter.
- 22 **B. Show-Cause Order.**
- 23 1. The Director may issue a show-cause order to the licensee if:
- 24 a. The Police Department makes three or more documented calls for service  
25 in a 30-day period to the premises in response to a complaint of:
- 26 i. Disorderly conduct as defined by § 11.12.010
- 27 ii. Disturbing the peace as defined by §11.12.020; or
- 28 b. If a premises or the licensee of a premises violates any provision of §  
29 17.40 or § 17.44.
- 30 2. The order shall be by written notice sent by certified mail to the licensee's address  
31 of record
- 32 3. The licensee shall show cause before the Building Board of Appeals within 30  
33 calendar days of the notice why the applicable rental operator's license for the  
34 premises should not be revoked

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1 4. If the licensee fails to show cause to the satisfaction of the Board within the  
2 stipulated time, the Board shall issue an order suspending the rental operator's  
3 license and stating the violations in need of correction.

4 5. If the violations causing the suspension are corrected to the satisfaction of the  
5 Director within 30 calendar days of the Board's order of suspension, the  
6 suspension imposed under this subsection shall be vacated by the Director.

7 **C. Suspension.**

8 1. A suspension imposed under Subsection B of this section shall expire and, in its  
9 place, the rental operator's license shall be revoked 30 calendar days after the  
10 order of suspension unless, during that 30-day period, the violations causing the  
11 suspension have been corrected to the satisfaction of the Director.

12 2. The Director shall send to the licensee written notice by certified mail of any such  
13 revocation.

14 3. The notice shall inform the licensee of the right to appeal the revocation pursuant  
15 to § 17.44.100 and shall set forth the grounds for the revocation.

16 **D. Enforcement.**

17 1. The Department, under the direction of the Director, shall enforce the provisions  
18 of this section.

19 2. Upon receipt of a complaint under this section or a recommendation by the Chief  
20 of Police to take action under this section, the Director or his or her designee shall  
21 obtain such information as necessary to determine whether to proceed under  
22 Subsection B of this section.

23 **E. Notice to Vacate.**

24 1. If a rental operator's license is suspended or revoked and there are individuals,  
25 other than the licensee, occupying the premises at that time, the Director will  
26 place a notice on the building's front door.

27 2. This notice will inform all occupants, except for the licensee, that they must leave  
28 the premises as of the notice's posting date.

29 3. Following the notice's posting, the licensee or the local property manager must  
30 allow the Department to inspect the premises to ensure it has been vacated.

31  
32 **Section 17.44.100 - Appeals. Notice of Violation, Citations, Appeals.**

33 ~~Any person aggrieved by a decision of the Director to deny issuance, deny~~  
34 ~~renewal, suspend or revoke a rental operator's license may appeal the decision to~~  
35 ~~the Building Board of Appeals according to the provisions of Section 17.40.880.~~

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1 **A. Violation Notice and Citations.** Violations of this chapter may result in either a notice  
2 of violation or issuance of a municipal citation pursuant to §17.05.130.

3 **B. Appeals.** Persons who are aggrieved by orders, decisions, and determinations regarding  
4 the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

5  
6  
7 **Title 17 - BUILDINGS AND CONSTRUCTION**  
8 **Chapter 17.48 - Nonresidential Property Maintenance**  
9 **Article IV - Enforcement**  
10

11 ~~**Section 17.48.290 – Notice to correct – Issuance.**~~

12 ~~Whenever the Director of Planning and Zoning determines that there are reasonable~~  
13 ~~grounds to believe that there has been a violation of this chapter or of any rule or regulation~~  
14 ~~adopted pursuant to this chapter, the Director shall give notice of the alleged violation to the~~  
15 ~~owner or an agent as provided in this section. The notice:-~~

16 ~~A. Shall be by certified mail;-~~

17 ~~B. Shall include a statement of the reasons why it is being issued;-~~

18 ~~C. Shall allow a reasonable time for the performance of any act it requires;-~~

19 ~~D. Shall be served upon the owner or an agent of the owner by certified mail, as the case~~  
20 ~~may require; provided, that the notice shall be deemed to be served properly upon the owner~~  
21 ~~or agent if a copy of the notice is served upon the owner or agent personally, or if a copy is~~  
22 ~~sent by certified mail to the last known address of the owner or agent, or if a copy is posted~~  
23 ~~in a conspicuous place in or about the premises affected by the notice, or if the owner or~~  
24 ~~agent is served with the notice by any other method authorized under the laws of this State;-~~

25 ~~E. May contain an outline of remedial action which if taken will effect compliance with this~~  
26 ~~chapter and with rules and regulations adopted pursuant to this chapter.-~~

27 A person who violates this chapter is guilty of a municipal infraction and is subject to a fine  
28 set by resolution of the City Council.

29  
30 ~~**Section 17.48.300 Violation Notice – Appeal.**~~ **Violation Notice, Citations, Appeals.**

31 ~~A. The Board of Appeals also shall be the adjudicatory body for hearing appeals from~~  
32 ~~the provisions of this chapter.~~

33 ~~B. A person aggrieved by any notice or order which has been issued in connection with~~  
34 ~~the enforcement of this chapter may appeal the matter to the Board of Appeals. The~~

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1 appellant, within ten days after service of a notice or order, shall file in the Office of  
2 the Director of Planning and Zoning a signed written notice of appeal, requesting a  
3 hearing and setting forth a brief statement of the reasons for the hearing. Upon  
4 receipt of the notice of appeal, the Director shall notify the Board. The Board shall  
5 set a time and place for the hearing and shall give the appellant and the Director  
6 notice of the hearing. The Board shall file the decision on an appeal within forty five  
7 days following the conclusion of the hearing on the appeal.

8 C.—After the hearing the Board may affirm, amend, modify or withdraw the notice or  
9 order from which an appeal was taken. The decision of the Board constitutes an  
10 order and any person who fails, refuses or neglects to comply with any order is  
11 guilty of violating this chapter.

12 D.—The decision of the Board in all cases shall be final, except, that any appellant or  
13 party directly aggrieved by a decision of the Board, within thirty days after the  
14 rendering of the decision, may appeal to the circuit court for the County. The  
15 findings of fact of the Board shall be conclusive and judicial review shall be limited  
16 solely to errors of law and questions of constitutionality. The decision of the Board  
17 in any case on appeal shall be stayed pending a decision of the court.

18 A. Violation Notice and Citations. Violations of this chapter may result in either a notice  
19 of violation or issuance of a municipal citation pursuant to §17.05.130.

20 B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding  
21 the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

## 22

### 23 Section 17.48.320 - Unsafe structures—Condemnation.

24 The designation of nonresidential structures as unsafe structures and the procedure for  
25 the condemnation and placarding of these nonresidential buildings shall be carried out in  
26 compliance with the following requirements:

27 A.—Defects Requiring Condemnation. Any nonresidential building which is found to  
28 have any of the following defects shall be condemned as an unsafe structure and  
29 shall be so designated by the Director of Planning and Zoning:

- 30 1.—One which is damaged, decayed, dilapidated, insanitary, unsafe, or vermin-  
31 infested so that it creates a serious hazard to the health or safety of the occupants  
32 or of the public;
- 33 2.—One which lacks illumination, ventilation, or sanitation facilities adequate to  
34 protect the health or safety of the occupants or the public;
- 35 3.—One which, because of its general condition, is insanitary or otherwise  
36 dangerous to the health or safety of the occupants or the public.  
37

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1  
2 ~~A nonresidential building designated as unsafe due to a fire, storm, or other~~  
3 ~~structural compromise shall be placarded by the Fire Chief or Fire Chief's~~  
4 ~~designee. The placard shall have the full authority described in this section.~~

5 ~~B. Vacation — Correction — Placard Removal. Any nonresidential building~~  
6 ~~condemned as an unsafe structure, and so designated and placarded, shall be~~  
7 ~~vacated within a reasonable time as ordered by the Director of Planning and~~  
8 ~~Zoning. The Director shall authorize removal of the placard when the defects~~  
9 ~~upon which the condemnation and placarding action were based have been~~  
10 ~~eliminated.~~

11 ~~C. No person shall deface or remove the placard from any nonresidential building~~  
12 ~~which has been condemned and placarded as an unsafe structure, except as~~  
13 ~~provided in Subsection B of this section.~~

14 ~~D. A person aggrieved by a notice or order relating to the condemning and~~  
15 ~~placarding of a nonresidential structure as an unsafe structure may appeal the~~  
16 ~~notice or order to the Building Board of Appeals, under the procedure set forth in~~  
17 ~~Section 17.48.360.~~

18 **A. Defects Requiring Condemnation.** The process for designating nonresidential structures  
19 as unsafe and the procedure for their condemnation and placarding shall follow these  
20 requirements:

21 1. A nonresidential building will be condemned as an unsafe structure and  
22 designated as such by the Director of Planning and Zoning if it is found to have  
23 any of the following defects:

24 a. Damage, decay, dilapidation, unsanitary conditions, safety hazards, or  
25 vermin infestation that creates a serious hazard to the health or safety of  
26 occupants or the public;

27 b. Inadequate illumination, ventilation, or sanitation facilities that fail to  
28 protect the health or safety of occupants or the public; and

29 c. A general condition that is unsanitary or otherwise hazardous to the health  
30 or safety of occupants or the public.

31 2. A nonresidential building deemed unsafe due to fire, storm, or other structural  
32 damages will be placarded by the Fire Chief or the Fire Chief's designee. The  
33 placard will carry the full authority as described in these requirements.

34 **B. Notice to Vacate, Correction, Placard Removal.**

35 1. Any nonresidential building condemned as an unsafe structure and so designated  
36 and placarded shall be vacated within a reasonable time as ordered by the Director  
37 of Planning and Zoning.

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- 1           2. The Director shall authorize removal of the placard when the defects upon which  
2           the condemnation and placarding action were based have been eliminated.
- 3           3. No person shall deface or remove the placard from any nonresidential building  
4           that has been condemned and placarded as an unsafe structure.

5

6 **Section 17.48.350 - ~~Non-residential property maintenance violation.~~ Notice of Violation,**  
7 **Citations, Appeals.**

8           ~~A person who violates this chapter is guilty of a municipal infraction and is subject to a~~  
9           ~~fine as established by resolution of the City Council; provided, that no citation for a~~  
10           ~~municipal infraction shall be issued until the notice required by Section 17.48.290 first has~~  
11           ~~been served upon the alleged violator and the time specified in the notice for correction of~~  
12           ~~the violation has expired with no appeal to the Building Board of Appeals having been~~  
13           ~~taken and with the condition in violation of this chapter not having been corrected. In the~~  
14           ~~event of an appeal to the Building Board of Appeals, no citation for a municipal infraction~~  
15           ~~shall be issued until notice of the decision of the Building Board of Appeals first has been~~  
16           ~~served upon the alleged violator and the time specified in the notice for taking the required~~  
17           ~~action has expired with the action required by the notice not having been taken or~~  
18           ~~completed. A continuing violation of the same provision of this chapter constitutes a~~  
19           ~~separate violation for each day in which the condition is allowed to exist after the expiration~~  
20           ~~of the time specified in the notice given by the Director of the Department of Planning and~~  
21           ~~Zoning or the Building Board of Appeals, whichever is later.~~

22           A. **Violation Notice and Citations.** Violations of this chapter may result in either a notice  
23           of violation or issuance of a municipal citation pursuant to §17.05.130.

24           B. **Appeals.** Persons who are aggrieved by orders, decisions, and determinations regarding  
25           the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

26

27 **Section 17.48.360—Appeals.**

28           ~~A.—A person aggrieved by an order from the Director or the Director's designee made~~  
29           ~~pursuant to this chapter, other than the issuance of a municipal citation or the charging~~  
30           ~~of a misdemeanor, may appeal to the Building Board of Appeals within fifteen~~  
31           ~~calendar days of the date of the order. The petition for appeal shall be in writing stating~~  
32           ~~the grounds for appeal and shall be filed with the Department of Planning and Zoning~~  
33           ~~along with a nonrefundable fee in an amount established by the City Council. Any~~  
34           ~~right to appeal shall be waived if not timely filed.~~

35           ~~B.—The Building Board of Appeals shall consider the appeal based upon the information~~  
36           ~~provided to the Department of Planning and Zoning at the time of the order from which~~  
37           ~~the appeal is taking. If the Board finds that the order was in error or contrary to the~~

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1 provisions of this code or other applicable law, the Board may reverse or modify the  
2 order. The decision of the Board on all appeals shall be in writing and shall contain the  
3 factual findings of the Board and the reasons for the decision.

4 ~~C. A person aggrieved by a decision of the Building Board of Appeals made pursuant to  
5 this section may appeal that decision to the circuit court for Anne Arundel County  
6 pursuant to Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this  
7 subsection, a person shall not be considered aggrieved by a decision of the Board  
8 unless the person has appeared as a party at the hearing before the Board. An appeal  
9 under this section shall be taken within thirty days of the date of the decision appealed  
10 and shall be the exclusive remedy of the aggrieved party from that decision.~~

11  
12  
13 **Title 17 - BUILDINGS AND CONSTRUCTION**  
14 **Chapter 17.52 - Facilities for the Disabled**  
15

16 **Section 17.52.040 - Violations — Appeals.** Notice of Violation, Citations, Appeals.

17 A. ~~A person aggrieved by an order from the Director issues pursuant to this chapter, other  
18 than the issuance of a municipal citation, may appeal to the Building Board of Appeals  
19 within fifteen calendar days of the date of the order. The petition for appeal shall be in  
20 writing stating the grounds for appeal and shall be filed with the Department of  
21 Planning and Zoning along with a nonrefundable fee in an amount established by the  
22 City Council. Any right to appeal shall be waived if not timely filed.~~

23 B. ~~The Building Board of Appeals shall consider the appeal based upon the information  
24 provided to the Department of Planning and Zoning at the time of the order from which  
25 the appeal is taking. If the Board finds that the order was in error or contrary and to the  
26 provisions of the City Code or other applicable law, the Board may reverse or modify  
27 the order. The decision of the Board on all appeals shall be in writing and shall contain  
28 the factual findings of the Board and the reasons for the decision.~~

29 C. ~~A person aggrieved by a decision of the Building Board of Appeals made pursuant to  
30 this section may appeal that decision to the Circuit Court for Anne Arundel County  
31 pursuant to Maryland Rule Title 7, Chapter 200 (or its successor). For purposes of this  
32 subsection, a person shall not be considered aggrieved by a decision of the Board  
33 unless the person has appeared as a party at the hearing before the Board. An appeal  
34 under this section shall be taken within thirty days of the date of the decision appealed  
35 and shall be the exclusive remedy of the aggrieved party from that decision.~~

36 A. Violation Notice and Citations. Violations of this chapter may result in either a notice  
37 of violation or issuance of a municipal citation pursuant to §17.05.130.

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1 B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding  
2 the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

3  
4  
5 **Title 17 - BUILDINGS AND CONSTRUCTION**  
6 **Chapter 17.60 - Signs**  
7

8 **Section 17.60.160 - Sign violation.**

9 ~~A person who violates this chapter is guilty of a municipal infraction and is subject to a fine~~  
10 ~~as established by resolution of the City Council.~~ The failure of a property owner or tenant to  
11 comply with a violation correction order issued by the Director constitutes a single violation for  
12 each day that noncompliance continues.

13 **Section 17.60.170 - ~~Violations~~ Appeal, Notice of Violation, Citations, Appeals.**

14 ~~A. A person aggrieved by an order from the Director issued pursuant to this chapter, other~~  
15 ~~than the issuance of a municipal citation, may appeal to the Building Board of Appeals~~  
16 ~~within fifteen calendar days of the date of the order. The petition for appeal shall be in~~  
17 ~~writing stating the grounds for appeal and shall be filed with the Department of~~  
18 ~~Planning and Zoning along with a nonrefundable fee in an amount established by the~~  
19 ~~City Council. Any right to appeal shall be waived if not timely filed.~~

20 ~~B. The Building Board of Appeals shall consider the appeal based upon the information~~  
21 ~~provided to the Department of Planning and Zoning at the time of the order from which~~  
22 ~~the appeal is taking. If the Board finds that the order was in error or contrary and to the~~  
23 ~~provisions of the City Code or other applicable law, the Board may reverse or modify~~  
24 ~~the order. The decision of the Board on all appeals shall be in writing and shall contain~~  
25 ~~the factual findings of the Board and the reasons for the decision.~~

26 ~~C. A person aggrieved by a decision of the Building Board of Appeals made pursuant to~~  
27 ~~this section may appeal that decision to the Circuit Court for Anne Arundel County~~  
28 ~~pursuant to Maryland Rule Title 7, Chapter 200 (or its successor). For purposes of this~~  
29 ~~subsection, a person shall not be considered aggrieved by a decision of the Board~~  
30 ~~unless the person has appeared as a party at the hearing before the Board. An appeal~~  
31 ~~under this section shall be taken within thirty days of the date of the decision appealed~~  
32 ~~and shall be the exclusive remedy of the aggrieved party from that decision.~~

33 A. **Violation Notice and Citations.** Violations of this chapter may result in either a notice  
34 of violation or issuance of a municipal citation pursuant to §17.05.130.

35 B. **Appeals.** Persons who are aggrieved by orders, decisions, and determinations regarding  
36 the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

37

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1 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
2 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect upon passage.

---

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