

1 **..Title**

2 **Agency Regulations** – For the purpose of establishing a procedure for the adoption of regulations
3 by a City of Annapolis department, board, or commission; requiring public notice; providing an
4 appeal process; and generally relating to City of Annapolis regulations.

5 **..Body**

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

8 **Ordinance 6-21**

9 **Introduced by: Alderman Arnett**
10 **Co-sponsored by:**

11 **Referred to**
12 **Rules and City Government Committee**
13 **90 day Rule: _____**

14 **AN ORDINANCE** concerning

15 **Agency Regulations**

16 **FOR** the purpose of establishing a procedure for the adoption of regulations by a City of
17 Annapolis department, board, or commission; requiring public notice; providing an appeal
18 process; and generally relating to City of Annapolis regulations.

19 **BY** repealing and reenacting with amendments the following portion of the Code of the City
20 of Annapolis, 2021 Edition
21 2.04.090

22 **WHEREAS,** City departments have long had the ability to issue regulations where authorized by
23 the City Council by following a simplistic procedure by digitally posting adopted
24 regulations to the City's website.

25 **WHEREAS,** City departments are moving to adopt regulations with increased frequency.

26 **WHEREAS,** regulations have the force and effect of law, the public has interest in having an
27 opportunity to be heard and to participate in the adoption of regulations and to be
28 sure that its elected representatives play a role in safeguarding their interests.

29 **WHEREAS,** the City Council wishes to establish a more comprehensive procedure to be
30 followed by City departments when adopting regulations.

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

33 **Title 2 – ADMINISTRATION**

1 **Chapter 2.04 - GENERAL ADMINISTRATIVE REGULATIONS**

2 **2.04.090 - Regulations—Adoption and posting on City's website.**

3 A. For purposes of this section the adoption of a regulation refers to the adoption of either a
4 regulation or rule having the force and effect of law. It includes the amendment or repeal of
5 an existing regulation or rule.

6 B. On and after ~~June 1, 2006~~JULY 1, 2021, a department, board or commission may not adopt
7 a regulation unless:

8 1. This code expressly authorizes the adoption of such a regulation, and

9 2. ~~The proposed regulation has been posted on the City's website for at least two weeks~~
10 ~~for public comment. However, in an emergency, and with the approval of the Mayor,~~
11 ~~the posting requirement is waived.~~ THE REGULATION HAS BEEN ADOPTED AS
12 FOLLOWS:

13 (A) THE RELEVANT DEPARTMENT, BOARD OR COMMISSION SHALL
14 PUBLISH ITS PROPOSED REGULATION ON THE CITY'S WEBSITE AND
15 ALLOW FOR NOT LESS THAN 30 DAYS FOR THE PUBLIC TO SUBMIT
16 WRITTEN COMMENTS AND ALL SUBMITTED COMMENTS SHALL BE
17 MADE PUBLICALLY AVAILABLE;

18 (B) UPON PUBLICATION, RELEVANT DEPARTMENT, BOARD OR
19 COMMISSION SHALL ALSO PROVIDE A COPY OF THE PROPOSED
20 REGULATION TO THE CITY COUNCIL RULES AND CITY GOVERNMENT
21 COMMITTEE, OR ANY SUCCESSOR COMMITTEE;

22 (C) THE RELEVANT DEPARTMENT, BOARD OR COMMISSION SHALL HOLD
23 A PUBLIC HEARING FOLLOWING THE CLOSE OF THE PERIOD FOR
24 WRITTEN COMMENTS DURING WHICH PUBLIC TESTIMONY SHALL BE
25 ALLOWED AND THE DEPARTMENT, BOARD OR COMMISSION'S
26 DELIBERATIONS ON THE ADOPTION OF THE PROPOSED REGULATION,
27 AS PROPOSED OR AS AMENDED, SHALL BE PUBLIC; AND,

28 (D) PRIOR TO THE EFFECTIVE DATE OF AN ADOPTED REGULATION,
29 RELEVANT DEPARTMENT, BOARD OR COMMISSION SHALL REPORT
30 THE ADOPTION TO THE CITY COUNCIL, AS WELL AS A SUMMARY OF
31 THE PUBLIC COMMENT AND TESTIMONY RECEIVED AND HOW THE
32 DEPARTMENT, BOARD OR COMMISSION ADDRESSED THE COMMENTS
33 BY THE PUBLIC.

34 C. ANY REGULATION BY A DEPARTMENT, BOARD OR COMMISSION MAY BE NOT
35 BECOME FINAL UNTIL TWO LEGISLATIVE MEETINGS OF THE CITY COUNCIL
36 FOLLOWING THE REGULATION'S ADOPTION HAVE PASSED.

1 D. NOTWITHSTANDING PARAGRAPH C, A REGULATION MAY AT ANY TIME BE
2 SUPERSEDED BY ORDINANCE.

3 E. ANY PERSON AGGRIEVED OR ANY CITY TAXPAYER MAY CHALLENGE THE
4 ADOPTION OF A REGULATION BY A DEPARTMENT, BOARD OR COMMISSION
5 BY APPEALING TO THE CIRCUIT COURT OF ANNE ARUNDEL COUNTY ON THE
6 BASIS OF THE DEPARTMENT, BOARD OR COMMISSION ACTING ARBITRARY
7 OR CAPRICIOUS, THAT THE REGULATION IS UNCONSTITUTIONAL OR
8 UNLAWFUL, OR FOR ANY OTHER BASIS RECOGNIZED BY LAW.

9 F. BEGINNING FIVE YEARS AFTER JULY 1, 2021, AND OCCURRING EVERY FIVE
10 YEARS THEREAFTER, EACH DEPARTMENT, BOARD OR COMMISSION SHALL
11 REVIEW ITS REGULATIONS IN EFFECT AND REPORT TO THE CITY COUNCIL AS
12 TO THE RELEVANT DEPARTMENT, BOARD OR COMMISSION'S PLANS TO
13 RETAIN, REPEAL OR AMEND ITS REGULATIONS.

14 EG. By July 1, ~~2006~~2021, all regulations adopted prior to this date, must be posted on the City's
15 website. Moreover, all regulations adopted on or after July 1, ~~2006~~2021, must be posted on
16 the City's website within four weeks following the adoption AND MADE AVAILABLE TO
17 THE PUBLIC UPON REQUEST AND AT REASONABLE TIMES IN A READING
18 ROOM MAINTAINED BY THE CITY CLERK.

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20 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
21 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect on the date of its passage.

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Explanation:

UPPERCASE indicates matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.