

1 **..Title**

2 **Board of Port Wardens - Appeals** – For the purpose of clarifying the appropriate
3 procedure for an appeal of a decision of the Board of Port Wardens; making minor
4 technical corrections to the rules of procedure for any such appeal; and matters generally
5 relating to appealing a decision of the Board of Port Wardens.

6 **..Body**

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

10
11 **Ordinance 7-18**

12
13 **Introduced by: Alderman Arnett**

14
15 **Referred to**

16 Environmental Matters Committee

17 Board of Port Wardens

18
19 **AN ORDINANCE** concerning

20
21 **Board of Port Wardens - Appeals**

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23 **FOR** the purpose of clarifying the appropriate procedure for an appeal of a decision of
24 the Board of Port Wardens; making minor technical corrections to the rules of
25 procedure for any such appeal; and matters generally relating to appealing a
26 decision of the Board of Port Wardens.

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28 **BY** repealing and re-enacting with amendments the following portions of the Code of
29 the City of Annapolis, 2018 Edition
30 15.16.040

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

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37 **TITLE 15 – HARBORS AND WATERFRONT AREAS**

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39 **Chapter 15.16 – PORT WARDENS**

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41 **Section 15.16.040 - Port Wardens hearings, decisions and appeals.**

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43 A. Whenever an application is submitted to the Port Wardens, the Port Wardens shall
44 hold a hearing on the application. The fee for an application for a Port Wardens
45 hearing shall be set by resolution of the City Council.

- 1 B. Upon receipt of a duly and properly filed application the Port Wardens shall cause
2 notice of the hearing of the application to be published once in each week for two
3 consecutive weeks in one newspaper of general circulation published in the City. The
4 second advertisement shall be published at least seven days prior to the hearing. The
5 first advertisement shall be published between eight and fourteen days prior to the
6 hearing.
- 7 C. The notice required by Subsection ~~AB.~~ of this section shall specify the names and
8 residency of the applicant, the location of the projected construction and description
9 of the construction proposed and such other information as the Port Wardens shall
10 direct. The notice also shall advise that an appeal from a decision of the Port
11 Wardens ~~to the City Council~~ is on the record of the proceedings made before the Port
12 Wardens and that persons who may desire to appeal a decision of the Port Wardens
13 shall provide ~~for~~ a verbatim ~~account~~ Transcript of the Port Wardens' proceedings ~~to~~
14 ~~be recorded and transcribed~~. The cost of the publication of notice of hearing shall be
15 borne by the applicant.
- 16 D. Additionally, a sign indicating that a permit is being sought and stating the date and
17 time of the meeting of the Port Wardens shall be posted on the property, both at the
18 street and at the water, by the applicant at least ten days prior to the meeting of the
19 Port Wardens and shall be removed by the applicant within ten days following the
20 completion of the Port Warden's consideration of the application.
- 21 E. The decision of the Port Wardens shall be based upon their judgment of testimony
22 presented to them at the hearing, shall be in writing and shall contain the findings of
23 fact upon which the decision is based. All decisions of the Port Wardens shall be
24 filed with the City Clerk.
- 25 F. The Port Wardens shall cause notice of their decision pertaining to an application to
26 be published within two weeks in one newspaper of general circulation published in
27 the City. The cost of the publication of the notice of decision also shall be borne by
28 the applicant.
- 29 G. A person aggrieved by a decision of the Port Wardens may appeal that decision to
30 the Circuit Court of Anne Arundel County in accordance with Maryland Rules of
31 Procedure, Title 7, Chapter 200.

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34 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY**
35 **THE ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date
36 of its passage.
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40 **EXPLANATION**

41 Underlining indicates matter added to existing law.
42 [~~Strikethrough~~] indicates matter stricken from existing law.
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