

1 **..Title**

2 **City Council Public Hearings** – For the purpose of clarifying the rules of procedure concerning
3 the scheduling of public hearings before the City Council.

4 **..Body**

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

7
8 **Ordinance 19-20**

9
10 **Introduced by: Mayor Buckley**

11 **Co-sponsored by:**

12
13 **Referred to**

14 **Rules and City Government**

15 **90 day Rule: 7/27/20**

16
17 **AN ORDINANCE** concerning

18
19 **City Council Public Hearings**

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21 **FOR** the purpose of clarifying the rules of procedure concerning the scheduling of public
22 hearings before the City Council.

23
24 **BY** repealing and re-enacting with amendments the following portions of the Code of the City
25 of Annapolis, 2020 Edition
26 2.16.180

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

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32 **Title 2 – ADMINISTRATION**

33 **Chapter 2.16 – CITY COUNCIL**

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35 **Section 2.16.180 - Public hearings.**

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37 A. Public Hearing Required. ~~The Mayor shall schedule a~~ A public hearing SHALL BE
38 SCHEDULED on each ordinance passed on first reading by the City Council and on any
39 resolution passed on first reading for which a member requests a public hearing. The hearing
40 shall be advertised as required by law and shall be held ~~within forty-eight days~~ NO LATER
41 THAN THE SECOND CITY COUNCIL MEETING following its passage on first reading.
42 AN ORDINANCE THAT HAS BEEN INTRODUCED ON FIRST READING AND
43 REFERRED TO THE PLANNING COMMISSION SHALL NOT BE SCHEDULED FOR
44 A PUBLIC HEARING BEFORE THE CITY COUNCIL UNTIL THE PLANNING
45 COMMISSION HAS ISSUED ITS FINDINGS AND RECOMMENDATIONS, AT WHICH
46 TIME A PUBLIC HEARING SHALL BE SCHEDULED IN ACCORDANCE WITH

1 APPLICABLE ZONING CODE REQUIREMENTS. If the City Council subsequently
2 substantively amends an ordinance or resolution on which a hearing has been held, final action
3 shall be postponed until a second PUBLIC hearing has been held, ~~no later than forty-eight~~
4 ~~days following the initial PUBLIC hearing.~~ For purposes of this subsection, the City Council
5 shall determine, by a vote of the majority of its members, whether or not an amendment is
6 substantive. UPON A MAJORITY VOTE IN THE AFFIRMATIVE A SECOND PUBLIC
7 HEARING SHALL BE HELD AT THE NEXT SCHEDULED CITY COUNCIL MEETING.

8 B. Appearance and Practice. An individual may appear in that person's own behalf; a member of
9 a partnership may represent the partnership; a bona fide officer or representative of a
10 corporation, trust or association may represent the corporation, trust or association; and an
11 officer or employee of a political subdivision or body or department may represent the
12 political subdivision, body or department. A person, firm or corporation may be represented
13 in any proceedings by an attorney at law admitted to practice before the Court of Appeals of
14 this State.

15 C. Conduct of Hearings.

- 16 1. The Mayor shall regulate the course of the hearing and shall rule upon procedural matters
17 and objections made during the course of the hearing.
- 18 2. All witnesses shall testify under oath to be administered by the Mayor.
- 19 3. A hearing may be recessed or continued from time to time.
- 20 4. Testimony and evidence shall be presented in the following order:
 - 21 a. Staff reports, if any;
 - 22 b. Findings and recommendations of boards or commissions, if any;
 - 23 c. Applicants;
 - 24 d. Persons in favor of the application;
 - 25 e. Persons in opposition to the application; and
 - 26 f. Rebuttal.
- 27 5. In addition to the applicant, evidence and testimony either in favor of or in opposition to
28 the application may be presented by:
 - 29 a. Owners of property within the City;
 - 30 b. Taxpayers of the City;
 - 31 c. Residents of the City;
 - 32 d. Any other persons not identified above whose personal or property interests may be
33 specially affected by the granting or denial of the application; and
 - 34 e. Attorneys at law and experts appearing on behalf of those persons listed above.
- 35 6. Any person whose personal or property interests may be specially affected by the granting
36 or denial of the application may participate and have the same rights in the hearing as are
37 afforded to the applicant.
- 38 7. The use of any visual display or exhibit shall be conducted in such a manner as to be
39 viewed by the City Council and, to the extent practicable, by the audience.

40 D. Evidence.

- 41 1. The Mayor may admit evidence which possesses probative value commonly accepted by
42 reasonable and prudent persons in the conduct of their affairs. The Mayor shall give effect
43 to the rules of privilege recognized by law. The Mayor may exclude incompetent,
44 irrelevant, immaterial and unduly repetitious evidence.
- 45 2. Documentary evidence may be received in the form of copies or excerpts, or by
46 incorporation by reference. However, no documentary evidence may be received unless

1 it is presented to the City Clerk to be identified and marked as an exhibit in the
2 proceedings. Where possible, a copy of each item of documentary evidence shall be
3 provided for public inspection no later than the time of its introduction before the City
4 Council.

5 3. A count of those in attendance who support or oppose an application shall not be taken.
6 A written listing or petition of those persons who state general support or opposition to a
7 pending application is not admissible.

8 4. With regard to an application for approval of a special exception, the City Council shall
9 provide a period of not more than seven days following the public hearing during which
10 any person may submit comments regarding the application. The comments shall be in
11 typewritten form and shall be filed with the City Clerk together with ten copies. The
12 person submitting the comments shall forward a copy to the applicant and shall certify
13 the date and manner of delivery. Following the comment period, the applicant shall have
14 a like amount of time to submit rebuttal comments. These comments shall also be in
15 typewritten form and filed with the City Clerk together with ten copies.

16 E. Decision. Action by the City Council with regard to any matter upon which a public hearing
17 has been conducted in the exercise of the City Council's authority to zone or rezone property,
18 to consider applications relating to the use of land, or to consider matters related to alcoholic
19 beverage licenses, shall not be taken sooner than at a special meeting called for that purpose
20 or at the next regular meeting of the City Council. Prior to acting upon an application for
21 approval of a special exception, and unless a majority objects, the City Council shall resolve
22 itself into a committee of the whole to consider the findings, conditions and other matters
23 related to the application.

24 F. As used in this section, the term "applicant" includes a "petitioner," "appellant," or a "licensee"
25 as the case may be, and the other provisions of this section shall be interpreted accordingly in
26 consideration of the type of matter being heard.

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

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33 **Explanation:**

34 UPPERCASE indicates matter added to existing law.

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

36 Underlining indicates amendments.

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