



Legislation Text

File #: O-6-21, Version: 1

Agency Regulations - For the purpose of establishing a procedure for the promulgation of regulations by a City of Annapolis department, board, or commission; requiring public notice; and generally relating to City of Annapolis regulations.

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 6-21

**Introduced by: Alderman Arnett
Co-sponsored by: Alderman Savidge**

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

AN ORDINANCE concerning

Agency Regulations

FOR the purpose of establishing a procedure for the promulgation of regulations by a City of Annapolis department, board, or commission; requiring public notice; and generally relating to City of Annapolis regulations.

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

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

WHEREAS, City departments are moving to promulgate regulations with increased frequency.

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

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

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

Title 2 - ADMINISTRATION

Chapter 2.04 - GENERAL ADMINISTRATIVE REGULATIONS

2.04.090 - Regulations-~~Adoption~~ PROMULGATION and posting on City's website.

- A. For purposes of this section the ~~adoption~~PROMULGATION of a regulation refers to the DRAFTING, REVIEW AND PUBLICATION~~adoption~~ of either a regulation or rule OF AN EXECUTIVE DEPARTMENT, BOARD OR COMMISSION having the force and effect of law. It includes the amendment or repeal of an existing regulation or rule.
- B. REGULATION-DEFINITION. A REGULATION IS DEFINED AS A RULE OR DIRECTIVE PROMULGATED BY A CITY DEPARTMENT, BOARD OR COMMISSION WHICH CARRIES OUT THE INTENT OF LEGISLATION ENACTED BY THE CITY COUNCIL.
- ~~BC.~~ On and after ~~June 1, 2006~~JULY 1, 2021, a NO department, board or commission ~~may not adopt~~ SHALL PROMULGATE AND PUBLISH a regulation unless:
1. This code expressly authorizes the ~~adoption~~PROMULGATION of such a regulation, and
 2. The proposed regulation has been posted on the City's website for at least two weeks for public comment. However, in an emergency, and with the approval of the Mayor, the posting requirement is waived. THE REGULATION HAS BEEN ADOPTED AS FOLLOWSTHE REGULATION SHALL BE PROMULGATED IN THE FOLLOWING MANNER:
 - (A) THE RELEVANTA DEPARTMENT, BOARD OR COMMISSION SHALL PUBLISH ITS PROPOSED REGULATION ON THE CITY'S WEBSITE AND A NEWSPAPER OF GENERAL CRCULATION IN THE CITY AND ALLOW FOR NOT LESS THAN 30 DAYS FOR THE PUBLIC TO SUBMIT WRITTEN COMMENTS, AND ALL SUBMITTED COMMENTSALL OF WHICH SHALL BE MADE PUBLICALLY AVAILABLE;
 - (B) UPON PUBLICATION, THE PROMULGATINGRELEVANT DEPARTMENT, BOARD OR COMMISSION SHALL ALSO PROVIDE A COPY OF THE PROPOSED REGULATION TO THE CITY ~~COUNCIL~~COUNCIL'S RULES AND CITY GOVERNMENT COMMITTEE, OR ANY SUCCESSOR COMMITTEE, WHICH, UPON REQUEST, MAY ELECT TO HOLD A PUBLIC HEARING FOLLOWING THE CLOSE OF THE PERIOD FOR WRITTEN COMMENTS. SAID PUBLIC HEARING SHALL BE SCHEDULED AND CONCLUDED NOT LATER THAN 30 DAYS FROM RECEIPT OF THE PROPOSED REGULATION FROM THE DEPARTMENT, BOARD OR COMMISSION.
 - (C) THE RELEVANT DEPARTMENT, BOARD OR COMMISSION SHALL HOLD A PUBLIC HEARING FOLLOWING THE CLOSE OF THE PERIOD FOR WRITTEN COMMENTS DURING WHICH PUBLIC TESTIMONY SHALL BE ALLOWED AND THE DEPARTMENT, BOARD OR COMMISSION'S DELIBERATIONS ON THE ADOPTION OF THE PROPOSED REGULATION, AS PROPOSED OR AS AMENDED, SHALL BE PUBLIC; AND,
 - (~~C~~D) PRIOR TO THE EFFECTIVE DATE OF AN ADOPTED A REGULATION, THE RELEVANT PROMULGATING DEPARTMENT, BOARD OR COMMISSION SHALL REPORT TO THE ADOPTION TO THE CITY COUNCIL, AS WELL AS A SUMMARY OF THE PUBLIC

COMMENT AND TESTIMONY RECEIVED AND ~~HOW~~THE RESPONSES OF THE DEPARTMENT, BOARD OR COMMISSION ~~ADDRESSED THE~~ TO THE COMMENTS SUBMITTED BY THE PUBLIC.

C. ANY REGULATION PROMULGATED BY A DEPARTMENT, BOARD OR COMMISSION SHALL BECOME EFFECTIVE UPON PUBLICATION ON THE CITY'S WEBSITE. MAY BE NOT BECOME FINAL UNTIL TWO LEGISLATIVE MEETINGS OF THE CITY COUNCIL FOLLOWING THE REGULATION'S ADOPTION HAVE PASSED.

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

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

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

CFG. WITHIN SIX MONTHS OF PASSAGE OF THIS ORDINANCE, ~~By July 1, 2006~~2021, all regulations adopted PROMULGATED prior to this date, must be posted on the City's website. Moreover, all regulations adopted on or after July 1, 20062021, must be posted on the City's website within four weeks following the adoption AND MADE AVAILABLE TO THE PUBLIC UPON REQUEST. AND AT REASONABLE TIMES IN A READING ROOM MAINTAINED BY THE CITY CLERK.

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

Explanation:

UPPERCASE indicates matter added to existing law.

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

Underlining indicates amendments.