



Legislation Text

File #: O-7-18, Version: 1

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

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 7-18

Introduced by: Alderman Arnett

Referred to

Environmental Matters Committee
Board of Port Wardens

AN ORDINANCE concerning

Board of Port Wardens - Appeals

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

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

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 15 - HARBORS AND WATERFRONT AREAS

Chapter 15.16 - PORT WARDENS

Section 15.16.040 - Port Wardens hearings, decisions and appeals.

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

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

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

EXPLANATION

Underlining indicates matter added to existing law.

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