Legislative Summary

O-4-25

City Citation Process and Appeals to the Building Board of Appeals

The City of Annapolis Office of Law created this summary for the use of Annapolis City Council members during their consideration of the legislation.

Bill Summary

O-4-25 uniformly applies the citation and appeals process for issues under the authority of the Building Board of Appeals across the City Code. This uniform application is intended to streamline the process, reduce confusion, and ensure consistency in enforcing the City's laws.

Background

When City inspectors find a violation of the City's laws, they issue a Notice of Violation, stating that an issue needs to be corrected and explaining why.

If the violation continues beyond the allowed time to correct it, inspectors issue a citation with a fine, followed by an injunction that the person may challenge.

Those challenges generally go first to the Building Board of Appeals, which was set up to handle challenges and decisions made by city building officials based on the City Code.

However, the Building Board of Appeals' jurisdiction spans four Titles of the City Code—Titles 7 (Business Licenses, Taxes and Regulations), Title 10 (Health and Safety), Title 14 (Streets, Sidewalks, Public Places, and Small Cell Systems), and Title 17 (Buildings and Construction)—and the process varies in each section.

Overview

Citation & Appeals Process

O-4-25 clarifies the steps for challenging issues that are under the jurisdiction of the Building Board of Appeals:

- A violation notice is simply a warning and cannot be appealed to the Building Board of Appeals;
- Persons who disagree with decisions by the Planning and Zoning Department, which is responsible for enforcing the City's zoning laws and regulations, can ask that the decision be reviewed;
- If the person disagrees with the Planning and Zoning Director's decision, they can appeal to the Building Board of Appeals;
- If the person disagrees with the Building Board of Appeals decision, they must take their case to the Anne Arundel County Circuit Court.

Process Location

The varying Building Board of Appeals processes are removed from 32 sections across four Titles in the City Code and placed under the BBOA authorization section in Title 2. This simplification reduces complexity, making it easier to navigate the Code.

In Title 17, the Building and Construction title, O-4-25 moves all violation notice and citation provisions scattered throughout Title 17 to one section.

Rather than delete those 32 sections, some of which include other provisions particular to that section, O-4-25 points the reader to the new location of the citation and appeals processes in the Code.

Other Changes

It also copyedits those sections in the bill to conform to the current legislative drafting style, ensuring consistency and clarity in the City's laws and regulations.

Details for Specific Sections

Section 2.48.070 - Building Board of Appeals (BBOA) Process.

A. Persons receiving violation notices can ask the Planning and Zoning Director to review the situation. The Director has 30 days to hear the case.

B. Appeals of the Director's decision are appealed to the Building Board of Appeals. It must be done within 10 days of the decision.

   Defines who can appeal and how the appeals need to be written.

C. Details of the BBOA appeals process.

D. The BBOA may reconsider a decision if new evidence is offered; subsection D sets the parameters for when new evidence may be considered.

E. Allows expedited reviews and details how it occurs. Subsection E comes from the existing Code but changes the hearing request time to *five calendar days* of the Director's order.

G. Notification that there's an appeal fee and the fee can be found in the Fees Schedule.

Section 2.48.080 - Judicial Review *(of BBOA decisions)*

A. Persons who disagree with the BBOA decision may appeal to the Circuit Court.

B. Sets who can file an appeal.

C. The appeal must be filed within 30 days after the BBOA's final written decision.

Section 17.05.130 - Violation and Notice *(dealing with the Building Code)*

A. Violations of Title 17 are municipal infractions subject to a fine.

B. Allows the Planning and Zoning Department to issue warnings.

C. Sets the process for Notice of Violations (the warnings).

D. Sets the process for Citations, which includes fines.

E. Gives notice that citations, or Planning and Zoning decisions, can be appealed to the Building Board of Appeals and lets readers know which Code sections contain that process (Title 2).

Other Sections

All other sections eliminate redundancy and let readers know where to find the information on violations and appeals previously in that section.