

City Citation Process and Appeals to the Building Board of Appeals

For the purpose of clarifying the City's citation process; explaining the Building Board of Appeals review process; updating Building Board of Appeals procedures for filing and reviewing appeals; adding Building Board of Appeals duties to the Title 2; and general Building Board of Appeals responsibilities.

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 4-25

Introduced by:
Co-sponsored by:

Referred to:

Rules and City Government Committee
Housing and Human Welfare Committee
Environmental Matters Committee
Economic Matters Committee
Building Board of Appeals

AN ORDINANCE concerning

City Citation Process and Appeals to the Building Board of Appeals

FOR the purpose of clarifying the City's citation process; explaining the Building Board of Appeals review process; updating Building Board of Appeals procedures for filing and reviewing appeals; adding Building Board of Appeals duties to the Title 2; and general Building Board of Appeals responsibilities.

BY enacting with amendments the following portions of the Code of the City of Annapolis, 2025 Edition:
2.48.080
17.05.132

BY repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2025 Edition:

38	2.48.050	40	2.48.070	42	10.16.310	44	14.12.210
39	2.48.060	41	7.40.060	43	14.04.070	45	17.05.130

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1	17.07.140	8	17.14.070	15	17.40.890	22	17.48.360
2	17.08.250	9	17.20.140	16	17.44.060	23	17.52.040
3	17.09.130	10	17.22.090	17	17.44.100	24	17.60.160
4	17.09.140	11	17,34.020	18	17.48.290	25	17.60.170
5	17.11.320	12	17.34.030	19	17,48.300		
6	17.11.390	13	17.40.840	20	17.48.320		
7	17.12.210	14	17.40.880	21	17.48.350		

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

Title 2 - ADMINISTRATION
Chapter 2.48 - BOARDS, COMMISSIONS AND COMMITTEES
Article III - Building Board of Appeals

Section 2.48.050 - Establishment and Membership.

A. Establishment.

The Building Board of Appeals (BBOA) is created to hear appeals of decisions made by City officials under Title 17, Buildings and Construction, as well as other chapters of the City Code where the Building Board of Appeals is authorized to hear appeals.

B. Membership.

1. Appointment.

- a. The Building Board of Appeals shall consist of five members who are residents and registered voters of the City of Annapolis.
- b. The regular members shall be appointed by the Mayor and confirmed by the City Council.

2. Qualifications.

- a. Each Building Board of Appeals appointee shall be qualified by experience and training to pass on matters pertaining to building construction, forest conservation or environmental issues.
- b. None of the members shall be employees of the City.
- c. Members shall serve without compensation.

3. Member Terms.

- a. The term of office of each member of the Building Board of Appeals shall be for five years, commencing on the first day of April.

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- b. The terms shall be staggered so that no more than one term will expire yearly.
- c. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- d. The Building Board of Appeals shall select one member annually to serve as the chairperson.

Section 2.48.060 - Duties and Meetings.

A. Duties.

1. The Building Board of Appeals shall hear and decide appeals regarding orders, requirements, decisions or determinations made by a City official or body in the enforcement of:
 - a. Building and Construction Title 17 of the City Code;
 - b. Requirements of the International Building Code (IBC) adopted by the City Council in Chapter 17.12 of the City Code; and
 - c. All matters in other chapters of the City Code where the Building Board of Appeals has been delegated administrative appeal authority.
2. The Building Board of Appeals shall consider whether:
 - a. The responsible City enforcement official has correctly interpreted the Code or the rules legally adopted;
 - b. The provisions of this Code are applicable; or
 - c. An equally good or better form of construction is proposed.
3. The Building Board of Appeals shall not have the authority to waive the requirements of this Code.

B. Meetings.

1. The Building Board of Appeals meetings shall be held at the chair's call and at other times as determined by the Building Board of Appeals.
2. The Building Board of Appeals shall give notice of the public session date, time, and place on the City's website, ensuring transparency and inviting public participation.
3. Notice shall include all issues to be considered at the session.
4. All meetings shall be open to the public and conform to the Maryland Open Meetings Act.

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5. The chair or the acting chair may administer oaths and compel the attendance of witnesses.
6. The Building Board of Appeals shall abide by Robert's Rules of Order and may adopt additional rules of practice and procedure as needed.
7. Building Board of Appeals meeting rules shall be available on the City website.

C. Votes.

1. The Building Board of Appeals may consider each standard individually but shall only vote on the application as a whole.
2. The Building Board of Appeals shall render all decisions and findings in writing to the appellant with a duplicate copy to the City's building official.

Section 2.48.070 - Building Board of Appeals Process.

A. For Issues Under Building Board of Appeals Jurisdiction.

1. Requesting the Department to Reconsider.

- a. Once a person has received notice of a departmental order, decision, or determination, they may submit a written request for reconsideration to the director of the City department that issued the order or made the decision or determination.
- b. This reconsideration request can request a hearing with the Director to reconsider the order, decision, or determination. It is within the Director's sole discretion whether to provide such a hearing.
2. **Timeframe.** Should the Director decide to conduct a hearing on the request to reconsider, said hearing shall be conducted within 30 calendar days of the request and a final decision on the matter issued within a reasonable time thereafter.

B. Appeals to Building Board of Appeals.

1. **Superseded.** The appeal process detailed in this section supersedes the appeal procedure outlined in the building codes adopted by the Council and any other sections of the Code pertaining to the Building Board of Appeals.
2. **Appeals of Director's Decision.** Decisions made by the Director to modify, overrule, or uphold an order, decision, or determination issued by the City may be appealed to the Building Board of Appeals in accordance with § 2.48.060.
 - a. Any appeal of the Director's final decision must be made in writing within 10 calendar days of publication of the Director's final decision.
 - b. An appeal to the Building Board of Appeals may be filed by:

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i. An aggrieved party to the final decision of the Director or their designee; or

ii. An officer or unit of the City.

c. An aggrieved party:

i. Is a party that is entitled to pursue a remedy; and

ii. Cannot appeal to the Building Board of Appeals unless:

(1) they have received an order, decision or determination issued by the City regarding the matter to be appealed; or

(2) appeared as a party at the hearing before the board.

3. Appeals Limits.

a. An application for appeals shall be based on:

i. A claim that the true intent of the City Code or Planning and Zoning Department rules legally adopted have been incorrectly interpreted;

ii. The provisions of this Code do not full apply; or

iii. An equivalent or better form of construction is proposed.

b. The Building Board of Appeals shall not have the authority to waive requirements of this Code or interpret the administration of this Code.

4. Appeals Request. The appeal is a request for a hearing before the Building Board of Appeals and shall include in writing the reasons for the appeal:

a. Describing the order, requirements, decision, or determination being appealed;

b. Providing sufficient facts to demonstrate an error in the order, requirement, decision, or determination; and

c. Stating the expected implications of the decision on the project.

5. Violation Notice. A notice of violation serves as a warning to the responsible party prior to the issuance of a departmental citation for a municipal infraction. A notice of violation is not appealable.

C. Appeals Hearing.

1. Process.

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- a. Upon receiving the notice of appeal, the Director will notify the Building Board of Appeals and provide the board with all papers constituting the record of the action appealed.
- b. The Building Board of Appeals shall meet upon notice from the chair within 10 days of the filing of the appeal or at stated periodic intervals.
- c. The Building Board of Appeals shall determine rules of conduct for the hearing.
- d. At a hearing, the appellant, the appellant's attorney or other representative, the City official, and any person whose interests are affected shall be allowed to be heard.
- e. The Board shall issue its decision within 45 calendar days of the conclusion of the hearing on the appeal.

2. Hearing Notice.

- a. The Building Board of Appeals shall give public notice of:
 - i. The existence of the appeal; and
 - ii. The date and time of the hearing.
- b. The notice shall be provided to the parties involved in the Department order, decision, or determination, and to other persons entitled to notice under the City Code or the rules of the Building Board of Appeals.
- c. Notice shall be published on the City's website.
- d. Notice shall be provided to all parties before the hearing.
- e. All required notices shall be at the appellant's expense.

3. Deliberations and Decisions.

- a. The Building Board of Appeals shall consider the appeal based upon the information provided to the department at the time of the order, decision or determination from which the appeal is taken.
- b. If the Building Board of Appeals finds that the order, decision or determination was in error or contrary to the provisions of this Code or other applicable law, the Building Board of Appeals may:
 - i. Wholly or partly reverse the order, decision, or determination that is the subject of the appeal;
 - ii. Wholly or partly affirm the order, decision or determination that is the subject of the appeal;

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iii. Modify the order, decision or determination that is the subject of the appeal; or

iv. Issue a new order, decision or determination.

c. The Building Board of Appeals shall issue a written decision for all appeals, which will include the Board's factual findings as well as the reasons for its decision.

d. The Building Board of Appeals' decision is final in all cases.

e. Anyone who fails, refuses, or neglects to comply with the final decision of the Building Board of Appeals violates this chapter.

f. The City's building official shall take immediate action in accordance with the decision of the Building Board of Appeals.

D. New Evidence.

1. A person aggrieved by the final decision of Building Board of Appeals may request a reconsideration of the decision only if they have new evidence that was not available or discoverable prior to and during the appeal hearing.

2. Reconsideration requests must be filed in writing within 10 calendar days of publication of the final written decision of the Building Board of Appeals.

3. A new hearing will be scheduled only upon a majority vote of the members of the Building Board of Appeals that new evidence exists to warrant such a hearing.

E. Expedited Reviews and Emergency Orders.

1. The scheduling of the hearing and the rendering of the decision shall be expedited if warranted by the circumstances as determined by the Director.

2. In an emergency requiring immediate action to protect public health, the Planning and Zoning Director may issue an order without notice or hearing.

3. The order will be effective immediately, subject to a hearing requested in writing by the property owner within five calendar days of the order.

F. Stays of Enforcement.

1. Except for Imminent Danger notices, an appeal to the Building Board of Appeals shall stay all actions related to the application, but this stay will only be in effect until the Building Board of Appeals issues a final decision.

2. A judicial appeal filed under § 2.48.080 does not stay the action being appealed unless state law or a court of competent jurisdiction orders otherwise.

G. **Fee.** The appeal shall be accompanied by a filing fee as established by the annual resolution of the City Council in the Fees Schedule.

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Section 2.48.080 - Judicial Review.

- A. A person aggrieved by a final decision issued by the Building Board of Appeals may appeal that final decision to the Anne Arundel County Circuit Court.
- B. The appeal shall be filed by:
1. An aggrieved party as determined by the Circuit Court; or
 2. An officer or unit of the City.
- C. The appeal shall be filed within 30 calendar days after publication of the final written decision of the Building Board of Appeals.

Title 17 - BUILDINGS AND CONSTRUCTION
Chapter 17.05 - Building Code
Section 17.05.130 - Appeals; judicial review

Strike § 17.05.130 -- Appeals; judicial review -- in its entirety and insert the following:

Section 17.05.130 - Violation and Notice.

- A. **Municipal Infraction.** A person who violates this title is guilty of a municipal infraction and is subject to a fine set by resolution of the City Council.
- B. **Warning.** The department may provide written notice of a violation as a warning, allowing the recipient to correct the violation before a citation alleging a municipal infraction is issued.
- C. **Notice of Violation.** Unless otherwise noted in this title, the Notice of Violation shall:
1. Be in writing;
 2. Include a statement of the reason why it is being issued;
 3. Allow a reasonable time for the performance of any act it requires;
 4. Be served upon the owner or the agent of the owner of the premises on which the alleged violation occurred. The notice shall be served personally or in accordance with any other method authorized under the laws of the state;
 5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter;

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6. State that, unless conditions or practices described in the notice are corrected within the reasonable time specified in the notice the person involved will be subject to the penalty provided for violations of this chapter.

D. Citation.

1. If the same violation has been unabated by the time of a follow-up inspection, a citation alleging a municipal infraction may be issued pursuant to § 1.20.
2. Citations may issue without a prior notice of violation.
3. Citations may issue each day the violation remains unabated.
4. If the fine is paid but the violation remains unabated, it is still a violation and the violator may be cited again until the issue is resolved to the satisfaction of the Director or their designee.

Section 17.05.132 - Appeal of Order Made Pursuant to this Chapter.

Unless otherwise noted in this title, a person aggrieved by an order of the Director or the Director's designee may appeal such ruling or determination to the Building Board of Appeals pursuant to the procedures set forth in §§ 2.48.070 through 2.48.080.

**Title 7 – BUSINESS LICENSE
Chapter 7.40 – Peddlers, Hawkers and Itinerant Merchants**

Section 7.40.060 - License—Appeals.

~~If an application is denied, suspended, or revoked, the Department shall set forth the reasons in writing and a copy of the decision shall be provided to the applicant. The decision of the Department to grant, deny, suspend, or revoke any license under this chapter shall be final, unless a person aggrieved by the decision files a written appeal of the decision with the Building Board of Appeals within fifteen days after the date of the decision, setting forth the grounds of the appeal. The decision of the Department shall be reversed only upon a determination that the decision was arbitrary or capricious. The decision of the Department shall not be stayed by the filing of any appeal.~~

A person who receives an order, decision, or determination regarding the administration of this chapter may appeal to the Building Board of Appeals pursuant to §§ 2.48.070 through 2.48.080.

Title 10 - HEALTH AND SAFETY
Chapter 10.16 - SOLID WASTE
Article IX - Enforcement

Section 10.16.310 Appeals.

~~A person aggrieved in the administration of this chapter may direct a written appeal to the Building Board of Appeals.~~

~~1. The written notice of appeal shall be filed with the Director of Planning and Zoning within fifteen days after the date of the determination.~~

~~2. Appeals of any order by the Building Board of Appeals shall be noted to the Circuit Court for Anne Arundel County in accordance with the Maryland Rules of Procedure.~~

A person who receives an order, decision, or determination regarding the administration of this chapter may appeal to the Building Board of Appeals pursuant to §§ 2.48.070 through 2.48.080.

**Title 14 - STREETS, SIDEWALKS, PUBLIC PLACES,
AND SMALL CELL SYSTEMS**
Chapter 14.12 - Trees

Section 14.12.210 - Appeals.

~~A person aggrieved by an order from the department may appeal to the Building Board of Appeals within fifteen calendar days of receipt of the order, per Section 17.12.130. The petition for appeal shall be in writing and shall state the grounds for appeal. The scheduling of the hearing and the rendering of the decision shall be expedited if warranted by the circumstances. The board may affirm, rescind or modify the order, in its discretion, to conform the order to the intent of this chapter.~~

A person who receives an order, decision, or determination regarding the administration of this chapter may appeal to the Building Board of Appeals pursuant to §§ 2.48.070 through 2.48.080.

Title 17 - BUILDINGS AND CONSTRUCTION

Chapter 17.05 - Building Code

Section 17.05.130 - Appeals; judicial review**Notice of Violation, Citations, Appeals.**

~~A. Appeal from Order Made Pursuant to this Chapter. A person aggrieved by an order of the Director or the Director's designee made pursuant to this chapter, other than the issuance of a municipal citation or the charging of a misdemeanor, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the order. A notice of appeal shall be in writing, state the grounds for the appeal, and be filed with the Department of Planning and Zoning, along with a nonrefundable fee in an amount established by resolution of the City Council. The right to appeal is waived if the notice of appeal is not timely filed.~~

~~B. Building Board of Appeals. The Building Board of Appeals shall consider the appeal based on the information provided to the Department of Planning and Zoning at the time of the order from which the appeal is taken. If the Board finds that the order was in error or contrary to the provisions of this Code or other applicable law, the Board may reverse or modify the order. The decision of the Board on all appeals shall be in writing and shall contain the factual findings of the Board and the reasons for the decision.~~

~~C. Judicial Review. A person aggrieved by a decision of the Building Board of Appeals may file, as an exclusive remedy, a petition for judicial review in the Circuit Court for Anne Arundel County pursuant to Title 7, Chapter 200, as amended. For purposes of this subsection, a person is not aggrieved unless the person appeared as a party at the hearing before the Board.~~

~~D. Building Code Appeals Superseded. The appeal process in this section supersedes the appeal process contained in the adopted building codes.~~

A. Violation Notice and Citations. Violations of this chapter may result in either a notice of violation or issuance of a municipal citation pursuant to §17.05.130.

B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

Title 17 - BUILDINGS AND CONSTRUCTION

Chapter 17.07 - Illicit Discharge and Connection Stormwater

Section 17.07.140 ~~Appeal of notice of violation.~~Notice of Violation, Citations, Appeals.****

~~Any person who receives a notice of violation may appeal that violation by submitting a written notice of appeal to the City Manager within fifteen days of the date of the notice of~~

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violation. A hearing on the appeal before the City Manager or his or her designee shall take place within fifteen days from the date of receipt of the notice of appeal. The decision of the City Manager or his or her designee shall be final.

A. Violation Notice and Citations. Violations of this chapter may result in either a notice of violation or issuance of a municipal citation pursuant to §17.05.130.

B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

Title 17 - BUILDINGS AND CONSTRUCTION

Chapter 17.08 - Grading, Erosion and Sediment Control

Section 17.08.250 - Appeals.**Notice of Violation, Citations, Appeals.**

~~A. A person aggrieved by an order from the Director or the Director's designee made pursuant to this chapter, other than the issuance of a municipal citation or the charging of a misdemeanor, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the order. The petition for appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of Planning and Zoning along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.~~

~~B. The Building Board of Appeals shall consider the appeal based upon the information provided to the Department of Planning and Zoning at the time of the order from which the appeal is taking. If the Board finds that the order was in error or contrary to the provisions of this code or other applicable law, the Board may reverse or modify the order. The decision of the Board on all appeals shall be in writing and shall contain the factual findings of the Board and the reasons for the decision.~~

~~C. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the circuit court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a person shall not be considered aggrieved by a decision of the Board unless the person has appeared as a party at the hearing before the Board. An appeal under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.~~

A. Violation Notice and Citations. Violations of this chapter may result in either a notice of violation or issuance of a municipal citation pursuant to §17.05.130.

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B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

Title 17 - BUILDINGS AND CONSTRUCTION

Chapter 17.09 - Trees in Development Areas

Section 17.09.130 – Waiver or modification.

- A. The Director of Planning and Zoning, may waive or modify the minimum requirements set forth in this chapter if it can be demonstrated by the applicant that:
1. Special practices may be undertaken ~~which~~that will meet the intent of this chapter but not the minimum requirements as strictly interpreted; or
 2. Special circumstances ~~exist which~~ prevent the applicant from meeting the minimum requirements as strictly interpreted.
- B. The Director of Planning and Zoning may not waive or modify, ~~under the provisions of this section,~~ any existing City or State requirements under the provisions of this section.
- ~~C. Any applicant aggrieved by refusal to grant a waiver or modification of any of the requirements of this chapter by the Director of Planning and Zoning may appeal the decision to the Building Board of Appeals within fifteen working days of the decision.~~

Section 17.09.140 - Enforcement—Violation.

- ~~A. Enforcement. The administration and enforcement of this chapter shall be the responsibility of the Department of Planning and Zoning.~~
- ~~B. Violation. Violation of this chapter may be cause for the developer to be required to stop work until a satisfactory resolution is established by the Department of Planning and Zoning and the developer.~~
- ~~C. Penalties. Any developer who violates this chapter is guilty of a municipal infraction and is subject to a fine as established by resolution of the City Council. The unapproved removal of a single tree constitutes a single violation and each day a violation continues without abatement or mitigation will be considered a separate violation with fines as established by resolution of the City Council. If any trees shown to be preserved on the approved plan subsequently are removed or are dead or dying because of acts of negligence by a developer, this shall be considered a violation and fines shall be assessed. The developer shall replace the trees, or the developer shall be~~

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1 assessed a fee in lieu. The size, species and quantity of replacement trees or fee in lieu
2 shall be specified by the Department of Planning and Zoning and shall be consistent
3 with Section 17.09.070(C). If necessary, off-site locations identified by the Department
4 may be utilized if there are constraints on the site. Replacement shall be within a time
5 frame specified by the Department of Planning and Zoning.

6 ~~D. Replacement Trees. In addition to any other penalty or requirement that may be~~
7 ~~imposed under this section, if any trees shown to be preserved on the approved plan~~
8 ~~subsequently are removed or are dead or dying because of acts of negligence by a~~
9 ~~developer, they shall be replaced by the developer. The size, species and quantity of~~
10 ~~replacement trees shall be specified by the Department of Planning and Zoning based~~
11 ~~upon Section 17.09.070(C). The quantity shall be dictated by the constraints of the site.~~
12 ~~Replacement shall be within a time frame specified by the Department of Planning and~~
13 ~~Zoning.~~

14 ~~E. Appeals. The Building Board of Appeals shall consider appeals from the provisions of~~
15 ~~this chapter from the determination of the Director of Planning and Zoning in the~~
16 ~~manner specified in the Building Code. The Board may make determinations of~~
17 ~~alternative methods, standards or materials when, in its opinion, strict compliance with~~
18 ~~this chapter is unnecessary. The provisions of this subsection shall not apply to any~~
19 ~~municipal citation issued pursuant to section.~~

20 A. **Enforcement.** The Department of Planning and Zoning shall administer and enforce this
21 chapter.

22 B. **Violation.** The Department may require the developer to stop work for violation of this
23 chapter until a satisfactory resolution is established by the Department and the developer.

24 C. **Penalties.** Any developer who violates this chapter is guilty of a municipal infraction and
25 is subject to a fine as established by resolution of the City Council.

26 1. The unapproved removal of a single tree constitutes a single violation, and each
27 day a violation continues without abatement or mitigation will be considered a
28 separate violation with fines as established by resolution of the City Council.

29 2. If any trees shown to be preserved on the approved plan are subsequently
30 removed or are dead or dying because of a developer's negligence, this shall be
31 considered a violation, and fines shall be assessed.

32 3. The trees shall be replaced by the developer, or the developer shall be assessed a
33 fee in lieu.

34 4. The Planning and Zoning Department shall specify 1) the size, species, and
35 quantity of replacement tree, or 2) the fee in lieu of planting trees pursuant to §
36 17.09.070(C).

5. Off-site locations identified by the department may be utilized if the site is constrained.

6. Replacement shall be within a time frame specified by the Planning and Zoning Department.

D. Replacement Trees. In addition to any other penalty or requirement that may be imposed under this section, if any trees shown to be preserved on the approved plan are removed subsequently or are dead or dying because of a developer's negligence, the developer shall replace them.

1. The size, species and quantity of replacement trees shall be specified by the Department of Planning and Zoning based upon § 17.09.070(C).

2. The quantity shall be dictated by the constraints of the site.

3. Replacement shall be within a time frame specified by the Planning and Zoning Department.

E. Notice of Violation, Citations, Appeals

1. Violation Notice and Citations. Violations of this chapter may result in either a notice of violation or issuance of a municipal citation pursuant to §17.05.130.

2. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

Title 17 - BUILDINGS AND CONSTRUCTION

Chapter 17.11 - Floodplain Management

Section 17.11.320 - Use and interpretation of FIRM~~s~~Flood Insurance Rate Maps (FIRMs).

~~The floodplain administrator shall make interpretations, where needed, as to the exact location of Special Flood Hazard Areas, Floodplain Boundaries, and Floodway Boundaries. The following shall apply to the use and interpretation of FIRM~~s~~ and data:~~

~~(A) Where field surveyed topography indicates that ground elevations:~~

~~(1) Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of this chapter;~~

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- (2) Are above the base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.
- ~~(B) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified special flood hazard areas, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.~~
- ~~(C) Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.~~
- ~~(D) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.~~
- ~~(E) If a preliminary flood insurance rate map and/or a preliminary flood insurance study has been provided by FEMA:~~
- ~~(1) Upon the issuance of a letter of final determination by FEMA, if the preliminary flood hazard data is more restrictive than the effective data, it shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering this chapter.~~
- ~~(2) Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 17.11.050(c) and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.~~
- ~~(3) Prior to issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations, floodplain or floodway boundaries exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.~~
- ~~(F) If a dispute arises concerning any district boundary, an initial determination shall be made by the Floodplain Administrator. The applicant aggrieved by this decision may appeal to the Building Board of Appeals within thirty calendar days of the decision. The burden of proof is on the appellant. The appeal shall be accompanied by a nonrefundable fee as established by resolution of the City Council. The Floodplain Administrator shall schedule a hearing within thirty calendar days after the filing of the appeal and shall notify the appellant of the hearing date.~~
- A. **Boundary Oversight.** The Floodplain Administrator shall interpret, where needed, the exact location of Special Flood Hazard Areas, Floodplain Boundaries, and Floodway Boundaries.

Explanation:

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

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B. Flood Insurance Rate Map (FIRM) Boundaries. The following shall apply to the use and interpretation of a Flood Insurance Rate Map (FIRM) and data:

1. Areas where ground elevations are found to be below the base flood elevation, even if they are not identified as special flood hazard areas on FIRM, will be considered special flood hazard areas and will be subject to the regulations outlined in this chapter.
2. For areas where ground elevations are above the base flood elevation, they will be treated as special flood hazard areas unless the applicant obtains a letter of map change that removes the area from the special flood hazard designation.

C. Data Sources.

1. Other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used in:
 - a. **Federal Emergency Management Agency (FEMA)**-identified special flood hazard areas where base flood elevation and floodway data have not been identified; and
 - b. In areas where FEMA has not identified special flood hazard areas.
2. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
3. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.

D. FEMA Data. If a preliminary flood insurance rate map and/or a preliminary flood insurance study has been provided by FEMA:

1. Upon the issuance of a letter of final determination by FEMA, if the preliminary flood hazard data is more restrictive than the effective data, it shall be used and shall replace the flood hazard data previously provided by FEMA for the purposes of administering this chapter.
2. Prior to the issuance of a letter of final determination by FEMA,
 - a. The use of preliminary flood hazard data shall be deemed the best available data pursuant to § 17.11.050(c) and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
 - b. The use of preliminary flood hazard data is permitted where the preliminary base flood elevations, floodplain or floodway boundaries

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exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA.

c. Such preliminary data may be subject to change and appeal to FEMA.

E. Disputes.

1. If a dispute arises concerning any district boundary, an initial determination shall be made by the Floodplain Administrator
2. The applicant aggrieved by this decision may appeal to the Building Board of Appeals pursuant to §§ 2.48.070 through 2.48.080.
3. The burden of proof is on the appellant.
4. The Floodplain Administrator shall schedule a hearing within thirty calendar days after the filing of the appeal and shall notify the appellant of the hearing date.

F. Notice of Violation, Citations.

Violation Notice and Citations. Violations of this chapter may result in either a notice of violation or issuance of a municipal citation pursuant to §17.05.130.

Section 17.11.390 - Appeals.**Notice of Violation, Citations, Appeals.**

- ~~(A) A person aggrieved by an order from the Director or the Director's designee made pursuant to this chapter, other than the issuance of a municipal citation or the charging of a misdemeanor, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the order. The petition for appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of Planning and Zoning along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.~~
- ~~(B) The Building Board of Appeals shall consider the appeal based upon the information provided to the Department of Planning and Zoning at the time of the order from which the appeal is taking. If the Board finds that the order was in error or contrary to the provisions of this Code or other applicable law, the Board may reverse or modify the order. The decision of the Board on all appeals shall be in writing and shall contain the factual findings of the Board and the reasons for the decision.~~
- ~~(C) A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the Circuit Court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a person shall not be considered aggrieved by a decision of the Board unless the person has appeared as a party at the hearing before the Board. An appeal~~

~~under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.~~

A. Violation Notice and Citations. Violations of this chapter may result in either a notice of violation or issuance of a municipal citation pursuant to §17.05.130.

B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

Title 17 - BUILDINGS AND CONSTRUCTION

Chapter 17.12 - Additional Building Codes

Section 17.12.210 - Appeals. **Notice of Violation, Citations, Appeals.**

~~A person aggrieved by an order from the department may appeal to the Building Board of Appeals within fifteen calendar days of receipt of the order, per Section 17.12.130. The petition for appeal shall be in writing and shall state the grounds for appeal. The scheduling of the hearing and the rendering of the decision shall be expedited if warranted by the circumstances. The board may affirm, rescind or modify the order, in its discretion, to conform the order to the intent of this chapter.~~

A. Violation Notice and Citations. Violations of this chapter may result in either a notice of violation or issuance of a municipal citation pursuant to §17.05.130.

B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

Title 17 - BUILDINGS AND CONSTRUCTION

Chapter 17.14 - Green Buildings: Energy Efficiency and Environmental Design

Section 17.14.070 - Appeal. **Notice of Violation, Citations, Appeals.**

~~Appeals of a decision by the Director pertaining to this chapter shall be made to the Building Board of Appeals.~~

A. Violation Notice and Citations. Violations of this chapter may result in either a notice of violation or issuance of a municipal citation pursuant to §17.05.130.

B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

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Title 17 - BUILDINGS AND CONSTRUCTION
Chapter 17.20 - Fire Prevention Code

Section 17.20.140 - Appeals to the Building Board of Appeals. Notice of Violation, Citations, Appeals.

~~A person aggrieved by a decision of the Fire Chief under this chapter may appeal the decision within thirty days after the decision to the Board of Building Appeals.~~

A. **Violation Notice and Citations.** Violations of this chapter may result in either a notice of violation or issuance of a municipal citation pursuant to §17.05.130.

B. **Appeals.** Persons who are aggrieved by orders, decisions, and determinations regarding the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

Title 17 - BUILDINGS AND CONSTRUCTION
Chapter 17.22 - Petroleum Storage Facilities

Section 17.22.090 - Appeals. Notice of Violation, Citations, Appeals.

~~A. A person aggrieved by an order from the Director or the Director's designee made pursuant to this chapter, other than the issuance of a municipal citation or the charging of a misdemeanor, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the order. The petition for appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of Planning and Zoning along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.~~

~~B. The Building Board of Appeals shall consider the appeal based upon the information provided to the Department of Planning and Zoning at the time of the order from which the appeal is taking. If the Board finds that the order was in error or contrary to the provisions of this code or other applicable law, the Board may reverse or modify the order. The decision of the Board on all appeals shall be in writing and shall contain the factual findings of the Board and the reasons for the decision.~~

~~C. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the circuit court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a person shall not be considered aggrieved by a decision of the Board unless the person has appeared as a party at the hearing before the Board. An appeal~~

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under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.

A. Violation Notice and Citations. Violations of this chapter may result in either a notice of violation or issuance of a municipal citation pursuant to §17.05.130.

B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding the administration of this chapter may appeal pursuant to §§ 2.48.070 though 2.48.080.

DC. Notwithstanding any provision in this chapter to the contrary, ~~y~~**Violations** of the State Fire Prevention Code shall be appealed through the State Fire Prevention Commission pursuant to the procedures set forth in State law.

Title 17 - BUILDINGS AND CONSTRUCTION

Chapter 17.34 - Fence Permits

Section 17.34.020 - Appeals.**Notice of Violation, Citations, Appeals.**

A. ~~A person aggrieved by a determination or an order of the Director or the Director's designee made pursuant to this chapter, other than the issuance of a municipal citation, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the determination or order. The notice of appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of Planning and Zoning along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.~~

B. ~~Fifteen days' notice of the hearing shall be given to persons or entities owning property within two hundred feet of the location of the proposed fence or wall that is the subject of the appeal. Notice shall be by first class mail, and to the general public by a notice published in a newspaper of general circulation in the City. All required notices shall be at the appellant's expense.~~

C. ~~The Building Board of Appeals shall consider the appeal based upon the information and documentation provided to the Department of Planning and Zoning at the time of the determination or order from which the appeal is taken. If the Board finds that the determination or order was in error or contrary to the provisions of this Code or other applicable law, the Board may reverse or modify the determination or order. The decision of the Board on all appeals shall be in writing and shall contain the factual findings of the Board and the reasons for the decision.~~

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1 D.—A person aggrieved by a decision of the Building Board of Appeals made
2 pursuant to this section may appeal that decision to the Circuit Court for Anne Arundel
3 County pursuant to Maryland Rule Title 7, Chapter 200, as may be amended from time to
4 time. For purposes of this subsection, a person shall not be considered aggrieved by a
5 decision of the Board unless the person has appeared as a party at the hearing before the
6 Board. An appeal under this section shall be taken within thirty days of the date of the
7 decision appealed and shall be the exclusive remedy of the aggrieved party from that
8 decision.

9 A. Violation Notice and Citations. Violations of this chapter may receive a notice of
10 violation or citation pursuant to §17.05.130. Each day that a violation continues
11 constitutes a separate offense.

12 B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding
13 the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.
14

15 **Section 17.34.030 Violations.**

16 A violation of this section is declared a municipal infraction subject to a civil fine as
17 established by resolution of the City Council. Each day that a violation continues constitutes a
18 separate offense.
19

20 **Title 17 - BUILDINGS AND CONSTRUCTION**
21 **Chapter 17.40 - Residential Property Maintenance Code**

22 **Section 17.40.840 - ~~Correction notice.~~Notice of Violation, Citations.**

23 ~~A.—Whenever an inspecting officer has reasonable grounds to believe that there has been a~~
24 ~~violation of this chapter, a written notice of the violation shall be made to the owner, or the~~
25 ~~owner's agent, or the occupant of the premises upon which a violation exists, setting forth~~
26 ~~the specific violation and stating a reasonable time within which the violation must be~~
27 ~~corrected. The notice shall advise the owner, agent, operator, or occupant, as the case may~~
28 ~~be, of the right to appeal to the Board of Appeals and shall state that unless the condition~~
29 ~~violating this chapter is corrected within the time specified, the owner, occupant, or~~
30 ~~operator, as the case may be, may be prosecuted for the violation. The notice is properly~~
31 ~~served upon the owner, agent, occupant, or operator if a copy is sent by certified mail to the~~
32 ~~owner's, agent's, occupant's or operator's last known address, or if a copy of the notice is~~
33 ~~posted in a conspicuous place in or about the premises affected by the notice, or if notice is~~
34 ~~served by any other method authorized under the laws of this State.~~

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~~B. If the Director finds that there has been an unreasonable failure of the licensee to comply with a notice of violation, a license may be suspended and subsequently revoked according to the provisions of Section 17.44.090.~~

~~C. If the Director finds that the violations constitute any of the defects listed in Section 17.40.850(A), then the provisions of that section shall apply as well as the penalties described in Section 17.44.140.~~

Violations of this chapter may result in either a notice of violation or issuance of a municipal citation pursuant to §17.05.130.

Section 17.40.880 - Appeals.

~~A. The Building Board of Appeals has jurisdiction to hear and decide appeals from any order, requirement, decision or determination made by the Director of Planning and Zoning or the Director's designee under this chapter, other than the issuance of a municipal citation or the charging of a misdemeanor. The petition for appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of Planning and Zoning along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.~~

~~B. Appeals to the Building Board of Appeals shall be made within the time specified by the Director of Planning and Zoning for correction of the alleged violation, as mentioned in Section 17.40.840, or within ten days from the receipt of notice of violation, suspension or revocation, whichever is the shorter period, by letter addressed to the Board setting forth the order, requirements, decision or determination from which the appeal is taken, and alleging sufficient facts to show an error in the order, requirement, decision or determination, or that compliance with the order, requirement, decision or determination will result in severe and undue hardship unwarranted by the circumstances.~~

~~C. Within a reasonable time after receiving notice of an appeal, but not less than five days, the chair shall fix a time and place for the hearing of the appeal, and shall send notice of the hearing to the appellant or the appellant's attorney of record.~~

~~D. In deciding appeals, the Building Board of Appeals shall determine from all of the evidence presented to it, if there is any error in the order, requirement, decision or determination from which the appeal is taken, or if severe and undue hardship will result to the appellant, or others, by enforcement of the order, requirement, decision or determination, not warranted by considerations for the public health, safety and welfare. The Board may reverse, affirm or modify, wholly or partly, the order, requirement, decision or determination appealed from, and may make any further order, requirement, decision or determination as ought to be made upon all of the evidence presented to it.~~

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1 E. ~~Upon making a final determination, the Building Board of Appeals shall give notice of~~
2 ~~the determination to the appellant by the same procedures set forth in Section~~
3 ~~17.40.840, and in the event the determination requires some action to be taken by the~~
4 ~~appellant, the notice shall state a reasonable time within which the action shall be~~
5 ~~taken, and further shall state that unless the action is taken within the time specified,~~
6 ~~the appellant will be subject to the penalties provided in Section 17.40.890.~~

7 F. ~~A person aggrieved by a decision of the Building Board of Appeals made pursuant to~~
8 ~~this section may appeal that decision to the circuit court for Anne Arundel County~~
9 ~~pursuant to Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this~~
10 ~~subsection, a person shall not be considered aggrieved by a decision of the Board~~
11 ~~unless the person has appeared as a party at the hearing before the Board. An appeal~~
12 ~~under this section shall be taken within thirty days of the date of the decision appealed~~
13 ~~and shall be the exclusive remedy of the aggrieved party from that decision.~~

14 Persons who are aggrieved by orders, decisions, and determinations regarding the
15 administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.
16

17 **Section 17.40.890 - Residential housing standards violation.** **Notice of Violation,**
18 **Citations, Appeals.**

19 A. ~~A person served with the notice required by Section 17.40.840 who fails to comply~~
20 ~~with the notice is guilty of a municipal infraction and is subject to a fine as established~~
21 ~~by resolution of the City Council. If the violation is not corrected fully within the~~
22 ~~following five-day period, a second citation may be issued assessing an additional fine~~
23 ~~as established by resolution of the City Council. For each successive five-day period~~
24 ~~during which the violation is not corrected fully a new citation shall be issued~~
25 ~~assessing the fine as established by resolution of the City Council. No citation shall be~~
26 ~~issued if an election to stand trial on the original citation has been filed and is pending.~~
27 ~~In the event of an appeal to the Building Board of Appeals, no citation for a municipal~~
28 ~~infraction shall be issued until the final notice required by Section 17.40.880 first has~~
29 ~~been served upon the alleged violator and the time specified in the notice for taking the~~
30 ~~required action has expired with the action required by the notice not having been~~
31 ~~taken and completed.~~

32 B. ~~A person served with notice of violation required by Section 17.40.840 who fails to~~
33 ~~comply with the notice according to the schedule specified by the Director of Planning~~
34 ~~and Zoning and who has not elected to stand trial on the citation is guilty of a~~
35 ~~misdemeanor and on conviction is subject to a fine as established by resolution of the~~
36 ~~City Council or imprisonment or both. Each day the violation remains uncorrected~~
37 ~~shall be considered a separate offense.~~

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A. **Violation Notice and Citations.** Violations of this chapter may result in either a notice of violation or issuance of a municipal citation pursuant to §17.05.130.

B. **Appeals.** Persons who are aggrieved by orders, decisions, and determinations regarding the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

Title 17 - BUILDINGS AND CONSTRUCTION

Chapter 17.44 - Rental Unit Licenses

Section 17.44.060 - ~~Complaints, suspension and revocation~~Revocation, Suspension, Notice to Vacate.

~~A.— Fraud, misrepresentation, false statement or a material inaccuracy in an application for a rental operator's license discovered after issuance or renewal shall be grounds for immediate revocation of the rental operator's license by the Director.~~

~~B.— If the Police Department makes three or more documented calls for service in a thirty-day period to a premises in response to a complaint of disorderly conduct as defined by Section 11.12.010 or disturbing the peace as defined by Section 11.12.020, or if a premises or the licensee of a premises violates any provision of Chapter 17.40 or 17.44, the Director may order the licensee, by written notice sent by certified mail to the licensee's address of record, to show cause before the Building Board of Appeals within thirty days of said notice why the applicable rental operator's license for the premises should not be revoked. If the licensee shall fail to show cause to the satisfaction of the Board within the stipulated time, the Board shall issue an order suspending the rental operator's license and stating the violations in need of correction. If the violations causing the suspension are corrected to the satisfaction of the Director within thirty days of the Board's order of suspension, the suspension imposed under this subsection shall be vacated by the Director.~~

~~C.— A suspension imposed under Subsection B of this section shall expire and, in its place, the rental operator's license shall be revoked thirty days after the order of suspension unless, during that thirty-day period, the violations causing the suspension have been corrected to the satisfaction of the Director. The Director shall send to the licensee written notice by certified mail of any such revocation. The notice shall inform the licensee of the right to appeal the revocation pursuant to Section 17.44.100 and shall set forth the grounds for the revocation.~~

~~D.— A rental operator's license revoked pursuant to either Subsection A or C of this section shall not be revalidated or renewed. However, nothing contained herein shall preclude a person from filing an application for a new rental operator's license for such premises pursuant to this chapter.~~

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~~E. The Department, under the direction of the Director, shall enforce the provisions of this section. Upon receipt of a complaint under this section or a recommendation by the Chief of Police to take action under this section, the Director or his or her designee shall obtain such information as necessary to determine whether to proceed under Subsection B of this section.~~

~~F. If any persons, other than the licensee, are occupying the premises at the time of a suspension or revocation of a rental operator's license, the Director shall post a notice on the front door of the premises indicating that all persons, other than the licensee must vacate as of the date of the posting of the notice. At any time after the posting of the notice, the licensee or local property manager shall permit an inspection of the premises by the Department to verify the premises has been vacated.~~

~~G. A person who violates this section is guilty of a municipal infraction and subject to a fine set by resolution of the City Council.~~

A. Revocation.

1. If fraud, misrepresentation, false statements, or material inaccuracies are discovered in an application for a rental operator's license after it has been issued or renewed, the Director has the authority to immediately revoke the license.
2. A rental operator's license that is revoked under Subsection A(1) or C of this section cannot be revalidated or renewed.
3. However, this does not prevent an individual from applying for a new rental operator's license for the same premises according to this chapter.

B. Show-Cause Order.

1. The Director may issue a show-cause order to the licensee if:
 - a. The Police Department makes three or more documented calls for service in a 30-day period to the premises in response to a complaint of:
 - i. Disorderly conduct as defined by § 11.12.010
 - ii. Disturbing the peace as defined by §11.12.020; or
 - b. If a premises or the licensee of a premises violates any provision of § 17.40 or § 17.44.
2. The order shall be by written notice sent by certified mail to the licensee's address of record
3. The licensee shall show cause before the Building Board of Appeals within 30 calendar days of the notice why the applicable rental operator's license for the premises should not be revoked

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1 4. If the licensee fails to show cause to the satisfaction of the Board within the
2 stipulated time, the Board shall issue an order suspending the rental operator's
3 license and stating the violations in need of correction.

4 5. If the violations causing the suspension are corrected to the satisfaction of the
5 Director within 30 calendar days of the Board's order of suspension, the
6 suspension imposed under this subsection shall be vacated by the Director.

7 **C. Suspension.**

8 1. A suspension imposed under Subsection B of this section shall expire and, in its
9 place, the rental operator's license shall be revoked 30 calendar days after the
10 order of suspension unless, during that 30-day period, the violations causing the
11 suspension have been corrected to the satisfaction of the Director.

12 2. The Director shall send to the licensee written notice by certified mail of any such
13 revocation.

14 3. The notice shall inform the licensee of the right to appeal the revocation pursuant
15 to § 17.44.100 and shall set forth the grounds for the revocation.

16 **D. Enforcement.**

17 1. The Department, under the direction of the Director, shall enforce the provisions
18 of this section.

19 2. Upon receipt of a complaint under this section or a recommendation by the Chief
20 of Police to take action under this section, the Director or his or her designee shall
21 obtain such information as necessary to determine whether to proceed under
22 Subsection B of this section.

23 **E. Notice to Vacate.**

24 1. If a rental operator's license is suspended or revoked and there are individuals,
25 other than the licensee, occupying the premises at that time, the Director will
26 place a notice on the building's front door.

27 2. This notice will inform all occupants, except for the licensee, that they must leave
28 the premises as of the notice's posting date.

29 3. Following the notice's posting, the licensee or the local property manager must
30 allow the Department to inspect the premises to ensure it has been vacated.

31
32 **Section 17.44.100 - ~~Appeals~~ Notice of Violation, Citations, Appeals.**

33 ~~Any person aggrieved by a decision of the Director to deny issuance, deny~~
34 ~~renewal, suspend or revoke a rental operator's license may appeal the decision to~~
35 ~~the Building Board of Appeals according to the provisions of Section 17.40.880.~~

1 **A. Violation Notice and Citations.** Violations of this chapter may result in either a notice
2 of violation or issuance of a municipal citation pursuant to §17.05.130.

3 **B. Appeals.** Persons who are aggrieved by orders, decisions, and determinations regarding
4 the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

5
6
7 **Title 17 - BUILDINGS AND CONSTRUCTION**
8 **Chapter 17.48 - Nonresidential Property Maintenance**
9 **Article IV - Enforcement**
10

11 **~~Section 17.48.290 – Notice to correct – Issuance.~~**

12 ~~Whenever the Director of Planning and Zoning determines that there are reasonable~~
13 ~~grounds to believe that there has been a violation of this chapter or of any rule or regulation~~
14 ~~adopted pursuant to this chapter, the Director shall give notice of the alleged violation to the~~
15 ~~owner or an agent as provided in this section. The notice:-~~

16 ~~A. Shall be by certified mail;-~~

17 ~~B. Shall include a statement of the reasons why it is being issued;-~~

18 ~~C. Shall allow a reasonable time for the performance of any act it requires;-~~

19 ~~D. Shall be served upon the owner or an agent of the owner by certified mail, as the case~~
20 ~~may require; provided, that the notice shall be deemed to be served properly upon the owner~~
21 ~~or agent if a copy of the notice is served upon the owner or agent personally, or if a copy is~~
22 ~~sent by certified mail to the last known address of the owner or agent, or if a copy is posted~~
23 ~~in a conspicuous place in or about the premises affected by the notice, or if the owner or~~
24 ~~agent is served with the notice by any other method authorized under the laws of this State;-~~

25 ~~E. May contain an outline of remedial action which if taken will effect compliance with this~~
26 ~~chapter and with rules and regulations adopted pursuant to this chapter.-~~

27 A person who violates this chapter is guilty of a municipal infraction and is subject to a fine
28 set by resolution of the City Council.

29
30 **~~Section 17.48.300 Violation Notice – Appeal.~~ **Violation Notice, Citations, Appeals.****

31 ~~A. The Board of Appeals also shall be the adjudicatory body for hearing appeals from~~
32 ~~the provisions of this chapter.~~

33 ~~B. A person aggrieved by any notice or order which has been issued in connection with~~
34 ~~the enforcement of this chapter may appeal the matter to the Board of Appeals. The~~

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appellant, within ten days after service of a notice or order, shall file in the Office of the Director of Planning and Zoning a signed written notice of appeal, requesting a hearing and setting forth a brief statement of the reasons for the hearing. Upon receipt of the notice of appeal, the Director shall notify the Board. The Board shall set a time and place for the hearing and shall give the appellant and the Director notice of the hearing. The Board shall file the decision on an appeal within forty five days following the conclusion of the hearing on the appeal.

C. After the hearing the Board may affirm, amend, modify or withdraw the notice or order from which an appeal was taken. The decision of the Board constitutes an order and any person who fails, refuses or neglects to comply with any order is guilty of violating this chapter.

D. The decision of the Board in all cases shall be final; except, that any appellant or party directly aggrieved by a decision of the Board, within thirty days after the rendering of the decision, may appeal to the circuit court for the County. The findings of fact of the Board shall be conclusive and judicial review shall be limited solely to errors of law and questions of constitutionality. The decision of the Board in any case on appeal shall be stayed pending a decision of the court.

A. Violation Notice and Citations. Violations of this chapter may result in either a notice of violation or issuance of a municipal citation pursuant to §17.05.130.

B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

Section 17.48.320 - Unsafe structures—Condemnation.

The designation of nonresidential structures as unsafe structures and the procedure for the condemnation and placarding of these nonresidential buildings shall be carried out in compliance with the following requirements:

A. Defects Requiring Condemnation. Any nonresidential building which is found to have any of the following defects shall be condemned as an unsafe structure and shall be so designated by the Director of Planning and Zoning:

1. One which is damaged, decayed, dilapidated, insanitary, unsafe, or vermin-infested so that it creates a serious hazard to the health or safety of the occupants or of the public;
2. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public;
3. One which, because of its general condition, is unsanitary or otherwise dangerous to the health or safety of the occupants or the public.

Explanation:

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~~A nonresidential building designated as unsafe due to a fire, storm, or other structural compromise shall be placarded by the Fire Chief or Fire Chief's designee. The placard shall have the full authority described in this section.~~

~~B. Vacation — Correction — Placard Removal. Any nonresidential building condemned as an unsafe structure, and so designated and placarded, shall be vacated within a reasonable time as ordered by the Director of Planning and Zoning. The Director shall authorize removal of the placard when the defects upon which the condemnation and placarding action were based have been eliminated.~~

~~C. No person shall deface or remove the placard from any nonresidential building which has been condemned and placarded as an unsafe structure, except as provided in Subsection B of this section.~~

~~D. A person aggrieved by a notice or order relating to the condemning and placarding of a nonresidential structure as an unsafe structure may appeal the notice or order to the Building Board of Appeals, under the procedure set forth in Section 17.48.360.~~

A. Defects Requiring Condemnation. The process for designating nonresidential structures as unsafe and the procedure for their condemnation and placarding shall follow these requirements:

1. A nonresidential building will be condemned as an unsafe structure and designated as such by the Director of Planning and Zoning if it is found to have any of the following defects:

a. Damage, decay, dilapidation, unsanitary conditions, safety hazards, or vermin infestation that creates a serious hazard to the health or safety of occupants or the public;

b. Inadequate illumination, ventilation, or sanitation facilities that fail to protect the health or safety of occupants or the public; and

c. A general condition that is unsanitary or otherwise hazardous to the health or safety of occupants or the public.

2. A nonresidential building deemed unsafe due to fire, storm, or other structural damages will be placarded by the Fire Chief or the Fire Chief's designee. The placard will carry the full authority as described in these requirements.

B. Notice to Vacate, Correction, Placard Removal.

1. Any nonresidential building condemned as an unsafe structure and so designated and placarded shall be vacated within a reasonable time as ordered by the Director of Planning and Zoning.

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2. The Director shall authorize removal of the placard when the defects upon which the condemnation and placarding action were based have been eliminated.

3. No person shall deface or remove the placard from any nonresidential building that has been condemned and placarded as an unsafe structure.

Section 17.48.350 - ~~Non-residential property maintenance violation.~~ Notice of Violation, Citations, Appeals.

~~A person who violates this chapter is guilty of a municipal infraction and is subject to a fine as established by resolution of the City Council; provided, that no citation for a municipal infraction shall be issued until the notice required by Section 17.48.290 first has been served upon the alleged violator and the time specified in the notice for correction of the violation has expired with no appeal to the Building Board of Appeals having been taken and with the condition in violation of this chapter not having been corrected. In the event of an appeal to the Building Board of Appeals, no citation for a municipal infraction shall be issued until notice of the decision of the Building Board of Appeals first has been served upon the alleged violator and the time specified in the notice for taking the required action has expired with the action required by the notice not having been taken or completed. A continuing violation of the same provision of this chapter constitutes a separate violation for each day in which the condition is allowed to exist after the expiration of the time specified in the notice given by the Director of the Department of Planning and Zoning or the Building Board of Appeals, whichever is later.~~

A. Violation Notice and Citations. Violations of this chapter may result in either a notice of violation or issuance of a municipal citation pursuant to §17.05.130.

B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

Section 17.48.360 - ~~Appeals.~~

~~A. A person aggrieved by an order from the Director or the Director's designee made pursuant to this chapter, other than the issuance of a municipal citation or the charging of a misdemeanor, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the order. The petition for appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of Planning and Zoning along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.~~

~~B. The Building Board of Appeals shall consider the appeal based upon the information provided to the Department of Planning and Zoning at the time of the order from which the appeal is taking. If the Board finds that the order was in error or contrary to the~~

provisions of this code or other applicable law, the Board may reverse or modify the order. The decision of the Board on all appeals shall be in writing and shall contain the factual findings of the Board and the reasons for the decision.

C. ~~A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the circuit court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a person shall not be considered aggrieved by a decision of the Board unless the person has appeared as a party at the hearing before the Board. An appeal under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.~~

Title 17 - BUILDINGS AND CONSTRUCTION

Chapter 17.52 - Facilities for the Disabled

Section 17.52.040 - Violations — Appeals.Notice of Violation, Citations, Appeals.

A. ~~A person aggrieved by an order from the Director issues pursuant to this chapter, other than the issuance of a municipal citation, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the order. The petition for appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of Planning and Zoning along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.~~

B. ~~The Building Board of Appeals shall consider the appeal based upon the information provided to the Department of Planning and Zoning at the time of the order from which the appeal is taking. If the Board finds that the order was in error or contrary and to the provisions of the City Code or other applicable law, the Board may reverse or modify the order. The decision of the Board on all appeals shall be in writing and shall contain the factual findings of the Board and the reasons for the decision.~~

C. ~~A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the Circuit Court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 (or its successor). For purposes of this subsection, a person shall not be considered aggrieved by a decision of the Board unless the person has appeared as a party at the hearing before the Board. An appeal under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.~~

A. Violation Notice and Citations. Violations of this chapter may result in either a notice of violation or issuance of a municipal citation pursuant to §17.05.130.

Explanation:

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B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

Title 17 - BUILDINGS AND CONSTRUCTION

Chapter 17.60 - Signs

Section 17.60.160 - Sign violation.

~~A person who violates this chapter is guilty of a municipal infraction and is subject to a fine as established by resolution of the City Council. The failure of a property owner or tenant to comply with a violation correction order issued by the Director constitutes a single violation for each day that noncompliance continues.~~

Section 17.60.170 - ~~Violations~~ Appeal. Notice of Violation, Citations, Appeals.

~~A. A person aggrieved by an order from the Director issued pursuant to this chapter, other than the issuance of a municipal citation, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the order. The petition for appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of Planning and Zoning along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.~~

~~B. The Building Board of Appeals shall consider the appeal based upon the information provided to the Department of Planning and Zoning at the time of the order from which the appeal is taking. If the Board finds that the order was in error or contrary and to the provisions of the City Code or other applicable law, the Board may reverse or modify the order. The decision of the Board on all appeals shall be in writing and shall contain the factual findings of the Board and the reasons for the decision.~~

~~C. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the Circuit Court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 (or its successor). For purposes of this subsection, a person shall not be considered aggrieved by a decision of the Board unless the person has appeared as a party at the hearing before the Board. An appeal under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.~~

A. Violation Notice and Citations. Violations of this chapter may result in either a notice of violation or issuance of a municipal citation pursuant to §17.05.130.

B. Appeals. Persons who are aggrieved by orders, decisions, and determinations regarding the administration of this chapter may appeal pursuant to §§ 2.48.070 through 2.48.080.

Explanation:

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1 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
2 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect upon passage.

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