

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

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3 **ORDINANCE NO. O-48-09 Amended**

4 **Introduced by Mayor Moyer**

LEGISLATIVE HISTORY			
First Reading:	Public Hearing:	Fiscal Impact Note:	120 Day Rule:
07/27/09	10/05/09	07/21/09	11/24/09
Referred To:	Meeting Date:	Action Taken:	
Port Wardens	10/21/09	Favorable	

7
8 **AN ORDINANCE concerning**

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10 **Port Wardens – Notice of Hearings and Permitting Procedures**

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12 **FOR** the purposes of specifying advertisement requirements for Port Wardens
13 hearings and modifying permitting procedures.

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17 **BY** repealing and reenacting with amendments the following portion of the
18 Code of the City of Annapolis, 2009 Edition:
19 Section 15.16.040
20 Section 15.20.050

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

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29 **Chapter 15.16 PORT WARDENS**

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31 **15.16.040 Port wardens hearings, decisions and appeals.**

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33 A. Whenever an application is submitted by the Director of Public Works, the
34 Director of Neighborhood and Environmental Programs or by the harbor master
35 to the port wardens, the port wardens shall cause notice of the hearing of the
36 application to be published once in each week for two consecutive weeks in one
37 newspaper of general circulation published in the City. The second
38 advertisement shall be published at least seven days prior to the hearing. **The**

1 first advertisement shall be published between eight (8) and fourteen (14) days
2 prior to the hearing.

3 B. The notice required by subsection A of this section shall specify the names
4 and residency of the applicant, the location of the projected construction and
5 description of the construction proposed and such other information as the port
6 wardens shall direct. The notice also shall advise that an appeal from a decision
7 of the port wardens to the City Council is on the record of the proceedings made
8 before the port wardens and that persons who may desire to appeal a decision of
9 the port wardens shall provide for a verbatim account of the port wardens'
10 proceedings to be recorded and transcribed. The cost of the publication of notice
11 of hearing shall be borne by the applicant.

12 C. Additionally, a sign indicating that a permit is being sought and stating the
13 date and time of the meeting of the port wardens shall be posted on the property,
14 both at the street and at the water, by the applicant at least ten days prior to the
15 meeting of the port wardens and shall be removed by the applicant within ten
16 days following the completion of the port warden's consideration of the
17 application.

18 D. The decision of the port wardens shall be based upon their judgment of
19 testimony presented to them at the hearing, shall be in writing and shall contain
20 the findings of fact upon which the decision is based. All decisions of the port
21 wardens shall be filed with the City Clerk.

22 E. The port wardens shall cause notice of their decision pertaining to an
23 application to be published within two weeks in one newspaper of general
24 circulation published in the City. The cost of the publication of the notice of
25 decision also shall be borne by the applicant.

26 F. A person aggrieved by a decision of the port wardens may appeal that
27 decision to the Circuit Court of Anne Arundel County in accordance with
28 Maryland Rules of Procedure, Title 7, Chapter 200.

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30 **15.20.050 Building permit--Application--Notification.**

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32 Upon submission of a building permit application under Sections 15.20.060 or
33 15.20.070, and confirmation from the city of the hearing date, applicants shall
34 send via ~~certified~~-mail, at least ten (10) days prior to the hearing date, to each
35 property owner for every property identified in Subsections 15.20.060(A)(1) or
36 15.20.070(A)(1), a ~~copy~~ site plan and complete description of the application and
37 a statement that a hearing will be scheduled before the City of Annapolis Board
38 of Port Wardens regarding the application. For those properties requiring
39 notification that are multi-family dwellings, notification may be made to the board
40 members of the unit owners association and/or property manager in lieu of
41 notification of all property owners. Applicants shall also post notice prior to the
42 hearing as required in Subsection 15.16.040(c). Applicants shall submit all ~~return~~
43 ~~receipts~~ certificates of mailing from the ~~certified~~ mailings to the Board of Port
44 Wardens at the hearing.

