

**CITY OF BALTIMORE
COUNCIL BILL 14-0448
(First Reader)**

Introduced by: Councilmember Kraft, President Young, Councilmembers Middleton, Costello, Scott, Stokes, Holton, Reisinger, Welch, Curran, Branch

Introduced and read first time: October 27, 2014

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Commission on Sustainability, Department of Public Works

A BILL ENTITLED

1 AN ORDINANCE concerning

Natural Resources – Soil Erosion and Sediment Control – Delegation of Hearing Authority

FOR the purpose of revising the provisions governing delegations of hearing authority in administrative appeals of soil erosion and sediment control matters to conform to the counterpart delegations authorized in appeals of floodplain management matters and in appeals of stormwater management matters; providing for a special effective date; and generally relating to administrative hearings relating to soil erosion and sediment control.

BY repealing and reordaining, without amendments

Article 7 - Natural Resources
Section(s) 8-2 and 28-6
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 7 - Natural Resources
Section(s) 35-6 and 35-9
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 7. Natural Resources

Division I. Floodplain Management

Subtitle 8. Administrative and Judicial Review

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

1 **§ 8-2. Administrative review – Delegation of hearing authority.**

2 (a) *In general.*

3 Hearings may be conducted by:

4 (1) the Planning Director; or

5 (2) a hearing officer designated by the Planning Director.

6 (b) *Scope of delegation.*

7 The Director may delegate to a hearing officer the authority to issue:

8 (1) proposed or final findings of fact;

9 (2) proposed or final conclusions of law;

10 (3) proposed or final findings of fact and conclusions of law;

11 (4) proposed or final orders; or

12 (5) the final administrative decision of the Department.

13 **Division II. Stormwater Management**

14 **Subtitle 28. Enforcement; Reviews; Penalties**

15 **§ 28-6. Administrative review – Delegation of hearing authority.**

16 (a) *In general.*

17 Hearings may be conducted by:

18 (1) the Director of Public Works; or

19 (2) a hearing officer designated by the Director.

20 (b) *Scope of delegation.*

21 The Director may delegate to a hearing officer the authority to issue:

22 (1) proposed or final findings of fact;

23 (2) proposed or final conclusions of law;

24 (3) proposed or final findings of fact and conclusions of law;

- 1 (4) proposed or final orders; or
- 2 (5) the final administrative decision of the Department.

3 **Division III. Soil Erosion and Sediment Control**

4 **Subtitle 35. Enforcement; Reviews; Penalties**

5 **§ 35-6. Administrative review – Delegation of hearing authority.**

6 (a) *In general.*

7 Hearings may be conducted by:

- 8 (1) the Director of Public Works; or
- 9 (2) a hearing officer designated by the Director.

10 (b) *Scope of delegation.*

11 The Director may delegate to a hearing officer the authority to issue:

- 12 (1) proposed OR FINAL findings of fact;
- 13 (2) proposed OR FINAL conclusions of law;
- 14 (3) proposed OR FINAL findings of fact and conclusions of law; [or]
- 15 (4) proposed OR FINAL orders; OR
- 16 (5) THE FINAL ADMINISTRATIVE DECISION OF THE DEPARTMENT.

17 **§ 35-9. Administrative review – Final decisions.**

18 [(a) *Director to issue.*]

19 [(1) Only the Director may issue the final administrative decision of the Department.]

20 [(2) If a hearing officer conducted the hearing, the Director must review and consider the
21 hearing officer's proposed findings and conclusions before issuing the final decision.]

22 (A) [(b)] *Form and contents.*

23 The final decision must:

- 24 (1) be in writing; and

1 (2) contain separate statements of:

2 (i) the findings of fact;
3 (ii) the conclusions of law; and
4 (iii) the decision or order.

5 (B) [(c)] *Distribution.*

6 A copy of the final decision must be mailed or delivered to each party or that party's
7 attorney of record.

8 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
9 are not law and may not be considered to have been enacted as a part of this or any prior
10 Ordinance.

11 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
12 enacted.