

**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

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

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

9 BY repealing and reordaining, without amendments

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

14 BY repealing and reordaining, with amendments

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

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

21 **Baltimore City Code**

22 **Article 7. Natural Resources**

23 **Division I. Floodplain Management**

24 **Subtitle 8. Administrative and Judicial Review**

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

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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;

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

Division III. Soil Erosion and Sediment Control

Subtitle 35. Enforcement; Reviews; Penalties

§ 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

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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.