

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 20-0557

Introduced by: Councilmembers Sneed, Dorsey, Middleton, Clarke, Henry

Introduced and read first time: July 6, 2020

Assigned to: Judiciary Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: September 21, 2020

AN ORDINANCE CONCERNING

Baltimore City Administrative Procedure Act – Regulations

1
2 FOR the purpose of establishing a uniform procedure for the notice, publication, and adoption of
3 regulations in Baltimore City government; establishing the Code of Baltimore Regulations
4 Annotated (COBRA) and providing for its contents; defining certain terms; requiring that a
5 proposed regulation cite the statutory authority under which it is being proposed and embrace
6 only a single subject; requiring that proposed regulation be approved for form and legal
7 sufficiency by the City Solicitor prior to its publication; requiring that agencies publish notice
8 of the proposed regulation and allow for public comments to be submitted for a certain period
9 of time; setting forth the modes of publication of a proposed regulation; establishing the
10 contents of the notice of proposed regulation; ~~allowing for any Councilmember to refer a~~
11 ~~proposed regulation for review by the Committee on Legislative Investigations and providing~~
12 ~~for the procedures for that review~~ any 3 or more councilmembers to stay adoption of a
13 regulation for a certain period to conduct further study; requiring that, after the notice and
14 comment period, an agency re-submit the proposed regulation to the City Solicitor for a
15 determination of whether any material changes have been made to the regulation; requiring
16 that the proposed regulation be re-published if a material change has been made; providing
17 for a certain period for which a proposed regulation must be adopted by a regulation before
18 the proposed regulation is deemed withdrawn; providing for temporary regulations during
19 certain emergencies; requiring that adopted regulations be submitted to the Director of
20 Legislative Reference prior to the regulations taking effect; permitting the Director of
21 Legislative Reference to make certain non-substantive changes to a regulation; allowing an
22 agency to remove certain obsolete regulations; providing for the severability of certain
23 regulations; providing for a special effective date; and generally relating to establishing an
24 orderly and transparent administrative procedure for the adoption of regulations in Baltimore
25 City.

26 BY adding

27 New Revised Article - General Provisions

28 Baltimore City Revised Code

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

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1 BY adding
2 Article - General Provisions
3 Section(s) 4-101 through 4-405, to be under the new title, Title 4. Administrative Procedure
4 Act - Regulations”
5 Baltimore City Revised Code
6 (Edition 2000)

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

9 **Baltimore City Revised Code**

10 **ARTICLE – GENERAL PROVISIONS**

11 **TITLE 4. ADMINISTRATIVE PROCEDURE ACT – REGULATIONS**

12 ***SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.***

13 **§ 4-101. DEFINITIONS**

14 (A) *IN GENERAL.*

15 IN THIS TITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

16 (B) *AGENCY.*

17 “AGENCY” MEANS:

18 (1) ANY DEPARTMENT, BOARD, COMMISSION, COUNCIL, AUTHORITY, COMMITTEE,
19 OFFICE, OR OTHER UNIT OF CITY GOVERNMENT; AND

20 (2) ANY OFFICER OR OTHER INDIVIDUAL WHO EXERCISES AUTHORITY COMPARABLE TO
21 THAT OF THE HEAD OF A UNIT OF CITY GOVERNMENT.

22 (C) *CODE; COBRA.*

23 “CODE” OR “COBRA” MEANS THE CODE OF BALTIMORE REGULATIONS ANNOTATED.

24 (D) *DIRECTOR.*

25 “DIRECTOR” MEANS THE DIRECTOR OF LEGISLATIVE REFERENCE OR THE DIRECTOR’S
26 DESIGNEE.

27 (E) *“INCLUDES”; “INCLUDING”.*

28 “INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF
29 LIMITATION.

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1 (F) *REGULATION*.

2 (1) *IN GENERAL*.

3 “REGULATION” MEANS A STATEMENT OR AN AMENDMENT ~~OR REPEAL~~ OF A
4 STATEMENT THAT:

5 (I) HAS GENERAL APPLICATION;

6 (II) HAS FUTURE EFFECT;

7 (III) DETAILS OR CARRIES OUT THE LAW THAT THE CITY OR AN AGENCY OF THE
8 CITY ADMINISTERS; AND

9 (IV) IS IN ANY FORM, INCLUDING:

10 (A) A GUIDELINE;

11 (B) AN EXECUTIVE ORDER;

12 (C) A REQUIREMENT;

13 (D) A STANDARD;

14 (E) A STATEMENT OF INTERPRETATION; OR

15 (F) A STATEMENT OF POLICY.

16 (2) *EXCLUSIONS*.

17 “REGULATION” DOES NOT INCLUDE A STATEMENT, POLICY, DIRECTIVE, OR OPERATING
18 PROCEDURE OF CITY GOVERNMENT THAT:

19 (I) DOES NOT AFFECT DIRECTLY THE RIGHTS OF THE PUBLIC OR THE PROCEDURES
20 AVAILABLE TO THE PUBLIC; AND

21 (II) EITHER:

22 (A) CONCERNS ONLY INTERNAL MANAGEMENT OF CITY GOVERNMENT; OR

23 (B) REQUIRES COMPLIANCE BY CITY EMPLOYEES WITH PROVISIONS
24 LIMITED TO ATTENDANCE, CONDUCT, TRAINING, DISCIPLINE, OR
25 INTERNAL PROCEDURE.

26 **§ 4-102. SCOPE.**

27 (A) *IN GENERAL*.

28 THIS TITLE APPLIES ONLY TO REGULATIONS ADOPTED BY AN AGENCY THAT IS AUTHORIZED
29 BY LAW TO ADOPT REGULATIONS.

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1 (B) *IMPLIED AUTHORITY.*

2 IF A LAW AUTHORIZES AN AGENCY TO IMPLEMENT OR ENFORCE THAT LAW, THE AGENCY
3 MAY ADOPT A REGULATION TO IMPLEMENT OR ENFORCE THAT LAW EVEN IF THE
4 AUTHORITY TO ADOPT THE REGULATION IS NOT EXPRESSLY STATED IN THAT LAW.

5 (C) *ADOPTION AUTHORIZED BY FEDERAL OR STATE LAW.*

6 THIS TITLE DOES NOT APPLY TO ANY REGULATION ADOPTED UNDER THE AUTHORITY
7 PROVIDED BY FEDERAL OR STATE LAW, TO THE EXTENT THAT THE FEDERAL OR STATE LAW
8 REQUIRES AN ADOPTION PROCEDURE THAT DIFFERS FROM THE PROCEDURES REQUIRED
9 UNDER THIS TITLE.

10 ~~§§ 4-103 TO 4-104. {RESERVED}~~

11 **§ 4-103. REPEAL OF A REGULATION.**

12 EXCEPT AS PROVIDED IN § 4-404 {"REMOVAL OF OBSOLETE PROVISIONS"} OF THIS TITLE, THE
13 REPEAL OF ALL OR PART OF A PREVIOUSLY ADOPTED REGULATION SHALL BE SUBJECT TO THE
14 REQUIREMENTS AND PROCEDURES SET FORTH IN THIS TITLE.

15 **§ 4-104. {RESERVED}**

16 ***SUBTITLE 2. FORM OF REGULATIONS; SUBMISSION TO CITY SOLICITOR.***

17 **§ 4-201. CITATION OF STATUTORY AUTHORITY.**

18 A REGULATION IS NOT EFFECTIVE UNLESS IT CONTAINS A CITATION OF THE STATUTORY
19 AUTHORITY FOR THE REGULATION.

20 **§ 4-202. FORM OF PROPOSED REGULATION.**

21 REGULATIONS SHALL BE WRITTEN IN PLAIN ENGLISH AND SHALL CONFORM TO THE STYLE SET
22 FORTH IN A STYLE MANUAL ADOPTED BY THE DEPARTMENT OF LEGISLATIVE REFERENCE.

23 **§ 4-203. SINGLE SUBJECT.**

24 A PROPOSED REGULATION MAY NOT CONTAIN MORE THAN ONE SUBJECT MATTER.

25 **§ 4-204. SUBMISSION TO SOLICITOR.**

26 (A) *INITIAL SUBMISSION.*

27 BEFORE PUBLISHING NOTICE OF A PROPOSED REGULATION, AN AGENCY SHALL SUBMIT THE
28 PROPOSED REGULATION TO THE CITY SOLICITOR FOR APPROVAL AS TO THE FORM
29 DESCRIBED IN THIS SUBTITLE AND LEGAL SUFFICIENCY.

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1 (B) *MODIFICATION.*

2 IF, AFTER PUBLICATION OF NOTICE, THE AGENCY MAKES CHANGES IN THE TEXT OF THE
3 PROPOSED REGULATION, THE AGENCY SHALL SUBMIT THE CHANGES TO THE CITY
4 SOLICITOR FOR APPROVAL AS TO FORM AND LEGAL SUFFICIENCY.

5 (C) *EFFECT OF NONCOMPLIANCE.*

6 IF AN AGENCY FAILS TO COMPLY WITH THIS SECTION OR IF THE CITY SOLICITOR FAILS TO
7 APPROVE THE REGULATION AS SPECIFIED IN SUBSECTION (A):

8 (1) THE PROPOSED REGULATION MAY NOT BE ADOPTED; AND

9 (2) IF ADOPTED, IS NOT EFFECTIVE.

10 **§§ 4-205 TO 4-206. {RESERVED}**

11 ***SUBTITLE 3. NOTICE AND COMMENT PERIOD; ADOPTION.***

12 **§ 4-301. NOTICE OF PROPOSED REGULATION.**

13 (A) *IN GENERAL.*

14 AFTER A PROPOSED REGULATION HAS BEEN APPROVED BY THE CITY SOLICITOR, AS
15 DESCRIBED IN § 4-204 OF THIS TITLE, THE AGENCY SHALL PUBLISH NOTICE OF THE
16 PROPOSED REGULATION AND SEEK PUBLIC COMMENT FOR AT LEAST 30 DAYS.

17 (B) *METHOD OF PUBLICATION.*

18 (1) AN AGENCY SHALL PUBLISH NOTICE OF A PROPOSED REGULATION BY:

19 (I) POSTING THE NOTICE IN A CONSPICUOUS PLACE ON ITS WEBSITE;

20 (II) POSTING A COPY OF THE NOTICE IN A PUBLIC AND CONSPICUOUS PLACE AT ITS
21 AGENCY OFFICES;

22 (III) PROVIDING A COPY OF THE NOTICE TO EACH PUBLIC LIBRARY IN THE CITY;

23 (IV) PROVIDING A COPY OF THE NOTICE TO EACH COUNCILMEMBER; AND

24 (V) PROVIDING A COPY OF THE NOTICE TO THE DEPARTMENT OF LEGISLATIVE
25 REFERENCE.

26 (2) IN ADDITION, THE CITY SOLICITOR WITH ASSISTANCE FROM BALTIMORE CITY
27 INFORMATION TECHNOLOGY SHALL MAINTAIN AN ONLINE REGISTER OF ALL PROPOSED
28 REGULATIONS PENDING THROUGHOUT CITY GOVERNMENT.

29 (C) *CONTENTS OF NOTICE.*

30 THE NOTICE REQUIRED BY THIS SECTION SHALL INCLUDE:

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- 1 (1) A BRIEF DESCRIPTION OF THE PROPOSED REGULATION;
- 2 (2) A ONLINE LINK TO THE FULL TEXT OF THE PROPOSED REGULATION;
- 3 (3) THE MAILING ADDRESS AND, ~~IF AVAILABLE,~~ EMAIL ADDRESS TO WHICH A PERSON
- 4 MAY SEND WRITTEN COMMENTS; AND
- 5 (4) IF THE AGENCY PROPOSES OR IS OTHERWISE REQUIRED TO HOLD A PUBLIC HEARING
- 6 ON THE PROPOSED REGULATION, THE DATE, TIME, AND LOCATION OF THAT
- 7 HEARING.

8 **§ 4-302. EFFECT OF NOTICE.**

9 PUBLICATION OF THE NOTICE REQUIRED UNDER THIS SECTION:

- 10 (1) CREATES A REBUTTABLE PRESUMPTION THAT THE PROPOSED REGULATION WAS
- 11 ADOPTED PROPERLY; AND
- 12 (2) IS DEEMED TO GIVE A PERSON WHO IS SUBJECT TO OR AFFECTED BY THE PROPOSED
- 13 REGULATION NOTICE OF THE CONTENTS OF THE PROPOSED REGULATION.

14 **§ 4-303. REVIEW BY COMMITTEE.**

15 (A) *“COMMITTEE” DEFINED.*

16 IN THIS SECTION, “COMMITTEE” MEANS THE COMMITTEE ON LEGISLATIVE

17 INVESTIGATIONS, ESTABLISHED BY CITY CODE ARTICLE I, § 1-4 {“COMMITTEE ON

18 LEGISLATIVE INVESTIGATIONS”}.

19 ~~(B) *INFLATION OF REVIEW.*~~

20 ~~(1) WITHIN 15 DAYS FROM RECEIPT OF THE NOTICE DESCRIBED IN § 4-301 {“NOTICE OF~~

21 ~~PROPOSED REGULATION”} OF THIS SUBTITLE, ANY COUNCILMEMBER MAY REFER A~~

22 ~~PROPOSED REGULATION TO THE COMMITTEE FOR REVIEW.~~

23 ~~(2) THE REFERRAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IN~~

24 ~~WRITING TO THE CHAIR OF THE COMMITTEE AND TO THE COUNCIL PRESIDENT.~~

25 ~~(3) REFERRAL TO THE COMMITTEE SHALL SUSPEND THE 30-DAY NOTICE AND COMMENT~~

26 ~~PERIOD WHILE THE COMMITTEE COMPLETES ITS REVIEW.~~

27 ~~(C) *COMMITTEE REVIEW AND HEARING.*~~

28 ~~(1) *IN GENERAL.*~~

29 ~~ON RECEIPT OF A REFERRAL DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION, THE~~

30 ~~CHAIR OF THE COMMITTEE SHALL SCHEDULE A PUBLIC HEARING ON THE PROPOSED~~

31 ~~REGULATION AS SOON AS PRACTICABLE.~~

32 ~~(2) *CONSIDERATIONS.*~~

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1 IN ITS REVIEW OF A PROPOSED REGULATION PURSUANT TO THIS SECTION, THE FACTORS
2 THE COMMITTEE SHALL CONSIDER SHALL INCLUDE WHETHER THE REGULATION:

3 ~~(I) IS IN CONFORMITY WITH THE STATUTORY AUTHORITY OF THE AGENCY; AND~~

4 ~~(II) REASONABLY COMPLIES WITH THE LEGISLATIVE INTENT OF THE STATUTE~~
5 ~~UNDER WHICH THE REGULATION WAS PROPOSED.~~

6 ~~(3) ACTION BY COMMITTEE.~~

7 ~~(I) AFTER A HEARING, THE COMMITTEE SHALL BY MAJORITY VOTE OF A QUORUM OF~~
8 ~~ITS MEMBERS EITHER:~~

9 ~~(A) APPROVE THE REGULATION; OR~~

10 ~~(B) REJECT THE REGULATION.~~

11 ~~(II) A VOTE UNDER THIS PARAGRAPH SHALL OCCUR NO LATER THAN 60 DAYS FROM~~
12 ~~THE DATE OF THE REFERRAL.~~

13 ~~(D) EFFECT OF APPROVAL.~~

14 ~~IF THE COMMITTEE VOTES TO APPROVE THE PROPOSED REGULATION, THE 30-DAY NOTICE~~
15 ~~AND COMMENT PERIOD IS REINSTATED AND THE AGENCY SHALL FOLLOW THE PROCESS SET~~
16 ~~FORTH IN § 4-304 {"ADOPTION OR RE-PUBLICATION"} OF THIS SUBTITLE.~~

17 ~~(E) REJECTION.~~

18 ~~(1) NOTICE TO MAYOR AND AGENCY.~~

19 ~~IF THE COMMITTEE VOTES TO REJECT THE PROPOSED REGULATION UNDER SUBSECTION~~
20 ~~(C)(3) OF THIS SECTION, THE COMMITTEE SHALL, WITHIN 5 WORKING DAYS AFTER THE~~
21 ~~COMMITTEE VOTES TO REJECT THE ADOPTION OF A PROPOSED REGULATION, PROVIDE~~
22 ~~WRITTEN NOTICE TO THE MAYOR AND THE AGENCY OF ITS ACTION AND THE~~
23 ~~UNDERLYING REASONS FOR ITS ACTION.~~

24 ~~(2) POST-REJECTION AGENCY ACTION.~~

25 ~~ON RECEIPT OF THE NOTICE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, AND~~
26 ~~WITH WRITTEN NOTICE TO THE COMMITTEE, THE AGENCY MAY:~~

27 ~~(I) WITHDRAW THE REGULATION; OR~~

28 ~~(II) MODIFY THE REGULATION, BUT ONLY AS A NEWLY PROPOSED REGULATION IN~~
29 ~~ACCORDANCE WITH THIS TITLE.~~

30 (B) IN GENERAL.

31 (1) ON RECEIPT OF WRITTEN NOTIFICATION OR NOTIFICATIONS BY THE CHAIR OF THE
32 COMMITTEE FROM AT LEAST 3 COUNCILMEMBERS WITHIN 15 DAYS FROM THE RECEIPT

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1 OF THE NOTICE DESCRIBED IN § 4-301 {"NOTICE OF PROPOSED REGULATION"}, A 60-
2 DAY PERIOD OF REVIEW OF THE PROPOSED REGULATION SHALL COMMENCE BEFORE
3 THE COMMITTEE.

4 (2) A REVIEW UNDER THIS SECTION MAY INCLUDE HOLDING A PUBLIC HEARING BEFORE
5 THE COMMITTEE.

6 (C) SCOPE OF REVIEW.

7 IN ITS REVIEW UNDER THIS SECTION, THE COMMITTEE SHALL CONSIDER WHETHER THE
8 PROPOSED REGULATION:

9 (1) IS IN CONFORMITY WITH THE STATUTORY AUTHORITY OF THE AGENCY; AND

10 (2) REASONABLY COMPLIES WITH THE LEGISLATIVE INTENT OF THE STATUTE UNDER
11 WHICH THE REGULATION WAS PROPOSED.

12
13 (D) EFFECT OF REVIEW PERIOD.

14 (1) DURING THE COMMITTEE'S 60-DAY REVIEW PERIOD, THE PROPOSED REGULATION MAY
15 NOT BE ADOPTED NOR MAY IT BECOME EFFECTIVE.

16 (2) ON THE EXPIRATION OF THE 60-DAY PERIOD, THE AGENCY MAY PROCEED WITH THE
17 FORMAL ADOPTION OF THE PROPOSED REGULATION AS PROVIDED IN THIS ARTICLE.

18 **§ 4-304. ADOPTION OR RE-PUBLICATION.**

19 (A) SUBMITTAL TO CITY SOLICITOR.

20 (1) AFTER THE 30-DAY NOTICE AND COMMENT PERIOD DESCRIBED IN § 4-301 {"NOTICE
21 OF PROPOSED REGULATION"} OF THIS SUBTITLE HAS EXPIRED, IF AN AGENCY MAKES
22 CHANGES TO THE TEXT OF THE PROPOSED REGULATION, THE AGENCY SHALL SUBMIT
23 THE CHANGED PROPOSED REGULATION TO THE CITY SOLICITOR.

24 (2) THE CITY SOLICITOR SHALL DETERMINE WHETHER THE CHANGE IN THE PROPOSED
25 REGULATION IS A MATERIAL CHANGE.

26 (B) DETERMINATION OF MATERIAL CHANGE.

27 IF THE CITY SOLICITOR DETERMINES THAT AN AGENCY HAS MADE A MATERIAL CHANGE
28 TO THE TEXT OF A PROPOSED REGULATION, THE AGENCY MAY NOT ADOPT THE PROPOSED
29 REGULATION UNLESS IT IS PROPOSED ANEW, RE-PUBLISHED, AND ADOPTED IN
30 ACCORDANCE WITH THE REQUIREMENTS OF THIS TITLE.

31 (C) NO CHANGE OR DETERMINATION OF NON-MATERIAL CHANGE.

32 IF, AFTER THE 30-DAY NOTICE AND COMMENT PERIOD, THE AGENCY HAS NOT MADE A
33 CHANGE IN THE PROPOSED REGULATION OR IF THE CITY SOLICITOR DETERMINES THAT A
34 CHANGE IN THE PROPOSED REGULATION IS NOT MATERIAL, THE AGENCY MAY ADOPT AND
35 IMPLEMENT THE PROPOSED REGULATION ONLY AFTER:

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1 (1) SECURING THE WRITTEN APPROVAL OF THE AGENCY HEAD; AND

2 (2) FILING THE REGULATION WITH THE DIRECTOR FOR COBRA CODIFICATION.

3 (D) *FAILURE TO ADOPT.*

4 IF AN AGENCY FAILS TO ADOPT A PROPOSED REGULATION WITHIN 180 DAYS AFTER THE
5 DATE IT INITIALLY PUBLISHED NOTICE OF THE PROPOSED REGULATION, THE REGULATION
6 SHALL BE DEEMED WITHDRAWN AND MAY NOT BE ADOPTED UNLESS PROPOSED ANEW AND
7 ADOPTED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBTITLE.

8 **§ 4-305. EMERGENCY REGULATIONS.**

9 (A) *“STATE OF EMERGENCY” DEFINED.*

10 IN THIS SECTION, “STATE OF EMERGENCY” MEANS A PERIOD OF TIME IN WHICH:

11 (1) A PROCLAMATION HAS BEEN ISSUED BY THE GOVERNOR DECLARING A STATE OF
12 EMERGENCY UNDER TITLE 14, SUBTITLE 3 OF THE STATE PUBLIC SAFETY ARTICLE
13 {“GOVERNOR'S EMERGENCY POWERS”};

14 (2) A PROCLAMATION HAS BEEN ISSUED BY THE GOVERNOR DECLARING A
15 CATASTROPHIC HEALTH EMERGENCY UNDER TITLE 14, SUBTITLE 3A OF THE STATE
16 PUBLIC SAFETY ARTICLE {“GOVERNOR'S HEALTH EMERGENCY POWERS”}; OR

17 (3) AN ORDER OR PROCLAMATION HAS BEEN ISSUED BY THE MAYOR DECLARING A
18 STATE OF EMERGENCY UNDER § 14-111 {“LOCAL STATE OF EMERGENCY”} OF THE
19 STATE PUBLIC SAFETY ARTICLE.

20 (B) *TEMPORARY REGULATIONS.*

21 (1) *IN GENERAL.*

22 DURING A STATE OF EMERGENCY, AN AGENCY MAY SUSPEND THE PROVISIONS OF THIS
23 SUBTITLE AND ADOPT TEMPORARY REGULATIONS IF:

24 (I) THE UNDERLYING CAUSE OF THE STATE OF EMERGENCY REQUIRES ITS
25 ADOPTION; AND

26 (II) THE PUBLIC INTEREST WILL BE MATERIALLY HARMED IF THE REGULATION DOES
27 NOT TAKE EFFECT IMMEDIATELY.

28 (2) *EFFECTIVE DATE.*

29 ANY TEMPORARY REGULATION ADOPTED UNDER THIS SECTION IS EFFECTIVE ON:

30 (1) APPROVAL BY THE CITY SOLICITOR FOR FORM AND LEGAL SUFFICIENCY; AND

31 (2) FILING WITH THE DIRECTOR.

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1 (3) *EXPIRATION.*

2 (I) ANY EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, ANY
3 TEMPORARY REGULATION ADOPTED UNDER THIS SECTION EXPIRES AND NO LONGER
4 HAS LEGAL EFFECT ON THE 90TH DAY AFTER THE STATE OF EMERGENCY HAS BEEN
5 LIFTED.

6 (II) IF, WITHIN THE 90 DAYS AFTER A STATE OF EMERGENCY HAS BEEN LIFTED, AN
7 AGENCY SUBMITS A TEMPORARY REGULATION TO THE CITY SOLICITOR AS SET
8 FORTH IN § 4-204 {"SUBMISSION TO SOLICITOR"} OF THIS ARTICLE AND
9 OTHERWISE FOLLOWS THE NOTICE AND PUBLICATION PROCEDURES SET FORTH IN
10 THIS ARTICLE TO ADOPT THAT REGULATION AS PERMANENT, THE REGULATION
11 MAY NOT EXPIRE AS STATED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH.

12 **§§ 4-306 TO 4-307. {RESERVED}**

13 ***SUBTITLE 4. CODIFICATION.***

14 **§ 4-401. SUBMISSION TO DIRECTOR.**

15 A REGULATION IS NOT EFFECTIVE UNLESS IT HAS BEEN SUBMITTED TO THE DIRECTOR FOR
16 COBRA CODIFICATION.

17 **§ 4-402. CODE OF BALTIMORE REGULATIONS ANNOTATED.**

18 (A) *IN GENERAL.*

19 THE CODE OF BALTIMORE REGULATIONS ANNOTATED IS ESTABLISHED.

20 (B) *CONTENTS.*

21 THE DIRECTOR SHALL PUBLISH A CODE OF BALTIMORE REGULATIONS ANNOTATED
22 (COBRA) THAT INCLUDES:

- 23 (1) EACH THEN-CURRENT REGULATION ADOPTED BY AN AGENCY;
24 (2) ANY OTHER DOCUMENT THAT THE DIRECTOR DETERMINES SHOULD BE INCLUDED;
25 (3) ANY EXPLANATORY ANNOTATION THE DIRECTOR DEEMS NECESSARY; AND
26 (4) AN INDEX BY AGENCY AND SUBJECT MATTER.

27 (C) *MODE OF PUBLICATION.*

28 THE CODE SHALL BE PUBLISHED ON THE DEPARTMENT OF LEGISLATIVE REFERENCE'S
29 WEBSITE.

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§ 4-403. CORRECTION OF ERRORS.

AFTER PROVIDING NOTICE TO, AND IN CONSULTATION WITH, THE CITY SOLICITOR AND THE RELEVANT AGENCY, THE DIRECTOR MAY CORRECT NON-SUBSTANTIVE DRAFTING, STYLE, OR TYPOGRAPHICAL ERRORS WITHIN THE CODE.

§ 4-404. REMOVAL OF OBSOLETE PROVISIONS.

(A) *IN GENERAL.*

WITH THE APPROVAL OF THE CITY SOLICITOR, AN AGENCY MAY REQUEST THAT THE DIRECTOR REMOVE FROM THE CODE:

(1) A PART OF A REGULATION THAT HAS BEEN HELD UNCONSTITUTIONAL BY A COURT OF COMPETENT FINAL JURISDICTION; OR

(2) A REGULATION ~~ADOPTED BY AN AGENCY THAT HAS SINCE BEEN ABOLISHED~~ WHOSE SPECIFIC ENABLING LAW HAS BEEN REPEALED BY THE MAYOR AND CITY COUNCIL.

(B) *REASON FOR REMOVAL.*

THE REQUESTING AGENCY SHALL STATE WITH PARTICULARITY THE REASON FOR WHY THE REGULATION IS OBSOLETE AND, IF APPROVED FOR REMOVAL BY THE CITY SOLICITOR, THE DIRECTOR SHALL INCLUDE THAT REASON AS AN ANNOTATION WITHIN THE CODE.

§ 4-405. SEVERABILITY.

IF A SECTION, PARAGRAPH, SENTENCE, CLAUSE, PHRASE, OR WORD OF A REGULATION IS DECLARED UNCONSTITUTIONAL OR INVALID BY A COURT OF COMPETENT JURISDICTION, THE UNCONSTITUTIONALITY OR INVALIDITY MAY NOT AFFECT ANY OF ANY REMAINING SECTIONS, PARAGRAPHS, SENTENCES, CLAUSES, PHRASES, OR WORDS UNLESS:

(1) THE REGULATION IS SUBJECT TO A PROVISION THAT PROHIBITS SEVERABILITY; OR

(2) THE COURT FINDS THAT THE REMAINING VALID PROVISIONS ALONE ARE INCOMPLETE AND INCAPABLE OF BEING CARRIED OUT IN ACCORDANCE WITH THE REGULATION'S PURPOSE.

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

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance, ~~as it relates to new agency regulations that are not current and effective on the date of enactment,~~ takes effect on the ~~180th~~ 60th day after it is enacted.

SECTION 4. AND BE IT FURTHER ORDAINED, That, notwithstanding Section 1 and Section 3 of this Ordinance, any regulation that is current and effective on the date this Ordinance is effective need not be re-proposed, re-publicized, or re-adopted in accordance with the procedures

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1 set forth in Section 1, provided that any regulation that is current and effective on the date that
2 this Ordinance is effective:

3 (1) has been reviewed by the agency, in consultation with the Law Department, to ensure that
4 the regulation conforms to the style set forth in the style manual adopted by the
5 Department of Legislative Reference; and

6 (2) is submitted to the Director of Legislative Reference for codification into the Code of
7 Baltimore Regulations Annotated no later than 1 year from the date that this Ordinance
8 has been enacted.

9 **SECTION 5. AND BE IT FURTHER ORDAINED**, That the Director of Legislative Reference may,
10 in consultation with the Law Department, correct and conform, with no further action required by
11 the Mayor and City Council, cross-references and terminology rendered obsolete or incorrect by
12 this Ordinance. The Director shall adequately describe any correction or conforming change that
13 is made in an editor's note following the section affected.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City