

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2010, Legislative Day No. 2

Bill No. 5-10

Introduced by Mr. Middlebrooks, Chairman

By the County Council, January 19, 2010

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Introduced and first read on January 19, 2010  
Public Hearing set for and held on February 16, 2010  
Bill AMENDED on March 15, 2010  
Public Hearing on AMENDED BILL set for April 5, 2010  
Bill Expires April 24, 2010

By Order: Judy C. Holmes, Administrative Officer

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A BILL ENTITLED

1 AN ORDINANCE concerning: Rules of Practice and Procedure of the County Board of  
2 Appeals  
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4 FOR the purpose of amending the Rules of Practice and Procedure of the County Board  
5 of Appeals  
6  
7 BY repealing and reenacting; with amendments: Appendix B, §§ 1-103(d); 2-101(b); 2-1-  
8 401(b); 4-101(c); and 4-104(b)  
9 Anne Arundel County Code (2005, as amended)  
10  
11 BY repealing: Appendix B, § 1-105(a) and 4-104(c)  
12 Anne Arundel County Code (2005, as amended)  
13  
14 By adding: Appendix B, § 1-105(a)  
15 Anne Arundel County Code (2005, as amended)  
16  
17 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*  
18 *Maryland,* That amendments to the Rules of Practice and Procedure of the County Board  
19 of Appeals as adopted by the County Board of Appeals and set forth in this Ordinance are  
20 hereby approved.

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.  
Underlining indicates amendments to bill.  
~~Strikeover~~ indicates matter stricken from bill by amendment.



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2 **Rule 2-101. Appeals.**  
3

4 (b) **Notice of appeal from Administrative Hearing Officer decision.** In appeals  
5 from the decisions of the Administrative Hearing Officer, the notice of appeal shall  
6 include the following information:

7  
8 (1) the title of the proceedings;

9  
10 (2) the name of the applicant;

11  
12 (3) the application or case number;

13  
14 (4) the date of the public hearing before the Administrative Hearing [officer]  
15 OFFICER;

16  
17 (5) the date of the decision; [and]

18  
19 (6) A COPY OF THE DECISION; AND

20  
21 [(6)] (7) a general statement of the basis for the appeal.  
22

23 **Rule 2-104. Notice of hearing.**  
24

25 (b) **Publication.** Notice of the hearing of any appeal shall be published once a week  
26 for not less than two consecutive weeks, in two newspapers of general circulation  
27 published in the County. Such notice shall specify the time, date, place, and subject of the  
28 hearing. The hearing shall be not less than six days following the final newspaper  
29 publication. The Clerk shall post the notice on the [County bulletin board] COUNTY'S  
30 WEBSITE when the hearing date is set.  
31

32 **Title 4. Hearings**  
33

34 **Rule 4-101. Conduct of hearings.**  
35

36 (c) **Continuance.** A continuance, if requested by any party, may be granted by  
37 majority vote of the Board for good cause shown. If a case is continued for more than 30  
38 days, the case shall be readvertised [and reposted, if posting was required for the initial  
39 hearing date,] at the sole expense of the party requesting the continuance.  
40

41 **Rule 4-104. Evidence.**  
42

43 (b) **Documentary evidence.** Documentary evidence may be received in the form of  
44 copies or excerpts, or by incorporation by reference. EXHIBITS AND PLATS ADMITTED  
45 INTO EVIDENCE MAY NOT BE MOUNTED AND SHALL BE FOLDED TO A MAXIMUM SIZE OF  
46 NINE INCHES BY FOURTEEN INCHES. AN EXACT DUPLICATE OF THE EXHIBIT MAY BE  
47 MOUNTED AND USED FOR PRESENTATION.  
48

49 (E) **Expert witnesses.** THE CHAIRMAN MAY QUALIFY EXPERT WITNESSES ON THE  
50 BASIS THAT THEIR TESTIMONY, IN THE FORM OF AN OPINION OR OTHERWISE, WILL

1 ASSIST THE BOARD IN UNDERSTANDING EVIDENCE OR DETERMINING A FACT AT ISSUE.  
2 IN MAKING THE QUALIFICATION, THE CHAIRMAN SHALL CONSIDER (1) WHETHER THE  
3 WITNESS IS QUALIFIED AS AN EXPERT BY KNOWLEDGE, SKILL, EXPERIENCE, TRAINING  
4 OR EDUCATION; (2) THE APPROPRIATENESS OF THE TESTIMONY FOR THE PARTICULAR  
5 CASE; AND (3) WHETHER SUFFICIENT FACTS EXIST TO SUPPORT THE TESTIMONY.  
6

7 SECTION 2. *And be it further enacted,* That a certified copy of the Rules of Practice  
8 and Procedure approved by this Ordinance shall be kept permanently on file in the Office  
9 of the Administrative Officer to the County Council and in the Office of the County  
10 Board of Appeals.

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12 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days  
13 from the date it becomes law.