

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2020, Legislative Day No. 6

Bill No. 20-20

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All Councilmembers

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By the County Council, March 16, 2020

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A BILL  
ENTITLED

AN ACT concerning

Board of Appeals - Rules of Practice and Procedure

FOR the purpose of approving amendments to the rules of procedure of the Board of Appeals; removing certain requirements for hearings; removing gendered references; clarifying terms regarding administrative law judge; prohibiting certain audio recordings and transcripts of hearings and deliberations; providing for authorization for representatives of associations under certain circumstances; clarifying hearings compliance with the Open Meetings Act; providing for procedures to handle certain disruptive conduct during proceedings; providing for recordings of certain proceedings by the public; making certain technical, grammatical, and numbering changes; and generally relating to the rules of practice and procedure of the Board of Appeals.

BY repealing and re-enacting, with amendments  
Appendix B  
Rules of Practice and Procedure of County Board of Appeals  
Baltimore County Code, 2015

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2 COUNTY, MARYLAND, that Appendix B: Rules of Practice and Procedure of the Baltimore  
3 County Board of Appeals of the Baltimore County Code shall read as follows:  
4

5 APPENDIX B: RULES OF PRACTICE AND PROCEDURE  
6 OF THE COUNTY BOARD OF APPEALS  
7

8 Rule 1. General.

9 a. The BALTIMORE county board of appeals shall select one of its members to [be the  
10 chairman of the board, and he shall serve as chairman at the pleasure of the Board]SERVE AS  
11 CHAIR AT THE PLEASURE OF THE BOARD. The [chairman]CHAIR shall preside at all  
12 meetings of the [county board of Appeals]BOARD, and in [his]THE CHAIR’S absence, [he]  
13 shall designate another member of the board to [sit in his place]SERVE as acting  
14 [chairman]CHAIR.

15 b. Meetings of the [county Board]BOARD shall be held PERIODICALLY as  
16 determined by the [chairman, but never less than weekly; and the Board shall meet at such other  
17 times as the Board may determine]CHAIR.

18 c. Three [(3)] members of the [board of appeals]BOARD, as designated by the  
19 [chairman]CHAIR, shall sit for the purpose of conducting the business of the board[;] and  
20 SHALL CONSTITUTE A BOARD MEMBER PANEL. A majority vote of two [(2)] PANEL  
21 members shall be necessary to render a decision, except as follows:

22 1. During the course of a hearing, if any member of the original panel is unable to  
23 continue to serve ON THE PANEL, the [chairman]CHAIR shall appoint a member to fill the

1 vacancy; or

2 2. In the case of a remand, if any member of the original panel is unable to serve,  
3 the [chairman]CHAIR shall appoint a member to fill the vacancy.

4 d. [All appeals to the board from decisions of the zoning commissioner or deputy zoning  
5 commissioner shall be in conformance with the rules of the zoning commissioner of Baltimore  
6 County with respect to the form of appeal, and the filing fees shall be as established either by  
7 said rules of the zoning commissioner or by the Baltimore County Zoning  
8 Regulations.]COMPUTATION OF TIME SHALL BE IN ACCORDANCE WITH  
9 MARYLAND RULE 1-203.

10 e. [Unless authorized by the board, a person may not take photographs, motion pictures  
11 or audio or video recordings of any kind during the conduct of a hearing before the board or  
12 during any public deliberation of the board.]IN THIS APPENDIX THE FOLLOWING WORDS  
13 HAVE THE MEANINGS INDICATED:

14 1. "BOARD" MEANS THE BALTIMORE COUNTY BOARD OF APPEALS.

15 2. "PANEL" MEANS A BOARD MEMBER PANEL.

16 3. IN ACCORDANCE WITH SECTION 3-12-104 OF THE CODE, THE  
17 TERMS "ZONING COMMISSIONER", "DEPUTY ZONING COMMISSIONER", AND  
18 "ADMINISTRATIVE LAW JUDGE" ARE INTERCHANGEABLE.

19  
20 Rule 2. Notice.

21 a. [No]A hearing [shall]MAY NOT be conducted without at least ten [(10)] days' notice  
22 to all parties of record or [their counsel of record]THE PARTY'S COUNSEL, unless otherwise  
23 agreed to by all [such] parties or [their counsel of record]THE PARTY'S COUNSEL.

1           b. [Postponements and continuances will be granted at the discretion of the board only  
2 upon request in writing by an attorney of record or a party of record (if not represented by  
3 counsel), addressed to the board and with a copy to every other attorney of record or party of  
4 record (if not represented by counsel) entitled to receive notice, in accordance with section  
5 500.11 of the Baltimore County Zoning Regulations, setting forth good and sufficient reasons for  
6 the requested postponement.]THE BOARD IN ITS DISCRETION MAY GRANT A  
7 CONTINUANCE OR POSTPONEMENT ON ITS OWN INITIATIVE OR ON WRITTEN  
8 REQUEST OF A PARTY OF RECORD OR THE REQUESTING PARTY’S COUNSEL  
9 SETTING FORTH GOOD CAUSE. A WRITTEN REQUEST SHALL BE ADDRESSED TO  
10 THE BOARD AND SHALL CERTIFY THAT THE REQUEST WAS SENT TO ALL  
11 PARTIES AND COUNSEL ENTITLED TO RECEIVE NOTICE. THE BOARD MAY  
12 GRANT A CONTINUANCE UPON AN ATTORNEY’S ENTRY OF APPEARANCE ON  
13 BEHALF OF A PARTY OF RECORD IF THE ENTRY OF APPEARANCE IS MADE IN  
14 GOOD FAITH AND NOT FOR PURPOSES OF DELAY.

15           c. [No]A postponement [shall]MAY NOT be granted within fifteen [(15)] days [next  
16 prior to]BEFORE the hearing date except in extraordinary circumstances and for a reason  
17 satisfactory to the board, given by the REQUESTING party [requesting such  
18 postponement]AND indicating [that] the circumstances requiring the postponement are of  
19 [any]AN unusual and extraordinary nature.

20           d. All records and dockets of the board shall be open to the public during normal  
21 business hours.

22           [e. In appeals from decisions of the zoning commissioner, formal notice of hearings,  
23 continuances, and decisions of the board will be provided only to those persons entitled to

1 receive same in accordance with section 500.11 of the Baltimore County Zoning Regulations.]

2  
3 Rule 3. Appeals.

4 a. [No appeal shall be entertained by the board of appeals unless the notice of appeal  
5 shall state the names and addresses of the persons taking such appeal.]THE ONLY METHOD  
6 OF SECURING APPELLATE REVIEW BY THE BOARD IS BY THE FILING OF A  
7 NOTICE OF APPEAL STATING THE NAMES, ADDRESSES, PHONE NUMBERS, AND E-  
8 MAIL ADDRESSES OF THE PERSONS SEEKING APPEAL.

9 B. ALL APPEALS TO THE BOARD SHALL BE IN CONFORMANCE WITH THE  
10 CHARTER, THE CODE, AND THE BALTIMORE COUNTY ZONING REGULATIONS.

11 C. APPEALS TO THE BOARD SHALL BE MADE WITHIN THIRTY DAYS AFTER  
12 THE DATE OF THE FINAL ACTION BEING APPEALED, SUBJECT TO ANY  
13 STATUTORY AUTHORITY TO HEAR THE APPEAL.

14 [b.]D. 1. An appeal OR PETITION may be withdrawn or dismissed at any time [prior  
15 to]BEFORE the conclusion of the hearing on [said]THE appeal. A REQUEST TO  
16 WITHDRAW OR DISMISS MAY BE MADE ONLY BY THE APPELLANT OR AS A JOINT  
17 REQUEST BY ALL PARTIES. A REQUEST SHALL BE SUBMITTED IN WRITING  
18 UNLESS CIRCUMSTANCES PRECLUDE A WRITTEN REQUEST, IN WHICH CASE A  
19 REQUEST MAY BE MADE ORALLY.

20 2. [A request for withdrawal of a petition shall be filed in writing with the board.  
21 A petitioner who wishes to have a petition withdrawn and dismissed without prejudice shall  
22 withdraw the petition not less than 10 days before the scheduled hearing date. A petition that is  
23 withdrawn less than 10 days before the scheduled hearing date shall be dismissed with prejudice.

1 A petition that is dismissed with prejudice under this paragraph may not be resubmitted for a  
2 period of eighteen (18) months after the dismissal.]FOR A REQUEST TO WITHDRAW OR  
3 DISMISS ON THE GROUNDS THAT THE CASE IS MOOT OR THAT THE BOARD  
4 LACKS JURISDICTION DUE TO THE WITHDRAWAL OF THE UNDERLYING PETITION  
5 OR COMPLAINT, THE BOARD MAY ISSUE AN ORDER AT ITS DISCRETION THAT  
6 THE REQUESTING PARTY MAY NOT RE-FILE OR RE-SUBMIT THE PETITION OR  
7 COMPLAINT FOR A PERIOD OF TIME NOT TO EXCEED ONE YEAR.

8 [c. Unless otherwise provided for by statute, all appeals to the board of appeals, subject  
9 to and limited by statutory authority to hear appeals, shall be made within thirty (30) days from  
10 the date of the final action appealed.]

11 E. IN ACCORDANCE WITH MARYLAND RULE 1-341, IF THE BOARD FINDS  
12 THAT THE CONDUCT OF ANY PARTY IN INITIATING, DISMISSING, OR  
13 WITHDRAWING AN APPEAL OR PETITION BEFORE THE BOARD WAS IN BAD FAITH  
14 OR WITHOUT SUBSTANTIAL JUSTIFICATION, THE BOARD, ON MOTION BY AN  
15 ADVERSE PARTY, MAY REQUIRE THE OFFENDING PARTY OR THE ATTORNEY  
16 ADVISING THE CONDUCT OR BOTH OF THEM TO PAY TO THE ADVERSE PARTY  
17 THE COSTS OF THE PROCEEDING AND THE REASONABLE EXPENSES, INCLUDING  
18 REASONABLE ATTORNEYS' FEES, INCURRED BY THE ADVERSE PARTY IN  
19 OPPOSING IT.

20  
21 Rule 4. Conduct of hearings.

22 a. All hearings held by the [county board of appeals]BOARD shall be open to the public.  
23 [No]A hearing [shall]MAY NOT be private even though all parties agree. The [county board of

1 appeals]BOARD shall have the power to administer oaths, and all witnesses shall testify under  
2 oath.

3 b. The [chairman]CHAIR OR ACTING CHAIR shall regulate the course of the hearing  
4 and shall rule upon procedural matters, applications, modifications and objections made during  
5 the course of the hearing, subject to the concurrence of a majority of the [board]PANEL  
6 conducting the hearing.

7 c. A hearing may be adjourned from time to time for good cause shown and if the time  
8 and place of reconvening the hearing is announced at adjournment, [no] further notice of  
9 reconvening [shall be]IS NOT required. If the time and place of reconvening is not announced at  
10 adjournment, notice of time and place of reconvening shall be given as required in rule 2.a.

11 [d. Depositions shall not be allowed unless by agreement of all parties or their counsel of  
12 record.]

13  
14 Rule 5. Subpoenas.

15 a. The [county board of appeals]BOARD shall have the power to compel the attendance  
16 of witnesses and to require the production of records and documentary or other tangible  
17 evidence.

18 b. The board may cause subpoenas and subpoenas duces tecum to be issued upon its own  
19 motion, or upon the WRITTEN application of any party to any hearing[; but subpoenas will not  
20 be issued upon application unless such application is in writing and sets]SETTING forth the  
21 persons, records, books, papers or other documents to be produced and a general statement as to  
22 the purpose.

23 C. A PARTY OR THE PARTY'S COUNSEL MAY NOT ENGAGE IN DISCOVERY,

1 AS DESCRIBED IN MARYLAND RULE 2-401(A), UNLESS BY AGREEMENT OF ALL  
2 PARTIES OR THE PARTY’S COUNSEL. HOWEVER, THE BOARD ENCOURAGES THE  
3 PARTIES TO COME TO STIPULATIONS OR AGREEMENTS ON DOCUMENTARY  
4 EVIDENCE.

5  
6 Rule 6. Appearances and practice before the board of appeals.

7 a. [Any]AN individual who is a party to a proceeding before the [board]BOARD may  
8 appear [in his]ON THE INDIVIDUAL’S own behalf[; and]. IF A PARTNERSHIP IS A  
9 PARTY, A member of [a]THE partnership may appear as representing [said]THE partnership[ if  
10 it is a party;]. IF A CORPORATION, TRUST, OR ASSOCIATION IS A PARTY, a duly  
11 authorized officer [of a corporation, trust or an association] may appear as representing  
12 [said]THE body[, if it is a party to the proceedings; and]. IF A POLITICAL SUBDIVISION,  
13 BODY, OR DEPARTMENT IS A PARTY, a duly authorized officer or [an] employee [of any  
14 political subdivision or body or department may represent]MAY APPEAR AS  
15 REPRESENTING the same before the board.

16 b. [Any]A party may be represented in any proceeding by an attorney-at-law admitted to  
17 practice before the Court of Appeals of Maryland.

18 c. [No]A person [shall]MAY NOT appear before the board in a representative capacity,  
19 engage in practice, examine witnesses or otherwise act in a representative capacity except as  
20 provided in [sections a. and b. above]RULES 6.A AND 6.B.

21 d. When an attorney wishes to appear in any proceeding in a representative capacity  
22 [which involves a hearing before the county board of appeals, he shall]BEFORE THE BOARD,  
23 THE ATTORNEY SHALL file with the board a written notice of [such]THE ATTORNEY’S



1 appearance, which shall state [his]THE ATTORNEY’S name, address, telephone number, AND  
2 EMAIL ADDRESS, and the names, [and] addresses, PHONE NUMBERS, AND E-MAIL  
3 ADDRESSES of the persons on whose behalf [he has entered his appearance]THE  
4 APPEARANCE IS ENTERED.

5 E. A PARTY THAT OBTAINS A TRANSCRIPT OF TESTIMONY OF A BOARD  
6 SESSION BEFORE DELIBERATION SHALL PROVIDE A COPY OF THE TRANSCRIPT  
7 TO THE BOARD WITHIN THE EARLIER OF TEN DAYS AFTER RECEIVING THE  
8 TRANSCRIPT OR FIVE DAYS BEFORE THE DELIBERATION.

9 F. FOR DEVELOPMENT AND CODE ENFORCEMENT APPEALS, A PARTY  
10 THAT OBTAINS A TRANSCRIPT OF TESTIMONY OF THE ADMINISTRATIVE LAW  
11 JUDGE HEARING OR BOARD RECORD HEARING BEFORE THE ISSUANCE OF A  
12 WRITTEN OPINION SHALL PROVIDE A COPY OF THE TRANSCRIPT TO THE BOARD  
13 WITHIN THE EARLIER OF TEN DAYS AFTER RECEIVING THE TRANSCRIPT OR FIVE  
14 DAYS BEFORE ANY DEADLINE FOR THE ISSUANCE OF A WRITTEN OPINION.

15  
16 Rule 7. Evidence.

17 a. Any evidence which would be admissible under the general rules of evidence  
18 applicable in judicial proceedings in the State of Maryland shall be admissible in  
19 [hearings]PROCEEDINGS before the [county board of appeals]BOARD. Proceedings before  
20 the board being administrative in nature, the board [will not be]IS NOT bound by the technical  
21 rules of evidence but [will apply such rules to the end that]HAS DISCRETION TO APPLY THE  
22 RULES OF EVIDENCE SO THAT needful, RELIABLE, and proper evidence [shall be]IS most  
23 conveniently, inexpensively and speedily produced while preserving the [substantial]

1 SUBSTANTIVE AND PROCEDURAL rights of the parties. [Any]THE BOARD MAY  
2 RECEIVE ANY oral or documentary evidence [may be received]; but the board reserves the  
3 right, as a matter of policy, to provide for the exclusion OF EVIDENCE, INCLUDING  
4 HEARSAY, immaterial, IRRELEVANT, or unduly repetitious evidence, and TO LIMIT the  
5 number of witnesses [may be limited] if it appears that [their]THE WITNESSES' testimony may  
6 be merely cumulative.

7 b. All evidence, including records and documents in the possession of the  
8 ORIGINATING agency[, of which it desires to avail itself, shall be offered]SHALL BE  
9 TRANSFERRED TO THE BOARD UPON APPEAL and made part of the record.  
10 [Documentary evidence may be received in the form of copies or excerpts, or by incorporation  
11 by reference.]

12 C. FOR EACH EXHIBIT OR DOCUMENT A PARTY WISHES TO INTRODUCE AS  
13 EVIDENCE OR ENTER INTO THE RECORD, THE PARTY SHALL HAVE A MINIMUM  
14 OF FIVE COPIES; ONE COPY THAT SHALL SERVE AS THE ORIGINAL IN THE CASE  
15 FILE; ONE COPY FOR EACH OPPOSING COUNSEL OR SELF-REPRESENTING PARTY,  
16 AND THREE COPIES FOR THE PRESIDING BOARD MEMBERS. IF THE EXHIBIT OR  
17 DOCUMENT IS OFFERED BY A PARTY'S COUNSEL, ALL COPIES SHALL BE  
18 SUBMITTED IN MDEC COMPLIANT FORMAT IN ACCORDANCE WITH THE  
19 MARYLAND RULES.

20 [c]D. Prepared statements may be read by participants in the hearing if they include  
21 factual material and do not include argument, provided [copies of said]THE statements have  
22 been delivered to the board and opposing counsel at least five [(5)] days [prior to]BEFORE THE  
23 hearing, and [their]THE admissibility OF THE PREPARED STATEMENT HAS BEEN ruled

1 [upon]ON, [the same] as if the factual content were presented in the usual manner. "Prepared  
2 statements" within the meaning of this [section shall]RULE MAY not include factual reports,  
3 written summations, letters, expert opinions of professional expert witnesses and other such  
4 similar documents.

5 [d.]E. Except as may otherwise be provided by statute or regulations, the proponent of  
6 action to be taken by the board shall have the burden of proof.

7 [e.]F. Any official record or entries [therein] when admissible for any purpose may be  
8 evidenced by an official publication thereof or by a copy attested by the officer having legal  
9 custody of the record, and the appearance of the officer will not be required unless demanded by  
10 a party to the case and for good cause shown to the board. This rule does not prevent any party  
11 from summoning any proper witness to attend any hearing before the board OR FROM  
12 PRESENTING EVIDENCE WITH CIRCUMSTANCES INDICATING ITS AUTHENTICITY  
13 AND RELIABILITY.

14 [f.]G. Records of other proceedings before the board may be offered [in]AS evidence by  
15 the production of the files containing [said]THE records of such other proceedings.

16 [g.]H. [In such cases as the board may determine, it may by order require that the direct  
17 testimony of all "expert" witnesses be submitted in writing, accompanied by copies of all  
18 exhibits to which reference is therein made, unless such are of a voluminous nature or within the  
19 files of, or readily available to, the board of appeals in which case adequate reference shall be  
20 made thereto, which testimony shall be submitted by the parties required so to do and under the  
21 time and service provisions as contained in said order.]EXPERT TESTIMONY MAY BE  
22 ADMITTED AT THE DISCRETION OF THE BOARD AND IN ACCORDANCE WITH  
23 MARYLAND RULE 5-702. THE BOARD MAY ORDER THAT THE DIRECT TESTIMONY

1 OF AN EXPERT WITNESS BE SUBMITTED IN WRITING, ACCOMPANIED BY COPIES  
2 OF ALL EXHIBITS TO WHICH REFERENCE IS MADE. IF AN EXHIBIT IS WITHIN THE  
3 FILES OF, OR READILY AVAILABLE TO, THE BOARD, OR IS VOLUMINOUS IN  
4 NATURE, THE BOARD MAY REQUIRE ONLY AN ADEQUATE REFERENCE BE MADE  
5 TO THE EXHIBIT. IN ITS ORDER, THE BOARD MAY SET FORTH WHICH PARTIES OR  
6 WITNESSES SHALL SUBMIT WRITTEN TESTIMONY AND THE TIME AND SERVICE  
7 PROVISIONS FOR THE WRITTEN TESTIMONY. Thereafter, [said "expert"  
8 witnesses]EXPERT WITNESSES SUBJECT TO AN ORDER FROM THE BOARD shall be  
9 personally present at the hearing for affirmation of [their]THE written statement and exhibits  
10 previously submitted and for cross-examination.

11  
12 Rule 8. Special rule pertaining to persons appearing before the board as representatives of civic  
13 or improvement associations.

14 a. Before [any person shall testify]A WITNESS MAY OFFER TESTIMONY on behalf  
15 of any civic or improvement association, [it shall be shown that the person has accurate  
16 knowledge of the number of members in the association and geographical limits of the  
17 association.]THE WITNESS SHALL:

18 1. SHOW ACCURATE PERSONAL KNOWLEDGE OF THE ASSOCIATION,  
19 WHICH MAY INCLUDE THE NUMBER OF MEMBERS AND GEOGRAPHICAL LIMITS;

20 2. PROVIDE A WRITTEN AFFIDAVIT, IN DUPLICATE, SIGNED BY THE  
21 PRESIDENT OF THE ASSOCIATION, AND ATTESTED BY THE SECRETARY THAT  
22 THE WITNESS IS CURRENTLY A DULY ELECTED MEMBER OF THE BOARD OF  
23 DIRECTORS OR ZONING COMMITTEE OF THE ASSOCIATION, OR IS CURRENTLY A

1 DULY DESIGNATED EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF THE  
2 ASSOCIATION, OR IS AN ATTORNEY REPRESENTING THE BOARD OF DIRECTORS  
3 OR ZONING COMMITTEE OF THE ASSOCIATION; AND

4 3. PROVIDE PROOF OF AN AUTHORIZATION TO SPEAK FOR AND  
5 PRESENT THE VIEWS OF THE ASSOCIATION IN THE FORM OF A RESOLUTION  
6 DULY ADOPTED BY THE ASSOCIATION AT A REGULARLY SCHEDULED OR  
7 SPECIAL MEETING, SIGNED BY THE PRESIDENT AND ATTESTED BY THE  
8 SECRETARY, PROVIDING THAT THE RESPONSIBILITY FOR REVIEW AND ACTION  
9 ON ALL ZONING MATTERS BE PLACED IN ITS BOARD OF DIRECTORS OR A DULY  
10 ELECTED ZONING COMMITTEE.

11 [b. Before any such person shall testify it shall also be shown that the person is  
12 authorized to speak for and present the views of the civic or improvement association.

13 c. Such authorization shall consist of presenting at the hearing or prior thereto a  
14 resolution in duplicate duly adopted by the association at its annual meeting, first meeting of  
15 each year, or a special meeting of the association, signed by the president and attested by the  
16 secretary, providing that the responsibility for review and action on all zoning matters be placed  
17 in its board of directors or a duly elected zoning committee.

18 d. Before any such authorized person shall testify, it shall be shown by written affidavit  
19 in duplicate, signed by the president of the association and attested by the secretary, that the  
20 person is currently a duly elected member of the board of directors or zoning committee of that  
21 association, or is a duly designated employee or an authorized representative of that association,  
22 or is an attorney-at-law appointed to represent the board of directors or zoning committee.]

23 [e]B. Before [any such]AN authorized [person]WITNESS shall testify, THE WITNESS

1 SHALL PRODUCE a resolution stating the position of the association as adopted by the board  
2 of directors or zoning committee, signed by the president and attested by the secretary[, shall  
3 also be produced in duplicate at the hearing].  
4

5 [Rule 9. Special rule pertaining to original petitions for reclassification, special exception and/or  
6 variance.

7 a. Application of Rule: This rule shall apply only to petitions for reclassification, special  
8 exception and/or variance filed with the board pursuant to Article 32, Title 3, Subtitle 5 of the  
9 Baltimore County Code, 2003, as now in force and effect or as hereafter amended. It applies to  
10 the filing, processing, advertising and scheduling of hearings on such petitions and is  
11 supplemental to such other rules of the board and Article 32, Title 3, Subtitle 5 of the Baltimore  
12 County Code, 2003, as now in force and effect or as are hereafter amended or adopted. Once  
13 filed and scheduled for hearing under the provisions of this special rule, such petitions shall be  
14 heard and decided in accordance with all other rules of the board.

15 b. Definition of Petition. As used herein the term "petition" shall mean:

16 1. A Request for reclassifications of property, including all material filed with  
17 said request.

18 2. A Request for special exceptions and/or variances, the granting of which are  
19 dependent upon a reclassification of the property in question, including all material filed  
20 therewith.

21 c. Filing.

22 1. Petitions may be filed in the office of the board of appeals throughout the year,  
23 except during the period from April 16, 1979, through October 15, 1980, and all like periods

1 beginning on April 16, 1983, and every fourth year thereafter.

2 2. Petitions accepted for filing, no later than forty-five (45) days prior to April 16  
3 will be processed during the April-October cycle, and petitions accepted for filing no later than  
4 forty-five (45) days prior to October 16 will be processed during the October-April cycle.

5 3. Notwithstanding paragraphs 1. and 2. above, petitions exempted from the  
6 regular cyclical procedure due to public interest or because of emergency may be filed and  
7 processed at any time.

8 d. Processing and File Maintenance Procedure.

9 1. Upon receipt of a petition, the board shall establish a file and promptly  
10 transmit it to the zoning commissioner's office for processing and preparation of a written report.  
11 Said report shall be prepared by the zoning staff; shall reflect the comments of the zoning plans  
12 advisory committee; and shall indicate the petition's compliance, with regard to the zoning laws  
13 and regulations, and each reviewing agency's adopted standards or policies.

14 2. Petitions may be amended prior to the hearing only if said amendment takes  
15 place prior to the first public advertisement of the petition.

16 3. The zoning staff shall maintain possession of said file throughout the zoning  
17 review and report processing procedure.

18 4. Upon completion of the zoning review and report process, including  
19 distribution of copies of pertinent material to the planning staff, and the necessary advertising  
20 and posting, the file, complete with the zoning report and planning board recommendations, shall  
21 be returned to the board for the hearing.

22 5. The board shall maintain possession of the file until such time as the case has  
23 been completed with all pending appeals satisfied. Thereafter, said file shall be returned to the

1 zoning office for microfilming and retention on behalf of the board.

2 e. Scheduling, Posting and Advertising for Public Hearings.

3 1. The zoning staff shall schedule and otherwise prepare the necessary newspaper  
4 advertisements and arrange for the posting of property in accordance with Article 32, Title 3,  
5 Subtitle 5 of the Baltimore County Code, 2003. However, all hearing dates and times shall be  
6 established by the board.

7 2. All postponed hearings shall be readvertised and the properties posted in  
8 accordance with the requirements for final advertising and posting pursuant to Article 32, Title 3,  
9 Subtitle 5 of the Baltimore County Code, 2003. The cost of such advertising and posting shall be  
10 borne by the party requesting the postponement.

11 f. Guide for Preparation of Reclassification Petitions. Each petition request shall be filed  
12 on forms provided by the county board of appeals. As a matter of convenience, the board will  
13 make available a guide containing information for use in the preparation of petitions for  
14 reclassification.]

15  
16 **RULE 9. OPEN MEETINGS.**

17 **A. ALL HEARINGS OF THE BOARD SHALL BE OPEN TO THE PUBLIC, WHO**  
18 **ARE INVITED TO ATTEND AND OBSERVE IN ACCORDANCE WITH THE OPEN**  
19 **MEETINGS ACT OF MARYLAND.**

20 **B. EXCEPT IN INSTANCES WHEN THE BOARD EXPRESSLY INVITES PUBLIC**  
21 **TESTIMONY, QUESTIONS, COMMENTS OR OTHER PUBLIC PARTICIPATION, OR**  
22 **WHEN PUBLIC PARTICIPATION IS OTHERWISE AUTHORIZED BY LAW, A MEMBER**  
23 **OF THE PUBLIC ATTENDING A HEARING MAY NOT PARTICIPATE IN THE**



1 HEARING.

2

3 RULE 10. DISRUPTIVE CONDUCT.

4 A. A PERSON ATTENDING A HEARING OF THE BOARD MAY NOT ENGAGE  
5 IN ANY CONDUCT THAT DISRUPTS THE HEARING OR THAT INTERFERES WITH  
6 THE RIGHT OF THE PUBLIC TO ATTEND AND OBSERVE THE HEARING, INCLUDING  
7 VISUAL DEMONSTRATIONS OR THE WAVING OF PLACARDS, SIGNS, OR BANNERS.

8 B. A PERSON ATTENDING A HEARING OF THE BOARD, INCLUDING  
9 PARTICIPATING COUNSEL, MAY NOT ENGAGE IN ANY CONDUCT THAT:

10 1. DISRUPTS THE HEARING, EVIDENCE PRESENTATION, WITNESS  
11 TESTIMONY, ATTORNEY ARGUMENT, OR ANY OTHER MATTER;

12 2. MAY INFLUENCE A WITNESS OR PARTICIPATING COUNSEL  
13 DURING TESTIMONY OR ARGUMENT; OR

14 3. ATTEMPTS TO COMMUNICATE WITH ANY BOARD MEMBER, A  
15 PARTY, OR A TESTIFYING WITNESS BY ANY DISRUPTIVE GESTURE OR VOCAL OR  
16 OTHER ACTION INDICATING APPROVAL, DISAPPROVAL, AGREEMENT,  
17 DISAGREEMENT, SUPPORT OR OPPOSITION.

18 C. THE CHAIR OR ACTING CHAIR MAY ORDER ANY PERSON WHO  
19 ENGAGES IN CONDUCT PROHIBITED BY RULE 11.A OR 11.B, OR WHO VIOLATES  
20 ANY OTHER REGULATION CONCERNING THE CONDUCT OF THE HEARING, BE  
21 REMOVED AND MAY REQUEST POLICE ASSISTANCE OR SECURITY TO RESTORE  
22 ORDER. THE CHAIR OR ACTING CHAIR MAY RECESS THE HEARING WHILE  
23 ORDER IS RESTORED. THE BOARD, IN ITS DISCRETION, MAY ADJOURN THE

1 HEARING FOR THE DAY AND RESCHEDULE THE REMAINDER OF THE HEARING.

2  
3 RULE 11. RECORDING.

4 A. REASONABLE ACCOMMODATION WILL BE MADE FOR A MEMBER OF  
5 THE PUBLIC TO RECORD A HEARING OF THE BOARD AS LONG AS THE  
6 RECORDING DEVICE DOES NOT CREATE A DISTURBANCE TO THE MEMBERS OF  
7 THE BOARD OR OTHER PERSONS ATTENDING THE HEARING.

8 B. A MEMBER OF THE PUBLIC INTENDING TO RECORD ANY PORTION OF A  
9 HEARING SHALL PROVIDE WRITTEN NOTICE NOT LESS THAN FIVE DAYS BEFORE  
10 THE HEARING INCLUDING THE TYPE OF RECORDING DEVICE OR EQUIPMENT  
11 THEY INTEND TO USE.

12 C. THE CHAIR OR ACTING CHAIR MAY RESTRICT THE MOVEMENT OF A  
13 PERSON WHO IS USING A RECORDING DEVICE IF THE RESTRICTION IS  
14 NECESSARY TO MAINTAIN THE ORDERLY CONDUCT OF THE HEARING.

15 D. A RECORDING OF A HEARING MADE BY A MEMBER OF THE PUBLIC, OR  
16 A TRANSCRIPT DERIVED FROM SUCH A RECORDING, MAY NOT BE DEEMED A  
17 PART OF THE RECORD OF ANY PROCEEDING OF THE BOARD.

18 E. BEFORE AN AUDIO RECORDING MAY BE AUTHORIZED IN ACCORDANCE  
19 WITH THIS RULE, A PUBLIC ANNOUNCEMENT MUST BE MADE TO ALL  
20 ATTENDEES INDICATING THAT THE PROCEEDING WILL BE RECORDED. ANY  
21 PARTICIPANT WHO THEREAFTER SPEAKS DURING THE PROCEEDING SHALL BE  
22 DEEMED TO HAVE CONSENTED TO THE AUDIO RECORDING.

1 Rule [10]12. Motion for reconsideration.

2 A. A party may file a motion for reconsideration of an order of the [board of  
3 appeals]BOARD. The motion shall be filed within thirty [(30)] days after the date of the original  
4 order. The motion shall state with specificity the grounds and reasons for the motion. The filing  
5 of a motion for reconsideration shall stay all further proceedings in the matter, including the time  
6 limits and deadlines for the filing of a petition for judicial review.

7 B. A RESPONSE TO THE MOTION MAY BE FILED WITHIN FIFTEEN DAYS OF  
8 THE MOTION FOR RECONSIDERATION. THE BOARD SHALL NOT ACCEPT  
9 RESPONSIVE PLEADINGS AFTER THE MOTION AND A RESPONSE FROM A NON-  
10 MOVING PARTY.

11 C. THE BOARD SHALL DELIBERATE ON THE MOTION FOR  
12 RECONSIDERATION AND ANY RESPONSIVE PLEADINGS. After [public] deliberation  
13 and in its discretion, the board may convene a hearing to receive testimony, EVIDENCE, or  
14 argument [or both] on the motion. Each party participating in the hearing on the motion shall be  
15 limited to testimony or argument only with respect to the motion; the board may not receive  
16 additional testimony with respect to the substantive matter of the case.

17 D. Within THIRTY [(30)] days after the date of the board's ruling on the motion for  
18 reconsideration, any party aggrieved by the decision shall file a petition for judicial review. The  
19 petition for judicial review shall request judicial review of the board's original order, the board's  
20 ruling on the motion for reconsideration, or both.

21  
22 Rule [11]13. Revisory power of the board.

23 Within thirty [(30)] days after the entry of an order, the board shall have revisory power

1 and control over the order in the event of fraud, mistake or irregularity.

2  
3 Rule [12]14. Amendments of rules.

4 These rules may be amended from time to time in accordance with Section 603 of the  
5 Baltimore County Charter.

6  
7 SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the Baltimore  
8 County Code is instructed to properly capitalize the title of each rule and to capitalize as proper  
9 nouns the following terms wherever they appear in Appendix B:

10 “Board” referring to the Baltimore County Board of Appeals;

11 “Board of Appeals”;

12 “Zoning Commissioner” and “Deputy Zoning Commissioner”;

13 “Administrative Law Judge”;

14 “Panel”;

15 “Baltimore County”;

16 “Chair” or “Acting Chair”;

17 “Rule” when referencing a rule in Appendix B;

18 “Section” when referencing a section of the Baltimore County Code or other body of law;

19 “Maryland Rule”;

20 “MDEC” as an acronym; and

21 “Planning Board”.

1           SECTION 3. AND BE IT FURTHER ENACTED, That the publisher of the Baltimore  
2 County Zoning Regulations is instructed to make changes consistent with the intent of this Act to  
3 the Rules of Practice and Procedure of the Baltimore County Board of Appeals as found in  
4 Appendix H of the Baltimore County Zoning Regulations.

5  
6           SECTION 4. AND BE IT FURTHER ENACTED, That this Act, having been passed by  
7 the affirmative vote of five members of the County Council, shall take effect on May 4, 2020.