
By: Delegate Walkup

Introduced and read first time: January 24, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Kent County - Decisions of the Sanitary Commission - County Commissioners or**
3 **Designee May Hear Appeals**

4 FOR the purpose of authorizing the County Commissioners of Kent County or a designee
5 of the Commissioners to hear and decide appeals from certain decisions of the Kent
6 County Sanitary Commission; determining the subjects that may be appealed to the
7 Commissioners or their designee; authorizing the Commissioners to enact an
8 ordinance providing the procedure for hearing and deciding the appeal; requiring
9 the ordinance to provide that a person may but is not required to bring an appeal to
10 the Commissioners or their designee; requiring the ordinance to provide that the
11 Commissioners or their designee may affirm or reverse a decision of the Sanitary
12 Commission and that the decision has the force of law; requiring the ordinance to
13 provide a procedure with certain elements; providing that a decision of the
14 Commissioners or their designee is a final decision; clarifying that this Act does not
15 affect a certain appeal process; and generally relating to the authority of the County
16 Commissioners of Kent County or their designee to hear appeals from the decisions
17 of the Kent County Sanitary Commission.

18 BY adding to

19 Article - Environment
20 Section 9-670
21 Annotated Code of Maryland
22 (1996 Replacement Volume and 1996 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article - Environment**

26 9-670.

27 (A) THE COUNTY COMMISSIONERS OF KENT COUNTY OR AN ENTITY
28 DESIGNATED BY THE COUNTY COMMISSIONERS MAY HEAR AND DECIDE APPEALS
29 BROUGHT BY PERSONS AFFECTED BY DECISIONS OF THE KENT COUNTY SANITARY
30 COMMISSION.

31 (B) THE COMMISSIONERS OR THE ENTITY DESIGNATED BY THE
32 COMMISSIONERS MAY HEAR APPEALS OF DECISIONS MADE BY THE SANITARY

2

1 COMMISSION UNDER THIS PART VI OF THIS SUBTITLE ONLY, BUT NOT A USAGE
2 CHARGE CHARGED UNDER § 9-662 OF THIS SUBTITLE.

3 (C) THE COMMISSIONERS MAY ESTABLISH BY ORDINANCE A PROCEDURE
4 FOR HEARING AND DECIDING A PERSON'S APPEAL OF A DECISION OF THE KENT
5 COUNTY SANITARY COMMISSION.

6 (D) THE ORDINANCE OF THE COMMISSIONERS SHALL:

7 (1) DESIGNATE EITHER THE COMMISSIONERS OR ANOTHER ENTITY AS
8 THE FORUM TO HEAR AND DECIDE THE APPEALS;

9 (2) PROVIDE THAT PERSONS MAY BUT ARE NOT REQUIRED FOR ANY
10 PURPOSE TO BRING THEIR APPEAL TO THE COMMISSIONERS OR THE ENTITY
11 DESIGNATED BY THE COMMISSIONERS BEFORE THEY BRING AN APPEAL TO THE
12 CIRCUIT COURT;

13 (3) PROVIDE THAT THE COMMISSIONERS OR THE ENTITY DESIGNATED
14 BY THE COMMISSIONERS MAY AFFIRM OR REVERSE A DECISION OF THE KENT
15 COUNTY SANITARY COMMISSION AND THAT A DECISION BY THE COMMISSIONERS
16 OR THE ENTITY DESIGNATED BY THE COMMISSIONERS HAS THE FORCE OF LAW;

17 (4) ESTABLISH A DETAILED PROCEDURE FOR MAKING THE APPEAL,
18 CONDUCTING A HEARING, VOTING ON A DECISION, ISSUING FINDINGS AND AN
19 ORDER, AND ANY OTHER ACTIVITY THE COMMISSIONERS CONSIDER NECESSARY;
20 AND

21 (5) INCLUDE OTHER PROVISIONS THE COMMISSIONERS CONSIDER
22 IMPORTANT.

23 (E) A DECISION OF THE COUNTY COMMISSIONERS OR THE ENTITY
24 DESIGNATED BY THE COMMISSIONERS IS FINAL.

25 (F) NOTHING IN THIS SECTION ALTERS THE PROCEDURES ESTABLISHED
26 UNDER PART V OF THIS SUBTITLE FOR APPEALING A DECISION BY THE SANITARY
27 COMMISSION.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1997.