

ARTICLE 15: RULES AND REGULATIONS - SCOPE, NOTICE, HEARING, ACCESS AND REPEAL

Section

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§ 2-15-1 SCOPE.

This article shall apply to all divisions, subdivisions and agencies of the city, (the "city agency"). Executive orders of the Mayor and administrative instructions of the Chief Administrative Officer, if otherwise lawfully permitted and enacted, shall only be subject to the filing and public access provisions of § 2-15-4 and only if the order or instruction in any manner regulates the conduct of the public.

(Ord. 43-2007)

§ 2-15-2 PROCEDURES.

When the city agency proposes rules or regulations pertaining to matters within its jurisdiction that in any manner regulate the conduct of the public, it shall follow the procedures set forth in this article.

(A) When the city agency proposes to adopt rules or regulations, it shall first have the Chief Administrative Officer appoint a city employee to serve as a hearing officer to conduct the public hearings required in this article.

(B) The hearing officer shall submit a report to the head of the city agency that will administer the proposed rules or regulations and to the Chief Administrative Officer. The report shall describe in general terms the public comment received, the city agency response to that public comment, if any, and shall contain recommendations for changes to the proposed regulations when appropriate.

(C) The rules or regulations shall not go into effect until signed by the Chief Administrative Officer and filed with the City Clerk.

(Ord. 43-2007)

§ 2-15-3 NOTICE AND HEARING.

(A) Notice of the intention to consider the adoption of a rule or regulation shall be given by posting in the lobby of City Hall, posting notice electronically on the City Clerk's web site dedicated to the schedule rule making hearings and meetings of public boards, commissions and committees and by giving written notice to the Mayor and the Chief Administrative Officer. All such notices shall be given at least 14 days prior to the hearing at which the proposed rule or regulation will be considered. All such notices shall state the time and location of the hearing and contain a brief description of the proposed rule or regulation and a location where the full text of the proposed rule or regulation may be obtained.

(B) The hearing at which the proposed rule or regulation is considered, shall be open to the public and any person may give testimony in favor of or in opposition to the proposed rule or regulation, whether such testimony is given orally or in writing. In considering the proposed rule or regulation, the hearing officer shall give due consideration to all such testimony.

(Ord. 43-2007)

§ 2-15-4 FILING AND PUBLIC ACCESS.

(A) All rules and regulations adopted by a city agency shall be promptly filed with the City Clerk and shall bear the signature of the Chief Administrative Officer. In addition to filing the signed rule or regulation, the city agency shall file the adopted rule or regulation electronically on the City Clerk's web site.

(B) The city agency that implements and administers such rule or regulation shall provide the rule or regulation on its web site.

(C) Rules and regulations adopted by a city agency prior to the effective date of this article shall not be subject to the procedures for adopting rules and regulations required in this article but such rules and regulations shall be posted on the City Clerk's web site as required in this section for those rules and regulations promulgated pursuant to this article.

(Ord. 43-2007)

§ 2-15-5 MODIFICATION OR REPEAL.

Rules and regulations of city agencies shall be modified or repealed only by following the procedures of this article. This

requirement shall apply to both rules and regulations passed before and after the effective date of this article.

(Ord. 43-2007)