



City of Annapolis

Signature Copy

Ordinance: O-12-19

160 Duke Of Gloucester  
Street  
Annapolis, MD 21401

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File Number: O-12-19

~~Departmental Reorganization - For the purpose of requiring the Environmental Policy Advisor to provide certain advice relating to environmental policies and initiatives in lieu of the Office of Environmental Policy; creating the position of Environmental Policy Advisor in the exempt service; establishing the duties and responsibilities of the position; creating the position of Director of Emergency Management in the exempt service; establishing certain exempt service pay grades; and reassigning responsibility for floodplain management to the Department of Planning and Zoning.~~

CITY COUNCIL OF THE  
**City of Annapolis**

Ordinance 12-19

Introduced by: Mayor Buckley

**Referred to**

Economic Matters Committee  
Finance Committee  
Housing and Human Welfare Committee  
Rules and City Government Committee

AN ORDINANCE concerning

**Departmental Reorganization**

**FOR** ~~the purpose of requiring the Environmental Policy Advisor to provide certain advice relating to environmental policies and initiatives in lieu of the Office of Environmental Policy; creating the position of Environmental Policy Advisor in the exempt service; establishing the duties and responsibilities of the position; creating the position of Director of Emergency Management in the exempt service; establishing certain exempt service pay grades; and reassigning responsibility for floodplain management to the Department of Planning and Zoning.~~

**BY** ~~repealing and re-enacting without amendments the following portions of the Code of the City of Annapolis, 2019 Edition~~  
2.12.080  
6.29.010  
10.12.140  
10.36.010

17.11.050

17.11.300

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2019 Edition

~~2.12.080~~

2.16.210

2.48.350

3.08.010

3.08.030

~~6.29.010~~

~~10.12.140~~

~~10.36.010~~

17.11.050

17.11.300

17.11.720

17.11.730

17.22.060

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

**TITLE 2 - ADMINISTRATION**

**Chapter 2.12 - MAYOR**

**Section 2.12.080 - OFFICE OF ENVIRONMENTAL POLICY ADVISOR -**

A. The City of Annapolis shall have an Office of Environmental Policy ~~ADVISOR WHO SHALL ADVISE THE MAYOR, CITY MANAGER, AND DEPARTMENT DIRECTORS ON~~ and the following ~~ENVIRONMENTAL POLICIES AND INITIATIVES, INCLUDING:~~ programs and activities shall be the responsibility of that office:-

1. Urban forestry, ~~REFORESTATION, AND AFFORESTATION;~~
2. Sustainability;
3. Land trust - conservancy board;
4. NPDES/MS4/TMDL compliance, coordination;-
5. Environmental grants;
6. Environmental policy development/initiatives;
7. Activities impacting upon sewer pretreatment, stormwater management;
8. ~~and~~ sSediment and erosion control; and
9. To educate and inform the public concerning environmental protection urban forestry and related subjects; ~~AND~~
- ~~10. CRITICAL AREA MATTERS.~~

- B. In addition to the activities and responsibilities set forth in this section, the Office of ~~THE~~ Environmental Policy ADVISOR shall administer other ENVIRONMENTAL duties and responsibilities AS ASSIGNED BY THE MAYOR OR ADOPTED BY THE CITY COUNCIL BY ORDINANCE, as necessary, consistent with the Annapolis Charter and Code.

**Section 2.16.210 - Assistance for ~~Alderman~~ ALDERMEN AND ALDERWOMEN.**

Civil Service staff may be employed or services engaged by contract to assist Aldermen AND ALDERWOMEN, individually or collectively, with their public responsibilities.

- A. Civil Service assistance. There shall be established the Civil Service position of City Council associate, reporting to the City ~~Manager~~ CLERK. ~~the~~THE City Council associate shall provide continuity and expertise that spans across City Council terms of office. The City Council associate shall provide logistical and administrative assistance to the City Council and serve as THE recording Secretary for City Council standing committees.
- B. Contractual assistance. The Alderman or Alderwoman who is senior in service (~~Senior Alderman or Alderwoman~~) shall, at the direction of a majority of the Aldermen and Alderwomen, SHALL advise the City ~~Manager~~ CLERK of the nature of any contractual assistance needed. ~~Human Resources shall encourage qualified persons to apply.~~ With the approval of a majority of the Aldermen and Alderwomen, the Department shall employ or engage A QUALIFIED PERSON on a contractual basis, ~~a qualified person.~~ ~~The~~AND THAT person ~~so contractually employed or engaged~~ shall be subject to the immediate supervision of the City CLERK ~~Manager~~. However, the overall direction of the work shall be determined by a majority of the Aldermen and Alderwomen, acting through the Senior Alderman or Alderwoman. At the request of a majority of the Aldermen and Alderwomen, acting through the Senior Alderman or Alderwoman, the City ~~Manager~~CLERK shall dismiss the person ~~so contractually employed or engaged~~. ~~While contractually employed or engaged to assist the Aldermen and Alderwomen with their public responsibilities, the contractual person is not part of the merit system.~~

**Chapter 2.48 - BOARD, COMMISSIONS, AND COMMITTEES**

**Article XIII**

**Section 2.48.350 - Environmental Review Committee.**

- A. The goal of the City is to lead by example so as to encourage residents and business owners to use reusable and recyclable materials and to purchase goods from companies that practice energy use reduction and sequestration of carbon dioxide.
- B. In furtherance of this goal, there is hereby established an Environmental Review Committee within the municipal government. The Committee consists of the Directors of Planning and Zoning, Public Works, Recreation and Parks, THE Office of Environmental Policy ADVISOR, and the Purchasing Agent. The Director of the Office of Environmental Policy ADVISOR shall serve as the chair.
- C. As a minimum, the Committee shall:

1. Review existing practices of the City to assure that its policies and procedures foster the use of materials that are compostable, recyclable, and reusable.
2. Assess the effectiveness of the voluntary environmental reusable bag program.
3. Assess the value of bans and/or fees on materials in furtherance of the City's goals.
4. Develop a plan for distribution of re-useable bags as part of and consistent with the City's recycling plan as defined in Chapter 10.18 of the Annapolis City Code.
5. Assist the various City offices to ensure that contracting procedures do not discriminate against reusable, recycled, or environmentally preferable products without sufficient justification.
6. Evaluate environmentally preferable products to determine the extent to which they may be used by the City and its contractors.
7. Review and revise contracting PROCUREMENT procedures ~~AND ADVISE THE PROCUREMENT OFFICER ON REVISIONS TO THE PROCEDURES~~ to maximize the specification of designated environmentally preferable products where WHEN available.
8. Following installation of computer software capable of data gathering for such purposes, facilitate data collection on purchases of designated environmentally preferable products by the City and its contractors and report the data to the City Council by July 31st of each year.
9. ~~Prior to fiscal year 2009, the~~ THE Committee shall:
  - a. Begin issuing to all City organizational elements purchasing specifications that comply with U.S. Environmental Protection Agency Comprehensive Procurement Guidelines for products. Recovered Materials Advisory Notices (RMAN) shall be used as a reference for determining the recycled content specifications for these products. Third party certifications, such as Energy Star, Eco Logo and Green Seal, shall also be acceptable to identify preferred products.
  - b. Monitor the implementation of the following:
    - (1) To the extent available, all printing and copy paper products shall consist of a minimum of thirty percent post-consumer recycled fiber.
    - (2) All janitorial paper products and plastic garbage bags shall consist of a minimum of fifty percent post-consumer content.
    - (3) A ten percent price preference for processed chlorine-free paper shall be applied to (one hundred percent) of photocopy-grade and janitorial paper purchases.
    - (4) Returning used toner cartridges for remanufacture and purchase re-manufactured toner cartridges when practicable.
    - (5) Where available, no janitorial cleaning or disinfecting products shall contain ingredients that are identified by United States Environmental Protection Agency or the National Institute for Occupational Safety and Health as carcinogens, mutagens, or teratogens.
    - (6) Phase out the use of chloroflourocarbon containing refrigerants, solvents and other products when without risk of voiding manufacturers' warranties on the equipment in which it is applied.
    - (7) All surfactants shall meet EPA standards as "readily biodegradable." No detergents shall contain phosphates.

- (8) The City shall procure wood products that originate only from managed, recycled or sustainable wood product operations.
- (9) Purchased or leased electronic equipment including photocopiers, computers, printers, lighting systems, HVAC, kitchen and laundering appliances, and energy management systems must meet U.S. Environmental Protection Agency (EPA) or U.S. Department of Energy (DOE) energy efficiency standards. Where applicable, the energy efficiency function must remain enabled on all energy efficient equipment. As part of any purchase or lease agreement for electronic equipment, a vendor must supply life cycle costs for each item.
- (10) All motor oil shall contain a minimum twenty-five percent re-refined base stock, and shall be used only when without risk of voiding manufacturers' warranties on the equipment in which it is applied. All re-refined oil must be American Petroleum Institute certified.
- (11) All motor vehicles operated by the City shall use recycled propylene glycol antifreeze where practicable, and shall be used only when without risk of voiding manufacturers' warranties on the equipment in which it is applied.
- (12) Paint purchased by the City or its contractors shall contain the minimum amount necessary of volatile organic compounds, and shall contain maximum recycled content where available.
- (13) The City shall implement an integrated pest management program for pest control. Any chemicals used to eliminate or deter insect pests and undesirable vegetation shall be the most readily and completely biodegradable product available for the given application, and shall be applied in a manner that is least likely to come into contact with humans and any other animals for which treatment is not intended.
- (14) All construction and renovation at least thirty percent funded by the City shall incorporate Silver LEED "green" building practices.
- (15) The City shall give preference to products that are produced and are within a reasonable geographic distance such that transportation costs, energy use and carbon dioxide generation do not outweigh the benefits of lower product costs.
- (16) All departments, offices, and agencies shall ensure that they and their contractors/consultants use double-sided copying. All photocopiers purchased by the City following adoption of this policy are required to be capable of double-sided copying when the equipment has the capability to copy double-sided.
- (17) The City shall reduce or eliminate its use of products that contribute to the formation of dioxin and furan compounds.

D. The following are environmentally preferred products:

1. Compostable and vegetative products;
2. Horticultural mulch made with recycled land clearing and other wood debris, but avoiding the use of non-sterile mulch which may contain non-native plant species;
3. Construction materials made with recycled cement concrete, wood, glass, or asphalt;
4. Alternative fuels, and vehicles, and rolling stock that utilize same ~~ALTERNATIVE FUELS~~, including, but not limited to, electric, hybrid, compressed natural gas, hydro-diesel, hydrogen,

- biodiesel, and ethanol ~~AND~~, When comparing ~~THE~~ costs of alternative ~~FUELS~~ vs- ~~AGAINST~~ conventional fuels and vehicles, the City shall give preference to alternative fuels and vehicles if their costs are no more than ten percent higher than conventional products;
5. Cement and asphalt concrete containing glass cullet, recycled fiber or plastic, tire, or rubber;
  6. Lubricating oil and hydraulic oil with re-refined oil content;
  7. Recycled plastic products;
  8. Remanufactured products made from recycled tire rubber, including rubber mats and play field surfaces;
  9. Low wattage/ ~~AND~~ high efficiency lighting fixtures, including ~~but not limited to~~ traffic signals, crosswalks, street lights, and all interior and exterior building fixtures, including fixed ballast fluorescent fixtures and motion sensitive switches;
  10. Solar powered traffic signals, traffic signs, street lights, and buildings wherever ~~WHENEVER~~ available;
  11. Remanufactured laser printer toner cartridges;
  12. Other products as designated by the Mayor and/or the Mayor's designee, the Task Force, and/or Coordinator; and
  13. No fertilizer with ~~FERTILIZERS WITHOUT~~ phosphorous, ~~WHICH~~ shall be used on any land owned by the City of Annapolis, whether such ~~THE~~ land is located within or outside of the City's boundaries, except where ~~UNLESS~~ a soil test determines that the soil is deficient.
- E. The Environmental Review Committee will formulate a plan by May 31, 2008, to promote the use of reusable shopping bags in the City of Annapolis. It will establish a goal of a forty percent reduction in the use of plastic and paper checkout bags in large retail chain stores by May 31, 2009.
- F. Nothing contained in the policy of ~~NOTWITHSTANDING ANYTHING TO THE CONTRARY IN~~ this section, shall be construed as requiring a department or contractor to ~~MAY NOT~~ procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time. The City shall give preference to any environmentally preferable products if their costs are no more than ten percent higher than conventional products.
- G. One year from adoption of the ordinance codified in this section, the ~~THE~~ Environmental Review Commission will evaluate ~~AND REGULARLY UPDATE~~ the effectiveness of the internal and voluntary programs for reusable materials and make recommendations in furtherance of these efforts for consideration by the Mayor and City Council.

**TITLE 3 - HUMAN RESOURCES**  
**Chapter 3.08 - EXEMPT SERVICE**  
**Section 3.08.010 - Positions included.**

The exempt service includes:

1. All the elected officials;
2. All department directors;

3. City Manager;
4. Communications Officer;
5. City Attorney;
6. Assistant City Attorney;
7. Attorney I;
8. Attorney II;
9. Community Engagement Administrator;
10. COMMUNITY SERVICES SPECIALIST;
- ~~11~~11. Constituent Services Officer;
- ~~11~~12. Administrative Assistant;
- ~~12~~13. Assistant City Manager;
- ~~13~~14. Public Information Officer and Quartermaster;
- ~~14~~15. Executive Office Associate;
- ~~15~~16. Recruitment/Employee Relations Administrator;
- ~~16~~17. Deputy Fire Chiefs;
- ~~17~~18. Police Major and Captains;
- ~~18~~19. Human Resources Manager;
- ~~19~~20. Director of Office of Environmental Policy ADVISOR;
- ~~20~~21. Economic Development Manager;
- ~~21~~22. Development/Events Specialist; ~~and~~
- ~~22~~23. Chief of Staff; AND
24. MANAGEMENT INFORMATION TECHNOLOGY MANAGER.

**Section 3.08.030 - Salary.**

- A. 1. For purposes of setting annual salaries, the following positions in the exempt service are assigned grades in the City's pay plan as indicated:

<b>Position</b>	<b>Grade</b>
Executive Office Associate	A10
Recruitment/Employee Relations Administrator	A15
Communications Officer	A15
Deputy Fire Chief	F18
Human Resources Manager	<del>A18</del> <u>A19</u>
Director of Transportation	A20
Director of Office of Environmental Policy <u>ADVISOR</u>	<del>A20</del> A17
Director of Recreation and Parks	A20
City Attorney	A20
Assistant City Attorney	A18
Attorney I	A14
Attorney II	A16
Director of Finance	A20
Director of Planning and Zoning	A20
Constituent Services Officer	A14

<u>COMMUNITY SERVICES SPECIALIST</u>	<u>A10</u>
Community Engagement Administrator	A14
Administrative Assistant	A8
Assistant City Manager	A14
Public Information Officer and Quartermaster	A12
Fire Chief	F20
Police Chief	P20
Police Major	P18
Police Captain	P17
Director of Public Works	A20
Economic Development Manager	A17
Development/Events Specialist	A12
Chief of Staff	A16
<u>DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT</u>	<u>A20</u>
<u>MANAGEMENT INFORMATION TECHNOLOGY MANAGER</u>	<u>A19</u>

B. Salary raises for the list of positions included in the table in Section 3.08.030A.1:

1. Shall be justified by a performance evaluation by the City Manager or the Mayor, whichever is the Appointing Authority, that exceeds the minimum requirements for the position and shall be entirely at the DISCRETION OF THE City Manager or the Mayor's ~~discretion~~, with the exception of those positions listed in Subsection (B)(2) of this Section;
2. Shall be justified FOR THE FOLLOWING POSITIONS by a performance evaluation by the Department Director that exceeds the minimum requirements for the position ~~for the following positions~~:
  - i. Deputy Fire Chiefs
  - ii. Police Captains
  - iii. Police Major
  - iv. Recruitment/Employee Relations Administrator
  - v. Assistant City Attorney
  
  - vi. Attorney I
  - vii. Attorney II
  - viii. Public Information Officer and Quartermaster
  - ix. Economic Development Manager.
3. ~~Shall~~MAY not be awarded to an individual more frequently than once per year;
4. ~~Shall~~MAY not be for an amount exceeding one pay step in the grade range for the position as set in Subsection (A)(1) of this Section;
5. ~~Shall~~MAY not cause an individual's salary to exceed the maximum salary of the assigned grade.

C. Longevity salary increases awarded to civil service employees shall not be a benefit of the exempt service.



D. A City employee appointed to a position specified in Subsection (A)(1) of this Section SHALL BE PROVIDED PAY AS FOLLOWS:

1. IF THE EMPLOYEE IS APPOINTED TO A POSITION IN A HIGHER GRADE, THE SALARY shall be AT A RATE in the new pay grade which is at a minimum five percent higher than the employee's salary prior to promotion or shall be assigned to the minimum of the new grade, whichever is higher.
2. IF THE EMPLOYEE IS APPOINTED TO A POSITION IN A LOWER GRADE OR IF THE POSITION IS RECLASSIFIED TO A CLASSIFICATION IN A LOWER GRADE OR IF THE EMPLOYEE'S CLASSIFICATION IS REALLOCATED TO A LOWER GRADE, THE EMPLOYEE'S NEW PAY SHALL BE AT A LEVEL WITHIN THE NEW GRADE THAT IS CLOSEST TO AND NOT LOWER THAN THE LEVEL AT WHICH THE EMPLOYEE WAS PAID IN THE FORMER GRADE. IF THE LEVEL AT WHICH THE EMPLOYEE WAS PAID IN THE FORMER GRADE IS MORE THAN THE MAXIMUM PAY FOR THE NEW GRADE, THE EMPLOYEE'S NEW PAY SHALL REMAIN THE SAME AS THE EMPLOYEE'S PAY IN THE FORMER GRADE AND THE EMPLOYEE IS NOT ELIGIBLE FOR ANY FORM OF PAY INCREASE UNLESS OR UNTIL THE MAXIMUM PAY IN THE NEW GRADE IS INCREASED TO A LEVEL THAT EXCEEDS THE EMPLOYEE'S PAY.

~~In no case shall the new salary exceed the maximum salary of the new grade.~~

E. The Mayor, City Manager, or Department Director, whichever is the Appointing Authority, may make an initial appointment at a salary greater than the first step of the assigned grade for positions that report to them. Appointments to the following positions do not require City Council approval and initial appointments may be made at a salary greater than the first step of the assigned grade subject to the availability of funding:

1.
  - i. Administrative Assistant
  - ii. Assistant City Manager
  - iii. Executive Office Associate
  - iv. Chief of Staff
  - v. Communications Officer
  - vi. Constituent Services Officer
  - vii. Community Engagement Administrator
  - viii. COMMUNITY SERVICES SPECIALIST
  - ix. Development/Events Specialist
  - ~~ixx. Director, Office of Environmental Policy ADVISOR~~
  - ~~xxi. Human Resources Manager~~
  - ~~xixii. Deputy Fire Chiefs~~
  - ~~xiixiii. Police Captains~~
  - ~~xiiixiv. Police Major~~
  - ~~xivxv. Recruitment/Employee Relations Administrator~~
  - ~~xvixvi. Assistant City Attorney~~
  - ~~xvixvii. Attorney I~~

- xviii. Attorney II
- xviiii. Public Information Officer and Quartermaster
- xix. Economic Development Manager-
- ~~xxi. MANAGEMENT INFORMATION TECHNOLOGY MANAGER.~~

F. The appointment and initial salary for the following positions is subject to confirmation by the City Council:

- 1. i. City Manager
- ii. City Attorney
- iii. Police Chief
- iv. Fire Chief
- v. Director of Transportation
- vi. Director of Recreation and Parks
- vii. Director of Finance
- viii. Director of Planning and Zoning
- ix. Director of Public Works-
- X. DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT
- XI. DIRECTOR OF THE OFFICE OF ENVIRONMENTAL POLICY
- XII. DIRECTOR OF HUMAN RESOURCES
- XIII. MANAGEMENT INFORMATION TECHNOLOGY DIRECTOR.

**TITLE 6 - REVENUE AND FINANCE**

**Chapter 6.29 - ESTABLISHMENT OF PROGRAM TO FINANCE AND ENCOURAGE ENERGY EFFICIENCY PROJECTS AND RENEWABLE ENERGY PROJECTS\***

**Section 6.29.010 - Establishment of Clean Energy Loan Program.**

- A. A Clean Energy Loan Program ("Program"), as authorized pursuant to the Local Government Article, Sections 1-1101 et seq. of the Annotated Code of Maryland, is hereby established to finance and encourage energy efficiency projects and renewable energy projects with an electric generating capacity of not more than one hundred kilowatts.
- B. The City may enter into an agreement with a private entity to administer the Clean Energy Loan Program.
- C. All policies governing the management of the Program shall be determined by the ~~Director of the Office of~~ Environmental Policy ADVISOR in collaboration with the Director of Finance.

**TITLE 10 - HEALTH AND SAFETY**

**Chapter 10.12 - FOOD HANDLING ESTABLISHMENTS**

**Section 10.12.140 - Administration and enforcement.**

- A. ~~SECTION 10.12.160 OF THIS CHAPTER SHALL BE ADMINISTERED AND ENFORCED BY~~

~~THE ENVIRONMENTAL POLICY ADVISOR. OTHERWISE,~~ The ~~THE~~ provisions of this chapter shall be administered and enforced by the Department of Planning and Zoning, except with regard to ~~FOR~~ those matters administered and enforced by the Health Officer and except with regard to Section 10.12.160, which matters shall be administered and enforced by the Office of Environmental Policy.

- B. A violation of or failure to comply with any provision of this chapter is declared to be a municipal infraction punishable by a fine not to exceed one hundred dollars for any single, initial violation, and an additional fine of two hundred dollars for each repeat or continuing violation.
- C. The Director of Planning and Zoning or the Director's designee and the Director of ~~Environmental Policy~~ ~~ADVISOR~~, or their designee, shall have the power to enforce the provisions of this chapter through the issuance of a municipal citation or through any other appropriate action or proceedings at law or equity.

#### **Chapter 10.36 - CLEAN AIR VEHICLES**

##### **Section 10.36.010 - Purpose and intent.**

Promotion of low emission vehicles is in the best interest of the health and welfare of the citizens of Annapolis. This chapter is intended to encourage replacement of existing standard emission vehicles with low emission vehicles. The Office of Environmental Policy ~~ADVISOR~~ SHALL will gather and provide information on clean air vehicles to those licensed by the City.

### **TITLE 17 - BUILDINGS AND CONSTRUCTION**

#### **Chapter 17.11 - FLOODPLAIN MANAGEMENT**

##### **Article I - General Provisions**

##### **Section 17.11.050 - Basis for establishing special flood hazard areas and BFES.**

- (A) For the purposes PURPOSE of this chapter, the minimum basis for establishing special flood hazard areas and base flood elevations is the flood insurance study for Anne Arundel County, Maryland and incorporated areas dated February 18, 2015, or the most recent revision ~~thereof~~ ~~OF THE STUDY~~, and the accompanying Flood Insurance Rate Map(s) and all subsequent amendments and revisions to the FIRMs. The FIS and FIRMs are retained on file and available to the public at the DEPARTMENT OF PLANNING AND ZONING, Office of Environmental Policy.
- (B) Where WHEN field surveyed topography or digital topography indicates that ground elevations are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard on the FIRM, the area shall be considered as a special flood hazard area.
- (C) To establish base flood elevations in special flood hazard areas that do not have such elevations shown on the FIRM, the Floodplain Administrator may provide the best available data for base flood elevations, may require the applicant to obtain available information from Federal, State, or other sources, or may require the applicant to establish special flood hazard areas and base flood elevations as set forth in Section 17.11.320, Section 17.11.330, and Section 17.11.340 of this chapter.

### **Article III - Administration**

#### **Section 17.11.300 - Designation of the Floodplain Administrator.**

The Director of the Office of Environmental Policy ~~PLANNING AND ZONING~~ is hereby appointed to administer and implement this chapter and is referred to herein ~~DESIGNATED~~ as the Floodplain Administrator. The Floodplain Administrator may:

- (A) Delegate duties and responsibilities set forth in this chapter to qualified technical personnel, plan examiners, inspectors, and other employees.
- (B) Enter into a written agreement or written contract with another Maryland Community or private sector entity to administer specific provisions of this chapter. Administration of any part of this chapter by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations (CFR) at 44 Section 59.22.

### **Article VII - Variances**

#### **Section 17.11.720 - Considerations for variances.**

- (A) The Floodplain Administrator shall request comments on variance applications from MDE (NFIP State Coordinator).
- (B) In considering variance applications, the ~~DIRECTOR OF PLANNING AND ZONING~~ Office of Environmental Policy shall consider and make findings of fact on all evaluations, all relevant factors, AND ALL requirements specified in other sections of this chapter, and SHALL ALSO MAKE FINDINGS OF FACT ON the following factors:
  - (1) The danger that materials may be swept onto other lands to the injury of others.
  - (2) The danger to life and property due to flooding or erosion damage.
  - (3) The susceptibility of the proposed development and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.
  - (4) The importance of the services to the community provided by the proposed development.
  - (5) The availability of alternative locations for the proposed use which are not subject to, or are subject to less, flooding or erosion damage.
  - (6) The necessity to the facility of a waterfront location, ~~where~~IF applicable, or if the facility is a functionally dependent use.
  - (7) The compatibility of the proposed use with existing and anticipated development.
  - (8) The relationship of the proposed use to the comprehensive plan and hazard mitigation plan for that area.
  - (9) The safety of access to the property BY PASSENGER VEHICLES AND EMERGENCY VEHICLES in times of flood ~~for passenger vehicles and emergency vehicles.~~
  - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
  - (11) The costs of providing government services during and after flood conditions, including

maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

- (12) The comments provided by MDE (NFIP State Coordinator).
- (13) Considerations related to the reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places or State Inventory of Historic Places.

**Section 17.11.730 - Limitations for granting variances.**

The ~~DIRECTOR OF PLANNING AND ZONING~~ Office of Environmental Policy shall make an affirmative decision on a variance request only upon:

- (A) A showing of good and sufficient cause. ~~Good and sufficient cause~~ THAT deals solely with the physical characteristics of the property and cannot be based on the character of the improvement, the personal characteristics of the owner, OR inhabitants or local ~~provision~~ PROVISIONS that regulate standards other than health and public safety.
- (B) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property, ~~Increased~~ BUT INCREASED cost or inconvenience of meeting the requirements of this chapter does not constitute an exceptional hardship ~~to the applicant~~.
- (C) A determination that the granting of a variance for development within any designated floodway, or flood hazard area with base flood elevations but no designated floodway, will not result in increased flood heights beyond that which is allowed in this chapter.
- (D) A determination that the granting of a variance will not result in additional threats to public safety, extraordinary public expense, nuisances, fraud, or victimization of the public, or conflict with existing local laws.
- (E) A determination that the building, structure, or other development is protected by methods to minimize flood damages.
- (F) A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

**Chapter 17.22 - PETROLEUM STORAGE FACILITIES**

**Section 17.22.060 - Inspections.**

THE FIRE DEPARTMENT SHALL INSPECT ~~Any~~ANY storage system under permit ~~is required to be inspected by the Fire Department and/or the Office of Environmental Policy. These~~THE inspections shall be scheduled no less than forty-eight hours prior to the date of the proposed inspection.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect ~~from the date of its passage~~ON JULY 1 2019.

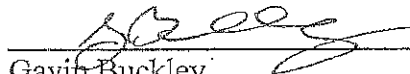
**Explanation:**

UPPERCASE indicates matter added to existing law.  
~~Strikethrough~~ indicates matter stricken from existing law.  
Underlining indicates amendments.

ADOPTED this 10th day of June, 2019.

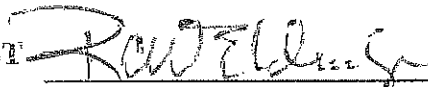
Aye: 8 Mayor Buckley, Alderwoman Tierney, Alderman Paone,  
Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman  
Rodriguez, Alderman Savidge and Alderman Arnett

THE ANNAPOLIS  
CITY COUNCIL

  
\_\_\_\_\_  
Gavin Buckley

Date 7/16/19

ATTEST

  
\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC

Date 7/16/19