

O-55-22

Sediment Control Inspections Process, Fees, and Milestone Inspections

AMENDMENT 1 – ALD. Savidge Environmental Matters Cmte. Chairman's Amendment

PURPOSE OF AMENDMENT: Makes several changes to conform to the Public Works Department's requests. Due to the number of changes, this amendment replaces the original bill.

BILL AMENDMENTS & EXPLANATIONS

Title 17 – BUILDINGS AND CONSTRUCTION

Chapter 17.04 - DEFINITIONS

- 1) On page 2, strike lines 4-8.
 - *"Readily Accessible" definition was added to the bill; the amendment removes the definition*
- 2) On page 2, in line 9, after "water" add "s".
 - *"Receiving waters" is defined; the amendment makes "water" plural.*
- 3) On page 2, in line 14, insert "Rainfall event" means more than an inch of rainfall in the construction area during a 24-hour period.
 - *"Rainfall event" is defined since heavy rainfall triggers a grading inspection later in the bill.*

Section 17.08.080 - Grading Permits -- fees, reinspections & milestone inspections

- 4) On page 3, in line 3, strike "readily accessible without a lock" and insert "available to the public online."
 - *Changes the public notice requirement from posting site plans on-site to posting site plans online.*

Explanation

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- 5) On page 3, in line 33, strike "Title 17 § 08.220" and insert "by the Department".
- *Subsection D creates the Milestone Inspection requirement. The amendment removes the details from the code and lets the Public Works Department handle when Milestone Inspections are required.*

17.08.220 - Inspections

- 6) On page 4, in line 33, after "**INSPECTIONS**" insert "**REQUIRED**".
- *Makes the subtitle more specific*
- 7) On page 5, in line 10, strike "twice" and insert "once".
- *DPW indicated that requiring twice-a-week inspections would be burdensome and difficult to maintain from a staffing standpoint and that they thought once a week would be sufficient. This enacts the recommendations from DPW.*
- 8) On page 5, in lines 12-13, strike "shall be inspected by the Department at least once a week" and insert "should be inspected after or during rainfall events to determine if there has been an off-site discharge of sediment."
- *Change receiving waters inspection from a requirement to a recommendation and clarifies that, for larger sites, receiving waters should be inspected during or after it rains when there's a more likely chance of sediment discharge.*
- 9) On page 5, in lines 14-16, strike "to address critical milestones of a project as reflected in the sequence of construction" and insert "that is supplemental to the requirements in subsection B(1) of this Section to address critical phases of a project as reflected in the sequence of construction."
- *This clarifies that the "milestone inspections" are supplemental to, and don't override, the routine weekly inspections in the previous section.*
- 10) On page 5, in lines 19-21, strike "Each phase in the sequence of construction on the grading plans shall be considered a milestone and require a milestone inspection by the Department" and insert "Milestones shall be determined by the Department at import phases of construction."
- *Let the Public Works Dept. set when milestone inspections occur based on the distinct requirements of each development, and allows for inspection changes as the project changes.*

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- 11) On page 5, in line 22, insert subsection "c." and "Each milestone in the approved inspection schedule shall require a milestone inspection by the department prior to proceeding to the next phase."
- *Clarifies that only the milestone inspections require DPW authorization before the contractor proceeds with work.*
- 12) On page 6, in lines 4-10, strike "A list of deficiencies and violations found during the previous inspection and an indication as to whether or not those deficiencies and violations were resolved prior to the current inspection, including a list of action taken by the inspector if order corrective actions were not adhered to by the required compliance deadline." And insert "A note shall be added stating the deficiencies and listing previous deficiencies that remain uncorrected."
- *Per DPW, this new language simplifies the new process to ensure that unresolved deficiencies from previous inspections are included on the inspection report to ensure the contractor is aware of things that still need to be addressed.*
- 13) On page 6, in line 18, strike "36 hours. If corrective action requires more time, the permittee shall request it in writing, which shall be reviewed for approval by the inspection supervisor." And insert "the period specified by the inspector, not to exceed three business days." And move to a new subparagraph "4." "If corrective action requires more time, the permittee shall request it in writing, which shall be reviewed for approval by the inspection supervisor."
- *This adjusts the language to give DPW inspectors the ability to require shorter "correct by" dates and states that such dates shall not exceed 36 hours. (to ensure rapid corrective action). Note: the legislation allows time greater than 36 hours if requested in writing and approved by the inspection supervisor.*
 - *Formatting change to make it easier to understand.*

SUBSTITUTE BILL

New/Revised Sections are in Red

..Title

Sediment Control Inspections Process, Fees, and Milestone Inspections – For the purpose of adding conditions for reinspection; creating milestone inspections; adjusting buildings and construction fees to pay for inspector positions; updating code format of these sections; and generally related to grading, erosion and sediment control inspections.

..Body

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CITY COUNCIL OF THE
City of Annapolis

Ordinance 55-22

Introduced by: Alderman Savidge

Co-sponsored by:

Referred to

Economic Matters Committee

Environmental Matters Committee

AN ORDINANCE concerning

Sediment Control Inspections Process, Fees, and Milestone Inspections

FOR the purpose of adding conditions for reinspection; creating milestone inspections; adjusting buildings and construction fees to pay for inspector positions; updating the code format of these sections; and generally related to grading, erosion and sediment control inspections.

BY enacting the following portion of the Code of the City of Annapolis, 2022 Edition

17.04.705

17.04.706

17.04.848

BY repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2022 Edition

17.08.080

17.08.220

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 17 – BUILDINGS AND CONSTRUCTION
Chapter 17.04 - DEFINITIONS.

17.04.706 - RECEIVING WATERS.

"RECEIVING WATERS" MEANS WATERS, INCLUDING STREAMS (EPHEMERAL, INTERMITTENT, OR PERENNIAL), THAT RECEIVE

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STORMWATER DISCHARGES FROM ANY SOURCE ON THE CONSTRUCTION SITE.

17.04.848 - RAINFALL EVENT.

"RAINFALL EVENT" MEANS MORE THAN AN INCH OF RAINFALL IN THE CONSTRUCTION AREA DURING A 24-HOUR PERIOD.

Title 17 – BUILDINGS AND CONSTRUCTION

Chapter 17.08 - GRADING, EROSION AND SEDIMENT CONTROL

Section 17.08.080 - Grading permit--Fees-Reinspection.

~~17.08.080 – Grading permit – Fees – Reinspection:~~

~~A. The fee for a grading permit shall be based upon the estimated cost of site work proposed and includes the cost of materials and labor for installation and construction of such items as earthmoving, sediment control measures, storm drainage systems and stormwater management facilities, and roadways. Estimated costs and quantities shall be submitted to the Department. The fee shall be established by resolution of the City Council.~~

~~1. The application fee will not be refundable for any reason except if the permit application has been denied. The application fee will be applied to the final cost of the grading permit at the time of issuance per the procedures as established by the Department of Public Works.~~

~~B. Reinspection Fee. A fee as established by resolution of the City Council must be paid before another inspection is made if, for the original inspection, one or more of the following occurred:~~

~~1. Requesting party called for inspection, but work was not ready;~~

~~2. Requesting party was not on site;~~

~~3. Building was locked;~~

~~4. Safety features not on site;~~

~~5. Approved drawings not on site;~~

~~6. Permit not posted on site.~~

17.08.080 - Grading permits -- Fees, Reinspection, AND MILESTONE INSPECTIONS

A. **PERMIT NOTICE.** The permittee shall be responsible for maintaining a copy of the approved erosion and sediment control plans and other approved site plans, on-site and **AVAILABLE TO THE PUBLIC ONLINE.**

B. **GRADING PERMIT FEE.** A permit fee shall be required for all grading permits.

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1. The amount of the fee shall be established by resolution of the City Council and will be based upon the estimated cost of site work proposed and include the cost of materials and labor for installation and construction of such items as earthmoving, sediment control measures, storm drainage systems, storm water management facilities, and roadways.
2. Estimated costs and quantities shall be submitted to the Department of Public Works at the time of the grading permit submission.
3. The Grading Permit Fee shall be non-refundable unless the Grading Permit Application has been denied and then shall be refunded minus any administrative charges assessed by the Department to cover staff time and costs in connection with the staff review.
4. The Grading Permit Fee shall be applied to the final cost of the grading permit at the time of issuance, per the procedures established by the Department.

C. **REINSPECTION FEE.** A reinspection fee, as established by resolution of the City Council, shall be paid before additional inspections are made if one or more of the following occurred at the initial inspection:

1. Requesting party called for an inspection, but the work was not ready;
2. Requesting party was not on site;
3. Building was locked;
4. Safety features not on site;
5. Approved drawings not on site;
6. Permit not posted on site;
7. AN INSPECTION WAS REQUESTED TO LIFT A STOP WORK ORDER.

D. MILESTONE INSPECTION FEE. A MILESTONE INSPECTION FEE, AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL, MUST BE PAID BEFORE EACH MAJOR PHASE OF ANY PROJECT THAT HAS MULTIPLE PHASES IN THE SEQUENCE OF CONSTRUCTION PLANS DETAILED IN THE APPROVAL PLANS, OR AS DETERMINED **BY THE DEPARTMENT.**

Title 17 – BUILDINGS AND CONSTRUCTION
Chapter 17.08 - Grading, Erosion and Sediment Control
Section 17.08.220 - Inspections

~~A. The permittee shall be responsible for maintaining a copy of the approved erosion and sediment control plans and other approved site plans on site.~~

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- ~~B. The Director or designee may make additional inspections as he or she determines to be appropriate. No work approved per this chapter shall proceed beyond any stage until the Director inspects the site and approves the work previously completed. Upon notification from the permittee the inspector shall inspect the site and notify the permittee of approval or rejection within forty eight hours (exclusive of Saturdays, Sundays and legal holidays). Work may proceed if the inspector does not make an inspection within the specified time period. However, it will be without presumption of approval and at the sole risk of the permittee.~~
- ~~C. Every active site with an approved erosion and sediment control plan should be inspected for compliance with the plan on average once every two weeks.~~
- ~~D. The Department shall prepare a written report after every inspection. The report shall describe:~~
- ~~1. The date and location of the site inspection;~~
 - ~~2. Whether the approved plan has been properly implemented and maintained;~~
 - ~~3. Practice deficiencies or erosion and sediment control plan deficiencies;~~
 - ~~4. If a violation exists, the type of enforcement action taken; and~~
 - ~~5. If applicable, a description of any modifications to the plan.~~
- ~~E. The Director shall notify the on-site personnel, and the owner/developer in writing, when violations are observed, describing:~~
- ~~1. The nature of the violation;~~
 - ~~2. The required corrective action; and~~
 - ~~3. The time period in which to have the violation corrected.~~
- ~~F. Department inspection notification is the permittee's responsibility before installing any public improvements or stormwater management facilities.~~
- ~~G. It is a condition of each grading permit that the City, its authorized agents have the right of entry to the site to inspect periodically for compliance with the approved plan and this title.~~
- ~~H. In the event of a valid complaint concerning erosion and sediment control, an investigative inspection shall be made by the Department within three days of the complaint. A response to the complaint shall be made within seven days of the complaint.~~

17.08.220 - Inspections

- A. **INSPECTIONS REQUIRED.** As a condition of each grading permit, the Department of Public Works shall have the right of entry to the site to periodically inspect the site for compliance with the approved plan and this title.

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1. No work approved in accordance with this chapter shall proceed beyond any stage until the Department has inspected the site and approved work that has been completed.
2. Upon notification from the permittee, the Department shall inspect the site and notify the permittee of approval or rejection within 48 hours (exclusive of Saturdays, Sundays and legal holidays).

B. INSPECTION FREQUENCY.

1. Every active site with an approved erosion and sediment control plan shall be inspected for compliance with the plan not less than once every two weeks.
 - a. FOR SITES WITH GREATER THAN AN ACRE OF DISTURBANCE THAT HAVE ACTIVE GRADING:
 - (1) SHALL BE INSPECTED AT LEAST ONCE A WEEK; AND
 - (2) RECEIVING WATERS FOR THE SITE, AS DEFINED IN TITLE 17 § 04.706, SHOULD BE INSPECTED AFTER OR DURING RAINFALL EVENTS TO DETERMINE IF THERE HAS BEEN AN OFF-SITE DISCHARGE OF SEDIMENT.
2. THE APPLICANT SHALL ESTABLISH A MILESTONE INSPECTION SCHEDULE THAT IS SUPPLEMENTAL TO THE REQUIREMENTS IN SUBSECTION B(1) OF THIS SECTION TO ADDRESS CRITICAL PHASES OF A PROJECT AS REFLECTED IN THE SEQUENCE OF CONSTRUCTION.
 - a. THE SCHEDULE MUST BE APPROVED BY THE DEPARTMENT PRIOR TO GRADING PERMIT APPROVAL.
 - b. MILESTONES SHALL BE DETERMINED BY THE DEPARTMENT AT IMPORTANT PHASES OF CONSTRUCTION.
 - c. EACH MILESTONE IN THE APPROVED INSPECTION SCHEDULE SHALL REQUIRE A MILESTONE INSPECTION BY THE DEPARTMENT PRIOR TO PROCEEDING TO THE NEXT PHASE.
3. THE PERMITTEE SHALL PROMPTLY CORRECT ANY PORTION OF THE WORK WHICH IS OUT OF COMPLIANCE WITH ANY PERMIT CONDITIONS AS ESTABLISHED BY THE DEPARTMENT AND PROVIDED IN WRITING TO THE PERMITTEE.

C. INSPECTION REPORTS.

1. The Department shall prepare a written report after every inspection. The report shall INCLUDE PICTURES/IMAGES OF ANY SITE DEFICIENCIES AND describe the following:
 - a. Date and location of the site inspection; and

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- b. Whether the approved plan has been properly implemented and maintained; and
 - c. Practice deficiencies or erosion and sediment control plan deficiencies; and
 - d. Type of enforcement action taken if deficiencies or a violation exist, INCLUDING A FIELD CORRECTION NOTICE INDICATING WHAT CORRECTIVE ACTION WAS ORDERED TO BE TAKEN ALONG WITH THE TIME OF COMPLIANCE REQUIRED; AND
 - e. If applicable, a description of any modifications to the plan; and
 - f. A NOTE SHALL BE ADDED STATING THE DEFICIENCIES AND LISTING PREVIOUS DEFICIENCIES THAT REMAIN UNCORRECTED.
2. COPIES OF THE INSPECTION REPORTS AND FIELD CORRECTION NOTICES SHALL BE POSTED ONLINE NOT LATER THAN THREE DAYS POST-INSPECTION.
- D. **VIOLATIONS.** The Department shall notify the on-site personnel and the owner/developer in writing when violations are observed, describing the following:
- 1. The nature of the violation; and
 - 2. The required corrective action; and
 - 3. The correction action shall be completed within THE PERIOD SPECIFIED BY THE INSPECTOR, NOT TO EXCEED THREE BUSINESS DAYS.
 - 4. If corrective action requires more time, the permittee shall request it in writing, which shall be reviewed for approval by the inspection supervisor.
- E. **ADDITIONAL IMPROVEMENTS.** The permittee shall notify the Department before installing any public improvements or stormwater management facilities.
- F. **INVESTIGATIVE INSPECTION.**
- 1. The Department shall investigate the project's erosion and sediment control efforts within three days of receiving a complaint of erosion and sediment control issues.
 - 2. The Department shall respond to the complainant within seven days of the complaint.
 - 3. A LOG OF COMPLAINTS AND ACTIONS TAKEN BY THE DEPARTMENT SHALL BE KEPT AND LOGGED WITH THE GRADING PERMIT EITHER ONLINE OR ON A PUBLIC PERMIT TRACKING SYSTEM.

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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.

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