

1 **..Title**

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

6 **..Body**

7 **CITY COUNCIL OF THE**
8 **City of Annapolis**

9 **Ordinance 55-22**

10 **Introduced by: Alderman Savidge**
11 **Co-sponsored by:**

12 **Referred to**

13 Economic Matters Committee
14 Environmental Matters Committee

15 **AN ORDINANCE** concerning

16 **Sediment Control Inspections Process, Fees, and Milestone Inspections**

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

20 **BY** enacting the following portion of the Code of the City of Annapolis, 2022 Edition
21 17.04.705
22 17.04.706

23 **BY** repealing and reenacting with amendments the following portions of the Code of the City
24 of Annapolis, 2022 Edition
25 17.08.080
26 17.08.220

27 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
28 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:
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1 **Title 17 – BUILDINGS AND CONSTRUCTION**

2 **Chapter 17.04 - DEFINITIONS.**

4 **Section 17.04.705 - READILY ACCESSIBLE.**

5 "READILY ACCESSIBLE" MEANS CAPABLE OF BEING REACHED QUICKLY
6 FOR OPERATION, RENEWAL, OR INSPECTIONS WITHOUT USE OF TOOLS, TO
7 CLIMB OVER OR UNDER, TO REMOVE OBSTACLES, OR TO RESORT TO
8 PORTABLE LADDERS, AND SO FORTH.

9 **Section 17.04.706 - RECEIVING WATER.**

10 "RECEIVING WATERS" MEANS WATERS, INCLUDING WETLANDS AND
11 STREAMS (EPHEMERAL, INTERMITTENT, OR PERENNIAL), THAT RECEIVE
12 STORMWATER DISCHARGES FROM ANY SOURCE ON THE CONSTRUCTION
13 SITE.

15 **Title 17 – BUILDINGS AND CONSTRUCTION**

16 **Chapter 17.08 - GRADING, EROSION AND SEDIMENT CONTROL**

18 ~~Section 17.08.080 - Grading permit – Fees – Reinspection.~~

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

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

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

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

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

33 ~~3. Building was locked;~~

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

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

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

38 **17.08.080 - Grading permits -- Fees, Reinspection, AND MILESTONE INSPECTIONS**

- 1 A. **PERMIT NOTICE.** The permittee shall be responsible for maintaining a copy of the
2 approved erosion and sediment control plans and other approved site plans, on-site
3 AND READILY ACCESSIBLE WITHOUT A LOCK.
- 4 B. **GRADING PERMIT FEE.** A permit fee shall be required for all grading permits.
- 5 1. The amount of the fee shall be established by resolution of the City Council and
6 will be based upon the estimated cost of site work proposed and include the cost
7 of materials and labor for installation and construction of such items as
8 earthmoving, sediment control measures, storm drainage systems, stormwater
9 management facilities, and roadways.
- 10 2. Estimated costs and quantities shall be submitted to the Department of Public
11 Works at the time of the grading permit submission.
- 12 3. The Grading Permit Fee shall be non-refundable unless the Grading Permit
13 Application has been denied and then shall be refunded MINUS ANY
14 ADMINISTRATIVE CHARGES ASSESSED BY THE DEPARTMENT TO
15 COVER STAFF TIME AND COSTS IN CONNECTION WITH THE STAFF
16 REVIEW.
- 17 4. The Grading Permit Fee shall be applied to the final cost of the grading permit at
18 the time of issuance, per the procedures established by the Department.
- 19 C. **REINSPECTION FEE.** A reinspection fee, as established by resolution of the City
20 Council, shall be paid before additional inspections are made if one or more of the
21 following occurred at the initial inspection:
- 22 1. Requesting party called for an inspection, but the work was not ready;
23 2. Requesting party was not on site;
24 3. Building was locked;
25 4. Safety features not on site;
26 5. Approved drawings not on site;
27 6. Permit not posted on site;
28 7. **AN INSPECTION WAS REQUESTED TO LIFT A STOP WORK ORDER.**
- 29 **D. MILESTONE INSPECTION FEE.** A MILESTONE INSPECTION FEE, AS
30 ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL, MUST BE PAID
31 BEFORE EACH MAJOR PHASE OF THE CONSTRUCTION PROJECT, AS SHOWN
32 IN THE SEQUENCE OF CONSTRUCTION ON THE APPROVED GRADING PLANS
33 AND AS DETERMINED IN TITLE 17 § 08.220.

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

1 2. Upon notification from the permittee, the Department shall inspect the site and
2 notify the permittee of approval or rejection within 48 hours (exclusive of
3 Saturdays, Sundays and legal holidays).

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5 **B. INSPECTION FREQUENCY.**

6 1. Every active site with an approved erosion and sediment control plan shall be
7 inspected for compliance with the plan not less than once every two weeks.

8 a. SITES WITH GREATER THAN AN ACRE OF DISTURBANCE
9 THAT HAS ACTIVE GRADING SHALL BE INSPECTED AT LEAST
10 TWICE A WEEK; AND

11 b. RECEIVING WATERS AT THE SITE, AS DEFINED IN TITLE 17 §
12 04.706, SHALL BE INSPECTED BY THE DEPARTMENT AT LEAST
13 ONCE A WEEK.

14 2. THE APPLICANT SHALL ESTABLISH AN INSPECTION SCHEDULE TO
15 ADDRESS CRITICAL MILESTONES OF A PROJECT AS REFLECTED IN
16 THE SEQUENCE OF CONSTRUCTION.

17 a. THE SCHEDULE MUST BE APPROVED BY THE DEPARTMENT
18 PRIOR TO GRADING PERMIT APPROVAL.

19 b. EACH PHASE IN THE SEQUENCE OF CONSTRUCTION ON THE
20 GRADING PLANS SHALL BE CONSIDERED A MILESTONE AND
21 REQUIRE A MILESTONE INSPECTION BY THE DEPARTMENT.

22 3. UNDER THE APPROVED INSPECTION SCHEDULE, NO WORK SHALL
23 PROCEED UNTIL THE DEPARTMENT INSPECTS AND AUTHORIZES
24 WORKS TO PROCEED TO THE NEXT SCHEDULED MILESTONE.

25 4. THE PERMITTEE SHALL PROMPTLY CORRECT ANY PORTION OF THE
26 WORK WHICH IS OUT OF COMPLIANCE WITH ANY PERMIT
27 CONDITIONS AS ESTABLISHED BY THE DEPARTMENT AND
28 PROVIDED IN WRITING TO THE PERMITTEE.

29 **C. INSPECTION REPORTS.**

30 1. The Department shall prepare a written report after every inspection. The report
31 shall INCLUDE PICTURES/IMAGES OF ANY SITE DEFICIENCIES AND
32 describe the following:

33 a. Date and location of the site inspection; and

34 b. Whether the approved plan has been properly implemented and
35 maintained; and

36 c. Practice deficiencies or erosion and sediment control plan deficiencies;
37 and

38 d. Type of enforcement action taken if deficiencies or a violation exist,
39 INCLUDING A FIELD CORRECTION NOTICE INDICATING WHAT

1 CORRECTIVE ACTION WAS ORDERED TO BE TAKEN ALONG
2 WITH THE TIME OF COMPLIANCE REQUIRED; AND

3 e. If applicable, a description of any modifications to the plan; and

4 f. A LIST OF DEFICIENCIES AND VIOLATIONS FOUND DURING
5 THE PREVIOUS INSPECTION AND AN INDICATION AS TO
6 WHETHER OR NOT THOSE DEFICIENCIES AND VIOLATIONS
7 WERE RESOLVED PRIOR TO THE CURRENT INSPECTION,
8 INCLUDING A LIST OF ACTIONS TAKEN BY THE INSPECTOR IF
9 ORDERED CORRECTIVE ACTIONS WERE NOT ADHERED TO BY
10 THE REQUIRED COMPLIANCE DEADLINE.

11 2. COPIES OF THE INSPECTION REPORTS AND FIELD CORRECTION
12 NOTICES SHALL BE POSTED ONLINE NOT LATER THAN THREE DAYS
13 POST-INSPECTION.

14 D. **VIOLATIONS.** The Department shall notify the on-site personnel and the
15 owner/developer in writing when violations are observed, describing the following:

16 1. The nature of the violation; and

17 2. The required corrective action; and

18 3. The correction action shall be completed within 36 hours. If corrective action
19 requires more time, the permittee shall request it in writing, which shall be
20 reviewed for approval by the inspection supervisor.

21 E. **ADDITIONAL IMPROVEMENTS.** The permittee shall notify the Department before
22 installing any public improvements or storm water management facilities.

23 F. **INVESTIGATIVE INSPECTION.**

24 1. The Department shall investigate the project's erosion and sediment control
25 efforts within three days of receiving a complaint of erosion and sediment control
26 issues.

27 2. The Department shall respond to the complainant within seven days of the
28 complaint.

29 3. A LOG OF COMPLAINTS AND ACTIONS TAKEN BY THE DEPARTMENT
30 SHALL BE KEPT AND LOGGED WITH THE GRADING PERMIT EITHER
31 ONLINE OR ON A PUBLIC PERMIT TRACKING SYSTEM.

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

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36 **Explanation:**

37 ~~Strikethrough~~ indicates matter stricken from existing law.

38 Underlining indicates copyediting changes to existing law

39 Underlining and CAPS indicate new matter added to existing law.