

1 **..Title**
 2 **Departmental Reorganization** – For the purpose of requiring the Environmental Policy Advisor
 3 to provide certain advice relating to environmental policies and initiatives in lieu of the Office of
 4 Environmental Policy; creating the position of Environmental Policy Advisor in the exempt
 5 service; establishing the duties and responsibilities of the position; creating the position of Director
 6 of Emergency Management in the exempt service; establishing certain exempt service pay grades;
 7 and reassigning responsibility for floodplain management to the Department of Planning and
 8 Zoning.

9 **..Body**

10 **CITY COUNCIL OF THE**
 11 **City of Annapolis**

12 **Ordinance 12-19**

13 **Introduced by: Mayor Buckley, Alderwoman Finlayson and Alderwoman Tierney**

14 **Referred to**

- 15 Economic Matters Committee
- 16 Finance Committee
- 17 Housing and Human Welfare Committee
- 18 Rules and City Government Committee

19 **AN ORDINANCE** concerning

20 **Departmental Reorganization**

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

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

- 30 2.12.080
- 31 2.16.210
- 32 2.48.350
- 33 3.08.010
- 34 3.08.030
- 35 6.29.010
- 36 10.12.140
- 37 10.36.010
- 38 17.11.050
- 39 17.11.300

1 17.11.720
2 17.11.730
3 17.22.060
4
5

6 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
7 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:
8

9 **TITLE 2 – ADMINISTRATION**

10 **Chapter 2.12 – MAYOR**

11 **Section 2.12.080 - OFFICE OF ENVIRONMENTAL POLICY ADVISOR.**
12

13 A. The City of Annapolis shall have an ~~Office of~~ Environmental Policy ADVISOR WHO
14 SHALL ADVISE THE MAYOR, CITY MANAGER, AND DEPARTMENT DIRECTORS
15 ON ~~and the following~~ ENVIRONMENTAL POLICIES AND INITIATIVES, INCLUDING:
16 ~~programs and activities shall be the responsibility of that office:~~
17

- 18 1. Urban forestry, REFORESTATION, AND AFFORESTATION;
- 19 2. Sustainability;
- 20 3. Land trust - conservancy board;
- 21 4. NPDES/MS4/TMDL compliance; ~~coordination;~~
- 22 5. Environmental grants;
- 23 6. ~~Environmental policy development/initiatives;~~
- 24 7. ~~Activities impacting upon sewer pretreatment, stormwater~~STORMWATER management
- 25 8. ~~and sediment~~SEDIMENT and erosion control; ~~and~~
- 26 9. ~~To educate and inform the public concerning environmental~~ ENVIRONMENTAL
- 27 ~~protection urban forestry and related subjects;~~ AND
- 28 10. CRITICAL AREA MATTERS.

29
30 B. ~~In addition to the activities and responsibilities set forth in this section, the~~ THE Office of
31 Environmental Policy ADVISOR shall administer other ENVIRONMENTAL duties and
32 responsibilities AS ASSIGNED BY THE MAYOR OR ADOPTED BY THE CITY
33 COUNCIL BY ORDINANCE., ~~as necessary, consistent with the Annapolis Charter and Code.~~
34

35 **Section 2.16.210 - Assistance for ~~Alderman~~ ALDERMEN AND ALDERWOMEN.**
36

37 Civil Service staff may be employed or services engaged by contract to assist Aldermen
38 AND ALDERWOMEN, individually or collectively, with their public responsibilities.
39

40 A. Civil Service assistance. There shall be established the Civil Service position of City Council
41 associate, reporting to the City ~~Manager~~ CLERK. ~~the~~THE City Council associate shall provide
42 continuity and expertise that spans across City Council terms of office. The City Council
43 associate shall provide logistical and administrative assistance to the City Council and serve
44 as THE recording Secretary for City Council standing committees.
45

1 B. Contractual assistance. The Alderman or Alderwoman who is senior in service (~~Senior~~
 2 ~~Alderman or Alderwoman~~) shall, at the direction of a majority of the Aldermen and
 3 Alderwomen, SHALL advise the City ~~Manager~~ CLERK of the nature of any contractual
 4 assistance needed. ~~Human Resources shall encourage qualified persons to apply.~~ With the
 5 approval of a majority of the Aldermen and Alderwomen, the Department shall employ or
 6 engage A QUALIFIED PERSON on a contractual basis, ~~a qualified person.~~ ~~THE~~ AND THAT
 7 person ~~so contractually employed or engaged~~ shall be subject to the immediate supervision of
 8 the City CLERK ~~Manager~~. However, the overall direction of the work shall be determined by
 9 a majority of the Aldermen and Alderwomen, acting through the Senior Alderman or
 10 Alderwoman. At the request of a majority of the Aldermen and Alderwomen, acting through
 11 the Senior Alderman or Alderwoman, the City ~~Manager~~CLERK shall dismiss the person ~~so~~
 12 contractually employed or engaged. ~~While contractually employed or engaged to assist the~~
 13 ~~Aldermen and Alderwomen with their public responsibilities, the contractual person is not~~
 14 ~~part of the merit system.~~

16 Chapter 2.48 – BOARD, COMMISSIONS, AND COMMITTEES

17 Article XIII

18 Section 2.48.350 - Environmental Review Committee.

- 19
- 20 A. The goal of the City is to lead by example so as to encourage residents and business owners
 21 to use reusable and recyclable materials and to purchase goods from companies that practice
 22 energy use reduction and sequestration of carbon dioxide.
 23
- 24 B. In furtherance of this goal, there is hereby established an Environmental Review Committee
 25 within the municipal government. The Committee consists of the Directors of Planning and
 26 Zoning, Public Works, Recreation and Parks, ~~THE Office of Environmental Policy~~
 27 ADVISOR, and the Purchasing Agent. ~~The Director of the Office of Environmental Policy~~
 28 ADVISOR shall serve as the chair.
 29
- 30 C. As a minimum, the Committee shall:
- 31
- 32 1. Review existing practices of the City to assure that its policies and procedures foster the
 - 33 use of materials that are compostable, recyclable, and reusable.
 - 34 2. Assess the effectiveness of the voluntary environmental reusable bag program.
 - 35 3. Assess the value of bans ~~and/or~~ fees on materials in furtherance of the City's goals.
 - 36 4. ~~Develop a plan for distribution of re-useable bags as part of and consistent with the City's~~
 37 ~~recycling plan as defined in Chapter 10.18 of the Annapolis City Code.~~
 - 38 5. ~~Assist the various City offices to ensure that contracting procedures do not discriminate~~
 39 ~~against reusable, recycled, or environmentally preferable products without sufficient~~
 40 ~~justification.~~
 - 41 46. Evaluate environmentally preferable products to determine the extent to which they may
 42 be used by the City and its contractors.
 - 43 57. Review ~~and revise contracting~~ PROCUREMENT procedures AND ADVISE THE
 44 PROCUREMENT OFFICER ON REVISIONS TO THE PROCEDURES to maximize
 45 the specification of designated environmentally preferable products ~~where~~WHEN
 46 available.

1 ~~68.~~ Following installation of computer software capable of data gathering for such purposes,
2 facilitate data collection on purchases of designated environmentally preferable products
3 by the City and its contractors and report the data to the City Council by July 31st of each
4 year.

5 ~~9.~~ Prior to fiscal year 2009, the Committee shall:

6
7 a. ~~Begin issuing to all City organizational elements purchasing specifications that~~
8 ~~comply with U.S. Environmental Protection Agency Comprehensive Procurement~~
9 ~~Guidelines for products. Recovered Materials Advisory Notices (RMAN) shall be~~
10 ~~used as a reference for determining the recycled content specifications for these~~
11 ~~products. Third party certifications, such as Energy Star, Eco Logo and Green Seal,~~
12 ~~shall also be acceptable to identify preferred products.~~

13
14 b. ~~Monitor the implementation of the following:~~

15
16 (1) ~~To the extent available, all printing and copy paper products shall consist of~~
17 ~~a minimum of thirty percent post consumer recycled fiber.~~

18 (2) ~~All janitorial paper products and plastic garbage bags shall consist of a~~
19 ~~minimum of fifty percent post consumer content.~~

20 (3) ~~A ten percent price preference for processed chlorine free paper shall be~~
21 ~~applied to (one hundred percent) of photocopy grade and janitorial paper~~
22 ~~purchases.~~

23 (4) ~~Returning used toner cartridges for remanufacture and purchase re-~~
24 ~~manufactured toner cartridges when practicable.~~

25 (5) ~~Where available, no janitorial cleaning or disinfecting products shall contain~~
26 ~~ingredients that are identified by United States Environmental Protection~~
27 ~~Agency or the National Institute for Occupational Safety and Health as~~
28 ~~carcinogens, mutagens, or teratogens.~~

29 (6) ~~Phase out the use of chloroflourocarbon containing refrigerants, solvents and~~
30 ~~other products when without risk of voiding manufacturers' warranties on the~~
31 ~~equipment in which it is applied.~~

32 (7) ~~All surfactants shall meet EPA standards as "readily biodegradable." No~~
33 ~~detergents shall contain phosphates.~~

34 (8) ~~The City shall procure wood products that originate only from managed,~~
35 ~~recycled or sustainable wood product operations.~~

36 (9) ~~Purchased or leased electronic equipment including photocopiers, computers,~~
37 ~~printers, lighting systems, HVAC, kitchen and laundering appliances, and~~
38 ~~energy management systems must meet U.S. Environmental Protection~~
39 ~~Agency (EPA) or U.S. Department of Energy (DOE) energy efficiency~~
40 ~~standards. Where applicable, the energy efficiency function must remain~~
41 ~~enabled on all energy efficient equipment. As part of any purchase or lease~~
42 ~~agreement for electronic equipment, a vendor must supply life cycle costs for~~
43 ~~each item.~~

44 (10) ~~All motor oil shall contain a minimum twenty five percent re refined base~~
45 ~~stock, and shall be used only when without risk of voiding manufacturers'~~

1 warranties on the equipment in which it is applied. All re-refined oil must be
2 American Petroleum Institute certified.

3 (11) ~~All motor vehicles operated by the City shall use recycled propylene glycol
4 antifreeze where practicable, and shall be used only when without risk of
5 voiding manufacturers' warranties on the equipment in which it is applied.~~

6 (12) ~~Paint purchased by the City or its contractors shall contain the minimum
7 amount necessary of volatile organic compounds, and shall contain maximum
8 recycled content where available.~~

9 (13) ~~The City shall implement an integrated pest management program for pest
10 control. Any chemicals used to eliminate or deter insect pests and undesirable
11 vegetation shall be the most readily and completely biodegradable product
12 available for the given application, and shall be applied in a manner that is
13 least likely to come into contact with humans and any other animals for which
14 treatment is not intended.~~

15 (14) ~~All construction and renovation at least thirty percent funded by the City shall
16 incorporate Silver LEED "green" building practices.~~

17 (15) ~~The City shall give preference to products that are produced and are within a
18 reasonable geographic distance such that transportation costs, energy use and
19 carbon dioxide generation do not outweigh the benefits of lower product
20 costs.~~

21 (16) ~~All departments, offices, and agencies shall ensure that they and their
22 contractors/consultants use double sided copying. All photocopiers
23 purchased by the City following adoption of this policy are required to be
24 capable of double sided copying when the equipment has the capability to
25 copy double sided.~~

26 (17) ~~The City shall reduce or eliminate its use of products that contribute to the
27 formation of dioxin and furan compounds.~~

29 D. The following are environmentally preferred products:

- 31 1. Compostable and vegetative products;
- 32 2. Horticultural mulch made with recycled land clearing and other wood debris, but avoiding
33 the use of non-sterile mulch which may contain non-native plant species;
- 34 3. Construction materials made with recycled cement concrete, wood, glass, or asphalt;
- 35 4. Alternative fuels, and vehicles, and rolling stock that utilize ~~same~~ ALTERNATIVE
36 FUELS, including, ~~but not limited to,~~ electric, hybrid, compressed natural gas, hydro-
37 diesel, hydrogen, biodiesel, and ethanol AND, ~~When~~ WHEN comparing THE costs of
38 alternative FUELS ~~vs.~~ AGAINST conventional fuels and vehicles, the City shall give
39 preference to alternative fuels and vehicles if their costs are no more than ten percent
40 higher than conventional products;
- 41 5. Cement and asphalt concrete containing glass cullet, recycled fiber or plastic, tire, or
42 rubber;
- 43 6. Lubricating oil and hydraulic oil with re-refined oil content;
- 44 7. Recycled plastic products;
- 45 8. Remanufactured products made from recycled tire rubber, including rubber mats and play
46 field surfaces;

- 1 9. Low wattage/ AND high efficiency lighting fixtures, including ~~but not limited to~~ traffic
 2 signals, crosswalks, street lights, and all interior and exterior building fixtures, including
 3 fixed ballast fluorescent fixtures and motion sensitive switches;
 4 10. Solar powered traffic signals, traffic signs, street lights, and buildings ~~wherever~~
 5 ~~WHENEVER~~ available;
 6 11. Remanufactured laser printer toner cartridges;
 7 12. Other products as designated by the Mayor ~~and/or~~ the Mayor's designee, the Task Force,
 8 ~~and/or~~ Coordinator; and
 9 13. ~~No fertilizer with~~ FERTILIZERS WITHOUT phosphorous, WHICH shall be used on any
 10 land owned by the City of Annapolis, whether ~~such~~ THE land is located within or outside
 11 of the City's boundaries, ~~except where~~ UNLESS a soil test determines that the soil is
 12 deficient.

13
 14 E. The Environmental Review Committee will formulate a plan ~~by May 31, 2008,~~ to promote
 15 the use of reusable shopping bags in the City of Annapolis. It will establish a goal of a forty
 16 percent reduction in the use of plastic and paper checkout bags in large retail chain ~~stores by~~
 17 ~~May 31, 2009.~~

18
 19 F. ~~Nothing contained in the policy of~~ NOTWITHSTANDING ANYTHING TO THE
 20 CONTRARY IN this section, ~~shall be construed as requiring~~ a department or contractor
 21 ~~to~~ MAY NOT procure products that do not perform adequately for their intended use, exclude
 22 adequate competition, or are not available at a reasonable price in a reasonable period of time.
 23 The City shall give preference to any environmentally preferable products if their costs are no
 24 more than ten percent higher than conventional products.

25
 26 G. ~~One year from adoption of the ordinance codified in this section,~~ the THE Environmental
 27 Review Commission will evaluate AND REGULARLY UPDATE the effectiveness of the
 28 internal and voluntary programs for reusable materials and make recommendations in
 29 furtherance of these efforts for consideration by the Mayor and City Council.

30
 31
 32 **TITLE 3 – HUMAN RESOURCES**
 33 **Chapter 3.08 – EXEMPT SERVICE**
 34 **Section 3.08.010 - Positions included.**

35
 36 The exempt service includes:

- 37
 38 1. All the elected officials;
 39 2. All department directors;
 40 3. City Manager;
 41 4. Communications Officer;
 42 5. City Attorney;
 43 6. Assistant City Attorney;
 44 7. Attorney I;
 45 8. Attorney II;
 46 9. Community Engagement Administrator;

- 1 10. Constituent Services Officer;
- 2 11. Administrative Assistant;
- 3 12. Assistant City Manager;
- 4 13. Public Information Officer and Quartermaster;
- 5 14. Executive Office Associate;
- 6 15. Recruitment/Employee Relations Administrator;
- 7 16. Deputy Fire Chiefs;
- 8 17. Police Major and Captains;
- 9 18. Human Resources Manager;
- 10 19. ~~Director of Office of~~ Environmental Policy ADVISOR;
- 11 20. Economic Development Manager;
- 12 21. Development/Events Specialist; and
- 13 22. Chief of Staff.

14
15 **Section 3.08.030 - Salary.**

- 16
17 A. 1. For purposes of setting annual salaries, the following positions in the exempt service are
18 assigned grades in the City's pay plan as indicated:
19

Position	Grade
Executive Office Associate	A10
Recruitment/Employee Relations Administrator	A15
Communications Officer	A15
Deputy Fire Chief	F18
Human Resources Manager	A18
Director of Transportation	A20
Director of Office of Environmental Policy ADVISOR	A20 <u>A17</u>
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
Community Engagement Administrator	A14
Administrative Assistant	A8
Assistant City Manager	A14

Public Information Officer and Quartermaster	A12
DIRECTOR OF EMERGENCY MANAGEMENT	<u>A20</u>
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

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

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

19

- 20 E. The Mayor, City Manager, or Department Director, whichever is the Appointing Authority,
- 21 may make an initial appointment at a salary greater than the first step of the assigned grade
- 22 for positions that report to them. Appointments to the following positions do not require City
- 23 Council approval and initial appointments may be made at a salary greater than the first step
- 24 of the assigned grade subject to the availability of funding:
- 25

- 26 1. i. Administrative Assistant
- 27 ii. Assistant City Manager
- 28 iii. Executive Office Associate
- 29 iv. Chief of Staff
- 30 v. Communications Officer
- 31 vi. Constituent Services Officer
- 32 vii. Community Engagement Administrator
- 33 viii. Development/Events Specialist
- 34 ix. ~~Director, Office of Environmental Policy~~ ADVISOR
- 35 x. Human Resources Manager
- 36 xi. Deputy Fire Chiefs
- 37 xii. Police Captains
- 38 xiii. Police Major
- 39 xiv. Recruitment/Employee Relations Administrator
- 40 xv. Assistant City Attorney
- 41 xvi. Attorney I
- 42 xvii. Attorney II
- 43 xviii. Public Information Officer and Quartermaster
- 44 xix. Economic Development Manager.
- 45
- 46

1 **TITLE 6 – REVENUE AND FINANCE**

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

4 **Section 6.29.010 - Establishment of Clean Energy Loan Program.**
5

- 6 A. A Clean Energy Loan Program ("Program"), as authorized pursuant to the Local Government
7 Article, Sections 1-1101 et seq. of the Annotated Code of Maryland, is hereby established to
8 finance and encourage energy efficiency projects and renewable energy projects with an
9 electric generating capacity of not more than one hundred kilowatts.
10
11 B. The City may enter into an agreement with a private entity to administer the Clean Energy
12 Loan Program.
13
14 C. All policies governing the management of the Program shall be determined by the ~~Director of~~
15 ~~the Office of Environmental Policy~~ ADVISOR in collaboration with the Director of Finance.
16
17

18 **TITLE 10 – HEALTH AND SAFETY**

19 **Chapter 10.12 – FOOD HANDLING ESTABLISHMENTS**

20 **Section 10.12.140 - Administration and enforcement.**
21

- 22 A. SECTION 10.12.150 OF THIS CHAPTER SHALL BE ADMINISTERED AND
23 ENFORCED BY THE ENVIRONMENTAL POLICY ADVISOR. OTHERWISE, ~~The~~THE
24 provisions of this chapter shall be administered and enforced by the Department of Planning
25 and Zoning, ~~except with regard to~~FOR those matters administered and enforced by the Health
26 Officer. ~~and except with regard to Section 10.12.160, which matters shall be administered and~~
27 ~~enforced by the Office of Environmental Policy.~~
28
29 B. A ~~Violation~~ violation of or failure to comply with any provision of this chapter is declared to
30 be a municipal infraction punishable by a fine not to exceed one hundred dollars for any single,
31 initial violation, and an additional fine of two hundred dollars for each repeat or continuing
32 violation.
33
34 C. The Director of Planning and Zoning or the Director's designee and the ~~Director of~~
35 ~~Environmental Policy~~ ADVISOR, ~~or their designee,~~ shall have the power to enforce the
36 provisions of this chapter through the issuance of a municipal citation or through any other
37 appropriate action or proceedings at law or equity.
38

39 **Chapter 10.36 – CLEAN AIR VEHICLES**

40 **Section 10.36.010 - Purpose and intent.**
41

42 Promotion of low emission vehicles is in the best interest of the health and welfare of the
43 citizens of Annapolis. This chapter is intended to encourage replacement of existing standard
44 emission vehicles with low emission vehicles. The ~~Office of Environmental Policy~~ ADVISOR
45 SHALL ~~will~~ gather and provide information on clean air vehicles to those licensed by the City.
46

1
2 **TITLE 17 – BUILDINGS AND CONSTRUCTION**

3 **Chapter 17.11 - FLOODPLAIN MANAGEMENT**

4 **Article I – General Provisions**

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

- 6
7 (A) For the ~~purposes~~PURPOSE of this chapter, the minimum basis for establishing special flood
8 hazard areas and base flood elevations is the flood insurance study for Anne Arundel County,
9 Maryland and incorporated areas dated February 18, 2015, or the most recent revision
10 thereofOF THE STUDY, and the accompanying Flood Insurance Rate Map(s) and all
11 subsequent amendments and revisions to the FIRMs. The FIS and FIRMs are retained on file
12 and available to the public at the DEPARTMENT OF PLANNING AND ZONING. ~~Office of~~
13 ~~Environmental Policy.~~
14
15 (B) ~~Where~~WHEN field surveyed topography or digital topography indicates that ground
16 elevations are below the closest applicable base flood elevation, even in areas not delineated
17 as a special flood hazard on the FIRM, the area shall be considered as A special flood hazard
18 area.
19
20 (C) To establish base flood elevations in special flood hazard areas that do not have such
21 elevations shown on the FIRM, the Floodplain Administrator may provide the best available
22 data for base flood elevations, may require the applicant to obtain available information from
23 Federal, State, or other sources, or may require the applicant to establish special flood hazard
24 areas and base flood elevations as set forth in Section 17.11.320, Section 17.11.330, and
25 Section 17.11.340 of this chapter.
26

27 **Article III - Administration**

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

29
30 The Director of the ~~Office of Environmental Policy~~ PLANNING AND ZONING is hereby
31 appointed to administer and implement this chapter and is referred to herein DESIGNATED as the
32 Floodplain Administrator. The Floodplain Administrator may:
33

- 34 (A) Delegate duties and responsibilities set forth in this chapter to qualified technical personnel,
35 plan examiners, inspectors, and other employees.
36
37 (B) Enter into a written agreement or written contract with another Maryland Community or
38 private sector entity to administer specific provisions of this chapter. Administration of any
39 part of this chapter by another entity shall not relieve the community of its responsibilities
40 pursuant to the participation requirements of the National Flood Insurance Program as set
41 forth in the Code of Federal Regulations (~~CFR~~) at ~~44 Section 59.22.~~
42

43 **Article VII - Variances**

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

45

- 1 (A) The Floodplain Administrator shall request comments on variance applications from MDE
2 (NFIP State Coordinator).
3
- 4 (B) In considering variance applications, the DIRECTOR OF PLANNING AND ZONING ~~Office~~
5 ~~of Environmental Policy~~ shall consider and make findings of fact on all evaluations, all
6 relevant factors, AND ALL requirements specified in other sections of this chapter; and
7 SHALL ALSO MAKE FINDINGS OF FACT ON the following factors:
8
- 9 (1) The danger that materials may be swept onto other lands to the injury of others.
 - 10 (2) The danger to life and property due to flooding or erosion damage.
 - 11 (3) The susceptibility of the proposed development and its contents (if applicable) to
12 flood damage and the effect of such damage on the individual owner.
 - 13 (4) The importance of the services to the community provided by the proposed
14 development.
 - 15 (5) The availability of alternative locations for the proposed use which are not subject
16 to, or are subject to less, flooding or erosion damage.
 - 17 (6) The necessity to the facility of a waterfront location, ~~where~~IF applicable, or if the
18 facility is a functionally dependent use.
 - 19 (7) The compatibility of the proposed use with existing and anticipated development.
 - 20 (8) The relationship of the proposed use to the comprehensive plan and hazard mitigation
21 plan for that area.
 - 22 (9) The safety of access to the property BY PASSENGER VEHICLES AND
23 EMERGENCY VEHICLES in times of flood ~~for passenger vehicles and emergency~~
24 ~~vehicles.~~
 - 25 (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the
26 floodwaters and the effects of wave action, if applicable, expected at the site.
 - 27 (11) The costs of providing government services during and after flood conditions,
28 including maintenance and repair of public utilities and facilities such as sewer, gas,
29 electrical, ~~and~~ water systems, and streets and bridges.
 - 30 (12) The comments provided by MDE (NFIP State Coordinator).
 - 31 (13) Considerations related to the reconstruction, rehabilitation, or restoration of
32 structures listed in the National Register of Historic Places or State Inventory of
33 Historic Places.
34

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

36
37 The DIRECTOR OF PLANNING AND ZONING ~~Office of Environmental Policy~~ shall make
38 an affirmative decision on a variance request only upon:
39

- 40 (A) A showing of good and sufficient cause. ~~Good and sufficient cause~~ THAT deals solely with
41 the physical characteristics of the property and cannot be based on the character of the
42 improvement, the personal characteristics of the owner/ OR inhabitants or local ~~provision~~
43 PROVISIONS that regulate standards other than health and public safety.
44
- 45 (B) A determination that failure to grant the variance would result in exceptional hardship due to
46 the physical characteristics of the property, ~~Increased~~ BUT INCREASED cost or

1 inconvenience of meeting the requirements of this chapter does not constitute an exceptional
2 hardship to the applicant.

3
4 (C) A determination that the granting of a variance for development within any designated
5 floodway, or flood hazard area with base flood elevations but no designated floodway, will
6 not result in increased flood heights beyond that which is allowed in this chapter.

7
8 (D) A determination that the granting of a variance will not result in additional threats to public
9 safety; extraordinary public expense, nuisances, fraud, or victimization of the public, or
10 conflict with existing local laws.

11
12 (E) A determination that the building, structure, or other development is protected by methods to
13 minimize flood damages.

14
15 (F) A determination that the variance is the minimum necessary to afford relief, considering the
16 flood hazard.

17
18 **Chapter 17.22 – PETROLEUM STORAGE FACILITIES**

19 **Section 17.22.060 - Inspections.**

20
21 THE FIRE DEPARTMENT SHALL INSPECT ~~Any~~ANY storage system under permit is
22 ~~required to be inspected by the Fire Department and/or the Office of Environmental Policy.~~
23 ~~These~~THE inspections shall be scheduled no less than forty-eight hours prior to the date of the
24 proposed inspection.

25
26
27
28
29 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
30 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date of its passage.

31
32
33 **Explanation:**

34 UPPERCASE indicates matter added to existing law.

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

36 Underlining indicates amendments.

37