



Legislation Text

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**Urban Renewal Projects - Repeal** - For the purpose of repealing the Annapolis City Code provisions relating to urban renewal projects; providing provisions for the exercise of state law powers relating to development or redevelopment of certain property, including comprehensive renovation or rehabilitation; requiring the Affordable Housing and Community Equity Development Commission to review certain development projects; providing certain definitions, providing for the application of this Ordinance; providing that existing obligations or contract rights may not be impaired by this Ordinance; and generally relating to the repeal of such provisions.

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 13-21**

**Introduced by: Alderwoman Tierney  
Co-sponsored by: Mayor Buckley, Alderwoman Pindell Charles,  
Alderman Gay, Alderman Savidge, Alderwoman Finlayson,  
Alderman Schandelmeier**

**Referred to  
Economic Matters Committee  
Rules and City Government Committee**

**AN ORDINANCE** concerning

**Urban Renewal Projects - Repeal**

**FOR** the purpose of repealing the Annapolis City Code provisions relating to urban renewal projects; providing provisions for the exercise of state law powers relating to development or redevelopment of certain property, including comprehensive renovation or rehabilitation; requiring the Affordable Housing and Community Equity Development Commission to review certain development projects; providing certain definitions, providing for the application of this Ordinance; providing that existing obligations or contract rights may not be impaired by this Ordinance; and generally relating to the repeal of such provisions.

**BY** repealing and reenacting with amendments the following portions of the Code of the City of Annapolis,  
2021 Edition  
2.48.340  
17.28.090  
17.48.020  
17.48.070  
21.02.030

**BY** repealing the following portions of the Code of the City of Annapolis, 2021 Edition

- 2.56.010
- 2.56.020
- 2.56.030
- 2.56.040
- 2.56.050
- 2.56.060
- 2.56.070
- 2.56.080
- 2.56.100
- 2.56.110
- 2.56.120

**BY** adding the following portion to the Code of the City of Annapolis, 2021 Edition

- 1.25.010
- 1.25.020

**SECTION 1: 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 1 - GENERAL PROVISIONS**

**CHAPTER 1.25 - ACQUISITION OF REAL PROPERTY FOR DEVELOPMENT OR REDEVELOPMENT**

**Section 1.25.010 - Authority - Procedure.**

THE CITY MAY EXERCISE THOSE POWERS AUTHORIZED BY THE ANNOTATED CODE OF MARYLAND, LOCAL GOVERNMENT ARTICLE SECTION 5-215, AS MAY BE AMENDED, IN CONNECTION WITH THE DEVELOPMENT OR REDEVELOPMENT, INCLUDING COMPREHENSIVE RENOVATION OR REHABILITATION, OF REAL PROPERTY INCLUDING SLUM AREAS AND BLIGHTED AREAS.

**Section 1.25.020 - Definitions.**

FOR THE PURPOSES OF THIS CHAPTER, THE FOLLOWING TERMS HAVE THEIR RESPECTIVE MEANINGS:

1. "SLUM AREA" MEANS ANY AREA WHERE DWELLINGS PREDOMINATE WHICH, BY REASON OF DEPRECIATION, OVERCROWDING, FAULTY ARRANGEMENT OR DESIGN, LACK OF VENTILATION, LIGHT OR SANITARY FACILITIES, OR ANY COMBINATION OF THESE FACTORS, ARE DETRIMENTAL TO THE PUBLIC SAFETY, HEALTH OR MORALS.

2. "BLIGHTED AREA" MEANS AN AREA IN WHICH A MAJORITY OF BUILDINGS HAVE DECLINED IN PRODUCTIVITY BY REASON OF OBSOLESCENCE, DEPRECIATION OR OTHER CAUSES TO AN EXTENT THEY NO LONGER JUSTIFY FUNDAMENTAL REPAIRS

AND ADEQUATE MAINTENANCE.

## **Title 2 - ADMINISTRATION**

### **Chapter 2.48 - BOARDS, COMMISSIONS AND COMMITTEES**

#### **Section 2.48.340 Affordable Housing and Community Equity Development Commission.**

- A. There is created an Affordable Housing and Community Equity Development Commission. The Commission consists of seven members three of whom are selected by the Housing and Human Welfare Committee of the City Council, the chair of the Housing Authority of the City of Annapolis Board of Commissioners, or the chair's designee, and three residents of the City who possess a demonstrated interest in housing and community development concerns and who shall be appointed by the Mayor and confirmed by the City Council. Each member shall serve for a term of three years, or until the member's successor is appointed and confirmed, commencing on the first day of June, the term of no more than one member expiring each year.
- B. The Commission shall elect a chair and vice chair at its first meeting. The chair and vice chair shall serve for a term of one year. If the chair is unable to attend a meeting, the vice chair shall serve as acting chair for that meeting. The Commission shall meet monthly and special meetings may be called by the chair. The published agenda for each meeting may be revised by a majority vote of the members present. Action of the Commission shall be by majority vote of the members present. Four members of the Commission shall constitute a quorum for the transaction of business.
- C. The Affordable Housing and Community Equity Development Commission shall review and provide comments as necessary on the housing and community development projects initiated by the City, INCLUDING THE DEVELOPMENT OR REDEVELOPMENT, AND COMPREHENSIVE RENOVATION OR REHABILITATION, OF REAL PROPERTY INCLUDING SLUM AREAS AND BLIGHTED AREAS IN THE EXERCISE OF POWERS AUTHORIZED BY THE ANNOTATED CODE OF MARYLAND, LOCAL GOVERNMENT ARTICLE SECTION 5-215, AS MAY BE AMENDED, study and advise the City Council on strategies to improve the housing stock in the City, and recommend policy initiatives and changes in law and regulation to accomplish the objectives of the City Council in affirmatively furthering fair housing.

## **Chapter 2.56 – URBAN RENEWAL PROJECTS**

### **2.56.010 – Definitions.**

The following terms, wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning clearly is indicated by the context:

- A. "Blighted area" means an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- B. "Bonds" means any bonds (including refunding bonds) notes, interim certificates, certificates of indebtedness, debentures or other obligations.
- C. "Federal Government" includes the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- D. "Person" means any individual, firm, partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee or other person acting in similar representative capacity.
- E. "Slum area" means any area where dwellings predominate which, by reason of depreciation,

overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.

F. "Urban renewal area" means a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

G. "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan shall be sufficiently complete to indicate the land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation, as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

H. "Urban renewal project" means undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part of these in accordance with an urban renewal plan. The undertakings and activities may include:

1. Acquisition of a slum area or a blighted area or portion thereof;
2. Demolition and removal of buildings and improvements;
3. Installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this chapter in accordance with the urban renewal plan;
4. Disposition of any property acquired in the urban renewal area, including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
5. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
6. Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and
7. The preservation, improvement or embellishment of historic structures or monuments.

### **2.56.020 – Powers of City.**

The City may carry out urban renewal projects which are limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; may acquire, in connection with such projects, within the corporate limits, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; and may sell, lease, convey, transfer or otherwise dispose of any of the land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi-public corporation, partnership, association, person or other legal entity. No land or property taken by the City for any of the purposes mentioned in this chapter or in connection with the exercise of any of the powers, which by this chapter are granted to the City by exercising the power of eminent domain, shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the City for any of the purposes mentioned in this chapter or in connection with the exercise of any of the powers granted by this chapter is declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised,

public funds expended and public credit extended in furtherance thereof. The City is granted the following additional powers which are found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by this section:

- A. To make or have made all surveys and plans necessary to the carrying out of the purposes of this chapter and to adopt or approve, modify and amend these plans, which plans may include but shall not be limited to:
  - 1. Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements;
  - 2. Plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, and
  - 3. Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the Federal Government for these purposes;
- B. To prepare plans for the relocation of persons (including families, business concerns and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government;
- C. To appropriate funds and make expenditures as may be necessary to carry out the purposes of this chapter, and to levy taxes and assessments for these purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public bodies, or from any sources, public or private, for the purposes of this chapter, and to give security as may be required; to invest any urban renewal funds held in reserve or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds;
- D. To hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of that property or operations of the City against any risks or hazards, including the power to pay premiums on any such insurance;
- E. To make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this chapter, including the power to enter into agreement with other public bodies or agencies (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for financial assistance with the Federal Government for or with respect to an urban renewal project and related activities such conditions imposed pursuant to Federal laws as the City deems reasonable and appropriate;
- F. To enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from the circuit court for the County in which the City is situated in the event entry is denied or resisted;
- G. To plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds and other public improvements in connection with an urban renewal project, and to make exceptions from building regulations;
- H. To generally organize, coordinate and direct the administration of the provisions of this chapter as they apply to the City in order that the objective of remedying slum and blighted areas and preventing the causes thereof within the City may be most effectively promoted and achieved;
- I. To exercise all or any part or combination of powers granted in this chapter.

**2.56.030 – Urban Renewal Agency.**

- A. The City itself may exercise all the powers granted by this chapter or, if by ordinance adopted by two-thirds vote of the City Council, it determines the action to be in the public interest, may elect to have these powers exercised by a separate body politic and corporate, which shall be known and styled as the Annapolis urban renewal authority, as provided in this chapter. In the event the City Council makes this determination, it shall proceed to establish a separate body politic and corporate to undertake in the City the activities authorized by this section. The ordinance shall include provisions establishing the number of members of the separate body politic and corporate, the manner of their appointment and removal, the terms of the members and their compensation. The ordinance may include additional provisions relating to the organization of such a separate body politic and corporate as may be necessary.
- B. At any time after the original adoption of an ordinance by the City Council establishing a separate body politic and corporate, the City, by an ordinance adopted by a two-thirds vote of the City Council, if it determines the action to be in the public interest, may modify, amend, restrict, expand, revoke, rescind or terminate any or all of the powers which it had theretofore granted to the separate body politic and corporate pursuant to the provisions of this chapter, and the City, by an ordinance adopted by a two-thirds vote of the City Council, if it determines the action to be in the public interest, may terminate or abolish a separate body politic and corporate theretofore established by it pursuant to the provisions of this chapter, and transfer the powers granted by it to a separate body politic and corporate to any department or departments of the City itself or it may re-exercise all of the powers itself. In the event the City Council enacts an ordinance, pursuant to the provisions of this chapter, establishing a separate body politic and corporate, all of the powers by this subheading granted to the municipality, from the effective date of the ordinance, shall be vested in the separate body politic and corporate thereby established, except any powers specifically reserved by the City unto itself as set forth in the ordinance and, in any event:
  - 1. The power to pass a resolution to initiate an urban renewal project pursuant to Section 2.56.040;
  - 2. The power to issue general obligation bonds pursuant to Section 2.56.110;
  - 3. The power to appropriate funds, and to levy taxes and assessments pursuant to Section 2.56.020(C)).

**2.56.040 – Initiation of project.**

In order to initiate an urban renewal project, the City Council, by a two-thirds vote, shall adopt a resolution which:

- A. Finds that one or more slum or blighted areas exist in the City;
- B. Locates and defines the slum or blighted areas;
- C. Finds that the rehabilitation or redevelopment, or a combination of rehabilitation and redevelopment, of the area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of the City.

**2.56.050 – Plan Preparation.**

- A. The City, in order to carry out the purposes of this chapter, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the City, and shall formally approve the plan. Prior to its approval of an urban renewal project, the City shall submit the plan to the planning body of the City for review and recommendations as to its conformity with the master plan for the development of the City as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the City within sixty days after receipt of the plan for review; upon receipt of the recommendations of the planning body or, if no recommendations, the City may proceed with a public hearing on the proposed urban renewal project. The City shall hold a public hearing on an urban renewal

project after giving public notice by publication in a newspaper having a general circulation within the corporate limits. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following the hearing, the City may approve an urban renewal project and the plan therefor if it finds that:

1. A feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;
2. The urban renewal plan substantially conforms to the master plan of the City as a whole; and
3. The urban renewal plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

B. No original urban renewal plan shall take effect until thirty days after the completion of the procedure set forth in subsection A of this section. If during the thirty-day period a petition is presented to the City Council signed by ten percent of the qualified voters of the City requesting a referendum of the original urban renewal plan, then it shall be the duty of the City Council to submit the plan, for approval or rejection, to the qualified voters of the City. The City Council may call a special election for this purpose to submit the plan to the qualified voters at a general election, provided in either event that the question be so submitted within six months of the expiration of the aforesaid thirty-day period. The City Council may do all things necessary in connection with the election, including but not limited to, fixing the time the polls shall be open, designating officials, providing ballots and all other things necessary or proper for the conduct of the election. Any original urban renewal plan so subjected to referendum shall take effect upon receiving a majority of votes cast at the election as set out in this section and not otherwise. The hours of opening and closing the polls at any election held under this provision shall be the same as the hours for polling places at primary and general elections in the County.

#### **2.56.060 – Plan Modifications.**

An urban renewal plan may be modified at any time, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the City deems advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved by the City, the modification shall be formally approved by the City, as in the case of an original plan.

#### **2.56.070 – Plan Approval.**

Upon the approval by the City of an urban renewal plan or of any modification of the plan, the plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the City may then cause the plan or modification to be carried out in accordance with its terms.

#### **2.56.080 – Disposal of property in area.**

A. The City may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain the property or interest for public use, in accordance with the urban renewal plan, subject to covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this section. The purchasers or lessees and their

successors and assigns shall be obligated to devote the real property only to the uses specified in the urban renewal plan, and may be obligated to comply with other requirements as the City may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on the real property required by the urban renewal plan. The real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the City shall take into account and give consideration to the uses provided in the plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the City retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The City, in any instrument of conveyance to a private purchaser or lessee, may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the City until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the City which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for the transfer and the urban renewal plan (or whatever part or parts of such contract or plan as the City may determine) may be recorded in the land records of the County in which the City is situated in such manner as to afford actual or constructive notice of the contract or plan.

- B. The City may dispose of real property in an urban renewal area to private persons only under reasonable competitive bidding procedures as it prescribes or as provided in this subsection. The City, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect to the sale, lease or transfer, under the provisions of this section) may invite proposals from and make available all pertinent information to private developers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part of an urban renewal area. The notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within a specified period of not less than sixty days after the first date of publication of the notice, and that further information as is available may be obtained at an office as shall be designated in the notice. The City shall consider all redevelopment or rehabilitation proposals and the financial and legal ability of the persons making the proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the City in the urban renewal area. The City may accept the proposal as it deems to be in the public interest and in furtherance of the purposes of this chapter. Thereafter, the City may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate the transfers.
- C. The City temporarily may operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this chapter, without regard to the provisions of subsection A of this section, for those uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.
- D. Any instrument executed by the City and purporting to convey any right, title or interest in any property under this chapter conclusively shall be presumed to have been executed in compliance with the provisions of this chapter insofar as title or other interest of any bona fide purchaser, lessees or transferees of such property is concerned.

### **2.56.090 – Eminent domain.**

~~Condemnation of land or property under the provisions of this chapter shall be in accordance with the procedure provided in the Real Property Article of the Annotated Code of Maryland (1957 edition, as~~



amended).

### **2.56.100 – Encouragement of private enterprise.**

The City, to the greatest extent it determines to be feasible in carrying out the provisions of this chapter, shall afford maximum opportunity, consistent with the sound needs of the City as a whole, to the rehabilitation or redevelopment of any urban renewal area by private enterprise. The City shall give consideration to this objective in exercising its powers under this chapter.

### **2.56.110 – General obligation bonds.**

For the purpose of financing and carrying out an urban renewal project and related activities, the City, upon a two-thirds vote of the City Council, may issue and sell its general obligation bonds. Any bonds issued by the City pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorizations of general obligation bonds by the City, and also within other limitations as shall be determined by the City.

### **2.56.120 – Revenue bonds.**

- A. **Authority-Security.** In addition to the authority conferred by Section 2.56.110, the City may issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and also may issue refunding bonds for the payment or retirement of bonds previously issued by it. The bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the City derived from or held in connection with its undertaking and carrying out of urban renewal projects under this chapter; provided, however, that payment of these bonds, both as to principal and interest, may be secured further by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the City under this chapter, and by a mortgage of any urban renewal projects, or any part of an urban renewal project, title to which is in the City. In addition, the City may enter into an indenture of trust with any private banking institution of this state having trust powers and may make in the indenture of trust covenants and commitments as may be required by any purchaser for the adequate security of the bonds.
- B. **Not Indebtedness.** Bonds issued under this section do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, are not subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and specifically are exempted from the restrictions contained in Sections 9, 10 and 11 of Article 31 of the Annotated Code of Maryland (1957 edition, as amended). Bonds issued under the provisions of this section are issued for an essential public and governmental purpose and, together with interest on the bonds and income from the bonds, are exempted from all taxes.
- C. **Form.** Bonds issued under this section shall be authorized by resolution or ordinance of the City Council and may be issued in one or more series and shall bear the date or dates, shall mature at the time or times, bear interest at the rate or rates, not exceeding six percent per annum, be in the denomination or denominations, be in a form either with or without coupon or registered, carry conversion or registration privileges, have rank or priority, be executed in a manner, be payable in a medium or payment, at the place or places, and be subject to terms of redemption (with or without premium), be secured in the manner, and have other characteristics, as may be provided by the resolution or trust indenture or mortgage issued pursuant thereto.
- D. **Sale.** The bonds may be sold at not less than par at public sales held after notice published prior to the

sale in a newspaper having a general circulation in the area in which the City is located and in any other medium of publication as the City determines or may be exchanged for other bonds on the basis of par; provided, that the bonds may be sold to the Federal Government at private sale at not less than par, and in the event less than all of the authorized principal amount of the bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the City of not to exceed the interest cost to the City of the portion of the bonds sold to the Federal Government.

- E. **Officials Negotiation.** In case any of the public officials of the City whose signatures appear on any bonds or coupons issued under this chapter cease to be the officials before the delivery of such bond or, in the event any officials shall have become official after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of the City in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.
- F. **Conformity With Chapter.** In any suit, action or proceeding involving the validity or enforceability of any bond issued under this chapter or the security therefor, any bond reciting in substance that it has been issued by the City in connection with an urban renewal project, as defined in this chapter, conclusively shall be deemed to have been issued for that purpose and the project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this chapter.
- G. **Authorized Investment.** All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business, and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued by the City pursuant to this chapter; provided, that the bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer, prior to the maturity of the bonds or other obligations, moneys in an amount which (together with any other moneys irrevocably committed to the payment of principal and interest on the bonds or other obligations) will suffice to pay the principal of the bonds or other obligations with interest to maturity thereon, which moneys under the terms of the agreement are required to be used for the purpose of paying the principal of and the interest on the bonds or other obligations at their maturity. The bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any these bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

## **Title 17 - BUILDINGS AND CONSTRUCTION**

### **Chapter 17.28 - PLUMBING CODE**

#### **17.28.090 - Permit-Fees-Schedule.**

The charges for issuance of permits are the sum of a connection charge, a capital facility charge, a capital facility assessment charge and an installation charge. The charges shall be recommended to the City Council by the Director of Public Works and collected by the Director of Planning and Zoning. The schedule of fees shall be established by resolution of the City Council.

- A. **Connection Charges.** Connection charges for a one inch or less water service and four-inch sewer service shall be based on the City's cost of constructing the water and sewer service lines between the property line and main pipeline, including the cost of the water meter. There will be no connection charges for water services constructed by the applicant (all services greater than one inch and, when

approved by the Director of Public Works, one inch or less) and for sewer services constructed by the applicant (all service greater than four inches and, when approved by the Director of Public Works, four inches), but all costs associated with the construction of the connection between the property line and main pipeline, including the cost of the water meter, shall be the responsibility of the applicant.

- B. Capital Facility Charges. Capital facility charges shall be based on equivalent dwelling units (EDU). An EDU is two hundred fifty gallons per day. No less than one EDU shall be charged.
1. An individual residential dwelling unit is one EDU.
  2. All other uses will be charged based on the number of EDUs. Determination of the number of EDUs is as follows:
    - (a) By Director of Planning and Zoning. Whenever a charge is set based on EDUs, the property owner shall provide all information required by the Director of Planning and Zoning and the Director shall reasonably determine, based on that information and any other information that the Director deems appropriate, the number of EDUs for a property based on peak daily usage. If the Director of Public Works determines within a three-year period after the initial determination that the property owner provided materially inaccurate information, the Director shall re-determine the number of EDUs and the property owner shall be liable for the difference in any charge that is set based on EDUs.
    - (b) By agreement.
      - (1) In this section, "peaked average daily usage" means a number of gallons of water that is the product of the average daily water usage by a property owner during the highest actual usage billing cycle within a defined period times the peaking factor of 1.4.
      - (2) If the Director of Public Works finds that new technology or other unique circumstances may significantly affect the determined peak daily usage, the Director may enter into an agreement with the property owner to recalculate the number of EDUs based on peaked average daily usage over a period of time determined by the Director. The agreement shall provide for refund of charges by the City if peaked average daily usage is less than eighty percent of determined peak daily usage and for payment of additional charges by the property owner if peaked average daily usage is more than one hundred twenty percent of determined peak daily usage based on the recalculation. The agreement shall include terms and conditions as determined by the Director to protect the City's interest in receiving payment of all additional charges and to bind as necessary the property owner and any successor in interest. If there is a change in use of the property during the time when the recalculation is being made, the agreement shall be null and void.
  3. Industrial wastes of unusual strength or character may be assessed additional EDUs as determined by the Director of Planning and Zoning or his or her designee may require pretreatment to remove heavy metals or other deleterious materials prior to discharge of the waste to the City sewer system.
  4. Combined commercial, industrial and institutional facilities' EDUs shall be determined by summing the EDUs for the individual functional areas.
  5. ~~A person who purchases a home in the urban renewal project area and who previously resided in the home either as an owner or renter continuously for six months immediately prior to the acquisition of the home by the urban renewal authority, is exempt from the payment of the capital facilities charge.~~
  6. Capital facilities and capital facilities assessment charges shall be used exclusively to pay for either or both the capital improvements and retirement of bonds on the sewer systems and water systems or facilities and not to supplement user rates.
  7. When the use and occupancy of a structure is changed, the Director of Planning and Zoning or his or her designee shall determine if the water consumption or sewage discharge has changed

materially from the previous use. Any significant increase in usage or discharge may require assessment of capital facilities charges as outlined in this subsection.

- C. Capital Facility Assessment Charge. A capital facility assessment charge will continue to be applied after December 19, 2011 for accounts with remaining capital facility assessment charge balances. For active permits prior to December 19, 2011, the current structure for capital facility assessment charges will continue to be in effect.
- D. Installation Charges.
  - 1. 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:
    - a. Requesting party called for inspection, but work was not ready;
    - b. Requesting party was not on site;
    - c. Building was locked;
    - d. Safety features not on site;
    - e. Approved drawings not on site;
    - f. Permit card not posted and visible from fronting street.
- E. State Road Opening or Tunneling. For any connection in which a state road must be opened or tunneled, the charges set out in this section for public sewer and water supply connections shall be increased by the additional cost of the work as estimated and approved by the Director of Planning and Zoning or his or her designee.
- F. Master Plumber and Gasfitter. Master plumbers who currently are registered in the City and who also are registered master gasfitters in the City shall be charged as established by resolution of the City Council for the additional gas connection for gas hot water heaters; otherwise, the gas connection for gas hot water heaters must be made by a registered master gasfitter at the regular rates.
- G. Sizes Not Shown. Charges for any sizes not shown in this section shall be determined by the Director of Planning and Zoning or his or her designee.

## **Chapter 17.48 - NONRESIDENTIAL PROPERTY MAINTENANCE**

### **Section 17.48.020 - Findings-Purpose.**

- A. There exists in the City structures used for nonresidential use which are, or may become in the future, substandard with respect to structure, equipment or maintenance. These conditions, which include, but are not limited to, structural deterioration, lack of maintenance and appearance of exterior of premises, infestation, lack of essential heating and plumbing, lack of maintenance or upkeep of essential utilities and facilities, existence of fire hazards, inadequate provisions for light and air, and insanitary conditions, constitute a menace to the health, safety, welfare and reasonable comfort of the citizens and inhabitants of the City. It is found and declared further that by reason of lack of maintenance, and because of progressive deterioration, certain properties have the further effect of creating blighting conditions ~~and initiating slums~~ and that if these are not curtailed and removed, the conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate. Through timely regulations and restrictions, as contained in this chapter, the growth of ~~slums and~~ blight may be prevented, the neighborhood and property values maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced, and the public health, safety, and welfare are protected and fostered.
- B. The purpose of this chapter is to protect the public health, safety, and welfare by establishing minimum standards governing the maintenance, appearance, condition, and occupancy of nonresidential premises; to establish minimum standards governing utilities, facilities, and other physical components and conditions essential to make the facilities fit for occupancy and use; to fix certain responsibilities and duties upon

owners and operators, and distinct and separate responsibilities and duties upon occupants; to fix penalties for the violations of this chapter; to provide for the right of access across adjoining premises to permit repairs; and to provide for the repair, demolition, or vacation of premises unfit for use. This chapter is remedial and essential for the public interest and it is intended that this chapter be construed liberally to effectuate the purposes as stated in this section.

## **Chapter 17.48 - NONRESIDENTIAL PROPERTY MAINTENANCE**

### **17.48.070 - Appearance of premises.**

The exterior of the premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings on the premises shall reflect a level of maintenance in keeping with the standards of the neighborhood or other higher standards as may be adopted as part of a plan of urban renewal by the City, and so that the appearance of the premises and structures does not constitute a blighting factor for adjoining property owners or an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values, including the following:

- A. Storefronts. All storefronts shall be kept in good repair, painted where required and not constitute a safety hazard or nuisance. In the event repairs to a storefront become necessary, the repairs shall be made with the same or similar materials used in the construction of the store front in a manner as to permanently repair the damaged area or areas. Any cornice visible above a storefront shall be kept painted, where required, and in good repair.
- B. Awnings and Marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be maintained in good repair and not constitute a nuisance or a safety hazard. In the event awnings or marquees are not properly maintained in accordance with this subsection, they, together with their supporting members, shall be removed. In the event awnings or marquees are made of cloth, plastic or of similar materials, the cloth or plastic where exposed to public view shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing or other holes. Nothing in this subsection shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

## **TITLE 21 - PLANNING AND ZONING**

### **Chapter 21.02 - INTRODUCTORY PROVISIONS**

#### **Section 21.02.030 - Purpose.**

The Zoning Code is adopted for the purpose of promoting the public health, safety and general welfare of the citizens of the City of Annapolis. Additional specific purposes of the Zoning Code are as follows:

- A. To promote the public comfort, convenience and prosperity.
- B. To ensure the integrity of, and help implement, the Comprehensive Plan.
- C. To foster a more rational pattern of relationships among different types of land uses for the mutual benefit of all.
- D. To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.
- E. To avoid the inappropriate development of lands and provide for adequate drainage, curbing of erosion and reduction of flood damage.
- F. To lessen and relieve street congestion.

- G. To secure safety from fire and other dangers.
- H. To provide adequate standards of light, air and open space.
- I. To prevent the overcrowding of land and buildings and thereby to ensure proper living and working conditions and to prevent blight ~~and slums~~.
- J. To avoid undue concentration of population.
- K. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- L. To maintain and protect residential, business, commercial and manufacturing areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be changed to inappropriate uses.
- M. To protect those community facilities which require a residential environment and which provide essential health and welfare services for residents.
- N. To protect and provide locations for Federal, State, County and municipal governmental buildings and their various departments and related activities.
- O. To preserve the historic and the general environment of the historic district.
- P. To fix reasonable standards to which buildings and structures shall conform.
- Q. To prevent additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed in this Zoning Code.
- R. To provide for adequate off-street parking and loading areas.
- S. To isolate or control the location of unavoidable nuisance-producing uses.
- T. To define the powers and duties of the administrative and enforcement officers and bodies.
- U. To prescribe penalties for any violations of the provisions of this Zoning Code.
- V. To promote appropriate use of waterfront properties.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that, if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance that can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

**SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** this Ordinance shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on urban renewal projects approved before the effective date of this Ordinance.

**SECTION IV: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that a presently existing obligation or contract right may not be impaired in any way by this Ordinance.

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

**Explanation:**

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