



Legislation Text

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File #: O-20-20, Version: 1

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**Deputy City Manager for Resilience and Sustainability** - For the purpose of establishing the position of Deputy City Manager for Resilience and Sustainability; providing for certain terms of employment and compensation; clarifying duties and responsibilities; transferring certain environmental programs and activities, and generally related to establishing the Deputy City Manager for Resilience and Sustainability position.

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 20-20**

**Introduced by: Mayor Buckley**

**Co-sponsored by: Alderman Savidge, Alderman Rodriguez,  
Alderman Pindell Charles, and Alderman Arnett**

**Referred to:**

**Finance Committee**

**Economic Matters Committee**

**Environmental Matters Committee**

**Housing and Human Welfare Committee**

**Rules and City Government Committee**

**Transportation Committee**

**90 day Rule: 7/27/20**

**AN ORDINANCE** concerning

**Deputy City Manager for Resilience and Sustainability**

**FOR** the purpose of establishing the position of Deputy City Manager for Resilience and Sustainability; providing for certain terms of employment and compensation; clarifying duties and responsibilities; transferring certain environmental programs and activities, and generally related to establishing the Deputy City Manager for Resilience and Sustainability position.

**BY** repealing and re-enacting without amendments the following portions of the Code of the City of Annapolis, 2020 Edition  
14.12.010

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2020 Edition  
2.12.080

2.48.330  
2.48.350  
3.08.010  
3.08.030  
6.29.010  
10.12.140  
14.12.030  
14.12.050  
14.12.090  
14.12.095  
14.12.120  
14.12.140  
14.12.150  
17.11.300

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

**TITLE 2 - ADMINISTRATION**

**Chapter 2.12 - MAYOR**

**Section 2.12.080 - ~~Office of Environmental Policy~~ [RESERVED]**

- A. The City of Annapolis shall have an Office of Environmental Policy, and the following programs and activities shall be the responsibility of that office:
1. ~~Urban forestry;~~
  2. ~~Sustainability;~~
  3. ~~Land trust – conservancy board;~~
  4. ~~NPDES/MS4/TMDL compliance coordination~~
  5. ~~Environmental grants;~~
  6. ~~Environmental policy development/initiatives;~~
  7. ~~Activities impacting upon sewer pretreatment, stormwater management and sediment and erosion control; and~~
  8. ~~To educate and inform the public concerning environmental protection, urban forestry and related subjects.~~
- B. ~~In addition to the activities and responsibilities set forth in this section, the Office of Environmental Policy shall administer other duties and responsibilities, as necessary, consistent with the Annapolis Charter and Code.~~

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

**Section 2.48.330 - Environmental Commission established.**

There is a commission known as the Environmental Commission.

- A. Purposes. The general purposes of the Commission are the conservation and improvement of the

natural, ~~and~~ health and welfare qualities of the environment, INCLUDING the land, waters, AIR, AND noise LEVEL ~~and air~~ of the City and environs.

B. Membership.

1. The Commission shall consist of nine members, residents of the City. They shall be appointed by the Mayor and confirmed by a majority vote of the City Council. Each member of the Commission shall serve for a term of three years or until a successor is appointed and duly qualifies, commencing on July 1st of the year in which appointed. The City Council shall designate the terms of the members of the Commission so that the terms of not more than three members of the Board expire in any one year.
2. Each member shall have demonstrated an interest in protection and improvement of the environment. Each member shall serve without compensation. In the event of a vacancy in an unexpired term on the Commission a member shall be appointed in the same manner as the original appointment was made for the duration of the unexpired term.

C. Rules of Procedure. The Commission shall elect a chairperson from its membership. The Commission shall adopt rules of procedure deemed necessary in discharging its duties.

D. Powers and Duties Generally.

1. The Commission shall be concerned with the protection and improvement of THE ENVIRONMENTAL QUALITY OF ~~and the noise in~~ the City and environs, ~~and the recycling or the reuse of solid wastes. The environmental quality of the City and environs.~~ It shall study the pollution of the land, air and waters, NOISE LEVELS, RECYCLING AND REUSE OF DISCARDED MATERIALS.
2. The Commission shall make recommendations, to the City Council and others, as outlined in Section 2.48.330(H), determining the source of these problems, collecting information about solutions to these problems, educating the public (and individuals or organizations who are the source of particular problems) concerning their relations to the problems and their relation to the solutions.
3. The Commission shall review and comment in a timely manner to the Mayor and City Council on all matters submitted to it.
4. The Commission shall prepare an annual report of its activities and its recommendations for the next year.
5. The Commission shall make recommendations to, consult with and prepare reports for the Director of Planning and Zoning and other departments as appropriate as requested by the City Manager.
6. The Commission shall have other and further duties and powers as may be conferred upon it.

E. Liaison with Other Groups and Agencies. In fulfillment of the duties and obligations of improving the environmental quality of the City and environs, the Commission shall work closely with appropriate municipal, County, State and Federal agencies; and it shall initiate and maintain cooperation with the United States Naval Academy, volunteer environmental groups, health associations, civic clubs, youth groups and other interested organizations.

F. Meetings.

1. The Commission shall meet at least once each month.
2. All meetings of the Commission shall be open to the public. Any person, or a person's authorized representative, may appear and be heard on any matter, scheduled or unscheduled, affecting the environment.
3. A record, or minutes, shall be kept by the Commission of its proceedings. The record shall be open for public viewing.
4. A quorum comprises a simple majority of the sworn members, or three, whichever is greater.

G. Boards and Commissions-Cooperation Of. It is the intent of this article that all agencies, boards,

commissions and public officers of the City aid and cooperate with the Commission to the fullest extent possible, so that the purposes of the Commission may be carried out.

- H. Boards and Commissions-Agenda Review-Recommendations. The agendas of the Planning Commission, the ~~port wardens~~ PORT WARDENS, and the Historic Preservation Commission shall be forwarded in advance to the Environmental Commission. The Environmental Commission shall review these agendas for matters that may have an impact on the environment, AND may make a determination as to the advisability of the Environmental Commission reviewing and commenting on particular matters of import. If the Commission determines that environmental review and comment should be made, the following procedures shall be followed:
1. Written comments shall be submitted and made part of the record by the Commission or committee hearing the matter; or
  2. If time does not permit a timely filing, the Commission shall submit a written notice of intent to file an environmental report for consideration of the Commission hearing the matter.

### Section 2.48.350 - Environmental Review Committee.

- A. The goal of the City is to lead by example so as to encourage residents and business owners to use reusable and recyclable materials and to purchase goods from companies that practice energy use reduction and sequestration of carbon dioxide.
- B. In furtherance of this goal, there is hereby established an Environmental Review Committee within the municipal government. The Committee consists of the DEPUTY CITY MANAGER FOR RESILIENCE AND SUSTAINABILITY, THE Directors of Planning and Zoning, Public Works, AND Recreation and Parks, ~~Office of Environmental Policy~~, and the Purchasing Agent. The ~~Director of the Office of Environmental Policy~~ DEPUTY CITY MANAGER FOR RESILIENCE AND SUSTAINABILITY shall serve as the ~~chair~~CHAIR.
- C. As a minimum, the Committee shall:
1. Review existing practices of the City to assure that its policies and procedures foster the use of materials that are compostable, recyclable, and reusable.
  2. ~~Assess the effectiveness of the~~DETERMINE THE NEED FOR A voluntary environmental reusable bag program.
  3. Assess the value of bans and/or fees on materials in furtherance of the City's goals.
  4. ~~Develop a plan for distribution of re-useable bags as part of and consistent with the City's recycling plan as defined in Chapter 10.18 of the Annapolis City Code.~~
  45. Assist the various City offices to ensure that contracting procedures do not discriminate against reusable, recycled, or environmentally preferable products without sufficient justification.
  56. Evaluate environmentally preferable products to determine the extent to which they may be used by the City and its contractors.
  67. Review and revise contracting procedures to maximize the specification of designated environmentally preferable products where available.
  78. Following installation of computer software capable of data gathering for such purposes, facilitate data collection on purchases of designated environmentally preferable products by the City and its contractors and report the data to the City Council by July 31st of each year.
  89. The Committee shall:
    - a. Begin issuing to all City organizational elements purchasing specifications that comply with U.S. Environmental Protection Agency Comprehensive Procurement Guidelines for products. Recovered Materials Advisory Notices (RMAN) shall be used as a reference for determining the recycled content specifications for these products. Third party certifications, such as Energy Star, Eco Logo and Green Seal, shall also be acceptable to identify preferred products.

- b. Monitor the implementation of the following:
- (1) To the extent available, all printing and copy paper products shall consist of a minimum of thirty percent post-consumer recycled fiber.
  - (2) All janitorial paper products and plastic garbage bags shall consist of a minimum of fifty percent post-consumer content.
  - (3) A ten percent price preference for processed chlorine-free paper shall be applied to (one hundred percent) of photocopy-grade and janitorial paper purchases.
  - (4) Returning used toner cartridges for remanufacture and purchase re-manufactured toner cartridges when practicable.
  - (5) Where available, no janitorial cleaning or disinfecting products shall contain ingredients that are identified by THE United States Environmental Protection Agency or the National Institute for Occupational Safety and Health as carcinogens, mutagens, or teratogens.
  - (6) Phase out the use of chlorofluorocarbon containing refrigerants, solvents and other products when without risk of voiding manufacturers' warranties on the equipment in which it is applied.
  - (7) All surfactants shall meet EPA standards as "readily biodegradable." No detergents shall contain phosphates.
  - (8) The City shall procure wood products that originate only from managed, recycled or sustainable wood product operations.
  - (9) Purchased or leased electronic equipment including photocopiers, computers, printers, lighting systems, HVAC, kitchen and laundering appliances, and energy management systems must meet U.S. Environmental Protection Agency (EPA) or U.S. Department of Energy (DOE) energy efficiency standards. Where applicable, the energy efficiency function must remain enabled on all energy efficient equipment. As part of any purchase or lease agreement for electronic equipment, a vendor must supply life cycle costs for each item.
  - (10) All motor oil shall contain a minimum twenty-five percent re-refined base stock, and shall be used only when without risk of voiding manufacturers' warranties on the equipment in which it is applied. All re-refined oil must be American Petroleum Institute certified.
  - (11) All motor vehicles operated by the City shall use recycled propylene glycol antifreeze where practicable, and shall be used only when without risk of voiding manufacturers' warranties on the equipment in which it is applied.
  - (12) Paint purchased by the City or its contractors shall contain the minimum amount necessary of volatile organic compounds, and shall contain maximum recycled content where available.
  - (13) The City shall REVIEW AND UPDATE TRIENNIALLY ~~implement~~ an integrated pest management program for pest control. Any chemicals used to eliminate or deter insect pests and undesirable vegetation shall be the most readily and completely biodegradable product available for the given application, and shall be applied in a manner that is least likely to come into contact with humans and any other animals for which treatment is not intended.
  - (14) All construction and renovation at least thirty percent funded by the City shall incorporate, AT A MINIMUM, Silver LEED "green" building practices. WHENEVER PRACTICABLE, THE CITY SHALL INCORPORATE GOLD AND PLATINUM LEED "GREEN" BUILDING PRACTICES.
  - (15) The City shall give preference to products that are produced and are within a reasonable geographic distance such that transportation costs, energy use and carbon dioxide generation do not outweigh the benefits of lower product costs.
  - (16) All departments, offices, and agencies shall ensure that they and their contractors/consultants use double-sided copying. All photocopiers purchased by the City following adoption of this policy are required to be capable of double-sided copying when the

equipment has the capability to copy double-sided.

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

(18) THE CITY SHALL REDUCE OR ELIMINATE ITS USE OF SINGLE USE PLASTIC PRODUCTS, INCLUDING USE OF SINGLE USE PLASTIC IN MEETING ROOMS, BREAK ROOMS, AND KITCHENS. BY JANUARY 1, 2021, THE CITY SHALL CEASE ITS USE OF CUPS USED WITH WATERCOOLERS THAT ARE NOT BIODEGRADABLE. THE CITY SHALL ELIMINATE ITS USE OF SINGLE USE PLASTIC PRODUCTS BY JANUARY 1, 2022.

D. The following are environmentally preferred products:

1. Compostable and vegetative products;
  2. Horticultural mulch made with recycled land clearing and other wood debris, but avoiding the use of non-sterile mulch which may contain non-native plant species;
  3. Construction materials made with recycled cement concrete, wood, glass, or asphalt;
  4. Alternative fuels, vehicles, and rolling stock that utilize same, including, but not limited to, electric, hybrid, compressed natural gas, hydro-diesel, hydrogen, biodiesel, and ethanol, when comparing costs of alternative vs conventional fuels and vehicles, the City shall give preference to alternative fuels and vehicles if their costs are no more than ten percent higher than conventional products THE CITY SHALL GIVE PREFERENCE TO ELECTRIC DRIVE VEHICLES WHEREVER PRACTICABLE;
  5. Cement and asphalt concrete containing glass cullet, recycled fiber or plastic, tire, or rubber;
  6. Lubricating oil and hydraulic oil with re-refined oil content;
  7. Recycled plastic products;
  8. Remanufactured products made from recycled tire rubber, including rubber mats and play field surfaces;
  9. Low wattage/high efficiency lighting fixtures, including traffic signals, crosswalks, street lights, and all interior and exterior building fixtures, including fixed ballast fluorescent fixtures and motion sensitive switches;
  10. Solar powered traffic signals, traffic signs, street lights, and buildings wherever available;
  11. Remanufactured laser printer toner cartridges;
  12. Other products as designated by the Mayor and/or the Mayor's designee, the Task Force, and/or Coordinator; and
  13. No fertilizer with phosphorous, shall be used on any land owned by the City of Annapolis, whether such land is located within or outside of the City's boundaries, except where a soil test determines that the soil is deficient FOR PHOSPHORUS.
- E. The Environmental Review Committee will formulate a plan by May 31, ~~2008~~ 2021, to promote the use of reusable shopping bags in the City of Annapolis. It will establish a goal of a forty percent reduction in the use of plastic and paper checkout bags in large retail chain stores by May 31, ~~2019~~ 2022.
- F. Nothing contained in the policy of this section, shall be construed as requiring a department or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price in a reasonable period of time. The City shall give preference to any environmentally preferable products if their costs are no more than ten percent higher than conventional products.
- G. BY JULY 31, 2021 AND EVERY TWO YEARS THEREAFTER ~~One year from adoption of the ordinance codified in this section~~, the Environmental Review Commission will evaluate the effectiveness of the internal and voluntary programs for reusable materials and make recommendations in furtherance of these efforts for consideration by the Mayor and City Council.

### TITLE 3 - HUMAN RESOURCES

**Chapter 3.08 - EXEMPT SERVICE**

**Section 3.08.010 - Positions included.**

The exempt service includes:

1. All the elected officials;
2. All department directors;
3. City Manager;
4. Communications Officer;
5. City Attorney;
6. Assistant City Attorney;
7. Attorney I;
8. Attorney II;
9. Community Engagement Administrator;
10. Community Services Specialist;
11. Constituent Services Officer;
12. Administrative Assistant;
13. Assistant City Manager;
14. Public Information Officer and Quartermaster;
15. Executive Office Associate;
16. Recruitment/Employee Relations Administrator;
17. Deputy Fire Chiefs;
18. Police Major and Captains;
19. Human Resources Manager;
20. ~~Director of Office of Environmental Policy~~ DEPUTY CITY MANAGER FOR RESILIENCE AND SUSTAINABILITY;
21. Economic Development Manager;
22. Development/Events Specialist;
23. Chief of Staff; and
24. Management Information Technology Manager.

**Section 3.08.030 - Salary.**

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

<b>Position</b>	<b>Grade</b>
Executive Office Associate	A10
Recruitment/Employee Relations Administrator	A15
Communications Officer	A15
Deputy Fire Chief	F18
Human Resources Manager	A19
Director of Transportation	A20
<del>Director of Office of Environmental Policy</del> DEPUTY CITY MANAGER FOR RESILIENCE AND SUSTAINABILITY	A20

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 Services Specialist	A10
Community Engagement Administrator	A14
Administrative Assistant	A8
Assistant City Manager	A14
Public Information Officer and Quartermaster	A12
Fire Chief	F20
Police Chief	P20
Police Major	P18
Police Captain	P17
Director of Public Works	A20
Economic Development Manager	A17
Development/Events Specialist	A12
Chief of Staff	A16
Director of the Office of Emergency Management	A20
Management Information Technology Manager	A19

2. The salary of the Mayor for the term of office commencing on the first Monday in December, 2017, shall be an annual salary of ninety-eight thousand dollars and an entitlement to the benefits afforded to the City's exempt service employees.
3. The salary of each Alderman and Alderwoman for the term of office commencing on the first Monday in December, 2017, shall be an annual salary of fifteen thousand dollars. Each Alderman and Alderwoman shall be afforded an annual allowance of one thousand five hundred dollars to be used exclusively for education and training. Aldermen and Alderwomen shall participate in the Maryland State Retirement and Pension System.
4. The salary of the City Manager shall be:
  - i. Salary and Performance Reviews. A base salary for the City Manager ranging from one hundred thirty thousand dollars to one hundred eighty thousand dollars per year, with incremental increases based upon annual performance reviews conducted by the Mayor. The initial base salary shall be fixed within the provided range based upon the City Manager's education and employment experience. The annual performance review shall be based upon criteria established in advance by the Mayor in consultation with the Manager of Human Resources. The base salary and increments shall be subject to cost of living increases (COLAS) every two years, based upon COLAS awarded to other City exempt service employees during the two-year period. The City



- Manager's compensation shall be subject to reduction to the same extent as other City exempt service employees, including reductions based upon furloughs or similar actions.
- ii. Benefits. The City Manager is entitled to receive the same benefits as other City exempt service employees, including but not limited to inclusion in the City's health care and retirement plans, in which the City and the employee contribute in the same proportion as other City exempt service employees.
  - iii. Allowances. The City shall provide the City Manager with a City vehicle, or additional compensation to reimburse the use of a personally-owned vehicle.
  - iv. Severance Pay. Three months' severance pay of salary if a City Manager has been removed from the position without cause, but there shall be no severance pay if the removal is for cause. Grounds for removal that constitute cause shall be 1) conviction of a felony or a crime of moral turpitude; or 2) malfeasance or misfeasance in office.
- 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, 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:
    - 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. May not be awarded to an individual more frequently than once per year;
  4. 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. May not cause an individual's salary to exceed the maximum salary of the assigned grade.
- C. Longevity salary increases awarded to civil service employees shall not be a benefit of the exempt service.
- D. A City employee appointed to a position specified in Subsection (A)(1) of this Section shall be provided pay as follows:
1. If the employee is appointed to a position in a higher grade, the salary shall be at a rate in the new pay grade which is at a minimum five percent higher than the employee's salary prior to promotion or shall be assigned to the minimum of the new grade, whichever is higher.
  2. If the employee is appointed to a position in a lower grade or if the position is reclassified to a classification in a lower grade or if the employee's classification is reallocated to a lower grade, the employee's new pay shall be at a level within the new grade that is closest to and not lower than the level at which the employee was paid in the former grade. If the level at which the employee was paid in the former grade is more than the maximum pay for the new grade, the employee's new pay shall remain the same as the employee's pay in the former grade and the employee is not eligible for any form of pay increase unless or until the maximum pay in the new grade is increased to a level that exceeds the employee's pay.
- E. The Mayor, City Manager, or Department Director, whichever is the Appointing Authority, may make

an initial appointment at a salary greater than the first step of the assigned grade for positions that report to them. Appointments to the following positions do not require City Council approval and initial appointments may be made at a salary greater than the first step of the assigned grade subject to the availability of funding:

1.
  - i. Administrative Assistant
  - ii. Assistant City Manager
  - iii. Executive Office Associate
  - iv. Chief of Staff
  - v. Communications Officer
  - vi. Constituent Services Officer
  - vii. Community Engagement Administrator
  - viii. Community Services Specialist
  - ix. Development/Events Specialist
  - x. Deputy Fire Chiefs
  - xi. Police Captains
  - xii. Police Major
  - xiii. Recruitment/Employee Relations Administrator
  - xiv. Assistant City Attorney
  - xv. Attorney I
  - xvi. Attorney II
  - xvii. Public Information Officer and Quartermaster
  - xviii. Economic Development Manager

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

1.
  - i. City Manager
  - ii. City Attorney
  - iii. Police Chief
  - iv. Fire Chief
  - v. Director of Transportation
  - vi. Director of Recreation and Parks
  - vii. Director of Finance
  - viii. Director of Planning and Zoning
  - ix. Director of Public Works
  - x. Director of the Office of Emergency Management
  - xi. ~~Director of the Office of Environmental Policy~~ DEPUTY CITY MANAGER FOR RESILIENCE AND SUSTAINABILITY
  - xii. ~~Director of~~ Human Resources MANAGER
  - xiii. Management Information Technology ~~Director~~ MANAGER

## **Title 6 - REVENUE AND FINANCE**

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

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

A. A Clean Energy Loan Program ("Program"), as authorized pursuant to the Local Government Article, Sections 1-1101 et seq. of the Annotated Code of Maryland, AS MAY BE AMENDED, is hereby

established to finance and encourage energy efficiency projects and renewable energy projects with an electric generating capacity of not more than one hundred kilowatts.

- B. The City may enter into an agreement with a private entity to administer the Clean Energy Loan Program.
- C. All policies governing the management of the Program shall be determined by the ~~Director of the Office of Environmental Policy~~ DEPUTY CITY MANAGER FOR RESILIENCE AND SUSTAINABILITY in collaboration with the Director of Finance.

## TITLE 10 - HEALTH AND SAFETY

### Chapter 10.12 - FOOD-HANDLING ESTABLISHMENTS

#### Section 10.12.140 - Administration and enforcement.

- A. The provisions of this chapter shall be administered and enforced by the Department of Planning and Zoning except with regard to those matters administered and enforced by the Health Officer, and except with regard to Section 10.12.160, which matters shall be administered and enforced by the ~~Office of Environmental Policy~~ DEPUTY CITY MANAGER FOR RESILIENCE AND SUSTAINABILITY.
- B. Violation of or failure to comply with any provision of this chapter is declared to be a municipal infraction punishable by a fine not to exceed one hundred dollars for any single, initial violation, and an additional fine of two hundred dollars for each repeat or continuing violation.
- C. The Director of Planning and Zoning and THE DEPUTY CITY MANAGER FOR RESILIENCE AND SUSTAINABILITY ~~the Director OFFICE of Environmental Policy~~, or their designee, shall have the power to enforce the provisions of this chapter through the issuance of a municipal citation or through any other appropriate action or proceedings at law or equity.

## Title 14 - STREETS, SIDEWALKS AND PUBLIC PLACES

### Chapter 14.12 - TREES

#### Section 14.12.010 - Policy.

It is the policy of the City to regulate the planting, removal, maintenance and protection of trees and shrubs on all public lands subject to its jurisdiction; to eliminate and guard against dangerous conditions which may result in injury to persons using public areas, to promote and enhance the beauty of the City, to prevent damage to any public sewer or water main, street, sidewalk or other public property, to protect trees and shrubs located in public areas from undesirable and unsafe practices, and to guard trees and shrubs against the spread of disease or pests.

#### Section 14.12.030 - Definitions.

As used in this chapter, the following words and phrases have the meanings indicated:

- A. "Crown area" means the leafy part of a tree.
- B. "Cutting" means felling or removal of a tree or any procedure the result of which is to cause the death or substantial destruction of a tree. Cutting does not include normal pruning or trimming.
- C. "Department" means the Department of Planning and Zoning.
- D. "Director of Planning and Zoning" shall be read to include ~~his/her~~ A designee.

- E. "Maintenance" and "protection" include all operations of trimming, pruning, spraying, injecting, fertilizing, treating, bracing, doing surgery work, and cutting above or below ground.
- F. "Public area" includes all public ways, public parks and other public lands except those owned or leased by the United States of America or by the State.
- G. "Public way" includes all public streets, roads, boulevards, alleys and sidewalks.
- H. "Remove" or "removal" means the actual physical removal, or the effective removal through damaging, poisoning or other direct or indirect actions resulting in, or likely to result in, the death of a tree.
- I. "Trees" and "shrubs" includes all woody vegetation.

**Section 14.12.050 - Responsibilities of the Director of Planning and Zoning.**

- A. Implementation, administration and execution of the requirements of this chapter are the responsibility of the Department of Planning and Zoning ~~or his or her designee~~.
- B. The Director of Planning and Zoning ~~or his or her designee~~ shall have the following general powers and duties:
  - 1. To direct, manage, supervise and control the street tree program, including all planting, removal, maintenance, and protection of all trees and shrubs on all public areas;
  - 2. To guard all trees and shrubs to prevent the spread of disease or pests and to eliminate dangerous conditions which may affect the life, health or safety of persons or property;
  - 3. To perform other related functions as are assigned.

**Section 14.12.090 - Power to plant, remove, maintain and protect.**

The department may plant, remove, maintain and protect trees and shrubs on or adjacent to all public areas as may be necessary to ensure safety or preserve the symmetry and beauty of the grounds. Appropriate advance written notification shall be made to adjacent property owners of the City's intent to plant or remove trees or shrubs ON THE ADJACENT PROPERTY.

**Section 14.12.095 - Tree conservation area-Tree removal ON PRIVATE PROPERTY.**

- A. "Tree conservation areas" are established to be the same areas as the legally defined front, side or rear yard setbacks of any residential or commercial property as described in the zoning regulations of the City of Annapolis, which are adjacent to a public right-of-way.
- B. Within a tree conservation area, no tree greater than five inches in diameter as measured at four and one-half feet above the ground shall be removed except as provided for in this section. Within a tree conservation area, the property owner may remove trees that are less than five inches in diameter as measured at four and one-half feet above the ground.
- C. A permit issued by the Director of Planning and Zoning ~~or his or her designee~~ is required for the removal of any tree greater than five inches in diameter, as measured at four and one-half feet above the ground, located within the tree conservation area. A PERMIT IS ALSO REQUIRED FOR THE REMOVAL OF ANY TREE THAT MEASURES TWENTY FOUR INCHES OR GREATER IN DIAMETER, AS MEASURED AT FOUR AND ONE-HALF FEET ABOVE THE GROUND LOCATED ANYWHERE ON PRIVATE PROPERTY. TREE REMOVAL APPLICATIONS MAY BE DENIED IF SUFFICIENT EVIDENCE IS NOT PROVIDED TO MEET ONE OF THE CONDITIONS LISTED BELOW. The tree removal permit ~~application fee and permit fee~~ shall be set by resolution of the City Council. Conditions under which such a permit may be issued include but shall not be limited to the following:

1. The tree is dead, dying or diseased, such that fifty percent or more of the crown area is visibly dead;
  2. The tree is damaged or injured to the extent that it is likely to die or become diseased;
  3. The removal of the tree will serve the purposes of this chapter or will enhance the health of the remaining trees in the conservation area;
  4. The removal of the tree will avoid or alleviate, mitigate, or reduce a substantial hardship or damage to the property or any structure located thereon; or
  5. The removal of the tree is consistent with good forestry practices.
- D. A permit shall not be required for public utilities to remove trees situated in proximity to overhead or underground facilities or in case of any emergency in which failure to remove a tree is likely to cause imminent damage to public or private property, as used herein, the term "public utilities" means any "public service company" as defined in the Public Utilities Article, Section 1-101, of the Annotated Code of Maryland, or its successor statutes; or in case of any emergency in which failure to remove a tree is likely to cause imminent damage to public or private property.
- E. In issuing a permit, the Director of Planning and Zoning ~~or his or her designee~~ may, in its discretion, require that replacement tree(s) be planted. The size, location and variety of any replacement tree may be required by the Director of Planning and Zoning ~~or his or her designee~~, solely at his or her discretion, to reestablish the visual character and environmental benefits afforded by the trees ~~which~~ THAT were removed. Replacement as follows shall be deemed conclusively to be a reasonable exercise of such discretion:

Removed tree	Replacement Tree(s)
5-10" Diameter breast height (dbh)	1 tree
10.1-20" Diameter breast height (dbh)	2 trees
Greater than 20"	3 trees

- If the tree conservation area is insufficient in size to accommodate more than one replacement tree or if it is undesirable to plant appropriate replacement trees (as determined by the Department of Planning and Zoning, in its sole discretion), then the issuance of the permit shall be conditioned upon the approval by the Director of Planning and Zoning ~~CITY FORESTER~~ of a planting plan, developed by the owner, to plant replacement trees in another location approved by the Department of Planning and Zoning.
- F. The tree conservation area shall be the first priority for replacement of removed trees as required under the preceding subsection. Alternate planting sites, in order of preference, are:
1. An area on the property adjacent to any public right-of-way other than the tree conservation area;
  2. An area within any adjacent public right-of-way;
  3. Any other public property;
  4. Any property with a conservation designation (e.g.: property reserved as part of the subdivision process; property within the critical area; etc.);
  5. Any other appropriate area.
- If no alternative planting site can be located, a fee equivalent to the in-ground cost of planting replacement trees shall be paid by the permit applicant to the City, which shall plant an equivalent number of trees in an appropriate location within one year.
- G. A property owner shall replace any tree removed without a permit according to the replacement standard in Subsections (E) and (F) of this section. The site, location and variety of such replacement trees shall be reviewed and approved by the Director of Planning and Zoning ~~or his or her designee~~ ~~CITY FORESTER~~ in accordance with the standards set forth herein.
- H. Violation of this section shall be a municipal infraction punishable by a fine as established by resolution

of the City Council for each tree greater than five inches in diameter at 4.5 feet above the ground removed from the tree conservation area without a permit. In addition, the Director of Planning and Zoning ~~or his or her designee~~ CITY FORESTER may revoke any permit issued under this section and/or issue an order stopping further tree removal whenever the director or designee CITY FORESTER determines that such action is necessary to accomplish the purpose of this section. Enforcement of this section shall be the responsibility of the Department of Planning and Zoning. All fines must be paid in full before any work can continue.

- I. Where this section and any other Federal, State or local law regarding tree removal and/or replacement apply to a given circumstance, the more restrictive law shall control.

#### **Section 14.12.120 - Species and varieties.**

- A. The department shall prepare lists of trees acceptable for planting in the public areas. Undesirable trees shall not be recommended for general planting, and their use, if any, shall be restricted to special locations where, because of certain characteristics of adaptability or landscape effect, they can be used to advantage.
- B. Only desirable trees of good appearance, beauty, adaptability, and generally free from injurious insects or disease shall be planted in public areas.
- C. Where street blocks have been assigned a particular species or variety on the master street tree plan, only that species or variety shall be planted, subject to revisions by the Director of ~~Public Works~~ PLANNING AND ZONING ~~or his or her designee~~.

#### **Section 14.12.140 - Location.**

- A. Where a tree is requested by an owner of private property adjacent to public property, and the location is determined to be desirable, and no appropriate public property is available, an easement or other legal agreement may be sought to plant on the private property that is in proximity to public property. The legal agreement may contain provisions granting the City permission to select and plant trees under the direction of the Director of Planning and Zoning CITY FORESTER. The legal agreement shall contain provisions defining the City's absence of liability in the event of personal injury or damage caused during, or as a result of, planting on private property. Appropriate advance written notification shall be made to the adjacent property owners of the City's intent to plant trees.
- B. Trees shall be planted at least thirty feet from the street intersections and at least fifteen feet from driveways and alleys.
- C. No tree shall be planted closer than ten feet to a utility pole or fire hydrant.
- D. Spacing of trees shall be determined by the department according to local conditions, the species, cultivars or varieties used, their mature height, spread and form. Generally, all trees shall be planted twenty-five to fifty feet on center. The exact planting location of each tree and shrub shall be determined by the Director of Planning and Zoning CITY FORESTER.
- E. All planting on unpaved streets without curbs shall have the approval of the department. The trees shall be located so that they will not be injured or destroyed when the street is curbed and paved.

#### **Section 14.12.150 - Pruning and removal of trees.**

- A. No topping ~~or dehorning~~ of trees shall be permitted, except upon prior written approval of the department.
- B. All large, established trees shall be pruned to sufficient height to allow free passage for pedestrian and vehicular traffic, which shall be ten feet over a sidewalk and twelve feet over a street, except a street subject to truck traffic which, at the discretion of the department may have clearance of fifteen feet. The

- department may waive the provisions of this section for a newly planted tree upon a determination that the tree does not interfere with public travel, obstruct the light of any street light, or endanger public safety.
- C. All dead wood, stubs, broken branches, badly formed branches, disease-infected and insect-infested branches, and branches interfering with public travel, lighting, existing buildings and traffic signs shall be removed during the trimming operation, with consideration given to the symmetry and beauty of the tree or shrub.
  - D. All trees and shrubs in public areas which are marked for removal shall be removed completely from the growing site and disposed of in an authorized manner. The stump shall be removed to a depth suitable for future planting of trees or turf.
  - E. Any person who violates this section is guilty of a municipal infraction and is subject to a fine as established by resolution of the City Council.

## TITLE 17 - BUILDINGS AND CONSTRUCTION

### Chapter 17.11 - Floodplain Management

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

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

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

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect ~~from the date of its passage~~ ON THE EFFECTIVE DATE OF CA-1-20.

#### Explanation:

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