



Legislation Text

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File #: O-12-16, Version: 1

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**City of Annapolis Departmental Reorganization** - For the purpose of dissolving the Human Resources Department and the Department of Neighborhood and Environmental Programs; creating the Office of Environmental Policy; reassigning certain duties and granting certain authority to the Department of Finance, Department of Planning and Zoning, the Department of Public Works and the City Manager, and all matters generally relating to such departmental reorganization.

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 12-16**

**Introduced by: Mayor Pantelides**

**Referred to**  
Rules and City Government Committee

**AN ORDINANCE** concerning

**City of Annapolis Departmental Reorganization**

**FOR** the purpose of dissolving the Human Resources Department and the Department of Neighborhood and Environmental Services; creating the Office of Environmental Policy; reassigning certain duties and granting certain authority to the Department of Finance, Department of Planning and Zoning, the Department of Public Works and the City Manager, and all matters generally relating to such departmental reorganization.

**BY** repealing in its entirety the following portion of the Code of the City of Annapolis (2015 Edition)  
Chapter 2.25

**BY** repealing and re-enacting the following portions of the Code of the  
City of Annapolis (2015 Edition)  
Section 2.08.030

Section 2.08.100  
Section 2.16.210  
Section 2.16.210  
Section 2.40.030  
Section 2.48.330  
Section 2.48.350  
Section 3.08.010  
Section 3.08.030  
Section 3.08.070  
Section 3.10.010  
Section 3.12.030  
Section 3.12.050  
Section 3.12.060  
Section 3.12.070  
Section 3.16.030  
Section 3.16.050  
Section 3.16.060  
Section 3.16.080  
Section 2.16.120  
Section 3.16.150  
Section 3.20.080  
Section 3.20.140  
Section 3.32.060  
Section 6.04.230  
Section 6.29.010  
Section 7.08.020  
Section 7.08.050  
Section 7.10.020  
Section 7.40.040  
Section 7.40.050  
Section 7.40.070  
Section 7.42.040  
Section 8.04.010  
Section 8.04.020  
Section 10.08.010  
Section 10.12.140  
Section 10.12.150  
Section 10.16.100  
Section 10.16.110  
Section 10.16.300  
Section 10.16.310  
Section 10.20.020  
Section 10.20.030  
Section 10.24.010  
Section 10.32.010  
Section 10.34.060  
Section 10.34.070  
Section 10.36.010

Section 14.12.030  
Section 14.12.050  
Section 14.12.095  
Section 14.12.140  
Section 15.04.060  
Section 15.14.015  
Section 15.14.025  
Section 15.20.010  
Section 15.20.020  
Section 15.20.030  
Section 15.20.040  
Section 15.20.060  
Section 15.20.130  
Section 15.20.140  
Section 15.24.010  
Section 16.04.040  
Section 17.04.120  
Section 17.04.220  
Section 17.04.290  
Section 17.08.100  
Section 17.08.250  
Section 17.09.030  
Section 17.09.040  
Section 17.09.050  
Section 17.09.060  
Section 17.09.070  
Section 17.09.090  
Section 17.09.100  
Section 17.09.120  
Section 17.09.130  
Section 17.09.140  
Section 17.10.020  
Section 17.10.050  
Section 17.10.080  
Section 17.10.100  
Section 17.10.120  
Section 17.10.150  
Section 17.10.180  
Section 17.11.050  
Section 17.11.300  
Section 17.11.380  
Section 17.11.390  
Section 17.11.700  
Section 17.11.710  
Section 17.11.720  
Section 17.11.730  
Section 17.12.010  
Section 17.12.018

Section 17.12.020  
Section 17.12.026  
Section 17.12.042  
Section 17.12.050  
Section 17.12.055  
Section 17.12.056  
Section 17.12.058  
Section 17.12.060  
Section 17.12.062  
Section 17.14.030  
Section 17.16.010  
Section 17.16.015  
Section 17.16.030  
Section 17.16.120  
Section 17.16.130  
Section 17.16.140  
Section 17.16.150  
Section 17.18.020  
Section 17.18.040  
Section 17.18.060  
Section 17.18.070  
Section 17.18.140  
Section 17.18.150  
Section 17.20.070  
Section 17.20.160  
Section 17.22.010  
Section 17.22.020  
Section 17.22.030  
Section 17.22.050  
Section 17.22.060  
Section 17.22.090  
Section 17.24.020  
Section 17.24.040  
Section 17.24.070  
Section 17.24.090  
Section 17.24.120  
Section 17.24.160  
Section 17.28.020  
Section 17.28.050  
Section 17.28.080  
Section 17.28.090  
Section 17.28.095  
Section 17.28.140  
Section 17.30.010  
Section 17.30.020  
Section 17.30.040  
Section 17.30.050  
Section 17.30.080

Section 17.30.100  
Section 17.34.010  
Section 17.34.020  
Section 17.40.040  
Section 17.40.050  
Section 17.40.265  
Section 17.40.280  
Section 17.40.290  
Section 17.40.340  
Section 17.40.350  
Section 17.40.440  
Section 17.40.830  
Section 17.40.840  
Section 17.40.850  
Section 17.40.860  
Section 17.40.870  
Section 17.40.880  
Section 17.40.890  
Section 17.42.040  
Section 17.44.010  
Section 17.44.020  
Section 17.44.030  
Section 17.44.090  
Section 17.44.140  
Section 17.48.210  
Section 17.48.280  
Section 17.48.290  
Section 17.48.300  
Section 17.48.310  
Section 17.48.320  
Section 17.48.330  
Section 17.48.350  
Section 17.48.360  
Section 17.52.010  
Section 17.52.020  
Section 17.52.030  
Section 17.52.040  
Section 17.60.010  
Section 17.60.020  
Section 17.60.030  
Section 17.60.070  
Section 17.60.090  
Section 17.60.120  
Section 17.60.130  
Section 17.60.140  
Section 17.60.150  
Section 17.60.170  
Section 18.04.010

Section 18.04.020  
Section 20.08.030  
Section 20.08.040  
Section 20.24.150  
Section 20.24.160  
Section 21.08.070  
Section 21.12.010  
Section 21.12.020  
Section 21.12.030  
Section 21.12.040  
Section 21.30.010  
Section 21.30.020  
Section 21.36.010  
Section 21.36.020  
Section 21.36.030  
Section 21.54.030  
Section 21.54.080  
Section 21.30.020  
Section 21.36.010  
Section 21.36.020  
Section 21.36.030  
Section 21.54.030  
Section 21.54.080  
Section 21.54.100  
Section 21.56.260  
Section 21.56.320  
Section 21.56.330  
Section 21.62.080  
Section 21.64.110  
Section 21.64.370  
Section 21.70.020  
Section 21.70.030  
Section 21.70.100  
Section 22.24.010

**BY** adding the following portions to the Code of the City of Annapolis (2015 Edition)

Section 2.12.080

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

**CHAPTER 2.08 - PUBLIC ETHICS AND FINANCIAL DISCLOSURE**

**Section 2.08.030 - Ethics Commission.**

A. Composition and appointment. The City Ethics Commission is composed of five City resident members who are nominated by the Mayor and confirmed by a majority vote of the City Council within thirty days

of a nomination. Each member of the Commission shall serve for a term of one to five years from the date of confirmation so member terms are overlapping. No member of the commission shall be an elected or appointed official of the City, or any individual who is otherwise subject to the provisions of this section of the code. Upon occurrence of a vacancy on the Commission for any reason, the Mayor shall nominate an individual to fill that position for a term of up to five years. A Commission member may serve until re-appointed or a successor is appointed. Nothing herein shall preclude the nomination and confirmation of a member to serve successive terms.

- B. The Commission shall elect a Chairman and Vice Chairman for one year terms from among its members. They must be elected annually in February and may be reelected. The Chairman shall provide the Mayor and City Council an annual report by January 31 for the prior calendar year.
- C. Duties and responsibilities. The Commission shall be assisted in carrying out its duties and responsibilities by the City Attorney or, in situations where there is a potential conflict of interest, may use other legal counsel. The Ethics Commission has the following duties and responsibilities:
1. To develop all forms required by this Chapter. Completed copies of such forms shall be reviewed by the Commission for compliance with this chapter and retained by the City Attorney's office;
  2. To receive and respond to written requests from any person who is subject to or who may be subject to the provisions of this chapter for an opinion, assistance, or guidance in interpreting the requirements of this chapter. Advisory opinions may also be provided in response to questions from any person interested in maintaining high ethical standards of conduct within the City government. Such advisory opinions of the Ethics Commission shall be provided in a timely manner in writing with a copy filed in the City Attorney's office. Extracts from or summaries of advisory opinions may be made public at the discretion of the Ethics Commission. The Commission shall redact the opinion by deleting the name of the person subject to the opinion and, to the fullest extent possible, any other information that may identify the person who is subject of the opinion if such information is not material. If an advisory opinion is not made public by the Ethics Commission, the opinion and the identity of the person subject to the opinion shall be confidential and may not otherwise be revealed. Any official or employee who in good faith relies on an advisory opinion of the Commission shall not be disciplined if the action is found thereafter to be a violation of this chapter;
  3. To expeditiously process, investigate and make determinations as to complaints initiated by a majority of the Commission or filed by any person alleging violation of the provisions of this chapter;
  4. To issue subpoenas, administer oaths and compel the attendance of witnesses and production of documents at its proceedings;
  5. To take enforcement actions as are authorized by the provisions of Section 2.08.100
  6. To provide the City's ~~Department~~OFFICE of Human Resources with information concerning the purpose and implementation of this chapter so they may ensure that all City officials and employees are aware of their responsibility for maintaining high ethical standards in conducting the business of the City; and
  7. The Ethics Commission shall adopt procedures for the conduct of its business in accordance with this chapter, and such procedures shall be available to the public;
  8. The Ethics Commission shall certify to the State Ethics Commission on or before October 1 of each year that the City of Annapolis is in compliance with the requirements of the Annotated Code of Maryland, State Government Article, Title 15, Subtitle 8, for elected local officials.

### **Section 2.08.100 - Enforcement.**

A. Enforcement authority of Commission.

1. Upon a finding of a violation of any provision of this chapter, the Commission may:
  - a. Issue an order of compliance directing the respondent to cease and desist from the violation;
  - b. Issue a reprimand; or
  - c. Recommend to the appropriate City authority:
    - (I) Discipline of the respondent, including censure, suspension, demotion in position, or removal if that discipline is authorized by law, and/or
    - (II) Suspension from receiving payment or salary or other compensation pending full compliance with the terms of an order of the Commission, City Council, or Court.
2. After receipt of a recommendation provided for in paragraph 1.c. above, the Mayor, City Manager, Supervisor, or the Human Resources ~~OFFICE~~ Department, as appropriate, will report to the Commission within fourteen days after any action is taken in response to the Commission's recommendations, but no later than sixty days after recommendations are issued by the Commission.
3. If the Commission finds that a respondent has violated Section 2.08.070, lobbying disclosure, of this chapter, the Commission may:
  - a. Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under Section 2.08.070 of this chapter;
  - b. Impose a fine not exceeding five thousand dollars for each violation; and
  - c. Suspend the registration of an individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated Section 2.08.070 of this chapter or has been convicted of a criminal offense arising from lobbying activities.

B. Injunctive relief.

1. Upon request of the Commission, the City Attorney may file a petition for injunctive or other relief in the Circuit Court of Anne Arundel County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this chapter.
2. Court authority.
  - a. The court may:
    - (1) Issue an order to cease and desist from the violation;
    - (2) Except as provided in subparagraph B. of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within ninety days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public;
    - (3) Impose a fine of up to five thousand dollars for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense.
  - b. A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.

C. Maintenance of records.



1. A person who is subject to the provisions of this chapter shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to complete and substantiate a report, statement, or record required under this chapter for three years from the date of filing the report, statement, or record.
2. These papers and documents shall be available for inspection within fifteen days of a written request by the Commission.

**Chapter 2.12 - MAYOR**  
**SECTION 2.12.080**

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; ~~AND~~
  6. ENVIRONMENTAL POLICY DEVELOPMENT/INITIATIVES;
  7. ACTIVITIES IMPACTING UPON SEWER PRETREATMENT, STORM  
WATER 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 2.16 - CITY COUNCIL**  
**Article II - Generally**

**2.16.210 - Assistance for Alderman.**

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

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

B. Contractual assistance. The Alderman or Alderwoman who is senior in service (Senior Alderman or Alderwoman) shall, at the direction of a majority of the Aldermen and Alderwomen, advise the ~~Department of Human Resources~~ FINANCE CITY MANAGER of the nature of any contractual assistance needed. ~~The Department of Human Resources~~ FINANCE shall encourage qualified persons to apply. With the approval of a majority of the Aldermen and Alderwomen, the Department shall employ or engage on a contractual basis a qualified person. The person so contractually employed or engaged shall be subject to the immediate supervision of the City Manager. However, the overall direction of the work shall be determined by a majority of the Aldermen and Alderwomen acting through the Senior Alderman or Alderwoman. At the request of a majority of the Aldermen and Alderwomen, acting through the Senior Alderman or Alderwoman, the City Manager shall dismiss the person so contractually employed or engaged. While contractually employed or engaged to assist the Aldermen and Alderwomen with their public responsibilities, the contractual person is not part of the merit system.

## ~~Chapter 2.25 – DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS~~

### ~~Section 2.25.010 – Composition.~~

~~The Department Of Neighborhood and Environmental Programs shall consist of the Director of Neighborhood and Environmental Programs and other officers and employees as may be provided by the City Council.~~

~~The Director of Neighborhood and Environmental Programs, before entering on the discharge of the duties of office, shall take the oath prescribed in the Charter.~~

### ~~2.25.030 – Director Powers and duties.~~

~~A. The Director of Neighborhood and Environmental Programs shall have the following powers and duties:~~

- ~~1. To regulate the building and rebuilding of structures and other improvements;~~
- ~~2. To regulate the use of certain structures for housing;~~
- ~~3. To regulate activities impacting upon the environment, urban forestry, sewer pretreatment, critical areas and storm water management;~~
- ~~4. To enforce building and housing rules and regulations governing the improvement and use of land and structures;~~
- ~~5. To enforce rules and regulations governing environmental protection, urban forestry, sewer pretreatment and storm water management;~~
- ~~6. To enforce rules and regulations governing the licensing and operation of certain contractors and businesses;~~
- ~~7. To enforce certain specified rules and regulations governing certain violations of the Zoning Code and use of property;~~
- ~~8. To enforce rules and regulations specified in Chapter 10.16 of the City Code governing refuse, recyclable materials, and solid waste.~~
- ~~9. To educate and inform the public concerning environmental protection, urban forestry, and related subjects.~~

~~B. The Director of Neighborhood and Environmental Programs shall have all the power and authority insofar as it relates to violations of law pertaining to the Department of Neighborhood and Environmental Programs and shall be authorized to take appropriate enforcement action with regard to all such violations.~~

## **Chapter 2.40 - PUBLIC WORKS DEPARTMENT**

### **Section 2.40.030 - Director-Duties.**

A. The Director of Public Works has charge of and supervision over all public property of the City, including all streets, parks, parkways, sidewalks and all other property of the City not specifically assigned to some other officer.

B. The Director of Public Works has charge of, and is responsible for the care, maintenance and operation of, the City water system, the sanitary sewer system and disposal plant, public wharves, all streets and sidewalks and the drainage of the streets and sidewalks, ~~provided, however, that the Director of Neighborhood and Environmental Programs~~ AND shall enforce certain specified rules and regulations related to sewer pretreatment and storm water management.

C. All construction, repair or extension of any pavement, building, sewer, water mains, highways, gutters and any appurtenances thereto, and all other construction, repair or maintenance work conducted by the City, shall be done by or under the supervision of the Director of Public Works unless specific direction to the contrary is made by the City Council.

D. The director has charge of the collection and disposal of garbage and refuse.

E. Except for vehicles used and maintained by the Police Department, the Fire Department and the Department of Transportation, the Director of Public Works has charge of and is responsible for the condition and maintenance of all motor vehicles and trucks.

F. TO REGULATE ACTIVITIES IMPACTING UPON SEWER PRETREATMENT, AND STORM WATER MANAGEMENT AND TO ENFORCE RULES AND REGULATIONS GOVERNING SEWER PRETREATMENT AND STORM WATER MANAGEMENT.

G. TO ENFORCE RULES AND REGULATIONS SPECIFIED IN CHAPTER 10.16 OF THE CITY CODE GOVERNING REFUSE, RECYCLABLE MATERIALS, AND SOLID WASTE.

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

### **Article XI - Environmental Commission.**

#### **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, the land, waters, noise 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 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.

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 Neighborhood and Environmental Programs PLANNING AND ZONING AND OTHER DEPARTMENTS AS APPROPRIATE as requested by the ~~Director~~ 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 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, 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.

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

### **Article XIII - Environmental Review Committee.**

#### **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 Directors of ~~the Departments of Neighborhood and Environmental Programs (DNEP)~~ PLANNING AND ZONING, Public Works, Recreation and Parks, OFFICE OF ENVIRONMENTAL POLICY, and the Purchasing Agent. The Director of ~~DNEP PLANNING AND ZONING~~THE OFFICE OF ENVIRONMENTAL POLICY shall serve as the 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 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.
5. Assist the various City offices to ensure that contracting procedures do not discriminate against reusable, recycled, or environmentally preferable products without sufficient justification.
6. Evaluate environmentally preferable products to determine the extent to which they may be used by the City and its contractors.
7. Review and revise contracting procedures to maximize the specification of designated environmentally preferable products where available.
8. 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.

9. Prior to fiscal year 2009, 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 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 chloroflourocarbon 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 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 Silver 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.

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 and 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;
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 but not limited to 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.

E. The Environmental Review Committee will formulate a plan by May 31, 2008, 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, 2009.

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. 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.

**CHAPTER 3.08 - EXEMPT SERVICE**  
**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 1;
8. Attorney 2;
9. Community Relations Specialist;
10. Human Services Officer and Ombudsman;
11. Administrative Assistant;
12. Assistant City Manager;
13. Public Information Officer and Quartermaster;
14. Executive Office Associate;
15. Recruitment/Employee Relations Administrator;
16. Deputy Fire Chiefs; and
17. Police Major and Captains;
18. HUMAN RESOURCES MANAGER; AND
19. DIRECTOR OF OFFICE OF ENVIRONMENTAL POLICY.

**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:

Position	Grade
Executive Office Associate	A10
Recruitment/Employee Relations Administrator	A15
Communications Officer	A18
Deputy Fire Chief	F18
Human Resources Director <del>Director</del> <u>MANAGER</u>	A20A18
Director of Transportation	A20
<del>Director of Neighborhood and Environmental Programs</del> <u>DIRECTOR OF OFFICE OF ENVIRONMENTAL POLICY</u>	A20
Director of Recreation and Parks	A20
City Attorney	A20
Assistant City Attorney	A18
Director of Finance	A20



Director of Planning and Zoning	A20
Human Services Officer and Ombudsman	A18
Community Relations Specialist	A12
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

2. The salary of the Mayor for the term of office commencing on the first Monday in December, 2013, 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, 2013, shall be an annual salary of thirteen thousand five hundred dollars. Each Alderman and Alderwoman shall be afforded an annual allowance of one thousand five hundred dollars for expenses related to executing the duties associated with their office; such expenses shall include the cost of cell phones, postage, correspondence, office supplies, and 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 twenty 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 ~~Director~~ 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 City Manager or the Mayor's discretion, with the exception of those positions listed in Subsection (B)(2) of this Section;

2. Shall be justified by a performance evaluation by the Department Director that exceeds the minimum requirements for the position for the following positions:

i. Deputy Fire Chiefs,

- ii. Police Captains,
  - iii. Police Major,
  - iv. Recruitment/Employee Relations Administrator,
  - v. Assistant City Attorney,
  - vi. Public Information Officer and Quartermaster.
3. Shall not be awarded to an individual more frequently than once per year;
4. Shall not be for an amount exceeding one pay step in the grade range for the position as set in Subsection (A)(1) of this Section;
5. Shall 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 assigned to a salary 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. In no case shall the new salary exceed the maximum salary of the new grade.
- E. For positions other than those specified in Subsection (B)(2) of this Section, the Mayor or City Manager, whichever is the Appointing Authority, may make an initial appointment at a salary greater than the first step of the assigned grade. The appointment and initial salary is subject to confirmation by the City Council. For those positions specified in Subsection (B)(2) of this Section, appointments made by Department Director 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 and the approval of the Human Resources Director.
- F. The Mayor shall report to the City Council on an annual basis the salaries of all positions listed in Subsection A of this Section, and all increases in salary awarded since the prior report.

### **Section 3.08.070 - Job descriptions.**

- A. All exempt service job descriptions, with the exception of the City Manager and Department Directors, shall be approved by the Director of Human Resources MANAGER and City Manager.
- B. The job descriptions for the City Manager and Department Directors shall be reviewed by the Director of Human Resources MANAGER and City Manager and then submitted to the City Council for approval.
- C. The job descriptions for contractual employees shall be prepared by the hiring Department and Department OFFICE of Human Resources and then approved by the Director of Human Resources MANAGER and City Manager.”

### **Chapter 3.10 - Other Excluded Service**

#### **Section 3.10.010 - False statements.**

- A. All individuals applying for civil, exempt or other excluded service positions shall sign and submit to

the Human Resources ~~Director~~MANAGER a completed City of Annapolis employment application or form that contains language identifying the right of the City or appointing authority to dismiss the applicant/appointee from employment service with the City.

B. If an individual is found by the appointing authority to have made a knowingly false statement while applying for a position, that individual shall no longer be considered for employment with the City of Annapolis. If it is determined that an employee made a knowingly false statement in that individual's employment application, then disciplinary action shall be taken by the appropriate supervisor consistent with Section 7-5D, Code of Conduct, Group III Offense, of the City of Annapolis Rules and Regulations.

### **Chapter 3.12.030 - CIVIL SERVICE ADMINISTRATION.**

#### **3.12.030 - Human Resources ~~FINANCE Director~~ MANAGER -Duties.**

The Human Resources ~~FINANCE Director~~MANAGER shall be responsible for:

- A. Administering personnel actions;
- B. Maintaining necessary personnel records for all employees and of the proceedings of the Civil Service Board;
- C. Supervising the soliciting, examining and selecting of applicants for all vacant positions;
- D. Disseminating information regarding actions of the Civil Service Board;
- E. Adopting and promulgating rules and regulations governing personnel matters, not in conflict with the Charter, this Code or any ordinance, to implement the provisions of this title. The rules and regulations shall become effective not less than forty-five days following its promulgation and transmission to the City Council by the Human Resources ~~FINANCE Director~~MANAGER, unless an objection to the rules or regulations, or any portion, is registered by the City Council by a resolution adopted prior to the effective date of the rules or regulations. In addition to the foregoing, the City Council may adopt by resolution any rule or regulation recommended by the Human Resources ~~FINANCE Director~~MANAGER for expedited implementation. If so adopted, each such rule or regulation shall become effective upon the approval of the resolution.

### **Chapter 3.12 - Civil Service Administration**

#### **Section 3.12.050 - Civil Service Board-Duties.**

The Civil Service Board shall be responsible for:

- A. Approving the classification and establishment of minimum qualifications for all civil service positions upon the recommendation of the Human Resources ~~Director~~MANAGER. Any new or reclassified position that will result in a financial impact to the budget shall be subject to funding approval through the annual budget process or the budget transfer process defined in Section 6.16.020 of the City Code;
- B. Making recommendations to the City Council as provided in this chapter;
- C. Making recommendations to the appointing authorities and City Council designed to promote the morale and training of the civil service employees;

D. Hearing and deciding all appeals from civil service employees as provided by Chapter 3.16 of this Code, intolerable working conditions and other areas enumerated in the rules and regulations of the Personnel System.

**Section 3.12.060 - Classification.**

The Human Resources ~~Director~~MANAGER is responsible for the classification and the reclassification of each position in the civil service system. Each position shall be classified in a job description on the basis of the kind and level of duties and responsibilities assigned to the position. A job description may include one position or several similar positions. The positions classified in one job description shall be sufficiently alike to permit the use of a single descriptive title, the same minimum qualifications, and the same pay scale. Job descriptions and any subsequent revisions shall be forwarded to the Civil Service Board for approval.

**Section 3.12.070 - Pay plan.**

A. The Human Resources ~~Director~~MANAGER is responsible for the preparation and maintenance of a pay plan. Each job description in the civil service system shall be placed in a pay grade which offers a range of pay commensurate with the duties and responsibilities enumerated in the job description. The pay plan shall become effective upon the date specified in the resolution of the City Council adopting the pay plan.

B. Revisions in the pay plan requested by appointing authorities shall be submitted to the Human Resources ~~Director~~MANAGER. The Human Resources ~~Director~~MANAGER may also initiate such revisions in the pay plan for any civil service employee as is deemed necessary. The Human Resources ~~Director~~MANAGER shall forward pay plan revisions to the City Council with recommendations.

C. In-grade pay increases for civil service employees shall be governed by the following:

1. A civil service employee shall not be granted an in-grade pay increase without the favorable recommendation of the employee's supervisor and appointing authority. At least twelve months shall elapse between each in-grade pay increase granted to any one civil service employee. No employee shall be paid a salary less than the minimum nor more than the maximum limits prescribed by the pay grade to which the employee's position has been assigned.

2. An in-grade pay increase may be awarded only to a civil service employee who exceeds the recommended minimum standards of the position the employee occupies. A recommendation for an in-grade pay increase shall be based on a review of the employee's performance since the last in-grade pay increase. In no case shall an in-grade increase be awarded without regard to an employee's performance.

3. Except as changed in accordance with Section 3.04.010, an employee's anniversary date shall be:

- a. The employee's date of hire if the employee became a member of the civil service system after May 1, 1980; or
- b. The employee's review date as of March 1, 1980, if the employee became a member of the civil service system on or before March 1, 1980.

D. Once a pay plan has been adopted, the City Council shall not increase or decrease the pay of an individual employee but shall change rates of pay only by the passage of a resolution revising the pay plan.

## Chapter 3.16 - Appointment, Status and Separation

### Section 3.16.030 - Appointments.

A. The appointment to fill a vacancy shall be based on merit determined by procedures established by rules and regulations of the personnel system.

B. Policies and procedures for administering appointment lists shall be enumerated in the rules and regulations of the personnel system concerning the duration, cancellation, replacement, and consolidation of such lists, and the removal or suspension of the names of eligible applicants.

C. Applicants for a vacant position who apply and qualify for employment or reemployment shall be placed on an appointment list. When an appointment is to be made to fill a vacancy, the Human Resources ~~Director~~MANAGER shall certify the list to the appointing authority. The decision of the appointing authority as to the employment of any applicant shall be final.

### Section 3.16.050 - Promotions within Police and Fire Departments.

In addition to any other requirements of this title pertaining to promotions, all sworn members of the Police and Fire Departments shall be required to take examinations for promotion to a higher rank. The content of such examinations, as well as all procedures for administering and evaluating the examinations, and any other requirements for promotion within the Police and Fire Departments, eligibility for promotion, or criteria for promotion, shall be established and revised, from time to time, by the Human Resources ~~Director~~MANAGER after obtaining the recommendation of the respective chief of the department. All requirements and procedures for promotion within the Police and Fire Departments shall be in writing and made available to all members of those departments.

### Section 3.16.060 - Disability examinations.

A. The Human Resources ~~Director~~MANAGER, in addition to all other duties, may refer to a private health care provider for examinations all applicants for employment and any employee when requested to do so by the employee's appointing authority, or their duly authorized agents. The Human Resources ~~Director~~MANAGER shall request that the health care provider report the findings to the Human Resources ~~Director~~MANAGER upon completion of the examination, and the Human Resources ~~Director~~MANAGER shall make recommendations to the appropriate appointing authority based upon the health care provider's report as to employment of the applicant, retention or any other findings regarding the employee.

B. The case of any employee on sick leave, or absent due to injury or illness, for thirty or more work days during any twelve consecutive month period, may be referred to a health care provider by the Human Resources ~~Director~~MANAGER for an examination. Upon receipt of the health care provider's report, the Human Resources ~~Director~~MANAGER shall recommend to the employee's appointing authority based upon the health care provider's report:

1. That the employee be returned to work in the same or in some other available capacity or position; or
2. That the employee be continued on sick leave, if available, or leave of absence without pay; or
3. That the employee be dismissed pursuant to Section 3.16.120 by reason of incapacity in performance of duties.

C. The case of an employee continued on sick leave or leave of absence without pay may be reevaluated

under this chapter not more than once every thirty days thereafter until the employee either returns to full duty or is dismissed by reason of incapacity.

D. An employee on sick leave, or absent due to injury or illness, who fails or refuses to appear at a physical examination scheduled pursuant to this Section or who fails or refuses to return to work after being directed to do so based upon a physician report indicating that the employee is able to return to work, shall be subject to discipline pursuant to Section 3.16.120.

E. The Human Resources ~~Director~~MANAGER shall recommend to the City Council regulations consistent with the provisions of this chapter for publication in the City Rules and Regulations of the personnel system.

### **Section 3.16.080 - Permanent status.**

A probationary status civil service employee shall be retained beyond the end of the probationary period and granted permanent civil service status if the appointing authority certifies that the services of the employee have been found satisfactory and recommends to the Human Resources ~~Director~~MANAGER that the employee be given permanent status.

### **Section 3.16.120 - Discipline.**

A. A permanent status employee may be disciplined when, in the judgment of the appointing authority, the employee's work or misconduct so warrants. The procedures set forth in Sections 3.16.120 and 3.16.150 shall apply whenever disciplinary action is taken against a permanent status employee except cases governed by the Law Enforcement Officer's Bill of Rights as may be amended from time to time, and cases in which an employee elects to pursue a grievance procedure under a collective bargaining agreement.

B. The following constitute grounds for discipline:

1. Incompetence, incapacity or inefficiency in performance of duties;
2. Violation of law, rules and regulations of the personnel system, departmental rules, regulations, orders, policies, or failure to obey any lawful or reasonable direction;
3. Conviction of a felony or of any offense that negatively impacts the employee's position;
4. Willful or repeated negligence in performing duties;
5. Conduct unbecoming of an employee of the City;
6. Conduct detrimental to the efficiency and morale of the service;
7. Misuse of public funds or property;
8. Knowingly falsifying reports or records;
9. Intoxication, illegal drug use, or possession of drugs or alcohol while on duty;
10. Violation of the provisions of Chapter 2.08 and Section 3.24.020(C);
11. Excessive absenteeism.

C. Upon a finding by the appointing authority that an employee's conduct is prohibited or subject to discipline, the appointing authority may impose reasonable discipline including, but not limited to reprimand, suspension, demotion, transfer or dismissal.

D. When the appointing authority takes disciplinary action pursuant to this chapter, the appointing authority shall file with the employee and the Human Resources ~~Director~~MANAGER a written notification containing a statement of the reasons for the action.

E. In cases involving a proposed suspension or dismissal, the appointing authority may place the employee on administrative leave, with or without pay, pending disposition of the proposed disciplinary action. If the appointing authority places the employee on administrative leave pursuant to this Subsection, the appointing authority shall specify the terms of such leave in the notice of the disciplinary action provided under Section 3.16.120(D).

## **Chapter 3.16 - APPOINTMENT, STATUS AND SEPARATION.**

### **Section 3.16.150 - Appeals.**

A. A permanent status civil service employee may appeal a disciplinary action consisting of a suspension without pay of any length, demotion or dismissal as follows:

1. Informal Appeal to Appointing Authority: Prior to the imposition of discipline consisting of suspension without pay, demotion or dismissal, the employee may file with the appointing authority and Human Resources ~~FINANCE Department~~ MANAGER a written request to be heard informally by the appointing authority in response to the stated reason for the discipline.

- a. Such a request shall be filed not later than five working days following the date of the notice of disciplinary action under Section 3.16.120(D). The employee's right to a hearing by the appointing authority shall be waived if not timely filed.
- b. Within ten working days after a timely request, the appointing authority shall conduct an informal hearing at which the employee shall be given an opportunity to respond to the reasons for the disciplinary action and at which time the department director may consider evidence and relevant testimony.
- c. Within ten working days after a hearing conducted under this Subsection, the appointing authority shall file with the employee and the Human Resources ~~FINANCE Department~~ MANAGER a written decision. The decision may rescind, modify or affirm the disciplinary action.
- d. If the employee has filed a timely request for an informal hearing as described in this Section and the appointing authority has provided a decision which the employee wishes to appeal, the employee may appeal that decision to the Civil Service Board. The appeal with the Civil Service Board shall be filed with the Human Resources ~~FINANCE Department~~ MANAGER in writing not later than five working days after the date of the appointing authority's decision.

2. Direct appeal to Civil Service Board: The employee may waive the informal hearing described in Section 3.16.150.A.1. Above and file a direct appeal to the Civil Service Board.

a. Such an appeal shall be filed in writing with the Human Resources ~~FINANCE Department~~ MANAGER not later than five working days after the date of notice of the disciplinary action under Section 3.16.120(D). The employee's right to an appeal to the Civil Service Board shall be waived if not timely filed.

b. If the employee files a timely request for a Civil Service Board hearing pursuant to this Section, the imposition of discipline shall be suspended pending the decision of the Civil Service Board.

c. The Civil Service Board shall schedule a hearing within a reasonable time not exceeding forty-five days, unless extended by the Board, following the date the appeal was filed. The hearing shall be open to the general public. The employee may be represented by counsel, present witnesses in the employee's behalf and examine and cross-examine all witnesses. The Civil Service Board shall have the power to issue a subpoena on its own or at the request of the employee or the City. The Civil Service Board may request any employee of the City to give testimony. Notwithstanding any provision of the Charter or this Code authorizing the City Attorney



to serve as legal counsel to the Civil Service Board, in contested cases before the Board, the City Attorney shall represent the interest of the City and the appointing authority and shall not render legal advice to the Civil Service Board.

d. The Civil Service Board shall issue a written decision within forty-five days after the conclusion of the hearing. If the Civil Service Board finds that the action of the appointing authority was in error or acted contrary to the provisions of the City Code or the rules and regulations of the personnel system, or that the appointing authority failed to follow the proper procedure, the Civil Service Board may affirm, reverse or modify the action of the appointing authority and, if appropriate, may order reinstatement of the employee with or without loss of pay. Decisions of the Civil Service Board on all appeals shall be in writing, shall contain the reasons for the decision, and constitute final administrative adjudication.

3. Leave Without Pay Status: If an employee is placed on administrative leave without pay prior to the imposition of discipline or the resolution of a pending appeal, the employee may file with the appointing authority and Human Resources ~~FINANCE Department~~ MANAGER a written request to be heard informally by the appointing authority in response to the reason for the action.

a. Such a request shall be filed not later than five working days following the date of the notice of disciplinary action under Section 3.16.120(D). †The employee's right to a hearing by the appointing authority on the issue of being placed on leave without pay shall be waived if not timely filed.

b. Within ten working days after a timely request, the appointing authority shall conduct an informal hearing at which the employee shall be given an opportunity to respond to the reasons for the leave without pay decision and at which the Department Director may hear from others with relevant information.

c. Within ten working days after a hearing conducted under this Section, the appointing authority shall file with the employee and the Human Resources ~~FINANCE Department~~ MANAGER a written decision. The decision may rescind, modify or affirm the leave without pay decision. A request to be heard filed under this Section shall not stay the leave without pay decision.

d. If the employee has filed a timely request for an informal hearing as described in this Section, the employee may appeal that decision to the Civil Service Board. The appeal to the Civil Service Board shall be filed in writing with the Human Resources ~~FINANCE Department~~ MANAGER not later than five working days after the date of the appointing authority's decision.

4. Appeal Under a Collective Bargaining Agreement: An employee who is a member of a recognized employee organization may elect to pursue either the remedies available under the provisions of the applicable collective bargaining agreement or the remedies available under this Section.

a. The presentation of a written grievance pursuant to a collective bargaining agreement shall constitute a waiver of remedies available under 3.16.150.A. or 3.16.150.B.

b. The filing of either a request for hearing under Section 3.16.150.A. or an appeal under Section 3.16.150.B. shall constitute a waiver of remedies available under a collective bargaining agreement.

5. An employee may file an appeal to the Civil Service Board alleging intolerable working conditions or other complaints enumerated under the civil service rules within thirty days of the date of the event which causes the employee to believe he or she has been aggrieved. Intolerable working conditions exist when: (1) the

employer's unlawful conduct effectively forced the employee to resign; (2) a continuous pattern of employer misconduct existed; (3) or conditions were so egregious and intolerable that any reasonable person would have resigned.

a. The Civil Service Board shall schedule a hearing within a reasonable time not exceeding forty-five days after the appeal was filed, unless extended by the Board. The hearing shall be open to the public. The employee may be represented by counsel, present witnesses and examine and cross-examine all witnesses. The Civil Service Board shall have the power to issue a subpoena on its own or at the request of an employee of the City. The Civil Service Board may request any employee of the City to give testimony. Notwithstanding any provision of the Charter or this Code authorizing the City Attorney to serve as legal counsel to the Civil Service Board, in contested cases before the Board the City Attorney shall represent the interests of the City and the appointing authority and shall not render legal advice to the Civil Service Board.

b. The Civil Service Board shall issue a written decision within forty-five days after the conclusion of the hearing.

B. In appeals of demotions, non-disciplinary dismissals and violations of the City Code or rules and regulations of the personnel system not otherwise addressed in Section 3.16.150, the Board may affirm, reverse or modify the action of the appointing authority, and in appeals of alleged intolerable working conditions, the Board may order any of the following relief:

1. Order that the employee or employees causing the intolerable working conditions cease and desist in the conduct that creates the intolerable working conditions;
2. Order that the employee or employees causing the intolerable working conditions accept counseling, education and/or training;
3. Recommend disciplinary action against the employee or employees causing the intolerable working conditions;
4. Order that the employee who was the subject of the intolerable working conditions be offered reinstatement to his or her most recent position with the City or, if not available, to other suitable employment in the City.
5. A failure by the appointing authority or the Civil Service Board to timely conduct a hearing or to timely issue a determination following a hearing shall not constitute a basis to reverse or modify any disciplinary action taken pursuant to this chapter.
6. A party aggrieved by a decision of the Civil Service Board made pursuant to this Section may appeal that decision to the Circuit Court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 as may be amended from time to time. An appeal under this Section must be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.

## **Chapter 3.20 - Leaves**

### **Section 3.20.080 - Sick leave.**

Each full-time civil service employee shall be entitled to paid sick leave at the employee's regular rate of pay. Sick leave shall be granted and administered as follows:

- A. Upon completion of six months' continuous employment, employees are entitled to sick leave accrued from the date of first employment at the rate of one and one-quarter working days per month.

- B. When an employee becomes ill the employee shall notify the immediate supervisor or appointing authority prior to the start time of the scheduled work day and the probable date of return to work. In the case of absences due to illness for over three consecutive days the employee shall obtain and provide a certificate from a licensed medical provider describing the nature of the illness, date treatment began, and date of discharge or probable date of discharge from treatment. Failure to timely notify the supervisor or appointing authority is sufficient cause for disciplinary action.
- C. All sick leave shall be substantiated by an approved sick leave form to be submitted by the employee.
- D. Absence due to illness or injury incurred while on duty shall be substantiated by a sick leave request. When an employee is rendered unable to report for work because of an illness or injury sustained while in the line of duty and subsequently receives workers' compensation, then, during the period of the employee's inability to report for work, the City shall pay to the employee the difference between the amount received through workers' compensation and the employee's current basic salary. The portion of time paid for by the City shall be charged against the employee's accumulated sick leave, but no charge shall be made against sick leave for that portion of time which is paid for by workers' compensation. Should the term of any case exceed a period of thirty calendar days, the case shall be referred by the Human Resources ~~Director~~MANAGER for a medical evaluation and recommendation in accordance with Chapter 3.16. If any employee has received all of his/her sick leave entitlement and remains unable to report for work, the employee shall revert to nonpay status unless otherwise authorized by the appointing authority.

#### **Section 3.20.140 - Sick leave bank.**

By regulation, the ~~Department~~OFFICE of Human Resources shall establish a sick leave bank to which employees may donate unused annual leave and from which employees who are entitled to sick leave but have exhausted all sick leave may draw additional sick leave from the bank.

#### **Chapter 3.28 - MEDICAL REVIEW\***

The Human Resources ~~Director~~MANAGER may retain outside medical professionals to perform independent medical examinations as needed in order to assess the fitness for duty of applicants or employees.

#### **Chapter 3.32 - Employee-Management Relations**

##### **Section 3.32.060 - Negotiations.**

- A. Upon recognition of an employee organization as the exclusive representative of the employees in an appropriate unit, the employer and the employee organization shall have the duty, through appropriate officials or their representatives, to negotiate collectively and in good faith with respect to the terms and conditions of employment of employees in the unit. To negotiate with each other in good faith shall mean that each party shall keep the other informed on all matters within the scope of the representation and give reasonable written notice of any action proposed to be taken.
- B. Negotiations with an employee organization which has been accorded exclusive recognition may be conducted during the duty hours of the employee organization representatives involved in the negotiations, if they are employees within the appropriate unit, provided their attendance does not interfere seriously with the normal operations of the City and upon notice to their supervisor.

- C. The ~~Human Resources Director~~CITY MANAGER shall act as the City's primary representative for the purpose of conducting any negotiations or other relationships between any recognized employee organization and the City government.
- D. The parties shall begin negotiations not later than October prior to the beginning of the effective fiscal year. When the parties reach agreement, they shall prepare a written memorandum of such agreement and submit it to the City Council for its ratification or rejection. To have the results of any agreement considered by the City Council, that agreement must conform to the City's fiscal year or years and be submitted to the Mayor by the first Monday in February prior to the beginning of the effective fiscal year so as to allow the financial impact of any negotiations to be included in the Mayor's annual budget submission under Section 6.16.010. However, any agreement governing the relationship between the City and any recognized employee organization shall be entered into consistent with provisions of this section and all other applicable laws or ordinances of the City. In the event of any conflict or inconsistency between a collective bargaining agreement entered into between the City and a recognized employee organization and any Federal, State or City law, the provisions of the Federal, State or City law shall prevail.

**Chapter 6.04 - FINANCE AND TAXATION GENERALLY.**  
**Section 6.04.230 - Historic Preservation Tax Credit.**

A. Purpose. Subject to the provisions of this section, the Director of Finance may allow a tax credit on City real property taxes based upon the amount expended by a property owner for preservation, restoration and/or rehabilitation of any property having historic or architectural value and which the City Council designates a landmark pursuant to Chapter 21.56 of the City of Annapolis Historic District Zoning Ordinance. The Chief of Historic Preservation and Director of Finance shall promulgate rules and regulations to implement this section of the City Code.

B. Qualified Expenses. The tax credit shall be applied to those expenses having to do with exterior features of a structure and all those interior improvements required for life/safety or hazard mitigation as determined to be qualified by the Chief of Historic Preservation ~~in consultation with the Department of Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

C. Tax Credit Defined. The tax credit shall be in an amount equal to:

1. Ten percent of the property owner's expenses for qualified preservation, restoration and/or rehabilitation on residential properties;
2. Twenty-five percent of qualified preservation, restoration and/or rehabilitation on income-producing properties to include life/safety and hazard mitigation;
3. Residential properties may qualify for a twenty-five percent tax credit on qualified interior improvements required for life/safety or hazard mitigation;
4. Twenty-five percent tax credit for qualified exterior restoration work when there is replacement of a non-historic feature or material with a historically appropriate feature or material on both residential and income-producing properties.

D. Documentation. All expenses sought to be qualified shall be properly documented and attested to in an affidavit on the required form. The total estimate of eligible expenses must exceed five thousand dollars

per application for tax credit consideration.

1. A property owner seeking to qualify expenses for property tax credit purposes must either have already obtained a certificate of approval from the Historic Preservation Commission or concurrently submit an application for a certificate of approval with the tax credit application.

E. Refund. If a property owner initiates an action that results in the loss of landmark status, as determined by the Chief of Historic Preservation, within five years after receiving a tax credit approval, then the property owner shall refund the entire amount of the tax credit to the City. If the loss of the landmark status is not due to a property owner's actions, then no refund is required.

F. Project Approval. Once a property has been designated a landmark pursuant to Chapter 21.56 of the Annapolis City Code, the property owner may submit an application for the historic preservation tax credit to the Chief of Historic Preservation with the documentation and information required by the Chief of Historic Preservation.

1. The Historic Preservation Commission may authorize the Chief of Historic Preservation to certify the historic tax credit application if it meets the criteria set forth in this section of the City Code, the Historic Preservation Commission Design Manual, and the Secretary of the Interior's Standards for Rehabilitation. The issuance of a Historic Preservation Commission Certificate of Approval for the qualified preservation, restoration or rehabilitation is required prior to preliminary certification of the historic tax credit. The property owner shall also concurrently submit any other necessary building and other permit applications to the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING for adjudication of the application.
2. All certified historic tax credit work shall commence within six months after the date of issuance of the associated certificate of approval.

G. Application of Credit. Within two years of certification of the historic tax credit application, the property owner shall submit documentation, including photographs of the completed work and an affidavit, to the Chief of Historic Preservation for final certification of the historic tax credit expenses. Upon determination by the Chief of Historic Preservation that all applicable laws have been met in the preservation, restoration and/or rehabilitation of the approved property, and certification of qualified expenses, the Director of Finance may authorize the approved tax credit to be applied as a credit to the property owner's next real property tax bill.

1. If the tax credit exceeds the amount of the real property tax bill, the balance may be carried forward for up to five years.
2. The total amount of all historic tax credits that the Director of finance may approve shall not exceed one hundred fifty thousand dollars in any one fiscal year.
3. The Director of Finance may not approve a tax credit that exceeds fifty thousand dollars for any certificate of approval.

H. Extensions. Any extensions of deadlines imposed by this section of the City Code shall be submitted for review and adjudication by the Chief of Historic Preservation as authorized by the Historic Preservation Commission. Extensions may be allowed for good cause.

I. Appeals. Any person aggrieved of a final decision pursuant to this section of the City Code may

appeal to the Circuit Court of Anne Arundel County.

**Chapter 6.29 - ESTABLISHMENT OF PROGRAM TO ENCOURAGE ENERGY EFFICIENCY IMPROVEMENTS AND RENEWABLE ENERGY PRODUCTION EQUIPMENT.**

**Section 6.29.010 - Establishment of program to encourage energy efficiency improvements and renewable energy production equipment.**

A. A Clean Energy Loan Program, as authorized under Article 24, Sections 9-1501 through 9-1507 of the Annotated Code of Maryland, is hereby established to encourage energy efficiency improvements and/or the use of renewable energy production equipment in the City (the "Program").

B. The only loans administered by the Program are loans that are for energy efficiency improvements or renewable energy production equipment.

C. In order to be able to participate in the Program and obtain a loan through the Program, the person or entity receiving the loan must meet the following requirements:

1. Have a one hundred percent ownership interest in real property located within the City;
2. Obtain an acceptable energy audit for the property which shows that the annual energy savings to be obtained by the proposed energy efficiency improvements and/or renewable energy production equipment equal or exceed the annual repayment amount for the loan from the Program.
3. Agree to repay the loan through a surcharge assessed as additional charges on the owner's real property tax bill to be collected by the City or its delegated agent, which surcharge shall not exceed the amount that equates to the total loan repayment obligation of the owner, including principal and interest and any other fees or charges owed;
4. Provide the City with a notarized statement and documentation of the owner's assets, income and liabilities, which shall include at a minimum the owner's most recent federal tax return, IRS form W-2, payroll statement, credit report, and any other documentation required by the City;
5. Provide the City with copies of the owner's most recent property tax bill and documentation that it has been paid, and the owner's homeowner's insurance policy and documentation that it is currently in force;
6. Have a debt to income ratio of not greater than forty-three percent;
7. Otherwise establish, if the City requests, that the owner has the ability to repay the loan from the Program;
8. Obtain and provide to the City the written consent of all lenders with prior recorded liens or other interests governing the property which consent establishes that the lender permits the owner to accept the loan with the surcharge added to the real property tax bill for the property;
9. Sign a lien or surcharge statement or other such document in favor of the City, in recordable form, with language that the loan and surcharge establish a lien on the property in favor of the City, and that the lien and surcharge are binding on the owner and the owner's heirs, personal representatives, successors and assigns, including but not limited to subsequent purchasers of the property, and that the lien and surcharge shall run with the property, which statement or document shall be recorded among the land records of Anne Arundel County at the expense of the owner.

D. Loans under the Program:

1. Must be for at least two thousand five hundred dollars, and may not exceed ten thousand dollars;

2. Bear interest at a preferred rate, which may vary from time to time depending on market conditions, taking into consideration the owner's credit standing;
3. Shall be repayable over a period of between ten and fifteen years, unless repaid earlier from proceeds of settlement resulting from a sale or other transfer of the property for cash consideration.

E. A loan under the Program, together with accrued interest and related charges, shall, as a surcharge to the owner's real property tax assessment, constitute a first lien on the property and have priority over other liens on the property in favor of private parties, whether prior or subsequent, unless contrary to State law, provided that the City, in its sole discretion, may accept its lien as subservient to other prior recorded liens. Any unpaid surcharge amount and accrued interest and related charges, or any unpaid amount thereof, are collectable by suit or tax sale in the same manner as all other real property taxes payable to the City, to the extent permitted by State law. If the owner does not pay the surcharge or other related charges as required, the City shall be entitled to take all lawful actions to have the property sold at a tax sale conducted by Anne Arundel County, Maryland.

F. A loan under the Program shall be facilitated by the City directly with the owner. Each owner shall enter into a contract with the City which shall contain the terms of the loan from the Program and its repayment, and such other terms as the City may deem advisable, including but not limited to the following terms;

1. The consent of the owner that the City shall be authorized to collect repayment of the loan by adding a surcharge on the owner's real property tax bill for the property, which surcharge shall continue and not be released until the loan, and accrued interest and related charges are fully repaid, regardless of any change in ownership of the subject property;
2. A requirement that the owner notify any existing lenders who hold a prior recorded lien governing the property of the loan made under the Program and the amount of the annual loan payment, and obtain the written consent of all such lenders to the loan, and to the surcharge to be placed on the owner's real property tax bill to secure the repayment of the loan, and to the establishment of a first lien on the property in favor of the City to which the prior recorded lien is subordinate; and
3. A requirement that the owner notify all prospective purchasers of the property of the existence of the loan and its terms, including the surcharge added to the real property tax bill for the property, the obligation repay the loan on the same to which the owner is subject, and the fact that the loan and surcharge run with the property and that the prospective purchaser would be conveyed the property subject to the loan, and surcharge procedure, unless the loan is repaid in full from proceeds of settlement of the sale of the property.

G. All loan repayments and related charges collected under the Program shall be shall be remitted to the appropriate financier along with remittance details.

H. The City may enter into one or more agreements with private or public funding entities to provide financing for the Program. In addition, the City may delegate the management of the Program to a public or private entity.

I. The City shall not finance nor fund any loan pursuant to the Program. The City's only responsibility under the Program shall be to sponsor the Program and to send the property owner the surcharge notice on the property owner's real property tax assessment bill. The City shall not incur or agree to incur any liability to others in the event of a default in the repayment of the loan.

J. All policies governing the management of the Program shall be determined by the Director of

the Department of Neighborhoods and Environmental Programs PUBLIC WORKS OFFICE OF ENVIRONMENTAL POLICY in collaboration with the Director of Finance.

## **Chapter 7.08 - MISCELLANEOUS BUSINESS LICENSES AND PERMITS.**

### **Section 7.08.020 - Billposters.**

No person shall carry on the business of a billposter, or erect or use any billboards in the streets, alleys, lanes or public squares of the City on which to post bills, without first obtaining a license from the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, the fee for which shall be as established by resolution of the City Council. This section does not apply to trustees, attorneys, auctioneers and printers, or to private parties having bills concerning their business distributed and posted in the City.

### **Section 7.08.050 - Poles in streets.**

No person shall erect or maintain any telegraph, telephone or electric light poles on any of the streets or public squares, unless the person erecting or maintaining the poles first obtains from the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING a license, to be paid for at the rate as established by resolution of the City Council. This section does not apply to any pole bearing a public active lamp or active lamp used to light any street, lane, alley, public square or any other public place.

## **Chapter 7.10 - NOTIFICATION OF BISPHENOL-A**

### **Section 7.10.020 - Notification of Bisphenol-A-Enforcement.**

The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING shall be responsible for implementing the requirements of this chapter. Consistent with Section 2.04.090, the Director may promulgate any necessary regulations to implement this chapter.

## **Chapter 7.40 - PEDDLERS, HAWKERS AND ITINERANT MERCHANTS**

### **Section 7.40.040 - License-Application.**

Applicants for a license under this chapter shall file a written sworn application with the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, accompanied by a nonrefundable fee as established by resolution of the City Council, signed by the applicant, furnishing the following information:

A. The name, address and telephone number of the person to be licensed;

B. If the applicant is not going to be managing or supervising the business to be licensed, or in the case of any firm or corporation to be licensed, the name or names of all individuals, and their addresses and telephone numbers, who will be conducting, managing, supervising or administering the business for or on behalf of the applicant;

C. If the applicant proposes to sell, or offer for sale, merchandise or commodities from a fixed location, the place or places within the City where it is proposed to carry on the applicant's business, the hours and days during which the applicant(s) proposes to conduct business from the location, and the length of time during which it is proposed that the business shall be conducted from the location;



D. If the applicant proposes to sell, or offer for sale, merchandise or commodities from house to house, or from place to place, a statement or description of the area or areas of the City which the applicant proposes to frequent, the hours and days during which the applicant proposes to conduct the business, a statement or description of any routes of travel to be followed, and if sales are to be made from any wagon, vehicle, boat or other movable structure, a complete description of it, including any Federal or State registration number, and the license numbers of all vehicles to be used in the business;

E. A statement or description of the nature and character of the business to be conducted and the articles, goods, wares, merchandise or commodities to be sold, or offered for sale by the applicant;

F. A statement as to whether or not the applicant, or any person who will be conducting, managing, supervising or administering the business for or on behalf of the applicant, has been convicted of any crime or violation of any municipal code or ordinance, and if so, the nature and date of the offense, the jurisdiction in which the offense was heard, and the nature of the punishment or penalty assessed;

G. Two photographs, two inches by two inches in size, showing the head and shoulders of the individual in a clear and distinguishing manner, for each individual applicant and for any person who will be conducting, managing, supervising or administering the business for or on behalf of the applicant; and

H. Any other reasonable information as to the identity or character of the applicant or any of the individuals who will be conducting, managing, supervising or administering the business for or on behalf of the applicant, or the method or plan of conducting the business, as the City Clerk may deem necessary or proper, in order to determine the fitness of the applicant to have the license issued, for the protection of the public health, safety and welfare.

#### **Section 7.40.050 - License-Investigation.**

Upon receipt of an application for a license under the provisions of this chapter, the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING shall refer the application to the Police Department, the Department of Public Works, the Fire Department, ~~the Planning and Zoning Department~~, and other agencies or departments of the City deemed appropriate for review, investigation and recommendation, in order to determine whether the activities proposed to be undertaken would be contrary to any law or whether the issuance of the license would otherwise be contrary to the public health, safety or welfare. No license shall be issued until the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING has received reports and recommendations from all departments and agencies to which the application has been referred.

#### **Section 7.40.070 - Fees.**

Upon the approval of an application for a license under the provisions of this chapter, the applicant shall pay a fee to the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING as established by resolution of the City Council for each day for which application has been made, for periods not to exceed twenty days. For licenses issued for periods in excess of twenty days, the fee shall be as established by resolution of the City Council. All licenses shall be issued for a fixed length of time, not to exceed twelve months. If a license is approved, the amount of the application fee shall be a credit against the license fee.

### **Chapter 7.42 - SIDEWALK CAFÉS**

**Section 7.42.040 - Sidewalk café violation.**

The provisions of this chapter shall be enforced by the Department of Public Works and the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING. A person who continues to violate this chapter after a written request to take corrective action is guilty of a municipal infraction and shall be fined for each violation as established by resolution of the City Council plus costs. In addition, the City Council may revoke or suspend a permit issued pursuant to this chapter upon a second or subsequent conviction under this section in any twelve-month period.

**Chapter 8.04 - ANIMAL CONTROL**

**Sections 8.04.010 - Maintaining animals.**

A. No person shall keep or maintain any mule, cow, calf, cattle, sheep, swine or poultry, with the exception of chickens, no roosters, within the City.

1. A maximum of five chickens are allowed on any one property.
2. All persons shall provide their chickens with a sturdy coop and an attached, secure enclosure set back at least five feet from the property line.
3. All persons keeping chickens shall receive approval from all abutting owners of their intent to keep chickens using the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING backyard chicken registry and approval form. Prior to keeping any chickens, said form shall be submitted to the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING along with accompanying fees and approved inspection.

B. No person shall keep or maintain any animal within the City for the purpose of human consumption, except where the animal is maintained for the purpose of consumption as part of a religious observance.

**Section 8.04.020 - County provisions adopted.**

A. Except as otherwise provided by this chapter, the provisions of the Anne Arundel County Code (1986 edition and supplements), Article 12, Animal Control, as the same from time to time may be amended, are applicable and effective within the City as though those provisions were set forth at length in this chapter. The County shall administer and enforce those regulations in the City in the same manner as they are administered and enforced in the non municipal areas of the County.

B. In addition to provisions of the Anne Arundel County Code made applicable within the City pursuant to the preceding subsection, the City Council may provide for additional animal control through the adoption of provisions to this chapter. All such additional animal control provisions shall be administered and enforced by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

**Chapter 10.08 - ABANDONED REFRIGERATORS**

**Section 10.08.010 - Abandoned refrigerator.**

A. No person shall allow any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight door, snap-lock or lock which may not be released for opening from

the inside of such icebox, refrigerator or container to be placed on property under his or her control, without first removing the door, snap-lock or door hinges.

B. A 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.

C. The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or the director's designee shall have the power to enforce the provisions of this section through the issuance of a municipal citation.

## **Chapter 10.12 - FOOD-HANDLING ESTABLISHMENTS**

### **Sections 10.12.140 - Administration and enforcement.**

A. The provisions of this chapter shall be administered and enforced by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING except with regard to those matters administered and enforced by the Health Officer.

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 ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or the director's 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.

### **Section 10.12.150 - Certification of food service facility managers.**

A. Food Service Certification Program. The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING shall establish a Food Service Certification Program as follows:

1. A "certified food service facility manager" means an individual who has passed an examination approved by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING (hereafter referred to as "Department") and is certified by the Department to exercise operational supervision in a food service facility.

2. The Department shall ensure that each moderate or high priority food service facility, as defined by Code of Maryland Regulations 10.15.03, retains a certified food service facility manager in accordance with this section. After July 1, 2007, each moderate or high priority food service facility shall have at least one certified food service facility manager available for consultation during normal business hours. After July 1, 2009, each moderate or high priority food service facility shall have at least one certified food service manager on site during normal business. The Department may negotiate an agreement with the Anne Arundel County Department of Health to determine if food service facilities are in compliance with this paragraph. The program established by this section shall not become effective until the Department is able to negotiate this agreement.

3. The Department shall establish a certification registration program for food service facility managers and shall develop and maintain a central registry of certified food service facility managers that contains at least the following information:

- a. Name of the certified individual;
- b. Address of the certified individual; and

- c. Date of certification and recertification; and
4. The Department shall approve certification examinations that effectively cover:
  - a. The agents, causes, and prevention of food-borne illness;
  - b. The proper food handling methods as related to the source, receipt, storage, preparation, holding, serving, and transportation of food;
  - c. The maintenance of a sanitary food service facility;
  - d. The supervision of personnel within a food service facility to promote proper personal hygiene and handwashing by food handlers and the exclusion of sick workers from food handling; and
  - e. Food allergens.
5. The Department shall accept applications for a food service manager certificate that include the following information:
  - a. A completed application along with a fee as established by resolution of the City Council;
  - b. Original written evidence of successful completion (within three years of the date of application) of the ServSafe food safety and training and certification program, a valid food service manager certificate from a local jurisdiction that requires the successful completion of ServSafe, or other documentation acceptable to the Department showing successful completion of ServSafe;
  - c. A two-inch by two-inch size photograph that clearly shows the applicant's face;
6. Within a food service facility where a certified food service facility manager is retained, the certified food service facility manager shall:
  - a. Exercise operational supervision to promote food safety and sanitation; and
  - b. Provide training to all food service workers retained by the facility concerning the following:
    - i. Safe food temperatures;
    - ii. Adequate handwashing;
    - iii. Prevention of cross-contamination;
    - iv. Implementation of the facility's hazard analysis critical control point plan; and
    - v. Food allergens.
- c. The training required in Subsection (A)(6)(b) of this section may be conducted by personal demonstration, film, video, internet, or print media.
7. An individual may renew the certification for an additional term by:
  - a. Submitting a renewal application to the Department on a form approved by the Department containing:
    - i. Documentation of successful completion of a recertification course approved by the department; or
    - ii. Evidence that the individual successfully passed a challenge examination acceptable to the department;
    - iii. Proof of having provided a minimum of twenty-four hours of food safety and sanitation training to food handlers in the facility over the three year period; and
  - b. Paying the renewal certification fee as established by resolution of the City Council.
- B. Enforcement.
  1. The Department shall suspend or revoke the certification of a food service facility manager's license and/or fine the food service facility manager according to the fine as established by resolution of the City Council when the food service manager is not in compliance with Subsection (A)(2) of this section; repeatedly fails to comply with the terms of this section; repeatedly violates food safety regulations enforced by the Anne Arundel County Department of Health; fails to adhere to critical item requirements as defined in COMAR 10.15.03; obtains a certificate under false pretenses; and/or operates a food service facility without an Anne Arundel County Food Service Facility license or while the license has been suspended.
  2. Prior to such suspension, revocation, or fine, the certificate holder shall be given the opportunity for a hearing before the Board of Appeals.
  3. Prior to restoring a certificate, the Department may require additional training for the food service manager and food handlers. The fee for replacement of a certificate shall be as established by resolution of the City Council.

C. This section shall automatically be rescinded, without further action of the City Council, and be of no effect upon the effective date of food service facility managers legislation adopted by the Anne Arundel County Council.

## **Chapter 10.16 - SOLID WASTE**

### **Article III - Refuse-General**

#### **Section 10.16.100 - Notice to remove refuse accumulations.**

The Director of ~~Neighborhood and Environmental Programs~~ PUBLIC WORKS PLANNING AND ZONING may inspect all premises, yards, and alleys. If the director observes accumulations of refuse, the director shall serve notice on the owners of the premises to remove the refuse accumulations. Any owner must comply with the notice within seven days from the date of the notice.

#### **Section 10.16.110 - Inspections-Right of entry.**

The Director of ~~Neighborhood and Environmental Programs~~ PUBLIC WORKS PLANNING AND ZONING may enter premises, other than the interior of dwellings, with reasonable notice to the property owner for the purpose of inspecting refuse storage facilities and adjoining resting places and harborages of insects and rodents, and to apply or require chemical treatment for the temporary control of insects and rodents.

### **Article IX - ENFORCEMENT**

#### **Section 10.16.300 - Administration and enforcement.**

A. Administration of this chapter shall be the responsibility of the Director of Public Works.

B. Enforcement of this chapter shall be the responsibility of the Director of ~~Neighborhood and Environmental Programs~~ PUBLIC WORKS PLANNING AND ZONING.

#### **Section 10.16.310 - Appeals.**

A person aggrieved in the administration of this chapter may direct a written appeal to Building Board of Appeals.

1. The written notice of appeal shall be filed with the Director of ~~Neighborhood and Environmental Programs~~ PUBLIC WORKS PLANNING AND ZONING within fifteen days after the date of the determination.

2. Appeals of any order by the Building Board of Appeals shall be noted to the Circuit Court for Anne Arundel County in accordance with the Maryland Rules of Procedure.

## **Chapter 10.20 - GRASS AND WEED CONTROL**

### **Section 10.20.020 - Violation-Notice.**

The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING shall investigate any complaint that a violation of Section 10.20.010 has occurred. Upon finding that a violation has occurred, the director shall provide written notice of the violation by certified mail, return receipt requested, or by personal

delivery, to the owner, lessee, agent or tenant having charge of the lot or parcel of land. If the address of any owner or person having charge of the lot or parcel of land cannot be located after a diligent search, two copies of the notice shall be placed on two different locations on the lot or parcel of land. The notice shall specify the action required to be taken to correct the violation and that the action must be commenced within five days and completed within ten days after service of the notice.

#### **Section 10.20.030 - Violation-City correction.**

If a violation is not corrected fully within ten days after the service of the notice as provided for in Section 10.20.020, the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING may cause the growth of grass, weeds or other rank vegetation to be cut, thinned, removed or destroyed so as to be in compliance with the requirements of this chapter. All costs and expenses incurred by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING to bring any lot or parcel of land into compliance with the requirements of this chapter are the responsibility of the owner of the lot or parcel of land. Until the expenses are paid by the owner, they constitute a lien upon the property and the Director of Finance shall add such costs to the tax bill for the year and they shall be collected in the same manner as other City taxes.

### **Chapter 10.24 - STANDING WATER**

#### **Section 10.24.010 - Abatement.**

Whenever in the opinion of the Health Officer any collection of liquid, marsh or muddy ground or depression in which any liquid collects or may collect is a nuisance or a menace to the health of the community, the Health Officer shall notify the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING who shall give notice to the owner, occupant or person having charge of the ground to remedy the nuisance as promptly as possible, but in any case within five days. If after five days' notice to remedy the nuisance the party so notified does not remove or abate the nuisance, then the necessary remedial work shall be undertaken by the City and the party so notified shall be liable for the expense of the work performed by the City, the cost of which shall be a lien on the property and bear the same interest, rights and priority and be collected and enforced in the same manner as real property taxes.

### **Chapter 10.32 - MISCELLANEOUS PROVISIONS.**

#### **Section 10.32.010 - Reports and advice.**

The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING shall give to the City Council, the Mayor and other City authorities all professional advice and information as they may require regarding preservation of the public health. This advice and information shall be based on a diligent inquiry into any conditions affecting the general health of the City or its citizens and on consultation with the Health Officer of the County. When appropriate, the director shall seek the advice and counsel of physicians.

### **Chapter 10.34 - SALE AND APPLICATION OF LAWN FERTILIZER**

#### **Section 10.34.060 - Display for sale of fertilizer containing phosphorous.**

Effective January 1, 2009, a sign referencing the regulations set forth in this chapter and the effects of phosphorous on the Chesapeake Bay and its tributaries must be prominently displayed where fertilizers are sold. A business shall be deemed to have complied with this requirement by displaying a sign consistent with a sample sign available from the Department of ~~Neighborhoods and Environmental Programs~~ PLANNING AND

ZONING.

**Section 10.34.070 - Enforcement and penalties for improperly applying lawn fertilizer or displaying for sale.**

A. Violations of this chapter will be enforced by the Department of Neighborhood and Environmental Programs PLANNING AND ZONING, or any successor organization.

B. Any person violating this chapter is guilty of an infraction and is subject to a fine as established by resolution of the City Council.

**Chapter 10.36 - CLEAN AIR VEHICLES**

**Section 10.36.010 - Purpose and intent.**

Promotion of low emission vehicles is in the best interest of the health and welfare of the citizens of Annapolis. This chapter is intended to encourage replacement of existing standard emission vehicles with low emission vehicles. The Department of Neighborhood and Environmental Programs OFFICE OF ENVIRONMENTAL POLICY will gather and provide information on clean air vehicles to those licensed by the City.

**Chapter 14.12 - TREES**

**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 Neighborhood and Environmental Programs PLANNING AND ZONING.

D. "Director of Neighborhood and Environmental Programs PLANNING AND ZONING" shall be read to include his/her 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 Neighborhood and Environmental Programs PLANNING AND ZONING.**

A. Implementation, administration and execution of the requirements of this chapter are the responsibility of the Department of Neighborhood and Environmental Programs PLANNING AND ZONING or his or her designee.

B. The Director of Neighborhood and Environmental Programs 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 14.12.095 - Tree conservation area-Tree removal.**

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 ~~Neighborhood and Environmental Programs~~ 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. 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 ~~Article 78, Section 2~~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 ~~Neighborhood and Environmental Programs~~ 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 ~~Public Works, neighborhood and environmental programs~~ 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 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 ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, in its sole discretion), then the issuance of the permit



shall be conditioned upon the approval by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING of a planting plan, developed by the owner, to plant replacement trees in another location approved by the Department of ~~Neighborhood and Environmental Programs~~ 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 ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee 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 ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee may revoke any permit issued under this section and/or issue an order stopping further tree removal whenever the director or designee 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 ~~Neighborhood and Environmental Programs~~ 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 14.12.140 - 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 ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING. 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 ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

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.

## **Chapter 15.04 - MANAGEMENT OF CITY WATERS**

### **Section 15.04.060 - Authority of Police to enforce laws in this title.**

A. A member of the Annapolis Police Department, and any duly appointed police officer of Anne Arundel County and the State of Maryland who have jurisdiction in the City of Annapolis by virtue of a memorandum of understanding or agreement, shall have authority to enforce Title 15, including the power to arrest and issue citations for violations of Title 15.

B. The Department of Public Works may enforce the provisions of Title 15 which relate to permits issued by the Department of Public Works.

C. The Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING may enforce the provisions of Title 15 which relate to permits issued by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

## **Chapter 15.14 - HOUSEBARGES**

### **Sections 15.14.015 - Permit.**

A. No person shall dock, moor, or otherwise keep a housebarge conforming to the dimensions set forth in Section 15.14.010 without a permit issued by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

B. No commercial, community or public marina shall allow a housebarge to be docked or secured to marina facilities unless a permit pursuant to this title has been issued for the housebarge.

C. An application for a permit or a renewed permit shall be made to the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING on forms provided by the Department. The application shall be made by the owner of the housebarge.

D. The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING shall approve an application for a permit or a renewed permit upon determining that the requirements of the code are met, with the concurrence of the Harbormaster, the Director of Planning and Zoning, and the Fire Chief and the County Health Officer, all of whom shall review the application. A permit shall issue fifteen days following the approval of an application.

E. No application for a permit or a renewed permit shall be approved and no permit authorized to be issued under the provisions of this title shall be issued unless the Director of Planning and Zoning determines that the intended or proposed use of the housebarge conforms, or will conform, in all respects, to Section 15.14.025(A) and all use regulations and requirements of the zoning provisions of this code, applicable to the particular lot to which the housebarge will be docked, secured, attached, operated or otherwise located.

F. A permit shall be for one year from May 1st of each year until the following April 30th. The holder of a permit shall pay an annual fee as established by resolution of the City Council. The annual fee shall be paid with the original permit application and any renewal of the permit.

### **15.14.025 - Standards.**

A. No person shall use a housebarge unless such use is a permitted use specifically enumerated in the Tables of Uses for the zoning district in which the lot to which the housebarge is docked, secured, attached, operated or otherwise kept is located. All uses of a housebarge must comply with all use regulations and requirements applying to the lot to which it is attached.

B. All housebarges that are used for occupancy as a residential structure (residential use) shall be maintained in full compliance with the residential housing standards as enumerated in Chapter 17.40 of this

code and applicable provisions of the Annotated Code of Maryland.

C. All housebarges that are used for occupancy as a commercial, business, or social club structure or other nonresidential use shall be maintained in full compliance with the standards as enumerated in Chapter 17.48 of this code, the Nonresidential Property Maintenance Code of the City, and applicable provisions of the Annotated Code of Maryland.

D. No person shall construct, enlarge, alter, repair, or improve a housebarge, including its structural, electrical, plumbing, heating/air conditioning, and other mechanical systems, without permit, inspection, and approval by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING. Such work is subject to the standards in Title 17 otherwise applicable to such work within buildings and structures and as determined applicable by the Director of ~~Neighborhoods and Environmental Programs~~ PLANNING AND ZONING.

E. In addition to the parking requirements of the zoning district within which the housebarge is docked, secured, attached, operated or otherwise located, marinas must provide a minimum of two on-site parking spaces per housebarge.

F. No person shall dock, secure, attach, operate or otherwise keep a housebarge at a privately-owned dock for any period of time unless otherwise permitted in the City Code.

## **Chapter 15.20 - PERMITS**

### **Section 15.20.010 - Building permit-Required.**

A City building permit issued by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING is required to rebuild, modify, construct or enlarge any structure intended to be installed permanently in the waterways. An application for a building permit, under either Section 15.20.030 or 15.20.040, shall be filed and obtained in accordance with the procedures of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING before any work is initiated. For purposes of this section, a mooring is not a structure for which a building permit is required.

### **15.20.020 - Building permit-Concept review.**

A. Prior to filing an application for a building permit under the provisions of Section 15.20.030 or 15.20.040, a prospective applicant may file with the Port Wardens a sketch setting forth a concept plan of the proposed improvements. The sketch shall contain, at a minimum, an outline of the developable waterway area for the property, as well as the location and dimensions of all existing and proposed piers, mooring piles, mooring buoys and shore protection structures.

B. Following submission of the sketch of a concept plan as provided by subsection A of this section, the chair of the Port Wardens, or the chair's designee, shall meet with the prospective applicant, together with the Director of Public Works and the Director of ~~Neighborhood and Environmental Programs~~, the Director of Planning and Zoning and the Fire Chief, or their respective designees. At this meeting, City officials shall review the concept plans with the prospective applicant and provide objections or suggestions, as appropriate. Thereafter, an application for a building permit may be filed pursuant to the provisions of Sections 15.20.030 and 15.20.040. To the extent practicable, the application shall take into account any objections or suggestions provided at the concept review meeting.

### **Section 15.20.030 - Building permit-Application-Rebuilding or repair.**

A person may not repair or rebuild any structure permanently installed in the waterways without a permit issued by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING. An application shall be submitted to the Director and shall be accompanied by such drawings and specifications as the director

requires in order to determine the nature and scope of the work to be performed. If the application satisfies the applicable provisions of Title 21 of this code, as determined by the Planning and Zoning Director, and the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING determines that the structure to be repaired or rebuilt lawfully was authorized by the Port Wardens or by Section 15.18.110 or 15.18.120 and was damaged or destroyed not more than one year prior to the date of application, and that the proposed structure is substantially the same as the structure to be repaired or rebuilt, and does not exceed the maximum channelward encroachment of the structure to be repaired or rebuilt, then the Director shall issue the permit. If the application satisfies the zoning requirements but the Director finds that the application does not satisfy the other provisions of this section, the Director shall submit the application to the Port Wardens to be processed under the provisions of Section 15.20.040.

**Section 15.20.040 - Building permit-Application-Remodeling or new construction.**

Except as provided in Section 15.20.030, an application for a building permit to construct, modify or enlarge any structure installed or intended to be installed permanently in the waterways shall be filed with the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING. When the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING has determined that the application satisfies all applicable regulations of this title and the DIRECTOR OF Planning and Zoning ~~Director~~ has ALSO determined that the application satisfies the applicable regulations of Title 21 of this Code, the Director shall submit the application with the supporting data to the Port Wardens for their approval or disapproval.

**15.20.060 - Building permit-Site plan-Working boatyards and private piers with four or fewer slips.**

A site plan shall be submitted with the application for a building permit for a working boatyard or a private pier with four or fewer boat slips. The site plan shall include the following:

- A. A map at a scale of two hundred feet to the inch. The map shall show:
  - 1. All properties with riparian rights within one hundred fifty feet of the boundaries of the applicant's property, structures permanently installed in the waterways extending from the other properties, and the adjacent street(s),
  - 2. The location and description of any existing deterrents or aids to navigation within five hundred feet of the boundaries of the applicant's property;
  
- B. A detailed site plan at a scale of forty feet to the inch. The site plan shall show:
  - 1. Bathymetry of the developable waterway area shown at two-foot intervals at mean high water (unless otherwise specified by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING),
    - 2. Mean high water and mean low water lines,
    - 3. Wetlands, if any,
  - 4. Location and dimensions of all existing and proposed piers, mooring piles, mooring buoys, shore protection structures (including groins, jetties, riprap and bulkheads), and material for the proposed structures,
  - 5. Location and dimensions of all areas to be dredged including proposed depths (if applicable),
  - 6. Volume of dredged spoil to be removed, type of material, location and dimensions of disposal area(s) including dikes (if applicable).

### **Section 15.20.130 - Grading permit.**

A. A grading permit is required for any dredging, filling or other activity which would result in a waterway bottom or shoreline modification.

B. Application for the permit shall be filed with the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING. The director shall submit the application to the Environmental Commission for an environmental assessment. When the director has determined that the application satisfies all applicable City codes, the application shall be submitted to the Port Wardens with the environmental assessment and all supporting data for their approval or disapproval.

C. The nonrefundable fee for the application for a grading permit shall be paid at the time the application is filed. The fee for a grading permit shall be paid at the time of issuance.

D. The fees for the application and the grading permit shall be established from time to time by the City Council.

### **Section 15.20.140 - State and Federal permits and approvals.**

State and Federal permits and approvals required for construction, modification, enlargement, reconstruction and repair of marinas, community and private piers, mooring piles, mooring, and dredging shall be obtained by the applicant and submitted to the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or Harbormaster, as a prerequisite to issuance of a City building, mooring, grading or dredging permit. The applicant shall furnish to the director or Harbormaster a certified copy of the plans with supporting data, showing approval of the plans by State and Federal agencies. If the application approved by the Port Wardens subsequently is modified by State or Federal agencies, it shall be resubmitted to the Port Wardens for approval prior to issuance of any permit required by this title.

## **Chapter 15.24 - ENFORCEMENT**

### **Section 15.24.010 - Additional enforcement responsibility generally.**

In addition to the Harbormaster and members of the City Police Department the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, and the Fire Department shall enforce certain provisions of this title. The Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING shall enforce those sections relating to structures and the issuance of permits therefor. The Fire Department shall enforce those sections relating to fire protection.

## **Chapter 16.04 - WATER AND SEWER SERVICE GENERALLY**

### **Section 16.04.040 - Air-conditioning discharge into public way or stormwater drain.**

A. No person shall install an air-conditioning unit which discharges water into a public way or stormwater drain.

B. A 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.

C. The Director of ~~Neighborhood and Environmental Programs~~ PUBLIC WORKS or the director's designee shall have the power to enforce the provisions of this section through the issuance of a municipal citation.

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

### **Chapter 17.04 - DEFINITIONS**

### **17.04.120 - Certification.**

"Certification" means a signed, written statement that specific construction, inspections or tests shall be or have been performed and that they comply with the applicable standard of this title. Certification shall be required by a registered professional of an appropriate discipline for the work performed, as determined by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

### **Section 17.04.220 - Department.**

"Department" means the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING of the City of Annapolis.

### **17.04.290 - Director.**

"Director" means the Director of ~~the Department of Neighborhood and Environmental Programs~~ THE DEPARTMENT OF PLANNING AND ZONING of the City of Annapolis.

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

### **17.08.100 - Permit-Bond provisions.**

The bond or letter of credit shall include the following provisions:

- A. The applicant shall comply with Section 17.09.092, this section and all other applicable laws and ordinances.
- B. The applicant shall comply with all of the terms and conditions of the grading permit.
- C. Any extension of completion time pursuant to the provisions of Section 17.08.140 shall not release the applicant.
- D. Upon default, the applicant shall continue to be bound firmly under a continuing obligation for payment of one of the following, at the election of the surety:
  1. All costs and expenses necessary to complete the work in accordance with the approved plans and specifications or any approved modification to the approved plans or specifications; or
  2. All necessary costs and expenses or liabilities which may be incurred to stabilize in accordance with the stabilization plan for erosion control presented by the applicant to and approved by the City; or
  3. Payment to the City in cash or by certified check in a sufficient amount to equal the cost of performing the necessary work. If the cost for restoration of a site to meet the minimum requirements of this section (with particular emphasis on stability, safety, drainage and erosion control) exceeds the amount of the cash or certified check, the permittee shall continue to be bound under a continuing obligation for payment of all excess costs and expenses incurred by the City.
- E. The security shall remain in full force and effect until a certificate of completion has been issued by the

Department of Neighborhood and Environmental Programs PLANNING AND ZONING certifying that the work has been performed in accordance with the plans and specifications, or certifying that the permit has been unused; provided, however, that the Director may increase or reduce security based on current estimates or site conditions. Upon issuance of this certificate, any unused portion of any cash or certified check shall be returned to the applicant, and the applicant and his/her surety shall be released from all further obligations under this section (provided default has not occurred). The certificate of completion shall be issued within sixty-days from the date the Department receives written notice of completion, provided that during the sixty-day period, the Department inspects the work performed and is satisfied that the permittee has complied with the provisions of this section.

### **Section 17.08.250 - Appeals.**

A. A person aggrieved by an order from the Director or the Director's designee made pursuant to this chapter, other than the issuance of a municipal citation or the charging of a misdemeanor, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the order. The petition for appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of Neighborhood and Environmental Programs PLANNING AND ZONING along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.

B. The Building Board of Appeals shall consider the appeal based upon the information provided to the Department of Neighborhood and Environmental Programs PLANNING AND ZONING at the time of the order from which the appeal is taking. If the Board finds that the order was in error or contrary to the provisions of this code or other applicable law, the Board may reverse or modify the order. The decision of the Board on all appeals shall be in writing and shall contain the factual findings of the Board and the reasons for the decision.

C. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the circuit court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a person shall not be considered aggrieved by a decision of the Board unless the person has appeared as a party at the hearing before the Board. An appeal under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.

## **Chapter 17.09 - TREES IN DEVELOPMENT AREAS**

### **Section 17.09.030 - Landscape plan.**

A. Landscape Plan. Any application for a building or grading permit submitted in accordance with the requirements of this title, or any application for a development project requiring site design plan review in accordance with the requirements of Chapter 21.22 include a landscape plan at a scale of one inch to forty feet. The landscape plan shall be considered a part of the permit or site plan design review application and shall be subject to the review requirements and administrative procedures of this title or Chapter 21.22, whichever shall apply.

B. Submittal Requirements. A landscape plan submitted in accordance with this chapter shall include:

1. Limits of Disturbance (LOD). Within the limits of disturbance and within fifteen feet of the LOD, the location, diameter at breast height (DBH), and species of all existing trees equal to or greater than five inches DBH. If the size of the parcel and the number of affected trees renders the individual identification of all trees unreasonable, as mutually determined by the applicant and the Department of Neighborhood and Environmental Programs PLANNING AND ZONING, accepted methods of forest cruising may be substituted, although all individual trees in excess of twelve inches DBH must be individually identified;

2. Limits of Project Development. Depict building footprints, access drives, parking areas, public streets,

existing and proposed utilities and stormwater management structures, proposed finished grades, and sediment and erosion control structures;

3. All trees, regardless of size, or tree areas within the legal boundaries of the property which are to be preserved for incorporation into the proposed site design, noting all tree driplines;

4. Tree preservation details, in accordance with Sections 17.09.040 and 17.09.050 of this chapter;

5. Locations of trees to be replaced under Section 17.09.070 of this chapter, and areas proposed for additional landscaping. The plan shall show:

a. The tree name, both botanical and common,

b. Quantity of each species used in the plan,

c. Caliper measured six inches above ground,

d. Type of rootstock, and

e. Typical planting detail;

6. Proposed and required buffer areas;

7. Substantive agreement with the site design plan review as required by Chapter 21.22 of this code;

8. Conformance with all applicable sections of this chapter;

9. Other relevant information as may be required by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

C. Guidelines for Selecting Trees for Preservation. In determining which trees shall be preserved in the development process, consideration shall be given to preserving those which:

1. Complement the project design, including the enhancement of building architecture and streetscape appearance;

2. Exhibit strong branching and rooting capabilities and are disease and insect resistant;

3. Are tolerant of environmental change, e.g., increased sunlight, heat, wind, alteration of water regime;

4. Provide a good source of food, cover or nesting sites for wildlife, or act as a wildlife corridor;

5. Exist in natural groupings, including islands of trees and wildlife corridors;

6. Complement stormwater management designs;

7. Augment or do not conflict with sedimentation and erosion control designs;

8. Do not conflict with existing utilities or proposed utility installation;

9. Do not have proposed structures, sidewalks, roads, parking lots etc. within driplines;

10. Are specimens for the particular species or have recognized significance;

11. Are within proposed buffer areas;

12. Are recommended for preservation by Maryland Forest, Parks and Wildlife Service (or its successor agencies); or

13. Are recommended for preservation by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING for some other reason demonstrated to be in furtherance of the purposes of this chapter as set forth in Section 17.09.020.

D. Conflicting Criteria. In the event that two or more conflicting guidelines are present in the evaluation of the preservation of trees on a site, consideration shall be given to those criteria most relevant to the planned use of the proposed development.

E. Applicability. No cutting, clearing, digging or grading may be undertaken within a development area until a landscaping plan has been approved. Neither may any landscaping be undertaken until approval of the permit application and subsequent issuance of the permit.

F. Replacement Value of Removed/Damaged Trees. Any trees which have been designated for preservation on the landscaping plan, or are outside the limits of development, and subsequently have been removed or damaged within the boundaries of the property under development, or any adjacent properties, shall be replaced consistent with the mitigation requirements in Section 17.09.070(C).

G. Exceptions.

1. A landscape plan shall not be required under the terms of this chapter where the applicant can



demonstrate clearly that there are no existing trees or tree areas within the proposed limits of development.

2. A landscaping plan shall not be required for the regular maintenance of existing public utilities or the approved installation of public utilities, nor shall a replacement value be required or assessed.

3. The provisions of this chapter do not apply to projects which were granted special exception approval, or building or grading permit approval prior to November 15, 1988, provided that they are in conformance with all other approved plans and conditions.

#### **Section 17.09.040 - Protection of trees before construction.**

A. Trees or tree areas that are to be preserved shall be marked visibly in the field prior to clearing or construction.

B. Protection devices shall be installed prior to clearing or construction, as specified by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, and shall be shown on the approved plan. Devices may include, but not be limited to snow fencing, board fencing, silt fencing, posts, string and flagging, water based paint. Protective devices shall be evident and effective. Construction personnel shall be notified of the purpose and presence of the protection devices.

C. All clearing limits and protective devices are to be inspected and approved by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING prior to commencing clearing and construction. The developer shall arrange an on-site inspection prior to commencing grading or clearing.

#### **Section 17.09.050 - Protection of trees during construction.**

A. Grading or filling shall not take place inside the dripline of trees to be preserved, unless approved by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

B. If grading or filling is proposed inside the dripline of trees to be preserved, root aeration practices and/or tree wells or walls shall be used, the design of which shall be approved by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

C. Trenching and/or tunneling should take place outside of the dripline of trees to be retained.

D. Trenching and/or tunneling proposed inside the dripline of trees to be preserved shall be accomplished according to procedures which minimize root damage, and must be approved by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

E. Temporary storage of any construction materials, including fill, gravel, felled trees, construction supplies or equipment, within the driplines of protected trees shall be prohibited.

F. The routing of heavy equipment, including cars, trucks and bulldozers, and construction trailers within the driplines of protected trees shall be prohibited without the consent of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

G. All sediment and erosion control silt fencing or straw bales shall be placed at the limits of grading or in those locations where deposition of sediment is minimized within the driplines of trees to be preserved.

H. Where a cut is approved within the dripline of trees to be preserved, exposed and/or damaged roots are to be trimmed cleanly and covered temporarily with moist peat moss, burlap or other suitable material to keep them from drying out.

I. Where a fill is approved within the dripline of trees to be preserved, all organic matter is to be removed and fertilizer is to be spread according to the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING specifications prior to raising the grade.

J. No protective devices, signs, utility poles or other objects shall be nailed to any trees which are to be preserved.

K. Any other action within the dripline of protected trees which may result in the severing of roots, compaction of soil or the placing of any substance within the dripline which impedes the free access of air and

water to tree roots is prohibited without the consent of the Department of Neighborhood and Environmental Programs PLANNING AND ZONING.

L. The Department of Neighborhood and Environmental Programs PLANNING AND ZONING may require other tree protection practices as on-site circumstances may dictate.

M. If it becomes necessary subsequent to clearing to remove additional trees which were shown on the plan to be preserved, the Department of Neighborhood and Environmental Programs PLANNING AND ZONING shall be notified and must grant approval prior to performing any additional clearing.

**Section 17.09.060 - Protection of trees after construction.**

A. After construction is completed, temporary barriers, surplus materials and all debris shall be removed from protected tree areas.

B. Any damage to the crown, trunk or root system of trees remaining on site shall be repaired immediately.

C. Trees wounded during construction shall have their wounds cleaned, torn bark cut, and the wounds properly shaped for healing.

D. Any dead or damaged branches are to be removed in a proper manner, as well as any noxious vines. Selective pruning may be necessary if cutting, filling, trenching or tunneling was undertaken within a tree's dripline, thereby reducing the healthy root area.

E. Fertilization may be required where topsoil or surface litter within a tree's dripline has been removed, or a tree's root area has been reduced. Any fertilization shall be accomplished according to specifications provided by the Department of Neighborhood and Environmental Programs PLANNING AND ZONING.

F. The developer shall arrange an on-site inspection by the Department of Neighborhood and Environmental Programs PLANNING AND ZONING. Approval of post-construction tree protection practices shall be required prior to the issuance of any use or occupancy permits.

**Section 17.09.070 - Replacement value-Mitigation-Fee in lieu-Exceptions.**

A. Replacement Trees. It is the intent of this section to ensure that landscaping proposed in association with development will reflect the density and species of those trees necessarily removed for development. Therefore, trees removed for development shall be replaced according to the following requirements:

1. The number of trees to be replaced are contained in the following table:

Table 17.09.070

Tree Replacement Requirements

Plant Material Size	Number to be replaced for number removed: Outside Critical Areas	Number to be replaced for number removed: Intensely Developed Areas	Number to be replaced for number removed: Limited Development Areas	Number to be replaced for number removed: Resource Conservation Areas	Number to be replaced for number removed: 100 foot Buffer Critical Area
Scrub shrub - sapling <1" DBH	no replacement	1 for every 20 square feet	1 for every 40 square feet	Area basis for area basis	*
Trees 1 to <4" DBH	no replacement	1 for 1	1 for 1	Area basis for area basis	*

Trees 4 to <12" DBH	1 for 2	2 for 1	1 for 1	Area basis for area basis	*
Trees 12 to <18" DBH	1 for 1	3 for 1	2 for 1	Area basis for area basis	*
Trees 18 to 24" DBH	2 for 1	4 for 1	3 for 1	Area basis for area basis	*
Trees >24" DBH	3 for 1	6 for 1	4 for 1	Area basis for area basis	*
Additional requirements found in Section	17.09.070	17.09.070 (G) (1-2)	17.09.070 (H)(1-5)	17.09.070 (I)(1-2)	17.09.070 (J) (1-8)

- \* Must obtain approved buffer management plan from the Department of Planning and Zoning
- 2. One or more trees may be transplanted as replacement trees from areas designated to be cleared on a development site; however transplanted trees shall only be used when a professional nursery, landscape contractor, or similar professional qualified to do this work, is employed to transplant the trees. This professional shall meet with City staff prior to moving any trees to ensure that the trees to be moved are healthy and suitable for transplanting.
- 3. Replacement trees shall be a species native to Maryland and shall be healthy, free of pests or disease and in good condition. Deciduous species shall be a minimum of two inches in caliper measured six inches from the ground. Coniferous trees shall be a minimum of five feet in height. Transplanted trees shall be, at a minimum, of the approximate size as nursery stock and shall be healthy, free of pests or disease and in good condition.
- 4. Any landscaping requirements imposed under other sections of this code shall include any and all replacement trees.
- 5. Any waiver or modification to these requirements shall be made in accordance with Section 17.09.130 of this chapter.
- B. Mitigation. If the number of trees to be planted, as determined by the tree replacement requirements, exceeds the number of trees which can be accommodated practically on site as determined by the Department of Neighborhood and Environmental Programs PLANNING AND ZONING, off-site planting may be requested at locations as determined by the developer and/or the Departments of Neighborhood and Environmental Programs and OF Planning and Zoning, or a fee in lieu of off-site planting may be required as provided in subsection C of this section. Trees removed for development within the critical area must be replaced within the critical area.
- C. Fee-in-Lieu. Where, pursuant to subsection A of this section, replacement on site is not practical and an off-site location cannot be determined and agreed upon by the developer and the Department of Neighborhood and Environmental Programs PLANNING AND ZONING, a fee-in-lieu as set by resolution of the City Council may be assessed which is adequate to ensure an equivalent tree replacement as required by subsection A of this section. All funds collected by this process will be expended exclusively for tree planting and tree maintenance within the City under the auspices of the urban forestry program and, wherever possible, within reasonable proximity to the development from which fees are collected for planting. Fees-in-lieu collected for trees removed within the critical area shall be expended exclusively for tree planting and tree maintenance within the critical area, and if possible within the same creek watershed.
- 1. All funds collected by this process will be expended exclusively for tree planting and tree maintenance within the City under the auspices of the urban forestry program and, wherever possible, within reasonable

proximity to the development from which fees are collected for planting.

2. Fees in lieu collected for trees removed within the critical area shall be expended exclusively for tree planting and tree maintenance within the critical area, and if possible within the same creek watershed.

D. Exceptions. The following trees removed for development are not subject to the requirements of Subsections A, B and C of this section:

1. Trees removed for the construction of approved roads and the installation or maintenance of public utilities.

a. Approved roads include City required public roads and fire lanes, but does not include any portion of a parking lot.

b. Public utilities include gas, electric, water and sewer main transmission lines, and stormwater management structures within required easements.

2. Trees which have been confirmed by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING to be hazardous, dead, dying or diseased;

3. Trees transplanted from one part of a development site to another.

E. General Applicability. Except as provided by Subsection D of this section, the requirements of this section apply to all development and construction undertaken pursuant to any grading permit or pursuant to any building permit for construction which may involve the disturbance of land but for which a grading permit previously was not required.

F. Minimum Standards. Afforestation and reforestation as required by the Maryland Forest Conservation Act, Annotated Code of Maryland, Natural Resources Article, Title 5, Subtitle 16 (or its successors) shall be a minimum standard for the replacement and planting of trees where Chapter 17.09 of this code applies, regardless of the square footage of the area disturbed.

G. The locations of intensely developed areas, limited development areas, resource conservation areas and the critical area buffer are shown on the approved critical areas map for the City of Annapolis and its amendments. Proposed development shall be consistent with the approved critical areas plan for the City of Annapolis.

H. Additional Standards for Limited Development Areas.

1. Under normal circumstances, no more than twenty percent of any forest or woodland may be removed from forest use, except as permitted in Subsection (C)(3) of this section. The remaining eighty percent shall be maintained through recorded, restrictive covenants or similar instruments.

2. A developer may clear or develop up to thirty percent of any forest or woodland, provided that the afforested area shall be one and one-half times the total surface acreage of the disturbed forest or developed woodland. The remaining seventy percent shall be maintained through recorded, restrictive covenants or other similar instruments.

3. If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least fifteen percent of the total surface area of the site.

4. Forests which have been cleared before obtaining a grading permit, or that exceed the maximum area allowed in Subsection (C)(3) of this section shall be planted at three times the areal extent of the cleared forest.

5. The developer shall consider the recommendations of the Maryland Forest, Parks and Wildlife Service when planning development on forested lands.

I. Additional Standards for Resource Conservation Areas.

1. In addition to the requirements of Subsection H of this section, the overall acreage of forest and woodland within the resource conservation area may not be decreased.

2. Any development within a resource conservation area that requires the cutting or clearing of trees must replace the trees on a not less than an equal area basis, except where trees are removed according to Subparagraphs 4, 6 and 8 of Subsection J of this section.

J. Additional Standards for the Critical Area Buffer.

1. A one hundred-foot buffer is established landward from the mean high water line of tidal waters,

tributary streams, and tidal wetlands which is a protected area.

2. New development activities, including structures, roads, parking areas and other impervious surfaces, mining or related facilities, or septic systems, may not be permitted in the buffer, except for those necessarily associated with water-dependent facilities.

3. The buffer shall be maintained in natural vegetation, but may include planted vegetation as approved by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING where necessary to protect, stabilize or enhance the shoreline.

4. Cutting of trees or removal of natural vegetation may be permitted where necessary to provide access to private piers, or to install and construct a shore erosion protection device or measure, or a water-dependent facility, provided the device, measure or facility has received all necessary City, State, and Federal permits.

5. With the concurrence of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, individual trees may be cut for personal use providing that this cutting does not impair the water quality or existing habitat value or other functions of the buffer, and provided that the trees are replaced on an equal area basis for each tree cut.

6. With the concurrence of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, individual trees may be removed which are in danger of falling and causing damage to dwellings or other structures, or which are in danger of falling and therefore causing the blockage of streams, or resulting in accelerated shore erosion.

7. Horticultural practices shall be used to maintain the health of individual trees.

8. Other cutting techniques may be permitted within the one hundred-foot buffer and under the advice and guidance of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, if necessary to preserve the forest from extensive pest or disease infestation or threat from fire.

K. Forest Preservation Plan. The forest preservation plan as described within the approved critical areas program for the City of Annapolis shall be consistent with the provisions of this chapter.

L. Forest Undeveloped Wood Land. Where forests or developed woodland occur within the City of Annapolis, local policies and programs for tree cultural operations in the critical area shall be consistent with the critical area program of the City of Annapolis.

M. Applicability. The requirements of this section are in addition to, and not in lieu of, any and all requisites of this chapter.

N. Restrictions. The requirements of this section do not restrict the removal of hazardous, dead, dying or diseased trees, although replacement may be required as determined by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, nor are accepted horticultural practices restricted.

O. Variance Procedures. Variance procedures shall be in accordance with the approved critical areas plan of the City of Annapolis.

P. Minimum Standards. The provisions of the Maryland Forest Conservation Act, Annotated Code of Maryland, Natural Resources Article, Title 5, Subtitle 16, (or its successors) do not apply to the critical area, except that afforestation and reforestation as required by the Act shall be a minimum standard for the replacement and planting of trees.

### **Section 17.09.090 - Natural and landscaped buffers.**

A. Guidelines for the Design of Areas Designated as Natural or Landscaped Buffers. The criteria set forth in this section shall be taken into consideration in the design of all buffer areas shown on the landscaping plan required by Section 17.09.030, including all buffers included to satisfy the requirements of Section 21.62.030 of this code.

1. The primary purpose of the buffer shall be defined on the landscaping plan and the natural or landscaped buffer shall reflect that definition. The purpose of a buffer may include, but not be limited to, urban streetscape beautification, enhancement of building architecture, visual shielding, noise reduction, wildlife

habitat enhancement, and water quality management.

2. A defined buffer shall comply with the standards for tree preservation as defined in Section 17.09.030 (B).
3. Within the critical area, the buffer shall be consistent with the requisites for habitat protection areas in the critical area (Section 17.09.080(E) of this chapter).
4. The buffer shall have vertical stratification, i.e., canopy layer, understory and shrub layer, as needed to reflect the stated purpose of the buffer.
5. The buffer shall have continuous plantings and/or existing vegetation within the designated buffer area, as needed to reflect the stated purpose of the buffer.
6. The buffer shall be designed in full cognizance of any utility plans, stormwater management plans, sedimentation and erosion control plans, and grading plans. Wherever architecturally or engineeringly possible, interference with designated buffer areas is to be avoided.
7. Plantings within the buffer area shall not impair access to utilities for their maintenance and repair.
8. Plantings may not be within or atop any stormwater management structures, but shall be placed to complement their function, if possible.
9. Where a designated buffer area adjoins other landscaped or natural areas, the developer shall blend the proposed buffer with existing adjacent conditions, with particular attention to the necessity to provide wildlife corridors.
10. Any landscaping of the designated buffer area shall occur after the placement of sidewalks, roads, driveways, utilities and stormwater management structures which may affect the buffer, and after final grade has been established.
11. Trees required to be replaced on-site according to Section 17.09.070(A) and (B) shall be placed, as a first priority, within designated buffer areas if additional planting in the buffer is stipulated.
12. Any changes made in the field to a designated buffer area must first be approved by the Departments of Neighborhood and Environmental Programs and Planning and Zoning.
13. Natural and landscaped buffers within the critical area shall be subject to the requisites of Sections 17.09.080 in addition to the requisites of this section. If there are any inconsistencies between these sections, the more restrictive shall apply.

#### **Section 17.09.100 - Landscape standards.**

A. All designated buffer areas, as well as all other on-site natural or landscaped areas, shall be consistent with Chapter 14.12, and Sections 20.24.160 and 21.62.120 where applicable. If there are any inconsistencies between these sections, the more restrictive shall prevail.

B. The developer/owner is responsible for the purchase, planting, care and maintenance of all trees planted in accordance with this chapter, except for the care and maintenance of trees planted off-site pursuant to Section 17.09.070(B). Additionally, the developer/owner is not responsible for the care and maintenance of trees and shrubs planted for a single-family or two-family attached or detached home after sale of the home by the builder or developer to the initial consumer. All trees of nursery stock installed according to the requisites of this chapter must be listed on the State and/or City recommended tree list and shall meet American Association of Nurserymen standards for nursery stock.

C. The Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING may require that the installation of all improvements as noted on the approved landscape plan be bonded, including those trees designated for preservation, and excluding those trees transplanted from one location on site to another, and excepting those trees to be planted off-site pursuant to Section 17.09.070(B). On the satisfactory completion of the improvements as noted on the approved landscape plan, the security described in this section shall be released; provided, however, that a one year maintenance bond or other appropriate security be substituted in an amount to be determined by the Director, which amount shall be not more than ten percent of

the cost of installation of the improvements. The amount of this bond or other security shall be reduced to reflect the portion attributable to those trees on a lot with a single-family or two-family attached or detached home after the sale of that home by the developer or building to the initial consumer. Any waiver or modification to these requirements shall be made in accordance with Section 17.09.130 of this chapter.

### **Section 17.09.120 - Landscaping plans-Approvals-Inspections.**

A. Plans. In accordance with Section 17.09.030 of this chapter, landscaping plans shall be submitted for review to the Departments of ~~Neighborhood and Environmental Programs~~ and Planning and Zoning.

B. Approvals.

1. No cutting, clearing, digging or grading may be undertaken until a landscape plan has been approved. No landscaping may be undertaken until the approval of the landscape plan.
2. Where development is proposed within the critical area, all plans must be consistent with the approved critical area program for the City of Annapolis.
3. Plan approvals or disapprovals shall be made in writing by the City of Annapolis Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING to the applicant.

C. Inspections.

1. Work which may affect tree areas designated for preservation may not proceed to the next phase of construction until the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING approves tree protection measures pursuant to Sections 17.09.040, 17.09.050 and 17.09.060.
2. Areas designated as buffers shall be inspected by the ~~Department of Neighborhood and Environmental Programs~~ and Department of Planning and Zoning for agreement with the approved buffer site plan. Occupancy and/or use permit approvals shall be contingent upon the favorable inspection of buffer areas.
3. The project site shall be inspected by the ~~Department of Neighborhood and Environmental Programs~~ and the Department of Planning and Zoning for agreement with the approved landscape plan. Occupancy and/or use permit approvals shall be contingent upon the favorable inspection of the project site.
4. Any bonds required by the City of Annapolis for landscaping will be reduced upon the final inspections by the Departments of ~~Neighborhood and Environmental Programs~~ and OF Planning and Zoning, or at that time that the landscape requirements are met by the developer/applicant.

### **Section 17.09.130 - Waiver or modification.**

A. The Director of ~~Neighborhood and Environmental Programs~~, upon consideration of the ~~recommendations of the Director of~~ Planning and Zoning, may waive or modify the minimum requirements set forth in this chapter if it can be demonstrated by the applicant that:

1. Special practices may be undertaken which will meet the intent of this chapter but not the minimum requirements as strictly interpreted; or
2. Special circumstances exist which prevent the applicant from meeting the minimum requirements as strictly interpreted.

B. The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING may not waive or modify, under the provisions of this section, any existing City or State requirements.

C. Any applicant aggrieved by refusal to grant a waiver or modification of any of the requirements of this chapter by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING may appeal the decision to the Building Board of Appeals within fifteen working days of the decision.

### **Section 17.09.140 - Enforcement-Violation-Penalties.**

A. Enforcement. The administration and enforcement of this chapter shall be the responsibility of the

Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

B. Violation. Violation of this chapter may be cause for the developer to be required to stop work until a satisfactory resolution is established by the Department of ~~Neighborhood and Environmental Programs~~ in consultation with the Planning and Zoning Department and the developer.

C. Penalties. Any developer who violates this chapter is guilty of a municipal infraction and is subject to a fine as established by resolution of the City Council. The unapproved removal of a single tree constitutes a single violation and each day a violation continues without abatement or mitigation will be considered a separate violation with fines as established by resolution of the City Council. If any trees shown to be preserved on the approved plan subsequently are removed or are dead or dying because of acts of negligence by a developer, this shall be considered a violation and fines shall be assessed. The trees shall be replaced by the developer, or the developer shall be assessed a fee in lieu. The size, species and quantity of replacement trees or fee in lieu shall be specified by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING and shall be consistent with Section 17.09.070(C). If necessary, off-site locations identified by the Department may be utilized if there are constraints on the site. Replacement shall be within a time frame specified by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

D. Replacement Trees. In addition to any other penalty or requirement that may be imposed under this section, if any trees shown to be preserved on the approved plan subsequently are removed or are dead or dying because of acts of negligence by a developer, they shall be replaced by the developer. The size, species and quantity of replacement trees shall be specified by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING based upon Section 17.09.070(C). The quantity shall be dictated by the constraints of the site. Replacement shall be within a time frame specified by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

E. Appeals. The Building Board of Appeals shall consider appeals from the provisions of this chapter from the determination of the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING in the manner specified in the Building Code. The Board may make determinations of alternative methods, standards or materials when, in its opinion, strict compliance with this chapter is unnecessary. The provisions of this subsection shall not apply to any municipal citation issued pursuant to section.

## **Chapter 17.10 - STORMWATER MANAGEMENT**

### **Section 17.10.020 - Department of ~~Neighborhood and Environmental Programs~~ PUBLIC WORKS-Duties.**

The Department of ~~Neighborhood and Environmental Programs~~ PUBLIC WORKS shall be responsible for the enforcement of the provisions of this chapter.

### **Section 17.10.050 - Definitions.**

For the purpose of this chapter, the following terms shall have the definitions indicated:

A. "Administration" means the Maryland Department of the Environment (MDE) Water Management Administration (WMA).

B. "Adverse impact" means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

C. "Agricultural land management practices" means those methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

D. "Applicant" means any person, firm, or governmental agency that executes the necessary forms to



procure official approval of a project or of a permit to carry out construction of a project.

E. "Approving agency" means the entity responsible for the review and approval of stormwater management plans.

F. "Aquifer" means a porous water bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.

G. "Best management practices" (BMP) means a structural or nonstructural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities.

H. "Channel protection storage volume (CPV)" means the volume used to design structural management practices to control stream channel erosion. Methods for calculating the channel protection storage volume are specified in the 2000 Maryland Stormwater Design Manual, Volumes I & II.

I. "Clearing" means the removal of trees and brush from the land but shall not include the ordinary mowing of grass.

J. "Design manual" means the 2000 Maryland Stormwater Design Manual Volumes I & II (Maryland Department of the Environment, April 2000), and all subsequent revisions, that serves as the official guide for stormwater management principles, methods, and practices.

K. "Detention structure" means a permanent structure for the temporary storage of runoff, which is designed so as not to create a permanent pool of water.

L. "Develop land" means to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.

M. "Direct discharge" means the concentrated release of stormwater to tidal waters or vegetated tidal wetlands from new development or redevelopment projects in the Critical Area.

N. "Drainage area" means that area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridgeline.

O. "Easement" means a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

P. "Environmental site design (ESD)" means using small-scale stormwater management practices, nonstructural techniques, and better site planning to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources. Methods for designing ESD practices are specified in the Design Manual.

Q. "Exemption" means those land development activities that are not subject to the stormwater management requirements contained in this chapter.

R. "Extended detention" means a stormwater design feature that provides gradual release of a volume of water in order to increase settling of pollutants and protect downstream channels from frequent storm events. Methods for designing extended detention BMP's are specified in the Design Manual.

S. "Extreme flood volume (Qf)" means the storage volume required controlling those infrequent but large storm events in which overbank flows reach or exceed the boundaries of the one hundred-year floodplain.

T. "Final stormwater management plan" means the last of three required plan approvals that includes all required information to allow all approvals and permits to be issued by the approving agency.

U. "Flow attenuation" means prolonging the flow time of runoff to reduce the peak discharge.

V. "Grading," means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.

W. "Impervious area" means any surface that does not allow stormwater to infiltrate into the ground.

X. "Infiltration" means the passage or movement of water into the soil surface.

Y. "Maximum extent practicable (MEP)" means designing stormwater management systems so that all reasonable opportunities for using ESD planning techniques and treatment practices are exhausted and only where absolutely necessary, a structural BMP is implemented.

Z. "Modification" means the change to the minimum stormwater management requirements for specific

circumstances granted by the Director of Neighborhood and Environmental Programs PUBLIC WORKS based upon a showing by the applicant that strict adherence to the requirements would result in an unreasonable necessary hardship and not fulfill the intent of this chapter.

AA. "New development" means any construction, alteration, or improvement exceeding five thousand square feet of land disturbance performed on sites where existing land use is rural, agricultural or single family residential or any site with impervious coverage of less than forty percent imperviousness.

BB. "Off-site stormwater management" means the design and construction of a stormwater management facility necessary to control stormwater from more than one development.

CC. "On-site stormwater water management" means the design and construction of facilities necessary to control stormwater within a site.

DD. "Overbank flood protection volume (Qp)" means the volume controlled by structural practices to prevent an increase in the frequency of out of bank flooding generated by development. Methods for calculating the overbank flood protection volume are specified in the design manual.

EE. "Person" means the Federal government, the State, any county, municipal corporation, or other political subdivision of the State, or any of their units, or an individual receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.

FF. "Planning techniques" means a combination of strategies employed early in project design to reduce the impact from development and to incorporate nature features into a stormwater management plan.

GG. "Recharge volume (Rev)" means that portion of the water quality volume used to maintain groundwater recharge rates at development sites. Methods for calculating the recharge volume are specified in the Design Manual.

HH. "Redevelopment" means any construction, alteration, or improvement exceeding five thousand square feet of land disturbance performed on sites where existing land use is commercial, industrial, institutional, multifamily residential and existing site impervious area exceeds forty percent.

II. "Regional stormwater management facility" means a stormwater management facility intended to control stormwater runoff from several separately owned parcels or developments within a watershed. "Regional stormwater management facility" does not include multi-lot stormwater management facilities, subdivision facilities or other stormwater management facilities constructed in connection with development or redevelopment, whether concurrently or in phases, of a site, or contiguous sites, by a single owner or a single owner's successor in title.

JJ. "Retention structure" means a permanent structure that provides for the storage of runoff by means of a permanent pool of water.

KK. "Retrofitting" means the implementation of ESD practices, the construction of a structural BMP in a previously developed area, the modification of an existing structural BMP, or the implementation of a nonstructural practice to improve water quality over current conditions.

LL. "Sediment" means soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.

MM. "Site" means any tract, lot, or parcel of land, or combination of tracts, lots, parcels of land that are in one ownership, or are contiguous and in diverse ownership, where development is to be performed as part of a unity, subdivision, or project.

NN. "Site development plan" means the second of three required plan approvals that includes the information necessary to allow a detailed evaluation of a proposed project.

OO. "Stabilization" means the prevention of soil movement by any of various vegetative and/or structural means.

PP. "Stormwater" means water that originates from a precipitation event.

QQ. "Stormwater management system" means natural areas, ESD practices, stormwater management measures, and any other structure through which stormwater flows, infiltrates, or discharges from a site.

RR. "Stripping" means any activity that removes the vegetative surface cover including tree removal, clearing, grubbing and storage or removal of topsoil.

SS. "Waiver" means the relinquishment from stormwater management requirements by the Director of Neighborhood and Environmental Programs PUBLIC WORKS for a specific development on a case-by-case review basis.

1. "Qualitative stormwater management waiver" means a reduction of water quality volume and recharge volume parameters.

2. "Quantitative stormwater management waiver" means a reduction of channel protection storage volume, overbank flood protection volume, and extreme flood volume design parameter.

TT. "Watercourse" means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that is subject to inundation from overflow or flood water.

UU. "Watershed" means the total drainage area contributing runoff to a single point.

VV. "Water quality volume (WQv)" means the volume needed to capture and treat the runoff from ninety percent of the average annual rainfall at a development site. Methods for calculating the water quality volume are specified in the design manual.

#### **Section 17.10.080 - Stormwater management criteria.**

A. The minimum control requirements established in this section and the Design Manual are as follows:

1. The Department of Public Works requires that the planning techniques, nonstructural practices, and design methods specified in the Design Manual are to be used to implement ESD to the MEP. The use of ESD planning techniques and treatment practices must be exhausted before any structural BMP is implemented. Stormwater management plans for development projects subject to this Ordinance shall be designed using ESD sizing criteria, recharge volume, water quality volume, and channel protection storage volume criteria according to the Design Manual. The MEP standard is met when channel stability is maintained, predevelopment groundwater recharge is replicated, nonpoint source pollution is minimized, and structural stormwater management practices are used only if determined to be absolutely necessary.

2. Control of the two and ten-year frequency storm event shall be required according to the design manual if the Department of Public Works determines that historical flooding problems exist and impact existing downstream floodplain development.

3. The Director of the Department of Public Works may require more than the minimum control requirements specified in this section if hydrologic or topographic conditions warrant or if flooding, stream channel erosion, or water quality problems exist downstream from a proposed project.

4. Alternative minimum control requirements may be adopted subject to Administration approval. The Administration shall require a demonstration that alternative requirements will implement ESD to the MEP and control flood damages, accelerated stream erosion, water quality, and sedimentation. Comprehensive watershed studies may also be required.

5. Stormwater management and development plans where applicable, shall be consistent with adopted and approved watershed management plans or flood management plans as approved by the Maryland Department of the Environment in accordance with the Flood Hazard Management Act of 1976.

B. In the case of redevelopment, every stormwater management plan shall satisfy the following requirements.

1. The stormwater management plan shall be consistent with the Design Manual.

2. The stormwater management plan shall reduce existing site impervious areas by at least fifty percent. Where site conditions prevent the reduction of impervious area by fifty percent, the stormwater management plan shall provide qualitative control for at least fifty percent of the site's existing impervious area. When a combination of impervious area reduction and stormwater practice implementation is used, the combined area

shall equal or exceed fifty percent of the site's impervious area. Any permit application legally submitted prior to April 9, 2007, shall meet the requirements of the unamended regulation.

3. Upon application by the owner or his or her agent, the Director of Public Works may waive the requirements of the preceding paragraph if hydrologic and hydraulic design conditions prevent impervious area reduction or on-site stormwater management. Waivers shall be consistent with Section 17.10.120 of this Code. In granting such a waiver, the Director shall direct the applicant to the following practical alternatives:

- a. Off-site BMP implementation for a drainage area at least one and one-half times the size and percent imperviousness to that of the project;
- b. Watershed or stream restoration;
- c. Retrofitting; and/or
- d. Other practices to reduce impervious surfaces or the impact of stormwater runoff not inconsistent with the purposes of this chapter.

4. The Department of Public Works may develop separate policies for providing water quality treatment for redevelopment projects. Any separate redevelopment policy shall be reviewed and approved by the Administration and may include, but not be limited to:

- a. A combination of ESD and an on-site or off-site structural BMP;
- b. Retrofitting including existing BMP upgrades, filtering practices, and off-site ESD implementation;
- c. Participation in a stream restoration project;
- d. Pollution trading with another entity;
- e. Payment of a fee-in-lieu; or
- f. A partial waiver of the treatment requirements if ESD is not practicable.

5. The determination of what alternatives will be available may be made by the Department of Public Works at the appropriate point in the development review process. The Department shall consider the prioritization of alternatives in Section 17.10.08B4 of this Code after it has been determined that it is not practicable to meet the 2009 regulatory requirements using ESD. In deciding what alternatives may be required, the Department may consider factors including, but not limited to:

- a. Whether the project is in an area targeted for development incentives such as a Priority Funding Area, a designated Transit Oriented Development area, or a designated Base Realignment and Closure Revitalization and Incentive Zone;
- b. Whether the project is necessary to accommodate growth consistent with comprehensive plans; or
- c. Whether bonding and financing have already been secured based on an approved development plan.

### **Section 17.10.100 - Stormwater management plans.**

#### **A. Review and Approval of Stormwater Management Plans.**

1. Unless otherwise exempted, for any proposed development, the owner or his/her agent shall submit to the Department of Public Works for review and approval, phased stormwater management plans or waiver application as part of the grading permit application. At a minimum, plans shall be submitted for the concept, site development, and final stormwater management construct phases of project design. The stormwater management plan shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which stormwater runoff from the entire development will be managed, and shall be consistent with the requirement of the Design Manual. The Department of Public Works shall review the plans to determine compliance with the requirements of this chapter prior to approval. The plans shall serve as the basis for all subsequent construction.

2. The Department of Public Works shall perform a comprehensive review of the stormwater management plans for each phase of site design. Coordinated comments will be provided for each plan phase that reflects input from all appropriate agencies including, but not limited to, the Anne Arundel County Soil Conservation District (SCD) and the Departments of Planning and Zoning. All comments from Department of Neighborhood

and Environmental Programs and other appropriate agencies shall be addressed and approval received at each phase of project design before subsequent submissions.

3. Issuance of the grading permit shall constitute approval of the Stormwater Management Plan for construction.

B. Contents and Submission of the Stormwater Management Plan.

1. The owner/developer shall submit a concept plan that provides sufficient information for an initial assessment of the proposed project and whether stormwater management can be provided according to Section 17.10.080 of this Ordinance and the Design Manual. Plans submitted for concept approval shall include, but are not limited to:

a. A map at a scale specified by the Department of Public Works showing site location, existing natural features, water and other sensitive resources, topography, and natural drainage patterns at a scale of 1:10, 1:20 or 1:50;

b. The anticipated location of all proposed impervious areas, buildings, roadways parking, sidewalks, utilities, and other site improvements;

c. The location of the proposed limit of disturbance, erodible soils, steep slopes, and areas to be protected during construction;

d. Preliminary estimates of stormwater management requirements, the selection and location of ESD practices to be used, and the location of all points of discharge from the site;

e. A narrative that supports the concept design and describes how ESD will be implemented to the MEP; and

f. Any other information required by the Department of Public Works.

2. Following concept plan approval by the Department of Public Works, the owner/developer shall submit site development plans that reflect comments received during the previous review phase. Plans submitted for site development approval shall be of sufficient detail to allow site development to be reviewed and include but not be limited to:

a. All information provided during the concept plan review phase;

b. Final site layout, exact impervious area locations and acreages, proposed topography, delineated drainage areas at all points of discharge from the site, and stormwater volume computations for ESD practices and quantity control structures;

c. A proposed erosion and sediment control plan that contains the construction sequence, any phasing necessary to limit earth disturbances and impacts to natural resources and an overlay plan showing the types and locations of ESD and erosion and sediment control practices to be used;

d. A narrative that supports the site development design, describes how ESD will be used to meet the minimum control requirements, and justifies any proposed structural stormwater management measure; and

e. Any other information required by the approving agency.

3. Following site development approval by the Department of Public Works, the owner/developer shall submit final erosion and sediment control and stormwater management plans that reflect the comments received during the previous review phase. Plans submitted for final approval shall be of sufficient detail to allow all approvals and permits to be issued according to the following:

a. Final erosion and sediment control plans shall be submitted according to COMAR 26.17.01.05; and

b. Final stormwater management plans shall be submitted for approval in the form of construction drawings and be accompanied by a report that includes sufficient information to evaluate the effectiveness of the proposed runoff control design.

4. Reports submitted for final stormwater management plan approval shall include, but are not limited to:

a. Geotechnical investigations including soil maps, borings, site specific recommendations, and any additional information necessary for the final stormwater management design;

b. Drainage area maps depicting predevelopment and post development runoff flow path segmentation and land use;

c. Hydrologic computations of the applicable ESD and unified sizing criteria according to the Design Manual for all points of discharge from the site;

d. Hydraulic and structural computations for all ESD practices and structural stormwater management measures to be used;

e. A narrative that supports the final stormwater management design; and

f. Any other information required by the Department of Public Works.

5. Construction drawings submitted for final stormwater management plan approval shall include, but are not limited to:

a. A vicinity map;

b. Existing and proposed topography and proposed drainage areas, including areas necessary to determine downstream analysis for proposed stormwater management facilities;

c. Any proposed improvements including location of buildings or other structures, impervious surfaces, storm drainage facilities, and all grading;

d. The location of existing and proposed structures and utilities;

e. Any easements and rights-of-way;

f. The delineation, if applicable, of the one hundred-year floodplain, on-site wetlands or Critical Area designation and one hundred-foot buffer;

g. Structural and construction details including representative cross sections for all components of the proposed drainage system or systems, and stormwater management facilities;

h. All necessary construction specifications;

i. A sequence of construction;

j. Data for total site area, disturbed area, new impervious area, and total impervious area;

k. A table showing ESD and unified sizing criteria volumes required in the Design Manual;

l. A table of materials to be used for stormwater management facility planting;

m. All soil borings logs and locations;

n. An inspection and maintenance schedule;

o. Certification by the owner/developer that all stormwater management construction will be done according to this plan;

p. An as-built certification signature block to be executed after project completion; and

q. Any other information required by the Department of Public Works.

C. Preparation of the Stormwater Management Plan.

1. The stormwater management plan shall be prepared under the general supervision of a professional engineer registered to practice in the State of Maryland. The professional engineer and any other design professional involved in the preparation of any stormwater management plan submitted to the Department of Public Works, shall sign and seal the plan.

2. If a stormwater management plan requires either a dam safety permit from the Maryland Department of Environment or a small pond approval from the Anne Arundel Soil Conservation District, then the dam and/or pond design shall be prepared, signed and sealed by a professional engineer registered to practice in the State of Maryland.

D. Design Requirements.

1. Stormwater management facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. Additionally, a stormwater management facility shall be designed in accordance with standard construction specifications and details established and promulgated by the Department of Public Works.

2. Prior to approval of a stormwater management design, the applicant shall submit a proposed staged inspection and construction control schedule. The schedule shall provide for regular inspections by a registered professional engineer to be conducted during construction of stormwater management systems in accordance with accepted engineering practices.

3. The permittee shall notify the Department of Public Works before commencing any work to implement the stormwater management plan and upon completion of the work.

4. No stage of work involving the installation of stormwater management facilities shall proceed until the work previously completed is inspected and approved by the Department of Public Works.

5. Any portion of the work that does not comply with the stormwater management plan shall be corrected promptly by the permittee.

6. A final inspection shall be conducted by the Department of Public Works upon completion of the stormwater management facility to determine if the completed work is constructed in accordance with the approved stormwater management plan. The final inspection by the Department of Public Works does not relieve the permittee of any of requirement imposed on the permittee by this chapter.

E. Construction Compliance. Archive able and reproducible as-built plans of the stormwater management facility shall be forwarded to the Department of Public Works upon completion of the stormwater management facility and final inspection by the Department of Public Works The permittee's professional engineer shall certify that the stormwater management facility has been constructed as shown on the as-built plans and that the stormwater management facility meets the approved stormwater management plan's design and specifications.

F. Electronic Documentation. The Director of Public Works may require the permittee and his/her engineer to submit all of the documents associated with the grading permit in an electronic format for archiving purposes. The documents shall be submitted in the format required by the Director of Public Works.

G. Release of Security. The performance bond shall not be reduced nor released until all aspects of the stormwater management plan are completed, including, but not limited to:

1. The submission and acceptance of "as built drawings" in accordance with Subsection E of this section,
2. The completion of all forms required by the administration, and
3. The stormwater management facility has been in operation for a minimum of one year without failure.

### **Section 17.10.120 - Waivers.**

A. Except as provided in Section 17.10.120D of this code, The Department of Public Works shall grant stormwater management quantitative control waivers only to those projects within areas where watershed management plans have been developed consistent with Section 17.10.075F of this Ordinance. Written requests for quantitative stormwater management waivers shall be submitted that contain sufficient descriptions, drawings, and any other information that is necessary to demonstrate that ESD has been implemented to the MEP. A separate written waiver request shall be required in accordance with the provisions of this section if there are subsequent additions, extensions, or modifications to a development receiving a waiver.

B. Except as provided in Section 17.10.120D of this code, if watershed management plans consistent with Section 17.10.075F of this code have not been developed, stormwater management quantitative control waivers may be granted to the following projects provided that it has been demonstrated that ESD has been implements to the MEP:

1. That have direct discharges to tidally influenced receiving waters;
2. That are in-fill development located in a Priority Funding Area where the economic feasibility of the project is tied to the planned density, and where implementation of the 2009 regulatory requirements would result in a loss of the planned development density provided that:
  - a. Public water and sewer and stormwater conveyance exist;
  - b. The quantitative waiver is applied to the project for the impervious cover that previously existed on the site only;
  - c. ESD to the MEP is used to the meet the full water quality treatment requirements for the entire development; and ESD to the MEP is used to provide full quantity control for all new impervious surfaces; or
3. When the approving agency determines that circumstances exist that prevent the reasonable implementation of quantity control practices.

C. Except as provided in Section 17.10.120D of this code, stormwater management qualitative control waivers apply only to:

1. In-fill development projects where ESD has been implemented to the MEP and it has been demonstrated that other BMPs are not feasible;
2. Redevelopment projects if the requirements of Section 17.10.085 of this Ordinance are satisfied; or
3. Sites where the approving agency determines that circumstances exist that prevent the reasonable implementation of ESD to the MEP.

D. Stormwater management quantitative and qualitative control waivers may be granted for phased development projects if a system designed to meet the 2009 regulatory requirements and the Department of Public Works requirements for multiple phases has been constructed by May 4, 2010. If the 2009 regulatory requirements cannot be met for future phases constructed after May 4, 2010, all reasonable efforts to incorporate ESD in future phases must be demonstrated.

E. Waivers shall only be granted when it has been demonstrated that ESD has been implemented to the MEP and must:

1. Be on a case-by-case basis;
2. Consider the cumulative effects the Department of ~~Neighborhood and Environmental Programs~~ PUBLIC WORKS waiver policy; and
3. Reasonable ensure the development will not adversely impact stream quality.

F. If the Department of Public Works has established an overall watershed management plan for a specific watershed, the Department of ~~Neighborhood and Environmental Programs~~ may develop quantitative waiver and redevelopment provisions that differ from Section 17.10.120 of this Ordinance.

G. A watershed management plan developed for the purpose of implementing different stormwater management policies for waivers and redevelopment shall:

1. Include detailed hydrologic and hydraulic analyses to determine hydrograph timing;
2. Evaluate both quantity and quality management and opportunities for ESD implementation;
3. Include a cumulative impact assessment of current and proposed watershed development;
4. Identify existing flooding and receiving stream channel conditions;
5. Be conducted at a reasonable scale;
6. Specify where on-site or off-site quantitative and qualitative stormwater management practices are to be implemented;
7. Be consistent with the General Performance Standards for Stormwater Management in Maryland found in the Design Manual; and
8. Be approved by the Administration.

H. If the Director of Public Works determines that a waiver is appropriate under this section but that the construction of the proposed alternative to on-site stormwater quantity or quality management is not in the City's interest, the Director of Public Works may require the applicant to make a monetary contribution to the stormwater utility or to an identified City capital project intended to provide water quantity and/or quality improvements to the drainage basin in which the proposed development site is located. The amount of the contribution shall not exceed the cost of constructing an effective on-site stormwater management facility, including the value of the land that would be required to construct the stormwater management facility, as well as the cost of constructing, landscaping and perpetually maintaining the facility. The cost of perpetually maintaining the stormwater management facility is presumed to equal to the cost of constructing the stormwater management facility.

### **Section 17.10.150 - Permits.**

A. Permit Requirement.

1. A grading permit shall not be issued for any parcel or lot unless a stormwater management plan,



meeting all of the requirements of this chapter, has been approved or waived by the Department of Public Works. Where appropriate, a grading permit shall not be issued without:

- a. Approval of the Anne Arundel Soil Conservation District;
- b. A recorded private stormwater management facility inspection and maintenance agreement pursuant to Section 17.10.190;
- c. A performance bond; and
- d. Proof of property interests as required under Section 17.10.110.

**B. Permit Suspension and Revocation.**

1. A grading permit issued by the Department of ~~Neighborhood and Environmental Programs~~ **PUBLIC WORKS PLANNING AND ZONING** may be suspended or revoked by giving written notice thereof to the permittee, if the Directors of ~~Neighborhood and Environmental Programs~~ **PLANNING AND ZONING** or ~~OF~~ Public Works finds any of the following:

- a. Violation of any condition of the stormwater management plan approval.
- b. Change in any site runoff characteristics upon which an approval or waiver was granted.
- c. Construction of a stormwater management facility not in accordance with the approved plan.
- d. Noncompliance with a correction notice or a stop work order related to the construction of the stormwater management facility.
- e. An immediate danger to a downstream area.

2. The grounds for suspension or revocation set forth in the preceding subsection are in addition to, and are not intended to supercede, other grounds for the issuance of a stop work order or the suspension or revocation of a grading permit.

**C. Permit Conditions.** In granting a stormwater management plan approval, the Director of Public Works may impose such terms and conditions that the Director may deem necessary to ensure compliance with the provisions of this chapter and the preservation of the public health and safety.

**Section 17.10.180 - Stormwater utility fund.**

**A.** A stormwater utility fund shall be established and the moneys therein shall be used by the City for land acquisition (including easements and rights-of-way), and the study, engineering, design, purchase, construction, expansion, repair, maintenance, landscaping and inspection of public stormwater management systems.

**B.** The stormwater utility fee schedule applicable to the fund shall be established by resolution of the City Council. The fee schedule shall reflect an annual two percent rate increase in effect from July 1, 2015 until June 30, 2018 for stormwater fees under this Section. To encourage environmentally sound and effective stormwater management practices, the Director of the Department of ~~Neighborhoods and Environmental Programs~~ **PUBLIC WORKS** may authorize a reduction in the stormwater utility fee not to exceed fifty percent in accordance with a duly established policy setting forth which stormwater management facilities shall qualify for a reduction of the stormwater utility fee and how such reductions shall be calculated.

**C.** In the case of an application for a waiver to on-site water quantity and/or water quality management under this chapter, the Director of Public Works may in his/her discretion accept the conveyance of an interest in land, the construction of a stormwater management facility, the scheduled fee or any equivalent combination thereof as the stormwater utility fee.

**D.** The Director of Public Works shall not accept a conveyance of land or the construction of a stormwater management facility pursuant to the preceding Subsection that does not cover adequately the cost to the City of managing the stormwater generated from the subject property or if such acceptance is otherwise not in the interest of the City.

**E.** Public Works is responsible for maintenance, repair and retrofit of stormwater facilities that lie in the public right-of-way and these funds shall be used to this effect.

## Chapter 17.11 - FLOODPLAIN MANAGEMENT

### Article I - General Provisions

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

(A) For the purposes of this chapter, the minimum basis for establishing special flood hazard areas and base flood elevations is the flood insurance study for Anne Arundel County, Maryland and incorporated areas dated February 18, 2015, or the most recent revision thereof, and the accompanying Flood Insurance Rate Map(s) and all subsequent amendments and revisions to the FIRMs. The FIS and FIRMs are retained on file and available to the public at the ~~Department of Neighborhood and Environmental Programs~~ OFFICE OF ENVIRONMENTAL POLICY.

(B) Where field surveyed topography or digital topography indicates that ground elevations are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard on the FIRM, the area shall be considered as special flood hazard area.

(C) To establish base flood elevations in special flood hazard areas that do not have such elevations shown on the FIRM, the Floodplain Administrator may provide the best available data for base flood elevations, may require the applicant to obtain available information from Federal, State or other sources, or may require the applicant to establish special flood hazard areas and base flood elevations as set forth in Section 17.11.320, Section 17.11.330, and Section 17.11.340 of this chapter.

### Article III - Administration

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

The Director of the ~~Department of Neighborhood and Environmental Programs~~ OFFICE OF ENVIRONMENTAL POLICY 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.

#### Section 17.11.380 - Violations.

(A) Floodplain Violation. A person who fails to comply with any or all of the requirements or provisions of this chapter or any order or requirement of the ~~Director of Neighborhood and Environmental Programs~~ DIRECTOR OF PLANNING AND ZONING or any other authorized employee of the City is guilty of a municipal infraction and is subject to a fine as established by resolution of the City Council. Each day after the expiration of the allowed remedial work period shall constitute a separate offense. In addition, no other inspections shall be made by the ~~Department of Neighborhood and Environmental Programs~~ OFFICE OF ENVIRONMENTAL POLICY DEPARTMENT OF PLANNING AND ZONING for the project in question until remedial action has been satisfactorily completed and the subject fine has been paid in full. NOTWITHSTANDING THE PRECEDING SENTENCE, NOTHING IN THIS CHAPTER SHALL PROHIBIT THE CITY FROM CONDUCTING CODE ENFORCEMENT INSPECTIONS.

(B) Correction. The imposition of a fine or penalty for any violation or noncompliance with this chapter does not excuse the violation or noncompliance or permit it to continue. All persons determined to be in

violation or noncompliance shall be required to correct or remedy the violations and noncompliance within a reasonable time period.

(C) Nuisance. A structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this chapter may be declared by the Director to be a public nuisance and subsequently abated as a public nuisance.

(D) Notification of Violation. The Federal Insurance Administrator and the Maryland Water Resources Administration shall be notified immediately in writing of any structure or property in violation of this chapter.

(E) Denial of National Flood Insurance. New or renewal National Flood Insurance shall be denied for any structure remaining in violation or situated on property in violation of this chapter.

### **Section 17.11.390 - Appeals.**

(A) A person aggrieved by an order from the Director or the Director's designee made pursuant to this chapter, other than the issuance of a municipal citation or the charging of a misdemeanor, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the order. The petition for appeal shall be in writing stating the grounds for appeal and shall be filed with the ~~Department of Neighborhood and Environmental Programs~~ OFFICE OF ENVIRONMENTAL POLICY DEPARTMENT OF PLANNING AND ZONING along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.

(B) The Building Board of Appeals shall consider the appeal based upon the information provided to the ~~Department of Neighborhood and Environmental Programs~~ OFFICE OF ENVIRONMENTAL POLICY DEPARTMENT OF PLANNING AND ZONING at the time of the order from which the appeal is taking. If the Board finds that the order was in error or contrary to the provisions of this Code or other applicable law, the Board may reverse or modify the order. The decision of the Board on all appeals shall be in writing and shall contain the factual findings of the Board and the reasons for the decision.

(C) A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the Circuit Court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a person shall not be considered aggrieved by a decision of the Board unless the person has appeared as a party at the hearing before the Board. An appeal under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.

## **Article VII - Variances**

### **Section 17.11.700 - General.**

(A) The ~~Department of Neighborhood and Environmental Programs~~ OFFICE OF ENVIRONMENTAL POLICY DEPARTMENT OF PLANNING AND ZONING shall have the power to consider and authorize or deny variances from the strict application of the requirements of this chapter. A variance shall be approved only if it is determined to not be contrary to the public interest and where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of this chapter, an unnecessary hardship would result.

(B) Upon consideration of the purposes of this chapter, the individual circumstances, and the considerations and limitations of this section, the ~~Department of Neighborhood and Environmental Programs~~ OFFICE OF ENVIRONMENTAL POLICY DEPARTMENT OF PLANNING AND ZONING may attach such conditions to variances as it deems necessary to further the purposes of this chapter.

(C) The ~~Department of Neighborhood and Environmental Programs~~ OFFICE OF ENVIRONMENTAL POLICY DEPARTMENT OF PLANNING AND ZONING shall notify, in writing, any applicant to whom a variance is granted to construct or substantially improve a building or structure with its lowest floor below the

elevation required by this chapter that the variance is to the floodplain management requirements of this chapter only, and that the cost of Federal Flood Insurance will be commensurate with the increased risk, with rates up to twenty-five dollars per one hundred dollars of insurance coverage.

(D) A record of all variance actions, including justification for issuance shall be maintained pursuant to Section 17.11.310(K) of this chapter.

(E) Notice of the flood hazard and approved variance action shall be placed on the deed or other documents which convey title of all newly created or recorded properties.

#### **Section 17.11.710 - Application for a variance.**

(A) The owner of property, or the owner's authorized agent, for which a variance is sought shall submit an application for a variance to the Floodplain Administrator.

(B) At a minimum, the application shall contain the following information: Name, address, and telephone number of the applicant and property owner; legal description of the property; parcel map; description of the existing use; description of the proposed use; site map showing the location of flood hazard areas, designated floodway boundaries, flood zones, base flood elevations, and flood protection setbacks; description of the variance sought; and reason for the variance request. Variance applications shall specifically address each of the considerations in Section 17.11.720 and shall comply with the requirements of Section 17.11.340

(C) If the application is for a variance to allow the lowest floor (A Zones) or bottom of the lowest horizontal structural member (V Zones and Coastal A Zones) of a building or structure below the applicable minimum elevation required by this chapter, the application shall include a statement signed by the owner that, if granted, the conditions of the variance

(D) Applications for variances must be submitted in writing to the ~~Director of Neighborhood and Environmental Programs~~ DIRECTOR OF PLANNING AND ZONING within thirty calendar days of any refusal to issue a permit.

(F) The ~~Director of Neighborhood and Environmental Programs~~ DIRECTOR OF PLANNING AND ZONING must take official action on a request for a variance within thirty calendar days of the receipt of the request.

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

(A) The Floodplain Administrator shall request comments on variance applications from MDE (NFIP State Coordinator).

(B) In considering variance applications, the ~~Department of Neighborhood and Environmental Programs~~ OFFICE OF ENVIRONMENTAL POLICY shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of this chapter, and the following factors:

- (1) The danger that materials may be swept onto other lands to the injury of others.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.
- (4) The importance of the services to the community provided by the proposed development.
- (5) The availability of alternative locations for the proposed use which are not subject to, or are subject to less, flooding or erosion damage.
- (6) The necessity to the facility of a waterfront location, where applicable, or if the facility is a functionally dependent use.
- (7) The compatibility of the proposed use with existing and anticipated development.
- (8) The relationship of the proposed use to the comprehensive plan and hazard mitigation plan for that area.
- (9) The safety of access to the property in times of flood for passenger vehicles and emergency vehicles.

- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (11) The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (12) The comments provided by MDE (NFIP State Coordinator).
- (13) Considerations related to the reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places or State Inventory of Historic Places.

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

The ~~Department of Neighborhood and Environmental Programs~~ OFFICE OF ENVIRONMENTAL POLICY shall make an affirmative decision on a variance request only upon:

- (A) A showing of good and sufficient cause. Good and sufficient cause deals solely with the physical characteristics of the property and cannot be based on the character of the improvement, the personal characteristics of the owner/inhabitants, or local provision that regulate standards other than health and public safety.
- (B) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of this chapter does not constitute an exceptional hardship to the applicant.
- (C) A determination that the granting of a variance for development within any designated floodway, or flood hazard area with base flood elevations but no designated floodway, will not result in increased flood heights beyond that which is allowed in this chapter.
- (D) A determination that the granting of a variance will not result in additional threats to public safety; extraordinary public expense, nuisances, fraud or victimization of the public, or conflict with existing local laws.
- (E) A determination that the building, structure or other development is protected by methods to minimize flood damages.
- (F) A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

## **Chapter 17.12 - BUILDING CODE**

### **Section 17.12.010 - International Building Code adopted.**

A. The International Building Code, 2012 Edition, as published by the International Code Council, Inc., is adopted as the Building Code of the City of Annapolis with the following amendments:

- 1. Section 101.1 of the International Building Code is amended to insert "City of Annapolis" in the space indicated.
- 2. Sections 103.1, 103.2, 103.3 of the International Building Code adopted in Section 17.12.010 are deleted and the following is substituted:

#### Section 103 Administration.

103.1 General. The ~~Department of Neighborhood and Environmental Programs~~ PLANNING AND ZONING is responsible for the administration and enforcement of this code. The director of the Department, or the director's designee, shall be the Building Official referred to in this code.

- 3. Strike Section 105.2 of the International Building Code adopted in Section 17.12.010 and substitute with the following:

105.2 Work exempt from permit. All work shall require a permit(s), except as may be exempted by Section 17.12.022(A).

4. In Table 503, for Construction Types III, IV, and V, both Groups A and B (other than detached accessory or uninhabitable structures), add the following footnotes (C-E):

C. Automatic fire sprinkler systems shall be installed and maintained in accordance with National Fire Protection Association (NFPA) Standard 13, 13D, or 13R as referenced by the State of Maryland Fire Prevention Code, promulgated by the State Fire Prevention Commission adopted from time to time under authority of State law.

D. In all existing uses when an attic space has been previously altered or when an attic space is to be altered for occupiable or habitable space, the attic floor shall be considered a story. The attic shall be considered a story when the attic has a fixed stair down to the story below.

E. Any existing building altered shall not exceed the height and area limitations for new buildings specified in Table 503 unless approved otherwise by the Code Official.

5. Insert the following footnote to Table 601, Fire Resistance Ratings Requirements for Building Elements:

h. Unless otherwise approved by the Code Official, for all types of construction, new and existing that are altered, and which are not subject to the installation of or upgrades to fire sprinkler systems in accordance with the provisions of Chapter 17.20 of this title, provide a minimum of one hour separation for walls, from foundation to underside of roof sheathing and for ceilings that have a floor assembly over.

6. Add the following footnotes to Table 602:

j. The table also applies to all existing uses that are proposed to be altered.

k. Where a discrepancy exists or where the required fire separation distance is not provided, the Code Official may require that a certified site drawing be submitted indicating the correct distance.

l. For clarification - the fire separation distance is measured from the wall opening to the abutting property line.

7. Strike Section 903.1 and substitute the following: "Automatic sprinkler systems shall comply with this Section and Chapter 17.20 of the Code of the City of Annapolis."

8. At the end of Section 1101.1, after "disabled persons", insert "All existing buildings or facilities that are to be altered shall follow the requirements set forth by the U.S. Architectural and Transportation Barriers Compliance Board, MD Accessibility Code, and the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities. The required ADAAG form shall be submitted at the time of permit submission identifying the applicant's assessment of the required Americans with Disabilities Act (ADA) upgrades.

9. In Section 905.2, after "NFPA 14." insert "Standpipe systems, subject to the approval of the Fire Department, may be of the dry type without a permanent water supply."

10. Strike Section 3107.1. and substitute the following: "Signs shall comply with Chapter 17.60 of the Code of the City of Annapolis."

11. In Section 3305.1, delete the reference to "International Plumbing Code" and substitute "Chapter 17.28, Plumbing Code of the City of Annapolis."

12. Strike Section 115.3 Unlawful Continuance and substitute the following:

Section 115.3 Unlawful Continuance. A person who ignores, defaces or removes a stop work order, unsafe order or an unfit order issued by the Code Official is guilty of a municipal infraction and is subject to a fine of five hundred dollars for any single violation and a fine of five hundred dollars for each repeat or continuing violation. All fines must be paid in full before the order will be lifted and any work can continue.

13. Strike Section 1029.1, Exception 1, and add the following to the end of the section paragraph:

In the event of any inconsistencies between the provisions of the International Building Code and the City Code, the more stringent shall govern. A copy of the International Building Code is on file in the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

14. Strike Section 202 - "Building Official" and substitute the following:  
Building Official. The Director of the Department of ~~Neighborhood and Environmental Programs~~, PLANNING AND ZONING or his or her designee.

**Section 17.12.018 - International Energy Conservation Code adopted.**

A. The International Energy Conservation Code, 2012 Edition, as published by the International Code Council, Inc., is adopted as the Energy Code of the City of Annapolis for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the building envelope, mechanical systems, and lighting and power systems in the City.

B. In the event of any inconsistencies between the provisions of the Energy Code and the City Code, the more stringent shall govern. The Code Official shall have the authority to act on any matters when there is a discrepancy or when the codes are silent. In the event of any inconsistencies between the provisions of the Building Code and the City Code, the more stringent code shall govern. A copy of the International Energy Conservation Code is on file in the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

**Section 17.12.020 - International Residential Code adopted.**

A. The International Residential Code, 2012 Edition, as published by the International Code Council, Inc., is adopted as the Residential Code of the City of Annapolis with the following amendments:

1. In Chapter 15 add the following:

Section M1507.5 Bathroom and Toilet Room Ventilation. Every bathroom and toilet room shall be exhaust vented mechanically to outside air with rigid pipe sloped away from the exhaust fan towards the exterior. Existing bathrooms and toilet rooms that are altered or are part of other building alterations shall also be exhaust vented mechanically to outside air unless approved otherwise by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee.

2. Strike Section P2904 and all subsections of Section P2904 substitute the following:

Section P2904 Residential fire sprinkler systems

P2904.1 Fire sprinkler systems required. Residential fire sprinkler systems are required as follows when a building permit is requested from the City of Annapolis:

1. All new residential construction. New residential construction shall mean and include single-family, duplex, and multi-family residential buildings or structures, the placement of mobile or modular homes, and any existing residential building or structure that is removed, renovated, refurbished, altered and/or an addition is made thereto provided the value of construction, as a percentage of the assessed value of the structure or improvement as determined by the State Department of Assessments and Taxation, exceeds (a) fifty percent in the Historic District, or (b) seventy-five percent outside of the Historic District. Kitchen and/or bathroom replacements or alterations are exempt. Accessory or uninhabitable structures, such as carports, garages, greenhouses and sheds are excluded.

2. Automatic fire sprinkler systems shall be installed and maintained in accordance with Chapter 17.20 of the Code of the City of Annapolis.

3. In Section 302.1 of the International Residential Code, add Exception #6 to read as follows:

6. Decks and attached unenclosed accessory structures. Projections shall not extend over the lot line.

B. In the event of any inconsistencies between the provisions of the International Residential Code and the City Code, the more stringent code shall govern. A copy of the International Residential Code is on file in the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

### **Section 17.12.026 - Building Code-Use and occupancy permit.**

A. In accordance with the Building Code, a use and occupancy permit is required for all new construction and for structures undergoing alterations. Structures undergoing alterations shall be governed by Section 101.4 of the International Existing Building Code in applicable part. A use and occupancy permit is also required if there is a change of use or occupancy even if there is no construction or alteration. A use and occupancy permit is required if there is a change in ownership only if the Code Official determines that certain existing conditions pose an inimical threat to the public health, safety, or welfare.

B. The inspection fees for the use and occupancy permit shall be paid at the time of the building permit application. The fees are nonrefundable and not transferable. The fee schedule shall be established by resolution of the City Council.

C. The use and occupancy permit shall be issued only after the Department of Public Works, ~~the Department of Neighborhood and Environmental Programs~~, the Department of Planning and Zoning, the Fire Department, and the Health Department, where applicable, have inspected the site and verified that the structures and the site meet City standards and specifications, and are in accordance with the approved building permit application and the use requirements under Chapter 21.12

D. The Director or designee may suspend or revoke any use and occupancy permit for any violations of the City Code, for unsafe conditions, violations of the issued permits, failure to obtain final inspections and approvals, and for misrepresentation of facts.

E. In addition to other remedies provided to the City by law, a person who violates this section shall be guilty of a municipal infraction and is subject to a fine as established by resolution of the City Council. All fines must be paid in full prior to any further inspections being made and prior to any permit issuance.

### **Section 17.12.042 - Unsafe structures.**

A. An unsafe structure is a structure, or part of a structure, that in the opinion of the Director of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, or his or her designee, is found to be dangerous to the life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or which by reason of illegal or improper use, occupancy or maintenance, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

B. An unsafe structure shall be razed or abated by the owner within seventy-two hours after notice to do so has been given to the owner by the Director. The owner is required to apply for a building permit as per Section 17.12.022(C). if the owner, within seventy-two hours after receipt of the notice, has not razed the unsafe structure, or otherwise abated the nuisance, the owner is guilty of a municipal infraction and is subject to a fine as established by resolution of the City Council, and the nuisance shall be abated by the Director or his or her designee at the expense of the owner.

C. Whenever in the judgment of the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, or his or her designee, an emergency exists which requires immediate action to protect the public safety or welfare, an order may be issued without notice, conference or hearing, directing the owner, occupant, operator, agent or licensee to take whatever action is appropriate to correct or abate the emergency. If circumstances warrant, the Director or his or her designee may act to correct or abate the emergency. The Director or his or her designee may in the interest of safety disconnect water, gas, and electric service to the building or structure.

D. All costs incurred for the emergency action or abatement shall be recovered from the owner in the form of a lien on the property and collectible in the same manner as delinquent taxes.



**Section 17.12.050 - Building permit-Application.**

- A. Both the owner of the property and the contractor engaged to do the work equally are responsible for obtaining the required building permit.
- B. No building permit shall be issued prior to the issuance of a grading permit, where applicable under Chapter 17.08.
- C. Before any permit required by Section 17.12.022 shall be issued, the applicant shall file with the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING verification from the City Finance Director that the applicant has paid all applicable Anne Arundel County School impact fees, or proof that the project is not subject to the County's school impact fees.

**Section 17.12.055 - Display of address.**

- A. The owners of any improved property shall post on or about the property numbers or letters designating the address assigned to the property.
- B. The number or letters shall be at least three inches high, displayed on a contrasting background, and posted in order to be unobstructed and clearly legible from the street named in the address of the property.
- C. In addition to the requirements of Subsection B of this section:
  - 1. For a multifamily structure (six units or more):
    - a. The address shall be affixed to the structure in numbers or letters at least six inches high and shall be clearly legible from the street or public way; and
    - b. The designation of each dwelling unit shall be affixed to the exterior door of the unit with numbers or letters at least three inches high; and
  - 2. For a commercial property:
    - a. The address shall be displayed in numbers or letters at least six inches high, and
    - b. Side or rear doors to commercial properties with multiple suites shall have numbers or letters at least three inches high corresponding to the suite address.
- D. An authorized representative of the Departments of Police, Fire, ~~Neighborhood and Environmental Programs~~, or Planning and Zoning may cite an owner for violation of the provisions of this section.
- E. Owners of existing improved property shall have thirty days from the notification date to comply with the requirements of this section.
- F. Violators of the provisions of this section are guilty of a municipal infraction and subject to a fine as established by resolution of the City Council.

**Section 17.12.056 - Building permit-Fees-Reinspection.**

- A. The fee for a building permit shall be based on the estimated value of the work in accordance with the schedule set out in Subsection B of this section. Computation of the estimated value must include the fair market value of all construction of work for which the permit is issued, including all painting, siding, windows, roofing, electrical work, plumbing, heating/air conditioning equipment, elevator equipment, fire protection system equipment and any other permanent portions or permanent equipment essential to the operation of the building. Equipment required for manufacturing or other special occupancy, land value and development costs are excluded from the computation of fair market value. The minimum acceptable valuation for new buildings shall be based on the current market value as determined by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.
- B. Nonrefundable application fees and building permit fees shall be established by resolution of the City Council.

1. The application fee will not be refundable for any reason except if the permit application has been denied. The application fee will be applied to the final cost of the building permit at the time of issuance per the procedures as established by the Department of Neighborhood and Environmental Programs PLANNING AND ZONING.

C. A fee as established by resolution of the City Council for residential properties and commercial properties shall be charged for:

1. Moving a building, regardless of the value or size of the building;
2. Demolishing a building, regardless of the value or size of the building;
3. Moving, hauling, or transporting an oversize load.

D. A person who moves or demolishes a building or transports an oversize load without a permit is guilty of a municipal infraction and is subject to a fine as established by resolution of the City.

E. A monetary guarantee for the work will be executed by the applicant to ensure that upon demolition or moving of a building, all associated utilities have been inactivated and capped in a proper and safe manner.

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

1. Requesting party called for inspection, but work was not ready;
2. Requesting party was not on site;
3. Building was locked;
4. Safety features not on site;
5. Approved drawings not on site;
6. Permit card not posted and visible from fronting street.

#### **Section 17.12.058 - Approval-Commencing work-Expiration.**

A. Upon approval of a building permit, the applicant shall be provided verbal or written notification to the address specified on the application that the permit has been approved and is available for issuance.

B. A building permit is void unless issued within thirty days from the date of the notification to the applicant pursuant to Subsection A of this section.

C. A building permit is void unless construction for which the permit has been issued is commenced within a period of forty-five days after issuance or if the authorized work is suspended or abandoned for a period of sixty days after the time of commencing the work, unless approved otherwise by the Director of the Department of Neighborhood and Environmental Programs PLANNING AND ZONING or his designee.

D. A building permit shall be valid for two years from the date of issuance, unless a shorter time period is designated by the Director or designee.

E. Demolition, tent and special permits shall be valid for the time period as established by the Director or designee.

F. The issued permit card must be posted within twenty-four hours of the issuance and made visible from the fronting roadway or street. The permit card shall be posted regardless of construction start date and remain for the duration of the project. Owner/contractor is responsible for protecting the card from damage.

G. The Code Official may require the owner to provide a monetary guarantee in the form of a certified check, letter of credit or performance bond for specific permits to guarantee completion of the work under agreement with the City.

H. The Director may renew a building permit for an additional six-month period if the applicant:

1. Makes written request for the renewal prior to the expiration date of the permit; and
2. Provides written justification, satisfactory to the Director, that work could not be completed prior to the expiration date of the permit because of circumstances beyond the control of the applicant.

I. A building permit may not be renewed more than twice for a total of one year, unless approved otherwise by the Department of Neighborhood and Environmental Programs PLANNING AND ZONING.

J. If the building permit is to be renewed more than twice, all permit paperwork and applicable surety, shall be updated to Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING requirements and all permit fees shall be repaid in full prior to renewal.

K. Work Hours. No construction work or machinery shall start prior to seven a.m. and shall finish up no later than dusk and there shall be no outside Sunday work unless specifically approved otherwise.

L. A person who violates this section is guilty of a municipal infraction and is subject to a fine of one hundred dollars for any single, initial violation and a fine of two hundred dollars for each repeat or continuing violation.

#### **Section 17.12.060 - Enforcement.**

The enforcement of the Building Code is the duty of the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee.

#### **Section 17.12.062 - Unapproved construction.**

A. A person who commences any building, structure, or any construction without prior receipt of a required building permit is guilty of a municipal infraction and is subject to a fine as established by resolution of the City Council.

B. Structures erected or alterations completed without a permit as required by this chapter shall be removed by the person erecting the structures or completed alterations when ordered to do so by the enforcing officer.

C. Whenever in the judgment of the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, an emergency exists which requires immediate action to protect the public safety or welfare, an order may be issued without notice, conference or hearing, directing the owner, occupant, operator, agent or licensee to take whatever action is appropriate to correct or abate the emergency. If circumstances warrant, the Director or his or her designee may act to correct or abate the emergency.

D. All costs incurred for the emergency action or abatement shall be recovered from the owner in the form of a lien on the property and collectible in the same manner as delinquent taxes.

### **Chapter 17.14 - GREEN BUILDINGS: ENERGY EFFICIENCY AND ENVIRONMENTAL DESIGN**

#### **Section 17.14.030 - Definitions.**

"Department" means the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

"Director" means the Director of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

"Green Building Council" means the U.S. Green Building Council, an organization that has developed and published the LEED rating system to measure the energy and environmental performance of a building.

"LEED" means the series of Leadership in Energy and Environmental Design (LEED) rating systems developed by the Green Building Council.

"LEED accredited professional" means any person who has passed the LEED Professional Accreditation Exam administered by the Green Building Council.

"LEED certified-level" means the lowest of the LEED rating systems.

"LEED rating system" means the particular LEED rating system that applies to a building.

"LEED scorecard" means the checklist developed by the Green Building Council for the purpose of calculating a score on the LEED rating system.

"LEED silver level rating" means the second lowest of the LEED rating systems.

"Major modification" means a structural modification to an existing building that alters greater than fifty percent of the gross floor area or results in an increase of greater than fifty percent of the gross floor area or where the number of parking spaces is increased by more than twenty percent.

"New construction" means a new stand-alone building or any major modification to an existing building. New construction does not include any change to an existing portion of a building.

"Non-residential building" means a building not used as a dwelling. A non-residential building does not include: (a) accessory building or structure; (b) parking garage that is not heated or cooled; (c) any other building characterized as a miscellaneous building in the ICC International Building Code.

"Public building" means any building or facility owned, leased or funded at a level of at least thirty percent by municipal government including, but not limited to, water and wastewater treatment plants, water and wastewater pumping stations, garage or depot. State and Federal buildings are excluded from this category as they are not subject to local government regulations.

## **Chapter 17.16 - ELECTRICAL CODE**

### **Section 17.16.010 - National Electrical Code adopted.**

The National Electrical Code, 2008 Edition, published by the National Fire Protection Association (NFPA #70), a copy of which is on file, is adopted as the Electrical Code of the City of Annapolis with the following amendments:

A. Strike section 394.10 of the National Electrical Code and insert the following:

Uses permitted: Existing concealed knob-and-tube wiring shall be permitted to remain in use unless the Authority having jurisdiction deems the wiring unsafe.

B. Strike Section 394.12 and insert the following:

Section 324-4 394.12 Uses Not Permitted. Concealed knob-and-tube wiring shall not be installed, modified or extended for all new or existing uses, under new work, remodel, renovations, alterations and additions.

Strike section 760.53(a) and insert the following

(1) Exposed or concealed behind suspended ceilings. Cable shall not be installed, exposed, or concealed unless that are installed in listed raceways or conduits.

Strike section 760.130 (B)(1) and insert the following:

(1) Exposed or concealed behind suspended ceilings. Cables shall not be installed, exposed, or concealed unless they are installed in listed raceways or conduits.

C. Insert the following new sections:

Section 110.12 (C) Abandoned Cables. The accessible portions of abandoned cables, conduits, and raceways shall be removed.

Section 408.59 Switchboards of one thousand amperes or larger.

A. Switchboards having a capacity of one thousand amperes or larger shall receive periodic cleaning and preventative maintenance minimum every five years to minimize the possibility of fire or catastrophic failure. Cleaning and maintenance schedule includes coordination of shut down with the utility company and shall include the following requirements:

1. Vacuum entire interior of switchboard or gear;
2. Clean buss bars and contacts with suitable nonconductive solvent;
3. Lubricate all moving mechanisms;
4. Check conductors for abrasions;
5. Torque buss bars and conductors connections to manufacturer recommended specifications;
6. Replace worn, damaged or deteriorating components;
7. Submit report of preventive maintenance performed to electrical inspector within thirty days.

B. Prior to the issuance of a preventative maintenance electrical permit the licensed electrician shall receive a preventative maintenance summary of requirements on forms established by the Department of Neighborhood

and Environmental Programs PLANNING AND ZONING which shall be completed and returned for approval.

C. Fees. A fee as established by resolution of the City Council shall apply to a preventative maintenance electrical permit.

D. Violation-Penalty. A person who violates this section is subject to penalties established under Section 17.16.110.

Section 555.19(A)(3)(a). Shore power receptacles shall not be supplied by voltages other than 120/240 volt single phase service types for line to line loads.

#### **Section 17.16.015 - National Electrical Safety Code adopted.**

The National Electrical Safety Code, 2007 Edition, published by the IEEE, a copy of which is on file in the Department of Neighborhood and Environmental Programs PLANNING AND ZONING, is adopted as the Electrical Safety Code of the City of Annapolis.

#### **Section 17.16.030 - Electrical permit-Required.**

A. Except as provided otherwise in this chapter, no person shall make any installation of electrical equipment or perform any electrical work which is subject to this chapter without first obtaining a permit from the Department of Neighborhood and Environmental Programs PLANNING AND ZONING. No permit shall be required to repair portable electrical equipment or lighting fixtures, or to repair or replace sockets, receptacles or snap switches, or to make other minor repairs at existing outlets, or to repair motors, or to replace motors with motors of the same horsepower rating.

B. All applications for permits shall be submitted in writing on forms prescribed by the Director of Neighborhood and Environmental Programs PLANNING AND ZONING or his or her designee and shall be signed by a currently licensed master electrician, master electrician limited, or restricted electrician of record.

C. An electrical permit is void unless work for which the permit has been issued is commenced within a period of ninety days after issuance or if the authorized works is suspended or abandoned for a period of six months after the time of commencing the work. The maximum duration of an electrical permit is two years from the issue date, except if related to a building permit the electrical permit shall expire on expiration of the building permit unless specified otherwise.

D. The Director or his or her designee may renew an electrical permit for an additional one hundred twenty-day period if the applicant:

1. Makes written request for the renewal prior to the expiration of the first one hundred twenty-day period; and
2. Provides written justification, satisfactory to the Director or his or her designee, that work could not be commenced within the initial one hundred twenty-day period because of circumstances beyond the control of the applicant.

E. Suspension, Revocation of Permit and Withholding Applications. The Director or his or her designee may withhold permit application, future inspections or may suspend or revoke any electrical permits for any irregularities in installation, for unsafe or unworkmanlike installation, for failure to obtain required inspections or for any violations of the Electrical Code and this chapter.

F. Issued permits are not transferable for any reason.

#### **Section 17.16.120 - Emergency correction or abatement.**

A. Whenever in the judgment of the Director of Neighborhood and Environmental Programs PLANNING AND ZONING or his or her designee, an emergency exists which requires immediate action to protect the public safety or welfare, an order may be issued without notice, conference or hearing, directing the owner,

occupant, operator, agent or licensee to take whatever action is appropriate to correct or abate the emergency.  
B. All costs incurred for the emergency action or abatement shall be recovered from the owner in the form of a lien on the property and collectible in the same manner as delinquent taxes.

### **Section 17.16.130 - Electrical license-Required.**

- A. No person shall do work as a master general, master limited or restricted electrician without first applying for and receiving a license from the State of Maryland or other approved Maryland jurisdictions. Licenses submitted from other jurisdictions will be subject to review and approval by the Code Official.
- B. No person shall do work in the City without first applying for and obtaining an electrical contractors license from the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee. The license fee shall be established by resolution of the City Council. Applicant shall be a member, in good standing, with the State or local Board of Electrical Examiners.
- C. Electrical License-Use by Others. No person in the electrical business shall allow that person's name to be used by any other person, directly or indirectly, to obtain a permit, send in notices, make returns or to do any work under that person's license.
- D. Insurance-Required. No person shall do work as a master or restricted electrician without first submitting evidence that their insurance or surety required by Maryland State law is current and on file with the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.
- E. Issued licenses are not transferable for any reason.
- F. The Director or his or her designee may suspend or revoke a license issued for any irregularities or for unsafe or unworkmanlike installation, license violations, misrepresentation of facts or for any violations of the Electrical Code and this chapter.

### **Section 17.16.140 - Enforcement responsibility.**

The enforcement of the Electrical Code is the duty of the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee.

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### **Section 17.16.150 - Enforcement and administration.**

NFPA 70, National Electrical Code, 2008 Edition, Annex H Article 80, published by the National Fire Protection Association, a copy of which is on file in the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, is adopted as the administration and enforcement element of the Electrical Code of the City of Annapolis with the following amendments:

- A. Strike paragraphs (A) through (F) of Section 80.15.
- B. In Subsection (G) of Section 80.15, second line, strike "Board" and insert "Building Board of Appeals."
- C. In lines 1 and 2 of paragraph (A)(2) of Section 80.19, strike "or otherwise readily accessible" and in lines 2 and 3, strike "or carried by the permit holder as specified by the authority having jurisdiction."
- D. In lines 7 through 9 of paragraph (F)(3) of Section 80.19, strike "Inspector or until \_\_\_\_\_ days have elapsed from the time of such notification, provided that on" and insert "Inspector. On"
- E. In the title of Section 80.23, strike ", Penalties" and strike in its entirety paragraph (B) of Section 80.23.
- F. In line 1 of paragraph (C) of Section 80.25, strike the underlining and insert "30 days."
- G. In lines 10 and 11 of paragraph (E) of Section 80.25, strike "or a longer period as may be specified by the Board, the Board" and insert ". The Code Official."
- H. In lines 7 through 13 of paragraph (A) of Section 80.27, strike from "Board, except that any..." and all that follows through "in the same territory." and insert "State Electrical Board."
- I. In paragraph (B)(3) of Section 80.27, Inspector's Qualifications, strike the underlining and insert "the

Charter and Code of Annapolis."

J. In paragraph (B)(4) of Section 80.27, Inspector's Qualifications, strike the underlining in line 1 and insert "ten" and in the second line, strike "as an Electrical Inspector or \_\_\_\_\_ years."

K. In Section 80.27, Inspector's Qualifications, strike paragraph (D) in its entirety.

L. In Section 80.29, Liability for Damages, strike the underlining and insert "City of Annapolis."

### **Chapter 17.18 - MECHANICAL CODE**

#### **Section 17.18.020 - International Mechanical Code-Adopted.**

The 2012 International Mechanical Code published by the International Code Council, Inc., a copy of which is on file in the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, is adopted as the Mechanical Code for the City of Annapolis with the following amendment:

In Section 603.10.1 at end of paragraph after "installation instructions." add the following: "All registers, grills and diffusers installed in suspended ceilings shall be provided with independent suspension to ensure that the register, grill, or diffuser will not drop more than three inches when the framing members no longer provide support. The minimum support wire shall meet or exceed 12# S.W.G. firmly secured to the register, grill, or diffuser and the building structure."

#### **Section 17.18.040 - Mechanical contractor's license-Bond.**

Insurance or surety as required by State law shall be filed with the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING by each mechanical contractor before issuance of the license.

#### **Section 17.18.060 - Mechanical permit-Required.**

A. Except as otherwise provided in this chapter, no person shall make any installation or alteration or replacement of mechanical systems, including heating systems, ventilating systems, cooling systems, steam and hot water heating systems, water heaters, process piping, boilers and pressure vessels, appliances utilizing gas, liquid or solid fuel, chimney flues and vents, ductwork, plenums, mechanical refrigeration systems, fireplaces, barbecues, incinerators, crematories and air pollution systems, or perform any work which is subject to this chapter without first obtaining a mechanical permit from the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

B. All applications for permits shall be submitted in writing on forms prescribed by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee and shall be signed by a currently licensed mechanical contractor.

C. A mechanical permit is void unless work for which the permit has been issued is commenced within a period of ninety days after issuance or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work. The maximum duration of a mechanical permit is two years from the issue date, except if related to a building permit the mechanical permit shall expire on expiration of the building permit unless a shorter time period is designated by the Director or his or her designee.

D. The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee may renew a mechanical permit for an additional one hundred twenty-day period if the applicant:

1. Makes written request for the renewal prior to the expiration of the first one hundred twenty-day period; and

2. Provides written justification, satisfactory to the Director, that work could not be commenced within the initial one hundred twenty-day period because of circumstances beyond the control of the applicant.

E. Suspension, revocation of permit and withholding applications. The Director or his or her designee may withhold permit applications or may suspend or revoke any mechanical permits for any irregularities in

installation or for unsafe or unworkmanlike installation or for failure to obtain required inspections or for misrepresentation of facts or for any violations of the Mechanical Code and this chapter.

F. Issued permits are not transferable for any reason.

### **Section 17.18.070 - Permit-Fees-Schedule.**

A. A person installing or erecting an item or engaging in any activity for which a permit is required under this chapter shall apply for and receive the permit before initiation of the work. The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee shall receive a written application for each permit and a nonrefundable application fee. The Code Official may require an affidavit or supporting documents specifying the value of the work. When approved, the permit fee shall be established by resolution of the City Council. Permit fees are not refundable for any reason except if the permit application has been denied.

B. The following permit fees shall apply to all other work and conditions in addition to subsection (a):

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.

2. There shall be a fee as established by resolution of the City Council charged whenever the licensee fails to notify the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING within the prescribed time that the work authorized by a validly issued mechanical permit is complete.

3. Investigation Fee. Whenever any work for which a permit is required under this Code has been commenced without authorization of such permit, a special investigation shall be made before a permit may be issued for such work. In addition to the regular permit fee or any penalty fees, an investigations fee as established by resolution of the City Council shall be collected.

### **Section 17.18.140 - Emergency correction or abatement.**

A. Whenever in the judgment of the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee, an emergency exists which requires immediate action to protect the public safety or welfare, an order may be issued without notice, conference or hearing, directing the owner, occupant, operator, agent or licensee to taking whatever action is appropriate to correct or abate the emergency. If circumstances warrant, the Director or his or her designee may act to correct or abate the emergency.

B. All costs incurred for the emergency action or abatement shall be recovered from the owner in the form of a lien on the property and collectible in the same manner as delinquent taxes.

### **Section 17.18.150 - Enforcement.**

The enforcement of the Mechanical Code is the duty of the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee.

## **Chapter 17.20 - FIRE PREVENTION CODE**

### **17.20.070 - Permit-Application-Fee-Start of work.**



A. A person installing or erecting an item or engaging in any activity for which a permit is required under this chapter shall apply for and receive the permit before initiation of the work. The Director of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee shall receive a written application for each permit and a permit fee as established by resolution of the City Council.

B. A permit is valid for work commenced within a period of one hundred twenty days after issuance; otherwise, it is void and of no effect.

### **Section 17.20.160 - Sprinkler and Electrical Assistance Revolving Funds.**

A. Purpose. The Director of Finance shall establish and maintain a Sprinkler Assistance Revolving Fund and an Electrical Assistance Revolving Fund and necessary procedures for the purpose of encouraging the installation of sprinklers and upgrading of electrical systems in older buildings so as to increase the safety of residents and to minimize damage resulting from fire and to allow greater utilization of currently vacant or underutilized space. The Sprinkler Assistance Revolving Fund will operate by making low cost loans to developers or property owners of older buildings that do not currently have sprinkler systems installed at the time of application. The Electrical Assistance Revolving Fund will operate by making low cost loans to developers or property owners of older buildings in the Historic District that do not currently have modern electrical systems installed at the time of application.

B. Financing of Revolving Fund. Through the normal City budgeting and amendment process, funds are authorized to be allocated to the Assistance Revolving Funds from the General Fund. Funds may be made available for eligible purposes during any budget year. As loans are repaid back into the respective funds, those amounts become available for new loans. At no time may the total outstanding balance of all loans exceed the total amounts made available in the budget process.

C. Interest Rate. The interest rate to be charged to the borrower is to be one percent per annum unless otherwise established by resolution of the City Council.

D. Eligibility. Loans may only be made to developers or owners for the rehabilitation of existing commercial or residential buildings. Further, loans may only be made where such loans are part of a funding package that will result in the affected building being fully sprinkled consistent with Chapter 17.20 and/or being fully brought into compliance with electrical requirements in Chapter 17.16 Loans may not be made for new buildings. Eligible costs that may be funded with the loan proceeds are limited to the installation of electrical systems in the Historic District for the Electrical Assistance Revolving Fund, and installation of sprinklers, including labor and materials, and hook-up to the City water supply for the Sprinkler Assistance Revolving Fund.

E. Loan Approval. Applications that are complete and meet all appropriate requirements may be approved by the Director of Finance on a first come, first served basis. If the loans requested in complete applications in hand exceed the amount available for new loans, the applications shall be ranked by age of building, location of building, historical significance, and other relevant factors as determined by the Director of Finance. A loan may be recalled by the Director of Finance if the Chief of the Fire Department and/or the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING find that any element of the rehabilitation of the building for which a sprinkler or electrical loan is requested is not in compliance with applicable provisions of the City Code.

F. Loan Disbursement. Upon issuance of the building permit by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, the Director of Finance may disburse the funds for the approved loan to the borrower. The borrower must request disbursement of the loan within one year of notification of loan approval unless the Chief of the Fire Department and/or the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING find that the delay in the borrower's request for disbursement is not due to factors under the borrower's control.

G. Repayment. Repayment of the loan by the borrower will be made on a monthly basis according to terms

and procedures established by the Director of Finance. A loan period may not exceed five years from the date the funds are disbursed to the borrower. However, if the property for which the loan is made is sold within the loan period, then the outstanding balance of the loan on the date of sale must be repaid within thirty days. The amount of the outstanding balance of the loan shall be secured by a lien placed upon the property and shall be collected and enforced in the same manner as real property taxes.

## **Chapter 17.22 - PETROLEUM STORAGE FACILITIES**

### **Section 17.22.010 - Definitions.**

As used in this chapter:

- A. "Control" means the possession of the power to direct or cause the direction of the actions of a person.
- B. "Department" means the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING of the City of Annapolis.
- C. "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, dumping, addition of, introduction of any pollutant into waters of the State, or the placing of any pollutant in a location where it is likely to pollute.
- D. "Monitoring wells" means any well installed in proximity to a storage system so that a discharge may be detected.
- E. "NFPA" means the National Fire Protection Association, Inc.
- F. "Oil, petroleum products, and their by-products" means oil of any kind and in any liquid form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other waste, crude oils, and every other nonedible liquid hydrocarbon regardless of specific gravity. "Oil" includes aviation fuel, gasoline, kerosene, light and heavy fuel oils, diesel motor fuels, asphalt, and crude oils, but does not include liquefied petroleum gases, such as liquefied propane, or any edible oils.
- G. "Oil storage facility" means any facility, above or below ground, in which oil is stored other than a private residence which stores oil for personal use.
- H. "Operator" means any person owning or operating an oil terminal facility whether by lease, contract, or by any other form of agreement.
- I. "Owner" means the person, corporation or entity that owns and maintains the storage system.
- J. "Person" includes the Federal Government, the State, any county, municipal corporation, or other political subdivision of the State, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.
- K. "Person in charge" means the owner or person designated by the owner, an operator, or permittee as the one with direct supervisory responsibility for an activity or operation at a storage system, such as the transfer of oil to or from any points within the storage system.
- L. "Pollution" means every contamination or other alteration of the physical, chemical, or biological properties, of any waters of the State, including change in temperature, taste, color turbidity, or odor of the waters, or the discharge or deposit of any organic matters, harmful organism, liquid, gaseous, solid, radioactive, or other substance into any waters of the State as will render the waters harmful, detrimental, or injurious to public health, safety, or welfare, domestic, commercial, industrial, agricultural, recreation, other legitimate beneficial uses, or livestock, wild animals, birds, fish or other aquatic life.
- M. "Precision test" means a test on the storage system that must be conducted in accordance with the standards set forth by Maryland Department of the Environment COMAR 16.10.
- N. "Spill (spilling)" means any release of oil.
- O. "State" means the State of Maryland.
- P. "Storage system" means a storage tank and all associated piping including fill, vents, dispensing, and return lines.

Q. "Waters of the State" includes both surface and underground waters within the boundaries of the State subject to its jurisdiction, including that portion of the Atlantic Ocean within the boundaries of the State, the Chesapeake Bay and its tributaries, and all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within the State, other than those designed and used to collect, convey, or dispose of sanitary sewage. The floodplain of free-flowing waters determined by the State on the basis of the one hundred year flood frequency is included as waters of the State.

**Section 17.22.020 - Product inventory and tank testing.**

A. Testing for Underground Discharge. The Director of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING of the City of Annapolis may require the testing set forth by Maryland Department of the Environment.

1. The person in charge shall measure the liquid level of metered storage systems each day of operation, and shall reconcile the results with pump meter readings and receipt of product. These records shall be kept for one year at the storage system or at a location designated by the owner or person in charge and shall be made available to the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING for reasonable inspection.

2. Inventory variations exceeding one-half of one percent over a period of ten days shall be reported to the owner of the storage system, and an investigation shall be initiated immediately to determine the cause of the inventory variation. If inventory variation is reconciled and there is no indication of a discharge, the cause of the variation as determined by the investigation shall be noted in the daily inventory records.

3. If the investigation required by subdivision 1 of this subsection indicates a loss of petroleum product, the owner or person in charge shall:

a. Perform a precision test on the system within seventy-two hours; or

b. Empty all petroleum product from the storage system until a precision test is performed in accordance with the standards set forth by Maryland Department of the Environment COMAR 16.10.

4. The Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING may order a precision test if the person in charge of a storage system has failed to reconcile daily inventory records as specified in subdivision 1 of this subsection.

5. The Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING may order a precision test and monitoring wells if there is reason to believe there is or may be a loss of petroleum product from a storage system.

6. Except for a storage system protected against corrosion and installed as required by the State of Maryland, a storage system which has been buried for fifteen years or more, or a storage system for which no installation date can be determined, shall meet the following requirements:

a. It shall be tested for tightness in accordance with the precision test.

b. The initial test shall be performed within twenty-four months after the effective date of the ordinance from which this regulation derives and shall be repeated on a storage system at intervals of not greater than five years.

c. Storage systems with a total capacity of five hundred fifty gallons or less may be tested in accordance with Maryland Department of Natural Resources, "Hydrostatic Test for Underground Tanks," January, 1987.

7. The Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING may establish a testing schedule for storage systems within the City of Annapolis.

B. Notification. The Director of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee of the City of Annapolis shall be notified in the event of a storage system failure, in accordance with the notification procedures established by the State of Maryland:

1. If a storage system fails a test for tightness or is determined otherwise to be leaking the person conducting the test or inspection immediately shall take those steps necessary to notify the owner, the person in

charge of the storage system and the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING within a two-hour maximum time limit.

2. Upon notification that a storage system has failed a test, the person in charge or owner, or both, of the storage system shall undertake the following steps:

a. Immediately notify the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING that the storage system has failed a test for tightness;

b. Begin within seventy-two hours an investigation to determine whether the discharge is occurring in the tank or piping system;

c. If the tank is determined to be discharging, immediately remove the petroleum product; or

d. If the piping system is determined to be discharging, immediately drain and discontinue the use of the piping system; and

e. The storage system either shall be repaired, removed, or abandoned in accordance with the requisites of the State of Maryland.

3. After repairs have been made to a storage system which previously has failed a test for tightness, a precision test shall be performed to verify that the condition which caused the original failure of the test has been corrected, and the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING shall be notified of the results of that test.

4. Failure to notify the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING in accordance with the requisites of this chapter is a municipal infraction with a fine of one hundred dollars for any single, initial violation, and two hundred dollars for each repeat or continuing daily violation.

C. Records. The Director of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee of the City of Annapolis may request copies of all documentation kept on site, as required by the State of Maryland, by the owner, operator or person in charge of a storage system:

1. When a precision test is performed, the following information shall be kept on file at the facility or at a location designated by the owner or person in charge of the storage system, and shall be made available for reasonable inspection by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING upon request:

a. Commercial name of the test equipment;

b. The name of the testing company;

c. The name of the person conducting the test;

d. A certification that the person conducting the test has completed a training course in the proper use of the test equipment as given by the manufacturer of the test equipment or his or her authorized agent, or the State of Maryland;

e. The data accumulated by the test; and

f. The results of the test as to whether or not the storage system is tight.

2. If a previously used tank is being reused, the original manufacturer's written certification shall be kept on file at the facility or at a location designated by the owner or person in charge of the storage system and be made available for reasonable inspection by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING for the life of the storage system.

3. Before each filling of existing oil storage systems which are required to maintain daily inventory reconciliation records and which have provisions for measurement of contents, and oil storage tanks installed after April 21, 1978, the liquid level shall be gauged and the measurement shall be recorded in writing. These records shall be maintained for thirty days and shall be made available for reasonable inspection by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

4. The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee may require that a plat, accurately locating the complete storage system, be kept on site.

### **Section 17.22.030 - Permits-Fees-Required.**

- A. Petroleum storage tank permits are required prior to performing any commercial or residential tank work within the City of Annapolis.
- B. Under this chapter, a person shall apply for and receive the permit before initiation of work. The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee shall receive a written application for each permit and a permit fee as established by resolution of the City Council.
- C. A permit is valid if work was started and completed within a period of one hundred twenty days after issuances; otherwise, it is void and of no effect.

**Section 17.22.050 - Removal of petroleum storage tanks-Residential.**

Any underground storage system which has been out of service for longer than one hundred eighty days shall comply with at least one of the following three options:

- A. Remove the tank and all associated piping in its entirety. Any tank located in a public right-of-way must be removed in its entirety unless a physical obstruction does not allow the removal of such tank. This must be approved by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING and the fire marshal.
- B. Abandon the tank in place.
  - 1. Expose the top of tank and remove residue/sludge.
  - 2. The owner of the system shall provide sufficient evidence to the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING showing that the system has not released products which have resulted in or which could result in the contamination of the surface water or groundwater of the State and City, i.e., soil samples by a licensed laboratory or test integrity of tanks as approved by Maryland Department of the Environment.
  - 3. Fill the tank with an inert material approved by Maryland Department of the Environment.
- C. Abandonment in place with no other options available. Determined and approved by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING and the fire marshal.

**Section 17.22.060 - Inspections.**

Any storage system under permit is required to be inspected by the Fire Department and/or the ~~Department of Neighborhood and Environmental Programs~~ OFFICE OF ENVIRONMENTAL POLICY. These inspections shall be scheduled no less than forty-eight hours prior to the date of the proposed inspection.

**Section 17.22.090 - Appeals.**

- A. A person aggrieved by an order from the Director or the Director's designee made pursuant to this chapter, other than the issuance of a municipal citation or the charging of a misdemeanor, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the order. The petition for appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.
- B. The Building Board of Appeals shall consider the appeal based upon the information provided to the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING at the time of the order from which the appeal is taking. If the Board finds that the order was in error or contrary to the provisions of this code or other applicable law, the Board may reverse or modify the order. The decision of the Board on all appeals shall be in writing and shall contain the factual findings of the Board and the reasons for the decision.

C. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the circuit court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a person shall not be considered aggrieved by a decision of the Board unless the person has appeared as a party at the hearing before the Board. An appeal under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.

D. Notwithstanding any provision in this chapter to the contrary, violations of the State Fire Prevention Code shall be appealed through the State Fire Prevention Commission pursuant to the procedures set forth in State law.

## **Chapter 17.24 - GAS CODE**

### **Section 17.24.020 - Applicability.**

A. This chapter, unless otherwise noted, governs and regulates the construction, installation and equipment of gas fixtures, devices, appliances and connections from the outlet of any meter or regulator supplying natural gas or a mixture of the same, undiluted and liquefied petroleum gases, liquefied petroleum gas-air mixtures or mixtures of these gases to any building, as follows:

1. Low pressure, not in excess of two pounds per square inch, domestic and slick public works commercial piping systems extending from the outlet of the meter set assembly, or the outlet of the service regulator when a meter is not provided, to the inlet connections of appliances;
2. The installation, connection and operation of domestic and commercial appliances supplied at pressures of one-half pound per square inch or less.

B. This chapter covers all extensions of gas piping systems in existing structures, as well as new connections and new gasfitting installations. When a new fixture or appliance is installed, it shall be vented, if necessary, in accordance with the requirements of this chapter. All repairs to and alterations of existing gas piping systems shall conform with this chapter.

C. Adjustments to and replacement of appliances, replacement of parts and repairing of leaks are considered minor repairs, but the work shall be done by persons under the general supervision of a master gasfitter or restricted gasfitter in accordance with this chapter.

D. Conditions deemed unsafe by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee, referred to in this chapter as the Director, shall be made safe, or use of unsafe equipment shall be discontinued upon notice to the owner or user by the Director or his or her designee and within the time specified in the notice. If the equipment is not safe, it may be ordered removed from service by the Director or his or her designee.

### **Section 17.24.040 - NFPA standards adopted.**

NFPA 54/ANSIZ 223.1, National Fuel Gas Code, 2012 Edition, and NFPA 58, Liquefied Petroleum Gas Code, 2011 Edition, as published by the National Fire Protection Association, copies of which are on file in the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, are adopted as the Code for the Installation of Fuel Gas Piping Systems, Fuel Gas Utilization Equipment, and Related Accessories for the City of Annapolis with the following amendment:

A. In multifamily structures, each dwelling unit shall have an accessible valve outside the dwelling to shutoff the gas supply to the dwelling unit without stopping the supply in other dwelling, unless otherwise approved by the Code Official.

### **Section 17.24.070 - Gasfitter-License-Required.**

A. No person shall do work as a master or restricted gasfitter or as a journeyman or restricted journeyman gasfitter without first applying for and receiving a license from Anne Arundel County. Applicants for any license provided for under this chapter shall also apply for and obtain a City license from the Director of Neighborhood and Environmental Programs PLANNING AND ZONING or his or her designee after paying all applicable license fees. New applicants for any license shall present a valid license from the County for the same level work unless otherwise noted in Subsection C of this section.

B. Fees, as established by resolution of the City Council, shall be charged for:

1. Master or restricted gasfitter license;
2. Master plumber and gasfitter license;
3. Journeyman or restricted journeyman gasfitter license;
4. Journeyman plumber and gasfitter license.

C. Where an applicant holds a current master plumber or journeyman plumber license in the City on June 1, 1974, or presents satisfactory evidence as meeting the requirements for the license for the appropriate grade as outlined in Section 17.24.060, the applicant shall be issued a master or restricted gasfitter or journeyman or restricted journeyman gasfitter license upon submitting the necessary application with payment of a license fee as outlined in Subsection B of this section. Application under this subsection must be made on or before November 30, 1974.

#### **Section 17.24.090 - Gasfitter-License-Inactivation.**

A person who holds a master or restricted gasfitter license and is not engaged actively in gasfitting as a master or restricted gasfitter may shelve or inactivate the license. This shall be accomplished by written request to the Plumbing Board by the person concerned. The Board shall mark immediately the personal history card of the person concerned as "voluntarily inactivated," attach the written request to the personal history card and notify in writing the person concerned that the request has been granted. A person who voluntarily inactivates a master or restricted gasfitter license may reactivate the license at a later date without an examination by written request addressed to the Board and upon payment of the yearly renewal fee. The Director of Neighborhood and Environmental Programs PLANNING AND ZONING or his or her designee shall issue a journeyman or restricted journeyman gasfitter license upon payment of the applicable journeyman fee to any master or restricted gasfitter who shelves a license and desires to continue in the gasfitting industry as a journeyman. Anyone who qualifies for a license under Section 17.24.070(C), who shelves or inactivates the license immediately upon the initial application, shall be deemed as having held a master or restricted gasfitter license under the terms of this subsection and shall not be charged a fee until the person desires to reactivate the license.

#### **Section 17.24.120 - Gasfitter-License-Carrying-Display.**

A. Every licensed gasfitter and journeyman gasfitter shall have in that person's possession at all times when engaged in gasfitting work a card to be furnished by the Director of Neighborhood and Environmental Programs PLANNING AND ZONING, showing that the gasfitter is the holder of a license issued pursuant to this chapter. The gasfitter shall exhibit the card upon request.

B. The license granted to a master or restricted gasfitter under this chapter shall be displayed conspicuously in the office or place of business of the licensee.

C. Every master or restricted gasfitter shall display conspicuously on each motor vehicle used in pursuit of that trade a sign having dimensions of at least twelve inches by sixteen inches, showing the name of the licensee as it appears on the face of the license and the licensee's telephone number. A sign used by a master plumber satisfies the requirements of this subsection.

**Section 17.24.160 - Gasfitter-Bond.**

Insurance or surety as required by Maryland State law shall be filed with the Department of Neighborhood and Environmental Programs PLANNING AND ZONING by each gasfitter before issuance of the gasfitter's license, conditioned upon the full completion of all contracted gas work and satisfaction of any judgment or execution issued against the gasfitter because of failure to complete gas work or to pay for labor or materials in the work.

**Chapter 17.28 - PLUMBING CODE**

**Section 17.28.020 - National Standard Plumbing Code-Adopted.**

The 2009 National Standard Plumbing Code Illustrated, as published by the Plumbing-Heating-Cooling Contractors-National Association, a copy of which is on file in the Department of Neighborhood and Environmental Programs PLANNING AND ZONING, is hereby adopted as the Plumbing Code of the City of Annapolis with the following amendments:

A. All other new or substantially remodeled structures for human habitation or use shall be equipped with sufficient sanitary facilities. For commercial structures, sanitary facilities shall be located on all floors. Sanitary facilities shall be accessible within the building interior to the users within the working space or public hallways or corridors. Sanitary facilities shall not be shared between tenants.

B. Whenever possible, cleanouts shall not be located within private or public driveways subject to vehicle traffic. If required, provide heavy duty cleanout to meet City standards, subject to approval.

C. A grease interceptor is required in restaurants, hotel kitchens, bars, cafeterias or restaurants, clubs, or other establishments that have food preparation, (except in special cases as may be determined by the Wastewater Pretreatment Coordinator). The size of the interceptor shall be determined by the Wastewater Pretreatment Coordinator but not less than a minimum of five hundred-gallon size and shall be located outside accessible for cleaning and pumping unless approved otherwise by the Wastewater Pretreatment Coordinator. All waste except toilet room waste shall discharge through the interceptor. A minimum of one six-inch cast iron sampling cleanout shall be provided at the property line.

D. Oil and sand interceptors shall be provided when, in the opinion of the Wastewater Pretreatment Coordinator, they are necessary for the proper handling of oily waste, flammable waste, sand, solids and other ingredients harmful to the building drainage system, the public sewer, or sewerage treatment plant or process.

E. Interceptors shall be installed in accordance with City specifications.

F. Commercial dishwashers may need to be modified as to not affect the operation of the interceptor as approved by the Wastewater Pretreatment Coordinator.

G. All commercial food waste grinders are prohibited.

H. Water-cooled equipment is prohibited from discharging through an interceptor.

I. Food and drink establishments shall provide hot and cold water frostproof hose bibbs at all garbage can, trash, dumpster, and food and trash compactor areas.

J. At the end of Section 3.4.1, add the following:

Waste piping, building sewer, drain, and vent piping below grade must be cast iron bell and spigot type with long turn fittings service weight or greater, or polyvinyl chloride PVC schedule 40 or heavier or with long-term fittings, or hard temper copper tube type DWV or heavier. When ferrous threaded joints are used underground, they shall be coal-tar coated or equivalent approved protection when installed. The foregoing notwithstanding, waste piping, building sewer, drain, and vent piping below grade with less than five feet of cover in heavy traffic areas, must be cast iron bell and spigot type service weight or greater.

K. Each dwelling unit shall have an accessible valve from outside the dwelling to shutoff the water supply to the dwelling unit without stopping the supply in other dwelling units, unless otherwise approved by the Code Official.



L. Provide safety/drip pans under all washers, water heaters and above ceiling mounted air conditioners to collect possible condensation overflow or water leakage. Hook up primary and secondary condensate lines and discharge to outside at grade when possible. The discharge lines to the pans shall be one and one-half inch diameter.

M. Air gap fitting shall be required on all residential type dishwashing machines unless preapproved by the administrative authority.

N. Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing, or routine inspection by consumer or by the City of Annapolis, these repairs must be completed within a specified time in accordance with the degree of hazard, not to exceed: health hazard seven days and non-health hazard twenty-one days.

O. All backflow assembly test equipment must be approved by the City. All test equipment shall be checked for accuracy annually (at minimum) and the tester may be required to submit a certificate of calibration to be filed with the City.

P. Knowingly making any false statement on any report or other document required by this chapter is subject to enforcement in accordance with this chapter.

Q. Property line clean out must be cast iron (service weight or greater) at finish grade level. At base of the clean out riser where connected to building sewer, property line clean out must be encased in concrete of at least eight inches or greater.

#### **Section 17.28.050 - Plumber license-Required.**

No person shall do work as a master plumber or journeyman plumber in the City without first applying for and receiving a license from the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee upon payment of an annual fee as established by resolution of the City Council for a master plumber and journeyman plumber.

#### **Section 17.28.080 - Permit-Required.**

No plumbing system, no bathtub, washbowl, sink or water closet, urinal or any other plumbing or drainage fixture shall be installed, altered or removed, no drainage connection of any kind shall be made and no sewer, house drain, soil pipe, waste pipe, vent pipe or water-supply pipe shall be placed, connected, altered or removed in or about any building or structure without a permit signed by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee; provided, however, that no permit is required for the repair of water leaks, where there is no interference with the original design of construction. All applications for permits shall be submitted in writing on forms prescribed by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee and shall be signed by a currently licensed master plumber.

#### **Section 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 ~~Neighborhood and Environmental Programs~~ 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 ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING. Whenever a charge is set based on EDUs, the property owner shall provide all information required by the Director of ~~Neighborhood and Environmental Programs~~ 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 ~~Neighborhood and Environmental Programs~~ 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 ~~Neighborhood and Environmental Programs~~ 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 ~~Neighborhood and Environmental Programs~~ 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 ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee.

H. The City Council may designate by resolution certain areas in the City of Annapolis to be revitalization areas. In adopting such a resolution, the City Council shall take into consideration the following factors as they apply to the area:

1. The availability, cost, and condition of business facilities;
2. The age and number of substandard structures;
3. The income of residents relative to State or regional median incomes, including the number of persons who are welfare recipients or unemployed;
4. The extent of unemployment and the availability in the area of jobs for residents of the area;
5. The need for small businesses to locate in the area in order to upgrade the social and economic conditions of the designated neighborhood; and
6. Support from community and business organizations.

I. When a property lies in a designated revitalization area, the capital facility charge shall, at the request of the owner, be payable as follows: Forty percent prior to the issuance of any permit; twenty percent prior to the first anniversary of the earliest permit issuance; twenty percent prior to the second anniversary of the earliest permit issuance; final twenty percent prior to the third anniversary of the earliest permit issuance.

J. A qualifying local business that meets all of the criteria in Section K. shall, at the request of the business owner, be eligible to pay the capital facility charge as follows: Forty percent prior to the issuance of any permit; twenty percent prior to the first anniversary of the earliest permit issuance; twenty percent prior to the second anniversary of the earliest permit issuance; final twenty percent prior to the third anniversary of the earliest permit issuance.

K. A local business means:

1. The principal office or business is physically located within the Annapolis City limits with no other national headquarters outside the City of Annapolis;
2. There are five or fewer branches or outlets of the business in total;
3. The business is privately-, employee-, community-, or cooperatively-owned (not publicly traded);
4. The business pays for all of its own marketing, rent, and other business expenses without assistance

from, or payment to, a corporate headquarters that owns one or more shares in the applicant's business;

5. The decision-making authority is vested in the local owner and not subject to conditions dictated or required remotely; and

6. Any additional criteria as promulgated by regulations from the small minority business enterprise coordinator.

L. When a business owner requests a capital facility charge payment plan, such owner must have an approved agreement signed by the business owner and property owner stating that a notice of lien is to be executed on the property. The lien will remain in effect until the deferred fees have been paid in full.

M. Capital facility charges that are deferred shall accrue interest after the first twelve months. Interest rates will be established annually by the finance director and will be based on the prime interest rate plus three percent, effective July 1st of each year. Any fees deferred shall be paid at the interest rate in effect at the time of payment.

N. Applicants subject to permit fees in Section 17.28.090 of the City Code shall be eligible to pay the plumbing permit fees (a connection charge, a capital facility charge, a capital facility assessment charge, and an installation charge), in effect at the time of a special exception or other development review application, rather than the fees that may be in effect at the time the permit is issued. This provision shall retroactively apply to all applicants for a special exception or other development review applications submitted on or before July 1, 2011.

#### **Section 17.28.095 - Letter of credit.**

An irrevocable letter of credit in a form acceptable to the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, issued by an accredited financial institute guarantying full payment of the amount of the deferred capital facility charge shall be filed with the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee prior to the issuance of any permit.

#### **Section 17.28.140 - Enforcement.**

The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, or his or her designee, shall enforce the Plumbing Code and shall issue citations relating to municipal infractions in the Plumbing Code.

### **Chapter 17.30 - UTILITY CODE**

#### **Section 17.30.010 - Utility contractor license-Required.**

No person shall do work as a utility contractor in the City of Annapolis without first applying for and receiving a license from the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING upon payment of an annual fee as established by resolution of the City Council. Specific types of license shall be as per the requirements as established by the Director of Public Works. Issued licenses are not transferable for any reason. All fees are nonrefundable.

#### **Section 17.30.020 - Utility contractor license-Bond.**

Insurance or surety as required by State law shall be filed with the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING by each utility contractor before issuance of the utility license, conditioned upon the full completion of all contracted utility work and satisfaction of any judgment or execution issued against the utility contractor because of failure to complete utility work or to pay for labor or materials in the work.

**Section 17.30.040 - Utility permit-Required.**

A. Except as otherwise provided in this chapter, no person shall make any installation or alteration or replacement of any sewer, water main, gas main, stormwater main, sprinkler main, force main and their lines, cable television or other related above and underground structures or perform any work which is subject to this chapter without first obtaining a utility permit from the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

B. All applications for permits shall be submitted in writing on forms prescribed by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING and shall be signed by a currently licensed utility contractor.

C. A utility permit is void unless work for which the permit has been issued is commenced within a period of one hundred twenty days after issuance or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work. The maximum duration of a utility permit is two years from the issue date, except that if related to a building permit the utility permit shall expire on expiration of the building permit unless specified otherwise.

D. The Director may renew a utility permit for an additional one hundred twenty- day period if the applicant:

1. Makes written request for the renewal prior to the expiration of the first one hundred twenty-day period; and

2. Provides written justification, satisfactory to the Director, that work could not be commenced within the initial one hundred twenty-day period because of circumstances beyond the control of the applicant.

E. The Director may withhold permit applications or may suspend or revoke any utility permits for any irregularities in installation or for unsafe or unworkmanlike installation or for any violations of the utility code and this chapter.

F. Issued permits are not transferable for any reason.

**Section 17.30.050 - Permit-Fee.**

A. Fees shall be as established under Section 16.04.030 but shall also include gas main, storm-water main, sprinkler main, force mains and their lines, cable television or other aboveground and underground related structures. Applicant shall file an application supported by an affidavit which specifies the contract price of labor and material of the proposed utility work. All fees shall be paid in full prior to the issuance of any permit. All fees are nonrefundable.

B. The following fees shall apply to all other work and conditions in addition to Subsection A:

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. Safety features not on site;

d. Approved drawings not on site;

e. Trench shoring not in place.

2. Failure to Notify the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING. There shall be a fee as established by resolution of the City Council charged whenever the licensee fails to notify the Department within the prescribed time that the work authorized by a validly issued utility permit is complete.

3. Investigation Fee. Whenever any work for which a permit is required under this code has been commenced without authorization of such permit, a special investigation shall be made before a permit may be

issued for such work. In addition to the regular permit fee or any penalty fees, an investigations fee as established by resolution of the City Council shall be collected.

**17.30.080 - Standards.**

A. All utility excavations and utility installations and backfill shall be performed to accepted engineering practices.

B. Other than stormwater mains, sprinkler mains and their lines and related appurtenances, the utility contractor shall not make any installation, alteration or replacement of utilities between the subject property line up to the building, dwelling or structure unless approved otherwise by the Director of ~~Neighborhood and Environmental Programs~~ PUBLIC WORKS. These installations shall be performed by a licensed Maryland plumber.

C. Whenever an excavated trench depth exceeds forty-eight inches at its highest point, trench shoring shall be immediately installed on both sides of the excavated trench or the trench sides shall be cut back to a slope of not less than two to one. These protective measures shall remain in place until inspections and approvals are made and utility trench is ready for backfill.

D. All utility installations shall be inspected prior to any backfill.

E. Backfill material and compaction shall be as per the requirements as established by the Director of Public Works.

F. The utility contractor shall call Miss Utility at a minimum of forty-eight hours prior to the start of any excavation.

G. The utility contractor shall be responsible for securing all State approvals and paying all applicable fees related to utility work on or under a State road.

H. The utility contractor shall be responsible for all repair and replacement costs for any damage to City property, property of others, above and below ground, utilities not related to the subject construction project, such as cable television, telephone cable, gas lines, manholes, inlets, meters, stormlines, cleanouts, electric cable, petroleum fuel tanks, and mechanical ducts.

I. Unless approved otherwise, no construction work or machinery shall be started prior to seven a.m. and finish up no later than dusk. There shall be no work performed on a Sunday unless a bona fide emergency, as approved by the Director of ~~Neighborhood and Environmental Programs~~ PUBLIC WORKS, arises.

J. Traffic control, roadway, sidewalk and footway obstruction shall be as per the requirements established by the Director of Public Works.

K. The utility contractor shall protect the public from work area and open excavations at all times day and night with one or more of the following: workers, flagmen, barriers, fencing, metal plates, signage, blinking lights and similar devices. Roadway excavations required to remain open when construction has temporarily ceased shall be protected by the utility contractor with secured heavy traffic duty metal plates.

L. After completing the work, utility contractor shall repair and replace all disturbed earth, roadways, paving, sidewalks, gutters, curbs, etc., to meet or exceed the original condition but not less than City standards.

**Section 17.30.100 - Enforcement.**

The enforcement of the utility code is the duty of the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

**Chapter 17.34 - FENCE PERMITS**  
**Section 17.34.010 - Fences and walls.**

A. Permit Required.

1. No new fence or wall shall be erected, placed, or maintained and no existing fence or wall shall be altered or replaced until a permit is obtained from the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING. The nonrefundable application fee and permit fee shall be in accordance with Section 17.12.056. The permit shall not be issued until the application and supporting documentation have been reviewed by the appropriate City departments and approved by the Director or his or her designee.

2. At a minimum, the permit application shall be accompanied by a scaled drawing showing the proposed location and dimensions of the fence or wall on the subject lot, and its relationship to the property lines, public rights-of-way, easements, utilities, existing structures, existing trees, and steep topography. The permit application shall also include construction drawings, pictures or diagrams sufficient to illustrate the overall design and materials to be used for the proposed fence or wall. The Director may require the applicant to provide additional information as deemed necessary by the City in order to review the proposed fence or wall for conformity with the City Code.

3. Work shall commence within thirty days from the date of the issuance of the permit and be completed in one hundred twenty days after issuance, unless extended by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, or the permit will be revoked.

B. Restrictions.

1. In addition to the provisions of this Section, fences and walls shall be required to comply with the standards and requirements outlined in Section 21.60.070 of the Zoning Code.

2. No new fence or wall shall be erected, placed, or maintained and no existing fence or wall shall be altered or replaced so as to encroach upon a public right-of-way or easement area, without written approval from the Director of Public Works or his or her designee. When any part of a permitted fence or wall is installed within a public easement area, the City or any agent of the City permitted to use the easement area shall be held harmless by the owner of the property upon which the permitted fence or wall is located for any and all claims for damage to the fence or wall that might occur when work is performed in the public easement area, and shall not be held responsible or liable for the reinstallation of any fence or wall removed from the public easement.

3. The area three feet in radius around fire hydrants, fire hose connections and utility boxes shall be kept free of any fences or walls that could impede use of the hydrant, hose connection or utility box.

4. Fences and walls shall be installed so as not to disturb or damage existing trees equal to or greater than five inches diameter at breast height, unless otherwise approved by the City.
5. Fences and walls shall not alter or impede the natural flow of stormwater, nor divert the water onto the property of others.
  
6. Fences and walls shall be assembled in accordance with the manufacturer's requirements and be constructed of wood, masonry, stone, wire, metal, plastic, or any other manufactured material or combination of materials normally used for fences and walls, and that has been manufactured for the purpose of fence or wall construction. The bottom of fence posts and wall foundations shall be set at least thirty inches below finished grade.
  
7. Fences and walls shall be maintained in accordance with the City's property maintenance code.

### **Section 17.34.020 - Appeals.**

A. A person aggrieved by a determination or an order of the Director or the Director's designee made pursuant to this chapter, other than the issuance of a municipal citation, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the determination or order. The notice of appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.

B. Fifteen days' notice of the hearing shall be given to persons or entities owning property within two hundred feet of the location of the proposed fence or wall that is the subject of the appeal. Notice shall be by first-class mail, and to the general public by a notice published in a newspaper of general circulation in the City. All required notices shall be at the appellant's expense.

C. The Building Board of Appeals shall consider the appeal based upon the information and documentation provided to the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING at the time of the determination or order from which the appeal is taken. If the Board finds that the determination or order was in error or contrary to the provisions of this Code or other applicable law, the Board may reverse or modify the determination or order. The decision of the Board on all appeals shall be in writing and shall contain the factual findings of the Board and the reasons for the decision.

D. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the Circuit Court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200, as may be amended from time to time. For purposes of this subsection, a person shall not be considered aggrieved by a decision of the Board unless the person has appeared as a party at the hearing before the Board. An appeal under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.

## **Chapter 17.40 - RESIDENTIAL PROPERTY MAINTENANCE CODE**

### **Article I - Definitions.**

#### **Section 17.40.040 - Approved.**

"Approved" means acceptable to the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING in accordance with the provisions of this code.

#### **17.40.050 - Approved common garbage storage or disposal facilities.**



"Approved common garbage storage or disposal facilities" means metal or other damage-resistant, noncorrodible, nonabsorbent, nonleakable covered receptacles; or incinerators approved by the Director of Neighborhood and Environmental Programs PLANNING AND ZONING.

### **Section 17.40.265 - Property Maintenance Code.**

A. The International Property Maintenance Code, 2012 Edition, as published by the International Code Council, Inc., a copy of which is on file in the Department of Neighborhood and Environmental Programs PLANNING AND ZONING, is adopted as the Property Maintenance Code of the City of Annapolis in the State of Maryland for the control of buildings and structures with the following amendments:

1. In Section 101.1 for "[NAME OF JURISDICTION]" insert "City of Annapolis"
  2. In Section 103.5 for "[APPROPRIATE SCHEDULE]" insert "Fees established by resolution of the City Council"
  3. In Section 304.14 for "[DATES IN TWO LOCATIONS]" insert "April 15th - October 31st"
  4. In Section 602.3 for "[DATES IN TWO LOCATIONS]" insert "April 15th - October 31st"
  5. In Section 602.4 for "[DATES IN TWO LOCATIONS]" insert "April 15th - October 31st"
  6. Strike the entire Section 404.5 Overcrowding and substitute Section 17.40.460 of the Code of the City of Annapolis.
  7. In Section 308, add the following subsection to read as follows:  
308.4 City Requirements. Compliance with Chapter 10.16 of the Code of the City of Annapolis shall also be required. Where there is a conflict between the provisions of this section and the Code of the City of Annapolis, the Code of the City of Annapolis shall take precedence.
- B. In the event of any inconsistencies between the provisions of the International Property Maintenance Code and the City Code, the more stringent shall govern.  
Appendix A - Boarding standard shall be adopted as the City of Annapolis standard.

## **Article II - Basic Services and Sanitary Facilities**

### **17.40.280 - Bathroom-Toilet, basin and shower or bathtub.**

Every dwelling unit shall contain within its walls a room, separate from the habitable rooms, which shall afford privacy and which is equipped with complete bathroom facilities consisting of a flush water closet, lavatory basin and bathtub or shower in good working condition and properly connected to water and sewer systems approved by the Director of Neighborhood and Environmental Programs PLANNING AND ZONING.

### **Section 17.40.290 - Kitchen-Sink, stove and refrigerator.**

Every dwelling unit shall contain within its walls a kitchen sink, cooking stove and refrigerator in good working condition. The kitchen sink shall be connected properly to water and sewer systems approved by the Director of Neighborhood and Environmental Programs PLANNING AND ZONING.

### **Section 17.40.340 - Ventilation.**

Every habitable room shall have at least one window or skylight which can be opened easily or any other device as will ventilate the room adequately; provided, that if connected to a room or area used seasonably, then adequate ventilation must be possible through this interconnection. The total of openable window area in every habitable room shall be equal to at least forty-five percent of the minimum window area size or minimum skylight-type window size as required by Section 17.40.320, except where there is supplied some other device

affording adequate ventilation and approved by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

**Section 17.40.350 - Bathroom ventilation and light.**

Every bathroom and water closet compartment, and nonhabitable room used for food preparation, shall comply with the light and ventilation requirement for habitable rooms contained in Sections 17.40.320 and 17.40.340, except, that no window or skylight shall be required in these rooms if they are equipped with adequate artificial light and a ventilation system in good working condition which is approved by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

**Article III - Fire Safety**

**Section 17.40.440 - Smoke alarms.**

A. Smoke Alarms and Smoke Detectors. For the purposes of this section, the term "smoke alarm" shall be construed to mean smoke alarms, smoke detectors, and alternative detection devices and systems approved by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING and the Fire Department.

B. Required. It is the responsibility of the owner of each rental dwelling unit to install smoke alarms in accordance with this section in each rental dwelling unit intended to be used, or originally built or designed to be used for residential purposes, not to include any dwelling unit within any structure which has been converted entirely to a nonresidential use. The smoke alarms shall be capable of sensing visible or invisible particles of combustion and providing a suitable audible alarm of the combustion. The smoke alarms shall be installed by July 1, 1980, in the manner provided in this section, unless any other provision of State or Federal law requires installation before that date. For the purposes of this section, "multifamily dwelling" means a building containing three or more dwelling units.

Exception: Existing approved smoke alarm installations in residential structures with fewer than three dwelling units where:

- 1) The smoke alarm installation is existing and approved; and
- 2) The smoke alarms have been maintained in operating condition.

C. Location. At least one smoke alarm shall be installed in close proximity to the access for each sleeping area. "Sleeping area" means the area or areas of the dwelling unit in which the bedrooms (or sleeping rooms) are located. Rooms habitually used for sleeping which are separated by other use areas (such as kitchens or living rooms, but not bathrooms or closets), shall be considered as separate sleeping areas for the purposes of this section.

D. Equipment. All devices, combinations of devices and equipment required in this section shall be approved by the Fire Department, and are to be installed in conformance with the provisions of Title 17 of the Code of the City of Annapolis and the manufacturer's Requirements for Installation.

E. Power Source. Smoke alarms shall primarily operate on an AC electric power supply. Each smoke alarm shall be wired into the circuit serving the area in which it is located. No smoke alarm, shall be connected directly (permanently wired) to the electrical system of the structure unless an electrical permit first has been obtained.

F. Maintenance. It is the responsibility of the property owner or agent to inspect annually and maintain any smoke alarm, in accordance with the manufacturer's warranty and suggested maintenance. In addition, the property owner shall provide any tenant access to a copy of the maintenance schedule, operating manual, and any other instructional or precautionary literature which the manufacturer may supply with the unit.

G. Connection to Fire Alarm System. In new multifamily dwellings provided with a fire alarm system, all required alarms shall be connected to the fire alarm system.

H. Certification at Change in Occupancy. At every change of occupancy or tenancy of every rental dwelling unit occasioned by or incidental to a sale, lease, sublease, or change in tenancy, it is the duty of the grantor to certify to the tenant, at the time of conveyance and before occupancy, that all smoke alarms as required by this section (or other applicable laws) are installed and in proper working condition.

I. NFPA Standards Supplemented. This section is intended to be used with and supplemented by the applicable provisions of the following National Fire Protection Association standards: NFPA 72, National Fire Alarm and Signaling Code, and NFPA 70, National Electrical Code; however, if there is any conflict between this section and the NFPA standards or any rules and regulations adopted pursuant to them, the provisions of this section shall prevail.

## **Article IX - Enforcement**

### **Section 17.40.830 - Inspections.**

A. The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee may make inspections of dwellings, dwelling units, rooming units and premises and unimproved property to determine whether the conditions comply with this chapter. The owner or occupant of every dwelling, dwelling unit and rooming unit, or the person in charge of the premises or unimproved property, upon proper identification being made, shall give to the Director or his or her designee free access to the premises and all parts of the premises, at all reasonable times, for the purpose of inspection, examination and survey.

B. If any owner, occupant or other person in charge of a structure or property subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection authorized by this code is sought, the Director may seek, in a court of competent jurisdiction, an order that the owner, occupant or other person in charge cease and desist with the interference.

### **Section 17.40.840 - Correction notice.**

A. Whenever an inspecting officer has reasonable grounds to believe that there has been a violation of this chapter, a written notice of the violation shall be made to the owner, or the owner's agent, or the occupant of the premises upon which a violation exists, setting forth the specific violation and stating a reasonable time within which the violation must be corrected. The notice shall advise the owner, agent, operator, or occupant, as the case may be, of the right to appeal to the Board of Appeals and shall state that unless the condition violating this chapter is corrected within the time specified, the owner, occupant, or operator, as the case may be, may be prosecuted for the violation. The notice is properly served upon the owner, agent, occupant, or operator if a copy is sent by certified mail to the owner's, agent's, occupant's or operator's last known address, or if a copy of the notice is posted in a conspicuous place in or about the premises affected by the notice, or if notice is served by any other method authorized under the laws of this State.

B. If the Director finds that there has been an unreasonable failure of the licensee to comply with a notice of violation, a license may be suspended and subsequently revoked according to the provisions of Section 17.44.090.

C. If the Director finds that the violations constitute any of the defects listed in Section 17.40.850(A), then the provisions of that section shall apply as well as the penalties described in Section 17.44.140.

### **Section 17.40.850 - Dwellings unfit for human habitation-Condemnation.**

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

A. Condemnation. Any dwelling or dwelling unit which is found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Director of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING:

1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public;
2. One which lacks illumination, ventilation or sanitary facilities adequate to protect the health or safety of the occupants or the public;
3. One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

B. Vacation. Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the Director of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING shall be vacated within a reasonable time as ordered by the Director. The Director shall remove the placard whenever the defect or defects upon which the condemnation and placarding were based has been eliminated.

C. Boarding Up. It is the responsibility of the title owner of the property to board up all windows and doors after a dwelling has been properly determined to be unfit for human habitation, if boarding up is determined by the Director of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING to be necessary for reasons of health or safety. If the dwelling or structure is not boarded up within the time specified in the order, the Director shall have the dwelling boarded up at the expense of the owner. The cost of boarding up the dwelling or structure shall be charged against the property upon which the dwelling is located and shall be a lien against it.

D. Violation. If the owner or agent of a structure which is boarded up fails to prevent entrance into the premises, the owner/agent is guilty of a misdemeanor and subject to the general penalties provided in Section 17.40.890.

E. Continued Occupancy. A tenant or occupant who continues to occupy a dwelling or dwelling unit after it has been determined properly to be unfit for human habitation and properly placarded is guilty of a misdemeanor.

#### **Section 17.40.860 - Dwellings unfit for human habitation-Demolition.**

A. The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING shall order a dwelling, dwelling unit, or rooming unit to be demolished if it has been designated and placarded as unfit for human habitation, has been vacated, and not been put into proper repair as to rescind the designation as unfit for human habitation and to cause the placard to be removed.

B. The owner of any dwelling, dwelling unit, or rooming unit which has been ordered demolished shall be given notice of the order in the manner provided for service of notice in Section 17.40.840 and shall be given a reasonable time not to exceed ninety days to demolish the structure.

C. An owner aggrieved by the notice to demolish may seek, within ten days, a reconsideration of the matter in the manner provided in this article, and may seek a formal hearing in the manner provided in Section 17.40.880.

D. When the owner fails, neglects or refuses to demolish an unfit, unsafe, or unsanitary dwelling, dwelling unit or rooming unit within the requisite time, the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING may apply to a court for a demolition order to undertake the demolition. The court may grant the order when no reconsideration or hearing on the matter is pending. The cost of demolition or abatement shall be a lien on the property and collectible in the same manner as delinquent taxes.

E. Whenever a dwelling is demolished, whether carried out by the owner or by the Director, the demolition shall include the filling in of the excavation remaining on the property on which the demolished dwelling was located in a manner which eliminates all potential danger to the public health, safety, or welfare arising from

the excavation.

F. All demolition shall be preceded by an inspection of the premises by the Director to determine whether or not extermination procedures are necessary. If the premises are found to be infested, appropriate rat extermination to prevent the spread of insects, rodents, vermin, or other pests to other areas shall be instituted before, during, and after demolition.

#### **Section 17.40.870 - Emergency correction or abatement.**

A. Whenever, in the judgment of the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, an emergency exists which requires immediate action to protect the public health, safety or welfare, an order may be issued without notice, conference or hearing, directing the owner, occupant, operator or agent to take whatever action is appropriate to correct or abate the emergency. If circumstances warrant, the Director may act to correct or abate the emergency.

B. The owner, occupant, operator or agent shall be granted a conference on the matter upon request as soon as practicable, but a conference shall not stay the abatement or correction of such emergency.

#### **Section 17.40.880 - Appeals.**

A. The Building Board of Appeals has jurisdiction to hear and decide appeals from any order, requirement, decision or determination made by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or the Director's designee under this chapter, other than the issuance of a municipal citation or the charging of a misdemeanor. The petition for appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.

B. Appeals to the Building Board of Appeals shall be made within the time specified by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING for correction of the alleged violation, as mentioned in Section 17.40.840, or within ten days from the receipt of notice of violation, suspension or revocation, whichever is the shorter period, by letter addressed to the Board setting forth the order, requirements, decision or determination from which the appeal is taken, and alleging sufficient facts to show an error in the order, requirement, decision or determination, or that compliance with the order, requirement, decision or determination will result in severe and undue hardship unwarranted by the circumstances.

C. Within a reasonable time after receiving notice of an appeal, but not less than five days, the chair shall fix a time and place for the hearing of the appeal, and shall send notice of the hearing to the appellant or the appellant's attorney of record.

D. In deciding appeals, the Building Board of Appeals shall determine from all of the evidence presented to it, if there is any error in the order, requirement, decision or determination from which the appeal is taken, or if severe and undue hardship will result to the appellant, or others, by enforcement of the order, requirement, decision or determination, not warranted by considerations for the public health, safety and welfare. The Board may reverse, affirm or modify, wholly or partly, the order, requirement, decision or determination appealed from, and may make any further order, requirement, decision or determination as ought to be made upon all of the evidence presented to it.

E. Upon making a final determination, the Building Board of Appeals shall give notice of the determination to the appellant by the same procedures set forth in Section 17.40.840, and in the event the determination requires some action to be taken by the appellant, the notice shall state a reasonable time within which the action shall be taken, and further shall state that unless the action is taken within the time specified, the appellant will be subject to the penalties provided in Section 17.40.890.

F. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the circuit court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a person shall not be considered aggrieved by a decision of the Board unless the person has appeared as a party at the hearing before the Board. An appeal under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.

**Section 17.40.890 - Residential housing standards violation.**

A. A person served with the notice required by Section 17.40.840 who fails to comply with the notice is guilty of a municipal infraction and is subject to a fine as established by resolution of the City Council. If the violation is not corrected fully within the following five-day period, a second citation may be issued assessing an additional fine as established by resolution of the City Council. For each successive five-day period during which the violation is not corrected fully a new citation shall be issued assessing the fine as established by resolution of the City Council. No citation shall be issued if an election to stand trial on the original citation has been filed and is pending. In the event of an appeal to the Building Board of Appeals, no citation for a municipal infraction shall be issued until the final notice required by Section 17.40.880 first has been served upon the alleged violator and the time specified in the notice for taking the required action has expired with the action required by the notice not having been taken and completed.

B. A person served with notice of violation required by Section 17.40.840 who fails to comply with the notice according to the schedule specified by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING and who has not elected to stand trial on the citation is guilty of a misdemeanor and on conviction is subject to a fine as established by resolution of the City Council or imprisonment or both. Each day the violation remains uncorrected shall be considered a separate offense.

**Section 7.42.040 – Sidewalk café violation.**

~~The provisions of this chapter shall be enforced by the Department of Public Works and the Department of Neighborhood and Environmental Programs~~ PLANNING AND ZONING. ~~A person who continues to violate this chapter after a written request to take corrective action is guilty of a municipal infraction and shall be fined for each violation as established by resolution of the City Council plus costs. In addition, the City Council may revoke or suspend a permit issued pursuant to this chapter upon a second or subsequent conviction under this section in any twelve-month period.~~

**Chapter 17.44 - RENTAL UNIT LICENSES**

**Section 17.44.010 - Required.**

A. No person shall let for occupancy or use any vacant single rental dwelling unit, multiple dwelling, bed and breakfast home, roominghouse, or bargehouse without a current operating license issued by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, after the application for the license has been approved by the ~~Department of Neighborhood and Environmental Programs~~, with the concurrence of the Director of Planning and Zoning, WITH THE CONCURRENCE OF the Fire Chief, and the County Health Officer, for the specific named unit, multiple dwelling, bed and breakfast home, roominghouse, or bargehouse.

B. Short Term Rentals. The requirements of this chapter shall apply to all owners or tenants of rental dwelling units as defined in Section 17.40.110 of the Code of the City of Annapolis who enter into agreements, written or oral, for their rental for up to six months in any calendar year. For short term rentals, the tenant will occupy the entire dwelling unit without the necessity of a written sublease. The fee for a short term rental

license shall be set by resolution of the City Council.

(1) The owners of all such rental dwelling units who enter into any such rental agreements shall permit the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING to enter each such rental dwelling unit for the purpose of making inspections necessary to ensure compliance with Chapter 17.40 and this chapter. No short term rental operating license shall be issued or continued without an inspection of all rooms and a determination of compliance with Chapter 17.40 and this chapter.

(2) During a short term tenant occupancy, the owner of the short term dwelling unit shall: (i) not allow in excess of two individuals per bedroom, excluding small children and post a notice on the back of the main entrance door to this effect; (ii) keep a reservation log to include the owner(s) and primary guest(s) name(s), address(es), and phone number(s); and (iii) install interconnected smoke alarms with a detection unit on each level of the dwelling unit in addition to battery-operated smoke alarms in each bedroom as required by Chapter 17.40. Short term rental licensees have six months from the date of this Ordinance's adoption to comply with its provisions. Failure of the owner to comply with this Ordinance shall constitute a municipal infraction which shall subject the owner to a fine set by the City Council and shall subject the owner to loss of the rental license.

(3) The provisions of this section shall not apply to owners of short term rentals that rent their dwelling units exclusively in connection with annual U.S. Naval Academy graduation ceremonies and activities or with activities associated with the annual power boat and sailboat shows in the City.

C. When an operating license is suspended or revoked or an application for renewal is denied, it shall be unlawful for any person to let for occupancy or use any dwelling unit or bargehouse then vacant or becoming vacant until a license has been reissued or revalidated.

#### **Section 17.44.020 - Application.**

No operating license shall be issued or renewed unless the applicant owner first has made application on an application form provided by the Director of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING. The Director shall develop the forms and make them available to the public.

#### **Section 17.44.030 - Initial inspection.**

No operating license shall be issued or renewed unless the applicant owner agrees in the application to an initial inspection as the Director of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING may require to determine if the single rental dwelling unit, multiple dwelling, bed and breakfast home, roominghouse, or bargehouse for which the license is sought is in compliance with Chapter 17.40 and this chapter.

#### **Section 17.44.090 - Suspension and revocation.**

A. If the Police Department makes three or more documented calls for service in a thirty day period to a licensed premises in response to a complaint of disorderly conduct as defined by Section 11.12.010 or disturbing the peace as defined by Section 11.12.020, or if a licensee violates any provision of Chapter 17.40 or 17.44, the Director of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING may order the licensee, by written notice sent by certified mail to licensee's address of record, to show cause before the Building Board of Appeals within thirty days of the date of said notice why the operating license for the subject property should not be suspended. The order shall set forth the grounds for the proposed suspension. If the licensee shall fail to show cause to the satisfaction of the Board within the stipulated time why the license should not be suspended, the license shall be suspended. If the violations causing the suspension are corrected to the satisfaction of the Director of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING within thirty days of the date of said suspension, the

suspensions imposed under this subsection shall be vacated by the Director.

B. A suspension imposed under Subsection A of this section shall expire and the operating license shall be revoked thirty days after the date of the suspension unless, during that thirty day period, the violations causing the suspension have been corrected to the satisfaction of the Director of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING. The Director shall send to the property owner written notice by certified mail of any such revocation. The notice shall inform the owner of the right to appeal the revocation pursuant to Section 17.44.120 and shall set forth the grounds for the revocation.

C. An operating license revoked pursuant to Subsection B of this section shall not be revalidated or renewed. However, nothing contained herein shall preclude the owner of any such property from filing an application for a new operating license for such property pursuant to Chapter 17.44.

D. The provisions of this section shall be enforced by the licensing and permits Office of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING. Upon receipt of a complaint under this section or upon a recommendation by the Chief of Police to take action under this section, the Director of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, or his or her designee, shall obtain such information as necessary to determine whether to proceed under Subsection A of this section.

#### **Section 17.44.140 - Revocation, vacating premises and condemnation penalties.**

In addition to the procedure described in Section 17.44.130, and upon issuing a revocation order or condemnation designation the Director may order the following:

A. That the landlord shall be liable for reasonable costs incurred by the affected tenants in securing adequate substitute housing within the corporate limits of either the City of Annapolis or Anne Arundel County;

B. Any person who fails to vacate or cause to vacate the premises after due notice by the Director of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING is guilty of a municipal infraction and is subject to a fine as established by resolution of the City Council;

C. That the licensee is guilty of a misdemeanor as established in Section 17.40.890;

D. That in the event violations remain uncorrected for thirty days and that the responsible party fails to comply with the lawful order of the Director to make safe and healthy an unsafe and unhealthy structure, to correct a dangerous condition or to eliminate an infestation of rodents, vermin or insects, the Director may proceed when, in his or her opinion, emergency action is required to abate unsafe conditions or infestations by whatever means the Director deems appropriate. The means may include but shall not be limited to demolition, substantial rehabilitation, or pest extermination. The Director may use public and private resources required and available. All costs incurred for the emergency action shall be recovered from the property owner by whatever appropriate action is necessary including but not limited to certification of a tax lien on the property and collectible in the same manner as delinquent taxes.

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

#### **Article II - Responsibilities of Owner**

##### **Section 17.48.210 - Overloading of circuits.**

Overloading of circuits is prohibited. Where it is found after notice and hearing that by reason of the appliances and fixtures there is continuing overloading of an electrical line creating a hazard, the owner shall be required to install a line of sufficient capacity to absorb the load to which the line is subjected, or otherwise eliminate the conditions causing the overload. For purposes of this section, the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING may consider the peak seasonal load to which the line is subjected.



## Article IV - Enforcement

### Section 17.48.280 - Inspection.

The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING shall make inspections to determine the condition of nonresidential buildings and premises to safeguard the health and safety of the occupants of dwellings and of the general public. For the purpose of making an inspection the Director, upon presentation of proper credentials, may enter, examine and survey at all reasonable times all nonresidential buildings and premises. The owner of a nonresidential building or the person in charge of the building shall give the Director free access to the building and its premises at all reasonable times for the purpose of the inspection, examination and survey. An occupant or operator of a nonresidential building shall give the owner or the owner's agent or employee, access to any part of the nonresidential building or its premises, at all reasonable times, for the purpose of making the repairs or alterations as are necessary to effect compliance with this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to this chapter.

### Section 17.48.290 - Notice to correct-Issuance.

Whenever the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING determines that there are reasonable grounds to believe that there has been a violation of this chapter or of any rule or regulation adopted pursuant to this chapter, the Director shall give notice of the alleged violation to the owner or an agent as provided in this section. The notice:

- A. Shall be by certified mail;
- B. Shall include a statement of the reasons why it is being issued;
- C. Shall allow a reasonable time for the performance of any act it requires;
- D. Shall be served upon the owner or an agent of the owner by certified mail, as the case may require; provided, that the notice shall be deemed to be served properly upon the owner or agent if a copy of the notice is served upon the owner or agent personally, or if a copy is sent by certified mail to the last known address of the owner or agent, or if a copy is posted in a conspicuous place in or about the premises affected by the notice, or if the owner or agent is served with the notice by any other method authorized under the laws of this State;
- E. May contain an outline of remedial action which if taken will effect compliance with this chapter and with rules and regulations adopted pursuant to this chapter.

### Section 17.48.300 - Notice to correct-Appeal.

- A. The Board of Appeals also shall be the adjudicatory body for hearing appeals from the provisions of this chapter.
- B. A person aggrieved by any notice or order which has been issued in connection with the enforcement of this chapter may appeal the matter to the Board of Appeals. The appellant, within ten days after service of a notice or order, shall file in the Office of the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING a signed written notice of appeal, requesting a hearing and setting forth a brief statement of the reasons for the hearing. Upon receipt of the notice of appeal, the Director shall notify the Board. The Board shall set a time and place for the hearing and shall give the appellant and the Director notice of the hearing. The Board shall file the decision on an appeal within forty-five days following the conclusion of the hearing on the appeal.
- C. After the hearing the Board may affirm, amend, modify or withdraw the notice or order from which an appeal was taken. The decision of the Board constitutes an order and any person who fails, refuses or neglects to comply with any order is guilty of violating this chapter.
- D. The decision of the Board in all cases shall be final; except, that any appellant or party directly

aggrieved by a decision of the Board, within thirty days after the rendering of the decision, may appeal to the circuit court for the County. The findings of fact of the Board shall be conclusive and judicial review shall be limited solely to errors of law and questions of constitutionality. The decision of the Board in any case on appeal shall be stayed pending a decision of the court.

#### **Section 17.48.310 - Notice to correct-Emergency.**

Whenever the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING finds that an emergency exists which requires immediate action to protect the public health, the Director, without notice or hearing, may issue an order reciting the existence of the emergency and requiring that action be taken as the Director deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, the order shall be effective immediately, but upon petition to the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING a hearing shall be afforded as soon as possible. After the hearing, depending upon the Director's finding as to whether the provisions of this chapter and of the rules and regulations adopted pursuant to this chapter have been satisfied, the Director shall continue in effect, modify or revoke the order.

#### **Section 17.48.320 - Unsafe structures-Condemnation.**

The designation of nonresidential structures as unsafe structures and the procedure for the condemnation and placarding of these nonresidential buildings shall be carried out in compliance with the following requirements:

A. Defects Requiring Condemnation. Any nonresidential building which is found to have any of the following defects shall be condemned as an unsafe structure and shall be designated and placarded by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING:

1. One which is damaged, decayed, dilapidated, insanitary, unsafe, or vermin-infested so that it creates a serious hazard to the health or safety of the occupants or of the public;
2. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public;
3. One which because of its general condition is unsanitary or otherwise dangerous to the health or safety of the occupants or the public.

B. Vacation - Correction - Placard Removal. Any nonresidential building condemned as an unsafe structure, and so designated and placarded by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, shall be vacated within a reasonable time as ordered by the Director. The Director shall remove the placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

C. No person shall deface or remove the placard from any nonresidential building which has been condemned and placarded as an unsafe structure, except as provided in Subsection B of this section.

D. A person aggrieved by a notice or order relating to the condemning and placarding of a nonresidential structure as an unsafe structure may appeal the notice or order to the building Board of Appeals, under the procedure set forth in Section 17.48.360.

#### **Section 17.48.330 - Unsafe structures-Demolition.**

If the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING finds that the property owner has failed to correct the defects noted in the placarding of the nonresidential structure within ninety days, the director shall order the demolition of the nonresidential structure or abatement of the nuisance and the cost of the demolition or abatement shall be a lien on the property and collectible in the same manner as delinquent taxes. The Historic District Commission shall review and approve the demolition as required in Title

21 of this code. Unoccupied structures which are found to be a serious hazard to the public, in the same manner as provided in Subsections A and B of Section 17.40.320, shall be ordered demolished or abated by the Director and appeals shall be heard as provided in Section 17.48.300. The cost of demolition or abatement shall be a lien on the property and collectible in the same manner as delinquent taxes.

**Section 17.48.350 - Non-residential property maintenance violation.**

A person who violates this chapter is guilty of a municipal infraction and is subject to a fine as established by resolution of the City Council; provided, that no citation for a municipal infraction shall be issued until the notice required by Section 17.48.290 first has been served upon the alleged violator and the time specified in the notice for correction of the violation has expired with no appeal to the Building Board of Appeals having been taken and with the condition in violation of this chapter not having been corrected. In the event of an appeal to the Building Board of Appeals, no citation for a municipal infraction shall be issued until notice of the decision of the Building Board of Appeals first has been served upon the alleged violator and the time specified in the notice for taking the required action has expired with the action required by the notice not having been taken or completed. A continuing violation of the same provision of this chapter constitutes a separate violation for each day in which the condition is allowed to exist after the expiration of the time specified in the notice given by the Director of the Department of Neighborhood and Environmental Programs PLANNING AND ZONING or the Building Board of Appeals, whichever is later.

**Section 17.48.360 - Appeals.**

A. A person aggrieved by an order from the Director or the Director's designee made pursuant to this chapter, other than the issuance of a municipal citation or the charging of a misdemeanor, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the order. The petition for appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of Neighborhood and Environmental Programs PLANNING AND ZONING along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.

B. The Building Board of Appeals shall consider the appeal based upon the information provided to the Department of Neighborhood and Environmental Programs PLANNING AND ZONING at the time of the order from which the appeal is taking. If the Board finds that the order was in error or contrary to the provisions of this code or other applicable law, the Board may reverse or modify the order. The decision of the Board on all appeals shall be in writing and shall contain the factual findings of the Board and the reasons for the decision.

C. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the circuit court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a person shall not be considered aggrieved by a decision of the Board unless the person has appeared as a party at the hearing before the Board. An appeal under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.

**Chapter 17.52 - FACILITIES FOR THE DISABLED**

**Section 17.52.010 - Shopping centers-Existing structures.**

A. A shopping center in excess of five thousand square feet shall be equipped with wheelchair curbcuts or ramps, an appropriate number of parking spaces designated for the disabled if more than twenty-five public parking spaces are provided by the shopping center for the general public, and, if public toilet facilities are

provided by the shopping center, at least one toilet shall be accessible to persons in wheelchairs. Where fences, poles or other barriers with an opening of less than thirty inches have been erected to keep shopping carts from being removed from the premises or for other purposes, provisions shall be made for independent entry by disabled persons.

B. The standards and design for curbcuts or ramps, parking spaces, toilet facilities and means of independent entry past barriers for the disabled shall be as provided by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING as amended from time to time.

C. Shopping centers providing twenty-five to fifty public parking spaces shall designate at least one appropriately marked space for use by the disabled. Where over fifty parking spaces are provided, at least two spaces shall be designated appropriately for use by the disabled.

#### **Section 17.52.020 - Shopping centers-New construction.**

A. Construction plans approved by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING for a shopping center in any zoning district shall provide those facilities as outlined in Section 17.52.010. In addition, if water fountains and telephones are provided for the public an adequate number shall be accessible to persons in wheelchairs; aisles, including at least one check-out aisle, shall be designed for use by persons in wheelchairs; and, if shopping levels or offices are located on more than one level each level shall be accessible by means of a public elevator.

B. The standards, design and adequacy of provisions to make shopping centers accessible to the disabled contained in this section shall be determined and provided by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

#### **Section 17.52.030 - Enforcement-Violation-Penalties.**

A. The administration and enforcement of this chapter shall be the responsibility of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

B. In case of a violation of this chapter, the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING may issue an order requiring the developer or owner of the property to stop work or to take specified corrective measures to comply with the requirements of this chapter. If a developer or owner violates a stop work or corrective measures order issued pursuant to this subsection, the Director may revoke any permit relating to the work issued by the City or any of its departments.

C. In addition to other penalties provided in this section, a person who violates any provision of this chapter is guilty of a municipal infraction and is subject to a fine of five hundred dollars for any single, initial violation and a fine of five hundred dollars for each repeat or continuing violation. The failure of a developer or owner to comply with a correction measures order or a stop work order issued by the Director constitutes a single violation for each day that noncompliance continues.

#### **Section 17.52.040 - Violations-Appeals.**

A. A person aggrieved by an order from the Director issued pursuant to this chapter, other than the issuance of a municipal citation, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the order. The petition for appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.

B. The Building Board of Appeals shall consider the appeal based upon the information provided to the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING at the time of the order

from which the appeal is taking. If the Board finds that the order was in error or contrary and to the provisions of the City Code or other applicable law, the Board may reverse or modify the order. The decision of the Board on all appeals shall be in writing and shall contain the factual findings of the Board and the reasons for the decision.

C. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the Circuit Court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 (or its successor). For purposes of this subsection, a person shall not be considered aggrieved by a decision of the Board unless the person has appeared as a party at the hearing before the Board. An appeal under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.

## **Chapter 17.60 - SIGNS**

### **Section 17.60.010 - Permit-Required.**

A. No permanent commercial sign, billboard or advertising structure or device shall be erected or installed unless a sign permit has been issued by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee. Temporary signs and banners are prohibited except as provided under Section 17.60.060 or under Section 21.70.060.

B. The Department of Planning and Zoning shall review the sign permit application for consistency with the Zoning Code, pursuant to Chapter 21.70.

### **Section 17.60.020 - Permit-Drawings.**

A. Complete drawings shall be submitted with each application for a permit, showing construction in every detail, all dimensions, sizes and kinds of materials, sizes and spacing of all bolts, rivets, and other hardware. Drawings also shall show the structure on which the sign is to be supported, sufficiently detailed to determine readily if the sign has adequate support.

B. The repainting, changing of parts, and preventative maintenance of signs located on a site shall not be deemed alterations requiring a sign permit.

C. Tagging. All signs requiring permits shall display in a place conspicuous to inspectors, evidence of the sign permit containing such data as may be designated by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

### **Section 17.60.030 - Permit-Approval.**

The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee shall not approve an application for a sign permit unless the construction, placement and maintenance of the sign complies with the provisions of this chapter and other requirements of law.

### **Section 17.60.070 - Location generally.**

A. No signs shall be supported from the sidewalk or from a point outside of the sidewalk. Signs may be carried upon or suspended from the front of a building, but no sign projecting into the street or alley shall be placed within ten feet of the sidewalk or extended more than two feet beyond the building; except, electric signs shall be permitted to extend beyond the building line to any distance not beyond the curb upon the approval of the City Council.

B. Sidewalks shall be regarded as pedestrian rights-of-way. Permanent signage that the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee determines

must be placed in or near a sidewalk shall be sited only after a consideration of the following guidelines:

1. No sign shall be placed in such a way as to interfere with or reduce a forty-inch pedestrian right-of-way;
2. Where a grass area exists between the curb and sidewalk, signs shall be placed in the grass area;
3. When no grass area between the curb and sidewalk exists, signs shall be placed in any public right-of-way or easement on the far side of the sidewalk;
4. In any one block, the placement of signs curbside or far curbside shall be consistent;
5. The bottom edge of the sign shall be seven feet from the ground with the exception of pedestrian directional signs which do not exceed the width of the post which may be posted at five and one-half feet;
6. As many as three signs of twelve inches in width or greater may be clustered on one pole;
7. In any one block, the placement of signs on poles not governed by State Highway Administration guidelines shall be grouped in a forty-foot area;
8. No more than one "No Parking" sign shall be placed on each side of the street in any one block or within a distance of five hundred feet, whichever is less.

### **Section 17.60.090 - Support-Engineering.**

Every sign shall be supported substantially including foundation and footing. The construction and hanging of the sign shall be in accordance with the best engineering principles and subject to structural requirements of the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee.

### **Section 17.60.120 - Electric roof signs.**

Electric signs on roofs within the property line shall be subject in every respect to this chapter and shall meet the requirements of the best structural and safety standards, as required by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee.

### **Section 17.60.130 - Wiring and connections of electric signs.**

All new, existing, and altered electric signs shall be wired for electric service in accordance with the rules and regulations of Chapter 17.16 of the Code of the City of Annapolis, and all electric wiring or connections shall be done by or under the supervision of a master electrician licensed in the State and shall be inspected by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING. Electrical permits are required.

### **Section 17.60.140 - Violations-Notice to correct.**

The Director of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING or his or her designee shall investigate any complaint of a violation of Sections 17.60.010 through 17.60.030, 17.60.060, 17.60.070, and 17.60.090 through 17.60.130. Upon a finding that a violation exists, the director shall provide reasonable notice by mail, by personal delivery, by posting on the sign itself, or by a combination of these means, to the owner, tenant or agent having charge of the property on which the sign is situated. The notice shall specify:

- A. The action to be taken to correct the violation;
- B. That the action must be undertaken and completed within a reasonable period as established by the director;
- C. That failure to comply may result in the corrective action being taken by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING;
- D. That the Department's expenses for taking the action and, if necessary, for storing and disposing of the sign, are the responsibility of the owner of the property; and

E. That the expenses will constitute a lien upon the property to be collected in the same manner as real property taxes.

#### **Section 17.60.150 - Violations-City correction.**

A. If the violation is not corrected fully within the period specified by the Director, the Director or his or her designee may enter in or upon the premises to undertake corrective action. When that action involves removal of a sign, the Director or his or her designee shall store the sign for a period not to exceed sixty days. If, after reasonable notification to the owner of the property that the sign is being stored at the owner's expense, the owner has not redeemed the sign, the Director or his or her designee may order its disposal. In order to redeem a sign, the costs of any work performed by the ~~Neighborhood and Environmental Programs~~ Department OF PLANNING AND ZONING, all storage charges, and any other related charges shall be paid by the owner.

B. The expenses incurred by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING for bringing a sign into compliance, for storage, for disposition and for any other related expenses shall be the responsibility of the owner of the property on which the sign was situated. When the Director or his or her designee has certified the expenses to the Director of Finance, they shall constitute a lien upon the property. The Director of Finance shall add the amount certified to the property tax bill for the ensuing year and shall collect the amount in the same manner as real property taxes.

#### **17.60.170 - Violations-Appeal.**

A. A person aggrieved by an order from the Director issued pursuant to this chapter, other than the issuance of a municipal citation, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the order. The petition for appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.

B. The Building Board of Appeals shall consider the appeal based upon the information provided to the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING at the time of the order from which the appeal is taking. If the Board finds that the order was in error or contrary and to the provisions of the City Code or other applicable law, the Board may reverse or modify the order. The decision of the Board on all appeals shall be in writing and shall contain the factual findings of the Board and the reasons for the decision.

C. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the Circuit Court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 (or its successor). For purposes of this subsection, a person shall not be considered aggrieved by a decision of the Board unless the person has appeared as a party at the hearing before the Board. An appeal under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.

## **Title 18 - LANDLORD AND TENANT RELATIONS**

### **Chapter 18.04 - MINIMUM LEASE TERMS**

#### **Section 18.04.010 - Lease agreements-Required terms.**

A. Subject to any public general State laws to the contrary, including, but not limited, to the real property article of the Annotated Code of Maryland, this chapter shall regulate and determine legal rights, remedies and obligations of the parties and beneficiaries of any rental agreement, concerning any dwelling unit for which an operating license is required under Section 17.44.010 of this code. Any written rental agreement shall be unenforceable in the City of Annapolis insofar as any provisions thereof conflict with any provision of this chapter. Such unenforceability shall not affect other provisions of the agreement which can be given effect without such unenforceable provision.

B. All leases or agreements for the occupancy of a dwelling unit for which an operating license is required under Section 17.44.010 of this code shall be offered, in written form, for a minimum initial term of one year to be accepted at the prospective tenant's option, unless a reasonable cause exists for offering an initial term of less than one year.

1. For purposes of this subsection, reasonable cause shall mean those situations which would create undue hardships or expense for a landlord to enter into a one-year lease. Such situations may include, but not be limited to, the sale of a dwelling unit with settlement to occur within a one-year period, a bona fide contract to sell within a one-year period or a planned conversion to condominium or cooperative within a one-year period.

2. The landlord shall include the following statement on all lease agreements insuring that it is properly initialed by the prospective tenant and, if an addendum to a written lease, that it is signed and dated by the parties:

The law of the City of Annapolis requires landlords, unless there is reasonable cause otherwise, to offer all prospective tenants lease agreements for initial terms of one year. Such an offer may be accepted at the option of the prospective tenant. Prior to entering this lease, the tenant hereby acknowledges that (initial and date one option below):

A. I was offered and accepted a one-year lease term by the landlord.

B. I was offered but rejected a one-year lease term by the landlord.

C. I received a copy of a written statement in which the landlord asserts and explains a reasonable cause for failing to offer me a one-year initial lease term and was advised of my rights to challenge such statement by filing a complaint with the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

3. Providers of temporary and emergency shelters, including those shelters managed by religious organizations, are specifically exempt from the operation of this chapter.

C. All leases or agreements for the occupancy of a dwelling unit for which an operating license is required under Section 17.44.010 of this code shall be bound by and include the following statement which cannot be waived by either party:

The Code of the City of Annapolis requires that leases offered to prospective tenants specify that all maintenance, including repairs and replacements due to normal wear and tear, but not including those resulting from negligence or deliberate damage by the tenant, is the responsibility of the Landlord who shall arrange for maintenance in a timely manner. As a minimum, leased units must be maintained in full compliance with the residential housing standards as enumerated in Chapter 17.40 of the Code of the City of Annapolis and applicable provisions of the Annotated Code of Maryland. Repairs of dangerous defects by the Landlord are subject to Section 8-211 of the Real Property Article of the Annotated Code of Maryland. All maintenance, repairs or replacements resulting from negligence or deliberate damage by the Tenant is entirely the responsibility of the Tenant. At the Landlord's option, the Tenant may be required to arrange for appropriate repairs, and pay for such repairs directly to the contractor.

D. When the landlord presents a potential or signed lease or agreement to the prospective or actual tenant, the landlord shall also provide the most recent copy of a booklet prepared by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING explaining the rights of the tenant and who to contact for assistance in landlord-tenant relations.



**Section 18.04.020 - Administration and enforcement.**

The administration and enforcement of this chapter shall be the responsibility of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING by accepting complaints filed pursuant to Section 18.04.010.

**Title 20 - SUBDIVISIONS**

**Chapter 20.08 - PROCEDURE GENERALLY-PREAPPLICATION**

**Section 20.08.030 - Administrative exemption.**

Upon proper finding that Sections 20.20.010 and 20.20.020 of Chapter 20.20 and Sections 20.24.010 through 20.24.150 of Chapter 20.24 have been complied with in all respects and where public water and sewer are available, the Planning and Zoning Director, with the concurrence of the Director of Public Works ~~and the Director of Neighborhood and Environmental Programs~~, may exempt the following three types of subdivisions from the requirements of this chapter:

- A. The division of any tract of land that is in one individual ownership into five lots or less, provided no street right-of-way dedications are involved, no utility or drainage easements are found necessary and no new or residual parcels are created which do not conform to the requirements of this title;
- B. The combination or recombination of portions of previously platted and recorded lots where the total number of lots is not increased and all lots or residual parcels thus created conform to the requirements of Sections 20.24.010 through 20.24.150 of Chapter 20.24;
- C. When contiguous properties are to be divided for the purpose of exchanging or trading parcels of land. In these cases, the Director of Planning and Zoning, with the concurrence of the Director of Public Works ~~and the Director of Neighborhood and Environmental Programs~~, also may waive the requirements of Sections 20.20.010 and 20.20.020 of Chapter 20.20 and Sections 20.24.010 through 20.24.150 of Chapter 20.24, provided that a statement is made on the face of the plat which describes the proposed transaction and which certifies that any parcels thus created are not created as individual building lots.

**Section 20.08.040 - Conditional approval of preliminary plat.**

- A. On reaching conclusions informally, as recommended in Section 20.08.020, regarding the developer's general program and objectives, the subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary material as specified in Chapter 20.12.
- B. A minimum of six copies of the preliminary plat and supplementary material specified shall be submitted to the Planning Commission on white paper with written application on standard submittal form for conditional approval at least twenty-one days prior to the meeting at which it is to be considered. The Planning Commission shall consult with the Director of Public Works ~~and the Director of Neighborhood and Environmental Programs~~ in reviewing the preliminary plat and may request that the director submit a recommendation for approval or disapproval, stating the director's reasons for the recommendation.
- C. Following (1) review of the preliminary plat and other material submitted for conformity of the plat to these regulations and (2) negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the Planning Commission shall express its approval as conditional approval and state the conditions of the approval, if any, or if disapproval, shall express its disapproval and its reasons for the disapproval. Conditional approval or disapproval by the Planning Commission shall be forwarded by the Planning and Zoning Director to the Director of Public Works ~~and the Director of Neighborhood and Environmental Programs~~.
- D. Conditional approval of a preliminary plat does not constitute approval of the final plat (record plat).

Rather it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

## **Chapter 20.24 - DESIGN STANDARDS**

### **Section 20.24.150 - Public sites and open spaces.**

A. Where a proposed park, playground, school or other public use shown in the Comprehensive Plan is located in whole or in part in a subdivision, the Planning Commission may require the reservation of an area for the use within the subdivision in those cases which the Commission deems the requirements to be reasonable.

B. Where deemed essential upon consideration of the particular type of development proposed in the subdivision, and especially in large scale neighborhood unit developments, the Planning Commission may require the reservation of other areas or sites of a character, extent and location suitable to the needs created by the development for schools, parks and other neighborhood purposes.

C. The Planning Commission shall consider any recommendation made by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING and the Director of Public Works when imposing any requirement under this section.

### **Section 20.24.160 - Environmental planting screens.**

A. An environmental planting screen shall be provided on the rear of any double frontage lot and on any side yard abutting a public right-of-way. The planting screen shall consist of a minimum area of at least twenty feet wide along that portion of any rear yard abutting rights-of-way sixty feet in width or greater, and of a minimum area of at least fifteen feet wide along that portion of any rear abutting rights-of-way of less than sixty feet in width. The planting screen along any side yard shall consist of a minimum area equal to eighty percent of the required side yard for corner lots in the zoning district in which the property is located. No right of access shall be permitted across any required environmental planting screen, except as provided and approved by the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

B. Any required environmental planting screen shall be designed, planted and maintained in accordance with a landscaping plan approved by the Director of Planning and Zoning. ~~The Director of Planning and Zoning may consult with the Department of Neighborhood and Environmental Programs in reviewing any proposed landscaping plan.~~ The landscaping plan shall satisfy the following standards:

1. The planting screen shall buffer effectively occupants of the lot from possible adverse effects of the adjoining roadway and its users;
2. The planting screen visually shall screen users of any structure on the lot from the adjoining roadway;
3. The planting screen may be comprised of previously existing vegetation, new plantings, or any combination of existing vegetation and new plantings; provided that, when complete, the screen shall provide a dense year-round screen satisfying the standards set out in this section;
4. The planting screen may consist of a mixture of deciduous and evergreen trees and/or shrubs or a planting of evergreen trees and/or shrubs;
5. The planting screen shall be subject to on-site inspection by the Department of Planning and Zoning ~~and the Department of Neighborhood and Environmental Programs~~ either of which, if necessary, may prescribe that additional plantings be made to satisfy the standards listed in this subsection.

C. The developer shall grant an easement for required environmental planting screens to the City and all property owners in the subdivision. The easement shall require the owner of a lot to maintain the environmental planting screen in accordance with the approved landscaping plan and any instructions for additional plantings required by the Department of Planning and Zoning ~~or the Department of Neighborhood and Environmental~~

Programs.

**Title 21 - PLANNING AND ZONING**  
**Division II - ADMINISTRATION AND ENFORCEMENT**  
**Chapter 21.08 - DECISION MAKING BODIES AND OFFICIALS**

**Section 21.08.070 - Director of Neighborhood and Environmental Programs REVIEW AND DECISION-MAKING AUTHORITY.**

The Department of Neighborhood and Environmental Programs is established pursuant to the provisions of the Annapolis City Code Chapter 2.25. The Director of Neighborhood and Environmental Programs shall have the following responsibilities, powers and duties under this Zoning Code:

- A. Decide applications for use and occupancy permits pursuant to the provisions of Zoning Code Chapter 21.12.
- B. Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this Zoning Code.
- C. Revoke permits, and issue violation orders or citations for misdemeanors for alleged violations of any provisions of this Zoning Code pursuant to Zoning Code, Chapter 21.36.

Annapolis Zoning Code Summary of Review and Decision-Making Authority

Type of Decision	Planning and Zoning Director	Director of Neighborhood and Environmental Programs	Planning Commission	Board of Appeals	Historic Preservation Commission	City Council	Circuit Court
Administrative							
Administrative Adjustments	Decision			Appeal			
Administrative Interpretations	Decision			Appeal			
Change of Nonconforming Use	Decision			Appeal			
Demolition Permits (selected, per Chapter 21.14)	Decision			Appeal			
Determination of Nonconforming Use	Decision			Appeal			

Major and Minor Site Design Plans	Decision			Appeal			
Use and Occupancy Permit	Review DECISION	Decision		Appeal			
Sign Permit	Review DECISION	Decision, pursuant to Chapter 17.60		Appeal			
Stop Work Order, Corrective Measures Orders	DECISION	Decision, Appeals pursuant to Title 17					
Revocation of Permits	DECISION	Decision, Appeals pursuant to Title 17					
Planning Commission							
Business Planned Development	Review		Decision				Appeal
Residential Planned Development	Review		Decision				Appeal
Board of Appeals							
Appeal	Review			Decision			Appeal
Expansion of Nonconforming Use	Review			Decision			Appeal
Special Mixed Planned Development	Review		Decision	Appeal			Appeal
Special Exception	Review			Decision			Appeal
Variance	Review			Decision			Appeal
Zoning District Boundary Adjustments	Review			Decision			Appeal
Historic Preservation Commission							

Certificate of Approval	Review				Decision		Appeal
City Council							
Zoning Map Amendment	Review		Recommendation			Decision	Appeal
Zoning Text Amendment	Review		Recommendation			Decision	Appeal

**Chapter 21.12 - USE AND OCCUPANCY PERMITS**

**Section 21.12.010 - Purpose and authority.**

For the purposes of this Zoning Code and in the furtherance of Annapolis City Code Chapters 17.04 through 17.30, 17.52, 19.08 and 19.12, no use or occupancy shall be made of any structure and no change in use shall be permitted unless and until a use and occupancy permit has been approved by the Planning and Zoning Director and the Director of Neighborhood and Environmental Programs in accordance with the provisions of this chapter.

**Section 21.12.020 - Application requirements.**

A. Applicability. A use and occupancy permit shall be obtained from the Planning and Zoning Director and the Director of Neighborhood and Environmental Programs before any person shall:

1. Use or occupy, or permit or cause to be used or occupied, any building erected after the effective date of this Zoning Code.
2. Change the use or permit or cause a change in the use of any existing building or to make any change in a nonconforming use.
3. Occupy or use any vacant land.
4. Enlarge any use with respect to the unit of measurement specified in this Zoning Code as the basis for determining the amount of off-street parking, whether the same is specified in terms of floor area, dwelling units, seats or any other element of size or use.

B. Eligible Applicants. No person may submit an application for a use and occupancy permit if that person or if the owner, occupier or tenant of the subject property shall have been issued any pending, unsatisfied, or unpaid citation for any municipal infraction or misdemeanor provided by the City building laws or Zoning Code or Charter or if any such person shall have not completed any remedial or corrective action ordered by any department of the City charged with the enforcement of said laws. For the purposes of this section, a building and/or Zoning Code citation or order pending before any City board, commission, agency or department or before any court shall be considered pending, unsatisfied, unpaid and not completed.

C. Affidavit of Eligibility. The applicant shall submit with its application for a use and occupancy permit, an affidavit affirming under penalty of perjury that neither the applicant nor any owner, occupier or tenant of the subject property has been issued any pending, unsatisfied or unpaid citation, and that no such person has failed to complete any remedial or corrective action ordered by a department of the City as described in Subsection B of this section.

D. Waiver. The Director of Planning and Zoning, in consultation with the City Attorney, may waive the requirements of the Subsections B and C of this section after the Director makes a written determination that for reasons set forth therein, such a waiver is in the best interest of the City and does not imperil or prolong an existing peril to life or property.

### **Section 21.12.030 - Procedures.**

A. Application Procedures. All applications for a use and occupancy permit shall be submitted to the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING in accordance with the requirements established by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING and the following requirements:

1. An application for a use and occupancy permit may be made in writing and be signed by the property owner or applicant, if not the property owner, attesting to the truth and exactness of all information supplied on the application form provided by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

2. Application for a use and occupancy permit shall be made at the same time as the application for a building permit and a written request for issuance shall be made to the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING after the completion of the work covered by the building permit.

3. The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING shall REVIEW ~~forward~~ an application for a use and occupancy permit for the use of vacant land or for a change in the use of land or a building, for a change in a nonconforming use, for the enlargement of a use, or for the continuation of a use to the ~~Planning and Zoning Director~~ for review.

B. Review Procedures. The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING shall inform the applicant in writing of the Director's decision within thirty days of the determination of completeness of the application.

### **Section 21.12.040 - Review criteria.**

If the proposed use is in conformity with the provisions of this Zoning Code and all other applicable regulations, the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING shall issue a use and occupancy permit after the structure has passed all applicable final inspections by other City departments, including but not limited to building, electrical, mechanical and fire inspections.

## **Chapter 21.30 - APPEALS**

### **Section 21.30.010 - Purpose and authority.**

An appeal may be taken to the Board of Appeals by a person aggrieved or by an officer, department, board or bureau of the City aggrieved by a decision of the Planning and Zoning Director ~~or an enforcement action of the Director of Neighborhood and Environmental Programs~~ other than the issuance of a misdemeanor citation.

### **Section 21.30.020 - Procedures.**

A. Appeal Procedures. An appeal may be taken within thirty days after the decision or the action complained of, by filing with the Director from whom the appeal is taken a notice of appeal specifying the grounds of the appeal. The Director from whom the appeal is taken shall, at the expense of the appellant, forthwith transmit to the Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.

B. Review Procedures.

1. Notice and Hearing. The Board of Appeals shall select a reasonable time and place for the hearing of the appeal. Notice of the hearing must be given in accordance with the notice requirements set forth in Sections 21.10.020(B) and 21.10.020(C).

2. Decision. The Board shall reach its decision within forty days from the date of the hearing. The Board

of Appeals may affirm or reverse, wholly or in part, or may modify the order, requirement, decision or determination as ought to be made or the Board may issue a new order, requirement, decision or determination. To that end, the Board has all the powers of the officer from whom the appeal is taken.

3. Notice of Decision. The Director from whom the appeal is taken shall give notice of the decision in accordance with the requirements set forth in Section 21.10.020(E).

4. Record of Decisions. The Planning and Zoning Director ~~and the Director of Neighborhood and Environmental Programs~~ shall maintain records of all actions of the Board of Appeals relative to appeals taken from their actions pursuant to this section.

## **Chapter 21.36 - ZONING ENFORCEMENT**

### **Section 21.36.010 - Stop work orders, corrective measures orders, revocation of permits.**

A. In addition to other penalties and enforcement powers set forth in this Zoning Code or granted to the City in law or in equity, whenever a person violates any provision of this Zoning Code, the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING may issue an order requiring the developer or owner of the property to stop work or to take specified corrective measures to comply with the requirements of this Zoning Code.

B. If a developer or owner violates a stop work order or corrective measures order issued pursuant to this section, the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING may initiate action to revoke a permit as follows:

1. Notice. Before a permit may be revoked, notice of a hearing by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING to consider revocation shall be given pursuant to the requirements of Section 21.10.020(C). The notice shall inform the holder of the permit of the grounds for the revocation and the hearing date.

2. Decision. Following the hearing, the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING shall decide whether or not to revoke the permit and shall provide the holder of the permit a written statement of the decision.

### **Section 21.36.020 - Violation orders.**

The Director of Planning and Zoning, upon finding a building, premises, or a part of a building or premises used or occupied in violation of any provision of the Zoning Code, shall ~~direct the Director of Neighborhood and Environmental Programs to~~ order such illegal use or occupancy terminated. When in the opinion of the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING the termination of said illegal use or occupancy can only be insured through vacation of said building, premises, or part thereof, the Director may order the owner or the occupant or both to vacate said building, premises, or part of said building or premises which is being illegally used or occupied.

### **Section 21.36.030 - Planning and zoning infraction.**

A. A person who violates this Zoning Code is guilty of a misdemeanor and shall be fined by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING as established by the City Council.

B. A person who violates any term, condition or provision of any certificate of approval, plan, use permit, variance or other permit issued or approved pursuant to this Zoning Code is guilty of a misdemeanor and shall be fined by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING as established by the City Council.

## **Division IV - OVERLAY DISTRICT REGULATIONS**

**Chapter 21.54 - CRITICAL AREA OVERLAY**

**Section 21.54.030 - Enforcement.**

A. No permit shall be issued for any use of land unless the DIRECTOR OF Planning and Zoning Director, with the concurrence of the Director of Neighborhood and Environmental Programs finds that the use conforms to the requirements of this chapter.

B. The Planning and Zoning Director and the Director of Neighborhood and Environmental Programs shall have the authority to enforce this chapter as provided in the various sections herein.

**Section 21.54.080 - Development requirements-Intensely developed areas.**

A. Stormwater Management. Stormwater management technologies shall be required to reduce pollutant loadings by at least ten percent below that of predevelopment levels in accordance with Chapter 17.10.

B. Impervious Surfaces. Manmade impervious surfaces shall be limited to the following maximum percentages of the development site:

Underlying Zoning District	Percent of Manmade Impervious Surface (maximum)
Residential	50
P, PM, B1, B2, B3	60
C1, C1A,	75
Maritime	80
C2, C2A, C2P	90

C. Erosion and Sediment Control. Erosion and sediment control measures shall be required in accordance with City Code Chapter 17.08.

D. Cluster Development. Cluster development is encouraged, to the extent practicable, to reduce impervious surfaces and maximize areas of natural vegetation.

E. Trees. Cutting and clearing of trees shall occur in accordance with Section 17.09.070 of the City of the Annapolis City Code and with planting guidelines determined by the Department of Neighborhood and Environmental Programs. PLANNING AND ZONING.

F. Habitat Protection Areas.

1. Developers shall determine whether there are any habitat protection areas on the project site, or whether development on the site could adversely affect such areas off-site.

2. In developing the site, roads, bridges and utilities shall not be located in a habitat protection area, even if the habitat area is outside the buffer, unless it is determined by the City that no feasible alternative exists. Where roads, bridges or utilities must cross such areas, they must be designed, constructed and maintained to protect the habitats, to provide maximum erosion protection, and to maintain hydrologic processes and water quality.

3. The developer shall protect any wildlife corridors or habitat protection areas located in forests and developed woodlands.

**Section 21.54.100 - Development requirements-Resource conservation areas.**

A. New residential development is permitted if the density of such development does not exceed one dwelling unit per twenty acres, or as permitted under the requirements of Section 20.24.130(G) and (H).



B. New commercial, industrial and institutional development is not permitted.

C. New development within the resource conservation areas shall conform to the same requirements as those set forth in Section 21.54.090 for limited development areas.

(Ord. O-10-05 § 1 (part), 2005; Ord. O-1-04 Revised (part), 2005)

21.54.170 - Administrative variances.

A. The purpose of this section is to authorize delegation of Board of Appeals approval authority to the Planning and Zoning Director to apply the standards for variances as specified in Section 21.54.160 for proposed development activities as follows:

In the case of residential structures currently located within the designated one hundred-foot buffer, an expansion of these structures; provided, that the expansion occurs parallel to the shoreline and does not further encroach into the waterway yard.

B. Administrative variances are subject to the following conditions:

1. This section applies to new development or redevelopment within the critical area buffer.

2. This section only applies to single-family lots of record at the time of program approval.

3. Development may not impact any habitat protection areas other than the buffer.

4. The applicant will be required to maintain existing natural vegetation in the buffer to the extent possible.

5. The disturbance to the buffer must be the least intrusion necessary.

6. Any development in the buffer will require mitigation/enhancement/or offsets, as follows:

a. The extent of the lot or parcel shoreward of the new development or redevelopment shall be required to remain, or shall be established and maintained, in natural vegetation; and

b. Natural vegetation of an area twice the extent of the impervious surface must be created in a buffer offset area or other location as may be determined by the City.

7. An applicant who cannot comply with the above planting or offset requirements is required to pay into the fee-in-lieu program established under Chapter 17.09 as established by the City Council.

Any fees-in-lieu collected under these provisions shall be placed in an account that will assure their use only for projects within the critical area for the benefit of wildlife habitat, water quality improvements or environmental education. The status of these funds must be reported at the time of comprehensive review. If it is not possible to carry out offsets or other mitigation within the critical area, any plantings or other habitat/water quality improvement should occur within the affected watershed.

8. Any required reforestation/mitigation/offset areas must be designated under a development agreement or other instrument and recorded among the land records of Anne Arundel County.

9. The State Critical Area Commission shall be notified of the requested variance prior to any administrative action by the staff and shall be notified of the action taken with regard to the requested variance within ten days of the action.

10. The request for administrative variance and all supporting documentation shall be referred REVIEWED by the ~~Planning and Zoning~~ Director OF PLANNING AND ZONING to the ~~Director of Neighborhood and Environmental Programs~~ for review and comment. The Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING shall, within ten days, of such referral provide to the Planning and Zoning Director recommendations ISSUE A DECISION with regard to the proposed variance including a recommendation that AS TO WHETHER the variance SHALL be granted, denied or granted subject to specified terms and conditions. ~~The Planning and Zoning Director shall not be bound by the recommendations of the Director of Neighborhood and Environmental Programs.~~

11. The chairman of the Critical Area Commission may appeal an administrative variance granted by the Planning and Zoning Director or local approving authority. At this time the project will go before the Board of Appeals de novo.

## Chapter 21.56 - HISTORIC DISTRICT

### Article III - Newsracks on Public Rights-of-Way

### Section 21.56.260 - Application and issuance of certificate of approval.

A. Issuing authority. The issuing authority and coordinator shall be the Chief of Historic Preservation. The Chief is responsible for fairly coordinating and administering the physical placement of newsracks of the type and location herein specified, and upon compliance with provisions of this article, is responsible for issuing the certificates of approval.

B. Approving authority. The approving authority shall be the Chief of Historic Preservation. The Chief shall provide review and administrative approval; the Chief shall circulate the application for consideration and comment by the Public Works Administration, the Police Department, and the Planning and Zoning Department.

C. Enforcing authority. The enforcing authority shall be the director of the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

D. Applications. The applicant shall file with the Chief of Historic Preservation a Historic Preservation Commission Administrative Approval Application for an installation Certificate of Approval that shall contain the following information:

1. The name, address and telephone number of the applicant who is the owner and/or principal in responsible charge of the newsrack.
2. The name, address and telephone number of a responsible person whom the City may notify or contact at any time concerning the applicant's newsracks.
3. The number of newsracks and the proposed location of each shown on a drawing provided by the Public Works Administration as in Subsection D. of this section.
4. Names of newspapers or periodicals to be contained in each newsrack.
5. Type or brand of newsracks, including an illustration and description of the newsrack and mount if other than a single pedestal, TK-80PM, or K-80PM SHORACK, or TK-80 or K-80 SHORACK with special pedestal and 14-inch square base plate (allowed only if demand warrants at the installation location) or equivalent, as per Section 21.56.310 of this Code.

E. Procedure. In consultation with the Public Works Department and the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING, and with the approval of the Historic Preservation Commission, the Chief shall:

1. Develop a map of a large enough scale to show permitted locations of newsracks in the Historic District.
2. Request a list of proposed newsrack locations, marked on the above map, from each distributor.
3. Prepare a scale drawing or aerial photograph of each newsrack location showing the position and name of each newsrack at that location.
4. Review for approval newsrack drawings.
5. Obtain confirmation approvals of the above approved newsrack drawings from each distributor.
6. Have the public works survey crew, following Certificate of Approval issuance, then mark placement locations with a template so that installation crews will have no problem.

F. Issuance of certificate of approval. Upon a finding by the Chief that the applicant is in compliance with the provisions of this article, the Chief shall cause to be issued a certificate of approval for installation by the newspaper publishing and or distribution company. Such issuance shall be made within ten working days of the City's receipt of the completed application.

G. Denial of certificate of approval. If a Certificate of Approval for some newsrack location applied for shall be denied, the applicant shall be notified within ten working days of the City's receipt of the completed application. The applicant shall be advised of the specific cause of such denial by the Chief, who may suggest alternative locations. The applicant may reapply for substitute alternative location at no additional certificate of approval fee.

H. Additional certificate of approval. If at any time initial application for an installation certificate of

approval a publisher wishes to install additional newsracks, then Subsections D and E of this section are to be repeated in accordance with the provisions of this article. Additional certificate of approval fees shall be in accordance with Section 21.56.270 of this Code.

**Section 21.56.320 - Enforcement procedures-Nonconforming newsracks.**

Within one hundred twenty days of the effective date of the ordinance from which this article is derived and at any time thereafter, any newsrack in violation of any provision of this article shall be subject to remedy and due process under the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING.

**Section 21.56.330 - Same-Abandoned newsracks.**

A. If any newsrack installed pursuant to this article does not contain the publication specified therefor within a period of forty-eight hours after release of the current issue, the Department of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING may deem the newsrack abandoned and take appropriate action for an ordinance violation.

B. In the event a newspaper publishing company or its distributor desires to voluntarily abandon a newsrack location, the distributor shall notify the director, completely remove the newsrack and mount, and restore the public right-of-way to a safe condition, leaving no holes or projections in the mounting surface.

**Division V - REGULATIONS OF GENERAL APPLICABILITY**

**Chapter 21.62 - SITE DESIGN STANDARDS**

**Section 21.62.080 - Surface water drainage.**

A proposed development shall be designed to provide for proper surface water management through a system of controlled drainage that, wherever practicable, preserves existing natural drainage patterns and wetlands, enhances groundwater recharge areas, and that protects other properties and existing natural and artificial drainage features from the adverse effects of flooding, erosion and the depositing of silt, gravel or stone. A stormwater management plan is required to be submitted to the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING for review and approval under Chapter 17.10 of the Annapolis City Code.

**Chapter 21.64 - STANDARDS FOR USES SUBJECT TO STANDARDS**

**Section 21.64.110 - Bed and breakfast homes.**

A. C1, C1A, R2-Neighborhood Conservation, R3-Neighborhood Conservation 2, and Office and Commercial Design Overlay Districts.

1. Number and location of bed and breakfast homes:

a. C1, C1A, R2-Neighborhood Conservation, and Office and Commercial Design Overlay districts:

i. For each side of a block between two intersecting streets there shall be no more than two bed and breakfast homes.

ii. No two bed and breakfast homes shall be located on adjacent properties with the exception of any bed and breakfast homes holding a valid, current license issued by the City pursuant to Chapter 17.44 as of June 20, 1994.

iii. No bed and breakfast home shall be located in an attached dwelling with the exception of any bed and breakfast homes holding a valid, current license issued by the City pursuant to Chapter 17.44 as of June 20, 1994.

iv. In the C1 and C1A districts, in the case of a license for a bed and breakfast home holding a valid,

current license issued by the City pursuant to Chapter 17.44 as of June 20, 1994, nothing in this Zoning Code shall preclude the renewal or transfer of that license.

b. R3-Neighborhood Conservation 2 District:

i. There shall be no more than one bed and breakfast home for every block on any street located in the district and no two bed and breakfast homes shall be located on adjacent properties.

ii. No bed and breakfast home shall be located in an attached or multi-family dwelling.

2. The individual recorded owner of the property shall be the operator of the bed and breakfast and reside on the premises. No resident managers shall be allowed to operate a bed and breakfast.

3. The number of guests shall not exceed the maximum allowed by the life safety code.

4. There shall be only one kitchen within the entire dwelling. No cooking facilities are permitted in guest rooms.

5. No food or beverage service may be provided for transient guests other than breakfast provided in the areas of the dwelling commonly used by the resident family for the consumption of food.

6. Bed and breakfast homes shall not have a separate apartment within the entire dwelling or on the subject property such as a carriage house, garage, etc.

7. Bed and breakfast homes shall have interior stairs to serve all habitable living spaces within the entire dwelling including basements and attics, except that this provision does not apply in the C1 or C1A districts to any bed and breakfast homes holding a valid, current license issued by the City pursuant to Chapter 17.44 as of June 20, 1994.

8. The owner(s) of record of the property shall obtain a rental license from the Department of Neighborhood and Environmental Programs.

9. The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests available for inspection by the licensing agency.

10. The use shall be subject to all applicable City Code regulations including but not limited to building, fire, and health regulations.

11. Special provisions for the R2-Neighborhood Conservation and R3-Neighborhood Conservation 2 districts:

a. The bed and breakfast use shall be subordinate and incidental to the principal residential use of the property and located within an existing structure.

b. Bedroom rental units may not occupy more than sixty percent of the living space of the dwelling.

c. The applicant for a bed and breakfast license shall post a public notice on the property indicating that a bed and breakfast license for the property is being sought. This sign shall contain such information as may be required by the Planning and Zoning Director shall be posted for a period of not less than ten days.

d. Parking.

i. Required off-street parking may be provided within an existing garage, driveway or parking area.

ii. Where feasible, parking areas shall be provided at the rear or side of the property, but in no case may parking be provided in an established front yard.

iii. When located next to a residence, parking shall be screened and maintained with dense planting or other appropriate screening to buffer the parking from abutting properties subject to the provisions of Chapter 21.62.

12. In the R2-Neighborhood Conservation district no bed and breakfast license is required for special events including multi-day graduation events and multi-day boating events.

B. R3-Neighborhood Conservation. This use is permitted in principal structures existing on October 10, 1988 subject to the standards in this section. A structure may be enlarged by a maximum of fifty percent of the overall floor area existing on October 10, 1988 to maintain classification as an existing structure. Enlargements in excess of fifty percent shall be considered new construction.

1. An owner shall live on the premises,

2. The facility shall be part of the dwelling unit and have no more than one nonresident employee,

3. No separate kitchens shall be provided,

4. No food or beverage service may be provided for transient guests other than breakfast provided in the areas of the dwelling commonly used by the resident family for the consumption of food,
5. Notwithstanding the definition of bed and breakfast home in Division VI, a maximum of six guest rooms are allowed with no maximum duration-of-stay restrictions,
6. Adequate access and egress shall be provided,
7. Parking.
  - a. Where feasible, parking areas shall be provided at the rear of the site. Parking may not be located in an established front yard.
  - b. All parking areas shall be screened in accordance with the standards set forth in Chapter 21.62. When located next to single-family residential use, dense plantings to provide an effective fifty percent screen shall be installed and maintained.

#### **Section 21.64.370 - Institutions for the care of the aged.**

- A. The scope and type of services and facilities required will be as determined appropriate for the specific institution and subject to a determination by the authority approving the use that the amenities and services will meet needs of the residents, pursuant to the definitional requirements for this use established in Division VI.
- B. All facilities and services provided by the institution shall meet the definition of accessibility prescribed by the Americans with Disabilities Act (ADA) and all residential or living units of the facility shall meet the ADA definition of adaptability.

### **Chapter 21.70 - SIGN REGULATIONS**

#### **Section 21.70.020 - Applicability.**

No signs except signs exempted by this chapter may be erected unless a sign permit has been issued by the Director of ~~Neighborhood and Environmental Programs~~ PLANNING AND ZONING pursuant to Chapter 17.60.

#### **Section 21.70.030 - Sign permit.**

- A. ~~Application for a sign permit shall be made to the Department of Neighborhood and Environmental Programs pursuant to Chapter 17.60.~~ The Department of Planning and Zoning will review the sign permit application for consistency with the Zoning Code.
- B. Posting of Property. Except as provided below, notice must be posted on the property that is the subject of an application for a new sign in accordance with the requirements in Section 21.10.020(A).
- C. Notice of applications for sign permits shall be in accordance with the following requirements:
  1. All sign applications located in the Historic District, the Office and Commercial Design District or the Eastport Gateway Conservation Overlay Districts shall be posted for public notice.
  2. In all other districts, where the sign area applied for is less than twenty-five percent of the maximum sign area allowed for the type of sign under this chapter, posting of the sign application for public notice is not required.
  3. Posting of a sign for public notice shall not be required where a sign program has been approved in conjunction with the approval of a Site Design Plan under Section 21.70.080.

#### **Section 21.70.100 - Nonconforming signs.**

- A. The Director of ~~Neighborhood and Environmental Programs~~ PUBLIC WORKS PLANNING AND ZONING shall order the removal of any sign erected or maintained in violation of the law as it existed prior to

the date of the adoption of this Zoning Code.

B. Other signs existing at the time of the adoption of this Zoning Code and not conforming to its provisions, but which did conform to previous laws, shall be regarded as nonconforming signs which may be continued if properly repaired and maintained as provided in this chapter.

C. Nonconforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this chapter.

**Title 22 - ADEQUATE PUBLIC FACILITIES**

**Chapter 22.24 - REVIEW CRITERIA AND CERTIFICATION FOR ADEQUATE STORMWATER MANAGEMENT FACILITIES**

**Section 22.24.010 - Responsibility.**

The Director of ~~Neighborhood and Environmental Programs~~ PUBLIC WORKS shall be responsible for review and assessment of a proposed project with regard to the adequacy of stormwater management facilities, ~~which review and assessment shall consider recommendations of the Director of Public Works.~~

**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.

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

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

Underlining indicates amendments