



Legislation Details (With Text)

**File #:** O-36-20      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 8/28/2020      **In control:** City Council

**On agenda:** 9/14/2020      **Final action:** 10/26/2020

**Title:** Site Development - Prohibited Discharges - For the purpose of improving the protections of City waterways and public thoroughfares from harmful discharges from development sites during non-business hours.

**Sponsors:** Rob Savidge, Fred Paone, Ross Arnett, Rhonda Pindell Charles, Dajuan K. Gay, Gavin Buckley

**Indexes:** Economic Matters Committee

**Code sections:**

**Attachments:** 1. O-36-20 Site Development - Prohibited Discharges First Reader.pdf, 2. O-36-20 Staff Report.pdf, 3. O-36-20 Fiscal Impact Note.pdf, 4. O-36-20 SIGNED

Date	Ver.	Action By	Action	Result
10/26/2020	1	City Council	adopt on second reader	Pass
10/8/2020	1	Economic Matters Committee	recommend favorably	Pass
9/29/2020	1	City Council	declare the public hearing closed	
9/14/2020	1	City Council	refer	
9/14/2020	1	City Council	adopt on first reader	Pass

**Site Development - Prohibited Discharges** - For the purpose of improving the protections of City waterways and public thoroughfares from harmful discharges from development sites during non-business hours.

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 36-20**

**Introduced by: Alderman Savidge  
Co-sponsored by: Alderman Paone, Alderman Arnett,  
Alderwoman Pindell Charles, Alderman Gay,  
and Mayor Buckley**

**Referred to  
Economic Matters Committee**

**AN ORDINANCE** concerning

**Site Development - Prohibited Discharges**

**FOR** the purpose of improving the protections of City waterways and public thoroughfares from harmful discharges from development sites during non-business hours.

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

2020 Edition  
17.08.160  
17.08.180

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

**Title 17 - - BUILDINGS AND CONSTRUCTION**  
**Chapter 17.08 - GRADING, EROSION, AND SEDIMENT CONTROL**

**Section 17.08.160 - Erosion and sediment control-General requirements.**

- A. Effective control of soil to prevent erosion shall include the following:
1. Development shall be fitted to the topography and soils to create the least erosion potential.
  2. Natural vegetation shall be retained wherever possible.
  3. The smallest practical area of land shall be exposed at any one period during development for the shortest practical period of time in order to reduce the amount of land area and the duration of soil exposure.
  4. Temporary vegetation or mulching shall be used to protect soils exposed during the time of development.
  5. Erosion-control practices consistent with Standards and Specifications shall be installed to minimize soil and water losses.
  6. During and after development, provisions shall be made to accommodate in an effective manner the increased water runoff caused by changes in soil and surface conditions and to avoid siltation of receiving streams.
  7. Satisfactory cover shall be maintained during the life of the project and is subject to inspection.
  8. Roads and streets shall be placed as close to the pre-existing contour as possible in order to minimize cutting or filling.
  9. All graded surfaces, erosion-control measures, vegetative covers and other protective measures TO PREVENT SEDIMENT DISCHARGING FROM THE DEVELOPMENT SITE THAT IS disturbed or destroyed during the course of operations shall be repaired, restored, and maintained promptly in accordance with the approved plans and specifications until permanent measures are accepted by the Department.
  10. The owner must provide contact information for a person(s) whom is responsible for the maintenance of the sediment and erosion control measures, whom is available twenty-four hours a day and seven days a week, and whom can respond immediately to resolve any emergency or necessary field correction. If said person(s) is unreachable via the submitted contact information during an emergency, or unable to perform required corrective actions, the owner and/or contractor may be issued a citation.
- B. The Department shall investigate complaints or accept complaints from any interested party and apply their enforcement procedure when violations are confirmed. Any erosion and sediment control complaint received shall be acted upon, routinely with three working days, and the complainant shall be notified of any action or proposed action routinely within seven working days after receipt of the complaint.

**Section 17.08.180 - Prohibited discharges and prohibited use of coal tar pavement products.**

- A. No TRASH, debris, sediment, wastewater, landscaping/yard waste, refuse, or other pollutant shall be

deposited in floodplains, water resources, public streets, highways, sidewalks, storm drains, or other public thoroughfares per this chapter of the City Code, Maryland Environment Title 4 as may be amended from time to time, COMAR 26.08.04, unless otherwise permitted by the City of Annapolis or the Maryland Department of the Environment. ALL SUCH MATERIALS SHALL EITHER BE REMOVED FROM THE DEVELOPMENT SITE OR SECURELY STORED ON-SITE AT THE DAILY CLOSE OF BUSINESS TO PREVENT ANY THREAT OF DISCHARGE INTO FLOODPLAINS, WATER RESOURCES, PUBLIC STREETS, HIGHWAYS, SIDEWALKS, STORM DRAINS, OR OTHER PUBLIC THOROUGHFARES. ~~Such materials shall be properly stored to minimize any threat of discharge~~

B. ~~the~~The following applies to all public and private uses of coal tar:

1. A person may not sell, offer for sale, use, or permit the use of a coal tar pavement product in the City. A property owner who knowingly permits the application of a product containing coal tar pavement product on their property shall be in violation of this Section and may be cited, in addition to the applicator of the product, pursuant to subsection (B)(3).
2. The Director shall publish, update as needed, and maintain on its website, a list of alternative products for use on asphalt and concrete that do not contain a coal tar pavement product.
3. Violators of this Section shall be required to remediate the surface of the coal tar pavement product. A violation of this Section shall be a municipal infraction and subject to a fine as established by resolution of the City Council. Each day that a violation occurs shall be considered a separate offense. The penalties set forth in this Section are in addition to any other remedies and penalties provided under federal, state, county, or local law.

**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:**

UPPERCASE indicates matter added to existing law.

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

Underlining indicates amendments.