



Legislation Details (With Text)

**File #:** O-55-22      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** In Committee

**File created:** 11/21/2022      **In control:** Economic Matters Committee

**On agenda:** 3/27/2023      **Final action:**

**Title:** Sediment Control Inspections Process, Fees, and Milestone Inspections - For the purpose of adding conditions for reinspection; creating milestone inspections; adjusting buildings and construction fees to pay for inspector positions; updating the format of these sections; and generally related to grading, erosion and sediment control inspections.

**Sponsors:** Rob Savidge

**Indexes:** Economic Matters Committee, Environmental Matters Committee

**Code sections:**

**Attachments:** 1. O-55-22 First Reader, 2. O-55-22 Amendment 1 - Savidge, 3. O-55-22 Updated Staff Report, 4. O-55-22 Updated Fiscal Impact Note, 5. O-55-22 Fiscal Impact Note, 6. O-55-22 Staff Report

Date	Ver.	Action By	Action	Result
3/22/2023	1	Environmental Matters Committee		
3/14/2023	1	Economic Matters Committee		
2/9/2023	1	Environmental Matters Committee		
1/31/2023	1	Economic Matters Committee		
1/12/2023	1	Environmental Matters Committee	postpone	Pass
1/9/2023	1	City Council	declare the public hearing closed	
12/12/2022	1	City Council	refer	
12/12/2022	1	City Council	refer	
12/12/2022	1	City Council	adopt on first reader	Pass

**Sediment Control Inspections Process, Fees, and Milestone Inspections** - For the purpose of adding conditions for reinspection; creating milestone inspections; adjusting buildings and construction fees to pay for inspector positions; updating the format of these sections; and generally related to grading, erosion and sediment control inspections.

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 55-22**

**Introduced by: Alderman Savidge**  
**Co-sponsored by:**

**Referred to**  
Economic Matters Committee  
Environmental Matters Committee

AN ORDINANCE concerning

**Sediment Control Inspections Process, Fees, and Milestone Inspections**

FOR the purpose of adding conditions for reinspection; creating milestone inspections; adjusting buildings and construction fees to pay for inspector positions; updating the format of these sections; and generally related to grading, erosion and sediment control inspections.

BY enacting the following portion of the Code of the City of Annapolis, 2022 Edition  
17.04.705  
17.04.706

BY repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2022 Edition  
17.08.080  
17.08.220

**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 17.04 - DEFINITIONS.**

Section 17.04.705 - READILY ACCESSIBLE.

"READILY ACCESSIBLE" MEANS CAPABLE OF BEING REACHED QUICKLY FOR OPERATION, RENEWAL, OR INSPECTIONS WITHOUT REQUIRING THOSE TO WHOM READY ACCESS IS REQUISITE TO TAKE ACTIONS SUCH AS TO USE TOOLS, TO CLIMB OVER OR UNDER, TO REMOVE OBSTACLES, OR TO RESORT TO PORTABLE LADDERS, AND SO FORTH.

Section 17.04.706 - RECEIVING WATER.

"RECEIVING WATER" MEANS WATERS, INCLUDING WETLANDS AND STREAMS (EPHEMERAL, INTERMITTENT, OR PERENNIAL), THAT ARE RECEIVING STORMWATER DISCHARGES FROM THE SITE, BE IT A POINT OR NON-POINT SOURCE.

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

Section 17.08.080 - Grading permit--Fees-Reinspection.

17.08.080 - ~~Grading permit--Fees-Reinspection.~~ **GRADING PERMITS -- FEES, REINSPECTION, AND MILESTONE INSPECTIONS**

- A. ~~The fee for a grading permit shall be based upon the estimated cost of site work proposed, and includes the cost of materials and labor for installation and construction of such items as earthmoving, sediment control measures, storm drainage systems and stormwater management facilities, and roadways. Estimated costs and quantities shall be submitted to the Department. The fee 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 grading permit at the time of issuance per the procedures as established by the Department of Public Works.~~

**PERMIT NOTICE.** The permittee shall be responsible for maintaining a copy of the approved erosion and sediment control plans, and other approved site plans, on-site, and readily accessible without a lock.

B. **GRADING PERMIT FEE.** The fee for a grading permit shall be based upon the estimated cost of site work proposed and includes the cost of materials and labor for installation and construction of such items as earthmoving, sediment control measures, storm drainage systems and stormwater management facilities, and roadways. Estimated costs and quantities shall be submitted to the Department. The fee 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.
2. **IF THE FEE HAS BEEN REFUNDED, A PORTION OF THE FEE WILL BE RETAINED BY THE CITY TO COVER STAFF TIME AND COSTS ASSOCIATED WITH THE REVIEW.**
3. The application fee will be applied to the final cost of the grading permit at the time of issuance per the procedures as established by the Department of Public Works.

**BC. Reinspection fee.** A reinspection 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 additional inspections are made if one or more of the following occurred at the initial inspection:

1. Requesting party called for an inspection, but the 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 not posted on site;

**7. AN INSPECTION WAS REQUESTED TO LIFT A STOP WORK ORDER.**

**D. MILESTONE INSPECTION FEE.** A MILESTONE INSPECTION FEE, AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL, MUST BE PAID BEFORE EACH MAJOR PHASE OF THE CONSTRUCTION PROJECT, AS SHOWN IN THE SEQUENCE OF CONSTRUCTION ON THE APPROVED GRADING PLANS AND AS DETERMINED IN TITLE 17 § 08.220.

**Title 17 - BUILDINGS AND CONSTRUCTION**  
**Chapter 17.08 - Grading, Erosion and Sediment Control**  
**Section 17.08.220 - Inspections**

A. ~~The permittee shall be responsible for maintaining a copy of the approved erosion and sediment control plans, and other approved site plans on site.~~

B. ~~The Director or designee may make additional inspections as he or she determines to be appropriate. No work approved per this chapter shall proceed beyond any stage until the Director inspects the site and approves the work previously completed. Upon notification from the permittee the inspector shall inspect the site and notify the permittee of approval or rejection within forty eight hours (exclusive of Saturdays, Sundays and legal holidays). Work may proceed if the inspector does not inspect within the specified period. However, it will be without presumption of approval and at the sole risk of the~~

permittee.

INSPECTIONS. IT IS A CONDITION OF EACH GRADING PERMIT THAT THE DEPARTMENT HAS THE RIGHT OF ENTRY TO THE SITE TO INSPECT PERIODICALLY FOR COMPLIANCE WITH THE APPROVED PLAN AND THIS TITLE.

1. No work approved in accordance with this chapter shall proceed beyond any stage until the Department has inspected the site and approved work that has been completed.
2. Upon notification from the permittee, the Department shall inspect the site and notify the permittee of approval or rejection within 48 hours (exclusive of Saturdays, Sundays and legal holidays).

~~C. Every active site having an approved erosion and sediment control plan should be inspected for compliance with the plan on the average of once every two weeks.~~

**B. INSPECTION FREQUENCY.**

1. Every active site having an approved erosion and sediment control plan should be inspected for compliance with the plan an average of once every two weeks.
  - a. SITES WITH GREATER THAN AN ACRE OF DISTURBANCE THAT HAS ACTIVE GRADING SHALL BE INSPECTED AT LEAST TWICE A WEEK; AND
  - b. RECEIVING WATERS AT THE SITE, AS DEFINED IN TITLE 17 § 04.706, SHALL BE INSPECTED BY THE DEPARTMENT AT LEAST ONCE A WEEK.
2. THE APPLICANT SHALL ESTABLISH A CONSTRUCTION INSPECTION SCHEDULE TO ADDRESS CRITICAL MILESTONES OF A PROJECT. THE SCHEDULE MUST BE APPROVED BY THE DEPARTMENT PRIOR TO CONSTRUCTION PERMIT APPROVAL.
3. UNDER THE APPROVED INSPECTION SCHEDULE, NO WORK SHALL PROCEED UNTIL THE DEPARTMENT INSPECTS AND AUTHORIZES WORKS TO PROCEED TO THE NEXT SCHEDULED MILESTONE.
4. THE PERMITTEE SHALL PROMPTLY CORRECT ANY PORTION OF THE WORK WHICH IS OUT OF COMPLIANCE WITH ANY PERMIT CONDITIONS AS ESTABLISHED BY THE DEPARTMENT AND PROVIDED IN WRITING TO THE PERMITTEE.

~~D. A written report shall be prepared by the Department after every inspection. The report shall describe:~~

- ~~1. The date and location of the site inspection;~~
- ~~2. Whether the approved plan has been properly implemented and maintained;~~
- ~~3. Practice deficiencies or erosion and sediment control plan deficiencies;~~
- ~~4. If a violation exists, the type of enforcement action taken; and~~
- ~~5. If applicable, a description of any modifications to the plan.~~

**C. INSPECTION REPORTS.**

1. The Department shall prepare a written report after every inspection. The report shall INCLUDE PICTURES/IMAGES OF ANY SITE DEFICIENCIES AND describe the following:

- a. Date and location of the site inspection; and
  - b. Whether the approved plan has been properly implemented and maintained; and
  - c. Practice deficiencies or erosion and sediment control plan deficiencies; and
  - d. Type of enforcement action taken if deficiencies or a violation exist, including a field correction notice indicating what corrective action was ordered to be taken along with the time of compliance required; and
  - e. If applicable, a description of any modifications to the plan; and
  - f. A LIST OF DEFICIENCIES AND VIOLATIONS FOUND DURING THE PREVIOUS INSPECTION AND AN INDICATION AS TO WHETHER OR NOT THOSE DEFICIENCIES AND VIOLATIONS WERE RESOLVED PRIOR TO THE CURRENT INSPECTION, INCLUDING A LIST OF ACTIONS TAKEN BY THE INSPECTOR IF ORDERED CORRECTIVE ACTIONS WERE NOT ADHERED TO BY THE REQUIRED COMPLIANCE DEADLINE.
2. COPIES OF THE INSPECTION REPORTS AND FIELD CORRECTION NOTICES SHALL BE POSTED ONLINE AND/OR ON A PUBLIC PERMIT TRACKING SITE WITHIN THREE BUSINESS DAYS OF THE INSPECTION.

- D. **VIOLATIONS.** The **Director** shall notify the on-site personnel and the owner/developer in writing when violations are observed, describing the following:
1. The nature of the violation; and
  2. The required corrective action; and
  3. The time period ~~in which~~ to have the violation corrected, NOT TO EXCEED 36 HOURS. IF CORRECTIVE ACTION REQUIRES MORE TIME, THE PERMITTEE SHALL REQUEST IT IN WRITING, AND IT SHALL BE REVIEWED FOR APPROVAL BY THE INSPECTION SUPERVISOR.
- E. ~~Department inspection notification is the responsibility of the permittee prior to the installation of any public improvements or stormwater management facilities.~~
- NOTIFICATION.** The permittee shall notify the Department before installing any public improvements or stormwater management facilities.
- F. ~~It is a condition of each grading permit that the City, and its authorized agents have the right of entry to the site in order to inspect periodically for compliance with the approved plan and this title.~~
- H. ~~In the event of a valid complaint concerning erosion and sediment control, an investigative inspection shall be made by the Department within three days of the complaint. A response to the complaint shall be made within seven days of the complaint.~~
- INVESTIGATIVE INSPECTION.**
1. THE DEPARTMENT SHALL INVESTIGATE THE PROJECT'S EROSION AND SEDIMENT CONTROL EFFORTS WITHIN THREE DAYS OF RECEIVING A COMPLAINT OF EROSION AND SEDIMENT CONTROL ISSUES.
  2. THE DEPARTMENT SHALL RESPOND TO THE COMPLAINANT WITHIN SEVEN DAYS OF THE COMPLAINT.

3. A LOG OF COMPLAINTS AND ACTIONS TAKEN BY THE DEPARTMENT SHALL BE KEPT AND LOGGED WITH THE GRADING PERMIT EITHER ONLINE OR ON A PUBLIC PERMIT TRACKING SYSTEM.

**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 new matter added to existing law.

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

Underlining and CAPS indicate amendments.