

**CITY OF ANNAPOLIS
SPECIAL MEETING OF THE CITY COUNCIL**

June 18, 2012 7:00 p.m.

Call to Order
Invocation
Pledge of Allegiance
Roll Call

Mayor Cohen
Alderwoman Hoyle
Mayor Cohen
City Clerk Watkins-Eldridge

PETITIONS, REPORTS AND COMMUNICATIONS

City Council Citation to Trevor Queen
City Council Citation to Blanca Velasquez
Reports by Committees
Comments by the General Public

Mayor Cohen
Mayor Cohen

A person appearing before the City Council with a petition, report or communication shall be limited to a presentation of not more than three minutes.

BUSINESS and MISCELLANEOUS

1. Confirmation of Exempt Level Appointment, Director of Recreation and Parks: Brian Woodward
2. Budget transfers (available Monday, June 18, 2012)
3. Approval of contract for the Chief of Police (available by Monday, June 18, 2012)

PUBLIC HEARING

- O-11-12 Eliminating the Sick Leave Bank for Employees** – For the purpose of eliminating the sick leave bank authorized in Section 3.20.140 of the City Code for City of Annapolis Employees.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/19/12	6/18/12	6/11/12	5/14/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	3/19/12		

- O-17-12 Central Services** – For the purpose of amending the City Code to conform to the City organization chart adopted as part of the FY 2012 operating budget in regards to the Central Services functions.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
5/29/12	6/18/12	6/11/12	8/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Public Safety	5/29/12		
Rules and City Gov't	5/29/12		
Transportation	5/29/12		

- O-21-12 Tolling Approval and Permit Expiration Dates** – For the purpose of temporarily tolling expiration dates of zoning approvals and permits granted by the Board of Appeals, the

Department of Planning and Zoning, the Historic Preservation Commission, and the Department of Neighborhood and Environmental Programs until June 30, 2014 provided that the zoning approvals and permits are active and valid as of June 30, 2012.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
5/14/12	6/18/12	5/25/12	8/10/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	5/14/12	6/14/12	
Planning Commission	5/14/12	6/7/12	Favorable
Historic Preservation Commission	5/14/12	5/24/12	Favorable w/ amd.

O-23-12 Revisions to Title 17, Buildings and Construction – For the purpose of amending Title 17, Buildings and Construction to adopt the most recent codes published by the International Code Council and to comply with the provisions of the Maryland Performance Building Standards.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
6/11/12	6/18/12	6/12/12	9/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	6/11/12		

O-24-12 Adoption of the Maryland Model Floodplain Management Ordinance as Chapter 17.11, Floodplain Management, of the City of Annapolis Code – For the purpose of adopting the Maryland Model Floodplain Management Ordinance as Chapter 17.11, Floodplain Management, of the City of Annapolis Code.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
6/11/12	6/18/12	6/12/12	9/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	6/11/12		

LEGISLATIVE ACTIONS
ORDINANCE and RESOLUTIONS – 2ND READING

O-21-12 Tolling Approval and Permit Expiration Dates – For the purpose of temporarily tolling expiration dates of zoning approvals and permits granted by the Board of Appeals, the Department of Planning and Zoning, the Historic Preservation Commission, and the Department of Neighborhood and Environmental Programs until June 30, 2014 provided that the zoning approvals and permits are active and valid as of June 30, 2012.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
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Rules and City Gov't	5/14/12	6/14/12	
Planning Commission	5/14/12	6/7/12	Favorable
Historic Preservation Commission	5/14/12	5/24/12	Favorable w/ amd.

R-21-12 Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012 – For the purpose of designating September 1-3, 2012 as dates for the sale of merchandise in the Historic District at the Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012 event; authorizing City Council approval of the event; and the reimbursement of full fees to the City for the cost associated with the event.

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
5/14/12	N/A	5/25/12	8/10/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	5/14/12	6/14/12	
Economic Matters	5/14/12	6/18/12	

R-26-12 Establishing a Forest Conservation Act Working Group – For the purpose of establishing a Forest Conservation Act Working Group to review and make recommendations on the City of Annapolis' legislation and policies pertaining to the implementation of the Forest Conservation Act.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
6/11/12	N/A	Available 6/18/12	9/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	6/11/12	6/18/12	
Environmental Matters	6/11/12		

R-27-12 Establishing Policies and Procedures for Mayor and City Council Approval of Grant Revenue Appropriations – For the purpose of establishing policies and procedures for Mayor and City Council approval of grant revenue appropriations.

LEGISLATIVE HISTORY			
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First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
6/11/12	N/A	6/13/12	9/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	6/11/12	6/14/12	

RESOLUTION and ORDINANCES – 1st READING

O-18-12 **The Process for Approving City Employee Job Descriptions** – For the purpose of shifting the authority to approve City of Annapolis civil service employee job descriptions from the City Council to the Civil Service Board and creating a job description approval process for exempt service positions.

LEGISLATIVE HISTORY			
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First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
6/18/12			9/14/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	6/18/12		

O-25-12 **The Time for Beginning Regular Meetings of the City Council** – For the purpose of changing the beginning time for regular meetings of the City Council from 7:30 p.m. to 7:00 p.m.

LEGISLATIVE HISTORY			
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First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
6/18/12			9/14/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	6/18/12		

R-29-12 **Reducing the Annual Fee For Trash Collection From Dwelling Units** – For the purpose of reducing the annual fee for trash collection from dwelling units.

LEGISLATIVE HISTORY			
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First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
6/18/12		6/13/12	9/14/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	6/18/12		

UPCOMING CITY COUNCIL EVENTS

Waterside Tour with the Annapolis Maritime Advisory Board; Thursday, June 21, 2012
Regular Meeting; Monday, July 9, 2012 7:30 p.m. City Council Chambers
Work Session; Thursday, July 19, 2012 1:30-4:30 p.m. City Council Chambers
Special Meeting; Monday, July 23, 2012 7:00 p.m. City Council Chambers

Jessica Cowles
Legislative and Policy Analyst
City of Annapolis Office of Law
E) JCCowles@annapolis.gov
P) 410-263-1184
F) 410-268-3916

June 13, 2012

TO: The Capital Legal Notices: legalad@capgaz.com
FROM: Jessica Cowles, Legislative and Policy Analyst
RE: Notice of Public Hearing
PUBLISH: Please publish on: **Sunday, June 17, 2012 and Monday, June 18, 2012**

Please send bill and certificate of publication to the City of Annapolis Office of Law, 93 Main Street, 3rd Floor, Annapolis, MD 21401.

NOTICE OF ANNAPOLIS CITY COUNCIL PUBLIC HEARING

Notice is hereby given that the Annapolis City Council will hold a public hearing on Monday, June 18, 2012 at 7:00 p.m., in City Council Chambers, 160 Duke of Gloucester Street, Annapolis, for a public hearing on:

- O-11-12** **Eliminating the Sick Leave Bank for Employees** – For the purpose of eliminating the sick leave bank authorized in Section 3.20.140 of the City Code for City of Annapolis Employees.

- O-17-12** **Central Services** – For the purpose of amending the City Code to conform to the City organization chart adopted as part of the FY 2012 operating budget in regards to the Central Services functions.

- O-21-12** **Tolling Approval and Permit Expiration Dates** – For the purpose of temporarily tolling expiration dates of zoning approvals and permits granted by the Board of Appeals, the Department of Planning and Zoning, the Historic Preservation Commission, and the Department of Neighborhood and Environmental Programs until June 30, 2014 provided that the zoning approvals and permits are active and valid as of June 30, 2012.

- O-23-12** **Revisions to Title 17, Buildings and Construction** – For the purpose of amending Title 17, Buildings and Construction to adopt the most recent codes published by the International Code Council and to comply with the provisions of the Maryland Performance Building Standards.

- O-24-12** **Adoption of the Maryland Model Floodplain Management Ordinance as Chapter 17.11, Floodplain Management, of the City of Annapolis Code** – For the purpose of adopting the Maryland Model Floodplain Management Ordinance as Chapter 17.11, Floodplain Management, of the City of Annapolis Code.

The above legislation on the City Council agenda for public hearing can be viewed on the City's website at: <http://www.annapolis.gov/Government/Departments/LawOffice/PendingLegis.aspx>



MEMORANDUM

DATE: May 25, 2012
TO: Annapolis City Council
FROM: Mayor Joshua J. Cohen &
City Manager Michael D. Mallinoff M.D.M.
RE: Confirmation of Exempt Level Appointments

Pursuant to City of Annapolis Code, Section 3.08.030, I am seeking confirmation by the City Council of my appointment to the following Exempt level position:

Brian J. Woodward – Recreation and Parks - A20/step 9, \$128,831.30

A copy of Mr. Woodward's resume is attached for your review and consideration.

Mr. Woodward was the top candidate of the 9 finalists selected from a field of 85 candidates from around the country by the selection committee. The finalists were interviewed using a structured and weighted interview rating process. The selection committee was comprised of:

Maria Brown, Assistant to the Director of DNEP
Taney Hamill, Chair of the Recreation Advisory Board
Chief Joseph S. Johnson, Chief of Security, HACA
LeeAnn Plumer, former Director of Recreation and Parks
Paul M. Rensted, Director of Human Resources
Leslie N. Stanton, Specialist in Human Relations, AACPS

Mr. Woodward is a graduate of University of Maryland where he received his Bachelor of Science Degree in Resource Conservation and Wildlife Biology and obtained his Master of Science Degree in Public Administration from George Washington University. Mr. Woodward has over 24 years experience in the field of recreation and parks. Mr. Woodward most recently served as the Division Chief, Southern Region Parks for the Maryland-National Capital Park and Planning Commission, Montgomery Parks. There he led a large staff that consisted of 171 career employees as well as seasonal employees and a \$14 million dollar budget. He has extensive experience in the areas of developing responsive and innovative recreation and parks programming, environmental matters, budgeting and the technology.

Mr. Woodward is a member of both the National and Maryland Recreation and Parks Association, where he has served in leadership positions. He has received a number of awards for his professional activities and is a member of the first class of Leadership Anne Arundel in 1998.

One notable accomplishment of Mr. Woodward's is the implementation of the SmartParks asset management/facility condition software which includes a work order management system. Mr. Woodward implemented the change in technology as well as the training and necessary culture change to make the program a success.

Accordingly, I trust that you will find the education, training and experience of Mr. Woodward to far exceed the minimum qualifications required for the position. Mr. Woodward will be present for confirmation at the City Council meeting scheduled for Monday, June 18, 2012.

Public Administration/Parks and Recreation: 24 years' highly successful operational and staff experience in the parks and recreation management field. Project management expertise that includes County-wide Master Planning responsibility, the preparation and defense of capital, enterprise, and operating budgets in excess of \$90 million, implementing computerized maintenance management systems for parks, improving outdated business practices, and parks and recreation standards and performance measures. Passion and commitment to provide citizens with park and recreation opportunities via creative and bold planning for trails, park facilities, historic and archaeological sites, undeveloped areas, wetlands, athletic fields and regional parks. A respected leader, a record of accomplishment, and a noted authority in the Recreation and Parks profession.

Qualifications and Accomplishments:

- Employing a leadership style that is motivating and respectful, have enjoyed the trust and confidence of staff at every level. Personal management philosophy communicates trust, a "can-do" attitude, and confidence by communicating a clear vision of expectations and the reasons they must be accomplished.
- Prepared and presented to local, state, and national audiences, information about managing parks and recreation services, fiscal management and control, as well as natural, historical and recreational resource management. Frequent communication and public testimony made via radio, television, including local cable programming, and newspaper articles and interviews.
- Forged relationships with environmental groups, athletic associations, and local communities, to redirect their concerns on the balanced approach to park development and environmental choices for Anne Arundel County as well as Montgomery County, Maryland. Strengthened the perception of Parks and Recreation as an integrated department dedicated to preserving natural, historic and agricultural aspects of the County and balancing them with community recreational needs and expectations.
- Initiated innovative changes to park management systems, updating methods used from "pencil-n-paper" to using technologies such as geographic information systems (GIS), and customized maintenance management software and hardware. Standardized work processes, terminology, and business practices to improve work quality, accountability, ensuring a 21st century approach to parks and recreation management.
- Lead a multi-agency workgroup that addressed the shift in cultural dynamics and the use of local park soccer fields. Particularly focused on the recreational needs of language minority and immigrant communities, and studying ways to balance community perception and park neighbor experience with intense use of park facilities. Fostering a dialog to address the needs of a community of people from diverse backgrounds and cultures.
- Assumed responsibility, at the request of the County Executive, of the Anne Arundel County Agricultural Preservation Program, and despite strong initial public criticism, I directed improved methods, which replaced ineffective and out-dated agricultural preservation efforts. These methods improved the achievement of the goals set. This led to the significant increase of outside funding for this program.
- Initiated and led the award-winning Anne Arundel County Greenways Master Plan process, by working cooperatively with staff from other agencies, the public and elected officials to forge a vision for green infrastructure. Guided the Plan from inception through adoption and implementation, which improved the planning and approval process for the County, and changed the negative outlook of some officials from cautionary to fully supportive. Also staffed the County-wide Bicycle and Pedestrian Master Plan.

Employment:

DIVISION CHIEF, Southern Region Parks, November 2007 to Present.
Maryland-National Capital Park and Planning Commission, Montgomery Parks, Silver Spring, MD
Supervising 171 career employees, managing 250 parks, trails, natural areas, and facilities; overseeing a Divisional Operating budget of over \$14 million.

DIVISION CHIEF, Horticultural Services Division, December 2006 to November 2007.
Maryland-National Capital Park and Planning Commission, Montgomery County, Silver Spring, MD, including Brookside Gardens, Pope Farm Nursery, arboriculture and horticulture crews and professional staff.

REGIONAL OPERATIONS MANAGER (SMARTPARKS), 2002 – December 2006
Maryland-National Capital Park and Planning Commission, Montgomery County, Silver Spring, MD
Managed the implementation, training, process improvement, and work culture improvements necessary to launch the SmartParks system for the Department of Parks.

DIVISION CHIEF, NATURAL AND CULTURAL RESOURCES DIVISION, 1994 – 2002
Anne Arundel County Recreation and Parks, Annapolis, MD Supervised and managed the historical, archaeological, and cultural resources for the County, and managed all undeveloped and environmental parks. Supervised Trail management, Horticultural staff, Park Rangers, Greenways acquisition and Agricultural Preservation.

ADMINISTRATIVE SUPERVISOR (Budget and Finance), 1986 – 1994
Maryland-National Capital Park and Planning Commission, Silver Spring, MD. Organized, analyzed, presented, and defended the Department of Parks Operating, Capital and Enterprise budgets totaling over \$90 million.

PRIOR TO 1986
Unit Management Coordinator, Prince George's General Hospital, Cheverly, MD

Specialist 5, US Army, Ft. Lee, VA - Vietnam Veteran

Education:

Master of Science, *Public Administration*, George Washington University, Washington, DC
Bachelor of Science, *Wildlife Biology*, University of Maryland, College Park, MD

Professional Affiliations:

Member, National Recreation and Parks Association
Member, Maryland Recreation and Parks Association
Secretary/Treasurer, 2001 – 2003, Maryland Recreation and Parks
Graduated - Leadership Anne Arundel, Flagship Class of 1998

Honors and Awards:

Anne Arundel County Council Citation in recognition of outstanding service, 2003
Maryland House of Delegates Resolution Number 417 "*Congratulations for a job well done in Anne Arundel County,*" 2003
Award for Plans with Jurisdictions over 100,000 – Greenways Master Plan, American Planning Association, Maryland Chapter, 2002
Maryland Governor's Smart Growth Award for Innovation, Anne Arundel County Greenways Master Plan, 2002
American Institute of Architects, Maryland, Award for "*Outstanding Design Project for Visitor's Center Concept at Londontown House and Gardens,*" 2002
Preservation Project Award for Hancock's Resolution Restoration, Maryland historic Trust, 2001
Severn River Association Noah Award for distinguished leadership and service.

Sec. 11. - Department of recreation and parks.

- (a) The department of recreation and parks shall be administered by the director of recreation and parks. The director shall be trained and experienced in theory and practice relating to recreational, leisure, youth and aging services, and the operation of recreational, community and parks facilities.
- (b) The department of recreation and parks shall have the following powers and duties:
 - (1) To maintain, operate and control parks, athletic, community and recreational facilities and activities for the people of the city in general, and youth and seniors of the city in particular, and to have charge and control of all such property and activities belonging to, or conducted by, the city.
 - (2) To charge and collect fees for admission, services and the use of facilities and rentals for the use of property controlled by the department of recreation and parks; provided, that no lease of such facilities shall be made for a period of more than thirty (30) days, or for successive periods aggregating more than thirty (30) days, without the prior approval of the city council. All monies received from the collection of such fees and rentals shall be remitted by the director, at least monthly, to the director of finance, who shall credit the remittances to the miscellaneous receipts of the city.
 - (3) To adopt and enforce rules and regulations for the management, use, government and preservation of order with respect to all land, property and activities under the control of the department of recreation and parks.

(Amended during supplement #4)

1 CITY COUNCIL OF THE
2 City of Annapolis

3 Ordinance No. O-11-12

4 Introduced by: Mayor Cohen
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LEGISLATIVE HISTORY			
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First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/19/12			5/14/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	3/19/12		

8
9 **A ORDINANCE** concerning

10 **Eliminating the Sick Leave Bank for Employees**

11 **FOR** the purpose of eliminating the sick leave bank authorized in Section 3.20.140 of the City
12 Code for City of Annapolis Employees.

13 **BY** repealing the following portions of the Code of the City of Annapolis, 2011 Edition
14 Section 3.20.140
15
16

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

19 **CHAPTER 3.20 - LEAVES.**

20 **[3.20.140 - Sick leave bank.**

21 The employees of the City of Annapolis may establish a sick leave bank to which they may
22 donate accumulated sick leave and from which they may receive sick leave upon exhaustion of
23 their accumulated sick, personal, and annual leave. If a sick leave bank is established,
24 participating employees shall establish procedures to operate the sick leave bank and shall
25 send the procedures to the Civil Service Board for review and comment. The procedures must
26 provide for optional membership in the bank and for an automatic system for assessing
27 donations of leave to the bank from participating employees at least equal to days granted to
28 participating employees who receive leave.]
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31 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
32 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.
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34 **ADOPTED** this _____ day of _____, _____.

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ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

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EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

Policy Report

O-11-12

Eliminating the Sick Leave Bank for Employees

The proposed ordinance O-11-12 would align the City Code to the City's current practice regarding a sick leave bank. Since City employees do not have ownership of their accrued sick leave and they lack the ability to transfer it, employees cannot donate such time to a sick leave bank.

Prepared by Jessica Cowles, Legislative and Policy Analyst, Office of Law at JCCowles@annapolis.gov or (410) 263-1184.

FISCAL IMPACT NOTE

Legislation No: O-11-12

First Reader Date: 3/19/12

Note Date: 6/11/12

Legislation Title: **Eliminating the Sick Leave Bank for Employees**

Description: For the purpose of eliminating the sick leave bank authorized in Section 3.20.140 of the City Code for City of Annapolis Employees.

Analysis of Fiscal Impact:

This legislation produces no significant fiscal impact. Employees do not own their sick leave and therefore cannot transfer it and are not paid for unused sick leave at the end of their employment with the City.

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**CITY COUNCIL OF THE
City of Annapolis**

Ordinance No. O-17-12

Introduced by: Alderman Israel

Co-Sponsored by: Mayor Cohen

LEGISLATIVE HISTORY			
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Rules and City Gov't	5/29/12		
Transportation	5/29/12		

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AN ORDINANCE concerning

Central Services

FOR the purpose of amending the City Code to conform to the City organization chart adopted as part of the FY 2012 operating budget in regards to the Central Services functions.

BY repealing the following portions of the Code of the City of Annapolis, 2011 Edition:
Chapter 2.46

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 Edition:
Chapter 2.20
Chapter 2.48
Chapter 12.08

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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:

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TITLE 2 - ADMINISTRATION

Chapter 2.20 – Director of Finance

2.20.010 - Bond.

Before the Director of Finance enters upon the discharge of the duties of the office, the director shall give bond to the City with a corporate surety to be approved by the City Council, in the

1 penal sum of one hundred thousand dollars, conditioned upon the faithful discharge of the
2 duties of the office. The premium for the bond shall be paid by the City. The City Council at any
3 time may demand of the Director of Finance other or further bond, with other or further security,
4 as in its judgment the interest of the City requires.
5

6 **2.20.020 - Assistant Director for Accounting.**

7 A. There shall be appointed by the Director of Finance a person of sound discretion to
8 perform the several non-budget related duties appertaining to this office, who shall be styled
9 "Assistant Director for Accounting." The Assistant Director for Accounting, before entering on
10 the discharge of the duties of office, shall give bond to the City with a corporate surety, to be
11 approved by the City Council, in the penal sum of one hundred thousand dollars, conditioned
12 upon the faithful discharge of the duties of office and the keeping and performing of the trust
13 reposed or which may be reposed in as Assistant Director for Accounting. The premium for the
14 bond shall be paid by the City. The City Council at any time may demand of the Assistant
15 Director for Accounting other or further security as in its judgment the interest of the City
16 requires.

17 B. The Assistant Director for Accounting shall have the same powers and obligations and
18 shall perform all the non-budget-related duties performed by the Director of Finance, in the
19 absence of the director, as authorized by law, and all the non-budget-related duties assigned to
20 the Assistant Director for Accounting by the City Council and the Director of Finance.
21

22 **2.20.030 - PURCHASING AND PROCUREMENT.**

23 A. THE DIRECTOR OF FINANCE SHALL BE RESPONSIBLE TO THE MAYOR FOR THE
24 EXECUTION OF THE PURCHASING AND PROCUREMENT POLICIES ESTABLISHED FOR
25 THE CITY. THE DIRECTOR OF FINANCE SHALL APPOINT A PURCHASING AGENT WHO
26 SHALL MANAGE ALL PHASES OF THE PURCHASING AND PROCUREMENT PROCESS.
27

28 B. THE DIRECTOR OF FINANCE SHALL ADOPT AND PROMULGATE POLICIES AND
29 PROCEDURES, NOT IN CONFLICT WITH THE CHARTER, THIS CODE OR ANY
30 ORDINANCE, TO IMPLEMENT A CENTRALIZED PURCHASING AND PROCUREMENT
31 PROCESS. THE POLICIES AND PROCEDURES SHALL BECOME EFFECTIVE NOT LESS
32 THAN FORTY-FIVE DAYS FOLLOWING ITS PROMULGATION AND TRANSMISSION TO
33 THE CITY COUNCIL BY THE DIRECTOR OF FINANCE, UNLESS AN OBJECTION TO THE
34 POLICIES AND PROCEDURES, OR ANY PORTION, IS REGISTERED BY THE CITY
35 COUNCIL BY A RESOLUTION ADOPTED PRIOR TO THE EFFECTIVE DATE OF THE
36 POLICIES AND PROCEDURES. IN ADDITION TO THE FOREGOING, THE CITY COUNCIL
37 MAY ADOPT BY RESOLUTION ANY POLICY OR PROCEDURE RECOMMENDED BY THE
38 DIRECTOR OF FINANCE FOR EXPEDITED IMPLEMENTATION. IF SO ADOPTED, EACH
39 SUCH POLICY OR PROCEDURE SHALL BECOME EFFECTIVE UPON THE APPROVAL OF
40 THE RESOLUTION.
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42 **2.20.040 – DISTRIBUTION OF MAIL**

43 THE DIRECTOR OF FINANCE SHALL BE RESPONSIBLE FOR CITY OFFICES MAIL
44 DISTRIBUTION.
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47 **[Chapter 2.46 – DEPARTMENT OF CENTRAL SERVICES]**

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49 **[2.46.010 - Composition.]**

1 [The Department of Central Services shall consist of the Central Services Officer, purchasing
2 agent, and such other officers, staff and employees as may be provided for by the City Council.]
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4 **[2.46.020 - Central Services Officer—Duties.]**

5 [A. The Central Services Officer has charge and supervision of the following:

- 6 1. Maintenance and oversight of all city offices, governmental buildings and city-owned or city-
7 leased properties;
- 8 2. Maintenance of city communications systems and facilities, including but not limited to
9 telephones, facsimile machines and photocopiers;
- 10 3. City purchasing services;
- 11 4. Property inventory records;
- 12 5. Capital budget oversight;
- 13 6. Space management and planning;
- 14 7. City furniture and fixtures;
- 15 8. Management of the Markethouse and that area of the City dock not otherwise under the
16 authority of the Director of Public Works as provided in Section 2.28.010;
- 17 9. City offices mail distribution; and
- 18 10. To study the efficiency and economy of the organization, operation and procedures of the
19 departments and other entities of the City.]
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21 **[2.46.030 - Purchasing and procurement.]**

22 [A. The Central Services Officer shall be responsible to the Mayor for the execution of the
23 purchasing and procurement policies established for the City. The Central Services Officer shall
24 appoint a purchasing agent who shall manage all phases of the purchasing and procurement
25 process.

26 B. The Central Services Officer shall adopt and promulgate policies and procedures, not in
27 conflict with the Charter, this code or any ordinance, to implement a centralized purchasing and
28 procurement process. The policies and procedures shall become effective not less than forty-
29 five days following its promulgation and transmission to the City Council by the Central Services
30 Officer, unless an objection to the policies and procedures, or any portion, is registered by the
31 City Council by a resolution adopted prior to the effective date of the policies and procedures. In
32 addition to the foregoing, the City Council may adopt by resolution any policy or procedure
33 recommended by the Central Services Officer for expedited implementation. If so adopted, each
34 such policy or procedure shall become effective upon the approval of the resolution.]
35
36

37 **Chapter 2.48 – BOARDS AND COMMISSIONS**

38 **Article VIII – Environmental Review Committee**
39

40 **2.48.350 - Environmental Review Committee.**

41 A. The goal of the City is to lead by example so as to encourage residents and business
42 owners to use reusable and recyclable materials and to purchase goods from companies that
43 practice energy use reduction and sequestration of carbon dioxide.

44 B. In furtherance of this goal, there is hereby established an Environmental Review Committee
45 within the municipal government. The Committee consists of the Directors of the Departments of
46 Neighborhood and Environmental Programs (DNEP), Public Works, [Central Services, and]
47 Recreation and Parks, AND THE PURCHASING AGENT. The Director of DNEP shall serve as
48 the chair.

49 C. As a minimum, the Committee shall:

- 50 1. Review existing practices of the City to assure that its policies and procedures foster the use
51 of materials that are compostable, recyclable, and reusable.

- 1 2. Assess the effectiveness of the voluntary environmental reusable bag program.
- 2 3. Assess the value of bans and/or fees on materials in furtherance of the City's goals.
- 3 4. Develop a plan for distribution of re-useable bags as part of and consistent with the City's
- 4 recycling plan as defined in Chapter 10.18 of the Annapolis City Code.
- 5 5. Assist the various City offices to ensure that contracting procedures do not discriminate
- 6 against reusable, recycled, or environmentally preferable products without sufficient justification.
- 7 6. Evaluate environmentally preferable products to determine the extent to which they may be
- 8 used by the City and its contractors.
- 9 7. Review and revise contracting procedures to maximize the specification of designated
- 10 environmentally preferable products where available.
- 11 8. Following installation of computer software capable of data gathering for such purposes,
- 12 facilitate data collection on purchases of designated environmentally preferable products by the
- 13 City and its contractors and report the data to the City Council by July 31st of each year.
- 14 9. Prior to fiscal year 2009, the Committee shall:
- 15 a. Begin issuing to all City organizational elements purchasing specifications that comply with
- 16 U.S. Environmental Protection Agency Comprehensive Procurement Guidelines for products.
- 17 Recovered Materials Advisory Notices (RMAN) shall be used as a reference for determining the
- 18 recycled content specifications for these products. Third party certifications, such as Energy
- 19 Star, Eco Logo and Green Seal, shall also be acceptable to identify preferred products.
- 20 b. Monitor the implementation of the following:
- 21 (1) To the extent available, all printing and copy paper products shall consist of a minimum of
- 22 thirty percent post-consumer recycled fiber.
- 23 (2) All janitorial paper products and plastic garbage bags shall consist of a minimum of fifty
- 24 percent post-consumer content.
- 25 (3) A ten percent price preference for processed chlorine-free paper shall be applied to (one
- 26 hundred percent) of photocopy-grade and janitorial paper purchases.
- 27 (4) Returning used toner cartridges for remanufacture and purchase re-manufactured toner
- 28 cartridges when practicable.
- 29 (5) Where available, no janitorial cleaning or disinfecting products shall contain ingredients that
- 30 are identified by United States Environmental Protection Agency or the National Institute for
- 31 Occupational Safety and Health as carcinogens, mutagens, or teratogens.
- 32 (6) Phase out the use of chlorofluorocarbon containing refrigerants, solvents and other products
- 33 when without risk of voiding manufacturers' warranties on the equipment in which it is applied.
- 34 (7) All surfactants shall meet EPA standards as "readily biodegradable." No detergents shall
- 35 contain phosphates.
- 36 (8) The City shall procure wood products that originate only from managed, recycled or
- 37 sustainable wood product operations.
- 38 (9) Purchased or leased electronic equipment including photocopiers, computers, printers,
- 39 lighting systems, HVAC, kitchen and laundering appliances, and energy management systems
- 40 must meet U.S. Environmental Protection Agency (EPA) or U.S. Department of Energy (DOE)
- 41 energy efficiency standards. Where applicable, the energy efficiency function must remain
- 42 enabled on all energy efficient equipment. As part of any purchase or lease agreement for
- 43 electronic equipment, a vendor must supply life cycle costs for each item.
- 44 (10) All motor oil shall contain a minimum twenty-five percent re-refined base stock, and shall
- 45 be used only when without risk of voiding manufacturers' warranties on the equipment in which
- 46 it is applied. All re-refined oil must be American Petroleum Institute certified.
- 47 (11) All motor vehicles operated by the City shall use recycled propylene glycol antifreeze
- 48 where practicable, and shall be used only when without risk of voiding manufacturers'
- 49 warranties on the equipment in which it is applied.
- 50 (12) Paint purchased by the City or its contractors shall contain the minimum amount necessary
- 51 of volatile organic compounds, and shall contain maximum recycled content where available.

- 1 (13) The City shall implement an integrated pest management program for pest control. Any
2 chemicals used to eliminate or deter insect pests and undesirable vegetation shall be the most
3 readily and completely biodegradable product available for the given application, and shall be
4 applied in a manner that is least likely to come into contact with humans and any other animals
5 for which treatment is not intended.
- 6 (14) All construction and renovation at least thirty percent funded by the City shall incorporate
7 Silver LEED "green" building practices;
- 8 (15) The City shall give preference to products that are produced and are within a reasonable
9 geographic distance such that transportation costs, energy use and carbon dioxide generation
10 do not outweigh the benefits of lower product costs.
- 11 (16)
12 All departments, offices, and agencies shall ensure that they and their contractors/consultants
13 use double-sided copying. All photocopiers purchased by the City following adoption of this
14 policy are required to be capable of double-sided copying when the equipment has the
15 capability to copy double-sided.
- 16 (17) The City shall reduce or eliminate its use of products that contribute to the formation of
17 dioxin and furan compounds.
- 18 D. The following are environmentally preferred products:
- 19 1. Compostable and vegetative products;
 - 20 2. Horticultural mulch made with recycled land clearing and other wood debris, but avoiding the
21 use of non-sterile mulch which may contain non-native plant species;
 - 22 3. Construction materials made with recycled cement concrete, wood, glass or asphalt;
 - 23 4. Alternative fuels and vehicles and rolling stock that utilize same including, but not limited to,
24 electric, hybrid, compressed natural gas, hydro-diesel, hydrogen, biodiesel and ethanol. When
25 comparing costs of alternative vs. conventional fuels and vehicles, the city shall give preference
26 to alternative fuels and vehicles if their costs are no more than ten percent higher than
27 conventional products;
 - 28 5. Cement and asphalt concrete containing glass cullet, recycled fiber or plastic, tire or rubber;
 - 29 6. Lubricating oil and hydraulic oil with re-refined oil content;
 - 30 7. Recycled plastic products;
 - 31 8. Remanufactured products made from recycled tire rubber, including rubber mats and play
32 field surfaces;
 - 33 9. Low wattage/high efficiency lighting fixtures, including but not limited to traffic signals,
34 crosswalks, street lights and all interior and exterior building fixtures, including fixed ballast
35 fluorescent fixtures and motion sensitive switches;
 - 36 10. Solar powered traffic signals, traffic signs, street lights and buildings wherever available;
 - 37 11. Remanufactured laser printer toner cartridges;
 - 38 12. Other products as designated by the Mayor and/or the Mayor's designee, the Task Force
39 and/or Coordinator; and
 - 40 13. No fertilizer with phosphorous shall be used on any land owned by the City of Annapolis,
41 whether such land is located within or outside of the City's boundaries, except where a soil test
42 determines that the soil is deficient.
- 43 E. The Environmental Review Committee will formulate a plan by May 31, 2008, to promote the
44 use of reusable shopping bags in the City of Annapolis. It will establish a goal of a forty percent
45 reduction in the use of plastic and paper checkout bags in large retail chain stores by May 31,
46 2009.
- 47 F. Nothing contained in the policy of this section shall be construed as requiring a department
48 or contractor to procure products that do not perform adequately for their intended use, exclude
49 adequate competition, or are not available at a reasonable price in a reasonable period of time.
50 The city shall give preference to any environmentally preferable products if their costs are no
51 more than ten percent higher than conventional products.

1 G. One year from adoption of the ordinance codified in this section, the Environmental Review
2 Commission will evaluate the effectiveness of the internal and voluntary programs for reusable
3 materials and make recommendations in furtherance of these efforts for consideration by the
4 Mayor and City Council.
5

6 **TITLE 12 – VEHICLES AND TRAFFIC**

7
8 **Chapter 12.08 – Administration and Enforcement**

9
10 **12.08.130 – Parking Coordinator.**

11
12 Within the Department of [Central Services] TRANSPORTATION there is established the
13 position of Parking Coordinator. The purpose of the position is to facilitate the coordination and
14 implementation of parking principles, policies, laws and regulations at the direction of the
15 Director of [Central Services] TRANSPORTATION. The Coordinator shall also assist the
16 Parking Advisory Committee, serve as a liaison between the Transportation Board and the
17 Parking Advisory Commission and arrange for the gathering of information about the number of
18 motor vehicles of residents and other persons and parties and maintain an inventory of parking
19 spaces for these vehicles. The Coordinator shall be appointed by the Director of [Central
20 Services] TRANSPORTATION and serve at the pleasure of the Director of [Central Services]
21 TRANSPORTATION. The Coordinator shall receive such compensation as is provided in the
22 annual operating budget.
23

24
25 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
26 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.
27

28 **ADOPTED** this _____ day of _____, _____.
29

30
ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

31
32
33 **EXPLANATION**

34 CAPITAL LETTERS indicate matter added to existing law.
35 [brackets] indicate matter stricken from existing law.
36 Underlining indicates amendments.
37

O-17-12

Central Services

Policy Report

The proposed ordinance would amend the City Code to conform to the City organization chart adopted with the FY 2012 operating budget in regards to the Central Services functions. The organization chart converted the Central Services functions into the Finance Department (Purchasing), the Public Works Department (Buildings and Market House), and the Transportation Department (Parking Garages and Lots). Charter Amendment CA-5-10, adopted in July 2011, amended the Charter to be consistent with the organization chart.

Through the adoption of the organization chart, the Finance Department is responsible for purchasing services, with the Director of Finance overseeing the execution of the purchasing and procurement policies established for the City. The Public Works Department is responsible for the Market House and maintenance and oversight of all City offices, governmental buildings, and city-owned or leased properties; space management and planning; and, maintaining inventory records for real property, fixtures, and furniture. The Transportation Department is responsible for City parking garages and parking lots.

Prepared by: Jessica Cowles, City of Annapolis Office of Law, JCCowles@annapolis.gov or (410) 263-1184.

FISCAL IMPACT NOTE

Legislation No: O-17-12

First Reader Date: 5/19/12

Note Date: 6/11/12

Legislation Title: **Central Services**

Description: For the purpose of amending the City Code to conform to the City organization chart adopted as part of the FY 2012 operating budget in regards to the Central Services functions.

Analysis of Fiscal Impact:

This legislation produces no significant fiscal impact.

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**CITY COUNCIL OF THE
City of Annapolis**

Ordinance No. O-21-12

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
5/14/12			8/10/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	5/14/12		
Planning Commission	5/14/12		
Historic Preservation Commission	5/14/12		

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AN ORDINANCE concerning

Tolling Approval and Permit Expiration Dates

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FOR the purpose of temporarily tolling expiration dates of certain approvals and permits in Title 17 and Title 21 of the Annapolis City Code until June 30, 2014 provided that the zoning approvals and permits are active and valid as of June 30, 2012.

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BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 Edition
Section 17.04.630
Section 21.08.040
Section 21.08.050
Section 21.56.070

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24

SECTION I: PREAMBLE AND FINDINGS OF FACT

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WHEREAS, the City Council of the City of Annapolis authorized Resolution R-66-09 in November 2009, tolling the expiration of certain zoning approvals granted pursuant to Title 21 of the Annapolis City Code until December 31, 2010; and

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WHEREAS, the City Council of the City of Annapolis authorized Ordinance O-33-10 in December 2010, tolling the expiration of certain zoning approvals granted pursuant to Title 17 and Title 21 of the Annapolis City Code until June 30, 2012; and

1 **WHEREAS,** a nationwide recession continues, which has caused a severe decline in the
2 construction industry and in residential and commercial real estate development;
3 and
4

5 **WHEREAS,** residential and commercial property owners, builders, and developers continue to
6 experience difficulty in obtaining loans and credit required to complete
7 construction and development; and
8

9 **WHEREAS,** a number of residential and commercial property owners, builders, and
10 developers have expended significant funds to obtain zoning approvals,
11 certificates of approvals, and permits, and, in some instances, have exhausted all
12 available extensions of such approvals and permits allowed by the Annapolis City
13 Code, and such approvals and permits are in jeopardy of expiring, which is not in
14 the interests of the City of Annapolis; and
15

16 **WHEREAS,** because of the continuation of the nationwide recession, those who have obtained
17 certain City permits pursuant to Title 17 of the Code of the City of Annapolis
18 related to residential and commercial construction and development are generally
19 experiencing financial difficulties in meeting permit expiration dates; and
20

21 **WHEREAS,** based upon the foregoing, the City Council of the City of Annapolis finds that it is
22 in the interests of the City of Annapolis to extend the tolling period authorized by
23 Ordinance O-33-10, and additionally to toll the expiration dates for certain City
24 construction and development related permits approved pursuant to Title 17 of the
25 Code of the City of Annapolis; and
26

27 **WHEREAS,** based upon the foregoing, the City Council of the City of Annapolis finds that it is
28 in the interests of the City of Annapolis to extend the tolling period authorized by
29 Ordinance O-33-10 through this Ordinance.
30

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

33 **Chapter 17.04 - Definitions**

34 **17.04.630 - Permit and tolling.**

35 A. "Permit" means written, authorized approval to perform the proposed work.

36 B. Permits [issued] AND ANY PERMIT APPLICATION REVIEWED, APPROVED, AND
37 READY FOR ISSUANCE pursuant to [Sections 17.08.070, 17.10.150, 17.11.270, 17.12.058,
38 17.16.030, 17.18.060, 17.20.070, 17.24,170, 17.28.110, and 17.30.040 of this] Title **17**, and any
39 extensions thereof which are active and valid as of [December 31, 2010] **JUNE 30, 2012**, shall
40 by definition be tolled until June 30, [2012] **2014** so that all such permits, PERMIT
41 APPLICATION APPROVALS, and extensions shall expire on, or any applicable extension
42 request shall have been requested by, June 30, [2012] **2014**.

43 1. THE CITY OF ANNAPOLIS CODE IN FORCE AT THE TIME CONSTRUCTION
44 COMMENCES SHALL APPLY TO ALL SUCH PERMITS AND PERMIT APPLICATION
45 APPROVALS.

46

1 **Chapter 21.08 – Decision Making Bodies and Officials**

2 **21.08.040 - Board of Appeals.**

3 A. Establishment. The Board of Appeals is established pursuant to and has the authority to
4 execute all of the powers granted to Boards of Appeals by Article 66B of the Annotated Code of
5 Maryland.

6 B. Membership. The Board of Appeals shall consist of five members who shall be residents
7 and registered voters of the City of Annapolis and who shall serve without compensation. The
8 regular members and one alternate member shall be appointed by the Mayor and confirmed by
9 the City Council and be removable for cause, upon written charges, and after public hearing.
10 When an alternate member is absent, the Mayor with the confirmation of the City Council may
11 designate a temporary alternate.

12 C. Term. The term of office of each member of the Board of Appeals shall be for three years,
13 as provided in Article 66B of the Annotated Code of Maryland. Vacancies shall be filled for the
14 unexpired term of any member whose term becomes vacant.

15 D. Rules. The Board of Appeals shall adopt rules in accordance with the provisions of this
16 section and in accordance with the provisions of Article 66B of the Annotated Code of Maryland.
17 The Board shall adopt and amend rules as follows:

18 1. After a public session to consider the proposed rules or amendments, the Board shall
19 adopt and periodically amend rules of practice and procedure.

20 2. The Board shall give reasonable notice of the date, time, and place of the public
21 session and the category of rule or amendment to be considered at the session.

22 3. After approval by the Board, the rules of the Board of Appeals shall be published and
23 shall be available to the public through the Department of Planning and Zoning.

24 E. Duties. The Board of Appeals shall have the following powers and duties:

25 1. To hear and decide appeals, pursuant to the provisions of Zoning Code Chapter
26 21.30 where it is alleged there is error in any order, requirement, decision or determination
27 made by an administrative official or body in the enforcement of: (a) this Zoning Code; or
28 (b) any ordinance adopted pursuant to this Zoning Code.

29 2. To hear and decide applications for special exceptions pursuant to Chapter 21.26 of
30 this Zoning Code.

31 3. To hear and decide applications for variances from the terms of this Zoning Code,
32 pursuant to the provisions of Chapter 21.28

33 4. To hear and decide applications for zoning district boundary adjustments pursuant to
34 the provisions of Zoning Code Chapter 21.20

35 5. To hear and decide applications for physical alteration of a nonconforming use
36 pursuant to the provisions of Chapter 21.68

37 6. To hear and decide all matters referred to it or upon which it is required to decide by
38 this Zoning Code, and as prescribed by Article 66B of the Annotated Code of Maryland.

1 F. Tolling of Approvals. Approvals granted by the Board of Appeals pursuant to Section
2 21.08.040E of this Code and extensions thereof which are active and valid as of [December 31,
3 2010] **JUNE 30, 2012**, shall be tolled until June 30, [2012] **2014**, so that all such approvals and
4 extensions shall expire on, or any applicable extension request shall have been requested by,
5 June 30, [2012] **2014**.

6 G. Meetings. The meetings of the Board of Appeals shall be held at the call of the chair and at
7 other time determined by the Board. The Board shall provide public notice of any meeting by
8 publication in at least one newspaper of general circulation in the City not less than seven days
9 prior to the meeting. The chair or the acting chair may administer oaths and compel the
10 attendance of witnesses. All meetings shall be open to the public. The Board shall make a
11 transcript of all proceedings, showing the vote of each member on each question, or the
12 member's absence or failure to vote. The board shall immediately file the transcript of its
13 proceedings in the Office of Planning and Zoning. Each transcript shall be a public record. If a
14 recording or a transcript of a recording is not prepared in the normal course of the Board's
15 proceedings, the party who requests a copy of the recording or its transcript shall pay the cost of
16 preparing the recording or transcript.

17

18 **21.08.050 - Planning and Zoning Director.**

19 A. Establishment. The position of Planning and Zoning Director is established as the manager
20 of the Department of Planning and Zoning, with the authority to administer and enforce this
21 Zoning Code.

22 B. Duties. The Planning and Zoning Director may delegate zoning administration and
23 enforcement responsibilities to any deputy director, assistant director, or staff member of the
24 Department of Planning and Zoning, or other individual designated by the Director. The
25 Planning and Zoning Director has the following powers and duties:

26 1. Decide applications for demolition permits pursuant to the provisions of Chapter 21.14

27 2. Decide applications for administrative interpretations pursuant to the provisions of
28 Chapter 21.16

29 3. Decide applications for administrative adjustments pursuant to the provisions of
30 Chapter 21.18

31 4. Decide applications for major and minor site plan review pursuant to the provisions of
32 Chapter 21.22

33 5. Decide applications for extensions of planned developments pursuant to the
34 provisions of Chapter 21.24

35 6. Decide applications for determinations of nonconforming use status pursuant to the
36 provisions of Chapter 21.68

37 7. Hear and decide applications for change of nonconforming use pursuant to the
38 provisions of Chapter 21.68

39 8. Conduct inspections of buildings, structures and use of land to determine compliance
40 with the terms of this Zoning Code.

1 9. Take appropriate enforcement action with regard to alleged violations of this Zoning
2 Code.

3 10. Maintain permanent and current records made under this Zoning Code, including, but
4 not limited to, all maps, amendments, planned developments, special exceptions,
5 variances, appeals, use permits and applications.

6 11. Provide and maintain public information related to this Zoning Code.

7 12. Initiate or direct from time to time a study of the provisions of this Zoning Code, and
8 make reports or recommendations to the Planning Commission not less frequently than
9 once a year.

10 C. TOLLING OF APPROVALS. APPROVALS GRANTED BY THE PLANNING AND ZONING
11 DIRECTOR PURSUANT TO SECTION 21.08.050B OF THIS CODE AND EXTENSIONS
12 THEREOF WHICH ARE ACTIVE AND VALID AS OF JUNE 30, 2012, SHALL BE TOLLED
13 UNTIL JUNE 30, 2014, SO THAT ALL SUCH APPROVALS AND EXTENSIONS SHALL
14 EXPIRE ON, OR ANY APPLICABLE EXTENSION REQUEST SHALL HAVE BEEN
15 REQUESTED BY, JUNE 30, 2014.
16

17 **Chapter 21.56 – Historic District**

18 **21.56.080 - Certificate of approval—Expiration.**

19 A. A certificate of approval of the Commission shall expire automatically, unless extended by
20 the Commission, if:

21 1. In the case of an application for the demolition, moving or alteration of a structure, the
22 work has not commenced within six months and been completed within one year from the
23 date of issuance of the certificate of approval;

24 2. In the case of an application for the construction of a new structure, the work has not
25 commenced within one year from the date of issuance of the certificate of approval and
26 been completed within three years; or

27 3. For the purposes of this section, application for extension of approval shall be treated
28 and considered as a new application before the Commission.

29
30 B. TOLLING OF CERTIFICATES OF APPROVAL. NOTWITHSTANDING THE
31 PROVISIONS OF SECTION 21.56.080A OF THIS CODE, CERTIFICATES OF APPROVAL
32 GRANTED BY THE HISTORIC PRESERVATION COMMISSION PURSUANT TO SECTIONS
33 21.56.040 THROUGH 21.56.070 OF THIS CODE AND EXTENSIONS THEREOF WHICH ARE
34 ACTIVE AND VALID AS OF JUNE 30, 2012, SHALL BE TOLLED UNTIL JUNE 30, 2014, SO
35 THAT ALL SUCH CERTIFICATES OF APPROVAL AND EXTENSIONS SHALL EXPIRE ON,
36 OR ANY APPLICABLE EXTENSION REQUEST SHALL HAVE BEEN REQUESTED BY, JUNE
37 30, 2014.
38

39 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
40 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.
41

1 **SECTION IV: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
2 **ANNAPOLIS CITY COUNCIL** that Sections 17.04.630B; 21.08.040F; 21.08.050C; and
3 21.56.080B shall be deemed abrogated and of no further effect effective July 1, 2014, and
4 stricken from the Code of the City of Annapolis.

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ADOPTED this _____ day of _____, _____.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

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EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

Policy Report

Ordinance O-21-12

Tolling Approval and Permit Expiration Dates

The proposed ordinance would temporarily toll expiration dates of certain approvals and permits in Title 17 and Title 21 of the Annapolis City Code until June 30, 2014 provided that the zoning approvals and permits are active and valid as of June 30, 2012. Section 17.04.630 B.1. of the proposed ordinance states that the City of Annapolis Code in force at the time construction commences shall apply to all such permits and permit application approvals.

Prepared by Jessica Cowles, Legislative and Policy Analyst, Office of Law;
JCCowles@annapolis.gov and 410-263-1184.

FISCAL IMPACT NOTE

Legislation No: O-21-12

First Reader Date: 5-14-12

Note Date: 5-25-12

Legislation Title: **Tolling Approval and Permit Expiration Dates**

Description: For the purpose of temporarily tolling expiration dates of certain approvals and permits in Title 17 and Title 21 of the Annapolis City Code until June 30, 2014 provided that the zoning approvals and permits are active and valid as of June 30, 2012.

Analysis of Fiscal Impact:

This legislation produces no significant fiscal impact.



City of Annapolis
Historic Preservation Commission
Referral Action Report

Date: June 11, 2012

To: Jessica Cowles,
City of Annapolis Office of Law,
Legislative and Policy Analyst

The Historic Preservation Commission has reviewed O-21-12 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments: Recommended additional Language:

Section C:

Any changes to plans previously approved under an issued certificate of approval that are required in response to Section 17.04.630(B)1 referencing the City of Annapolis Code in force at the time construction commences, must be referred to the HPC for re-evaluation if there is a necessary change to the exterior scope of work as approved.

Rationale: If there are exterior changes required to comply with code changes since the initial approval, those changes must also comply with HPC guidelines.

Meeting Date April 26, 2012

Signature of Chair *Sharon A Kennedy*



PLANNING COMMISSION

(410)263-7961

145 GORMAN STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401

June 12, 2012

MEMORANDUM

To: Mayor and City Council

From: Eleanor M. Harris and Members of the Planning Commission

Re: O-21-12 – Extension of Due Dates

The Planning Commission at its June 7, 2012 meeting reviewed and held a public hearing to seek input before acting on O-21-12. Following the public hearing and deliberations, the Planning Commission unanimously approved the extension of the expiration date from June 30, 2012 to June 30, 2014.

We urge you to execute this ordinance change by June 30, 2012.

Your attention to this urgent need is appreciated.

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**CITY COUNCIL OF THE
City of Annapolis**

Ordinance No. O-23-12

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
6/11/12			9/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	6/11/12		

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AN ORDINANCE concerning

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Revisions to Title 17, Buildings and Construction

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FOR the purpose of amending Title 17, Buildings and Construction to adopt the most recent codes published by the International Code Council and to comply with the provisions of the Maryland Performance Building Standards.

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BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 Edition
Chapter 17.04
Chapter 17.12
Chapter 17.16
Chapter 17.18
Chapter 17.22
Chapter 17.24
Chapter 17.28
Chapter 17.40
Chapter 17.44
Chapter 17.48
Chapter 17.60

28
29

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:

30

Chapter 17.04 - DEFINITIONS

31

17.04.065 - ARCHITECT.

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34
35

"ARCHITECT" MEANS A "LICENSED ARCHITECT" AS DEFINED IN THE ANNOTATED CODE OF MARYLAND, BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, TITLE 3 (OR ITS SUCCESSORS), WHO IS IN GOOD STANDING AND PROPERLY REGISTERED BY THE STATE OF MARYLAND TO PRACTICE ARCHITECTURE IN ACCORDANCE WITH THE

1 ACT.

2

3 17.04.165 – CODE OFFICIAL.

4

5 “CODE OFFICIAL” MEANS THE DIRECTOR OF THE DEPARTMENT OF NEIGHBORHOOD
6 AND ENVIRONMENTAL PROGRAMS, OR HIS OR HER DESIGNEE.

7

8 17.04.230 - Design professional.

9 "Design professional" means a REGISTERED ARCHITECT, registered professional engineer,
10 registered land surveyor, or a registered landscape architect.

11 Chapter 17.12 - BUILDING CODE

12 17.12.010 - International Building Code adopted.

13 A. The International Building Code[2009], 2012 Edition, as published by the International
14 Code Council, Inc., is adopted as the Building Code of the City of Annapolis with the following
15 amendments:

16 1. Section 101.1 of the International Building Code is amended to insert "City of
17 Annapolis" in the space indicated.

18 2. Sections 103.1, 103.2, 103.3 of the International Building Code adopted in Section
19 17.12.010 are deleted and the following is substituted:

20 Section 103[.0] Administration.

21 103.1 General. The Department of Neighborhood and Environmental Programs is
22 responsible for the administration and enforcement of this code. The director of the
23 department, or the director's designee, shall be the [Code Official] BUILDING OFFICIAL
24 referred to in this code.

25

26 [4]3. Strike Section 105.2 of the International Building Code adopted in Section 17.12.010
27 AND SUBSTITUTE WITH THE FOLLOWING:

28

29 105.2 WORK EXEMPT FROM PERMIT. ALL WORK SHALL REQUIRE A
30 PERMIT(S), EXCEPT AS MAY BE EXEMPTED BY SECTION 17.12.022 (A).

31 [5]4. In Table 503[in Type of], FOR Construction [Type] TYPES III, IV, and V [for], BOTH
32 Groups A and B (other than detached accessory or uninhabitable structures), ADD THE
33 FOLLOWING FOOTNOTES (C-E):

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

38 D[b]. [All] In all existing uses when an attic space has been previously altered or when
39 an attic space is to be altered for occupiable or habitable space, [then] the attic floor
40 shall be considered a story. [When] THE ATTIC SHALL BE CONSIDERED A STORY
41 WHEN the attic has a fixed stair down to the [lower level, then the attic may be

1 considered a story] STORY BELOW.

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

4 [6]5. Insert the following footnote to Table 601, Fire Resistance Ratings Requirements for
5 [Buildings] Building Elements:

6 h. [For] UNLESS OTHERWISE APPROVED BY THE CODE OFFICIAL, FOR all
7 types of construction, new and existing that are altered, and which are not subject to
8 the installation of or upgrades to fire sprinkler systems in accordance with the
9 provisions of Chapter 17.20 of this title, provide a minimum of one hour separation for
10 walls, from foundation to underside of roof sheathing and for ceilings that have a floor
11 assembly over [unless approved otherwise by the Code Official].

12 [7]6. Add the following footnotes to Table 602:

13 [j]h]. The table also applies to all existing uses that are proposed to be altered.

14 k[i]. [When] WHERE a discrepancy exists or [when] WHERE the REQUIRED fire
15 separation distance [in feet] is not provided, [then] the Code Official may require that
16 a certified site drawing be submitted indicating the correct distance.

17 [l]j]. For clarification - the fire separation distance [(feet)] is measured from the wall
18 opening to the abutting property line.

19 [10]7. Strike Section 903.1 and substitute the following: "Automatic sprinkler systems
20 shall comply with this Section and Chapter 17.20 of the CODE OF THE CITY OF
21 Annapolis [City Code]."

22 [11]8. At the end of Section 1101.1, after "disabled persons", insert "All existing
23 buildings or facilities that are to be altered shall follow the requirements set forth by the
24 U.S. Architectural and Transportation Barriers Compliance Board, MD Accessibility Code,
25 and the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and
26 Facilities. The required ADAAG form shall be submitted at the time of permit submission
27 identifying the applicant's assessment of the required Americans with Disabilities Act
28 (ADA) upgrades.

29 [12]9. In Section 905.2, after "NFPA 14." insert "Standpipe systems, subject to the
30 approval of the Fire Department, may be of the dry type without a permanent water
31 supply."

32 [13]10. [Delete Section 3107.1] STRIKE SECTION 3107.1. AND SUBSTITUTE THE
33 FOLLOWING: "SIGNS SHALL COMPLY WITH CHAPTER 17.60 OF THE CODE OF THE
34 CITY OF ANNAPOLIS."

35 [14]11. In SECTION [Sections 2909.1 and] 3305.1, delete THE reference to
36 "International Plumbing Code" and substitute "[2003 National Standard Plumbing Code
37 Illustrated as amended and City of Annapolis requirements] CHAPTER 17.28, PLUMBING
38 CODE OF THE CITY OF ANNAPOLIS."

39 [15. Insert the following new section:

40 Section 110.7 New—Entry.]

1 [16]12. Strike Section 115.3 Unlawful Continuance and substitute the following:

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

7 [17]13. [Delete] STRIKE Section 1029.1, Exception 1, and add the following TO THE
8 END OF THE SECTION PARAGRAPH:

9 [B.]In the event of any inconsistencies between the provisions of the International
10 Building Code and the City Code, the more stringent shall govern. A copy of the
11 International Building Code is on file in the Department of Neighborhood and
12 Environmental Programs.

13 14. STRIKE SECTION 202 – “BUILDING OFFICIAL” AND SUBSTITUTE THE
14 FOLLOWING:

15 BUILDING OFFICIAL. THE DIRECTOR OF THE DEPARTMENT OF
16 NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS, OR HIS OR HER
17 DESIGNEE.

18

19 **17.12.018 - International Energy Conservation Code adopted.**

20 A. The International Energy Conservation Code[2009], 2012 Edition, as published by the
21 International Code Council, Inc., is adopted as the Energy Code of the City of Annapolis for
22 regulating the design, construction, quality of materials, erection, installation, alteration, repair,
23 location, relocation, replacement, addition to, use or maintenance of the building envelope,
24 mechanical SYSTEMS, AND lighting and power systems in the City.

25 B. In the event of any inconsistencies between the provisions of the Energy Code and the
26 City Code, the more stringent shall govern. The Code Official shall have the authority to act on
27 any matters when there is a discrepancy or when the codes are silent. In the event of any
28 inconsistencies between the provisions of the Building Code and the City Code, the more
29 stringent code shall govern. A copy of the INTERNATIONAL Energy CONSERVATION Code is
30 on file in the Department of Neighborhood and Environmental Programs.

31

32 **17.12.020 - International Residential Code adopted.**

33 A. The International Residential Code [2009], 2012 EDITION, as published by the
34 International Code Council, Inc., is adopted as the Residential Code of the City of Annapolis
35 with the following amendments:

36 1. In Chapter 15 add the following:

37 Section M1507.5 Bathroom and Toilet Room Ventilation. Every bathroom and toilet room
38 shall be exhaust vented mechanically to outside air with rigid pipe sloped away from the
39 exhaust fan towards the exterior. Existing bathrooms and toilet rooms that are altered or
40 are part of other building alterations shall also be exhaust vented mechanically to outside

1 air unless approved otherwise by the Director of Neighborhood and Environmental
2 Programs or his OR HER designee.

3 2. [In Chapter 29, add the following] STRIKE SECTION P2904 AND ALL
4 SUBSECTIONS OF SECTION P2904 SUBSTITUTE THE FOLLOWING:

5 SECTION P2904
6 RESIDENTIAL FIRE SPRINKLER SYSTEMS

7 [Section] P2904.1 Fire [Sprinkler] SPRINKLER systems required. [A. Fire]
8 RESIDENTIAL FIRE sprinkler systems are required as follows when a building
9 permit is requested [of] FROM the City [after September 30, 2007] OF
10 ANNAPOLIS:

11 1. All new residential construction. New residential construction shall
12 mean and include single-family, duplex, and multi-family residential
13 buildings or structures, the placement of mobile or modular homes, and
14 any existing residential building or structure that is removed, renovated,
15 refurbished, altered and/or an addition is made thereto provided the value
16 of construction, as a percentage of the assessed value of the structure or
17 improvement as determined by the State Department of Assessments
18 and Taxation, exceeds (a) 50% in the Historic District, or (b) 75% outside
19 of the Historic District. Kitchen and/or bathroom replacements or
20 alterations are exempt. Accessory or uninhabitable structures, such as
21 carports, garages, greenhouses and sheds are excluded.

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

24 3. IN SECTION 302.1 OF THE INTERNATIONAL RESIDENTIAL CODE, ADD
25 EXCEPTION #6 TO READ AS FOLLOWS:

26 6. DECKS AND ATTACHED UNENCLOSED ACCESSORY STRUCTURES.
27 PROJECTIONS SHALL NOT EXTEND OVER THE LOT LINE.

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

31
32 **17.12.022 - Building permit—Required.**

33 A. All construction projects of a value of five hundred dollars or more shall require a building
34 permit from the Director of Neighborhood and Environmental Programs or his or her designee.
35 No building permit is needed, regardless of value, on residential construction projects that are
36 non-structural replacements and/or repair of windows, doors, and siding. COMPLIANCE WITH
37 THE APPLICABLE PROVISIONS OF THE CODE OF THE CITY OF ANNAPOLIS IS
38 REQUIRED REGARDLESS OF THE REQUIREMENTS FOR A BUILDING PERMIT. All other
39 applicable permits, regardless of value, are still required.

40 B. All exterior projects in the Historic District, whether or not exempted from a building permit
41 under subsection A of this section, still require a certificate of approval in accordance with

1 Chapter 21.62.

2 C. No building or structure shall be demolished or moved until a permit has been obtained
3 from the Director or his or her designee. If, in the judgment of the Director or his or her
4 designee, the proposed new location of the building or structure [seriously] would
5 SIGNIFICANTLY increase the fire hazard TO [of the] surrounding buildings or structures, a
6 permit for moving the building shall not be issued.

7

8 **17.12.024 - International Existing Building Code adopted.**

9 The International Existing Building Code, [2009] 2012 Edition, as published by the International
10 Code Council, Inc., is adopted as the Existing Building Code of the City of Annapolis.

11

12 **17.12.026 - Building Code—Use and occupancy permit.**

13 A. In accordance with the Building Code, a use and occupancy permit is required for all new
14 construction and for structures undergoing alterations. Structures undergoing alterations shall
15 be governed by Section 101.[5]4 of the International Existing Building Code in applicable part. A
16 use and occupancy permit is also required if there is a change of use or occupancy even if there
17 is no construction or alteration. A use and occupancy permit is required if there is a change in
18 ownership only if the Code Official determines that certain existing conditions pose an inimical
19 threat to the public health, safety, or welfare.

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

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

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

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

36

37 **17.12.030 – [Applicability—New construction, alterations, repairs, renovation,
38 modification, reconstruction] CODE MODIFICATIONS.**

39 Notwithstanding any other provision in this title, and consistent with section 104.10 of the
40 International Building Code, wherever there are practical difficulties in carrying out the

1 provisions of the Building Code, the Code Official shall have the authority to grant modifications
2 in individual cases, provided that the Code Official shall find that particular individual
3 circumstances make compliance with the strict letter of the Building Code impractical, that the
4 modification is in compliance with the intent and purpose of the Building Code, and that the
5 modification does not jeopardize health, accessibility, life and fire safety, or structural
6 requirements. Such modifications shall be considered and decided by the Code Official
7 following an applicant's written request for and substantiation of the need, TO INCLUDE
8 COMPENSATORY ACTION AND/OR EQUIVALENT DESIGN CRITERIA, for such
9 modifications.

10

11 **17.12.042 – [Dangerous structural condition] UNSAFE STRUCTURES.**

12 [A building, structure, or chimney, or part of a building, structure, or chimney, in a dilapidated or
13 unsafe condition and which, in the opinion of the Director of the Department of Neighborhood
14 and Environmental Programs or his or her designee, may possibly cause injury to persons or
15 property, is a nuisance and shall be razed or abated by the owner within seventy-two hours after
16 notice to do so has been given to the owner by the director. The owner is required to apply for a
17 building permit as per Section 17.12.056 (C). If the owner, within seventy-two hours after receipt
18 of the notice, has not razed the building, structure or chimney, or otherwise abated the
19 nuisance, the owner is guilty of a municipal infraction and is subject to a fine as established by
20 resolution of the City Council, and the nuisance shall be abated by the director or his or her
21 designee at the expense of the owner. The director or his or her designee may in the interest of
22 safety disconnect water, gas, and electric service to the building or structure.]

23

24 A. AN UNSAFE STRUCTURE IS A STRUCTURE, OR PART OF A STRUCTURE, THAT IN
25 THE OPINION OF THE DIRECTOR OF THE DEPARTMENT OF NEIGHBORHOOD AND
26 ENVIRONMENTAL PROGRAMS, OR HIS OR HER DESIGNEE, IS FOUND TO BE
27 DANGEROUS TO THE LIFE, HEALTH, PROPERTY, OR SAFETY OF THE PUBLIC OR
28 THE OCCUPANTS OF THE STRUCTURE BY NOT PROVIDING MINIMUM SAFEGUARDS TO
29 PROTECT OR WARN OCCUPANTS IN THE EVENT OF FIRE, OR BECAUSE SUCH
30 STRUCTURE CONTAINS UNSAFE EQUIPMENT OR IS SO DAMAGED, DECAYED,
31 DILAPIDATED, STRUCTURALLY UNSAFE, OR WHICH BY REASON OF ILLEGAL OR
32 IMPROPER USE, OCCUPANCY OR MAINTENANCE, OR OF SUCH FAULTY
33 CONSTRUCTION OR UNSTABLE FOUNDATION, THAT PARTIAL OR COMPLETE
34 COLLAPSE IS POSSIBLE.

35

36 B. AN UNSAFE STRUCTURE SHALL BE RAZED OR ABATED BY THE OWNER WITHIN
37 SEVENTY-TWO HOURS AFTER NOTICE TO DO SO HAS BEEN GIVEN TO THE OWNER BY
38 THE DIRECTOR. THE OWNER IS REQUIRED TO APPLY FOR A BUILDING PERMIT AS
39 PER SECTION 17.12.022 (C). IF THE OWNER, WITHIN SEVENTY-TWO HOURS AFTER
40 RECEIPT OF THE NOTICE, HAS NOT RAZED THE UNSAFE STRUCTURE, OR OTHERWISE
41 ABATED THE NUISANCE, THE OWNER IS GUILTY OF A MUNICIPAL INFRACTION AND IS
42 SUBJECT TO A FINE AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL, AND
43 THE NUISANCE SHALL BE ABATED BY THE DIRECTOR OR HIS OR HER DESIGNEE AT
44 THE EXPENSE OF THE OWNER.

45

46 C. WHENEVER IN THE JUDGMENT OF THE DIRECTOR OF NEIGHBORHOOD AND
47 ENVIRONMENTAL PROGRAMS, OR HIS OR HER DESIGNEE, AN EMERGENCY EXISTS
48 WHICH REQUIRES IMMEDIATE ACTION TO PROTECT THE PUBLIC SAFETY OR

1 WELFARE, AN ORDER MAY BE ISSUED WITHOUT NOTICE, CONFERENCE OR HEARING,
2 DIRECTING THE OWNER, OCCUPANT, OPERATOR, AGENT OR LICENSEE TO TAKE
3 WHATEVER ACTION IS APPROPRIATE TO CORRECT OR ABATE THE EMERGENCY. IF
4 CIRCUMSTANCES WARRANT, THE DIRECTOR OR HIS OR HER DESIGNEE MAY ACT TO
5 CORRECT OR ABATE THE EMERGENCY. THE DIRECTOR OR HIS OR HER DESIGNEE
6 MAY IN THE INTEREST OF SAFETY DISCONNECT WATER, GAS, AND ELECTRIC
7 SERVICE TO THE BUILDING OR STRUCTURE.
8

9 D. ALL COSTS INCURRED FOR THE EMERGENCY ACTION OR ABATEMENT SHALL BE
10 RECOVERED FROM THE OWNER IN THE FORM OF A LIEN ON THE PROPERTY AND
11 COLLECTIBLE IN THE SAME MANNER AS DELINQUENT TAXES.
12

13 **17.12.052 - Building permit—Plans and specifications.**

14 A. Before any permit required by Sections 17.12.022 [and 17.12.030] shall be issued the
15 applicant shall file an application with construction drawings supported by an affidavit, which
16 specifies the contract price of the construction in its entirety, the type of building, structure, or
17 alteration to be erected or made, the material to be used, the number of stories and the
18 dimensions of the building or area to which alterations will be made. If the permit is for the
19 interior or exterior alteration of an existing building or structure, construction drawings shall be
20 submitted showing the nature and location of all alterations unless approved otherwise.

21 B. The building permit application shall also include those plans and specifications as
22 required and as detailed in Section 17.08.060. At a minimum, the application shall be
23 accompanied by a scaled drawing showing the proposed location of the building on the lot and
24 the front yard, side yard, and rear yard dimensions to the property line.

25 C. No permit for a commercial building or structure, or building or structure to be used for a
26 public assembly, shall be issued unless construction drawings and specifications, drawn and
27 certified by an architect or engineer registered under the laws of the State of Maryland, are
28 submitted. Certified construction drawings and specifications shall be submitted with permit
29 application for all other buildings or structures, unless approved otherwise by the building
30 official.

31 D. All construction drawings and specifications submitted [with] AS PART of a permit
32 application which indicates they have been completed by an architect or engineer shall be
33 certified on each drawing and specification with the architect's or engineer's Maryland seal,
34 ORIGINAL signature and date.

35 E. All structural evaluations including drawings shall be certified by a Maryland Structural
36 Engineer or Architect.

37 F. All new and revised construction drawings and submittals requiring review shall pay a fee
38 per schedule as established by resolution of the City Council.
39

40 **17.12.055 - Display of address.**

41 A. The owners of any improved property shall post on or about the property numbers or
42 letters designating the address assigned to the property.

1 B. The number or letters shall be at least three inches high, displayed on a contrasting
2 background, and posted in order to be unobstructed and clearly legible from the street named in
3 the address of the property.

4 C. In addition to the requirements of subsection B of this section:

5 1. For a multifamily structure (six units or more):

6 a. The address shall be affixed to the structure in numbers or letters at least six
7 inches high and shall be clearly legible from the street or public way; and

8 b. The designation of each dwelling unit shall be affixed to the exterior door of the
9 unit with numbers or letters at least three inches high; and

10 2. For A commercial property:

11 A. the address shall be displayed in numbers or letters at least six inches high, AND

12 B. SIDE OR REAR DOORS TO COMMERCIAL PROPERTIES WITH MULTIPLE
13 SUITES SHALL HAVE NUMBERS OR LETTERS AT LEAST THREE INCHES HIGH
14 CORRESPONDING TO THE SUITE ADDRESS.

15 D. An authorized representative of the Departments of Police, Fire, Neighborhood and
16 Environmental Programs, or Planning and Zoning may cite an owner for violation of the
17 provisions of this section.

18 E. Owners of existing improved property shall have thirty days from the notification date to
19 comply with the requirements of this section.

20 F. Violators of the provisions of this section are guilty of a municipal infraction and subject to
21 a fine as established by resolution of the City Council.

22

23 **17.12.056 - Building permit—Fees—Reinspection.**

24 A. The fee for a building permit shall be based on the estimated value of the work in
25 accordance with the schedule set out in subsection B of this section. Computation of the
26 estimated value must include the fair market value of all construction of work for which the
27 permit is issued, including all painting, siding, windows, roofing, electrical work, plumbing,
28 heating/air conditioning equipment, elevator equipment, fire [sprinkler] PROTECTION SYSTEM
29 equipment and any other permanent portions or permanent equipment essential to the
30 operation of the building. Equipment required for manufacturing or other special occupancy,
31 land value and development costs are excluded from the computation of fair market value. The
32 minimum acceptable valuation for new buildings shall be based on the current market value as
33 determined by the Department of Neighborhood and Environmental Programs.

34 B. Nonrefundable application fees and building permit fees shall be established by resolution
35 of the City Council.

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

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

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

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

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

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

- 15 1. Requesting party called for inspection, but work was not ready;
- 16 2. Requesting party was not on site;
- 17 3. Building was locked;
- 18 4. Safety features not on site;
- 19 5. Approved drawings not on site;
- 20 6. PERMIT CARD NOT POSTED AND VISIBLE FROM FRONTING STREET.

21 **Chapter 17.16 - ELECTRICAL CODE**

22 **17.16.015 - National Electrical Safety Code adopted.**

23 The National Electrical Safety Code, 2007 Edition, published by the IEEE, a copy of which is on
24 file IN THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS, is
25 adopted as the Electrical Safety Code [for] OF the City of Annapolis.

26

27 **17.16.040 - Electrical permit and inspection fees.**

28 All fees are payable in full at the time of issuance of the permit. All fees are nonrefundable.

29 A. Permit fees as established by resolution of the City Council shall apply to new
30 construction only.

31 B. Permit fees as established by resolution of the City Council shall apply to additions,
32 alterations or repairs to existing structures or services.

33 C. Permit fees as established by resolution of the City Council shall apply to all other

1 work and conditions in addition to subsections A and B.

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

5 a. Requesting party called for inspection, but work was not ready;

6 b. Requesting party was not on site;

7 c. Building was locked;

8 d. Safety features not on site;

9 e. Approved drawings not on site;

10 F. PERMIT CARD NOT POSTED AND VISIBLE FROM FRONTING STREET.

11 2. Failure to Notify. There shall be a fee as established by resolution of the City
12 Council charged whenever the licensee fails to notify the department within the
13 prescribed time that the work authorized by this subtitle is complete.

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

19

20 **17.16.100 - Emergency electrical systems.**

21 A. General. Emergency electrical systems are those systems required to automatically supply
22 power for illumination and equipment in the event of failure of the normal power supply. The
23 emergency electrical system shall conform to [NFPA #70] NFPA 70, NATIONAL ELECTRICAL
24 CODE, except as otherwise provided herein. The systems shall pickup their connected loads
25 within ten seconds after failure of the normal power supply and shall operate under all weather
26 conditions.

27 B. In buildings with a gross occupant load in excess of five hundred persons, AND that
28 contain one or more of the following, shall be required to have an emergency electrical system
29 installed according to the requirements of the NFPA 70, National Electrical Code [(NFPA #70)]:

30 1. [Electric] ELECTRICALLY DRIVEN fire pumps;

31 2. Smoke [removal] EVACUATION or smoke [containment] MANAGEMENT systems.

32 C. Capacity. The emergency systems shall have the capacity to operate equipment such as
33 egress lighting, fire pumps, smoke control systems, and any other emergency SYSTEMS AND
34 equipment as required by other applicable codes.

35 D. Power Source. The emergency electrical system shall not be connected to a standby
36 power system unless the load pickup time complies with [Section A, general] SUBSECTION A,
37 GENERAL, and the standby system is sized for the additional load.

1
2 **17.16.150 - Enforcement and administration.**
3 [The] NFPA 70, National Electrical Code, 2008 Edition, Annex H Article 80, published by the
4 National Fire Protection Association, a copy of which is on file IN THE DEPARTMENT OF
5 NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS, is adopted as the administration and
6 enforcement element of the Electrical Code of the City of Annapolis with the following
7 amendments:

8 A. Strike paragraphs (A) through (F) of Section 80.15.

9 B. In Subsection (G) of Section 80.15, second line, strike "Board" and insert "Building
10 Board of Appeals."

11 C. In lines 1 and 2 of paragraph (A)(2) of Section 80.19, strike "or otherwise readily
12 accessible" and in lines 2 and 3, strike "or carried by the permit holder as specified by the
13 authority having jurisdiction."

14 D. In lines 7 through 9 of paragraph (F)(3) of Section 80.19, strike "INSPECTOR or until
15 _____ days have elapsed from the time of such notification, provided that on" and insert
16 "INSPECTOR. On"

17 E. In the title of Section 80.23, strike ", Penalties" and strike in its entirety paragraph (B)
18 of Section 80.23.

19 F. In line 1 of paragraph (C) of Section 80.25, strike the underlining and insert "30 days."

20 G. In lines 10 and 11 of paragraph (E) of Section 80.25, strike "or a longer period as may
21 be specified by the Board, the Board" and insert ". The [Chief] Code Official."

22 H. In lines 7 through 13 of paragraph (A) of Section 80.27, strike from "Board, except
23 that any..." and all that follows through "in the same territory." and insert "State Electrical
24 Board."

25 I. In paragraph (B)(3) of Section 80.27, Inspector's Qualifications, strike the underlining
26 and insert "the Charter and Code of Annapolis."

27 J. In paragraph (B)(4) of Section 80.27, Inspector's Qualifications, strike the underlining
28 in line 1 and insert "ten" and in the second line, strike "AS AN Electrical Inspector or _____
29 years."

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

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

33 **Chapter 17.18 - MECHANICAL CODE**

34 **17.18.020 - International Mechanical Code—Adopted.**

35 The [2009] 2012 International Mechanical Code published by the International Code Council,
36 Inc., a copy of which is on file IN THE DEPARTMENT OF NEIGHBORHOOD AND

1 ENVIRONMENTAL PROGRAMS, is adopted as the Mechanical Code for the City of Annapolis
2 with the following amendment:

3 In Section [603.9] 603.10.1 at end of paragraph after "installation instructions." add the
4 following: "All registers, grills and diffusers installed in suspended ceilings [require independent
5 supports] SHALL BE PROVIDED WITH INDEPENDENT SUSPENSION TO ENSURE THAT
6 THE REGISTER, GRILL, OR DIFFUSER WILL NOT DROP MORE THAN THREE INCHES
7 WHEN THE FRAMING MEMBERS NO LONGER PROVIDE SUPPORT. The minimum support
8 wire shall meet or exceed 12# S.W.G. firmly secured to the register, GRILL, OR DIFFUSER
9 AND THE building structure."

10

11 **17.18.080 - Standards.**

12 A. Conformance of installation of mechanical systems equipment to referenced standards
13 listed in CHAPTER 15 OF THE International Mechanical Code [Appendix] shall be the prima
14 facie evidence that such installations are reasonably safe for use in the service intended and in
15 compliance with the provisions of this code.

16 B. The materials, appliances, and other equipment listed in published reports of inspected
17 mechanical equipment by the Underwriters Laboratories, Inc. (UL), and other approved
18 agencies and testing organizations, and installed in accordance with any instructions included
19 as part of such listing, shall be approved as meeting the requirements of this code.

20 **Chapter 17.22 - PETROLEUM STORAGE FACILITIES**

21 **17.22.060 - Inspections.**

22 Any storage system under permit IS REQUIRED TO BE inspected by the [fire marshal] FIRE
23 DEPARTMENT and/or the Department of Neighborhood and Environmental Programs. These
24 inspections [must] SHALL be scheduled NO LESS THAN forty-eight hours prior to the date of
25 the proposed inspection.

26 **Chapter 17.24 - GAS CODE**

27 **17.24.040 - NFPA standards adopted.**

28 [The National Fuel Gas Code as set forth in NFPA Standards 54 ANSIZ 223.1- 2009 Edition is
29 adopted as the code for the installation of fuel gas piping systems, fuel gas utilization equipment
30 and related accessories for the City of Annapolis.] NFPA 54/ANSIZ 223.1, NATIONAL FUEL
31 GAS CODE, 2012 EDITION, AND NFPA 58, LIQUIFIED PETROLEUM GAS CODE, 2011
32 EDITION, AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION, COPIES
33 OF WHICH ARE ON FILE IN THE DEPARTMENT OF NEIGHBORHOOD AND
34 ENVIRONMENTAL PROGRAMS, ARE ADOPTED AS THE CODE FOR THE INSTALLATION
35 OF FUEL GAS PIPING SYSTEMS, FUEL GAS UTILIZATION EQUIPMENT, AND RELATED
36 ACCESSORIES FOR THE CITY OF ANNAPOLIS WITH THE FOLLOWING AMENDMENT:

37

38 A. IN MULTIFAMILY STRUCTURES, EACH DWELLING UNIT SHALL HAVE AN
39 ACCESSIBLE VALVE OUTSIDE THE DWELLING TO SHUTOFF THE GAS SUPPLY TO THE

1 DWELLING UNIT WITHOUT STOPPING THE SUPPLY IN OTHER DWELLING, UNLESS
2 OTHERWISE APPROVED BY THE CODE OFFICIAL.

3 **Chapter 17.28 - PLUMBING CODE**

4 **17.28.020 - National Standard Plumbing Code—Adopted.**

5 The 2009 National Standard Plumbing Code Illustrated, AS published by the Plumbing-Heating-
6 Cooling Contractors—National Association, A COPY OF WHICH IS ON FILE IN THE
7 DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS, is hereby
8 adopted as the Plumbing Code of the City of Annapolis with the following amendments:

9 A. All other new or substantially remodeled structures for human habitation or use shall
10 be equipped with sufficient sanitary facilities. For commercial structures, sanitary facilities
11 shall be located on all floors. Sanitary facilities shall be accessible within the building
12 interior to the users within the working space or public hallways or corridors. Sanitary
13 facilities shall not be shared between tenants [spaces].

14 B. Whenever possible, cleanouts shall not be located within private or public driveways
15 subject to vehicle traffic. If required, provide heavy duty cleanout to meet city standards,
16 subject to approval.

17 C. A grease interceptor is required in restaurants, hotel kitchens, bars, cafeterias or
18 restaurants, clubs, or other establishments that have food preparation, (except in special
19 cases as may be determined by the Wastewater Pretreatment Coordinator). The size of
20 the interceptor shall be determined by the Wastewater Pretreatment Coordinator but not
21 less than a minimum of 500 gallon size and shall be located outside accessible for
22 cleaning and pumping unless approved otherwise by the Wastewater Pretreatment
23 Coordinator. All waste except toilet room waste shall discharge through the interceptor. A
24 minimum of one 6-inch cast iron sampling cleanout shall be provided at the property line.

25 D. Oil and sand interceptors shall be provided when, in the opinion of the Wastewater
26 Pretreatment Coordinator, they are necessary for the proper handling of oily waste,
27 flammable waste, sand, solids and other ingredients harmful to the building drainage
28 system, the public sewer, or sewerage treatment plant or process.

29 E. Interceptors shall be installed in accordance with City specifications.

30 F. Commercial dishwashers may need to be modified as to not affect the operation of
31 the interceptor as approved by the Wastewater Pretreatment Coordinator.

32 G. All commercial food waste grinders are prohibited.

33 H. [Prohibited discharge through interceptor are water cooled equipment] WATER-
34 COOLED EQUIPMENT IS PROHIBITED FROM DISCHARGING THROUGH AN
35 INTERCEPTOR.

36 I. Food and drink establishments SHALL provide hot and cold water frostproof hose
37 bibbs at all garbage can, trash, dumpster, and food and trash compactor areas.

38 J. [On page 87, at] AT the end of Section 3.4.1, add the following:

1 Waste piping, building sewer, drain, and vent piping below grade must be cast iron bell and
2 spigot type with long turn fittings service weight or greater, or polyvinyl chloride PVC
3 schedule 40 or heavier or with long-term fittings, or hard temper copper tube type DWV or
4 heavier. When ferrous threaded joints are used underground, they shall be coal-tar coated
5 or equivalent approved protection when installed. The foregoing notwithstanding, waste
6 piping, building sewer, drain, and vent piping below grade with less than five (5) feet of
7 cover in heavy traffic areas, must be cast iron bell and spigot type service weight or
8 greater.

9 K. Each dwelling unit shall have an accessible valve FROM OUTSIDE THE DWELLING
10 to shutoff the water supply to the dwelling unit without stopping the supply in other dwelling
11 units [from outside the dwelling], unless OTHERWISE approved [otherwise] by the Code
12 Official.

13 L. Provide safety/drip pans under all washers, water heaters and above ceiling mounted
14 air conditioners to collect possible condensation overflow or water leakage. Hook up
15 primary and secondary condensate lines and discharge to outside at grade when possible.
16 The discharge lines to the pans shall be 1 ½ inch diameter.

17 M. Air gap fitting shall be required on all residential type dishwashing machines unless
18 preapproved by the administrative authority.

19 N. Any time that repairs to backflow prevention assemblies are deemed necessary,
20 whether through annual or required testing, or routine inspection by consumer or by the
21 City of Annapolis, these repairs must be completed within a specified time in accordance
22 with the degree of hazard, not to exceed: health hazard 7 days and non-health hazard 21
23 days.

24 O. All backflow assembly test equipment must be approved by the City. All test
25 equipment shall be checked for accuracy annually (at minimum) and the tester may be
26 required to submit a certificate of calibration to be filed with the City.

27 P. Knowingly making any false statement on any report or other document required by
28 this chapter is subject to enforcement in accordance with this chapter.

29 Q. Property line clean out must be cast iron (service weight or greater) at finish grade
30 level. At base of the clean out riser where connected to building sewer, property line clean
31 out must be encased in concrete of at least eight (8) inches or greater.

32
33 **17.28.090 - Permit—Fees—Schedule.**

34 The charges for issuance of permits are the sum of a connection charge, a capital facility
35 charge, a capital facility assessment charge and an installation charge. The charges shall be
36 recommended to the City Council by the Director of Public Works and collected by the Director
37 of Neighborhood and Environmental Programs. The schedule of fees shall be established by
38 resolution of the City Council.

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

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

7 B. Capital Facility Charges. Capital facility charges shall be based on equivalent dwelling
8 units (EDU). An EDU is two hundred fifty gallons per day. No less than one EDU shall be
9 charged.

10 1. An individual residential dwelling unit is one EDU.

11 2. All other uses will be charged based on the number of EDUs. Determination of
12 the number of EDUs is as follows:

13 (a) By Director of Public Works. Whenever a charge is set based on EDUs, the
14 property owner shall provide all information required by the Director of Public
15 Works (Director) and the Director shall reasonably determine, based on that
16 information and any other information that the Director deems appropriate, the
17 number of EDUs for a property based on peak daily usage. If the Director
18 determines within a three-year period after the initial determination that the
19 property owner provided materially inaccurate information, the Director shall re-
20 determine the number of EDUs and the property owner shall be liable for the
21 difference in any charge that is set based on EDUs.

22 (b) By agreement.

23 (1) In this section, "peaked average daily usage" means a number of
24 gallons of water that is the product of the average daily water usage by a
25 property owner during the highest actual usage billing cycle within a
26 defined period times the peaking factor of 1.4.

27 (2) If the Director finds that new technology or other unique
28 circumstances may significantly affect the determined peak daily usage, the
29 Director may enter into an agreement with the property owner to
30 recalculate the number of EDUs based on peaked average daily usage
31 over a period of time determined by the Director. The agreement shall
32 provide for refund of charges by the City if peaked average daily usage is
33 less than eighty percent of determined peak daily usage and for payment of
34 additional charges by the property owner if peaked average daily usage is
35 more than one hundred twenty percent of determined peak daily usage
36 based on the recalculation. The agreement shall include terms and
37 conditions as determined by the Director to protect the City's interest in
38 receiving payment of all additional charges and to bind as necessary the
39 property owner and any successor in interest. If there is a change in use of
40 the property during the time when the recalculation is being made, the
41 agreement shall be null and void.

42 3. Industrial wastes of unusual strength or character may be assessed additional
43 EDUs as determined by the Director of Neighborhood and Environmental Programs
44 or his or her designee may require pretreatment to remove heavy metals or other

1 deleterious materials prior to discharge of the waste to the City sewer system.

2 4. Combined commercial, industrial and institutional facilities' EDUs shall be
3 determined by summing the EDUs for the individual functional areas.

4 5. A person who purchases a home in the urban renewal project area and who
5 previously resided in the home either as an owner or renter continuously for six
6 months immediately prior to the acquisition of the home by the urban renewal
7 authority, is exempt from the payment of the capital facilities charge.

8 6. Capital facilities and capital facilities assessment charges shall be used
9 exclusively to pay for either or both the capital improvements and retirement of bonds
10 on the sewer systems and water systems or facilities and not to supplement user
11 rates.

12 7. When the use and occupancy of a structure is changed, the Director of
13 Neighborhood and Environmental Programs or his or her designee shall determine if
14 the water consumption or sewage discharge has changed materially from the
15 previous use. Any significant increase in usage or discharge may require assessment
16 of capital facilities charges as outlined in this subsection.

17 C. Capital Facility Assessment Charge. A capital facility assessment charge will continue
18 to be applied after December 19, 2011 for accounts with remaining capital facility
19 assessment charge balances. For active permits prior to [[insert date of ordinance's
20 adoption]] DECEMBER 19, 2011, the current structure for capital facility assessment
21 charges will continue to be in effect.

22 D. Installation Charges.

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

- 26 a. Requesting party called for inspection, but work was not ready;
- 27 b. Requesting party was not on site;
- 28 c. Building was locked;
- 29 d. Safety features not on site;
- 30 e. Approved drawings not on site.
- 31 f. PERMIT CARD NOT POSTED AND VISIBLE FROM FRONTING STREET.

32
33 E. State Road Opening or Tunneling. For any connection in which a state road must be
34 opened or tunneled, the charges set out in this section for public sewer and water supply
35 connections shall be increased by the additional cost of the work as estimated and
36 approved by the Director of Neighborhood and Environmental Programs or his or her
37 designee.

38 F. Master Plumber and Gasfitter. Master plumbers who currently are registered in the

1 City and who also are registered master gasfitters in the City shall be charged as
2 established by resolution of the City Council for the additional gas connection for gas hot
3 water heaters; otherwise, the gas connection for gas hot water heaters must be made by a
4 registered master gasfitter at the regular rates.

5 G. Sizes Not Shown. Charges for any sizes not shown in this section shall be
6 determined by the Director of Neighborhood and Environmental Programs or his or her
7 designee.

8 H. The City Council may designate by resolution certain areas in the City of Annapolis to
9 be revitalization areas. In adopting such a resolution, the City Council shall take into
10 consideration the following factors as they apply to the area:

- 11 1. The availability, cost, and condition of business facilities;
- 12 2. The age and number of substandard structures;
- 13 3. The income of residents relative to State or regional median incomes, including
14 the number of persons who are welfare recipients or unemployed;
- 15 4. The extent of unemployment and the availability in the area of jobs for residents
16 of the area;
- 17 5. The need for small businesses to locate in the area in order to upgrade the
18 social and economic conditions of the designated neighborhood; and
- 19 6. Support from community and business organizations.

20 I. When a property lies in a designated revitalization area, the capital facility charge
21 shall, at the request of the owner, be payable as follows: forty percent prior to the issuance
22 of any permit; twenty percent prior to the first anniversary of the earliest permit issuance;
23 twenty percent prior to the second anniversary of the earliest permit issuance; final twenty
24 percent prior to the third anniversary of the earliest permit issuance.

25 **17.28.140 - Enforcement.**

26 The Director of Neighborhood and Environmental Programs, OR HIS OR HER DESIGNEE,
27 shall enforce the Plumbing Code and shall issue citations relating to municipal infractions in the
28 Plumbing Code.

30 **Chapter 17.40 – [INTERNATIONAL] RESIDENTIAL PROPERTY MAINTENANCE CODE**

31 **Article I - Definitions.**

32 **17.40.040 - Approved.**

33 "Approved" means [approved by] ACCEPTABLE TO the Director of Neighborhood and
34 Environmental Programs in accordance with the provisions of this code.

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17.40.080 - Building Code.

"Building Code" means the Building Code of the City OF ANNAPOLIS.

17.40.140 - Multiple dwelling.

"Multiple dwelling" means any dwelling containing more than two dwelling units and any non-owner-occupied dwelling containing two DWELLING units.

17.40.265 - Property Maintenance Code.

A. The International Property Maintenance Code, 2012 EDITION, [2009] as published by the International Code Council, Inc., A COPY OF WHICH IS ON FILE IN THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS, 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.

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. [A copy of the International Property Maintenance Code is on file in the Department of Neighborhood and Environmental Programs.]

Appendix A - Boarding standard shall be adopted as the City of Annapolis standard.

Article II - Basic Services and Sanitary Facilities

17.40.310 - Plumbing connections.

Every kitchen sink, lavatory basin and bathtub or shower required under Section 17.40.280 AND SECTION 17.40.290 shall be properly connected with both hot water and cold water lines.

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Article III - Fire Safety

17.40.440 - Smoke [detectors] 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 AND THE FIRE DEPARTMENT.

[A]B. Required. It is the responsibility of the owner of each [new or existing multifamily] RENTAL dwelling unit to install smoke [detectors] ALARMS IN ACCORDANCE WITH THIS SECTION in each [multifamily] 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 [detectors] 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.

[B]C. Location. At least one smoke [detector] 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.

[C]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 [the City Building Code and regulations and this section, and the equipment to be installed shall be approved by the Fire Department] TITLE 17 OF THE CODE OF THE CITY OF ANNAPOLIS AND THE MANUFACTURER'S REQUIREMENTS FOR INSTALLATION.

[D]E. Power Source. Smoke [detection systems] ALARMS shall PRIMARILY operate on an AC [primary source of] electric power SUPPLY. Each [detector] SMOKE ALARM shall be wired into the circuit serving the area in which it is located. No smoke [detector] ALARM, [or alternative system,] shall be connected directly (permanently wired) to the electrical system of the structure unless an electrical permit first has been obtained.

[E]F. Maintenance. It is the responsibility of the property owner or agent to inspect annually and

1 maintain any smoke [detector device, installed in compliance with the provisions of this section]
2 ALARM, in accordance with the manufacturer's warranty and suggested maintenance. In
3 addition, the property owner shall provide any tenant access to a copy of the maintenance
4 schedule, operating manual, and any other instructional or precautionary literature which the
5 manufacturer may supply with the unit.

6 F. Connection to [Manual] FIRE Alarm System. In new multifamily dwellings [which have a
7 required manual] PROVIDED WITH A fire alarm system, all required [detectors] ALARMS shall
8 be connected to the [manual] fire alarm system.

9 G. Certification at Change in Occupancy. At every change of occupancy or tenancy of every
10 [multifamily] RENTAL dwelling unit occasioned by or incidental to a sale, lease, sublease, or
11 change in tenancy, it is the duty of the grantor to certify to the tenant, at the time of conveyance
12 and before occupancy, that all smoke [detectors] ALARMS as required by this section (or other
13 applicable laws) are installed and in proper working condition.

14 H. NFPA Standards Supplemented. This section is intended to be used with and
15 supplemented by the applicable provisions of the FOLLOWING National Fire Protection
16 Association standards: [71, 72-E and 74, 1974 Editions and its amendments, which are
17 incorporated in this section] NFPA 72, NATIONAL FIRE ALARM AND SIGNALING CODE, AND
18 NFPA 70, NATIONAL ELECTRICAL CODE; however, if there is any conflict between this
19 section and the NFPA standards or any rules and regulations adopted pursuant to them, the
20 provisions of this section shall prevail.

21

22 **Article VI - Roominghouses**

23 **17.40.700 - Bathroom facilities—Rooms.**

24 Every flush water closet, flush urinal, lavatory basin, BIDET, and bathtub or shower [required by
25 Section 17.40.690] shall be located within the roominghouse in one or more rooms which:

26 A. Afford privacy and are separate from the habitable rooms;

27 B. Are accessible from a common hall and without going outside the roominghouse; and

28 C. Are not more than one story removed from the rooming unit of any occupant intended
29 to share the facilities.

30 **Article IX - Enforcement**

31 **17.40.840 - Correction notice.**

32 A. Whenever an inspecting officer has reasonable grounds to believe that there has been a
33 violation of this chapter, a written notice of the violation shall be made to the owner, or the
34 owner's agent, or the occupant of the premises upon which a violation exists, setting forth the
35 specific violation and stating a reasonable time within which the violation must be corrected. The
36 notice shall advise the owner, agent, operator, or occupant, as the case may be, of the right to
37 appeal to the Board of Appeals and shall state that unless the condition violating this chapter is
38 corrected within the time specified, the owner, occupant, or operator, as the case may be, may
39 be prosecuted for the violation. The notice is properly served upon the owner, agent, occupant,

1 or operator if a copy is sent by certified mail to the owner's, agent's, occupant's or operator's last
2 known address, or if a copy of the notice is posted in a conspicuous place in or about the
3 premises affected by the notice, or if notice is [perfected] SERVED by any other method
4 authorized under the laws of this State.

5 B. If the director finds that there has been an unreasonable failure of the licensee to comply
6 with a notice of violation, a license may be suspended and subsequently revoked according to
7 the provisions of Section 17.44.090

8 C. If the director finds that the violations constitute any of the defects listed in Section
9 17.40.850 (A), then the provisions of that section shall apply as well as the penalties described
10 in Section 17.44.140.

11

12 **17.40.860 - Dwellings unfit for human habitation—Demolition.**

13 A. The Director of Neighborhood and Environmental Programs shall order a dwelling, dwelling
14 unit, or rooming unit to be demolished if it has been designated and placarded as unfit for
15 human habitation, has been vacated, and not been put into proper repair as to rescind the
16 designation as unfit for human habitation and to cause the placard to be removed.

17 B. The owner of any dwelling, dwelling unit, or rooming unit which has been ordered
18 demolished shall be given notice of the order in the manner provided for service of notice in
19 Section 17.40.840 and shall be given a reasonable time not to exceed ninety days to demolish
20 the structure.

21 C. An owner aggrieved by the notice to demolish may seek, within ten days, a reconsideration
22 of the matter in the manner provided in this article, and may seek a formal hearing in the
23 manner provided in Section 17.40.880.

24 D. When the owner fails, neglects or refuses to demolish an unfit, unsafe, or unsanitary
25 dwelling, dwelling unit or rooming unit within the requisite time, the Director of Neighborhood
26 and Environmental Programs may apply to a court for a demolition order to undertake the
27 demolition. The court may grant the order when no reconsideration or hearing on the matter is
28 pending. The cost of demolition or abatement shall be a lien on the property and collectible in
29 the same manner as delinquent taxes.

30 E. Whenever a dwelling is demolished, whether carried out by the owner or by the director,
31 the demolition shall include the filling in of the excavation remaining on the property on which
32 the demolished dwelling was located in a manner which eliminates all potential danger to the
33 public health, safety, or welfare arising from the excavation.

34 F. All demolition shall be preceded by an inspection of the premises by the director to
35 determine whether or not extermination procedures are necessary. If the premises are found to
36 be infested, appropriate rat extermination to prevent the spread of [rats] INSECTS, RODENTS,
37 VERMIN, OR OTHER PESTS to other areas shall be instituted before, during, and after
38 demolition.

39 **Chapter 17.44 - RENTAL UNIT LICENSES**

1 **17.44.010 - Required.**

2 A. No person shall let for occupancy or use any vacant single rental dwelling unit, multiple
3 dwelling, bed and breakfast home, roominghouse, or bargehouse without a current operating
4 license issued by the Department of Neighborhood and Environmental Programs, after the
5 application for the license has been approved by the Department of Neighborhood and
6 Environmental Programs, with the concurrence of the Director of Planning and Zoning, [and] the
7 Fire Chief, and the County Health Officer, for the specific named unit, multiple dwelling, bed and
8 breakfast home, roominghouse, or bargehouse.

9 B. Short Term Rentals. The requirements of this Chapter shall apply to all owners or tenants
10 of rental dwelling units as defined in SECTION 17.40.110 [of the 2010 edition] of the Code of
11 the City of Annapolis who enter into agreements, written or oral, for their rental for up to six
12 months in any calendar year. For short term rentals, the tenant will occupy the entire dwelling
13 unit without the necessity of a written sublease. The fee for a short term rental license shall be
14 set by resolution of the City Council.

15 (1) The owners of all such rental dwelling units who enter into any such rental
16 agreements shall permit the Department of Neighborhood and Environmental Programs to
17 enter each such rental dwelling unit for the purpose of making inspections necessary to
18 ensure compliance with Chapter 17.40 and this Chapter. No short term rental operating
19 license shall be issued or continued without an inspection of all rooms and a determination
20 of compliance with Chapter 17.40 and this Chapter.

21 (2) During a short term tenant occupancy, the owner of the short term dwelling unit shall:
22 (i) not allow in excess of two individuals per bedroom, excluding small children and post a
23 notice on the back of the main entrance door to this effect; (ii) keep a reservation log to
24 include the owner(s) and primary guest(s) name(s), address(es), and phone number(s);
25 and (iii) install interconnected smoke alarms with a detection unit on each level of the
26 dwelling unit in addition to battery-operated smoke [detectors] ALARMS in each bedroom
27 as [the 2010 edition of the Code of the City of Annapolis requires] REQUIRED BY
28 CHAPTER 17.40. Short term rental licensees have six months from the date of this
29 Ordinance's adoption to comply with its provisions. Failure of the owner to comply with this
30 Ordinance shall constitute a municipal infraction which shall subject the owner to a fine set
31 by the City Council and shall subject the owner to loss of the rental license.

32 (3) The provisions of this section shall not apply to owners of short term rentals that rent
33 their dwelling units exclusively in connection with annual U.S. Naval Academy graduation
34 ceremonies and activities or with activities associated with the annual power boat and
35 sailboat shows in the City.

36 C. When an operating license is suspended or revoked or an application for renewal is
37 denied, it shall be unlawful for any person to let for occupancy or use any dwelling unit or
38 bargehouse then vacant or becoming vacant until a license has been reissued or revalidated.

39

40 **17.44.030 - Initial inspection.**

41 No operating license shall be issued or renewed unless the applicant owner agrees in the
42 application to an initial inspection as the Director of [Public Works] THE DEPARTMENT OF
43 NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS may require to determine if the single
44 rental dwelling unit, multiple dwelling, bed and breakfast home, roominghouse, or bargehouse

1 for which the license is sought is in compliance with Chapter 17.40 and this chapter.

2

3 **17.44.130 - Posting of unlicensed property.**

4 A. Upon suspension, revocation, denial, or expiration of a license, the director shall have the
5 authority to cause notices to be posted on the property which shall state as follows:

6 OCCUPANCY OF ANY DWELLING UNIT IN THIS BUILDING NOW VACANT OR
7 BECOMING VACANT IS UNLAWFUL UNTIL A LICENSE TO OPERATE HAS BEEN
8 OBTAINED AND IS DISPLAYED ON THE PREMISES

9 B. It is unlawful for any person to DEFACE OR remove that notice until a license has been
10 obtained.

11

12 **Chapter 17.48 - NONRESIDENTIAL PROPERTY MAINTENANCE**

13

Article I - General Provisions

14 **17.48.020 - Findings—Purpose.**

15 A. There [exist] EXISTS in the City structures used for nonresidential use which are, or may
16 become in the future, substandard with respect to structure, equipment or maintenance. These
17 conditions, [including but not limited to] WHICH INCLUDE, BUT ARE NOT LIMITED TO,
18 structural deterioration, lack of maintenance and appearance of exterior of premises, infestation,
19 lack of essential heating and plumbing, lack of maintenance or upkeep of essential utilities and
20 facilities, existence of fire hazards, inadequate provisions for light and air, and insanitary
21 conditions, constitute a menace to the health, safety, welfare and reasonable comfort of the
22 citizens and inhabitants of the City. It is found and declared further that by reason of lack of
23 maintenance, and because of progressive deterioration, certain properties have the further
24 effect of creating blighting conditions and initiating slums and that if these are not curtailed and
25 removed, the conditions will grow and spread and will necessitate in time the expenditure of
26 large amounts of public funds to correct and [eliminate and that by reason of] ELIMINATE.
27 THROUGH timely regulations and restrictions, as contained in this chapter, the growth of slums
28 and blight may be prevented, [and] the neighborhood and property values maintained, the
29 desirability and amenities of residential and nonresidential uses and neighborhoods enhanced,
30 and the public health, safety, and welfare are protected and fostered.

31 B. The purpose of this chapter is to protect the public health, safety, and welfare by
32 establishing minimum standards governing the maintenance, appearance, condition, and
33 occupancy of nonresidential premises; to establish minimum standards governing utilities,
34 facilities, and other physical components and conditions essential to make the facilities fit for
35 occupancy and use; to fix certain responsibilities and duties upon owners and operators, and
36 distinct and separate responsibilities and duties upon occupants; to fix penalties for the
37 violations of this chapter; to provide for the right of access across adjoining premises to permit
38 repairs; and to provide for the repair, demolition, or vacation of premises unfit for use. This
39 chapter is remedial and essential for the public interest and it is intended that this chapter be
40 construed liberally to effectuate the purposes as stated in this section.

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17.48.030 - Definitions.

32. "Washroom" means an enclosed space containing one or more bathtubs, showers or both, and also includes toilets, lavatories, BIDEETS, or fixtures serving similar purposes.

Article IV - Enforcement

17.48.320 – [Unfit building] UNSAFE STRUCTURES — Condemnation.

The designation of nonresidential [buildings] STRUCTURES as [unfit for human use] 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 [unfit for human use] AN UNSAFE STRUCTURE and SHALL be designated and placarded by the Director of Neighborhood and Environmental Programs:

- 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 [unfit for human use] AN UNSAFE STRUCTURE, and so designated and placarded by the Director of Neighborhood and Environmental Programs, 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 [unfit for human use] 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 [building] STRUCTURE as [unfit for human use] 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.

17.48.330 – [Unfit building] UNSAFE STRUCTURES — Demolition.

If the Director of Neighborhood and Environmental Programs finds that the property owner has

1 failed to correct the defects noted in the placarding of the nonresidential [building] STRUCTURE
2 within ninety days, the director shall order the demolition of the nonresidential [building]
3 STRUCTURE or abatement of the nuisance and the cost of the demolition or abatement shall
4 be a lien on the property and collectible in the same manner as delinquent taxes. The Historic
5 District Commission shall review and approve the demolition as required in Title 21 of this code.
6 Unoccupied structures which are found to be a serious hazard to the public, in the same manner
7 as provided in subsections A and B of Section 17.40.320, shall be ordered demolished or
8 abated by the director and appeals shall be heard as provided in Section 17.48.300. The cost of
9 demolition or abatement shall be a lien on the property and collectible in the same manner as
10 delinquent taxes.

11

12 **17.48.350 - Non-residential property maintenance violation.**

13 A person who violates this chapter is guilty of a municipal infraction and is subject to a fine as
14 established by resolution of the City Council; provided, that no citation for a municipal infraction
15 shall be issued until the notice required by Section 17.48.290 first has been served upon the
16 alleged violator and the time specified in the notice for correction of the violation has expired
17 with no appeal to the BUILDING Board of Appeals having been taken and with the condition in
18 violation of this chapter not having been corrected. In the event of an appeal to the BUILDING
19 Board of Appeals, no citation for a municipal infraction shall be issued until notice of the
20 decision of the BUILDING Board of Appeals first has been served upon the alleged violator and
21 the time specified in the notice for taking the required action has expired with the action required
22 by the notice not having been taken or completed. A continuing violation of the same provision
23 of this chapter constitutes a separate violation for each day in which the condition is allowed to
24 exist after the expiration of the time specified in the notice given by the Director of [Public
25 Works] THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS or
26 the BUILDING Board of Appeals, whichever is later.

27 **Chapter 17.60 - SIGNS**

28 **17.60.130 - Wiring and connections of electric signs.**

29 All new, existing, and altered electric signs shall be wired for electric service in accordance with
30 the rules and regulations of [the] CHAPTER 17.16 OF THE CODE OF THE CITY OF
31 ANNAPOLIS, [National Electrical Code] and all electric wiring or connections shall be done by
32 or under the supervision of a master electrician licensed in the State and shall be inspected by
33 the [Electrical Inspection Department] DEPARTMENT OF NEIGHBORHOOD AND
34 ENVIRONMENTAL PROGRAMS. Electrical permits are required.

35

36 **17.60.140 - Violations—Notice to correct.**

37 The Director of the Department of Neighborhood and Environmental Programs or his or her
38 designee shall investigate any complaint of a violation of Sections 17.60.010 through
39 [17.60.040] 17.60.030, [and] 17.60.060, 17.60.070, AND 17.60.090 through 17.60.130. Upon a
40 finding that a violation exists, the director shall provide reasonable notice by mail, by personal
41 delivery, by posting on the sign itself, or by a combination of these means, to the owner, tenant
42 or agent having charge of the property on which the sign is situated. The notice shall specify:

Staff Report

Ordinance O-23-12

Revisions to Title 17, Buildings and Construction

The proposed ordinance provides revisions to Title 17 of the Annapolis City Code. The chapters entitled Definitions, Building Code, Electrical Code, Mechanical Code, Plumbing Code, Petroleum Storage Facilities, Gas Code, Residential Property Maintenance Code, Rental Unit Licenses, Non-residential Property Maintenance Code, and Signs, are revised to adopt the most recent codes published by the International Code Council and to comply with the provisions of the Maryland Performance Building Standards. Additionally, revisions occur throughout the Title to reflect altered administrative and enforcement policies that have been adopted by the Department of Neighborhood and Environmental Programs.

Beginning July 1, 2012, the City of Annapolis is required to enforce the State mandated set of codes, unless the City has already has an ordinance that adopts a set of codes that meets or exceeds the requirements of the Maryland Building Performance Standards (the State mandated construction codes).

The following significant revisions are noted as part of this ordinance:

Chapter 17.24 – Gas Code.

- 17.24.040 – added the adoption of 2011 edition of NFPA 58, Liquefied Petroleum Gas Code. NFPA 58 provides requirements and provisions for the installation of Liquefied Petroleum Gas (LPG) systems.
- 17.24.040 – added a requirement for an accessible gas valve outside of each unit in multifamily structures. This valve permits modifications and repairs within a unit to be conducted, and for gas to be shut off to a unit under emergency conditions, without having to shut off gas to the entire building.

Chapter 17.40 – Residential Property Maintenance Code.

- 17.40.440 (B) – amended the requirement for smoke alarms in multifamily dwelling units to encompass all rental dwelling units, with an exception for residential structures with less than three rental dwelling units where exiting approved smoke alarms are maintained in operating condition.

Additionally, these important revisions are noted:

Chapter 17.04 – Definitions.

- Added a definition for “Architect” consistent with the State of Maryland’s definition for architects.
- Added a definition for “Code Official” which is used in many of the Chapter in Title 17, but was previously undefined by Title 17.

Chapter 17.12 – Building Code.

- 17.12.020 – added an exception to the International Residential Code to permit decks and similar unenclosed attached accessory structures to be constructed within 5’ of the property line without requiring fire-rated construction.

- 17.12.042 – changed the name of the section and broadened the scope of the hazards deemed to make a structure “unsafe”.
- 17.12.055 – added a requirement for the rear or side doors of commercial spaces or suites to bear the suite designation. Although the intent is to assist the fire and police departments in rapidly locating alternate ingress to the space, it also provides assistance to delivery services in locating their customers.

Chapter 17.18 – Mechanical Code.

- 17.18.020 – provided additional details for supporting HVAC ducts, diffusers, and grills to protect firefighters during post suppression operations.

Chapter 17.40 – Residential Property Maintenance Code.

- Changed the name of the chapter from “International” to “Residential”.

Prepared by Matthew Shanks, Chief of Code Enforcement in the Department of Neighborhood and Environmental Programs; MShanks@annapolis.gov and 410-263-7946.

FISCAL IMPACT NOTE

Legislation No: O-23-12

First Reader Date: 6-11-12

Note Date: 6-12-12

Legislation Title: Revisions to Title 17, Buildings and Construction

Description: For the purpose of amending Title 17, buildings and Construction to adopt the most recent codes published by the International Code Council and to comply with the provisions of the Maryland Performance Building Standards

Analysis of Fiscal Impact:

This legislation produces no significant fiscal impact.

1 **CITY COUNCIL OF THE**
2 **City of Annapolis**

3 **Ordinance No. O-24-12**

4 **Introduced by: Mayor Cohen**
5
6
7

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
Referred to	Referral Date	Meeting Date	Action Taken
6/11/12			9/7/12
Economic Matters	6/11/12		

8
9 **AN ORDINANCE** concerning

10 **Adoption of the Maryland Model Floodplain Management Ordinance as Chapter 17.11,**
11 **Floodplain Management, of the City of Annapolis Code**
12

13 **FOR** the purpose of adopting the Maryland Model Floodplain Management Ordinance as
14 Chapter 17.11, Floodplain Management, of the City of Annapolis Code.
15

16 **BY** repealing and re-enacting with amendments the following portions of the Code of the
17 City of Annapolis, 2011 Edition
18 Chapter 17.11
19

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

22 **Chapter 17.11 – Floodplain Management**

23 **[Article I – General Provisions]**

24 **[17.11.010 - Findings.]**

25 [A. Certain areas of the City are subject to periodic inundation which may result in loss of life
26 and property, health and safety, disruption of commerce and governmental services and
27 extraordinary public expenditures for flood protection and relief.]

28 [B. Flood losses and associated losses are created by structures inappropriately located,
29 inadequately elevated or otherwise unprotected and vulnerable to floods or erosion or by
30 development which increases flood or erosion damage to other lands or development.]

31 [C. The biological values of floodplains, particularly tidal and nontidal wetlands, can be
32 affected adversely by floodplain development.]

1 [D. The City of Annapolis has the responsibility under the Flood Hazard Management Act of
2 1976, Annotated Code of Maryland, Environment Article Title 5, Subtitle 8 (or its successors), to
3 control floodplain development to protect persons and property from danger and destruction and
4 to preserve the biological values and the environmental quality of the watersheds or portions of
5 watersheds under its jurisdiction.]

6 **[17.11.020 - Purpose.]**

7 [A. The purpose of this chapter is to protect human life and health; minimize public and private
8 property damage; encourage the utilization of appropriate construction practices in order to
9 prevent or minimize flood damage in the future; protect individuals from buying lands and
10 structures which are unsuited for intended purposes because of the flood hazards; protect water
11 supply, sanitary sewage disposal and natural drainage; reduce financial burdens imposed on
12 the community, its governmental units and its residents, by preventing the unwise design and
13 construction of development in areas subject to flooding; provide for public awareness of the
14 flooding potential and provide for the biological and environmental quality of the watersheds or
15 portions of watersheds located in the City.]

16 [B. The provisions of this chapter provide a unified comprehensive approach to floodplain
17 management which addresses requirements of the Federal and State programs concerned with
18 floodplain management; namely, the National Flood Insurance Program and the President's
19 Executive Order 11988 of May 27, 1977, on floodplain management; the State Waterway
20 Construction Program, the U.S. Army Corps of Engineers Section 10 and Section 404 permit
21 programs, and the state's watershed permit and wetlands permit programs.]

22 **[17.11.030 - City liability.]**

23 [The grant of a permit or approval is not a representation, guarantee or warranty of any kind and
24 shall not create a liability upon the municipality, its officials or employees.]

25 **[17.11.040 - Conflicting provisions.]**

26 [This chapter supersedes any less restrictive floodplain construction ordinance currently in effect
27 in the floodplain district. However, any other ordinance shall remain in full force and effect to the
28 extent that its provisions are more restrictive.]

29

30 **[Article II- Floodplain District]**

31 **[17.11.050 - Established.]**

32 [A floodplain district is established to include all areas subject to inundation below the base flood
33 elevation. The source of this delineation shall be the Flood Insurance Study and related maps,
34 prepared for the City by the Federal Emergency Management Agency (FEMA), Federal
35 Insurance Administration, dated May 4, 1981. The floodplain district and the official floodplain
36 map are established with emphasis on the one-hundred-year flood elevation where defined
37 rather than the area geographically delineated on the official floodplain maps. The floodplain
38 district shall be deemed an overlay on any zones or districts existing on October 12, 1981 or
39 established after that date.]

1 **[17.11.060 - Map.]**

2 [The official floodplain map shall be the "Flood Insurance Rate Maps," and "Flood Boundary and
3 Floodway Maps" as prepared by the Federal Emergency Management Agency, issued on
4 November 4, 1981, and any subsequent amendments. The official floodplain map which
5 delineates the boundaries of the floodplain district, specifically Zones A1-A30, areas of one-
6 hundred-year flood, shall be prepared and maintained in force as part of this chapter.]

7 **[17.11.070 - Boundary changes.]**

8 [A. The delineation of the floodplain district may be revised, amended and modified by the City
9 Council in compliance with the national flood insurance program and the Maryland Department
10 of Natural Resources when:

- 11 1. There are changes through natural or other causes;
12 2. Changes are indicated by future detailed hydrologic and hydraulic studies; or

13 B. As soon as practicable, but not later than six months after the date the information
14 becomes available, the Director of Public Works shall notify the Federal Insurance Administrator
15 of the changes by submitting technical and scientific data in accordance with the 44 Code of
16 Federal Regulations, Part 65. All changes shall be subject to the review and approval of the
17 Federal Emergency Management Agency and the Maryland Department of Natural Resources.]

18 **[17.11.080 - Boundary disputes.]**

19 [An initial determination shall be made by the director if a dispute arises concerning any district
20 boundary. The applicant aggrieved by this decision may appeal to the Building Board of Appeals
21 within thirty calendar days of the decision. The burden of proof is on the appellant. The appeal
22 shall be accompanied by a nonrefundable fee as established by resolution of the City Council.
23 The director shall schedule a hearing within thirty calendar days after the filing of the appeal and
24 shall notify the appellant of the hearing date.]

25 **[17.11.090 - Development regulations.]**

26 [A. In order to prevent excessive damage to buildings and structures, the regulations set out in
27 this article apply to all new construction and substantial improvements to existing structures
28 occurring in the floodplain district. In the event a proposed building, structure or substantial
29 improvement is sited in two different subdistricts or in a subdistrict with two different one-
30 hundred-year flood elevations, the most restrictive regulation and/or higher flood elevation shall
31 prevail.]

32 [B. Existing nonconforming uses or structures located on land below the one-hundred-year
33 floodplain elevation of eight feet shall not be expanded.]

34 **[17.11.100 - State and Federal permits.]**

35 [Any approved development in the coastal floodplain shall be in conformance with the
36 requirements of the permit programs of the water resources administration of the State of
37 Maryland and the U.S. Army Corps of Engineers.]

38 **[17.11.110 - Management plan conformance.]**

39 [All development in the coastal floodplain shall be consistent with the flood control and

1 watershed management plans for the area in which the development is proposed to be located.]

2 **[17.11.120 - Construction below base flood level.]**

3 [If the construction, reconstruction or modification of any structure constitutes less than a
4 substantial improvement, the elevation of the lowest floor shall be at or above eight feet above
5 mean sea level. Those parts of the improvement below the elevation of eight feet above mean
6 sea level shall be dry-floodproofed as specified by the U.S. Army Corps of Engineers in its
7 publication EP1165 2 314 entitled "Flood-proofing Regulations." Routine maintenance and
8 repairs shall be excepted.]

9 **[17.11.130 - Lowest floor elevation.]**

10 [The elevation of the lowest floor, as defined in this title, of all new or substantially improved
11 structures within the one-hundred-year flood shall be at or above eight feet above mean sea
12 level. Basements as defined in this title are prohibited in the floodplain.]

13 **[17.11.140 - Variances.]**

14 [Any variances allowed under the provisions of this chapter shall meet the requirements
15 specified in Article IV of this chapter.]

16 **[17.11.150 - Habitat impact.]**

17 [All development shall be undertaken in a manner which minimizes adverse impacts on aquatic
18 or terrestrial habitat and their related flora and fauna.]

19 **[17.11.160 - Design, anchoring and materials.]**

20 [All new construction and substantial improvements shall be:

21 A. Designed (or modified) and anchored adequately to prevent flotation, collapse, or
22 lateral movement of the structure;

23 B. Constructed and placed on the lot in order to offer the minimum obstruction to the
24 flow and height of the flood water;

25 C. Constructed with materials and utility equipment resistant to flood damage; and

26 D. Constructed by methods and practices that minimize flood damage.]

27 **[17.11.170 - Landscape design.]**

28 [A. Adequate ground cover shall be provided for soil stabilization within the floodplain district.

29 B. Design of land contours and choice of plant materials shall direct surface runoff away from
30 structures and shall not increase surface runoff onto neighboring properties.]

31 **[17.11.180 - Electric systems.]**

32 [A. All electric water heaters, electric furnaces, generators, heat pumps, air conditioners and
33 other permanent electrical installations shall be permitted only at or above eight feet above
34 mean sea level.]

35 [B. No electrical distribution panels shall be permitted at an elevation less than ten feet above

1 mean sea level.]

2 **[17.11.190 - Plumbing.]**

3 [Water heaters, furnaces and other permanent mechanical installations shall be permitted only
4 at or above eight feet above mean sea level.]

5 **[17.11.200 - Storage.]**

6 [No materials that are buoyant, flammable or explosive or which, in times of flooding, could be
7 injurious to human, animal or plant life shall be stored below nine feet above mean sea level.]

8 **[17.11.210 - Fill material.]**

9 [Where allowed, fill material shall meet the following additional requirements:

10 A. Fill shall consist only of soil or rock materials. Landfills, dumps and sanitary soil fills
11 shall not be permitted.

12 B. Fill material shall be compacted in accordance with the standard proctor test method
13 issued by the American Society for Testing and Materials (ASTM Standard D-698) to
14 provide the necessary stability and resistance to erosion, scouring or settling.

15 C. Fill slopes shall be no steeper than one vertical to two horizontal, unless
16 substantiating data justifying steeper slopes are submitted to and approved both by the
17 director and the Anne Arundel soil conservation district.

18 D. Fill shall be used only to the extent that it does not affect adversely any adjacent
19 properties.]

20 **[17.11.220 - Manufactured homes, buildings and motor homes.]**

21 [New or relocated manufactured homes or buildings as defined in this title and motor homes as
22 defined in Annotated Code of Maryland, Transportation Article, Title 11, Subtitle 1, (or its
23 successors) are prohibited within the floodplain.]

24 **[17.11.230 - Accessory/appurtenant structures.]**

25 [Because of their minimal investment, detached garages, storage structures and accessory
26 structures containing less than three hundred square feet and no more than one story shall be
27 exempt from the elevation of dry-floodproofing standards of this chapter, provided that all of the
28 following stipulations are met:

29 A. A statement shall be placed on the building plans which shall read as follows: "No
30 enlargement or conversion of this area to habitable space is to occur unless the lowest
31 floor is elevated at or above eight feet above mean sea level."

32 B. The floor elevation of the accessory structure shall not qualify as a basement and
33 must be constructed on or above grade.

34 C. The accessory structure shall be constructed and placed on the building site in order
35 to offer the minimum resistance to the flow of floodwaters.

36 D. The accessory structure shall be anchored firmly to prevent flotation which may result

1 in damage to other structures.

2 E. The accessory structure shall be designed to have low flood damage potential,
3 including provisions to allow the free flow of water into and out of the structure in order to
4 maintain equal pressure.

5 F. The service facilities, such as electrical, plumbing and heating equipment either shall
6 be elevated at or above nine feet above mean sea level or shall be floodproofed.

7 G. The accessory structure shall be comprised of no more than three hundred square
8 feet and no more than one story.

9 H. The applicant shall be made aware that if the accessory structure is built below eight
10 feet above mean sea level and is not floodproofed, that structure may be susceptible to
11 higher insurance premium rates for the structure and its contents.]

12 **[17.11.240 - Enclosures below lowest floor.]**

13 [The new construction and substantial improvements of fully enclosed areas below the lowest
14 floor, including but not limited to crawl spaces, solid footings and continuous foundations shall
15 be designed to meet or exceed the following minimum criteria:

16 A. A minimum of two openings having a total net area of not less than one square inch
17 for every square foot of enclosed area subject to flooding shall be provided.

18 B. The bottom of all openings shall be no higher than one foot above grade.

19 C. Openings may be equipped with screens, louvers, valves or other coverings or
20 devices provided that they permit the automatic entry and exit of floodwaters.]

21 **[17.11.250 - Utilities.]**

22 [In the entire floodplain district, the design, placement and construction of all public and private
23 utilities and facilities shall meet the following requirements:

24 A. New or replacement water supply systems and sanitary sewage systems shall be
25 designed to eliminate or minimize infiltration of floodwaters into the systems and
26 discharges from the systems into floodwaters, both to avoid impairment during flooding
27 and to minimize flood damage.

28 1. Cesspools, septic tanks and seepage pits for new construction are prohibited.

29 2. All pipes connected to sewage systems shall be cast iron or ductile iron pipe or
30 the equivalent as provided by public works standard specifications and construction
31 details, and all piping shall be leakproof.

32 B. All gas, electrical and other facility and utility systems shall be located and
33 constructed to eliminate or minimize flood damage.

34 C. All new storm drainage facilities within and leading to or from the floodplain district
35 shall be designed and installed in an adequate manner in order to eliminate or minimize
36 property damage resulting from tidal flooding below nine feet above mean sea level, and to
37 minimize adverse site environmental impacts of their installation and use.

1 D. Stormwater management shall comply with Chapter 17.10 of this title.]

2 **[17.11.260 - Wetland regulations.]**

3 [In the wetland floodplain, the following regulations shall apply in addition to any other
4 regulations cited in this title:

5 A. The director shall obtain, review and utilize any wetland classification data available
6 from a Federal, State or other source in the enforcement of the title within the wetland
7 floodplain.

8 B. Except where allowed specifically by the City Council and the Maryland Departments
9 of Natural Resources and of the Environment, and the U.S. Army Corps of Engineers, the
10 following shall be prohibited:

11 1. Filling, dumping, or excavation of any kind;

12 2. Drainage or alteration of the natural drainage and circulation of surface or
13 ground waters.

14 C. The director in cooperation with or with assistance from the Maryland Department of
15 Natural Resources shall evaluate every site where the wetland floodplain boundary is
16 unknown, obscure or undefined.]
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19 **[Article III – Floodplain Building Permits]**

20 **[17.11.270 - Application—Required.]**

21 [A. A permit for building in the floodplain is required for all development (including, but not
22 limited to, the subdivision of land, reconstruction or construction of buildings and structures, fill
23 or any combination of these activities) in the floodplain district, and shall be granted only after
24 the necessary, applicable permits from the U.S. Army Corps of Engineers, Maryland
25 Department of Natural Resources, and the Maryland Department of the Environment have been
26 obtained.]

27 [B. Application for a building permit within the floodplain shall comply with the general
28 requirements as described in Chapter 17.08, Grading, Erosion and Sediment Control, and in
29 Chapter 17.12, Building Code of this title.]

30 **[17.11.280 - Plans and specifications.]**

31 [Plans and specifications shall comply with general requirements as described in Section
32 17.08.060, and the specific design requirements of this chapter, including but not limited to:

33 A. Plans drawn to scale, showing the location, dimensions and elevation in mean sea
34 level/NGVD of the site in relation to the stream channel, shoreline, floodplain district and
35 floodplain district subdistricts;

36 B. For substantial improvement to an existing structure, the current assessed value of
37 buildings or structures (less land value) shall be used to determine whether the
38 improvement is substantial. Should a dispute arise over the value of a property, an

1 independent appraisal performed by a professional real estate appraiser shall be obtained
2 and paid for by the property owner;

3 C. Summary description of proposed work and estimated cost; and

4 D. For structures to be elevated above the base flood elevation, the plans shall show:

5 1. The size of the proposed structure(s) and its relation to the lot where it is to be
6 constructed,

7 2. The elevations of the proposed final grading and lowest floor, the existing
8 ground and the base flood elevation, as certified by a registered professional
9 engineer, surveyor or architect, licensed to practice in Maryland,

10 3. The method of elevating the proposed structure, including details of proposed
11 fills, pile structures, retaining walls, foundations, erosion protection measures, etc.
12 These plans shall be prepared by a registered professional engineer or architect,
13 licensed to practice in Maryland,

14 4. If a variance is being applied for under the provisions of Article IV of this chapter,
15 certification by a registered professional engineer or architect that the structure will be
16 dry-floodproofed in accordance with the specifications of the U.S. Army Corps of
17 Engineers in its publication EP1165-2-314 entitled "Flood-proofing Regulations" at or
18 above nine feet above mean sea level.]

19 **[17.11.290 - Subdivision and development plans.]**

20 [All proposals and permit applications for the subdivision of land or new development shall
21 include a plan drawing showing the location of all existing and proposed public and private
22 utilities, facilities, drainage structures and road access. If the one-hundred-year flood elevation
23 has been determined by the Flood Insurance Study or other reliable source approved by the
24 Water Resources Administration, the flood elevation(s) shall be delineated on the proposed
25 plan. If the proposal involves more than fifty lots or greater than five acres and the one-hundred-
26 year flood elevation has not been determined for the land area, the developer shall determine
27 the one-hundred-year flood elevation and shall delineate the flood elevation on the proposed
28 plan. All plans shall be certified by a registered professional engineer and shall be reviewed by
29 the director to assure that:

30 A. All proposals are consistent with the need to minimize flood damage;

31 B. All necessary permits have been received from the Maryland Water Resources
32 Administration, and appropriate Federal agencies;

33 C. All public and private utilities and facilities (including sewer, water, telephone, electric,
34 gas, etc.) are located, constructed and floodproofed to minimize or eliminate flood damage;

35 D. Adequate drainage is provided to reduce exposure to flood hazards;

36 E. At least one access which, during the one-hundred-year flood, shall provide safe
37 vehicular access to and egress from the subdivision or new development; and

38 F. Adequate measures have been taken to minimize adverse environmental impacts of
39 the proposed development.]

1 **[17.11.300 - Approval.]**

2 [All permits shall be approved only after it has been determined that the proposed work will be in
3 conformance with the requirements of this and all other applicable codes and ordinances.]

4 **[17.11.310 - Watercourse relocation notice.]**

5 [When the proposed development includes the relocation or alteration of a watercourse,
6 evidence shall be presented as part of the permit application that all adjacent communities or
7 property owners and the Water Resources Administration have been notified by certified mail
8 and have approved of the proposed alteration or relocation. Copies of these notifications then
9 shall be forwarded to the Federal Emergency Management Agency, Federal Insurance
10 Administration. In addition, the developer shall assure the City, in writing, that the flood-carrying
11 capacity within the altered or relocated portion of the watercourse will be maintained.]

12 **[17.11.320 - Changes after issuance.]**

13 [After the issuance of a floodplain building permit by the director, no changes of any kind shall
14 be made to the application, permit, or any of the plans, specifications or other documents
15 submitted with the application without the written consent or approval of the director.]

16 **[17.11.330 - Inspections.]**

17 [During the construction period the director or other authorized official shall inspect the premises
18 to determine that the work is progressing in compliance with the permit and with all applicable
19 laws and ordinances. The premises shall be subject also to inspection by the Maryland Water
20 Resources Administration. If the director determines that the work is not in compliance with the
21 permit or all applicable laws and ordinances, or that there has been a false statement or
22 misrepresentation by the applicant, the director shall revoke the building permit and report the
23 matter to the Maryland Department of Natural Resources and the Water Resources
24 Administration for whatever action it considers necessary.]

25 **[17.11.340 - Certificate of occupancy.]**

26 [A certificate of occupancy shall be required for all construction and substantial improvements in
27 the floodplain district and shall not be issued until the director has been provided with a
28 completed elevation certificate prepared by a registered land surveyor or professional engineer
29 certifying the "as-built" condition of the subject construction. The datum used on elevation
30 certificate shall be mean sea level as established by the National Geodetic Vertical Datum of
31 1929.]

32 **[17.11.350 - Floodplain district permit log.]**

33 [A record or log of all floodplain district permit actions shall be maintained by the director and
34 shall be available upon request by the Federal Emergency Management Agency or its
35 authorized agent (the Water Resources Administration) during periodic assessments of the City
36 participation in the National Flood Insurance Program. The record shall include, but not be
37 limited to, the following data: the date the permit was issued, the as-built lowest floor elevation
38 of all new construction or substantial improvement, the issuance date of the certificate of
39 occupancy, copy of the completed elevation certificate, and any map amendments issued by the
40 Federal Emergency Management Agency.]

1 **[17.11.360 - Administrative fees.]**

2 [The City may impose additional application fees commensurate with those costs incurred in the
3 processing, review and evaluation of permit applications for development in the floodplain
4 district. The costs may include, but are not limited to: consultant fees for certification of as-built
5 condition of structures; floodplain district and subdistrict delineations, environmental impact
6 characterizations, staff assignments and other related costs.]
7

8
9 **[Article IV- Variances]**

10 **[17.11.370 - Grounds.]**

11 [A. Variances may be issued by the director for:

12 1. New construction of or substantial improvements to nonresidential structures or any
13 portions which will be floodproofed;

14 2. Functionally dependent uses which cannot perform their intended purpose unless
15 they are located or carried out in close proximity to water. A functionally dependent use
16 includes only docking facilities that are necessary for the loading and unloading of cargo or
17 passengers, and ship building and ship repair facilities, and does not include long-term
18 storage or related manufacturing facilities; or

19 3. Reconstruction, rehabilitation or restoration of structures listed in the National
20 Register of Historic Places or State Inventory of Historic Places.]

21 [B. The issuance of variances is subject to the following conditions:

22 1. A showing of good and sufficient cause;

23 2. A determination that failure to grant the variance would result in exceptional hardship
24 to the applicant;

25 3. A determination that the granting of a variance will not result in either increased flood
26 heights, or additional threats to public safety, or extraordinary public expense; or will not
27 create nuisances, or cause fraud on or victimization of the public or conflict with existing
28 local laws or ordinances.]

29 **[17.11.380 - Required determination.]**

30 [Variances shall be granted only upon a determination that the variances are the minimum
31 necessary, considering the flood hazard, to afford relief, and that local public funds may not be
32 available to mitigate the results of the variance.]

33 **[17.11.390 - Application.]**

34 [The application for a variance shall be submitted to the director and shall comply with the
35 provisions and requirements of Article III, Section 17.11.280 of this title.]

36 **[17.11.400 - Notice of increased flood insurance rates.]**

37 [The applicant shall be notified in writing by the director of the probability of increased premium

1 rates for flood insurance because of construction below the level of the one-hundred-year flood
2 increases risks to life and property. The notification shall be maintained as part of the record of
3 all variance actions as required in Section 17.11.420 of this chapter.]

4 **[17.11.410 - Variance agreement.]**

5 [The applicant/owner of storage or accessory structures for which a variance is granted shall
6 sign an agreement that the structures shall never be converted to habitable space.]

7 **[17.11.420 - Records.]**

8 [A record of all variance actions, including justifications for their issuance, shall be maintained
9 by the director, shall be included in the biannual report submitted to the Federal Insurance
10 Administrator, and shall be made available upon request by the Federal Emergency
11 Management Agency or its authorized agent during periodic assessments of the City
12 participation in the National Flood Insurance Program.]

13 **[17.11.430 - Deadlines.]**

14 [A. All requests for variances must be submitted in writing to the director within thirty calendar
15 days of any refusal to issue a permit.]

16 [B. The director must take official action on a request for a variance within thirty calendar days
17 of the receipt of the request.]

18 **[17.11.440 - Historic places.]**

19 [Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed
20 in the National Register of Historic Places or State Inventory of Historic Places without regard to
21 the procedures set forth in this title; provided, that the activity does not cause an increase in the
22 elevation of the one-hundred-year flood as established and adopted by this title.]

23 **[17.11.450 - Notice of flood hazard.]**

24 [Notice of the flood hazard and the variance action shall be placed on the deed or other
25 documents which convey title of all newly created or recorded properties.]

26 **[17.11.460 - Appeals.]**

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

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

1 [C. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this
2 section may appeal that decision to the circuit court for Anne Arundel County pursuant to
3 Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a person
4 shall not be considered aggrieved by a decision of the board unless the person has appeared
5 as a party at the hearing before the board. An appeal under this section shall be taken within
6 thirty days of the date of the decision appealed and shall be the exclusive remedy of the
7 aggrieved party from that decision.]
8

9 **[Article V – Violations]**

10 **[17.11.470 - Floodplain violation.]**

11 [A person who fails to comply with any or all of the requirements or provisions of this chapter or
12 any order or requirement of the director or any other authorized employee of the City is guilty of
13 a municipal infraction and is subject to a fine as established by resolution of the City Council.
14 Each day after the expiration of the allowed remedial work period shall constitute a separate
15 offense. In addition, no other inspections shall be made by the department for the project in
16 question until remedial action has been satisfactorily completed and the subject fine has been
17 paid in full.]

18 **[17.11.480 - Correction.]**

19 [The imposition of a fine or penalty for any violation or noncompliance with this chapter does not
20 excuse the violation or noncompliance or permit it to continue. All persons determined to be in
21 violation or noncompliance shall be required to correct or remedy the violations and
22 noncompliance within a reasonable time period.]

23 **[17.11.490 - Nuisance.]**

24 [A structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with
25 this chapter may be declared by the director to be a public nuisance and subsequently abated
26 as a public nuisance.]

27 **[17.11.500 - Notification of violation.]**

28 [The Federal Insurance Administrator and the Maryland Water Resources Administration shall
29 be notified immediately in writing of any structure or property in violation of this title.]

30 **[17.11.510 - Denial of national flood insurance.]**

31 [New or renewal national flood insurance shall be denied for any structure remaining in violation
32 or situated on property in violation of this title.]

33 **ARTICLE I – GENERAL PROVISIONS**

34 **17.11.010 – FINDINGS.**

35
36
37
38 A. THE FEDERAL EMERGENCY MANAGEMENT AGENCY HAS IDENTIFIED SPECIAL
39 FLOOD HAZARD AREAS WITHIN THE BOUNDARIES OF CITY OF ANNAPOLIS. SPECIAL
40 FLOOD HAZARD AREAS ARE SUBJECT TO PERIODIC INUNDATION WHICH MAY RESULT
41 IN LOSS OF LIFE AND PROPERTY, HEALTH AND SAFETY HAZARDS, DISRUPTION OF

1 COMMERCE AND GOVERNMENTAL SERVICES, EXTRAORDINARY PUBLIC
2 EXPENDITURES FOR FLOOD PROTECTION AND RELIEF, AND IMPAIRMENT OF THE TAX
3 BASE, ALL OF WHICH ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY AND
4 GENERAL WELFARE. STRUCTURES THAT ARE INADEQUATELY ELEVATED,
5 IMPROPERLY FLOODPROOFED, OR OTHERWISE UNPROTECTED FROM FLOOD
6 DAMAGE ALSO CONTRIBUTE TO FLOOD LOSSES.

7
8 B. THE CITY OF ANNAPOLIS, BY RESOLUTION, AGREED TO MEET THE REQUIREMENTS
9 OF THE NATIONAL FLOOD INSURANCE PROGRAM AND WAS ACCEPTED FOR
10 PARTICIPATION IN THE PROGRAM ON NOVEMBER 4, 1981. AS OF THAT DATE, THE
11 INITIAL EFFECTIVE DATE OF THE CITY OF ANNAPOLIS *FLOOD INSURANCE RATE MAP*,
12 ALL *DEVELOPMENT* AND *NEW CONSTRUCTION* AS DEFINED HEREIN, ARE TO BE
13 COMPLIANT WITH THIS CHAPTER.

14
15 **17.11.020 - STATUTORY AUTHORIZATION.**

16
17 A. THE MARYLAND GENERAL ASSEMBLY, IN ARTICLE 66B, SECTION 4, GENERAL
18 DEVELOPMENT REGULATIONS AND ZONING (ANNOTATED CODE OF MARYLAND), HAS
19 ESTABLISHED AS POLICY OF THE STATE THAT THE ORDERLY DEVELOPMENT AND
20 USE OF LAND AND STRUCTURES REQUIRES COMPREHENSIVE REGULATION
21 THROUGH THE IMPLEMENTATION OF PLANNING AND ZONING CONTROL, AND THAT
22 PLANNING AND ZONING CONTROLS SHALL BE IMPLEMENTED BY LOCAL
23 GOVERNMENT IN ORDER TO, AMONG OTHER PURPOSES, SECURE THE PUBLIC
24 SAFETY, PROMOTE HEALTH AND GENERAL WELFARE, AND PROMOTE THE
25 CONSERVATION OF NATURAL RESOURCES.

26
27 B. THEREFORE, THE CITY COUNCIL OF THE CITY OF ANNAPOLIS DOES HEREBY
28 ADOPT THE FOLLOWING FLOODPLAIN MANAGEMENT CHAPTER OF THE CITY CODE.

29
30 **17.11.030 - STATEMENT OF PURPOSE.**

31
32 IT IS THE PURPOSE OF THIS CHAPTER TO PROMOTE THE PUBLIC HEALTH, SAFETY
33 AND GENERAL WELFARE, AND TO:

34
35 (A) PROTECT HUMAN LIFE, HEALTH AND WELFARE;

36
37 (B) ENCOURAGE THE UTILIZATION OF APPROPRIATE CONSTRUCTION
38 PRACTICES IN ORDER TO PREVENT OR MINIMIZE FLOOD DAMAGE IN THE
39 FUTURE;

40
41 (C) MINIMIZE FLOODING OF WATER SUPPLY AND SANITARY SEWAGE DISPOSAL
42 SYSTEMS;

43
44 (D) MAINTAIN NATURAL DRAINAGE;

45
46 (E) REDUCE FINANCIAL BURDENS IMPOSED ON THE COMMUNITY, ITS
47 GOVERNMENTAL UNITS AND ITS RESIDENTS, BY DISCOURAGING UNWISE
48 DESIGN AND CONSTRUCTION OF DEVELOPMENT IN AREAS SUBJECT TO
49 FLOODING;

50

1 (F) MINIMIZE THE NEED FOR RESCUE AND RELIEF EFFORTS ASSOCIATED WITH
2 FLOODING AND GENERALLY UNDERTAKEN AT THE EXPENSE OF THE GENERAL
3 PUBLIC;

4
5 (G) MINIMIZE PROLONGED BUSINESS INTERRUPTIONS;

6
7 (H) MINIMIZE DAMAGE TO PUBLIC FACILITIES AND OTHER UTILITIES SUCH AS
8 WATER AND GAS MAINS, ELECTRIC, TELEPHONE AND SEWER LINES, STREETS
9 AND BRIDGES;

10
11 (I) REINFORCE THAT THOSE WHO BUILD IN AND OCCUPY SPECIAL FLOOD
12 HAZARD AREAS SHOULD ASSUME RESPONSIBILITY FOR THEIR ACTIONS;

13
14 (J) MINIMIZE THE IMPACT OF DEVELOPMENT ON ADJACENT PROPERTIES
15 WITHIN AND NEAR FLOOD-PRONE AREAS;

16
17 (K) PROVIDE THAT THE FLOOD STORAGE AND CONVEYANCE FUNCTIONS OF
18 FLOODPLAINS ARE MAINTAINED;

19
20 (L) MINIMIZE THE IMPACT OF DEVELOPMENT ON THE NATURAL AND
21 BENEFICIAL FUNCTIONS OF FLOODPLAINS;

22
23 (M) PREVENT FLOODPLAIN USES THAT ARE EITHER HAZARDOUS OR
24 ENVIRONMENTALLY INCOMPATIBLE; AND

25
26 (N) MEET COMMUNITY PARTICIPATION REQUIREMENTS OF THE NATIONAL
27 FLOOD INSURANCE PROGRAM AS SET FORTH IN THE CODE OF FEDERAL
28 REGULATIONS AT 44 C.F.R. SECTION 59.22.

29
30 **17.11.040 - AREAS TO WHICH THIS CHAPTER APPLIES.**

31
32 THIS CHAPTER SHALL APPLY TO ALL SPECIAL FLOOD HAZARD AREAS WITHIN THE
33 JURISDICTION OF THE CITY OF ANNAPOLIS, AND IDENTIFIED IN SECTION 17.11.050.

34
35 **17.11.050 - BASIS FOR ESTABLISHING SPECIAL FLOOD HAZARD AREAS AND BFES.**

36
37 (A) FOR THE PURPOSES OF THIS CHAPTER, THE MINIMUM BASIS FOR ESTABLISHING
38 *SPECIAL FLOOD HAZARD AREAS* AND *BASE FLOOD ELEVATIONS* IS THE *FLOOD*
39 *INSURANCE STUDY* FOR ANNE ARUNDEL COUNTY, MARYLAND AND INCORPORATED
40 AREAS DATED OCTOBER 16, 2012, OR THE MOST RECENT REVISION THEREOF, AND
41 THE ACCOMPANYING *FLOOD INSURANCE RATE MAP(S)* AND ALL SUBSEQUENT
42 AMENDMENTS AND REVISIONS TO THE *FIRMS*. THE *FIS* AND *FIRMS* ARE RETAINED ON
43 FILE AND AVAILABLE TO THE PUBLIC AT THE DEPARTMENT OF NEIGHBORHOOD AND
44 ENVIRONMENTAL PROGRAMS.

45
46 (B) WHERE FIELD SURVEYED TOPOGRAPHY OR DIGITAL TOPOGRAPHY INDICATES
47 THAT GROUND ELEVATIONS ARE BELOW THE CLOSEST APPLICABLE BASE FLOOD
48 ELEVATION, EVEN IN AREAS NOT DELINEATED AS A SPECIAL FLOOD HAZARD ON THE
49 FIRM, THE AREA SHALL BE CONSIDERED AS SPECIAL FLOOD HAZARD AREA.

50

1 (C) TO ESTABLISH BASE FLOOD ELEVATIONS IN SPECIAL FLOOD HAZARD AREAS THAT
2 DO NOT HAVE SUCH ELEVATIONS SHOWN ON THE FIRM, THE FLOODPLAIN
3 ADMINISTRATOR MAY PROVIDE THE BEST AVAILABLE DATA FOR BASE FLOOD
4 ELEVATIONS, MAY REQUIRE THE APPLICANT TO OBTAIN AVAILABLE INFORMATION
5 FROM FEDERAL, STATE OR OTHER SOURCES, OR MAY REQUIRE THE APPLICANT TO
6 ESTABLISH SPECIAL FLOOD HAZARD AREAS AND BASE FLOOD ELEVATIONS AS SET
7 FORTH IN SECTION 17.11.320, SECTION 17.11.330, AND SECTION 17.11.340 OF THIS
8 CHAPTER.

9
10 **17.11.060 - ABROGATION AND GREATER RESTRICTIONS.**

11
12 THIS CHAPTER IS NOT INTENDED TO REPEAL OR ABROGATE ANY EXISTING
13 REGULATIONS AND ORDINANCES, INCLUDING SUBDIVISION REGULATIONS, ZONING
14 ORDINANCES, BUILDING CODES, OR ANY EXISTING EASEMENTS, COVENANTS, OR
15 DEED RESTRICTIONS. IN THE EVENT OF A CONFLICT BETWEEN THIS CHAPTER AND
16 ANY OTHER ORDINANCE, THE MORE RESTRICTIVE SHALL GOVERN.

17
18 **17.11.070 – INTERPRETATION.**

19
20 A. IN THE INTERPRETATION AND APPLICATION OF THIS CHAPTER, ALL PROVISIONS
21 SHALL BE:

22
23 1. CONSIDERED AS MINIMUM REQUIREMENTS;

24
25 2. LIBERALLY CONSTRUED IN FAVOR OF THE GOVERNING BODY; AND,

26
27 3. DEEMED NEITHER TO LIMIT NOR REPEAL ANY OTHER POWERS GRANTED
28 UNDER STATE STATUTES.

29
30 B. NOTES REFERENCING PUBLICATIONS OF THE FEDERAL EMERGENCY
31 MANAGEMENT AGENCY REFER TO THE MOST RECENT EDITION OF THOSE
32 PUBLICATIONS, ARE INTENDED ONLY AS GUIDANCE, AND DO NOT BIND OR ALTER
33 THE AUTHORITY OF THE FLOODPLAIN ADMINISTRATOR TO INTERPRET AND APPLY
34 THIS CHAPTER.

35
36 **17.11.080 - WARNING AND DISCLAIMER OF LIABILITY.**

37
38 A. THE DEGREE OF FLOOD PROTECTION REQUIRED BY THIS CHAPTER IS
39 CONSIDERED REASONABLE FOR REGULATORY PURPOSES AND IS BASED ON
40 SCIENTIFIC AND ENGINEERING CONSIDERATIONS. LARGER FLOODS CAN AND WILL
41 OCCUR, AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL
42 CAUSES. THIS CHAPTER DOES NOT IMPLY THAT LAND OUTSIDE OF THE SPECIAL
43 FLOOD HAZARD AREAS OR USES THAT ARE PERMITTED WITHIN SUCH AREAS WILL BE
44 FREE FROM FLOODING OR FLOOD DAMAGE.

45
46 B. THIS CHAPTER SHALL NOT CREATE LIABILITY ON THE PART OF THE CITY OF
47 ANNAPOLIS, ANY OFFICER OR EMPLOYEE THEREOF, THE MARYLAND DEPARTMENT
48 OF THE ENVIRONMENT (MDE) OR THE FEDERAL EMERGENCY MANAGEMENT AGENCY
49 (FEMA), FOR ANY FLOOD DAMAGE THAT RESULTS FROM RELIANCE ON THIS CHAPTER
50 OR ANY ADMINISTRATIVE DECISION LAWFULLY MADE HEREUNDER.

51

1 **17.11.090 – SEVERABILITY.**

2
3 SHOULD ANY SECTION OR PROVISION OF THIS CHAPTER BE DECLARED BY THE
4 COURTS TO BE UNCONSTITUTIONAL OR INVALID, SUCH DECISION SHALL NOT AFFECT
5 THE VALIDITY OF THIS CHAPTER AS A WHOLE, OR ANY PART THEREOF OTHER THAN
6 THE PART SO DECLARED TO BE UNCONSTITUTIONAL OR INVALID.
7

8
9 **ARTICLE II – DEFINITIONS**

10
11 **17.11.100 – DEFINITIONS IN GENERAL.**

12
13 UNLESS SPECIFICALLY DEFINED BELOW, WORDS OR PHRASES USED IN THIS
14 CHAPTER SHALL BE INTERPRETED TO HAVE THE MEANING THEY HAVE IN COMMON
15 USAGE AND TO GIVE THIS CHAPTER THE MOST REASONABLE APPLICATION.
16

17 **17.11.110 - ACCESSORY STRUCTURE.**

18
19 A BUILDING OR STRUCTURE ON THE SAME LOT WITH, AND OF A NATURE
20 CUSTOMARILY INCIDENTAL AND SUBORDINATE TO, THE PRINCIPAL STRUCTURE. FOR
21 THE PURPOSES OF THIS CHAPTER, AN ACCESSORY STRUCTURE SHALL BE USED
22 SOLELY FOR PARKING OF VEHICLES AND LIMITED STORAGE.
23

24 **17.11.113 - AGREEMENT TO SUBMIT AN ELEVATION CERTIFICATE.**

25
26 A FORM ON WHICH THE APPLICANT FOR A PERMIT TO CONSTRUCT A BUILDING OR
27 STRUCTURE, TO CONSTRUCT CERTAIN HORIZONTAL ADDITIONS, TO PLACE OR
28 REPLACE A MANUFACTURED HOME, TO SUBSTANTIALLY IMPROVE A BUILDING,
29 STRUCTURE, OR MANUFACTURED HOME, AGREES TO HAVE AN ELEVATION
30 CERTIFICATE PREPARED BY A LICENSED PROFESSIONAL ENGINEER OR LICENSED
31 PROFESSIONAL SURVEYOR, AS SPECIFIED BY THE FLOODPLAIN ADMINISTRATOR,
32 AND TO SUBMIT THE CERTIFICATE:
33

34 (1) UPON PLACEMENT OF THE LOWEST FLOOR AND PRIOR TO FURTHER
35 VERTICAL CONSTRUCTION; AND
36

37 (2) PRIOR TO THE FINAL INSPECTION AND ISSUANCE OF THE CERTIFICATE OF
38 OCCUPANCY.
39

40
41 **17.11.116 - ALTERATION OF A WATERCOURSE.**

42
43 FOR THE PURPOSE OF THIS CHAPTER, ALTERATION OF A WATERCOURSE INCLUDES,
44 BUT IS NOT LIMITED TO WIDENING, DEEPENING OR RELOCATING THE CHANNEL,
45 INCLUDING EXCAVATION OR FILLING OF THE CHANNEL. ALTERATION OF A
46 WATERCOURSE DOES NOT INCLUDE CONSTRUCTION OF A ROAD, BRIDGE, CULVERT,
47 DAM, OR IN-STREAM POND UNLESS THE CHANNEL IS PROPOSED TO BE REALIGNED
48 OR RELOCATED AS PART OF SUCH CONSTRUCTION.
49

50 **17.11.119 - AREA OF SHALLOW FLOODING.**

1 A DESIGNATED ZONE AO ON THE FLOOD INSURANCE RATE MAP WITH A 1-PERCENT
2 ANNUAL CHANCE OR GREATER OF FLOODING TO AN AVERAGE DEPTH OF ONE TO
3 THREE FEET WHERE A CLEARLY DEFINED CHANNEL DOES NOT EXIST, WHERE THE
4 PATH OF FLOODING IS UNPREDICTABLE, AND WHERE VELOCITY FLOW MAY BE
5 EVIDENT; SUCH FLOODING IS CHARACTERIZED BY PONDING OR SHEET FLOW.
6

7 **17.11.122 - BASE BUILDING.**

8
9 THE BUILDING TO WHICH AN ADDITION IS BEING ADDED. THIS TERM IS USED IN
10 PROVISIONS RELATING TO ADDITIONS.
11

12 **17.11.125 - BASE FLOOD.**

13
14 THE FLOOD HAVING A ONE-PERCENT CHANCE OF BEING EQUALED OR EXCEEDED IN
15 ANY GIVEN YEAR; THE BASE FLOOD ALSO IS REFERRED TO AS THE 1-PERCENT
16 ANNUAL CHANCE (100-YEAR) FLOOD.
17

18 **17.11.128 - BASE FLOOD ELEVATION.**

19
20 THE WATER SURFACE ELEVATION OF THE BASE FLOOD IN RELATION TO THE DATUM
21 SPECIFIED ON THE COMMUNITY'S FLOOD INSURANCE RATE MAP. IN AREAS OF
22 SHALLOW FLOODING, THE BASE FLOOD ELEVATION IS THE HIGHEST ADJACENT
23 NATURAL GRADE ELEVATION PLUS THE DEPTH NUMBER SPECIFIED IN FEET ON THE
24 FLOOD INSURANCE RATE MAP, OR AT LEAST FOUR (4) FEET IF THE DEPTH NUMBER IS
25 NOT SPECIFIED.
26

27 **17.11.131 – BASEMENT.**

28
29 ANY AREA OF THE BUILDING HAVING ITS FLOOR SUBGRADE (BELOW GROUND LEVEL)
30 ON ALL SIDES.
31

32 **17.11.134 - BUILDING CODE(S).**

33
34 THE EFFECTIVE MARYLAND BUILDING PERFORMANCE STANDARDS (COMAR 05.02.07),
35 INCLUDING THE BUILDING CODE, RESIDENTIAL CODE, AND EXISTING BUILDING CODE.
36

37 **17.11.137 - COASTAL A ZONE.**

38
39 AN AREA WITHIN A SPECIAL FLOOD HAZARD AREA, LANDWARD OF A COASTAL HIGH
40 HAZARD AREA (V ZONE) OR LANDWARD OF A SHORELINE WITHOUT A MAPPED
41 COASTAL HIGH HAZARD AREA, IN WHICH THE PRINCIPAL SOURCE(S) OF FLOODING
42 ARE ASTRONOMICAL TIDES AND STORM SURGES, AND IN WHICH, DURING BASE
43 FLOOD CONDITIONS, THE POTENTIAL EXISTS FOR BREAKING WAVES WITH HEIGHTS
44 GREATER THAN OR EQUAL TO 1.5 FEET. THE INLAND LIMIT OF THE COASTAL A ZONE
45 MAY BE DELINEATED ON FIRMS AS THE "LIMIT OF MODERATE WAVE ACTION."
46

47 **17.11.140 - COASTAL HIGH HAZARD AREA.**

48
49 AN AREA OF SPECIAL FLOOD HAZARD EXTENDING FROM OFFSHORE TO THE INLAND
50 LIMIT OF A PRIMARY FRONTAL DUNE ALONG AN OPEN COAST AND ANY OTHER AREA
51 SUBJECT TO HIGH VELOCITY WAVE ACTION FROM STORMS. COASTAL HIGH HAZARD

1 AREAS ALSO ARE REFERRED TO AS "V ZONES" AND ARE DESIGNATED ON FIRMS AS
2 ZONES VE OR V1-30.

3
4 **17.11.143 – COMMUNITY.**

5
6 A POLITICAL SUBDIVISION OF THE STATE OF MARYLAND (COUNTY, CITY OR TOWN)
7 THAT HAS AUTHORITY TO ADOPT AND ENFORCE FLOODPLAIN MANAGEMENT
8 REGULATIONS WITHIN ITS JURISDICTIONAL BOUNDARIES.

9
10 **17.11.146 - CRITICAL AND ESSENTIAL FACILITIES.**

11
12 BUILDINGS AND OTHER STRUCTURES THAT ARE INTENDED TO REMAIN OPERATIONAL
13 IN THE EVENT OF EXTREME ENVIRONMENTAL LOADING FROM FLOOD, WIND, SNOW
14 OR EARTHQUAKES. [NOTE: SEE MARYLAND BUILDING PERFORMANCE STANDARDS,
15 SEC. 1602 AND TABLE 1604.5.] CRITICAL AND ESSENTIAL FACILITIES TYPICALLY
16 INCLUDE HOSPITALS, FIRE STATIONS, POLICE STATIONS, STORAGE OF CRITICAL
17 RECORDS, FACILITIES THAT HANDLE OR STORE HAZARDOUS MATERIALS, AND
18 SIMILAR FACILITIES.

19
20 **17.11.149 - DECLARATION OF LAND RESTRICTION (NONCONVERSION AGREEMENT).**

21
22 A FORM SIGNED BY THE OWNER TO AGREE NOT TO CONVERT OR MODIFY IN ANY
23 MANNER THAT IS INCONSISTENT WITH THE TERMS OF THE PERMIT AND THIS
24 CHAPTER, CERTAIN ENCLOSURES BELOW THE LOWEST FLOOR OF ELEVATED
25 BUILDINGS AND CERTAIN ACCESSORY STRUCTURES. THE FORM REQUIRES THE
26 OWNER TO RECORD IT ON THE PROPERTY DEED TO INFORM FUTURE OWNERS OF
27 THE RESTRICTIONS.

28
29 **17.11.152 – DEVELOPMENT.**

30
31 ANY MANMADE CHANGE TO IMPROVED OR UNIMPROVED REAL ESTATE, INCLUDING
32 BUT NOT LIMITED TO BUILDINGS OR OTHER STRUCTURES, PLACEMENT OF
33 MANUFACTURED HOMES, MINING, DREDGING, FILLING, GRADING, PAVING,
34 EXCAVATION OR DRILLING OPERATIONS OR STORAGE OF EQUIPMENT OR
35 MATERIALS.

36
37 **17.11.155 - ELEVATION CERTIFICATE.**

38
39 FEMA FORM 81-31, ON WHICH SURVEYED ELEVATIONS AND OTHER DATA PERTINENT
40 TO A PROPERTY AND A BUILDING ARE IDENTIFIED AND WHICH SHALL BE COMPLETED
41 BY A LICENSED PROFESSIONAL LAND SURVEYOR OR A LICENSED PROFESSIONAL
42 ENGINEER, AS SPECIFIED BY THE FLOODPLAIN ADMINISTRATOR. WHEN USED TO
43 DOCUMENT THE HEIGHT ABOVE GRADE OF BUILDINGS IN SPECIAL FLOOD HAZARD
44 AREAS FOR WHICH BASE FLOOD ELEVATION DATA ARE NOT AVAILABLE, THE
45 ELEVATION CERTIFICATE SHALL BE COMPLETED IN ACCORDANCE WITH THE
46 INSTRUCTIONS ISSUED BY FEMA. [NOTE: FEMA FORM 81-31 AND INSTRUCTIONS ARE
47 AVAILABLE ONLINE AT [HTTP://WWW.FEMA.GOV/LIBRARY/VIEWRECORD.DO?ID=1383.](http://www.fema.gov/library/viewrecord.do?id=1383)]

48
49 **17.11.158 - ENCLOSURE BELOW THE LOWEST FLOOR.**

1 AN UNFINISHED OR FLOOD-RESISTANT ENCLOSURE THAT IS LOCATED BELOW AN
2 ELEVATED BUILDING, IS SURROUNDED BY WALLS ON ALL SIDES, AND IS USABLE
3 SOLELY FOR PARKING OF VEHICLES, BUILDING ACCESS OR STORAGE, IN AN AREA
4 OTHER THAN A BASEMENT AREA, PROVIDED THAT SUCH ENCLOSURE IS BUILT IN
5 ACCORDANCE WITH THE APPLICABLE DESIGN REQUIREMENTS SPECIFIED IN THIS
6 CHAPTER. ALSO SEE "LOWEST FLOOR."
7

8 **17.11.161 - FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).**

9
10 THE FEDERAL AGENCY WITH THE OVERALL RESPONSIBILITY FOR ADMINISTERING
11 THE NATIONAL FLOOD INSURANCE PROGRAM.
12

13 **17.11.164 - FLOOD OR FLOODING.**

14
15 A GENERAL AND TEMPORARY CONDITION OF PARTIAL OR COMPLETE INUNDATION OF
16 NORMALLY DRY LAND AREAS FROM:
17

18 (1) THE OVERFLOW OF INLAND OR TIDAL WATERS, AND/OR

19
20 (2) THE UNUSUAL AND RAPID ACCUMULATION OR RUNOFF OF SURFACE
21 WATERS FROM ANY SOURCE.
22

23 **17.11.167 - FLOOD DAMAGE-RESISTANT MATERIALS.**

24
25 ANY CONSTRUCTION MATERIAL THAT IS CAPABLE OF WITHSTANDING DIRECT AND
26 PROLONGED CONTACT WITH FLOODWATERS WITHOUT SUSTAINING ANY DAMAGE
27 THAT REQUIRES MORE THAN COSMETIC REPAIR. [NOTE: SEE NFIP TECHNICAL
28 BULLETIN #2, "FLOOD DAMAGE-RESISTANT MATERIALS REQUIREMENTS."]
29

30 **17.11.170 - FLOOD INSURANCE RATE MAP (FIRM).**

31
32 AN OFFICIAL MAP ON WHICH THE FEDERAL EMERGENCY MANAGEMENT AGENCY HAS
33 DELINEATED SPECIAL FLOOD HAZARD AREAS TO INDICATE THE MAGNITUDE AND
34 NATURE OF FLOOD HAZARDS, TO DESIGNATE APPLICABLE FLOOD ZONES, AND TO
35 DELINEATE FLOODWAYS, IF APPLICABLE. FIRMS THAT HAVE BEEN PREPARED IN
36 DIGITAL FORMAT OR CONVERTED TO DIGITAL FORMAT ARE REFERRED TO AS
37 DIGITAL FIRMS (DFIRM).
38

39 **17.11.173 - FLOOD INSURANCE STUDY (FIS).**

40
41 THE OFFICIAL REPORT IN WHICH THE FEDERAL EMERGENCY MANAGEMENT AGENCY
42 HAS PROVIDED FLOOD PROFILES, FLOODWAY INFORMATION, AND THE WATER
43 SURFACE ELEVATIONS.
44

45 **17.11.176 - FLOOD OPENING.**

46
47 A FLOOD OPENING (NON-ENGINEERED) IS AN OPENING THAT IS USED TO MEET THE
48 PRESCRIPTIVE REQUIREMENT OF 1 SQUARE INCH OF NET OPEN AREA FOR EVERY
49 SQUARE FOOT OF ENCLOSED AREA. AN ENGINEERED FLOOD OPENING IS AN
50 OPENING THAT IS DESIGNED AND CERTIFIED BY A LICENSED PROFESSIONAL
51 ENGINEER OR LICENSED ARCHITECT AS MEETING CERTAIN PERFORMANCE

1 CHARACTERISTICS, INCLUDING PROVIDING AUTOMATIC ENTRY AND EXIT OF
2 FLOODWATERS; THE CERTIFICATION REQUIREMENT MAY BE SATISFIED BY AN
3 INDIVIDUAL CERTIFICATION OR ISSUANCE OF AN EVALUATION REPORT BY THE ICC
4 EVALUATION SERVICE, INC. [NOTE: SEE NFIP TECHNICAL BULLETIN #1, "OPENINGS IN
5 FOUNDATION WALLS AND WALLS OF ENCLOSURES."]
6

7 **17.11.179 - FLOOD PROTECTION ELEVATION.**
8

9 THE BASE FLOOD ELEVATION PLUS TWO (2) FEET OF FREEBOARD. FREEBOARD IS A
10 FACTOR OF SAFETY THAT COMPENSATES FOR UNCERTAINTY IN FACTORS THAT
11 COULD CONTRIBUTE TO FLOOD HEIGHTS GREATER THAN THE HEIGHT CALCULATED
12 FOR A SELECTED SIZE FLOOD AND FLOODWAY CONDITIONS, SUCH AS WAVE ACTION,
13 OBSTRUCTED BRIDGE OPENINGS, DEBRIS AND ICE JAMS, CLIMATE CHANGE, AND THE
14 HYDROLOGIC EFFECT OF URBANIZATION IN A WATERSHED.
15

16 **17.11.182 - FLOOD PROTECTION SETBACK.**
17

18 A DISTANCE MEASURED PERPENDICULAR TO THE TOP OF BANK OF A WATERCOURSE
19 THAT DELINEATES AN AREA TO BE LEFT UNDISTURBED TO MINIMIZE FUTURE FLOOD
20 DAMAGE AND TO RECOGNIZE THE POTENTIAL FOR BANK EROSION. ALONG NONTIDAL
21 WATERS OF THE STATE, THE FLOOD PROTECTION SETBACK IS:
22

23 (1) 100 FEET, IF THE WATERCOURSE HAS SPECIAL FLOOD HAZARD AREAS
24 SHOWN ON THE FIRM, EXCEPT WHERE THE SETBACK EXTENDS BEYOND THE
25 BOUNDARY OF THE FLOOD HAZARD AREA; OR
26

27 (2) 50 FEET, IF THE WATERCOURSE DOES NOT HAVE SPECIAL FLOOD HAZARD
28 AREAS SHOWN ON THE FIRM.
29

30 **17.11.185 - FLOOD ZONE.**
31

32 A DESIGNATION FOR AREAS THAT ARE SHOWN ON FLOOD INSURANCE RATE MAPS:
33

34 (1) **ZONE A:** SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE
35 1-PERCENT ANNUAL CHANCE (100-YEAR) FLOOD; BASE FLOOD ELEVATIONS
36 ARE NOT DETERMINED.
37

38 (2) **ZONE AE AND ZONE A1-30:** SPECIAL FLOOD HAZARD AREAS SUBJECT TO
39 INUNDATION BY THE 1-PERCENT ANNUAL CHANCE (100-YEAR) FLOOD; BASE
40 FLOOD ELEVATIONS ARE DETERMINED; FLOODWAYS MAY OR MAY NOT BE
41 DETERMINED. IN AREAS SUBJECT TO TIDAL FLOODING, THE LIMIT OF
42 MODERATE WAVE ACTION MAY OR MAY NOT BE DELINEATED.
43

44 (3) **ZONE AH AND ZONE AO:** AREAS OF SHALLOW FLOODING, WITH FLOOD
45 DEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING OR SHEET FLOW ON
46 SLOPING TERRAIN), WITH OR WITHOUT BFES OR DESIGNATED FLOOD DEPTHS.
47

48 (4) **ZONE B AND ZONE X (SHADED):** AREAS SUBJECT TO INUNDATION BY THE
49 0.2-PERCENT ANNUAL CHANCE (500-YEAR) FLOOD; AREAS SUBJECT TO THE 1-
50 PERCENT ANNUAL CHANCE (100-YEAR) FLOOD WITH AVERAGE DEPTHS OF

1 LESS THAN 1 FOOT OR WITH CONTRIBUTING DRAINAGE AREA LESS THAN 1
2 SQUARE MILE; AND AREAS PROTECTED FROM THE BASE FLOOD BY LEVEES.

3
4 (5) **ZONE C AND ZONE X (UNSHADED)**: AREAS OUTSIDE OF ZONES DESIGNATED
5 A, AE, A1-30, AO, VE, V1-30, B, AND X (SHADED).

6
7 (6) **ZONE VE AND ZONE V1-30**: SPECIAL FLOOD HAZARD AREAS SUBJECT TO
8 INUNDATION BY THE 1-PERCENT ANNUAL CHANCE (100-YEAR) FLOOD AND
9 SUBJECT TO HIGH VELOCITY WAVE ACTION (ALSO SEE COASTAL HIGH HAZARD
10 AREA).

11
12 **17.11.188 – FLOODPLAIN.**

13
14 ANY LAND AREA SUSCEPTIBLE TO BEING INUNDATED BY WATER FROM ANY SOURCE
15 (SEE DEFINITION OF “FLOOD” OR “FLOODING”).

16
17 **17.11.191 - FLOODPROOFING OR FLOODPROOFED.**

18
19 ANY COMBINATION OF STRUCTURAL AND NONSTRUCTURAL ADDITIONS, CHANGES,
20 OR ADJUSTMENTS TO BUILDINGS OR STRUCTURES WHICH REDUCE OR ELIMINATE
21 FLOOD DAMAGE TO REAL ESTATE OR IMPROVED REAL PROPERTY, WATER AND
22 SANITARY FACILITIES, STRUCTURES AND THEIR CONTENTS, SUCH THAT THE
23 BUILDINGS OR STRUCTURES ARE WATERTIGHT WITH WALLS SUBSTANTIALLY
24 IMPERMEABLE TO THE PASSAGE OF WATER AND WITH STRUCTURAL COMPONENTS
25 HAVING THE CAPABILITY OF RESISTING HYDROSTATIC AND HYDRODYNAMIC LOADS
26 AND EFFECTS OF BUOYANCY. [NOTE: STATE REGULATIONS AT COMAR 26.17.04.11 (B)
27 (7) DO NOT ALLOW NEW NONRESIDENTIAL BUILDINGS IN NONTIDAL WATERS OF THE
28 STATE TO BE FLOODPROOFED.]

29
30 **17.11.194 - FLOODPROOFING CERTIFICATE.**

31
32 FEMA FORM 81-65 THAT IS TO BE COMPLETED, SIGNED AND SEALED BY A LICENSED
33 PROFESSIONAL ENGINEER OR LICENSED ARCHITECT TO CERTIFY THAT THE DESIGN
34 OF FLOODPROOFING AND PROPOSED METHODS OF CONSTRUCTION ARE IN
35 ACCORDANCE WITH THE APPLICABLE REQUIREMENTS OF SECTION 17.11.540 (B) OF
36 THIS CHAPTER. [NOTE: FEMA FORM 81-65 IS AVAILABLE ONLINE AT
37 [HTTP://WWW.FEMA.GOV/LIBRARY/VIEWRECORD.DO?ID=1600.](http://www.fema.gov/library/viewrecord.do?id=1600)]

38
39 **17.11.197 – FLOODWAY.**

40
41 THE CHANNEL OF A RIVER OR OTHER WATERCOURSE AND THE ADJACENT LAND
42 AREAS THAT MUST BE RESERVED IN ORDER TO PASS THE BASE FLOOD DISCHARGE
43 SUCH THAT THE CUMULATIVE INCREASE IN THE WATER SURFACE ELEVATION OF THE
44 BASE FLOOD DISCHARGE IS NO MORE THAN A DESIGNATED HEIGHT. WHEN SHOWN
45 ON A FIRM, THE FLOODWAY IS REFERRED TO AS THE “DESIGNATED FLOODWAY.”

46
47 **17.11.200 - FREE-OF-OBSTRUCTION.**

48
49 A TERM THAT DESCRIBES OPEN FOUNDATIONS (PILINGS, COLUMNS, OR PIERS)
50 WITHOUT ATTACHED ELEMENTS OR FOUNDATION COMPONENTS THAT WOULD
51 OBSTRUCT THE FREE PASSAGE OF FLOODWATERS AND WAVES BENEATH

1 STRUCTURES THAT ARE ELEVATED ON SUCH FOUNDATIONS. [NOTE: SEE NFIP
2 TECHNICAL BULLETIN #5, "FREE-OF-OBSTRUCTION REQUIREMENTS."]
3

4 **17.11.203 - FUNCTIONALLY DEPENDENT USE.**
5

6 A USE WHICH CANNOT PERFORM ITS INTENDED PURPOSE UNLESS IT IS LOCATED OR
7 CARRIED OUT IN CLOSE PROXIMITY TO WATER; THE TERM INCLUDES ONLY DOCKING
8 FACILITIES, PORT FACILITIES THAT ARE NECESSARY FOR THE LOADING AND
9 UNLOADING OF CARGO OR PASSENGERS, AND SHIP BUILDING AND SHIP REPAIR
10 FACILITIES, BUT DOES NOT INCLUDE LONG-TERM STORAGE OR RELATED
11 MANUFACTURING FACILITIES.
12

13 **17.11.206 - HIGHEST ADJACENT GRADE.**
14

15 THE HIGHEST NATURAL ELEVATION OF THE GROUND SURFACE, PRIOR TO
16 CONSTRUCTION, NEXT TO THE PROPOSED FOUNDATION OF A STRUCTURE.
17

18 **17.11.209 - HISTORIC STRUCTURE.**
19

20 ANY STRUCTURE THAT IS:
21

22 (1) INDIVIDUALLY LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES (A
23 LISTING MAINTAINED BY THE U.S. DEPARTMENT OF INTERIOR) OR
24 PRELIMINARILY DETERMINED BY THE SECRETARY OF THE INTERIOR AS
25 MEETING THE REQUIREMENTS FOR INDIVIDUAL LISTINGS ON THE NATIONAL
26 REGISTER;
27

28 (2) CERTIFIED OR PRELIMINARILY DETERMINED BY THE SECRETARY OF THE
29 INTERIOR AS CONTRIBUTING TO THE HISTORICAL SIGNIFICANCE OF A
30 REGISTERED HISTORIC DISTRICT OR A DISTRICT PRELIMINARILY DETERMINED
31 BY THE SECRETARY TO QUALIFY AS A REGISTERED HISTORIC DISTRICT;
32

33 (3) INDIVIDUALLY LISTED ON THE MARYLAND INVENTORY OF HISTORIC
34 PROPERTIES MAINTAINED BY THE MARYLAND HISTORICAL TRUST; OR
35

36 (4) INDIVIDUALLY LISTED ON THE INVENTORY OF HISTORIC PLACES
37 MAINTAINED BY CITY OF ANNAPOLIS WHOSE HISTORIC PRESERVATION
38 PROGRAM HAS BEEN CERTIFIED BY THE MARYLAND HISTORICAL TRUST OR
39 THE SECRETARY OF THE INTERIOR.
40

41 **17.11.212 - HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSES.**
42

43 ANALYSES PERFORMED BY A LICENSED PROFESSIONAL ENGINEER, IN ACCORDANCE
44 WITH STANDARD ENGINEERING PRACTICES THAT ARE ACCEPTED BY THE MARYLAND
45 DEPARTMENT OF THE ENVIRONMENT (NONTIDAL WETLANDS & WATERWAYS) AND
46 FEMA, USED TO DETERMINE THE BASE FLOOD, OTHER FREQUENCY FLOODS, FLOOD
47 ELEVATIONS, FLOODWAY INFORMATION AND BOUNDARIES, AND FLOOD PROFILES.
48

49 **17.11.215 - LETTER OF MAP CHANGE (LOMC).**
50

1 A LETTER OF MAP CHANGE IS AN OFFICIAL FEMA DETERMINATION, BY LETTER, THAT
2 AMENDS OR REVISES AN EFFECTIVE FLOOD INSURANCE RATE MAP OR FLOOD
3 INSURANCE STUDY. LETTERS OF MAP CHANGE INCLUDE:
4

5 **LETTER OF MAP AMENDMENT (LOMA).**
6

7 AN AMENDMENT BASED ON TECHNICAL DATA SHOWING THAT A PROPERTY
8 WAS INCORRECTLY INCLUDED IN A DESIGNATED SPECIAL FLOOD HAZARD
9 AREA. A LOMA AMENDS THE CURRENT EFFECTIVE FLOOD INSURANCE RATE
10 MAP AND ESTABLISHES THAT A SPECIFIC PROPERTY OR STRUCTURE IS NOT
11 LOCATED IN A SPECIAL FLOOD HAZARD AREA.
12

13 **LETTER OF MAP REVISION (LOMR).**
14

15 A REVISION BASED ON TECHNICAL DATA THAT MAY SHOW CHANGES TO
16 FLOOD ZONES, FLOOD ELEVATIONS, FLOODPLAIN AND FLOODWAY
17 DELINEATIONS, AND PLANIMETRIC FEATURES. A LETTER OF MAP REVISION
18 BASED ON FILL (LOMR-F), IS A DETERMINATION THAT A STRUCTURE OR
19 PARCEL OF LAND HAS BEEN ELEVATED BY FILL ABOVE THE BASE FLOOD
20 ELEVATION AND IS, THEREFORE, NO LONGER EXPOSED TO FLOODING
21 ASSOCIATED WITH THE BASE FLOOD. IN ORDER TO QUALIFY FOR THIS
22 DETERMINATION, THE FILL MUST HAVE BEEN PERMITTED AND PLACED IN
23 ACCORDANCE WITH THE COMMUNITY'S FLOODPLAIN MANAGEMENT
24 REGULATIONS.
25

26 **CONDITIONAL LETTER OF MAP REVISION (CLOMR).**
27

28 A FORMAL REVIEW AND COMMENT AS TO WHETHER A PROPOSED FLOOD
29 PROTECTION PROJECT OR OTHER PROJECT COMPLIES WITH THE MINIMUM
30 NFIP REQUIREMENTS FOR SUCH PROJECTS WITH RESPECT TO DELINEATION
31 OF SPECIAL FLOOD HAZARD AREAS. A CLOMR DOES NOT REVISE THE
32 EFFECTIVE FLOOD INSURANCE RATE MAP OR FLOOD INSURANCE STUDY;
33 UPON SUBMISSION AND APPROVAL OF CERTIFIED AS-BUILT DOCUMENTATION,
34 A LETTER OF MAP REVISION MAY BE ISSUED BY FEMA, TO REVISE THE
35 EFFECTIVE FIRM.
36

37 **17.11.218 – LICENSED.**
38

39 AS USED IN THIS CHAPTER, LICENSED REFERS TO PROFESSIONALS WHO ARE
40 AUTHORIZED TO PRACTICE IN THE STATE OF MARYLAND BY ISSUANCE OF LICENSES
41 BY THE MARYLAND BOARD OF ARCHITECTS, MARYLAND BOARD OF PROFESSIONAL
42 ENGINEERS, MARYLAND BOARD OF PROFESSIONAL LAND SURVEYORS, AND THE
43 MARYLAND REAL ESTATE APPRAISERS AND HOME INSPECTORS COMMISSION.
44

45 **17.11.221 - LOWEST FLOOR.**
46

47 THE LOWEST FLOOR OF THE LOWEST ENCLOSED AREA (INCLUDING BASEMENT) OF A
48 BUILDING OR STRUCTURE; THE FLOOR OF AN ENCLOSURE BELOW THE LOWEST
49 FLOOR IS NOT THE LOWEST FLOOR PROVIDED THE ENCLOSURE IS CONSTRUCTED IN
50 ACCORDANCE WITH THIS CHAPTER. THE LOWEST FLOOR OF A MANUFACTURED

1 HOME IS THE BOTTOM OF THE LOWEST HORIZONTAL SUPPORTING MEMBER
2 (LONGITUDINAL CHASSIS FRAME BEAM).

3
4 **17.11.224 - MANUFACTURED HOME.**

5
6 A STRUCTURE, TRANSPORTABLE IN ONE OR MORE SECTIONS, WHICH IS BUILT ON A
7 PERMANENT CHASSIS AND IS DESIGNED FOR USE WITH OR WITHOUT A PERMANENT
8 FOUNDATION WHEN CONNECTED TO THE REQUIRED UTILITIES. THE TERM
9 MANUFACTURED HOME DOES NOT INCLUDE A RECREATIONAL VEHICLE.

10
11 **17.11.227 - MARKET VALUE.**

12
13 THE PRICE AT WHICH A PROPERTY WILL CHANGE HANDS BETWEEN A WILLING BUYER
14 AND A WILLING SELLER, NEITHER PARTY BEING UNDER COMPULSION TO BUY OR
15 SELL AND BOTH HAVING REASONABLE KNOWLEDGE OF RELEVANT FACTS. FOR THE
16 PURPOSES OF THIS CHAPTER, THE MARKET VALUE OF A BUILDING IS DETERMINED
17 BY THE MOST RECENT, FULL PHASED-IN ASSESSMENT VALUE OF THE BUILDING
18 (IMPROVEMENT) DETERMINED BY THE MARYLAND DEPARTMENT OF ASSESSMENTS
19 AND TAXATION.

20
21 **17.11.230 - MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE).**

22
23 A PRINCIPAL DEPARTMENT OF THE STATE OF MARYLAND THAT IS CHARGED WITH,
24 AMONG OTHER RESPONSIBILITIES, THE COORDINATION OF THE NATIONAL FLOOD
25 INSURANCE PROGRAM IN MARYLAND (NFIP STATE COORDINATOR) AND THE
26 ADMINISTRATION OF REGULATORY PROGRAMS FOR DEVELOPMENT AND
27 CONSTRUCTION THAT OCCUR WITHIN THE WATERS OF THE STATE, INCLUDING
28 NONTIDAL WETLANDS, NONTIDAL WATERS AND FLOODPLAINS, AND STATE AND
29 PRIVATE TIDAL WETLANDS (TIDAL WETLANDS). UNLESS OTHERWISE SPECIFIED,
30 "MDE" REFERS TO THE DEPARTMENT'S WETLANDS AND
31 WATERWAYS PROGRAM.

32
33 **17.11.233 - NATIONAL FLOOD INSURANCE PROGRAM (NFIP).**

34
35 THE PROGRAM AUTHORIZED BY THE U.S. CONGRESS IN 42 U.S.C. §§4001 - 4129. THE
36 NFIP MAKES FLOOD INSURANCE COVERAGE AVAILABLE IN COMMUNITIES THAT
37 AGREE TO ADOPT AND ENFORCE MINIMUM REGULATORY REQUIREMENTS FOR
38 DEVELOPMENT IN AREAS PRONE TO FLOODING (SEE DEFINITION OF "SPECIAL FLOOD
39 HAZARD AREA").

40
41 **17.11.236 - NEW CONSTRUCTION.**

42
43 *STRUCTURES*, INCLUDING ADDITIONS AND IMPROVEMENTS, AND THE PLACEMENT OF
44 *MANUFACTURED HOMES*, FOR WHICH THE *START OF CONSTRUCTION* COMMENCED
45 ON OR AFTER NOVEMBER 4, 1981, THE INITIAL EFFECTIVE DATE OF THE CITY OF
46 ANNAPOLIS *FLOOD INSURANCE RATE MAP*, INCLUDING ANY SUBSEQUENT
47 IMPROVEMENTS, ALTERATIONS, MODIFICATIONS, AND ADDITIONS TO SUCH
48 *STRUCTURES*.

49
50 **17.11.239 - NFIP STATE COORDINATOR.**

51

1 SEE MARYLAND DEPARTMENT OF THE ENVIRONMENT.

2
3 **17.11.242 - NONTIDAL WATERS OF THE STATE.**

4
5 SEE "WATERS OF THE STATE." AS USED IN THIS CHAPTER, "NONTIDAL WATERS OF
6 THE STATE" REFERS TO ANY STREAM OR BODY OF WATER WITHIN THE STATE THAT
7 IS SUBJECT TO STATE REGULATION, INCLUDING THE "100-YEAR FREQUENCY
8 FLOODPLAIN OF FREE-FLOWING WATERS." COMAR 26.17.04 STATES THAT "THE
9 LANDWARD BOUNDARIES OF ANY TIDAL WATERS SHALL BE DEEMED COTERMINOUS
10 WITH THE WETLANDS BOUNDARY MAPS ADOPTED PURSUANT TO ENVIRONMENT
11 ARTICLE, §16-301, ANNOTATED CODE OF MARYLAND." THEREFORE, THE BOUNDARY
12 BETWEEN THE TIDAL AND NONTIDAL WATERS OF THE STATE IS THE TIDAL WETLANDS
13 BOUNDARY.

14
15 **17.11.245 – PERSON.**

16
17 AN INDIVIDUAL OR GROUP OF INDIVIDUALS, CORPORATION, PARTNERSHIP,
18 ASSOCIATION, OR ANY OTHER ENTITY, INCLUDING STATE AND LOCAL GOVERNMENTS
19 AND AGENCIES.

20
21 **17.11.248 - RECREATIONAL VEHICLE.**

22
23 A VEHICLE THAT IS BUILT ON A SINGLE CHASSIS, 400 SQUARE FEET OR LESS WHEN
24 MEASURED AT THE LARGEST HORIZONTAL PROJECTION, DESIGNED TO BE SELF-
25 PROPELLED OR PERMANENTLY TOWABLE BY A LIGHT DUTY TRUCK, AND DESIGNED
26 PRIMARILY NOT FOR USE AS A PERMANENT DWELLING, BUT AS TEMPORARY LIVING
27 QUARTERS FOR RECREATIONAL, CAMPING, TRAVEL, OR SEASONAL USE.

28
29 **17.11.251 - SPECIAL FLOOD HAZARD AREA (SFHA).**

30
31 THE LAND IN THE FLOODPLAIN SUBJECT TO A ONE-PERCENT OR GREATER CHANCE
32 OF FLOODING IN ANY GIVEN YEAR. SPECIAL FLOOD HAZARD AREAS ARE
33 DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN FLOOD
34 INSURANCE STUDIES AND ON FLOOD INSURANCE RATE MAPS AS ZONES A, AE, AH,
35 AO, A1-30, AND A99, AND ZONES VE AND V1-30. THE TERM INCLUDES AREAS SHOWN
36 ON OTHER FLOOD MAPS THAT ARE IDENTIFIED IN SECTION 1.5.

37
38 **17.11.254 - START OF CONSTRUCTION.**

39
40 THE DATE THE BUILDING PERMIT WAS ISSUED, PROVIDED THE ACTUAL START OF
41 CONSTRUCTION, REPAIR, RECONSTRUCTION, REHABILITATION, ADDITION
42 PLACEMENT, OR OTHER IMPROVEMENT WAS WITHIN 180 DAYS OF THE PERMIT DATE.
43 THE ACTUAL START MEANS EITHER THE FIRST PLACEMENT OF PERMANENT
44 CONSTRUCTION OF A STRUCTURE ON A SITE, SUCH AS THE POURING OF SLAB OR
45 FOOTINGS, THE INSTALLATION OF PILES, THE CONSTRUCTION OF COLUMNS, OR ANY
46 WORK BEYOND THE STAGE OF EXCAVATION; OR THE PLACEMENT OF A
47 MANUFACTURED HOME ON A FOUNDATION. PERMANENT CONSTRUCTION DOES NOT
48 INCLUDE LAND PREPARATION, SUCH AS CLEARING, GRADING AND FILLING; NOR
49 DOES IT INCLUDE THE INSTALLATION OF STREETS AND/OR WALKWAYS; NOR DOES IT
50 INCLUDE EXCAVATION FOR A BASEMENT, FOOTINGS, PIERS, OR FOUNDATIONS OR
51 THE ERECTION OF TEMPORARY FORMS; NOR DOES IT INCLUDE THE INSTALLATION

1 ON THE PROPERTY OF ACCESSORY STRUCTURES, SUCH AS GARAGES OR SHEDS
2 NOT OCCUPIED AS DWELLING UNITS OR NOT PART OF THE MAIN STRUCTURE. FOR
3 SUBSTANTIAL IMPROVEMENTS, THE ACTUAL START OF CONSTRUCTION MEANS THE
4 FIRST ALTERATION OF ANY WALL, CEILING, FLOOR, OR OTHER STRUCTURAL PART OF
5 A BUILDING, WHETHER OR NOT THAT ALTERATION AFFECTS THE EXTERNAL
6 DIMENSIONS OF THE BUILDING.

7
8 **17.11.257 – STRUCTURE.**

9
10 THAT WHICH IS BUILT OR CONSTRUCTED; SPECIFICALLY, A WALLED AND ROOFED
11 BUILDING, INCLUDING A GAS OR LIQUID STORAGE TANK THAT IS PRINCIPALLY ABOVE
12 GROUND, AS WELL AS A MANUFACTURED HOME.

13
14 **17.11.260 - SUBSTANTIAL DAMAGE.**

15
16 DAMAGE OF ANY ORIGIN SUSTAINED BY A BUILDING OR STRUCTURE WHEREBY THE
17 COST OF RESTORING THE BUILDING OR STRUCTURE TO ITS BEFORE DAMAGED
18 CONDITION WOULD EQUAL OR EXCEED 50 PERCENT OF THE MARKET VALUE OF THE
19 BUILDING OR STRUCTURE BEFORE THE DAMAGE OCCURRED. ALSO USED AS
20 “SUBSTANTIALLY DAMAGED” STRUCTURES.

21
22 **17.11.263 - SUBSTANTIAL IMPROVEMENT.**

23
24 SUBSTANTIAL IMPROVEMENT: ANY RECONSTRUCTION, REHABILITATION, ADDITION,
25 OR OTHER IMPROVEMENT OF A BUILDING OR STRUCTURE, THE COST OF WHICH
26 EQUALS OR EXCEEDS 50 PERCENT OF THE MARKET VALUE OF THE BUILDING OR
27 STRUCTURE BEFORE THE START OF CONSTRUCTION OF THE IMPROVEMENT. THE
28 TERM INCLUDES STRUCTURES WHICH HAVE INCURRED SUBSTANTIAL DAMAGE,
29 REGARDLESS OF THE ACTUAL REPAIR WORK PERFORMED. THE TERM DOES NOT,
30 HOWEVER, INCLUDE EITHER:

31
32 (1) ANY PROJECT FOR IMPROVEMENT OF A BUILDING OR STRUCTURE TO
33 CORRECT EXISTING VIOLATIONS OF STATE OR LOCAL HEALTH, SANITARY, OR
34 SAFETY CODE SPECIFICATIONS WHICH HAVE BEEN IDENTIFIED BY THE LOCAL
35 CODE ENFORCEMENT OFFICIAL PRIOR TO SUBMISSION OF AN APPLICATION
36 FOR A PERMIT AND WHICH ARE THE MINIMUM NECESSARY TO ASSURE SAFE
37 LIVING CONDITIONS; OR

38
39 (2) ANY ALTERATION OF A HISTORIC STRUCTURE, PROVIDED THAT THE
40 ALTERATION WILL NOT PRECLUDE THE STRUCTURE'S CONTINUED
41 DESIGNATION AS A HISTORIC STRUCTURE.

42
43 **17.11.266 - TEMPORARY STRUCTURE.**

44
45 A STRUCTURE INSTALLED, USED, OR ERECTED FOR A PERIOD OF LESS THAN 180
46 DAYS.

47
48 **17.11.269 – VARIANCE.**

49
50 A GRANT OF RELIEF FROM THE STRICT APPLICATION OF ONE OR MORE
51 REQUIREMENTS OF THIS CHAPTER.

1
2 **17.11.272 – VIOLATION.**
3

4 ANY CONSTRUCTION OR DEVELOPMENT IN A SPECIAL FLOOD HAZARD AREA THAT IS
5 BEING PERFORMED WITHOUT AN ISSUED PERMIT. THE FAILURE OF A BUILDING,
6 STRUCTURE, OR OTHER DEVELOPMENT FOR WHICH A PERMIT IS ISSUED TO BE
7 FULLY COMPLIANT WITH THIS CHAPTER AND THE CONDITIONS OF THE ISSUED
8 PERMIT. A BUILDING, STRUCTURE, OR OTHER DEVELOPMENT WITHOUT THE
9 REQUIRED DESIGN CERTIFICATIONS, THE ELEVATION CERTIFICATE, OR OTHER
10 EVIDENCE OF COMPLIANCE REQUIRED IS PRESUMED TO BE A VIOLATION UNTIL SUCH
11 TIME AS THE REQUIRED DOCUMENTATION IS PROVIDED.
12

13 **17.11.275 – WATERCOURSE.**
14

15 THE CHANNEL, INCLUDING CHANNEL BANKS AND BED, OF NONTIDAL WATERS OF THE
16 STATE.
17

18 **17.11.278 - WATERS OF THE STATE.**
19

20 [SEE ENVIRONMENT ARTICLE, TITLE 5, SUBTITLE 1, ANNOTATED CODE OF
21 MARYLAND.] WATERS OF THE STATE INCLUDE:
22

23 (1) BOTH SURFACE AND UNDERGROUND WATERS WITHIN THE BOUNDARIES OF
24 THE STATE SUBJECT TO ITS JURISDICTION;
25

26 (2) THAT PORTION OF THE ATLANTIC OCEAN WITHIN THE BOUNDARIES OF THE
27 STATE;
28

29 (3) THE CHESAPEAKE BAY AND ITS TRIBUTARIES;
30

31 (4) ALL PONDS, LAKES, RIVERS, STREAMS, PUBLIC DITCHES, TAX DITCHES, AND
32 PUBLIC DRAINAGE SYSTEMS WITHIN THE STATE, OTHER THAN THOSE
33 DESIGNED AND USED TO COLLECT, CONVEY, OR DISPOSE OF SANITARY
34 SEWAGE; AND
35

36 (5) THE FLOODPLAIN OF FREE-FLOWING WATERS DETERMINED BY MDE ON
37 THE BASIS OF THE 100-YEAR FLOOD FREQUENCY.
38
39
40

41 **ARTICLE III- ADMINISTRATION**
42

43 **17.11.300 – DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.**
44

45 THE DIRECTOR OF THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL
46 PROGRAMS IS HEREBY APPOINTED TO ADMINISTER AND IMPLEMENT THIS CHAPTER
47 AND IS REFERRED TO HEREIN AS THE FLOODPLAIN ADMINISTRATOR. THE
48 FLOODPLAIN ADMINISTRATOR MAY:
49

1 (A) DELEGATE DUTIES AND RESPONSIBILITIES SET FORTH IN THIS CHAPTER TO
2 QUALIFIED TECHNICAL PERSONNEL, PLAN EXAMINERS, INSPECTORS, AND
3 OTHER EMPLOYEES.
4

5 (B) ENTER INTO A WRITTEN AGREEMENT OR WRITTEN CONTRACT WITH
6 ANOTHER MARYLAND COMMUNITY OR PRIVATE SECTOR ENTITY TO
7 ADMINISTER SPECIFIC PROVISIONS OF THIS CHAPTER. ADMINISTRATION OF
8 ANY PART OF THIS CHAPTER BY ANOTHER ENTITY SHALL NOT RELIEVE THE
9 COMMUNITY OF ITS RESPONSIBILITIES PURSUANT TO THE PARTICIPATION
10 REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM AS SET
11 FORTH IN THE CODE OF FEDERAL REGULATIONS AT 44 C.F.R. SECTION 59.22.
12

13 **17.11.310 - DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.**

14
15 THE DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR SHALL
16 INCLUDE BUT ARE NOT LIMITED
17 TO:
18

19 (A) REVIEW APPLICATIONS FOR PERMITS TO DETERMINE WHETHER
20 PROPOSED ACTIVITIES WILL BE LOCATED IN FLOOD HAZARD AREAS.
21

22 (B) INTERPRET FLOODPLAIN BOUNDARIES AND PROVIDE AVAILABLE BASE
23 FLOOD ELEVATION AND FLOOD HAZARD INFORMATION.
24

25 (C) REVIEW APPLICATIONS TO DETERMINE WHETHER PROPOSED ACTIVITIES
26 WILL BE REASONABLY SAFE FROM FLOODING AND REQUIRE NEW
27 CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS TO MEET THE
28 REQUIREMENTS OF THIS CHAPTER.
29

30 (D) REVIEW APPLICATIONS TO DETERMINE WHETHER ALL NECESSARY
31 PERMITS HAVE BEEN OBTAINED FROM THE FEDERAL, STATE OR LOCAL
32 AGENCIES FROM WHICH PRIOR OR CONCURRENT APPROVAL IS REQUIRED; IN
33 PARTICULAR, PERMITS FROM MDE FOR ANY CONSTRUCTION,
34 RECONSTRUCTION, REPAIR, OR ALTERATION OF A DAM, RESERVOIR, OR
35 WATERWAY OBSTRUCTION (INCLUDING BRIDGES, CULVERTS, STRUCTURES),
36 ANY ALTERATION OF A WATERCOURSE, OR ANY CHANGE OF THE COURSE,
37 CURRENT, OR CROSS SECTION OF A STREAM OR BODY OF WATER, INCLUDING
38 ANY CHANGE TO THE 100-YEAR FREQUENCY FLOODPLAIN OF FREE-FLOWING
39 NONTIDAL WATERS OF THE STATE.
40

41 (E) VERIFY THAT APPLICANTS PROPOSING AN ALTERATION OF A
42 WATERCOURSE HAVE NOTIFIED ADJACENT COMMUNITIES AND MDE (NFIP
43 STATE COORDINATOR), AND HAVE SUBMITTED COPIES OF SUCH
44 NOTIFICATIONS TO FEMA.
45

46 (F) ADVISE APPLICANTS FOR NEW CONSTRUCTION OR SUBSTANTIAL
47 IMPROVEMENT OF STRUCTURES THAT ARE LOCATED WITHIN AN AREA OF THE
48 COASTAL BARRIER RESOURCES SYSTEM ESTABLISHED BY THE COASTAL
49 BARRIER RESOURCES ACT THAT FEDERAL FLOOD INSURANCE IS NOT
50 AVAILABLE ON SUCH STRUCTURES; AREAS SUBJECT TO THIS LIMITATION ARE

1 SHOWN ON FLOOD INSURANCE RATE MAPS AS COASTAL BARRIER RESOURCE
2 SYSTEM AREAS (CBRS) OR OTHERWISE PROTECTED AREAS (OPA).
3

4 (G) APPROVE APPLICATIONS AND ISSUE PERMITS TO DEVELOP IN FLOOD
5 HAZARD AREAS IF THE PROVISIONS OF THIS CHAPTER HAVE BEEN MET, OR
6 DISAPPROVE APPLICATIONS IF THE PROVISIONS OF THIS CHAPTER HAVE NOT
7 BEEN MET.
8

9 (H) INSPECT OR CAUSE TO BE INSPECTED, BUILDINGS, STRUCTURES, AND
10 OTHER DEVELOPMENT FOR WHICH PERMITS HAVE BEEN ISSUED TO
11 DETERMINE COMPLIANCE WITH THIS CHAPTER OR TO DETERMINE IF NON-
12 COMPLIANCE HAS OCCURRED OR VIOLATIONS HAVE BEEN COMMITTED.
13

14 (I) REVIEW ELEVATION CERTIFICATES AND REQUIRE INCOMPLETE OR
15 DEFICIENT CERTIFICATES TO BE CORRECTED.
16

17 (J) SUBMIT TO FEMA, OR REQUIRE APPLICANTS TO SUBMIT TO FEMA, DATA
18 AND INFORMATION NECESSARY TO MAINTAIN FIRMS, INCLUDING HYDROLOGIC
19 AND HYDRAULIC ENGINEERING ANALYSES PREPARED BY OR FOR THE CITY OF
20 ANNAPOLIS, WITHIN SIX MONTHS AFTER SUCH DATA AND INFORMATION
21 BECOMES AVAILABLE IF THE ANALYSES INDICATE CHANGES IN BASE FLOOD
22 ELEVATIONS.
23

24 (K) MAINTAIN AND PERMANENTLY KEEP RECORDS THAT ARE NECESSARY FOR
25 THE ADMINISTRATION OF THIS CHAPTER, INCLUDING:
26

27 (1) FLOOD INSURANCE STUDIES, FLOOD INSURANCE RATE MAPS
28 (INCLUDING HISTORIC STUDIES AND MAPS AND CURRENT EFFECTIVE
29 STUDIES AND MAPS) AND LETTERS OF MAP CHANGE; AND
30

31 (2) DOCUMENTATION SUPPORTING ISSUANCE AND DENIAL OF PERMITS,
32 ELEVATION CERTIFICATES, DOCUMENTATION OF THE ELEVATION (IN
33 RELATION TO THE DATUM ON THE FIRM) TO WHICH STRUCTURES HAVE
34 BEEN FLOODPROOFED, OTHER REQUIRED DESIGN CERTIFICATIONS,
35 VARIANCES, AND RECORDS OF ENFORCEMENT ACTIONS TAKEN TO
36 CORRECT VIOLATIONS OF THIS CHAPTER.
37

38 (L) ENFORCE THE PROVISIONS OF THIS CHAPTER, INVESTIGATE VIOLATIONS,
39 ISSUE NOTICES OF VIOLATIONS OR STOP WORK ORDERS, AND REQUIRE
40 PERMIT HOLDERS TO TAKE CORRECTIVE ACTION.
41

42 (M) RESERVED.
43

44 (N) ADMINISTER THE REQUIREMENTS RELATED TO PROPOSED WORK ON
45 EXISTING BUILDINGS:
46

47 (1) MAKE DETERMINATIONS AS TO WHETHER BUILDINGS AND
48 STRUCTURES THAT ARE LOCATED IN FLOOD HAZARD AREAS AND THAT
49 ARE DAMAGED BY ANY CAUSE HAVE BEEN SUBSTANTIALLY DAMAGED.
50

1 (2) MAKE REASONABLE EFFORTS TO NOTIFY OWNERS OF
2 SUBSTANTIALLY DAMAGED STRUCTURES OF THE NEED TO OBTAIN A
3 PERMIT TO REPAIR, REHABILITATE, OR RECONSTRUCT, AND PROHIBIT
4 THE NON-COMPLIANT REPAIR OF SUBSTANTIALLY DAMAGED BUILDINGS
5 EXCEPT FOR TEMPORARY EMERGENCY PROTECTIVE MEASURES
6 NECESSARY TO SECURE A PROPERTY OR STABILIZE A BUILDING OR
7 STRUCTURE TO PREVENT ADDITIONAL DAMAGE.
8

9 (O) UNDERTAKE, AS DETERMINED APPROPRIATE BY THE FLOODPLAIN
10 ADMINISTRATOR DUE TO THE CIRCUMSTANCES, OTHER ACTIONS WHICH MAY
11 INCLUDE BUT ARE NOT LIMITED TO: ISSUING PRESS RELEASES, PUBLIC
12 SERVICE ANNOUNCEMENTS, AND OTHER PUBLIC INFORMATION MATERIALS
13 RELATED TO PERMIT REQUESTS AND REPAIR OF DAMAGED STRUCTURES;
14 COORDINATING WITH OTHER FEDERAL, STATE, AND LOCAL AGENCIES TO
15 ASSIST WITH SUBSTANTIAL DAMAGE DETERMINATIONS; PROVIDING OWNERS
16 OF DAMAGED STRUCTURES INFORMATION RELATED TO THE PROPER REPAIR
17 OF DAMAGED STRUCTURES IN SPECIAL FLOOD HAZARD AREAS; AND
18 ASSISTING PROPERTY OWNERS WITH DOCUMENTATION NECESSARY TO FILE
19 CLAIMS FOR INCREASED COST OF COMPLIANCE COVERAGE UNDER NFIP
20 FLOOD INSURANCE POLICIES.
21

22 (P) NOTIFY THE FEDERAL EMERGENCY MANAGEMENT AGENCY WHEN THE
23 CORPORATE BOUNDARIES OF THE CITY OF ANNAPOLIS HAVE BEEN MODIFIED
24 AND:
25

26 (1) PROVIDE A MAP THAT CLEARLY DELINEATES THE NEW CORPORATE
27 BOUNDARIES OR THE NEW AREA FOR WHICH THE AUTHORITY TO
28 REGULATE PURSUANT TO THIS CHAPTER HAS EITHER BEEN ASSUMED
29 OR RELINQUISHED THROUGH ANNEXATION; AND
30

31 (2) IF THE FIRM FOR ANY ANNEXED AREA INCLUDES SPECIAL FLOOD
32 HAZARD AREAS THAT HAVE FLOOD ZONES THAT HAVE REGULATORY
33 REQUIREMENTS THAT ARE NOT SET FORTH IN THIS CHAPTER, PREPARE
34 AMENDMENTS TO THIS CHAPTER TO ADOPT THE FIRM AND
35 APPROPRIATE REQUIREMENTS, AND SUBMIT THE AMENDMENTS TO THE
36 GOVERNING BODY FOR ADOPTION; SUCH ADOPTION SHALL TAKE PLACE
37 WITHIN SIX MONTHS OF THE DATE OF ANNEXATION AND A COPY OF THE
38 AMENDED CHAPTER SHALL BE PROVIDED TO MDE (NFIP STATE
39 COORDINATOR) AND FEMA.
40

41 (Q) UPON THE REQUEST OF FEMA, COMPLETE AND SUBMIT A REPORT
42 CONCERNING PARTICIPATION IN THE NFIP WHICH MAY REQUEST
43 INFORMATION REGARDING THE NUMBER OF BUILDINGS IN THE SFHA, NUMBER
44 OF PERMITS ISSUED FOR DEVELOPMENT IN THE SFHA, AND NUMBER OF
45 VARIANCES ISSUED FOR DEVELOPMENT IN THE SFHA.
46

47 **17.11.320 - USE AND INTERPRETATION OF FIRMS.**

48
49 THE FLOODPLAIN ADMINISTRATOR SHALL MAKE INTERPRETATIONS, WHERE NEEDED,
50 AS TO THE EXACT LOCATION OF SPECIAL FLOOD HAZARD AREAS, FLOODPLAIN

1 BOUNDARIES, AND FLOODWAY BOUNDARIES. THE FOLLOWING SHALL APPLY TO THE
2 USE AND INTERPRETATION OF FIRMS AND DATA:

3
4 (A) WHERE FIELD SURVEYED TOPOGRAPHY INDICATES THAT GROUND
5 ELEVATIONS:

6
7 (1) ARE BELOW THE BASE FLOOD ELEVATION, EVEN IN AREAS NOT
8 DELINEATED AS A SPECIAL FLOOD HAZARD AREA ON A FIRM, THE AREA
9 SHALL BE CONSIDERED AS SPECIAL FLOOD HAZARD AREA AND
10 SUBJECT TO THE REQUIREMENTS OF THIS CHAPTER;

11
12 (2) ARE ABOVE THE BASE FLOOD ELEVATION, THE AREA SHALL BE
13 REGULATED AS SPECIAL FLOOD HAZARD AREA UNLESS THE APPLICANT
14 OBTAINS A LETTER OF MAP CHANGE THAT REMOVES THE AREA FROM
15 THE SPECIAL FLOOD HAZARD AREA.

16
17 (B) IN FEMA-IDENTIFIED SPECIAL FLOOD HAZARD AREAS WHERE BASE FLOOD
18 ELEVATION AND FLOODWAY DATA HAVE NOT BEEN IDENTIFIED AND IN AREAS
19 WHERE FEMA HAS NOT IDENTIFIED SPECIAL FLOOD HAZARD AREAS, ANY
20 OTHER FLOOD HAZARD DATA AVAILABLE FROM A FEDERAL, STATE, OR OTHER
21 SOURCE SHALL BE REVIEWED AND REASONABLY USED.

22
23 (C) BASE FLOOD ELEVATIONS AND DESIGNATED FLOODWAY BOUNDARIES ON
24 FIRMS AND IN FISS SHALL TAKE PRECEDENCE OVER BASE FLOOD ELEVATIONS
25 AND FLOODWAY BOUNDARIES BY ANY OTHER SOURCES IF SUCH SOURCES
26 SHOW REDUCED FLOODWAY WIDTHS AND/OR LOWER BASE FLOOD
27 ELEVATIONS.

28
29 (D) OTHER SOURCES OF DATA SHALL BE REASONABLY USED IF SUCH
30 SOURCES SHOW INCREASED BASE FLOOD ELEVATIONS AND/OR LARGER
31 FLOODWAY AREAS THAN ARE SHOWN ON FIRMS AND IN FISS.

32
33 (E) IF A PRELIMINARY FLOOD INSURANCE RATE MAP AND/OR A PRELIMINARY
34 FLOOD INSURANCE STUDY HAS BEEN PROVIDED BY FEMA:

35
36 (1) UPON THE ISSUANCE OF A LETTER OF FINAL DETERMINATION BY
37 FEMA, THE PRELIMINARY FLOOD HAZARD DATA SHALL BE USED AND
38 SHALL REPLACE THE FLOOD HAZARD DATA PREVIOUSLY PROVIDED
39 FROM FEMA FOR THE PURPOSES OF ADMINISTERING THIS CHAPTER.

40
41 (2) PRIOR TO THE ISSUANCE OF A LETTER OF FINAL DETERMINATION BY
42 FEMA, THE USE OF PRELIMINARY FLOOD HAZARD DATA SHALL BE
43 DEEMED THE BEST AVAILABLE DATA PURSUANT TO SECTION 17.11.050
44 (C) AND USED WHERE NO BASE FLOOD ELEVATIONS AND/OR
45 FLOODWAY AREAS ARE PROVIDED ON THE EFFECTIVE FIRM.

46
47 (3) PRIOR TO ISSUANCE OF A LETTER OF FINAL DETERMINATION BY
48 FEMA, THE USE OF PRELIMINARY FLOOD HAZARD DATA IS PERMITTED
49 WHERE THE PRELIMINARY BASE FLOOD ELEVATIONS OR FLOODWAY
50 AREAS EXCEED THE BASE FLOOD ELEVATIONS AND/OR DESIGNATED
51 FLOODWAY WIDTHS IN EXISTING FLOOD HAZARD DATA PROVIDED BY

1 FEMA. SUCH PRELIMINARY DATA MAY BE SUBJECT TO CHANGE AND/OR
2 APPEAL TO FEMA.
3

4 (F) IF A DISPUTE ARISES CONCERNING ANY DISTRICT BOUNDARY, AN INITIAL
5 DETERMINATION SHALL BE MADE BY THE FLOODPLAIN ADMINISTRATOR. THE
6 APPLICANT AGGRIEVED BY THIS DECISION MAY APPEAL TO THE BUILDING
7 BOARD OF APPEALS WITHIN THIRTY CALENDAR DAYS OF THE DECISION. THE
8 BURDEN OF PROOF IS ON THE APPELLANT. THE APPEAL SHALL BE
9 ACCOMPANIED BY A NONREFUNDABLE FEE AS ESTABLISHED BY RESOLUTION
10 OF THE CITY COUNCIL. THE FLOODPLAIN ADMINISTRATOR SHALL SCHEDULE A
11 HEARING WITHIN THIRTY CALENDAR DAYS AFTER THE FILING OF THE APPEAL
12 AND SHALL NOTIFY THE APPELLANT OF THE HEARING DATE.
13

14 **17.11.330 - PERMITS REQUIRED AND EXPIRATION.**
15

16 (A) IT SHALL BE UNLAWFUL FOR ANY PERSON TO BEGIN ANY DEVELOPMENT OR
17 CONSTRUCTION WHICH IS WHOLLY WITHIN, PARTIALLY WITHIN, OR IN CONTACT WITH
18 ANY FLOOD HAZARD AREA ESTABLISHED IN SECTION 1.5, INCLUDING BUT NOT
19 LIMITED TO: FILLING; GRADING; CONSTRUCTION OF NEW STRUCTURES; THE
20 SUBSTANTIAL IMPROVEMENT OF BUILDINGS OR STRUCTURES, INCLUDING REPAIR OF
21 SUBSTANTIAL DAMAGE; PLACEMENT OR REPLACEMENT OF MANUFACTURED HOMES,
22 INCLUDING SUBSTANTIAL IMPROVEMENT OR REPAIR OF SUBSTANTIAL DAMAGE OF
23 MANUFACTURED HOMES; ERECTING OR INSTALLING A TEMPORARY STRUCTURE, OR
24 ALTERATION OF A WATERCOURSE, UNTIL A PERMIT IS OBTAINED FROM THE CITY OF
25 ANNAPOLIS. NO SUCH PERMIT SHALL BE ISSUED UNTIL THE REQUIREMENTS OF THIS
26 CHAPTER HAVE BEEN MET.
27

28 (B) IN ADDITION TO THE PERMITS REQUIRED IN PARAGRAPH (A), APPLICANTS FOR
29 PERMITS IN NONTIDAL WATERS OF THE STATE ARE ADVISED TO CONTACT MDE.
30 UNLESS WAIVED BY MDE, PURSUANT TO CODE OF MARYLAND REGULATIONS
31 26.17.04, CONSTRUCTION ON NONTIDAL WATERS AND FLOODPLAINS, MDE
32 REGULATES THE "100-YEAR FREQUENCY FLOODPLAIN OF FREE-FLOWING WATERS,"
33 ALSO REFERRED TO AS NONTIDAL WATERS OF THE STATE. TO DETERMINE THE 100-
34 YEAR FREQUENCY FLOODPLAIN, HYDROLOGIC CALCULATIONS ARE BASED ON THE
35 ULTIMATE DEVELOPMENT OF THE WATERSHED, ASSUMING EXISTING ZONING. THE
36 RESULTING FLOOD HAZARD AREAS DELINEATED USING THE RESULTS OF SUCH
37 CALCULATIONS MAY BE DIFFERENT THAN THE SPECIAL FLOOD HAZARD AREAS
38 ESTABLISHED IN SECTION 17.11.050 OF THIS CHAPTER.
39

40 (C) A PERMIT IS VALID PROVIDED THE ACTUAL START OF WORK IS WITHIN 180 DAYS
41 OF THE DATE OF PERMIT ISSUANCE. REQUESTS FOR EXTENSIONS SHALL BE
42 SUBMITTED IN WRITING AND JUSTIFIABLE CAUSE DEMONSTRATED. THE FLOODPLAIN
43 ADMINISTRATOR MAY GRANT, IN WRITING, ONE OR MORE EXTENSIONS OF TIME, FOR
44 ADDITIONAL PERIODS NOT EXCEEDING 90 DAYS EACH AND PROVIDED THERE HAS
45 BEEN NO AMENDMENT OR REVISION TO THE BASIS FOR ESTABLISHING SPECIAL
46 FLOOD HAZARD AREAS AND BFES SET FORTH IN SECTION 17.11.050.
47

48 **17.11.340 - APPLICATION REQUIRED.**
49

50 APPLICATION FOR A PERMIT SHALL BE MADE BY THE OWNER OF THE PROPERTY OR
51 THE OWNER'S AUTHORIZED AGENT (HEREIN REFERRED TO AS THE APPLICANT)

1 PRIOR TO THE START OF ANY WORK. THE APPLICATION SHALL BE ON A FORM
2 FURNISHED FOR THAT PURPOSE.

3
4 (A) APPLICATION CONTENTS

5
6 AT A MINIMUM, APPLICATIONS SHALL INCLUDE:

7
8 (1) SITE PLANS DRAWN TO SCALE SHOWING THE NATURE, LOCATION,
9 DIMENSIONS, AND EXISTING AND PROPOSED TOPOGRAPHY OF THE
10 AREA IN QUESTION, AND THE LOCATION OF EXISTING AND PROPOSED
11 STRUCTURES, EXCAVATION, FILLING, STORAGE OF MATERIALS,
12 DRAINAGE FACILITIES, AND OTHER PROPOSED ACTIVITIES.

13
14 (2) ELEVATION OF THE EXISTING NATURAL GROUND WHERE BUILDINGS
15 OR STRUCTURES ARE PROPOSED, REFERENCED TO THE DATUM ON
16 THE FIRM.

17
18 (3) DELINEATION OF FLOOD HAZARD AREAS, DESIGNATED FLOODWAY
19 BOUNDARIES, FLOOD ZONES, BASE FLOOD ELEVATIONS, AND FLOOD
20 PROTECTION SETBACKS. BASE FLOOD ELEVATIONS SHALL BE USED TO
21 DELINEATE THE BOUNDARY OF FLOOD HAZARD AREAS AND SUCH
22 DELINEATIONS SHALL PREVAIL OVER THE BOUNDARY OF SFHAS
23 SHOWN ON FIRMS.

24
25 (4) WHERE FLOODWAYS ARE NOT DELINEATED OR BASE FLOOD
26 ELEVATIONS ARE NOT SHOWN ON THE FIRMS, THE FLOODPLAIN
27 ADMINISTRATOR HAS THE AUTHORITY TO REQUIRE THE APPLICANT TO
28 USE INFORMATION PROVIDED BY THE FLOODPLAIN ADMINISTRATOR,
29 INFORMATION THAT IS AVAILABLE FROM FEDERAL, STATE, OR OTHER
30 SOURCES, OR TO DETERMINE SUCH INFORMATION USING ACCEPTED
31 ENGINEERING PRACTICES OR METHODS APPROVED BY THE
32 FLOODPLAIN ADMINISTRATOR. [NOTE: SEE "MANAGING FLOODPLAIN
33 DEVELOPMENT IN APPROXIMATE ZONE A AREAS: A GUIDE FOR
34 OBTAINING AND DEVELOPING BASE (100-YEAR) FLOOD ELEVATIONS"
35 (FEMA 265).]

36
37 (5) DETERMINATION OF THE BASE FLOOD ELEVATIONS, FOR
38 DEVELOPMENT PROPOSALS AND SUBDIVISION PROPOSALS, EACH WITH
39 AT LEAST 5 LOTS OR AT LEAST 5 ACRES, WHICHEVER IS THE LESSER, IN
40 SPECIAL FLOOD HAZARD AREAS WHERE BASE FLOOD ELEVATIONS ARE
41 NOT SHOWN ON THE FIRM; IF HYDROLOGIC AND HYDRAULIC
42 ENGINEERING ANALYSES ARE SUBMITTED, SUCH ANALYSES SHALL BE
43 PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS AND
44 SPECIFICATIONS OF MDE AND FEMA.

45
46 (6) HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSES FOR
47 PROPOSALS IN SPECIAL FLOOD HAZARD AREAS WHERE FEMA HAS
48 PROVIDED BASE FLOOD ELEVATIONS BUT HAS NOT DELINEATED A
49 FLOODWAY; SUCH ANALYSES SHALL DEMONSTRATE THAT THE
50 CUMULATIVE EFFECT OF PROPOSED DEVELOPMENT, WHEN COMBINED
51 WITH ALL OTHER EXISTING AND ANTICIPATED DEVELOPMENT WILL NOT

1 INCREASE THE WATER SURFACE ELEVATION OF THE BASE FLOOD BY
2 MORE THAN ONE FOOT OR A LOWER INCREASE IF REQUIRED BY MDE.
3

4 (7) FOR ENCROACHMENTS IN FLOODWAYS, AN EVALUATION OF
5 ALTERNATIVES TO SUCH ENCROACHMENTS, INCLUDING DIFFERENT
6 USES OF THE SITE OR PORTION OF THE SITE WITHIN THE FLOODWAY,
7 AND MINIMIZATION OF SUCH ENCROACHMENT.
8

9 (8) IF FILL IS PROPOSED TO BE PLACED FOR A PURPOSE OTHER THAN
10 TO ELEVATE STRUCTURES, THE APPLICANT SHALL INDICATE THE
11 INTENDED PURPOSE FOR THE FILL.
12

13 (9) FOR PROPOSED BUILDINGS AND STRUCTURES, INCLUDING
14 SUBSTANTIAL IMPROVEMENT AND REPAIR OF SUBSTANTIAL DAMAGE,
15 AND PLACEMENT AND REPLACEMENT OF MANUFACTURED HOMES,
16 INCLUDING SUBSTANTIAL IMPROVEMENT AND REPAIR OF SUBSTANTIAL
17 DAMAGE:
18

19 (A) THE PROPOSED ELEVATION OF THE FINAL GRADING AND
20 LOWEST FLOOR, INCLUDING BASEMENT, REFERENCED TO THE
21 DATUM ON THE FIRM AND A SIGNED AGREEMENT TO SUBMIT AN
22 ELEVATION CERTIFICATE.
23

24 (B) THE SIGNED DECLARATION OF LAND RESTRICTION
25 (NONCONVERSION AGREEMENT) THAT SHALL BE RECORDED ON
26 THE PROPERTY DEED PRIOR TO ISSUANCE OF THE CERTIFICATE
27 OF OCCUPANCY, IF THE APPLICATION INCLUDES AN ENCLOSURE
28 BELOW THE LOWEST FLOOR OR A CRAWL/UNDERFLOOR SPACE
29 THAT IS MORE THAN FOUR (4) FEET IN HEIGHT.
30

31 (C) A WRITTEN EVALUATION OF ALTERNATIVE METHODS
32 CONSIDERED TO ELEVATE STRUCTURES AND MANUFACTURED
33 HOMES, IF THE LOCATION IS IN NONTIDAL WATERS OF THE STATE
34 AND FILL IS PROPOSED TO ACHIEVE THE ELEVATION REQUIRED
35 IN SECTION 17.11.530 (A) OR SECTION 17.11.540 (A).
36

37 (10) FOR ACCESSORY STRUCTURES THAT ARE 300 SQUARE FEET OR
38 LARGER IN AREA (FOOTPRINT) THAT ARE BELOW THE BASE FLOOD
39 ELEVATION, A DECLARATION OF LAND RESTRICTION (NONCONVERSION
40 AGREEMENT) SHALL BE RECORDED ON THE PROPERTY DEED PRIOR TO
41 ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
42

43 (11) FOR TEMPORARY STRUCTURES AND TEMPORARY STORAGE,
44 SPECIFICATION OF THE DURATION OF THE TEMPORARY USE.
45

46 (12) FOR PROPOSED WORK ON EXISTING BUILDINGS, STRUCTURE, AND
47 MANUFACTURED HOMES, INCLUDING ANY IMPROVEMENT, ADDITION,
48 REPAIRS, ALTERATIONS, REHABILITATION, OR RECONSTRUCTION,
49 SUFFICIENT INFORMATION TO DETERMINE IF THE WORK CONSTITUTES
50 SUBSTANTIAL IMPROVEMENT OR REPAIR OF SUBSTANTIAL DAMAGE,
51 INCLUDING BUT NOT LIMITED TO:

1
2 (A) IF THE EXISTING BUILDING OR STRUCTURE WAS
3 CONSTRUCTED AFTER NOVEMBER 4, 1981, EVIDENCE THAT THE
4 WORK WILL NOT ALTER ANY ASPECT OF THE BUILDING OR
5 STRUCTURE THAT WAS REQUIRED FOR COMPLIANCE WITH THE
6 FLOODPLAIN MANAGEMENT REQUIREMENTS IN EFFECT AT THE
7 TIME THE BUILDING OR STRUCTURE WAS PERMITTED.
8

9 (B) IF THE PROPOSED WORK IS A HORIZONTAL ADDITION, A
10 DESCRIPTION OF THE ADDITION AND WHETHER IT WILL BE
11 INDEPENDENTLY SUPPORTED OR STRUCTURALLY CONNECTED
12 TO THE BASE BUILDING AND THE NATURE OF ALL OTHER
13 MODIFICATIONS TO THE BASE BUILDING, IF ANY.
14

15 (C) DOCUMENTATION OF THE MARKET VALUE OF THE BUILDING
16 OR STRUCTURE BEFORE THE IMPROVEMENT OR, IF THE WORK IS
17 REPAIR OF DAMAGE, BEFORE THE DAMAGE OCCURRED.
18

19 (D) DOCUMENTATION OF THE ACTUAL CASH VALUE OF ALL
20 PROPOSED WORK, INCLUDING THE ACTUAL CASH VALUE OF ALL
21 WORK NECESSARY TO REPAIR AND RESTORE DAMAGE TO THE
22 BEFORE-DAMAGED CONDITION, REGARDLESS OF THE AMOUNT
23 OF WORK THAT WILL BE PERFORMED. THE VALUE OF WORK
24 PERFORMED BY THE OWNER OR VOLUNTEERS SHALL BE VALUED
25 AT MARKET LABOR RATES; THE VALUE OF DONATED OR
26 DISCOUNTED MATERIALS SHALL BE VALUED AT MARKET RATES.
27

28 (13) CERTIFICATIONS AND/OR TECHNICAL ANALYSES PREPARED OR
29 CONDUCTED BY A LICENSED PROFESSIONAL ENGINEER OR LICENSED
30 ARCHITECT, AS APPROPRIATE, INCLUDING:
31

32 (A) THE DETERMINATION OF THE BASE FLOOD ELEVATIONS OR
33 HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSES
34 PREPARED BY A LICENSED PROFESSIONAL ENGINEER THAT ARE
35 REQUIRED BY THE FLOODPLAIN ADMINISTRATOR OR ARE
36 REQUIRED BY THIS CHAPTER IN: SECTION 17.11.405 FOR CERTAIN
37 SUBDIVISIONS AND DEVELOPMENT; SECTION 17.11.520 (A) FOR
38 DEVELOPMENT IN DESIGNATED FLOODWAYS; SECTION 17.11.520
39 (C) FOR DEVELOPMENT IN FLOOD HAZARD AREAS WITH BASE
40 FLOOD ELEVATIONS BUT NOT DESIGNATED FLOODWAYS; AND
41 SECTION 17.11.520 (E) FOR DELIBERATE ALTERATION OR
42 RELOCATION OF WATERCOURSES.
43

44 (B) THE FLOODPROOFING CERTIFICATE FOR NONRESIDENTIAL
45 STRUCTURES THAT ARE FLOODPROOFED AS REQUIRED IN
46 SECTION 17.11.540 (B).
47

48 (C) CERTIFICATION THAT ENGINEERED FLOOD OPENINGS ARE
49 DESIGNED TO MEET THE MINIMUM REQUIREMENTS OF SECTION
50 17.11.530 (C) (3) TO AUTOMATICALLY EQUALIZE HYDROSTATIC
51 FLOOD FORCES.

1
2 (D) CERTIFICATION THAT THE PROPOSED ELEVATION,
3 STRUCTURAL DESIGN, SPECIFICATIONS AND PLANS, AND THE
4 METHODS OF CONSTRUCTION TO BE USED FOR STRUCTURES IN
5 COASTAL HIGH HAZARD AREAS (V ZONES) AND COASTAL A
6 ZONES, ARE IN ACCORDANCE WITH ACCEPTED STANDARDS OF
7 PRACTICE AND MEET THE REQUIREMENTS OF SECTION 17.11.620
8 (C).
9

10 (14) FOR NONRESIDENTIAL STRUCTURES THAT ARE PROPOSED WITH
11 FLOODPROOFING, AN OPERATIONS AND MAINTENANCE PLAN AS
12 SPECIFIED IN SECTION 17.11.540 (B) (3).
13

14 (15) SUCH OTHER MATERIAL AND INFORMATION AS MAY BE REQUESTED
15 BY THE FLOODPLAIN ADMINISTRATOR AND NECESSARY TO DETERMINE
16 CONFORMANCE WITH THIS CHAPTER, INCLUDING ANY APPLIED FOR
17 VARIANCES.
18

19 (B) NEW TECHNICAL DATA
20

21 (1) THE APPLICANT MAY SEEK A LETTER OF MAP CHANGE BY
22 SUBMITTING NEW TECHNICAL DATA TO FEMA, SUCH AS BASE MAPS,
23 TOPOGRAPHY, AND ENGINEERING ANALYSES TO SUPPORT REVISION
24 OF FLOODPLAIN AND FLOODWAY BOUNDARIES AND/OR BASE FLOOD
25 ELEVATIONS. SUCH SUBMISSIONS SHALL BE PREPARED IN A FORMAT
26 ACCEPTABLE TO FEMA AND ANY FEES SHALL BE THE SOLE
27 RESPONSIBILITY OF THE APPLICANT. A COPY OF THE SUBMITTAL SHALL
28 BE ATTACHED TO THE APPLICATION FOR A PERMIT.
29

30 (2) IF THE APPLICANT SUBMITS NEW TECHNICAL DATA TO SUPPORT ANY
31 CHANGE IN FLOODPLAIN AND DESIGNATED FLOODWAY BOUNDARIES
32 AND/OR BASE FLOOD ELEVATIONS BUT HAS NOT SOUGHT A LETTER OF
33 MAP CHANGE FROM FEMA, THE APPLICANT SHALL SUBMIT SUCH DATA
34 TO FEMA AS SOON AS PRACTICABLE, BUT NOT LATER THAN SIX
35 MONTHS AFTER THE DATE SUCH INFORMATION BECOMES AVAILABLE.
36 SUCH SUBMISSIONS SHALL BE PREPARED IN A FORMAT ACCEPTABLE
37 TO FEMA AND ANY FEES SHALL BE THE SOLE RESPONSIBILITY OF THE
38 APPLICANT.
39

40 **17.11.350 - REVIEW OF APPLICATION.**

41 THE FLOODPLAIN ADMINISTRATOR SHALL:
42

43
44 (A) REVIEW APPLICATIONS FOR DEVELOPMENT IN SPECIAL FLOOD HAZARD
45 AREAS TO DETERMINE THE COMPLETENESS OF INFORMATION SUBMITTED.
46 THE APPLICANT SHALL BE NOTIFIED OF INCOMPLETENESS OR ADDITIONAL
47 INFORMATION THAT IS REQUIRED TO SUPPORT THE APPLICATION.
48

49 (B) NOTIFY APPLICANTS THAT PERMITS FROM MDE AND THE U.S. ARMY CORPS
50 OF ENGINEERS, AND OTHER STATE AND FEDERAL AUTHORITIES MAY BE
51 REQUIRED.

1
2 (C) REVIEW ALL PERMIT APPLICATIONS TO ASSURE THAT ALL NECESSARY
3 PERMITS HAVE BEEN RECEIVED FROM THE FEDERAL, STATE OR LOCAL
4 GOVERNMENTAL AGENCIES FROM WHICH PRIOR APPROVAL IS REQUIRED. THE
5 APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING SUCH PERMITS,
6 INCLUDING PERMITS ISSUED BY:

7
8 (1) THE U.S. ARMY CORPS OF ENGINEERS UNDER SECTION 10 OF THE
9 RIVERS AND HARBORS ACT AND SECTION 404 OF THE CLEAN WATER
10 ACT;

11
12 (2) MDE PURSUANT TO COMAR 26.23 (NONTIDAL WETLANDS) AND
13 SECTION 401 OF THE CLEAN WATER ACT;

14
15 (3) MDE FOR CONSTRUCTION ON NONTIDAL WATERS OF THE STATE
16 PURSUANT TO COMAR 26.17.04; AND

17
18 (4) MDE PURSUANT TO COMAR 26.24 (TIDAL WETLANDS).

19
20 (D) REVIEW APPLICATIONS FOR COMPLIANCE WITH THIS CHAPTER AFTER ALL
21 INFORMATION REQUIRED IN SECTION 17.11.340 OF THIS CHAPTER OR
22 IDENTIFIED AND REQUIRED BY THE FLOODPLAIN ADMINISTRATOR HAS BEEN
23 RECEIVED.

24
25 (E) REVIEW APPLICATIONS FOR COMPLIANCE WITH THE GENERAL
26 REQUIREMENTS AS DESCRIBED IN CHAPTER 17.08, GRADING, EROSION AND
27 SEDIMENT CONTROL, AND IN CHAPTER 17.12, BUILDING CODE, OF THIS TITLE.

28
29 **17.11.360 – INSPECTIONS.**

30
31 THE FLOODPLAIN ADMINISTRATOR SHALL MAKE PERIODIC INSPECTIONS OF
32 DEVELOPMENT PERMITTED IN SPECIAL FLOOD HAZARD AREAS, AT APPROPRIATE
33 TIMES THROUGHOUT THE PERIOD OF CONSTRUCTION IN ORDER TO MONITOR
34 COMPLIANCE. SUCH INSPECTIONS MAY INCLUDE:

35
36 (A) STAKE-OUT INSPECTION, TO DETERMINE LOCATION ON THE SITE RELATIVE
37 TO THE FLOOD HAZARD AREA AND DESIGNATED FLOODWAY.

38
39 (B) FOUNDATION INSPECTION, UPON PLACEMENT OF THE LOWEST FLOOR AND
40 PRIOR TO FURTHER VERTICAL CONSTRUCTION, TO COLLECT INFORMATION
41 OR CERTIFICATION OF THE ELEVATION OF THE LOWEST FLOOR.

42
43 (C) INSPECTION OF ENCLOSURES BELOW THE LOWEST FLOOR, INCLUDING
44 CRAWL/UNDERFLOOR SPACES, TO DETERMINE COMPLIANCE WITH
45 APPLICABLE PROVISIONS.

46
47 (D) UTILITY INSPECTION, UPON INSTALLATION OF SPECIFIED EQUIPMENT AND
48 APPLIANCES, TO DETERMINE APPROPRIATE LOCATION WITH RESPECT TO THE
49 BASE FLOOD ELEVATION.

50

1 (E) FINAL INSPECTION PRIOR TO ISSUANCE OF THE CERTIFICATE OF
2 OCCUPANCY.
3

4 **17.11.370 - SUBMISSIONS REQUIRED PRIOR TO FINAL INSPECTION.**

5
6 PURSUANT TO THE AGREEMENT TO SUBMIT AN ELEVATION CERTIFICATE SUBMITTED
7 WITH THE APPLICATION AS REQUIRED IN SECTION 17.11.3403.5 (A) (9), THE
8 PERMITTEE SHALL HAVE AN ELEVATION CERTIFICATE PREPARED AND SUBMITTED
9 PRIOR TO FINAL INSPECTION AND ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR
10 ELEVATED STRUCTURES AND MANUFACTURED HOMES, INCLUDING NEW
11 STRUCTURES AND MANUFACTURED HOMES, SUBSTANTIALLY-IMPROVED
12 STRUCTURES AND MANUFACTURED HOMES, AND ADDITIONS TO STRUCTURES AND
13 MANUFACTURED HOMES.
14

15 **17.11.380 – VIOLATIONS.**

16
17 (A) FLOODPLAIN VIOLATION. A PERSON WHO FAILS TO COMPLY WITH ANY OR ALL OF
18 THE REQUIREMENTS OR PROVISIONS OF THIS CHAPTER OR ANY ORDER OR
19 REQUIREMENT OF THE DIRECTOR OF NEIGHBORHOOD AND ENVIRONMENTAL
20 PROGRAMS OR ANY OTHER AUTHORIZED EMPLOYEE OF THE CITY IS GUILTY OF A
21 MUNICIPAL INFRACTION AND IS SUBJECT TO A FINE AS ESTABLISHED BY
22 RESOLUTION OF THE CITY COUNCIL. EACH DAY AFTER THE EXPIRATION OF THE
23 ALLOWED REMEDIAL WORK PERIOD SHALL CONSTITUTE A SEPARATE OFFENSE. IN
24 ADDITION, NO OTHER INSPECTIONS SHALL BE MADE BY THE DEPARTMENT OF
25 NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS FOR THE PROJECT IN QUESTION
26 UNTIL REMEDIAL ACTION HAS BEEN SATISFACTORILY COMPLETED AND THE SUBJECT
27 FINE HAS BEEN PAID IN FULL.
28

29 (B) CORRECTION. THE IMPOSITION OF A FINE OR PENALTY FOR ANY VIOLATION OR
30 NONCOMPLIANCE WITH THIS CHAPTER DOES NOT EXCUSE THE VIOLATION OR
31 NONCOMPLIANCE OR PERMIT IT TO CONTINUE. ALL PERSONS DETERMINED TO BE IN
32 VIOLATION OR NONCOMPLIANCE SHALL BE REQUIRED TO CORRECT OR REMEDY THE
33 VIOLATIONS AND NONCOMPLIANCE WITHIN A REASONABLE TIME PERIOD.
34

35 (C) NUISANCE. A STRUCTURE CONSTRUCTED, RECONSTRUCTED, ENLARGED,
36 ALTERED, OR RELOCATED IN NONCOMPLIANCE WITH THIS CHAPTER MAY BE
37 DECLARED BY THE DIRECTOR TO BE A PUBLIC NUISANCE AND SUBSEQUENTLY
38 ABATED AS A PUBLIC NUISANCE.
39

40 (D) NOTIFICATION OF VIOLATION. THE FEDERAL INSURANCE ADMINISTRATOR AND
41 THE MARYLAND WATER RESOURCES ADMINISTRATION SHALL BE NOTIFIED
42 IMMEDIATELY IN WRITING OF ANY STRUCTURE OR PROPERTY IN VIOLATION OF THIS
43 CHAPTER.
44

45 (E) DENIAL OF NATIONAL FLOOD INSURANCE. NEW OR RENEWAL NATIONAL FLOOD
46 INSURANCE SHALL BE DENIED FOR ANY STRUCTURE REMAINING IN VIOLATION OR
47 SITUATED ON PROPERTY IN VIOLATION OF THIS CHAPTER.
48

49 **17.11.390 - APPEALS.**
50

1 (A) A PERSON AGGRIEVED BY AN ORDER FROM THE DIRECTOR OR THE DIRECTOR'S
2 DESIGNEE MADE PURSUANT TO THIS CHAPTER, OTHER THAN THE ISSUANCE OF A
3 MUNICIPAL CITATION OR THE CHARGING OF A MISDEMEANOR, MAY APPEAL TO THE
4 BUILDING BOARD OF APPEALS WITHIN FIFTEEN CALENDAR DAYS OF THE DATE OF
5 THE ORDER. THE PETITION FOR APPEAL SHALL BE IN WRITING STATING THE
6 GROUNDS FOR APPEAL AND SHALL BE FILED WITH THE DEPARTMENT OF
7 NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS ALONG WITH A NONREFUNDABLE
8 FEE IN AN AMOUNT ESTABLISHED BY THE CITY COUNCIL. ANY RIGHT TO APPEAL
9 SHALL BE WAIVED IF NOT TIMELY FILED.

10
11 (B) THE BUILDING BOARD OF APPEALS SHALL CONSIDER THE APPEAL BASED UPON
12 THE INFORMATION PROVIDED TO THE DEPARTMENT OF NEIGHBORHOOD AND
13 ENVIRONMENTAL PROGRAMS AT THE TIME OF THE ORDER FROM WHICH THE APPEAL
14 IS TAKING. IF THE BOARD FINDS THAT THE ORDER WAS IN ERROR OR CONTRARY TO
15 THE PROVISIONS OF THIS CODE OR OTHER APPLICABLE LAW, THE BOARD MAY
16 REVERSE OR MODIFY THE ORDER. THE DECISION OF THE BOARD ON ALL APPEALS
17 SHALL BE IN WRITING AND SHALL CONTAIN THE FACTUAL FINDINGS OF THE BOARD
18 AND THE REASONS FOR THE DECISION.

19
20 (C) A PERSON AGGRIEVED BY A DECISION OF THE BUILDING BOARD OF APPEALS
21 MADE PURSUANT TO THIS SECTION MAY APPEAL THAT DECISION TO THE CIRCUIT
22 COURT FOR ANNE ARUNDEL COUNTY PURSUANT TO MARYLAND RULE TITLE 7,
23 CHAPTER 200 OR ITS SUCCESSOR. FOR PURPOSES OF THIS SUBSECTION, A PERSON
24 SHALL NOT BE CONSIDERED AGGRIEVED BY A DECISION OF THE BOARD UNLESS THE
25 PERSON HAS APPEARED AS A PARTY AT THE HEARING BEFORE THE BOARD. AN
26 APPEAL UNDER THIS SECTION SHALL BE TAKEN WITHIN THIRTY DAYS OF THE DATE
27 OF THE DECISION APPEALED AND SHALL BE THE EXCLUSIVE REMEDY OF THE
28 AGGRIEVED PARTY FROM THAT DECISION.
29

30 **ARTICLE IV – REQUIREMENTS IN ALL FLOOD HAZARD AREAS**

31 32 **17.11.400 – APPLICATION REQUIREMENTS.**

33
34 THE GENERAL REQUIREMENTS OF THIS SECTION APPLY TO ALL DEVELOPMENT
35 PROPOSED WITHIN ALL SPECIAL FLOOD HAZARD AREAS IDENTIFIED IN SECTION
36 17.11.050.

37 38 **17.11.405 - SUBDIVISION PROPOSALS AND DEVELOPMENT PROPOSALS.**

39
40 (A) IN ALL FLOOD ZONES:

41
42 (1) SUBDIVISION PROPOSALS AND DEVELOPMENT PROPOSALS SHALL BE
43 CONSISTENT WITH THE NEED TO MINIMIZE FLOOD DAMAGE AND ARE SUBJECT
44 TO ALL APPLICABLE STANDARDS IN THIS CHAPTER.

45
46 (2) SUBDIVISION PROPOSALS AND DEVELOPMENT PROPOSALS SHALL HAVE
47 UTILITIES AND FACILITIES SUCH AS SEWER, GAS, ELECTRICAL, AND WATER
48 SYSTEMS LOCATED AND CONSTRUCTED TO MINIMIZE FLOOD DAMAGE.
49

1 (3) SUBDIVISION PROPOSALS AND DEVELOPMENT PROPOSALS SHALL HAVE
2 ADEQUATE DRAINAGE PATHS PROVIDED TO REDUCE EXPOSURE TO FLOOD
3 HAZARDS AND TO GUIDE FLOODWATERS AROUND AND AWAY FROM
4 PROPOSED STRUCTURES.

5
6 (4) SUBDIVISION PROPOSALS AND DEVELOPMENT PROPOSALS CONTAINING AT
7 LEAST 5 LOTS OR AT LEAST 5 ACRES, WHICHEVER IS THE LESSER, THAT ARE
8 WHOLLY OR PARTIALLY IN FLOOD HAZARD AREAS WHERE BASE FLOOD
9 ELEVATION DATA ARE NOT PROVIDED BY THE FLOODPLAIN ADMINISTRATOR
10 OR AVAILABLE FROM OTHER SOURCES, SHALL BE SUPPORTED BY
11 DETERMINATIONS OF BASE FLOOD ELEVATIONS AS REQUIRED IN SECTION
12 17.11.340 OF THIS CHAPTER.

13
14 (5) SUBDIVISION ACCESS ROADS SHALL HAVE THE DRIVING SURFACE AT OR
15 ABOVE THE BASE FLOOD ELEVATION.

16
17 (B) IN SPECIAL FLOOD HAZARD AREAS OF NONTIDAL WATERS OF THE STATE:

18
19 (1) SUBDIVISION PROPOSALS SHALL BE LAID OUT SUCH THAT PROPOSED
20 BUILDING PADS ARE LOCATED OUTSIDE OF THE SPECIAL FLOOD HAZARD
21 AREA AND ANY PORTION OF PLATTED LOTS THAT INCLUDE LAND AREAS THAT
22 ARE BELOW THE BASE FLOOD ELEVATION SHALL BE USED FOR OTHER
23 PURPOSES, DEED RESTRICTED, OR OTHERWISE PROTECTED TO PRESERVE IT
24 AS OPEN SPACE.

25
26 (2) SUBDIVISION ACCESS ROADS SHALL HAVE THE DRIVING SURFACE AT OR
27 ABOVE THE BASE FLOOD ELEVATION.

28
29 **17.11.410 - PROTECTION OF WATER SUPPLY AND SANITARY SEWAGE SYSTEMS.**

30
31 (A) NEW AND REPLACEMENT WATER SUPPLY SYSTEMS SHALL BE DESIGNED TO
32 MINIMIZE OR ELIMINATE INFILTRATION OF FLOODWATERS INTO THE SYSTEMS.

33
34 (B) NEW AND REPLACEMENT SANITARY SEWAGE SYSTEMS SHALL BE DESIGNED TO
35 MINIMIZE OR ELIMINATE INFILTRATION OF FLOODWATERS INTO SYSTEMS AND
36 DISCHARGES FROM SYSTEMS INTO FLOODWATERS.

37
38 (C) ON-SITE WASTE DISPOSAL SYSTEMS SHALL BE LOCATED TO AVOID IMPAIRMENT
39 TO OR CONTAMINATION FROM THEM DURING CONDITIONS OF FLOODING.

40
41 (D) CESSPOOLS, SEPTIC TANKS, AND SEEPAGE PITS FOR NEW CONSTRUCTION ARE
42 PROHIBITED.

43
44 (E) ALL PIPES CONNECTED TO SEWAGE SYSTEMS SHALL BE CAST IRON, DUCTILE
45 IRON PIPE, OR THE EQUIVALENT AS PROVIDED BY CITY OF ANNAPOLIS PUBLIC
46 WORKS STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS, AND ALL PIPING
47 SHALL BE LEAKPROOF.

48
49 **17.11.420 - BUILDINGS AND STRUCTURES.**

1 NEW BUILDINGS AND STRUCTURES (INCLUDING THE PLACEMENT AND REPLACEMENT
2 OF MANUFACTURED HOMES) AND SUBSTANTIAL IMPROVEMENT OF EXISTING
3 STRUCTURES (INCLUDING MANUFACTURED HOMES) THAT ARE LOCATED, IN WHOLE
4 OR IN PART, IN ANY SPECIAL FLOOD HAZARD AREA SHALL:

5
6 (A) BE DESIGNED (OR MODIFIED) AND CONSTRUCTED TO SAFELY SUPPORT
7 FLOOD LOADS. THE CONSTRUCTION SHALL PROVIDE A COMPLETE LOAD PATH
8 CAPABLE OF TRANSFERRING ALL LOADS FROM THEIR POINT OF ORIGIN
9 THROUGH THE LOAD-RESISTING ELEMENTS TO THE FOUNDATION.
10 STRUCTURES SHALL BE DESIGNED, CONNECTED AND ANCHORED TO RESIST
11 FLOTATION, COLLAPSE OR PERMANENT LATERAL MOVEMENT DUE TO
12 STRUCTURAL LOADS AND STRESSES, INCLUDING HYDRODYNAMIC AND
13 HYDROSTATIC LOADS AND THE EFFECTS OF BUOYANCY, FROM FLOODING
14 EQUAL TO THE FLOOD PROTECTION ELEVATION OR THE ELEVATION
15 REQUIRED BY THIS CHAPTER OR THE BUILDING CODE, WHICHEVER IS HIGHER.
16

17 (B) BE CONSTRUCTED BY METHODS AND PRACTICES THAT MINIMIZE FLOOD
18 DAMAGE.
19

20 (C) USE FLOOD DAMAGE-RESISTANT MATERIALS BELOW THE ELEVATION OF
21 THE LOWEST FLOOR REQUIRED IN SECTION 17.11.530 (A) OR SECTION
22 17.11.540 (A) (FOR A ZONES) OR SECTION 17.11.620 (B) (FOR V ZONES AND
23 COASTAL A ZONES).
24

25 (D) HAVE ELECTRICAL SYSTEMS, EQUIPMENT AND COMPONENTS, AND
26 MECHANICAL, HEATING, VENTILATING, AIR CONDITIONING, AND PLUMBING
27 APPLIANCES, PLUMBING FIXTURES, DUCT SYSTEMS, AND OTHER SERVICE
28 EQUIPMENT LOCATED AT OR ABOVE THE ELEVATION OF THE LOWEST FLOOR
29 REQUIRED IN SECTION 17.11.530 (A) OR SECTION 17.11.540 (A) (A ZONES) OR
30 SECTION 17.11.620 (B) (V ZONES AND COASTAL A ZONES). ELECTRICAL WIRING
31 SYSTEMS ARE PERMITTED TO BE LOCATED BELOW ELEVATION OF THE
32 LOWEST FLOOR PROVIDED THEY CONFORM TO THE PROVISIONS OF THE
33 ELECTRICAL PART OF THE BUILDING CODE FOR WET LOCATIONS. IF
34 REPLACED AS PART OF A SUBSTANTIAL IMPROVEMENT, ELECTRICAL
35 SYSTEMS, EQUIPMENT AND COMPONENTS, AND HEATING, VENTILATION, AIR
36 CONDITIONING, AND PLUMBING APPLIANCES, PLUMBING FIXTURES, DUCT
37 SYSTEMS, AND OTHER SERVICE EQUIPMENT SHALL MEET THE REQUIREMENTS
38 OF THIS SECTION.
39

40 (E) AS AN ALTERNATIVE TO PARAGRAPH (D), ELECTRICAL SYSTEMS,
41 EQUIPMENT AND COMPONENTS, AND HEATING, VENTILATING, AIR
42 CONDITIONING, AND PLUMBING APPLIANCES, PLUMBING FIXTURES, DUCT
43 SYSTEMS, AND OTHER SERVICE EQUIPMENT ARE PERMITTED TO BE LOCATED
44 BELOW THE ELEVATION OF THE LOWEST FLOOR PROVIDED THEY ARE
45 DESIGNED AND INSTALLED TO PREVENT WATER FROM ENTERING OR
46 ACCUMULATING WITHIN THE COMPONENTS AND TO RESIST HYDROSTATIC
47 AND HYDRODYNAMIC LOADS AND STRESSES, INCLUDING THE EFFECTS OF
48 BUOYANCY, DURING THE OCCURRENCE OF FLOODING TO THAT ELEVATION.
49

50 (F) HAVE THE ELECTRIC PANELBOARD ELEVATED AT LEAST THREE (3) FEET
51 ABOVE THE BFE.

1
2 (G) IF LOCATED IN FLOOD HAZARD AREAS (A ZONES) THAT ARE NOT
3 IDENTIFIED AS COASTAL A ZONES AND COASTAL HIGH HAZARD AREAS (V
4 ZONES), COMPLY WITH THE SPECIFIC REQUIREMENTS OF ARTICLE V.

5
6 (H) IF LOCATED IN COASTAL A ZONE, COMPLY WITH THE SPECIFIC
7 REQUIREMENTS OF:

8
9 (1) ARTICLE VI (NEW CONSTRUCTION AND PLACEMENT OF NEW
10 MANUFACTURED HOMES); OR

11
12 (2) ARTICLE V (SUBSTANTIAL IMPROVEMENTS (INCLUDING REPAIR OF
13 SUBSTANTIAL DAMAGE) AND REPLACEMENT MANUFACTURED HOMES).

14
15 (I) IF LOCATED IN COASTAL HIGH HAZARD AREAS (V ZONES), COMPLY WITH
16 THE SPECIFIC REQUIREMENTS OF ARTICLE VI.

17
18 (J) COMPLY WITH THE REQUIREMENTS OF THE MOST RESTRICTIVE
19 DESIGNATION IF LOCATED ON A SITE THAT HAS MORE THAN ONE FLOOD ZONE
20 DESIGNATION (A ZONE, DESIGNATED FLOODWAY, COASTAL A ZONE, V ZONE).

21
22 (K) EXISTING NONCONFORMING USES OR STRUCTURES LOCATED ON LAND
23 BELOW THE BFE SHALL NOT BE EXPANDED.

24
25 **17.11.430 - PLACEMENT OF FILL.**

26
27 (A) DISPOSAL OF FILL, INCLUDING BUT NOT LIMITED TO EARTHEN SOILS, ROCK,
28 RUBBLE, CONSTRUCTION DEBRIS, WOODY DEBRIS, AND TRASH, SHALL NOT BE
29 PERMITTED IN SPECIAL FLOOD HAZARD AREAS.

30
31 (B) FILL SHALL NOT BE PLACED IN COASTAL A ZONES OR COASTAL HIGH HAZARD
32 AREAS (V ZONES) EXCEPT AS PROVIDED IN SECTION 17.11.610.

33
34 (C) FILL PROPOSED TO BE PLACED TO ELEVATE STRUCTURES IN FLOOD HAZARD
35 AREAS (A ZONES) THAT ARE NOT COASTAL A ZONES OR COASTAL HIGH HAZARD
36 AREAS (V ZONES) SHALL COMPLY WITH THE FLOODWAYS REQUIREMENTS IN
37 SECTION 17.11.520 (A), SECTION 17.11.520 (B), AND SECTION 17.11.520 (C) AND THE
38 LIMITATIONS OF SECTION 17.11.530 (B).

39
40 **17.11.440 - HISTORIC STRUCTURES.**

41
42 REPAIR, ALTERATION, ADDITION, REHABILITATION, OR OTHER IMPROVEMENT OF
43 HISTORIC STRUCTURES SHALL BE SUBJECT TO THE REQUIREMENTS OF THIS
44 CHAPTER IF THE PROPOSED WORK IS DETERMINED TO BE A SUBSTANTIAL
45 IMPROVEMENT, UNLESS A DETERMINATION IS MADE THAT THE PROPOSED WORK
46 WILL NOT PRECLUDE THE STRUCTURE'S CONTINUED DESIGNATION AS A HISTORIC
47 STRUCTURE. THE FLOODPLAIN ADMINISTRATOR MAY REQUIRE DOCUMENTATION OF
48 A STRUCTURE'S CONTINUED ELIGIBILITY AND DESIGNATION AS A HISTORIC
49 STRUCTURE.

50
51 **17.11.450 - MANUFACTURED HOMES AND BUILDINGS.**

1
2 NEW OR RELOCATED MANUFACTURED HOMES OR BUILDINGS ARE PROHIBITED FROM
3 AT OR BELOW THE BFE.

4
5 **17.11.455 - RECREATIONAL VEHICLES.**

6
7 RECREATIONAL VEHICLES ARE PROHIBITED FROM BEING STORED AT OR BELOW THE
8 BFE.

9
10 **17.11.460 - CRITICAL AND ESSENTIAL FACILITIES.**

11
12 CRITICAL AND ESSENTIAL FACILITIES SHALL:

13
14 (A) NOT BE LOCATED IN COASTAL HIGH HAZARD AREAS (V ZONES).

15
16 (B) IF LOCATED IN FLOOD HAZARD AREAS OTHER THAN COASTAL HIGH
17 HAZARD AREAS, BE ELEVATED TO THE HIGHER OF ELEVATION REQUIRED BY
18 THIS CHAPTER PLUS ONE (1) FOOT, THE ELEVATION REQUIRED BY THE
19 BUILDING CODE, OR THE ELEVATION OF THE 0.2 PERCENT CHANCE (500-YEAR)
20 FLOOD.

21
22 **17.11.470 - TEMPORARY STRUCTURES AND TEMPORARY STORAGE.**

23
24 IN ADDITION TO THE APPLICATION REQUIREMENTS OF SECTION 17.11.340,
25 APPLICATIONS FOR THE PLACEMENT OR ERECTION OF TEMPORARY STRUCTURES
26 AND THE TEMPORARY STORAGE OF ANY GOODS, MATERIALS, AND EQUIPMENT,
27 SHALL SPECIFY THE DURATION OF THE TEMPORARY USE. TEMPORARY STRUCTURES
28 AND TEMPORARY STORAGE IN FLOODWAYS SHALL MEET THE LIMITATIONS OF
29 SECTION 17.11.520 (A) OF THIS CHAPTER. IN ADDITION:

30
31 (A) TEMPORARY STRUCTURES SHALL:

32
33 (1) BE DESIGNED AND CONSTRUCTED TO PREVENT FLOTATION,
34 COLLAPSE OR LATERAL MOVEMENT RESULTING FROM HYDRODYNAMIC
35 LOADS AND HYDROSTATIC LOADS DURING CONDITIONS OF THE BASE
36 FLOOD;

37
38 (2) HAVE ELECTRIC SERVICE INSTALLED IN COMPLIANCE WITH THE
39 ELECTRIC CODE; AND

40
41 (3) COMPLY WITH ALL OTHER REQUIREMENTS OF THE APPLICABLE
42 STATE AND LOCAL PERMIT AUTHORITIES.

43
44 (B) TEMPORARY STORAGE SHALL NOT INCLUDE HAZARDOUS MATERIALS.

45
46 **17.11.480 - GAS OR LIQUID STORAGE TANKS.**

47
48 (A) UNDERGROUND TANKS IN FLOOD HAZARD AREAS SHALL BE ANCHORED TO
49 PREVENT FLOTATION, COLLAPSE OR LATERAL MOVEMENT RESULTING FROM
50 HYDROSTATIC LOADS, INCLUDING THE EFFECTS OF BUOYANCY, DURING
51 CONDITIONS OF THE BASE FLOOD.

1
2 (B) ABOVE-GROUND TANKS IN FLOOD HAZARD AREAS SHALL BE ANCHORED TO
3 A SUPPORTING STRUCTURE AND ELEVATED TO OR ABOVE THE BASE FLOOD
4 ELEVATION, OR SHALL BE ANCHORED OR OTHERWISE DESIGNED AND
5 CONSTRUCTED TO PREVENT FLOTATION, COLLAPSE, OR LATERAL MOVEMENT
6 RESULTING FROM HYDRODYNAMIC AND HYDROSTATIC LOADS, INCLUDING
7 THE EFFECTS OF BUOYANCY, DURING CONDITIONS OF THE BASE FLOOD.
8

9 (C) IN FLOOD HAZARD AREAS, TANK INLETS, FILL OPENINGS, OUTLETS AND
10 VENTS SHALL BE:

11
12 (1) AT OR ABOVE THE BASE FLOOD ELEVATION OR FITTED WITH
13 COVERS DESIGNED TO PREVENT THE INFLOW OF FLOODWATER OR
14 OUTFLOW OF THE CONTENTS OF THE TANKS DURING CONDITIONS OF
15 THE BASE FLOOD; AND
16

17 (2) ANCHORED TO PREVENT LATERAL MOVEMENT RESULTING FROM
18 HYDRODYNAMIC AND HYDROSTATIC LOADS, INCLUDING THE EFFECTS
19 OF BUOYANCY, DURING CONDITIONS OF THE BASE FLOOD.
20

21 **17.11.490 - FUNCTIONALLY DEPENDENT USES.**

22
23 APPLICATIONS FOR FUNCTIONALLY DEPENDENT USES THAT DO NOT CONFORM TO
24 THE REQUIREMENTS OF THIS CHAPTER SHALL BE APPROVED ONLY BY VARIANCES
25 ISSUED PURSUANT TO ARTICLE VII. IF APPROVED, FUNCTIONALLY DEPENDENT USES
26 SHALL BE PROTECTED BY METHODS THAT MINIMIZE FLOOD DAMAGE DURING THE
27 BASE FLOOD, INCLUDING MEASURES TO ALLOW FLOODWATERS TO ENTER AND EXIT,
28 USE OF FLOOD DAMAGE-RESISTANT MATERIALS, AND ELEVATION OF ELECTRIC
29 SERVICE AND EQUIPMENT TO THE EXTENT PRACTICAL GIVEN THE USE OF THE
30 BUILDING.
31

32 **ARTICLE V – REQUIREMENTS IN FLOOD HAZARD AREAS (A ZONES)**
33 **THAT ARE NOT COASTAL HIGH HAZARD AREAS (V ZONES) OR COASTAL**
34 **A ZONES**

35 **17.11.500 – GENERAL REQUIREMENTS.**

36
37 IN ADDITION TO THE GENERAL REQUIREMENTS OF ARTICLE IV, THE REQUIREMENTS
38 OF THIS SECTION SHALL:
39

40 (A) APPLY IN FLOOD HAZARD AREAS THAT ARE NOT IDENTIFIED AS COASTAL
41 HIGH HAZARD AREAS (V ZONES) AND COASTAL A ZONES. THESE FLOOD
42 HAZARD AREAS, REFERRED TO COLLECTIVELY AS “A ZONES,” INCLUDE
43 SPECIAL FLOOD HAZARD AREAS ALONG NONTIDAL WATERS OF THE STATE,
44 LANDWARD OF COASTAL HIGH HAZARD AREAS (V ZONES), AND LANDWARD OF
45 COASTAL A ZONES (IF DELINEATED).
46

47 (B) APPLY TO ALL DEVELOPMENT, NEW CONSTRUCTION, SUBSTANTIAL
48 IMPROVEMENTS (INCLUDING REPAIR OF SUBSTANTIAL DAMAGE), AND

1 PLACEMENT, REPLACEMENT, AND SUBSTANTIAL IMPROVEMENT (INCLUDING
2 REPAIR OF SUBSTANTIAL DAMAGE) OF MANUFACTURED HOMES.

3
4 (C) BASEMENTS, AS DEFINED BY THIS CHAPTER, ARE PROHIBITED.

5
6 **17.11.510 - FLOOD PROTECTION SETBACKS.**

7
8 WITHIN AREAS DEFINED BY FLOOD PROTECTION SETBACKS ALONG NONTIDAL
9 WATERS OF THE STATE:

10
11 (A) NO NEW BUILDINGS, STRUCTURES, OR OTHER DEVELOPMENT SHALL BE
12 PERMITTED UNLESS THE APPLICANT DEMONSTRATES THAT THE SITE CANNOT
13 BE DEVELOPED WITHOUT SUCH ENCROACHMENT INTO THE FLOOD
14 PROTECTION SETBACK AND THE ENCROACHMENT IS THE MINIMUM
15 NECESSARY AFTER CONSIDERATION OF VARYING OTHER SITING STANDARDS
16 SUCH AS SIDE, FRONT, AND BACK LOT LINE SETBACKS.

17
18 (B) DISTURBANCE OF NATURAL VEGETATION SHALL BE MINIMIZED AND ANY
19 DISTURBANCE ALLOWED SHALL BE VEGETATIVELY STABILIZED.

20
21 (C) PUBLIC WORKS AND TEMPORARY CONSTRUCTION MAY BE PERMITTED.

22
23 **17.11.520 - DEVELOPMENT THAT AFFECTS FLOOD-CARRYING CAPACITY OF**
24 **NONTIDAL WATERS OF THE STATE.**

25
26 (A) DEVELOPMENT IN DESIGNATED FLOODWAYS.

27
28 (1) FOR PROPOSED DEVELOPMENT THAT WILL ENCROACH INTO A
29 DESIGNATED FLOODWAY, SECTION 17.11.340 (A) (7) REQUIRES THE APPLICANT
30 TO SUBMIT AN EVALUATION OF ALTERNATIVES TO SUCH ENCROACHMENT,
31 INCLUDING DIFFERENT USES OF THE SITE OR THE PORTION OF THE SITE
32 WITHIN THE FLOODWAY, AND MINIMIZATION OF SUCH ENCROACHMENT. THIS
33 REQUIREMENT DOES NOT APPLY TO FENCES THAT DO NOT BLOCK THE FLOW
34 OF FLOODWATERS OR TRAP DEBRIS.

35
36 (2) PROPOSED DEVELOPMENT IN A DESIGNATED FLOODWAY MAY BE
37 PERMITTED ONLY IF:

38
39 (A) THE APPLICANT HAS BEEN ISSUED A PERMIT BY MDE; AND

40
41 (B) THE APPLICANT HAS DEVELOPED HYDROLOGIC AND HYDRAULIC
42 ENGINEERING ANALYSES AND TECHNICAL DATA PREPARED BY A
43 LICENSED PROFESSIONAL ENGINEER REFLECTING SUCH CHANGES,
44 AND THE ANALYSES, WHICH SHALL BE SUBMITTED TO THE FLOODPLAIN
45 ADMINISTRATOR, DEMONSTRATE THAT THE PROPOSED ACTIVITY WILL
46 NOT RESULT IN ANY INCREASE IN THE BASE FLOOD ELEVATION; OR

47
48 (C) IF THE ANALYSES DEMONSTRATE THAT THE PROPOSED ACTIVITIES
49 WILL RESULT IN AN INCREASE IN THE BASE FLOOD ELEVATION, THE
50 APPLICANT HAS OBTAINED A CONDITIONAL LETTER OF MAP REVISION

1 OR LETTER OF MAP REVISION FROM FEMA. SUBMITTAL REQUIREMENTS
2 AND FEES SHALL BE THE RESPONSIBILITY OF THE APPLICANT.
3

4 (B) DEVELOPMENT THAT INCLUDES THE PLACEMENT OF FILL IN NONTIDAL WATERS
5 OF THE STATE.
6

7 FOR PROPOSED DEVELOPMENT THAT INCLUDES THE PLACEMENT OF FILL IN
8 NONTIDAL WATERS OF THE STATE, OTHER THAN DEVELOPMENT THAT IS SUBJECT
9 TO PARAGRAPH (D), A HYDRAULICALLY-EQUIVALENT VOLUME OF EXCAVATION IS
10 REQUIRED. SUCH EXCAVATIONS SHALL BE DESIGNED TO DRAIN FREELY.
11

12 (C) DEVELOPMENT IN AREAS WITH BASE FLOOD ELEVATIONS BUT NO DESIGNATED
13 FLOODWAYS.
14

15 FOR DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS OF NONTIDAL WATERS OF
16 THE STATE WITH BASE FLOOD ELEVATIONS BUT NO DESIGNATED FLOODWAYS:
17

18 (1) THE APPLICANT SHALL DEVELOP HYDROLOGIC AND HYDRAULIC
19 ENGINEERING ANALYSES AND TECHNICAL DATA REFLECTING THE PROPOSED
20 ACTIVITY AND SHALL SUBMIT SUCH TECHNICAL DATA TO THE FLOODPLAIN
21 ADMINISTRATOR AS REQUIRED IN SECTION 17.11.340 (A) (6). THE ANALYSES
22 SHALL BE PREPARED BY A LICENSED PROFESSIONAL ENGINEER IN A FORMAT
23 REQUIRED BY FEMA FOR A CONDITIONAL LETTER OF MAP REVISION OR
24 LETTER OF MAP REVISION. SUBMITTAL REQUIREMENTS AND FEES SHALL BE
25 THE RESPONSIBILITY OF THE APPLICANT.
26

27 (2) THE PROPOSED DEVELOPMENT MAY BE PERMITTED IF THE APPLICANT HAS
28 RECEIVED A PERMIT BY MDE AND IF THE ANALYSES DEMONSTRATE THAT THE
29 CUMULATIVE EFFECT OF THE PROPOSED DEVELOPMENT, WHEN COMBINED
30 WITH ALL OTHER EXISTING AND POTENTIAL FLOOD HAZARD AREA
31 ENCROACHMENTS WILL NOT INCREASE THE BASE FLOOD ELEVATION MORE
32 THAN 1.0 FOOT AT ANY POINT.
33

34 (D) CONSTRUCTION OF ROADS, BRIDGES, CULVERTS, DAMS AND IN-STREAM PONDS.
35

36 CONSTRUCTION OF ROADS, BRIDGES, CULVERTS, DAMS, AND IN-STREAM PONDS IN
37 NONTIDAL WATERS OF THE STATE SHALL NOT BE APPROVED UNLESS THEY COMPLY
38 WITH THIS SECTION AND THE APPLICANT HAS RECEIVED A PERMIT FROM MDE.
39

40 (E) ALTERATION OF A WATERCOURSE.
41

42 (1) FOR ANY PROPOSED DEVELOPMENT THAT INVOLVES ALTERATION OF A
43 WATERCOURSE NOT SUBJECT TO PARAGRAPH (C), UNLESS WAIVED BY MDE,
44 THE APPLICANT SHALL DEVELOP HYDROLOGIC AND HYDRAULIC ENGINEERING
45 ANALYSES AND TECHNICAL DATA REFLECTING SUCH CHANGES, INCLUDING
46 THE FLOODWAY ANALYSIS REQUIRED IN SECTION 17.11.340 (A), AND SUBMIT
47 SUCH TECHNICAL DATA TO THE FLOODPLAIN ADMINISTRATOR AND TO FEMA.
48 THE ANALYSES SHALL BE PREPARED BY A LICENSED PROFESSIONAL
49 ENGINEER IN A FORMAT REQUIRED BY MDE AND BY FEMA FOR A CONDITIONAL
50 LETTER OF MAP REVISION OR LETTER OF MAP REVISION. SUBMITTAL
51 REQUIREMENTS AND FEES SHALL BE THE RESPONSIBILITY OF THE APPLICANT.

1
2 (2) ALTERATION OF A WATERCOURSE MAY BE PERMITTED ONLY UPON
3 SUBMISSION, BY THE APPLICANT, OF THE FOLLOWING:
4

5 (A) A DESCRIPTION OF THE EXTENT TO WHICH THE WATERCOURSE WILL
6 BE ALTERED OR RELOCATED;
7

8 (B) A CERTIFICATION BY A LICENSED PROFESSIONAL ENGINEER THAT
9 THE FLOOD-CARRYING CAPACITY OF THE WATERCOURSE WILL NOT BE
10 DIMINISHED;
11

12 (C) EVIDENCE THAT ADJACENT COMMUNITIES, THE U.S. ARMY CORPS
13 OF ENGINEERS, AND MDE HAVE BEEN NOTIFIED OF THE PROPOSAL,
14 AND EVIDENCE THAT SUCH NOTIFICATIONS HAVE BEEN SUBMITTED TO
15 FEMA; AND
16

17 (D) EVIDENCE THAT THE APPLICANT SHALL BE RESPONSIBLE FOR
18 PROVIDING THE NECESSARY MAINTENANCE FOR THE ALTERED OR
19 RELOCATED PORTION OF THE WATERCOURSE SO THAT THE FLOOD
20 CARRYING CAPACITY WILL NOT BE DIMINISHED. THE FLOODPLAIN
21 ADMINISTRATOR MAY REQUIRE THE APPLICANT TO ENTER INTO AN
22 AGREEMENT WITH CITY OF ANNAPOLIS SPECIFYING THE MAINTENANCE
23 RESPONSIBILITIES; IF AN AGREEMENT IS REQUIRED, THE PERMIT SHALL
24 BE CONDITIONED TO REQUIRE THAT THE AGREEMENT BE RECORDED
25 ON THE DEED OF THE PROPERTY WHICH SHALL BE BINDING ON FUTURE
26 OWNERS.
27

28 **17.11.530 - RESIDENTIAL STRUCTURES AND RESIDENTIAL PORTIONS OF MIXED USE**
29 **STRUCTURES.**
30

31 NEW RESIDENTIAL STRUCTURES AND RESIDENTIAL PORTIONS OF MIXED USE
32 STRUCTURES, AND SUBSTANTIAL IMPROVEMENT (INCLUDING REPAIR OF
33 SUBSTANTIAL DAMAGE) OF EXISTING RESIDENTIAL STRUCTURES AND RESIDENTIAL
34 PORTIONS OF MIXED USE STRUCTURES SHALL COMPLY WITH THE APPLICABLE
35 REQUIREMENTS OF ARTICLE IV AND THIS SECTION. SEE SECTION 17.11.550 FOR
36 REQUIREMENTS FOR HORIZONTAL ADDITIONS.
37

38 (A) ELEVATION REQUIREMENTS.
39

40 (1) LOWEST FLOORS SHALL BE ELEVATED TO OR ABOVE THE FLOOD
41 PROTECTION ELEVATION.
42

43 (2) IN AREAS OF SHALLOW FLOODING (ZONE AO), THE LOWEST FLOOR
44 (INCLUDING BASEMENT) SHALL BE ELEVATED AT LEAST AS HIGH ABOVE
45 THE HIGHEST ADJACENT GRADE AS THE DEPTH NUMBER SPECIFIED IN
46 FEET ON THE FIRM PLUS TWO (2) FEET, OR AT LEAST FOUR (4) FEET IF A
47 DEPTH NUMBER IS NOT SPECIFIED.
48

49 (3) ENCLOSURES BELOW THE LOWEST FLOOR SHALL MEET THE
50 REQUIREMENTS OF PARAGRAPH (C).
51

1 (B) LIMITATIONS ON USE OF FILL TO ELEVATE STRUCTURES.
2

3 UNLESS OTHERWISE RESTRICTED BY THIS CHAPTER, ESPECIALLY BY THE
4 LIMITATIONS IN SECTION 17.11.520 (A), SECTION 17.11.520 (B), AND SECTION
5 17.11.520 (C), FILL PLACED FOR THE PURPOSE OF RAISING THE GROUND LEVEL
6 TO SUPPORT A BUILDING OR STRUCTURE SHALL:
7

8 (1) CONSIST OF EARTHEN SOIL OR ROCK MATERIALS ONLY.
9

10 (2) EXTEND Laterally FROM THE BUILDING FOOTPRINT TO PROVIDE
11 FOR ADEQUATE ACCESS AS A FUNCTION OF USE; THE FLOODPLAIN
12 ADMINISTRATOR MAY SEEK ADVICE FROM THE STATE FIRE MARSHAL'S
13 OFFICE AND/OR THE LOCAL FIRE SERVICES AGENCY;
14

15 (3) COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE AND BE
16 PLACED AND COMPACTED TO PROVIDE FOR STABILITY UNDER
17 CONDITIONS OF RISING AND FALLING FLOODWATERS AND RESISTANCE
18 TO EROSION, SCOUR, AND SETTLING;
19

20 (4) BE SLOPED NO STEEPER THAN ONE (1) VERTICAL TO TWO (2)
21 HORIZONTAL, UNLESS APPROVED BY THE FLOODPLAIN
22 ADMINISTRATOR;
23

24 (5) BE PROTECTED FROM EROSION ASSOCIATED WITH EXPECTED
25 VELOCITIES DURING THE OCCURRENCE OF THE BASE FLOOD; UNLESS
26 APPROVED BY THE FLOODPLAIN ADMINISTRATOR, FILL SLOPES SHALL
27 BE PROTECTED BY VEGETATION IF THE EXPECTED VELOCITY IS LESS
28 THAN FIVE FEET PER SECOND, AND BY OTHER MEANS IF THE EXPECTED
29 VELOCITY IS FIVE FEET PER SECOND OR MORE; AND
30

31 (6) BE DESIGNED WITH PROVISIONS FOR ADEQUATE DRAINAGE AND NO
32 ADVERSE EFFECT ON ADJACENT PROPERTIES.
33

34 (C) ENCLOSURES BELOW THE LOWEST FLOOR.
35

36 (1) ENCLOSURES BELOW THE LOWEST FLOOR SHALL BE USED SOLELY
37 FOR PARKING OF VEHICLES, BUILDING ACCESS, CRAWL/UNDERFLOOR
38 SPACES, OR LIMITED STORAGE.
39

40 (2) ENCLOSURES BELOW THE LOWEST FLOOR SHALL BE CONSTRUCTED
41 USING FLOOD DAMAGE-RESISTANT MATERIALS.
42

43 (3) ENCLOSURES BELOW THE LOWEST FLOOR SHALL BE PROVIDED
44 WITH FLOOD OPENINGS WHICH SHALL MEET THE FOLLOWING CRITERIA:
45 [NOTE: SEE NFIP TECHNICAL BULLETIN #1, "OPENINGS IN FOUNDATION
46 WALLS AND WALLS OF ENCLOSURES BELOW ELEVATED BUILDINGS."]
47

48 (A) THERE SHALL BE A MINIMUM OF TWO FLOOD OPENINGS ON
49 DIFFERENT SIDES OF EACH ENCLOSED AREA; IF A BUILDING HAS
50 MORE THAN ONE ENCLOSURE BELOW THE LOWEST FLOOR, EACH

1 SUCH ENCLOSURE SHALL HAVE FLOOD OPENINGS ON EXTERIOR
2 WALLS.

3
4 (B) THE TOTAL NET AREA OF ALL FLOOD OPENINGS SHALL BE AT
5 LEAST 1 SQUARE INCH FOR EACH SQUARE FOOT OF ENCLOSED
6 AREA (NON-ENGINEERED FLOOD OPENINGS), OR THE FLOOD
7 OPENINGS SHALL BE ENGINEERED FLOOD OPENINGS THAT ARE
8 DESIGNED AND CERTIFIED BY A LICENSED PROFESSIONAL
9 ENGINEER TO AUTOMATICALLY ALLOW ENTRY AND EXIT OF
10 FLOODWATERS; THE CERTIFICATION REQUIREMENT MAY BE
11 SATISFIED BY AN INDIVIDUAL CERTIFICATION OR AN EVALUATION
12 REPORT ISSUED BY THE ICC EVALUATION SERVICE, INC.

13
14 (C) THE BOTTOM OF EACH FLOOD OPENING SHALL BE 1 FOOT OR
15 LESS ABOVE THE HIGHER OF THE INTERIOR FLOOR OR GRADE,
16 OR THE EXTERIOR GRADE, IMMEDIATELY BELOW THE OPENING.

17
18 (D) ANY LOUVERS, SCREENS OR OTHER COVERS FOR THE FLOOD
19 OPENINGS SHALL ALLOW THE AUTOMATIC FLOW OF
20 FLOODWATERS INTO AND OUT OF THE ENCLOSED AREA.

21
22 (E) IF INSTALLED IN DOORS, FLOOD OPENINGS THAT MEET
23 REQUIREMENTS OF PARAGRAPHS (A) THROUGH (D), ARE
24 ACCEPTABLE; HOWEVER, DOORS WITHOUT INSTALLED FLOOD
25 OPENINGS DO NOT MEET THE REQUIREMENTS OF THIS SECTION.

26
27 **17.11.540 - NONRESIDENTIAL STRUCTURES AND NONRESIDENTIAL PORTIONS OF**
28 **MIXED USE STRUCTURES.**

29
30 NEW NONRESIDENTIAL STRUCTURES AND NONRESIDENTIAL PORTIONS OF MIXED
31 USE STRUCTURES, AND SUBSTANTIAL IMPROVEMENT (INCLUDING REPAIR OF
32 SUBSTANTIAL DAMAGE) OF EXISTING NONRESIDENTIAL STRUCTURES AND
33 NONRESIDENTIAL PORTIONS OF MIXED USE STRUCTURES SHALL COMPLY WITH THE
34 APPLICABLE REQUIREMENTS OF ARTICLE IV AND THE REQUIREMENTS OF THIS
35 SECTION. SEE SECTION 17.11.550 FOR REQUIREMENTS FOR HORIZONTAL ADDITIONS.

36
37 (A) ELEVATION REQUIREMENTS.

38
39 ELEVATED STRUCTURES SHALL:

40
41 (1) HAVE THE LOWEST FLOOR (INCLUDING BASEMENT) ELEVATED TO OR
42 ABOVE THE FLOOD PROTECTION ELEVATION; OR

43
44 (2) IN AREAS OF SHALLOW FLOODING (ZONE AO), HAVE THE LOWEST
45 FLOOR (INCLUDING BASEMENT) ELEVATED AT LEAST AS HIGH ABOVE
46 THE HIGHEST ADJACENT GRADE AS THE DEPTH NUMBER SPECIFIED IN
47 FEET ON THE FIRM PLUS TWO (2) FEET, OR AT LEAST FOUR (4) FEET IF A
48 DEPTH NUMBER IS NOT SPECIFIED; AND

49
50 (3) HAVE ENCLOSURES BELOW THE LOWEST FLOOR, IF ANY, THAT
51 COMPLY WITH THE REQUIREMENTS OF SECTION 17.11.530 (C); OR

1
2 (4) IF PROPOSED TO BE ELEVATED ON FILL, MEET THE LIMITATIONS ON
3 FILL IN SECTION 17.11.530 (B).
4

5 (B) FLOODPROOFING REQUIREMENTS
6

7 (1) FLOODPROOFING OF NEW NONRESIDENTIAL BUILDINGS:
8

9 (A) IS NOT ALLOWED IN NONTIDAL WATERS OF THE STATE
10 (COMAR 26.17.04.11 (B) (7)).
11

12 (B) IS NOT ALLOWED IN COASTAL A ZONES.
13

14 (2) FLOODPROOFING FOR SUBSTANTIAL IMPROVEMENT OF
15 NONRESIDENTIAL BUILDINGS:
16

17 (A) IS ALLOWED IN NONTIDAL WATERS OF THE STATE.
18

19 (B) IS ALLOWED IN COASTAL A ZONES.
20

21 (3) IF FLOODPROOFING IS PROPOSED, STRUCTURES SHALL:
22

23 (A) BE DESIGNED TO BE DRY FLOODPROOFED SUCH THAT THE
24 BUILDING OR STRUCTURE IS WATERTIGHT WITH WALLS AND
25 FLOORS SUBSTANTIALLY IMPERMEABLE TO THE PASSAGE OF
26 WATER TO THE LEVEL OF THE FLOOD PROTECTION ELEVATION
27 PLUS 1.0 FOOT, OR
28

29 (B) IF LOCATED IN AN AREA OF SHALLOW FLOODING (ZONE AO),
30 BE DRY FLOODPROOFED AT LEAST AS HIGH ABOVE THE HIGHEST
31 ADJACENT GRADE AS THE DEPTH NUMBER SPECIFIED ON THE
32 FIRM PLUS THREE (3) FEET, OR AT LEAST FIVE (5) FEET IF A
33 DEPTH NUMBER IS NOT SPECIFIED; AND
34

35 (C) HAVE STRUCTURAL COMPONENTS CAPABLE OF RESISTING
36 HYDROSTATIC AND HYDRODYNAMIC LOADS AND EFFECTS OF
37 BUOYANCY;
38

39 (D) HAVE FLOODPROOFING MEASURES THAT ARE DESIGNED
40 TAKING INTO CONSIDERATION THE NATURE OF FLOOD-RELATED
41 HAZARDS; FREQUENCY, DEPTH AND DURATION OF FLOODING;
42 RATE OF RISE AND FALL OF FLOODWATER; SOIL
43 CHARACTERISTICS; FLOOD-BORNE DEBRIS; AT LEAST 12 HOURS
44 OF FLOOD WARNING TIME FROM A CREDIBLE SOURCE; AND TIME
45 NECESSARY TO IMPLEMENT ANY MEASURES THAT REQUIRE
46 HUMAN INTERVENTION;
47

48 (E) HAVE AT LEAST ONE DOOR ABOVE THE APPLICABLE FLOOD
49 ELEVATION THAT ALLOWS HUMAN INGRESS AND EGRESS
50 DURING CONDITIONS OF FLOODING;
51

1 (F) HAVE AN OPERATIONS AND MAINTENANCE PLAN THAT IS
2 FILED WITH LOCAL EMERGENCY MANAGEMENT OFFICIALS AND
3 THAT SPECIFIES THE OWNER/OCCUPANT'S RESPONSIBILITIES TO
4 MONITOR FLOOD POTENTIAL; THE LOCATION OF ANY SHIELDS,
5 DOORS, CLOSURES, TOOLS, OR OTHER GOODS THAT ARE
6 REQUIRED FOR IMPLEMENTATION; MAINTENANCE OF SUCH
7 GOODS; METHODS OF INSTALLATION; AND PERIODIC
8 INSPECTION; AND
9

10 (G) BE CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER OR
11 LICENSED ARCHITECT, THROUGH EXECUTION OF A
12 FLOODPROOFING CERTIFICATE THAT STATES THAT THE DESIGN
13 AND METHODS OF CONSTRUCTION MEET THE REQUIREMENTS OF
14 THIS SECTION. THE FLOODPROOFING CERTIFICATE SHALL BE
15 SUBMITTED WITH THE CONSTRUCTION DRAWINGS AS REQUIRED
16 IN SECTION 17.11.340 (A) (13).
17

18 **17.11.550 - HORIZONTAL ADDITIONS.**
19

20 (A) A HORIZONTAL ADDITION PROPOSED FOR A BUILDING OR STRUCTURE THAT WAS
21 CONSTRUCTED AFTER THE DATE SPECIFIED IN SECTION 17.11.010 SHALL COMPLY
22 WITH THE APPLICABLE REQUIREMENTS OF ARTICLE IV AND THIS SECTION.
23

24 (B) IN NONTIDAL WATERS OF THE STATE THAT ARE SUBJECT TO THE REGULATORY
25 AUTHORITY OF MDE, ALL HORIZONTAL ADDITIONS SHALL COMPLY WITH THE
26 APPLICABLE REQUIREMENTS OF ARTICLE IV AND THIS SECTION AND:
27

28 (1) IF THE ADDITION IS STRUCTURALLY CONNECTED TO THE BASE BUILDING,
29 THE REQUIREMENTS OF PARAGRAPH (C) APPLY.
30

31 (2) IF THE ADDITION HAS AN INDEPENDENT FOUNDATION AND IS NOT
32 STRUCTURALLY CONNECTED TO THE BASE BUILDING AND THE COMMON WALL
33 WITH THE BASE BUILDING IS MODIFIED BY NO MORE THAN A DOORWAY, THE
34 BASE BUILDING IS NOT REQUIRED TO BE BROUGHT INTO COMPLIANCE.
35

36 (C) FOR HORIZONTAL ADDITIONS THAT ARE STRUCTURALLY CONNECTED TO THE
37 BASE BUILDING:
38

39 (1) IF THE ADDITION COMBINED WITH OTHER PROPOSED REPAIRS,
40 ALTERATIONS, OR MODIFICATIONS OF THE BASE BUILDING CONSTITUTES
41 SUBSTANTIAL IMPROVEMENT, THE BASE BUILDING AND THE ADDITION SHALL
42 COMPLY WITH THE APPLICABLE REQUIREMENTS OF ARTICLE IV AND THIS
43 SECTION.
44

45 (2) IF THE ADDITION CONSTITUTES SUBSTANTIAL IMPROVEMENT, THE BASE
46 BUILDING AND THE ADDITION SHALL COMPLY WITH ALL OF THE APPLICABLE
47 REQUIREMENTS OF ARTICLE IV AND THIS SECTION.
48

49 (D) FOR HORIZONTAL ADDITIONS WITH INDEPENDENT FOUNDATIONS THAT ARE NOT
50 STRUCTURALLY CONNECTED TO THE BASE BUILDING AND THE COMMON WALL WITH

1 THE BASE BUILDING IS MODIFIED BY NO MORE THAN A DOORWAY, THE BASE
2 BUILDING IS NOT REQUIRED TO BE BROUGHT INTO COMPLIANCE.

3
4 **17.11.560 - ACCESSORY STRUCTURES.**

5
6 (A) ACCESSORY STRUCTURES SHALL BE LIMITED TO NO MORE THAN ONE (1) STORY
7 IN HEIGHT AND THREE HUNDRED (300) SQUARE FEET IN FLOOR AREA.

8
9 (B) ACCESSORY STRUCTURES SHALL COMPLY WITH THE ELEVATION REQUIREMENTS
10 AND OTHER REQUIREMENTS OF SECTION 17.11.530, THE FLOODPROOFING
11 REQUIREMENTS OF SECTION 17.11.540 (B), OR SHALL:

12
13 (1) BE USEABLE ONLY FOR PARKING OF VEHICLES OR LIMITED STORAGE;

14
15 (2) BE CONSTRUCTED WITH FLOOD DAMAGE-RESISTANT MATERIALS BELOW
16 THE BASE FLOOD ELEVATION;

17
18 (3) BE CONSTRUCTED AND PLACED TO OFFER THE MINIMUM RESISTANCE TO
19 THE FLOW OF FLOODWATERS;

20
21 (4) BE ANCHORED TO PREVENT FLOTATION;

22
23 (5) HAVE ELECTRICAL SERVICE AND MECHANICAL EQUIPMENT ELEVATED TO
24 OR ABOVE THE BASE FLOOD ELEVATION; AND

25
26 (6) HAVE FLOOD OPENINGS THAT MEET THE REQUIREMENTS OF SECTION
27 17.11.530 (C).

28
29 (7) HAVE A STATEMENT ON THE BUILDING PLANS WHICH SHALL READ AS
30 FOLLOWS: "NO ENLARGEMENT OR CONVERSION OF THIS AREA TO HABITABLE
31 SPACE IS TO OCCUR UNLESS THE LOWEST FLOOR IS ELEVATED AT OR ABOVE
32 EIGHT FEET ABOVE MEAN SEA LEVEL."

33
34 (8) BE CONSTRUCTED SO THAT THE FLOOR ELEVATION OF THE ACCESSORY
35 STRUCTURE DOES NOT QUALIFY AS A BASEMENT AND MUST BE
36 CONSTRUCTED ON OR ABOVE GRADE.

37
38 (9) BE DESIGNED TO HAVE LOW FLOOD DAMAGE POTENTIAL, INCLUDING
39 PROVISIONS TO ALLOW THE FREE FLOW OF WATER INTO AND OUT OF THE
40 STRUCTURE IN ORDER TO MAINTAIN EQUAL PRESSURE.

41
42 (10) HAVE THE APPLICANT MADE AWARE THAT IF THE ACCESSORY
43 STRUCTURE IS BUILT BELOW EIGHT FEET ABOVE MEAN SEA LEVEL AND IS NOT
44 FLOODPROOFED, THAT STRUCTURE MAY BE SUSCEPTIBLE TO HIGHER
45 INSURANCE PREMIUM RATES FOR THE STRUCTURE AND ITS CONTENTS.

46 **ARTICLE VI – REQUIREMENTS IN COASTAL HIGH HAZARD AREAS (V**
47 **ZONES)**

48 **17.11.600 – GENERAL REQUIREMENTS.**

1
2 IN ADDITION TO THE GENERAL REQUIREMENTS OF ARTICLE IV, THE REQUIREMENTS
3 OF THIS SECTION SHALL:
4

5 (A) APPLY IN FLOOD HAZARD AREAS THAT ARE IDENTIFIED AS COASTAL HIGH
6 HAZARD AREAS (V ZONES) AND COASTAL A ZONES (IF DELINEATED).
7

8 (B) APPLY TO ALL DEVELOPMENT, NEW CONSTRUCTION, SUBSTANTIAL
9 IMPROVEMENTS (INCLUDING REPAIR OF SUBSTANTIAL DAMAGE), AND
10 PLACEMENT, REPLACEMENT, AND SUBSTANTIAL IMPROVEMENT (INCLUDING
11 REPAIR OF SUBSTANTIAL DAMAGE) OF MANUFACTURED HOMES.
12

13 EXCEPTION: IN COASTAL A ZONES, THE REQUIREMENTS OF ARTICLE V
14 SHALL APPLY TO SUBSTANTIAL IMPROVEMENTS (INCLUDING REPAIR OF
15 SUBSTANTIAL DAMAGE), AND SUBSTANTIAL IMPROVEMENT OF
16 MANUFACTURED HOMES (INCLUDING REPAIR OF SUBSTANTIAL
17 DAMAGE) AND REPLACEMENT MANUFACTURED HOMES.
18

19 [NOTE: SEE COASTAL CONSTRUCTION MANUAL (FEMA 55).]
20

21 **17.11.610 - LOCATION AND SITE PREPARATION.**
22

23 (A) THE PLACEMENT OF STRUCTURAL FILL FOR THE PURPOSE OF ELEVATING
24 BUILDINGS IS PROHIBITED.
25

26 (B) BUILDINGS SHALL BE LOCATED LANDWARD OF THE REACH OF MEAN HIGH TIDE.
27

28 (C) MINOR GRADING, AND THE PLACEMENT OF MINOR QUANTITIES OF FILL, SHALL BE
29 PERMITTED FOR LANDSCAPING AND FOR DRAINAGE PURPOSES UNDER AND
30 AROUND BUILDINGS AND FOR SUPPORT OF PARKING SLABS, POOL DECKS, PATIOS
31 AND WALKWAYS.
32

33 (D) SITE PREPARATIONS SHALL NOT ALTER SAND DUNES UNLESS AN ENGINEERING
34 ANALYSIS DEMONSTRATES THAT THE POTENTIAL FOR FLOOD DAMAGE IS NOT
35 INCREASED.
36

37 **17.11.620 - RESIDENTIAL AND NONRESIDENTIAL STRUCTURES.**
38

39 NEW STRUCTURES AND SUBSTANTIAL IMPROVEMENT (INCLUDING REPAIR OF
40 SUBSTANTIAL DAMAGE) OF EXISTING STRUCTURES SHALL COMPLY WITH THE
41 APPLICABLE REQUIREMENTS OF ARTICLE IV AND THE REQUIREMENTS OF THIS
42 SECTION.
43

44 (A) FOUNDATIONS.
45

46 (1) STRUCTURES SHALL BE SUPPORTED ON PILINGS OR COLUMNS AND
47 SHALL BE ADEQUATELY ANCHORED TO SUCH PILINGS OR COLUMNS.
48 PILINGS SHALL HAVE ADEQUATE SOIL PENETRATIONS TO RESIST THE
49 COMBINED WAVE AND WIND LOADS (LATERAL AND UPLIFT). WATER
50 LOADING VALUES USED SHALL BE THOSE ASSOCIATED WITH THE BASE
51 FLOOD. WIND LOADING VALUES SHALL BE THOSE REQUIRED BY

1 APPLICABLE BUILDING CODES. PILE EMBEDMENT SHALL INCLUDE
2 CONSIDERATION OF DECREASED RESISTANCE CAPACITY CAUSED BY
3 SCOUR OF SOIL STRATA SURROUNDING THE PILING.
4

5 (2) SLABS, POOLS, POOL DECKS AND WALKWAYS SHALL BE LOCATED
6 AND CONSTRUCTED TO BE STRUCTURALLY INDEPENDENT OF
7 STRUCTURES AND THEIR FOUNDATIONS TO PREVENT TRANSFER OF
8 FLOOD LOADS TO THE STRUCTURES DURING CONDITIONS OF
9 FLOODING, SCOUR, OR EROSION FROM WAVE-VELOCITY FLOW
10 CONDITIONS, AND SHALL BE DESIGNED TO MINIMIZE DEBRIS IMPACTS
11 TO ADJACENT PROPERTIES AND PUBLIC INFRASTRUCTURE.
12

13 (B) ELEVATION REQUIREMENTS.

14
15 (1) THE BOTTOM OF THE LOWEST HORIZONTAL STRUCTURAL MEMBER
16 THAT SUPPORTS THE LOWEST FLOOR SHALL BE LOCATED AT OR
17 ABOVE THE FLOOD PROTECTION ELEVATION.
18

19 (2) BASEMENT FLOORS THAT ARE BELOW GRADE ON ALL SIDES ARE
20 PROHIBITED.
21

22 (3) THE SPACE BELOW AN ELEVATED BUILDING SHALL EITHER BE FREE-
23 OF-OBSTRUCTION OR, IF ENCLOSED BY WALLS, SHALL MEET THE
24 REQUIREMENTS OF PARAGRAPH (D). [NOTE: SEE NFIP TECHNICAL
25 BULLETIN #5, "FREE-OF-OBSTRUCTION REQUIREMENTS."]
26

27 (C) CERTIFICATION OF DESIGN.

28
29 AS REQUIRED IN SECTION 17.11.340 (A) (13), THE APPLICANT SHALL
30 INCLUDE IN THE APPLICATION A CERTIFICATION PREPARED BY A
31 LICENSED PROFESSIONAL ENGINEER OR A LICENSED ARCHITECT THAT
32 THE DESIGN AND METHODS OF CONSTRUCTION TO BE USED MEET THE
33 REQUIREMENTS OF PARAGRAPH (A), PARAGRAPH (B), PARAGRAPH (D),
34 AND THE BUILDING CODE.
35

36 (D) ENCLOSURES BELOW THE LOWEST FLOOR.

37
38 (1) ENCLOSURES BELOW THE LOWEST FLOOR SHALL BE USED SOLELY
39 FOR PARKING OF VEHICLES, BUILDING ACCESS OR LIMITED STORAGE.
40

41 (2) ENCLOSURES BELOW THE LOWEST FLOOR SHALL BE LESS THAN 299
42 SQUARE FEET IN AREA (EXTERIOR MEASUREMENT).
43

44 (3) WALLS AND PARTITIONS ARE PERMITTED BELOW THE ELEVATED
45 FLOOR, PROVIDED THAT SUCH WALLS AND PARTITIONS ARE DESIGNED
46 TO BREAK AWAY UNDER FLOOD LOADS AND ARE NOT PART OF THE
47 STRUCTURAL SUPPORT OF THE BUILDING OR STRUCTURE. [NOTE: SEE
48 NFIP TECHNICAL BULLETIN #9, "DESIGN AND CONSTRUCTION GUIDANCE
49 FOR BREAKAWAY WALLS."]
50

1 (4) ELECTRICAL, MECHANICAL, AND PLUMBING SYSTEM COMPONENTS
2 SHALL NOT BE MOUNTED ON OR PENETRATE THROUGH WALLS THAT
3 ARE DESIGNED TO BREAK AWAY UNDER FLOOD LOADS.
4

5 (5) WALLS INTENDED TO BREAK AWAY UNDER FLOOD LOADS SHALL BE
6 CONSTRUCTED WITH INSECT SCREENING OR OPEN LATTICE, OR SHALL
7 BE DESIGNED TO BREAK AWAY OR COLLAPSE WITHOUT CAUSING
8 COLLAPSE, DISPLACEMENT OR OTHER STRUCTURAL DAMAGE TO THE
9 ELEVATED PORTION OF THE BUILDING OR SUPPORTING FOUNDATION
10 SYSTEM. SUCH WALLS, FRAMING AND CONNECTIONS SHALL HAVE A
11 DESIGN SAFE LOADING RESISTANCE OF NOT LESS THAN 10 POUNDS
12 PER SQUARE FOOT AND NO MORE THAN 20 POUNDS PER SQUARE
13 FOOT; OR
14

15 (6) WHERE WIND LOADING VALUES OF THE BUILDING CODE EXCEED 20
16 POUNDS PER SQUARE FOOT, THE APPLICANT SHALL SUBMIT A
17 CERTIFICATION PREPARED AND SEALED BY A LICENSED PROFESSIONAL
18 ENGINEER OR LICENSED ARCHITECT THAT:
19

20 (A) THE WALLS AND PARTITIONS BELOW THE LOWEST FLOOR
21 HAVE BEEN DESIGNED TO COLLAPSE FROM A WATER LOAD LESS
22 THAN THAT WHICH WOULD OCCUR DURING THE BASE FLOOD.
23

24 (B) THE ELEVATED PORTION OF THE BUILDING AND SUPPORTING
25 FOUNDATION SYSTEM HAVE BEEN DESIGNED TO WITHSTAND THE
26 EFFECTS OF WIND AND FLOOD LOADS ACTING SIMULTANEOUSLY
27 ON ALL BUILDING COMPONENTS (STRUCTURAL AND
28 NONSTRUCTURAL). WATER LOADING VALUES USED SHALL BE
29 THOSE ASSOCIATED WITH THE BASE FLOOD; WIND LOADING
30 VALUES USED SHALL BE THOSE REQUIRED BY THE BUILDING
31 CODE.
32

33 (C) IN COASTAL A ZONES, IN ADDITION TO THE REQUIREMENTS
34 OF THIS SECTION, WALLS BELOW THE LOWEST FLOOR SHALL
35 HAVE FLOOD OPENINGS THAT MEET THE REQUIREMENTS OF
36 SECTION 17.11.530 (C) (3).
37

38 **17.11.630 - HORIZONTAL ADDITIONS TO STRUCTURES.**
39

40 (A) A HORIZONTAL ADDITION PROPOSED FOR A BUILDING OR STRUCTURE THAT WAS
41 CONSTRUCTED AFTER THE DATE SPECIFIED IN SECTION 17.11.010 SHALL COMPLY
42 WITH THE APPLICABLE REQUIREMENTS OF ARTICLE IV AND THIS SECTION.
43

44 (B) FOR HORIZONTAL ADDITIONS, WHETHER STRUCTURALLY CONNECTED OR NOT
45 STRUCTURALLY CONNECTED, TO THE BASE BUILDING:
46

47 (1) IF THE ADDITION COMBINED WITH OTHER PROPOSED REPAIRS,
48 ALTERATIONS, OR MODIFICATIONS OF THE BASE BUILDING CONSTITUTES
49 SUBSTANTIAL IMPROVEMENT, THE BASE BUILDING AND THE ADDITION SHALL
50 COMPLY WITH THE APPLICABLE REQUIREMENTS OF ARTICLE IV AND THIS
51 SECTION.

1
2 (2) IF THE ADDITION CONSTITUTES SUBSTANTIAL IMPROVEMENT, THE BASE
3 BUILDING AND THE ADDITION SHALL COMPLY WITH ALL OF THE APPLICABLE
4 REQUIREMENTS OF ARTICLE IV AND THIS SECTION. [NOTE: THE BASE BUILDING
5 IS REQUIRED TO COMPLY OTHERWISE IT IS AN OBSTRUCTION THAT DOES NOT
6 COMPLY WITH THE FREE-OF-OBSTRUCTION REQUIREMENT THAT APPLIES TO
7 THE ELEVATED ADDITION, SEE SECTION 17.11.620 (B) (3).]
8

9 **17.11.640 - ACCESSORY STRUCTURES.**

10
11 (A) ACCESSORY STRUCTURES SHALL BE LIMITED TO NO MORE THAN ONE (1) STORY
12 IN HEIGHT AND THREE HUNDRED (300) SQUARE FEET IN FLOOR AREA.
13

14 (B) ACCESSORY STRUCTURES SHALL COMPLY WITH THE ELEVATION REQUIREMENTS
15 AND OTHER REQUIREMENTS OF SECTION 17.11.620 OR, IF NOT ELEVATED, SHALL:
16

17 (1) BE USEABLE ONLY FOR PARKING OF VEHICLES OR LIMITED STORAGE;
18

19 (2) BE CONSTRUCTED WITH FLOOD DAMAGE-RESISTANT MATERIALS BELOW
20 THE BASE FLOOD ELEVATION;
21

22 (3) BE CONSTRUCTED AND PLACED TO OFFER THE MINIMUM RESISTANCE TO
23 THE FLOW OF FLOODWATERS;
24

25 (4) BE ANCHORED TO PREVENT FLOTATION;
26

27 (5) HAVE ELECTRICAL SERVICE AND MECHANICAL EQUIPMENT ELEVATED TO
28 OR ABOVE THE BASE FLOOD ELEVATION; AND
29

30 (6) IF LARGER THAN 100 SQUARE FEET IN SIZE, HAVE WALLS THAT MEET THE
31 REQUIREMENTS OF SECTION 17.11.620 (D) (3) THROUGH (6), AS APPLICABLE
32 FOR THE FLOOD ZONE; AND IF LOCATED IN COASTAL A ZONES, WALLS SHALL
33 HAVE FLOOD OPENINGS THAT MEET THE REQUIREMENTS OF SECTION
34 17.11.530 (C) (3).
35

36 (7) HAVE A STATEMENT ON THE BUILDING PLANS WHICH SHALL READ AS
37 FOLLOWS: "NO ENLARGEMENT OR CONVERSION OF THIS AREA TO HABITABLE
38 SPACE IS TO OCCUR UNLESS THE LOWEST FLOOR IS ELEVATED AT OR ABOVE
39 EIGHT FEET ABOVE MEAN SEA LEVEL."
40

41 (8) BE CONSTRUCTED SO THAT THE FLOOR ELEVATION OF THE ACCESSORY
42 STRUCTURE DOES NOT QUALIFY AS A BASEMENT AND MUST BE
43 CONSTRUCTED ON OR ABOVE GRADE.
44

45 (9) BE DESIGNED TO HAVE LOW FLOOD DAMAGE POTENTIAL, INCLUDING
46 PROVISIONS TO ALLOW THE FREE FLOW OF WATER INTO AND OUT OF THE
47 STRUCTURE IN ORDER TO MAINTAIN EQUAL PRESSURE.
48

49 (10) HAVE THE APPLICANT MADE AWARE THAT IF THE ACCESSORY
50 STRUCTURE IS BUILT BELOW EIGHT FEET ABOVE MEAN SEA LEVEL AND IS NOT

1 FLOODPROOFED, THAT STRUCTURE MAY BE SUSCEPTIBLE TO HIGHER
2 INSURANCE PREMIUM RATES FOR THE STRUCTURE AND ITS CONTENTS.

3
4 **17.11.650 - OTHER STRUCTURES AND DEVELOPMENT.**

5
6 [NOTE: SEE NFIP TECHNICAL BULLETIN #5, "FREE-OF-OBSTRUCTION
7 REQUIREMENTS."]

8
9 (A) DECKS AND PATIOS.

10
11 IN ADDITION TO THE REQUIREMENTS OF THE BUILDING CODE OR THE RESIDENTIAL
12 CODE, DECKS AND PATIOS SHALL BE LOCATED, DESIGNED, AND CONSTRUCTED IN
13 COMPLIANCE WITH THE FOLLOWING:

14
15 (1) A DECK THAT IS STRUCTURALLY ATTACHED TO A BUILDING OR STRUCTURE
16 SHALL HAVE THE BOTTOM OF THE LOWEST HORIZONTAL STRUCTURAL
17 MEMBER AT OR ABOVE THE FLOOD PROTECTION ELEVATION AND ANY
18 SUPPORTING MEMBERS THAT EXTEND BELOW THE DESIGN FLOOD ELEVATION
19 SHALL COMPLY WITH THE FOUNDATION REQUIREMENTS THAT APPLY TO THE
20 BUILDING OR STRUCTURE, WHICH SHALL BE DESIGNED TO ACCOMMODATE
21 ANY INCREASED LOADS RESULTING FROM THE ATTACHED DECK.

22
23 (2) A DECK OR PATIO THAT IS LOCATED BELOW THE FLOOD PROTECTION
24 ELEVATION SHALL BE STRUCTURALLY INDEPENDENT FROM STRUCTURES AND
25 THEIR FOUNDATION SYSTEMS, AND SHALL BE DESIGNED AND CONSTRUCTED
26 EITHER TO REMAIN INTACT AND IN PLACE DURING BASE FLOOD CONDITIONS
27 OR TO BREAK APART INTO SMALL PIECES THAT WILL NOT CAUSE STRUCTURAL
28 DAMAGE TO ADJACENT ELEVATED STRUCTURES.

29
30 (3) A DECK OR PATIO THAT HAS A VERTICAL THICKNESS OF MORE THAN 12
31 INCHES OR THAT IS CONSTRUCTED WITH MORE THAN THE MINIMUM AMOUNT
32 OF FILL THAT IS NECESSARY FOR SITE DRAINAGE SHALL NOT BE APPROVED
33 UNLESS AN ANALYSIS DEMONSTRATES NO HARMFUL DIVERSION OF
34 FLOODWATERS OR WAVE RUNUP AND WAVE REFLECTION THAT WOULD
35 INCREASE DAMAGE TO ADJACENT ELEVATED STRUCTURES.

36
37 (4) A DECK OR PATIO THAT HAS A VERTICAL THICKNESS OF 12 INCHES OR
38 LESS AND THAT IS AT NATURAL GRADE OR ON FILL MATERIAL THAT IS SIMILAR
39 TO AND COMPATIBLE WITH LOCAL SOILS AND IS THE MINIMUM AMOUNT
40 NECESSARY FOR SITE DRAINAGE MAY BE APPROVED WITHOUT REQUIRING
41 ANALYSIS OF THE IMPACT ON DIVERSION OF FLOODWATERS OR WAVE RUNUP
42 AND WAVE REFLECTION.

43
44 (B) OTHER DEVELOPMENT.

45
46 OTHER DEVELOPMENT ACTIVITIES SHALL BE PERMITTED ONLY IF LOCATED OUTSIDE
47 THE FOOTPRINT OF, AND NOT STRUCTURALLY ATTACHED TO, STRUCTURES, AND
48 ONLY IF AN ANALYSIS DEMONSTRATES NO HARMFUL DIVERSION OF FLOODWATERS
49 OR WAVE RUNUP AND WAVE REFLECTION ONTO ADJACENT ELEVATED STRUCTURES.
50 OTHER DEVELOPMENT INCLUDES BUT IS NOT LIMITED TO:

1 (1) BULKHEADS, SEAWALLS, RETAINING WALLS, REVETMENTS, AND SIMILAR
2 EROSION CONTROL STRUCTURES;

3
4 (2) SOLID FENCES, PRIVACY WALLS, AND FENCES PRONE TO TRAPPING
5 DEBRIS, UNLESS DESIGNED AND CONSTRUCTED TO FAIL UNDER BASE FLOOD
6 CONDITIONS; AND

7
8 (3) MOUNDED SEPTIC SYSTEMS.

9 **ARTICLE VII – VARIANCES**

10 **17.11.700 – GENERAL.**

11
12 (A) THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS SHALL
13 HAVE THE POWER TO CONSIDER AND AUTHORIZE OR DENY VARIANCES FROM THE
14 STRICT APPLICATION OF THE REQUIREMENTS OF THIS CHAPTER. A VARIANCE SHALL
15 BE APPROVED ONLY IF IT IS DETERMINED TO NOT BE CONTRARY TO THE PUBLIC
16 INTEREST AND WHERE, OWING TO SPECIAL CONDITIONS OF THE LOT OR PARCEL, A
17 LITERAL ENFORCEMENT OF THE PROVISIONS OF THIS CHAPTER, AN UNNECESSARY
18 HARDSHIP WOULD RESULT.

19
20 (B) UPON CONSIDERATION OF THE PURPOSES OF THIS CHAPTER, THE INDIVIDUAL
21 CIRCUMSTANCES, AND THE CONSIDERATIONS AND LIMITATIONS OF THIS SECTION,
22 THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS MAY
23 ATTACH SUCH CONDITIONS TO VARIANCES AS IT DEEMS NECESSARY TO FURTHER
24 THE PURPOSES OF THIS CHAPTER.

25
26 (C) THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS SHALL
27 NOTIFY, IN WRITING, ANY APPLICANT TO WHOM A VARIANCE IS GRANTED TO
28 CONSTRUCT OR SUBSTANTIALLY IMPROVE A BUILDING OR STRUCTURE WITH ITS
29 LOWEST FLOOR BELOW THE ELEVATION REQUIRED BY THIS CHAPTER THAT THE
30 VARIANCE IS TO THE FLOODPLAIN MANAGEMENT REQUIREMENTS OF THIS CHAPTER
31 ONLY, AND THAT THE COST OF FEDERAL FLOOD INSURANCE WILL BE
32 COMMENSURATE WITH THE INCREASED RISK, WITH RATES UP TO \$25 PER \$100 OF
33 INSURANCE COVERAGE.

34
35 (D) A RECORD OF ALL VARIANCE ACTIONS, INCLUDING JUSTIFICATION FOR
36 ISSUANCE SHALL BE MAINTAINED PURSUANT TO SECTION 17.11.310 (K) OF THIS
37 CHAPTER.

38
39 (E) NOTICE OF THE FLOOD HAZARD AND APPROVED VARIANCE ACTION SHALL BE
40 PLACED ON THE DEED OR OTHER DOCUMENTS WHICH CONVEY TITLE OF ALL NEWLY
41 CREATED OR RECORDED PROPERTIES.

42
43 **17.11.710 - APPLICATION FOR A VARIANCE.**

44
45 (A) THE OWNER OF PROPERTY, OR THE OWNER'S AUTHORIZED AGENT, FOR WHICH A
46 VARIANCE IS SOUGHT SHALL SUBMIT AN APPLICATION FOR A VARIANCE TO THE
47 FLOODPLAIN ADMINISTRATOR.

1 (B) AT A MINIMUM, THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:
2 NAME, ADDRESS, AND TELEPHONE NUMBER OF THE APPLICANT AND PROPERTY
3 OWNER; LEGAL DESCRIPTION OF THE PROPERTY; PARCEL MAP; DESCRIPTION OF
4 THE EXISTING USE; DESCRIPTION OF THE PROPOSED USE; SITE MAP SHOWING THE
5 LOCATION OF FLOOD HAZARD AREAS, DESIGNATED FLOODWAY BOUNDARIES, FLOOD
6 ZONES, BASE FLOOD ELEVATIONS, AND FLOOD PROTECTION SETBACKS;
7 DESCRIPTION OF THE VARIANCE SOUGHT; AND REASON FOR THE VARIANCE
8 REQUEST. VARIANCE APPLICATIONS SHALL SPECIFICALLY ADDRESS EACH OF THE
9 CONSIDERATIONS IN SECTION 17.11.720 AND SHALL COMPLY WITH THE
10 REQUIREMENTS OF SECTION 17.11.340.

11
12 (C) IF THE APPLICATION IS FOR A VARIANCE TO ALLOW THE LOWEST FLOOR (A
13 ZONES) OR BOTTOM OF THE LOWEST HORIZONTAL STRUCTURAL MEMBER (V ZONES
14 AND COASTAL A ZONES) OF A BUILDING OR STRUCTURE BELOW THE APPLICABLE
15 MINIMUM ELEVATION REQUIRED BY THIS CHAPTER, THE APPLICATION SHALL
16 INCLUDE A STATEMENT SIGNED BY THE OWNER THAT, IF GRANTED, THE CONDITIONS
17 OF THE VARIANCE SHALL BE RECORDED ON THE DEED OF THE PROPERTY.

18
19 (D) IF THE APPLICATION IS FOR A VARIANCE FOR A HISTORIC STRUCTURE PURSUANT
20 TO SECTION 17.11.450 OF THIS CHAPTER, THE APPLICATION SHALL CONTAIN
21 DOCUMENTATION THAT THE PROPOSED WORK DOES NOT PRECLUDE THE
22 STRUCTURE'S CONTINUED ELIGIBILITY AND DESIGNATION AS A HISTORIC
23 STRUCTURE. THE DOCUMENTATION SHALL BE OBTAINED FROM A SOURCE THAT IS
24 AUTHORIZED TO MAKE SUCH DETERMINATIONS (SEE DEFINITION OF "HISTORIC
25 STRUCTURE").

26
27 (E) APPLICATIONS FOR VARIANCES MUST BE SUBMITTED IN WRITING TO THE
28 DIRECTOR OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS WITHIN THIRTY
29 CALENDAR DAYS OF ANY REFUSAL TO ISSUE A PERMIT.

30
31 (F) THE DIRECTOR OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS MUST
32 TAKE OFFICIAL ACTION ON A REQUEST FOR A VARIANCE WITHIN THIRTY CALENDAR
33 DAYS OF THE RECEIPT OF THE REQUEST.

34
35 **17.11.720 - CONSIDERATIONS FOR VARIANCES.**

36
37 (A) THE FLOODPLAIN ADMINISTRATOR SHALL REQUEST COMMENTS ON VARIANCE
38 APPLICATIONS FROM MDE (NFIP STATE COORDINATOR).

39
40 (B) IN CONSIDERING VARIANCE APPLICATIONS, THE DEPARTMENT OF
41 NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS SHALL CONSIDER AND MAKE
42 FINDINGS OF FACT ON ALL EVALUATIONS, ALL RELEVANT FACTORS, REQUIREMENTS
43 SPECIFIED IN OTHER SECTIONS OF THIS CHAPTER, AND THE FOLLOWING FACTORS:

44
45 (1) THE DANGER THAT MATERIALS MAY BE SWEEPED ONTO OTHER LANDS TO
46 THE INJURY OF OTHERS.

47
48 (2) THE DANGER TO LIFE AND PROPERTY DUE TO FLOODING OR EROSION
49 DAMAGE.

50

1 (3) THE SUSCEPTIBILITY OF THE PROPOSED DEVELOPMENT AND ITS
2 CONTENTS (IF APPLICABLE) TO FLOOD DAMAGE AND THE EFFECT OF SUCH
3 DAMAGE ON THE INDIVIDUAL OWNER.

4
5 (4) THE IMPORTANCE OF THE SERVICES TO THE COMMUNITY PROVIDED BY
6 THE PROPOSED DEVELOPMENT.

7
8 (5) THE AVAILABILITY OF ALTERNATIVE LOCATIONS FOR THE PROPOSED USE
9 WHICH ARE NOT SUBJECT TO, OR ARE SUBJECT TO LESS, FLOODING OR
10 EROSION DAMAGE.

11
12 (6) THE NECESSITY TO THE FACILITY OF A WATERFRONT LOCATION, WHERE
13 APPLICABLE, OR IF THE FACILITY IS A FUNCTIONALLY DEPENDENT USE.

14
15 (7) THE COMPATIBILITY OF THE PROPOSED USE WITH EXISTING AND
16 ANTICIPATED DEVELOPMENT.

17
18 (8) THE RELATIONSHIP OF THE PROPOSED USE TO THE COMPREHENSIVE PLAN
19 FOR THAT AREA.

20
21 (9) THE SAFETY OF ACCESS TO THE PROPERTY IN TIMES OF FLOOD FOR
22 PASSENGER VEHICLES AND EMERGENCY VEHICLES.

23
24 (10) THE EXPECTED HEIGHTS, VELOCITY, DURATION, RATE OF RISE, AND
25 SEDIMENT TRANSPORT OF THE FLOODWATERS AND THE EFFECTS OF WAVE
26 ACTION, IF APPLICABLE, EXPECTED AT THE SITE.

27
28 (11) THE COSTS OF PROVIDING GOVERNMENT SERVICES DURING AND AFTER
29 FLOOD CONDITIONS, INCLUDING MAINTENANCE AND REPAIR OF PUBLIC
30 UTILITIES AND FACILITIES SUCH AS SEWER, GAS, ELECTRICAL, AND WATER
31 SYSTEMS, AND STREETS AND BRIDGES.

32
33 (12) THE COMMENTS PROVIDED BY MDE (NFIP STATE COORDINATOR).

34
35 (13) CONSIDERATIONS RELATED TO THE RECONSTRUCTION, REHABILITATION,
36 OR RESTORATION OF STRUCTURES LISTED IN THE NATIONAL REGISTER OF
37 HISTORIC PLACES OR STATE INVENTORY OF HISTORIC PLACES.

38
39 **17.11.730 - LIMITATIONS FOR GRANTING VARIANCES.**

40
41 THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS SHALL
42 MAKE AN AFFIRMATIVE DECISION ON A VARIANCE REQUEST ONLY UPON:

43
44 (A) A SHOWING OF GOOD AND SUFFICIENT CAUSE.

45
46 (B) A DETERMINATION THAT FAILURE TO GRANT THE VARIANCE WOULD
47 RESULT IN EXCEPTIONAL HARDSHIP DUE TO THE PHYSICAL CHARACTERISTICS
48 OF THE PROPERTY. INCREASED COST OR INCONVENIENCE OF MEETING THE
49 REQUIREMENTS OF THIS CHAPTER DOES NOT CONSTITUTE AN EXCEPTIONAL
50 HARDSHIP TO THE APPLICANT.

51

1 (C) A DETERMINATION THAT THE GRANTING OF A VARIANCE FOR
2 DEVELOPMENT WITHIN ANY DESIGNATED FLOODWAY, OR FLOOD HAZARD
3 AREA WITH BASE FLOOD ELEVATIONS BUT NO DESIGNATED FLOODWAY, WILL
4 NOT RESULT IN INCREASED FLOOD HEIGHTS BEYOND THAT WHICH IS
5 ALLOWED IN THIS CHAPTER.
6

7 (D) A DETERMINATION THAT THE GRANTING OF A VARIANCE WILL NOT RESULT
8 IN ADDITIONAL THREATS TO PUBLIC SAFETY; EXTRAORDINARY PUBLIC
9 EXPENSE, NUISANCES, FRAUD OR VICTIMIZATION OF THE PUBLIC, OR
10 CONFLICT WITH EXISTING LOCAL LAWS.
11

12 (E) A DETERMINATION THAT THE BUILDING, STRUCTURE OR OTHER
13 DEVELOPMENT IS PROTECTED BY METHODS TO MINIMIZE FLOOD DAMAGES.
14

15 (F) A DETERMINATION THAT THE VARIANCE IS THE MINIMUM NECESSARY TO
16 AFFORD RELIEF, CONSIDERING THE FLOOD HAZARD.

17 **ARTICLE VIII – ENFORCEMENT**

18 **17.11.800 – COMPLIANCE REQUIRED.**

19

20 (A) NO BUILDING, STRUCTURE OR DEVELOPMENT SHALL HEREAFTER BE LOCATED,
21 ERECTED, CONSTRUCTED, RECONSTRUCTED, IMPROVED, REPAIRED, EXTENDED,
22 CONVERTED, ENLARGED OR ALTERED WITHOUT FULL COMPLIANCE WITH THIS
23 CHAPTER AND ALL OTHER APPLICABLE REGULATIONS.
24

25 (B) FAILURE TO OBTAIN A PERMIT SHALL BE A VIOLATION OF THIS CHAPTER AND
26 SHALL BE SUBJECT TO PENALTIES IN ACCORDANCE WITH SECTION 17.11.820.
27

28 (C) PERMITS ISSUED ON THE BASIS OF PLANS AND APPLICATIONS APPROVED BY THE
29 FLOODPLAIN ADMINISTRATOR AUTHORIZE ONLY THE SPECIFIC ACTIVITIES SET
30 FORTH IN SUCH APPROVED PLANS AND APPLICATIONS OR AMENDMENTS THERETO.
31 USE, ARRANGEMENT, OR CONSTRUCTION OF SUCH SPECIFIC ACTIVITIES THAT ARE
32 CONTRARY TO THAT AUTHORIZATION SHALL BE DEEMED A VIOLATION OF THIS
33 CHAPTER.
34

35 (D) NEW OR RENEWAL OF NATIONAL FLOOD INSURANCE SHALL BE DENIED FOR ANY
36 STRUCTURE REMAINING IN VIOLATION OR SITUATED ON PROPERTY IN VIOLATION OF
37 THIS TITLE.
38

39 **17.11.810 - NOTICE OF VIOLATION AND STOP WORK ORDER.**

40

41 IF THE FLOODPLAIN ADMINISTRATOR DETERMINES THAT THERE HAS BEEN A
42 VIOLATION OF ANY PROVISION OF THIS CHAPTER, THE FLOODPLAIN ADMINISTRATOR
43 SHALL GIVE NOTICE OF SUCH VIOLATION TO THE OWNER, THE OWNER'S
44 AUTHORIZED AGENT, AND THE PERSON RESPONSIBLE FOR SUCH VIOLATION, AND
45 MAY ISSUE A STOP WORK ORDER. THE NOTICE OF VIOLATION OR STOP WORK
46 ORDER SHALL BE IN WRITING AND SHALL:
47

48 (A) INCLUDE A LIST OF VIOLATIONS, REFERRING TO THE SECTION OR
49 SECTIONS OF THIS CHAPTER THAT HAVE BEEN VIOLATED;

1
2 (B) ORDER REMEDIAL ACTION WHICH, IF TAKEN, WILL EFFECT COMPLIANCE
3 WITH THE PROVISIONS OF THIS CHAPTER;

4
5 (C) SPECIFY A REASONABLE PERIOD OF TIME TO CORRECT THE VIOLATION;

6
7 (D) ADVISE THE RECIPIENTS OF THE RIGHT TO APPEAL; AND

8
9 (E) BE SERVED IN PERSON; OR

10
11 (F) BE POSTED IN A CONSPICUOUS PLACE IN OR ON THE PROPERTY AND SENT
12 BY REGISTERED OR CERTIFIED MAIL TO THE LAST KNOWN MAILING ADDRESS,
13 RESIDENCE, OR PLACE OF BUSINESS OF THE RECIPIENTS.

14
15 **17.11.820 - VIOLATIONS AND PENALTIES.**

16
17 VIOLATIONS OF THIS CHAPTER OR FAILURE TO COMPLY WITH THE REQUIREMENTS
18 OF THIS CHAPTER ANY CONDITIONS ATTACHED TO A PERMIT OR VARIANCE SHALL
19 CONSTITUTE A MUNICIPAL INFRACTION AND IS SUBJECT TO A FINE AS ESTABLISHED
20 BY RESOLUTION OF THE CITY COUNCIL. ANY PERSON RESPONSIBLE FOR A
21 VIOLATION SHALL COMPLY WITH THE NOTICE OF VIOLATION OR STOP WORK ORDER.
22 A PERSON WHO IGNORES, DEFACES OR REMOVES A STOP WORK ORDER, UNSAFE
23 ORDER OR AN UNFIT ORDER ISSUED BY THE CODE OFFICIAL IS GUILTY OF A
24 MUNICIPAL INFRACTION AND IS SUBJECT TO A FINE AS ESTABLISHED BY
25 RESOLUTION OF THE CITY COUNCIL. ALL FINES MUST BE PAID IN FULL BEFORE THE
26 ORDER WILL BE LIFTED AND ANY WORK CAN CONTINUE. EACH DAY A VIOLATION
27 CONTINUES SHALL BE CONSIDERED A SEPARATE OFFENSE. NOTHING HEREIN
28 CONTAINED SHALL PREVENT THE CITY OF ANNAPOLIS FROM TAKING SUCH OTHER
29 LAWFUL ACTION AS IS NECESSARY TO PREVENT OR REMEDY ANY VIOLATION.

30 **ARTICLE IX – SUBSEQUENT AMENDMENTS**

31 **17.11.900 – SUBSEQUENT AMENDMENTS.**

32
33 ALL ORDINANCES OR PARTS OF ORDINANCES THAT ARE INCONSISTENT WITH THE
34 PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED TO THE EXTENT OF SUCH
35 INCONSISTENCY. THIS ORDINANCE SHALL BE AMENDED AS REQUIRED BY THE
36 FEDERAL EMERGENCY MANAGEMENT AGENCY, 44 CODE OF FEDERAL REGULATIONS.
37 ALL SUBSEQUENT AMENDMENTS TO THIS ORDINANCE ARE SUBJECT TO THE
38 APPROVAL OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE
39 MARYLAND DEPARTMENT OF THE ENVIRONMENT.
40

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

43
44 **ADOPTED** this _____ day of _____, _____.

45
46
ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

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EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

Staff Report

Ordinance O-24-12

Adoption of the Maryland Model Floodplain Management Ordinance as Chapter 17.11, Floodplain Management, of the City of Annapolis Code.

The proposed ordinance adopts, with local amendments, the Maryland Model Floodplain Management Ordinance (MMFMO) as Chapter 17.11, Floodplain Management, of the City of Annapolis Code. The adoption of the MMFMO ensures that the City of Annapolis is in compliance with the State and Federal requirements for floodplain management for our area. Local amendments have been made to the MMFMO to accommodate administrative protocols and to provide additional consideration for the City's historic building stock.

For continued eligibility in the National Flood Insurance Program (NFIP), the City of Annapolis is required to adopt or show evidence of adoption of floodplain management legislation meeting the standards of the NFIP prior to October 16, 2012. Also prior to October 16, 2012, the Federal Emergency Management Agency (FEMA) will issue a new Flood Insurance Rate Map (FIRM) identifying the Special Flood Hazard Areas (SFHAs) subject to inundation by the base flood in the City of Annapolis. A base flood is a flood which has a one percent chance of being equaled or exceeded in any given year (also known as a 100-year flood), and is used in the NFIP to indicate the minimum level of flooding to be used by a community in its floodplain management regulation.

The flood insurance map classifies the City into zones based upon their level of flood hazard. As part of the flood insurance map update, there is the possibility that some properties in the City that are not currently in flood zones will be classified by the NFIP into flood zones, and some properties in lower risk flood zones will be reclassified or into higher risk flood zones.

Property owners with properties not currently in a flood zone, but will be classified in a flood zone under the new flood insurance maps, may be eligible for preferred flood insurance rates through the NFIP if they obtain their policy prior to the new flood insurance maps going into effect. According to FEMA, the latest the new flood insurance maps will go into effect is October 16, 2012.

Property owners with existing structures in an area that has been reclassified into a higher flood hazard zone as a result of the new FIRM, are eligible to be grandfathered at a previous, lower flood hazard rate, if:

- 1) they can prove their existing structure was built when the property was in a lower hazard zone, or
- 2) that their property has had a continuous NFIP policy for at least the past year.

Additional information regarding the NFIP can be found at www.floodsmart.gov.

Prepared by Matthew Shanks, Chief of Code Enforcement in the Department of Neighborhood and Environmental Programs; MShanks@annapolis.gov and 410-263-7946.

FISCAL IMPACT NOTE

Legislation No: O-24-12

First Reader Date: 6-11-12

Note Date: 6-12-12

Legislation Title: Adoption of the Maryland Model Floodplain Management Ordinance as Chapter 17.11, Floodplain Management, of the City of Annapolis Code

Description: For the purpose of adopting the Maryland Model Floodplain Management Ordinance as Chapter 17.11, Floodplain Management, of the City of Annapolis Code.

Analysis of Fiscal Impact:

Other than about \$300 from the current budget for mailings, this legislation produces no significant fiscal impact.

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**CITY COUNCIL OF THE
City of Annapolis**

Ordinance No. O-21-12

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
5/14/12			8/10/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	5/14/12		
Planning Commission	5/14/12		
Historic Preservation Commission	5/14/12		

8
9

AN ORDINANCE concerning

Tolling Approval and Permit Expiration Dates

10
11
12
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14
15

FOR the purpose of temporarily tolling expiration dates of certain approvals and permits in Title 17 and Title 21 of the Annapolis City Code until June 30, 2014 provided that the zoning approvals and permits are active and valid as of June 30, 2012.

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17
18
19
20
21

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 Edition
Section 17.04.630
Section 21.08.040
Section 21.08.050
Section 21.56.070

22
23
24

SECTION I: PREAMBLE AND FINDINGS OF FACT

25
26
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WHEREAS, the City Council of the City of Annapolis authorized Resolution R-66-09 in November 2009, tolling the expiration of certain zoning approvals granted pursuant to Title 21 of the Annapolis City Code until December 31, 2010; and

WHEREAS, the City Council of the City of Annapolis authorized Ordinance O-33-10 in December 2010, tolling the expiration of certain zoning approvals granted pursuant to Title 17 and Title 21 of the Annapolis City Code until June 30, 2012; and

1 **WHEREAS,** a nationwide recession continues, which has caused a severe decline in the
2 construction industry and in residential and commercial real estate development;
3 and
4

5 **WHEREAS,** residential and commercial property owners, builders, and developers continue to
6 experience difficulty in obtaining loans and credit required to complete
7 construction and development; and
8

9 **WHEREAS,** a number of residential and commercial property owners, builders, and
10 developers have expended significant funds to obtain zoning approvals,
11 certificates of approvals, and permits, and, in some instances, have exhausted all
12 available extensions of such approvals and permits allowed by the Annapolis City
13 Code, and such approvals and permits are in jeopardy of expiring, which is not in
14 the interests of the City of Annapolis; and
15

16 **WHEREAS,** because of the continuation of the nationwide recession, those who have obtained
17 certain City permits pursuant to Title 17 of the Code of the City of Annapolis
18 related to residential and commercial construction and development are generally
19 experiencing financial difficulties in meeting permit expiration dates; and
20

21 **WHEREAS,** based upon the foregoing, the City Council of the City of Annapolis finds that it is
22 in the interests of the City of Annapolis to extend the tolling period authorized by
23 Ordinance O-33-10, and additionally to toll the expiration dates for certain City
24 construction and development related permits approved pursuant to Title 17 of the
25 Code of the City of Annapolis; and
26

27 **WHEREAS,** based upon the foregoing, the City Council of the City of Annapolis finds that it is
28 in the interests of the City of Annapolis to extend the tolling period authorized by
29 Ordinance O-33-10 through this Ordinance.
30

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

33 **Chapter 17.04 - Definitions**

34 **17.04.630 - Permit and tolling.**

35 A. "Permit" means written, authorized approval to perform the proposed work.

36 B. Permits [issued] AND ANY PERMIT APPLICATION REVIEWED, APPROVED, AND
37 READY FOR ISSUANCE pursuant to [Sections 17.08.070, 17.10.150, 17.11.270, 17.12.058,
38 17.16.030, 17.18.060, 17.20.070, 17.24,170, 17.28.110, and 17.30.040 of this] Title **17**, and any
39 extensions thereof which are active and valid as of [December 31, 2010] **JUNE 30, 2012**, shall
40 by definition be tolled until June 30, [2012] **2014** so that all such permits, PERMIT
41 APPLICATION APPROVALS, and extensions shall expire on, or any applicable extension
42 request shall have been requested by, June 30, [2012] **2014**.

43 1. THE CITY OF ANNAPOLIS CODE IN FORCE AT THE TIME CONSTRUCTION
44 COMMENCES SHALL APPLY TO ALL SUCH PERMITS AND PERMIT APPLICATION
45 APPROVALS.

46

1 **Chapter 21.08 – Decision Making Bodies and Officials**

2 **21.08.040 - Board of Appeals.**

3 A. Establishment. The Board of Appeals is established pursuant to and has the authority to
4 execute all of the powers granted to Boards of Appeals by Article 66B of the Annotated Code of
5 Maryland.

6 B. Membership. The Board of Appeals shall consist of five members who shall be residents
7 and registered voters of the City of Annapolis and who shall serve without compensation. The
8 regular members and one alternate member shall be appointed by the Mayor and confirmed by
9 the City Council and be removable for cause, upon written charges, and after public hearing.
10 When an alternate member is absent, the Mayor with the confirmation of the City Council may
11 designate a temporary alternate.

12 C. Term. The term of office of each member of the Board of Appeals shall be for three years,
13 as provided in Article 66B of the Annotated Code of Maryland. Vacancies shall be filled for the
14 unexpired term of any member whose term becomes vacant.

15 D. Rules. The Board of Appeals shall adopt rules in accordance with the provisions of this
16 section and in accordance with the provisions of Article 66B of the Annotated Code of Maryland.
17 The Board shall adopt and amend rules as follows:

18 1. After a public session to consider the proposed rules or amendments, the Board shall
19 adopt and periodically amend rules of practice and procedure.

20 2. The Board shall give reasonable notice of the date, time, and place of the public
21 session and the category of rule or amendment to be considered at the session.

22 3. After approval by the Board, the rules of the Board of Appeals shall be published and
23 shall be available to the public through the Department of Planning and Zoning.

24 E. Duties. The Board of Appeals shall have the following powers and duties:

25 1. To hear and decide appeals, pursuant to the provisions of Zoning Code Chapter
26 21.30 where it is alleged there is error in any order, requirement, decision or determination
27 made by an administrative official or body in the enforcement of: (a) this Zoning Code; or
28 (b) any ordinance adopted pursuant to this Zoning Code.

29 2. To hear and decide applications for special exceptions pursuant to Chapter 21.26 of
30 this Zoning Code.

31 3. To hear and decide applications for variances from the terms of this Zoning Code,
32 pursuant to the provisions of Chapter 21.28

33 4. To hear and decide applications for zoning district boundary adjustments pursuant to
34 the provisions of Zoning Code Chapter 21.20

35 5. To hear and decide applications for physical alteration of a nonconforming use
36 pursuant to the provisions of Chapter 21.68

37 6. To hear and decide all matters referred to it or upon which it is required to decide by
38 this Zoning Code, and as prescribed by Article 66B of the Annotated Code of Maryland.

1 F. Tolling of Approvals. Approvals granted by the Board of Appeals pursuant to Section
2 21.08.040E of this Code and extensions thereof which are active and valid as of [December 31,
3 2010] **JUNE 30, 2012**, shall be tolled until June 30, [2012] **2014**, so that all such approvals and
4 extensions shall expire on, or any applicable extension request shall have been requested by,
5 June 30, [2012] **2014**.

6 G. Meetings. The meetings of the Board of Appeals shall be held at the call of the chair and at
7 other time determined by the Board. The Board shall provide public notice of any meeting by
8 publication in at least one newspaper of general circulation in the City not less than seven days
9 prior to the meeting. The chair or the acting chair may administer oaths and compel the
10 attendance of witnesses. All meetings shall be open to the public. The Board shall make a
11 transcript of all proceedings, showing the vote of each member on each question, or the
12 member's absence or failure to vote. The board shall immediately file the transcript of its
13 proceedings in the Office of Planning and Zoning. Each transcript shall be a public record. If a
14 recording or a transcript of a recording is not prepared in the normal course of the Board's
15 proceedings, the party who requests a copy of the recording or its transcript shall pay the cost of
16 preparing the recording or transcript.

17

18 **21.08.050 - Planning and Zoning Director.**

19 A. Establishment. The position of Planning and Zoning Director is established as the manager
20 of the Department of Planning and Zoning, with the authority to administer and enforce this
21 Zoning Code.

22 B. Duties. The Planning and Zoning Director may delegate zoning administration and
23 enforcement responsibilities to any deputy director, assistant director, or staff member of the
24 Department of Planning and Zoning, or other individual designated by the Director. The
25 Planning and Zoning Director has the following powers and duties:

26 1. Decide applications for demolition permits pursuant to the provisions of Chapter 21.14

27 2. Decide applications for administrative interpretations pursuant to the provisions of
28 Chapter 21.16

29 3. Decide applications for administrative adjustments pursuant to the provisions of
30 Chapter 21.18

31 4. Decide applications for major and minor site plan review pursuant to the provisions of
32 Chapter 21.22

33 5. Decide applications for extensions of planned developments pursuant to the
34 provisions of Chapter 21.24

35 6. Decide applications for determinations of nonconforming use status pursuant to the
36 provisions of Chapter 21.68

37 7. Hear and decide applications for change of nonconforming use pursuant to the
38 provisions of Chapter 21.68

39 8. Conduct inspections of buildings, structures and use of land to determine compliance
40 with the terms of this Zoning Code.

1 9. Take appropriate enforcement action with regard to alleged violations of this Zoning
2 Code.

3 10. Maintain permanent and current records made under this Zoning Code, including, but
4 not limited to, all maps, amendments, planned developments, special exceptions,
5 variances, appeals, use permits and applications.

6 11. Provide and maintain public information related to this Zoning Code.

7 12. Initiate or direct from time to time a study of the provisions of this Zoning Code, and
8 make reports or recommendations to the Planning Commission not less frequently than
9 once a year.

10 C. TOLLING OF APPROVALS. APPROVALS GRANTED BY THE PLANNING AND ZONING
11 DIRECTOR PURSUANT TO SECTION 21.08.050B OF THIS CODE AND EXTENSIONS
12 THEREOF WHICH ARE ACTIVE AND VALID AS OF JUNE 30, 2012, SHALL BE TOLLED
13 UNTIL JUNE 30, 2014, SO THAT ALL SUCH APPROVALS AND EXTENSIONS SHALL
14 EXPIRE ON, OR ANY APPLICABLE EXTENSION REQUEST SHALL HAVE BEEN
15 REQUESTED BY, JUNE 30, 2014.
16

17 **Chapter 21.56 – Historic District**

18 **21.56.080 - Certificate of approval—Expiration.**

19 A. A certificate of approval of the Commission shall expire automatically, unless extended by
20 the Commission, if:

21 1. In the case of an application for the demolition, moving or alteration of a structure, the
22 work has not commenced within six months and been completed within one year from the
23 date of issuance of the certificate of approval;

24 2. In the case of an application for the construction of a new structure, the work has not
25 commenced within one year from the date of issuance of the certificate of approval and
26 been completed within three years; or

27 3. For the purposes of this section, application for extension of approval shall be treated
28 and considered as a new application before the Commission.

29
30 B. TOLLING OF CERTIFICATES OF APPROVAL. NOTWITHSTANDING THE
31 PROVISIONS OF SECTION 21.56.080A OF THIS CODE, CERTIFICATES OF APPROVAL
32 GRANTED BY THE HISTORIC PRESERVATION COMMISSION PURSUANT TO SECTIONS
33 21.56.040 THROUGH 21.56.070 OF THIS CODE AND EXTENSIONS THEREOF WHICH ARE
34 ACTIVE AND VALID AS OF JUNE 30, 2012, SHALL BE TOLLED UNTIL JUNE 30, 2014, SO
35 THAT ALL SUCH CERTIFICATES OF APPROVAL AND EXTENSIONS SHALL EXPIRE ON,
36 OR ANY APPLICABLE EXTENSION REQUEST SHALL HAVE BEEN REQUESTED BY, JUNE
37 30, 2014.
38

39 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
40 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.
41

1 **SECTION IV: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
2 **ANNAPOLIS CITY COUNCIL** that Sections 17.04.630B; 21.08.040F; 21.08.050C; and
3 21.56.080B shall be deemed abrogated and of no further effect effective July 1, 2014, and
4 stricken from the Code of the City of Annapolis.

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ADOPTED this _____ day of _____, _____.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

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EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

Policy Report

Ordinance O-21-12

Tolling Approval and Permit Expiration Dates

The proposed ordinance would temporarily toll expiration dates of certain approvals and permits in Title 17 and Title 21 of the Annapolis City Code until June 30, 2014 provided that the zoning approvals and permits are active and valid as of June 30, 2012. Section 17.04.630 B.1. of the proposed ordinance states that the City of Annapolis Code in force at the time construction commences shall apply to all such permits and permit application approvals.

Prepared by Jessica Cowles, Legislative and Policy Analyst, Office of Law;
JCCowles@annapolis.gov and 410-263-1184.

FISCAL IMPACT NOTE

Legislation No: O-21-12

First Reader Date: 5-14-12

Note Date: 5-25-12

Legislation Title: Tolling Approval and Permit Expiration Dates

Description: For the purpose of temporarily tolling expiration dates of certain approvals and permits in Title 17 and Title 21 of the Annapolis City Code until June 30, 2014 provided that the zoning approvals and permits are active and valid as of June 30, 2012.

Analysis of Fiscal Impact:

This legislation produces no significant fiscal impact.



PLANNING COMMISSION

(410)263-7961

145 GORMAN STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401

June 12, 2012

MEMORANDUM

To: Mayor and City Council

From: Eleanor M. Harris and Members of the Planning Commission

Re: O-21-12 – Extension of Due Dates

The Planning Commission at its June 7, 2012 meeting reviewed and held a public hearing to seek input before acting on O-21-12. Following the public hearing and deliberations, the Planning Commission unanimously approved the extension of the expiration date from June 30, 2012 to June 30, 2014.

We urge you to execute this ordinance change by June 30, 2012.

Your attention to this urgent need is appreciated.



City of Annapolis
Historic Preservation Commission
Referral Action Report

Date: June 11, 2012

To: Jessica Cowles,
City of Annapolis Office of Law,
Legislative and Policy Analyst

The Historic Preservation Commission has reviewed O-21-12 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments: Recommended additional Language:

Section C:

Any changes to plans previously approved under an issued certificate of approval that are required in response to Section 17.04.630(B)1 referencing the City of Annapolis Code in force at the time construction commences, must be referred to the HPC for re-evaluation if there is a necessary change to the exterior scope of work as approved.

Rationale: If there are exterior changes required to comply with code changes since the initial approval, those changes must also comply with HPC guidelines.

Meeting Date April 26, 2012

Signature of Chair *Sharon A Kennedy*

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**CITY COUNCIL OF THE
City of Annapolis**

Resolution No. R-21-12

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
5/14/12			8/10/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	5/14/12		
Economic Matters	5/14/12		

8
9 **A RESOLUTION** concerning

10 **Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012**

11 **FOR** the purpose of designating September 1-3, 2012 as dates for the sale of merchandise in
12 the Historic District at the Chesapeake Bay Yacht Racing Association (CBYRA) Race
13 Week 2012 event; authorizing City Council approval of the event; and the
14 reimbursement of full fees to the City for the cost associated with the event.

15 **WHEREAS,** the Chesapeake Bay Yacht Racing Association (CBYRA) seeks the City's
16 approval through the City's Special Event Application to hold an event from
17 September 1-3 at Susan Campbell Park based on the following:

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- Time of activities: 4:00 p.m. on September 1 to 8:00 p.m. on September 3.
 - Setup and breakdown time: 8:00 a.m. August 31 to 11:00 a.m. September 4.
 - Amplified entertainment from: 4:00 p.m. to 8:00 p.m. each day of the event (no testing outside these hours is permitted).
 - Festival is open to the public free of charge.
 - Location: Susan Campbell Park (see Exhibit 1).
 - The Chesapeake Bay Yacht Racing Association, or its designee, is required to obtain all City permits for alcoholic beverages, temporary structures, electrical connections and pre/post event inspections determined necessary for the safe execution of the event when those elements are required for the execution of the day's activities.
 - Vendors will be located in consultation with the Special Events Coordinator; each vendor must obtain a City vendor's permit and must post applicable business licenses.

35 **WHEREAS,** Section 7.40.090 of the City Code allows the City Council to designate certain
36 days when peddlers, hawkers and itinerant merchants may sell in the Historic
37 District or a nonresidential area; and
38

1 **WHEREAS,** Section 6.04.210 of the City Code states that “whenever a person leases, uses
2 or occupies a City facility, the person shall be charged and pay a minimum of
3 full fees for the use of the facility.” Examples of City facilities include public
4 spaces, grounds, parks, athletic facilities, fields, docks, piers, wet slips,
5 moorings, developable waters, buildings, motor vehicles, equipment,
6 structures, rooms or other parts of public buildings. Examples of City services
7 include traffic control, crowd control, public safety support (police or fire), trash
8 removal, sanitary services, recycling, bulk pick-up, the provision of water,
9 sewer, electricity, communications or other utilities, transportation, and labor.
10 Full fees “means the value of the right to lease, use or occupy the City facility
11 as determined by the Finance Director in a fiscal impact note, plus all costs
12 incurred by the City... including but not limited to utility costs and costs
13 associated with municipal services (public safety, public works, custodial,
14 renovations, repairs, maintenance, transportation and parking)...”
15

16 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that sales of
17 merchandise may be sold in conjunction with the CBYRA 2012 event from September 1-3,
18 2012.
19

20 **AND, BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
21 **COUNCIL** that there shall be no waiver of full fees. However, notwithstanding any other
22 provision of law, the Director of Finance shall determine the full fees incurred by the City
23 government and the organizers of the event shall reimburse the City for full fees.
24

25 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that a
26 representative of the City will be present to resolve matters relating to this special event and
27 his/her cell phone number shall be posted on the City’s website during the hours the event is
28 open to the public.
29

30
31 **ADOPTED** this ___ day of ____, ____.
32
33

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

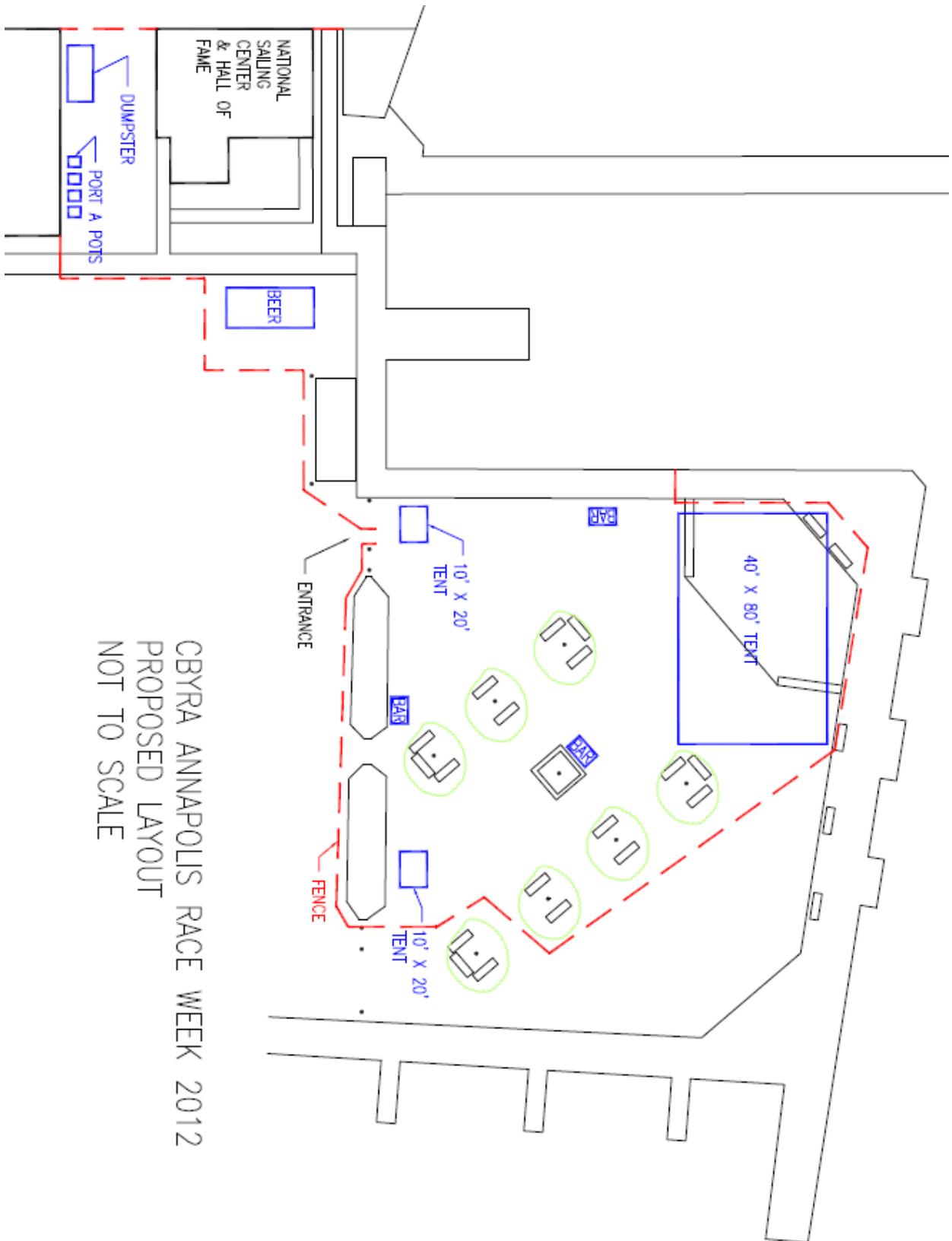
Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

34
35 **EXPLANATION**

36 CAPITAL LETTERS indicate matter added to existing law.
37 [brackets] indicate matter stricken from existing law.
38 Underlining indicates amendments.
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Exhibit 1



CBYRA ANNAPOLIS RACE WEEK 2012
PROPOSED LAYOUT
NOT TO SCALE

Staff Report

R-21-12

Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012

The proposed resolution would permit the Chesapeake Bay Yacht Racing Association (CBYRA) to hold the Race Week 2012 event selling merchandise from September 1-3, 2012 at Susan Campbell Park; authorize City Council approval for the event; and the reimbursement of full fees to the City for the cost associated with the event.

The CBYRA has requested City Services as follows:

1. Temporary structures permit required for tents larger than 10'x10'; two 10'x20' tents; a 40'x80' tent will cover the Susan Campbell Park stage.
2. Reserved parking (3) three spaces immediately adjacent to Susan Campbell Park for the full term of use.
3. One-day liquor license.
4. Special event vendor permit.

Key details about the CYBRA Race Week 2012 event:

- CBYRA will provide around-the-clock security for the duration of the event.
- CBYRA is seeking an ABC license.
- CBYRA has requested three parking places have been requested; participants and attendees are expected to park at their marinas and use Water Taxis (providing discount coupons) and eCruisers (adding stops) to attend the event.
- The majority of participants are expected to arrive from Eastport.
- Cooking will take place on-site and an Anne Arundel County Health Department permit is required.
- CBYRA is providing its own dumpster for the event.
- Notification of area residents will be through a Ward One Residents Association meeting, local business meetings, email blasts and mailed notices to residents.

Under the terms set by the R-14-12, the Special Events Moratorium, no waiver from this resolution is required because less than 10 parking spaces have been requested; less than \$1,000 in City Services are expected to be rendered; fewer than 1,000 participants and attendees per day are expected; and no road closures have been requested or required.

Prepared by Michelle LeFurge, Special Events Coordinator at mmlefurge@annapolis.gov and Jessica Cowles, Legislative and Policy Analyst in the Office of Law at JCCowles@annapolis.gov

FISCAL IMPACT NOTE

Legislation No: R-21-12

First Reader Date:

5-14-12

Note Date:

5-25-12

Legislation Title: Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012

Description:

For the purpose of designating September 1 – 3, 2012 as dates for the sale of merchandise in the Historic District at the Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012 event; authorizing city Council approval of the event; and the reimbursement of full fees to the City for the cost associated with the event.

Analysis of Fiscal Impact:

This legislation requires that Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012 obtain City permits for vendors, temporary structures, electrical connections, pre/post event inspections and other permits necessary for the safe execution of the event, and pay to the city all costs incurred including utilities and costs associated with services including but not limited to public safety, public works, custodial, renovation, repairs, maintenance, transportation and parking. CYBRA is seeking an alcoholic beverage license.

CBYRA will reimburse the City for all City costs incurred, and permit fees are established to cover the cost of service. This legislation is expected to produce no significant fiscal impact other than the positive impact it could have on the economic vitality of the City by attracting people who will patronize City shops and restaurants and visit the City again in the future.

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**CITY COUNCIL OF THE
City of Annapolis**

Resolution No. R-26-12

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
6/11/12			9/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	6/11/12		
Environmental Matters	6/11/12		

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10 **A RESOLUTION** concerning

11 **Establishing a Forest Conservation Act Working Group**

12 **FOR** the purpose of establishing a Forest Conservation Act Working Group to review and
13 make recommendations on the City of Annapolis' laws, policies and procedures
14 implementing the Forest Conservation Act.

15 **WHEREAS,** Annapolitans value the natural environment, clean air and water and a healthy
16 Chesapeake Bay; and

17
18 **WHEREAS,** the City of Annapolis is a model for a green and sustainable municipality as
19 demonstrated by R-23-12, Supporting City of Annapolis Participation in the
20 Sustainable Maryland Certified Municipal Certification Program; and

21
22 **WHEREAS,** the City has an adopted policy of achieving and maintaining 50% tree canopy
23 coverage by the year 2036; and

24
25 **WHEREAS,** the State of Maryland enacted the Forest Conservation Act in 1991 and the
26 City has administered it locally since then; and

27
28 **WHEREAS,** Annapolitans value quality economic development that adds to the City's
29 quality of life and its tax and employment base; and

30
31 **WHEREAS,** the Mayor, Aldermen and Alderwomen wish to review the City's laws, policies
32 and procedures implementing the Forest Conservation Act to ensure that the
33 City continues to serve as a model municipality for environmental protection
34 while also pursuing a balanced approach that respects property rights and
35 promotes robust, high quality economic development.
36

1 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City
2 Council hereby appoints a Forest Conservation Working Group to review the City's laws,
3 policies and procedures pertaining to Forest Conservation issues and to report back to the
4 Mayor and City Council within 90 days of appointment with any recommended changes to the
5 City Code, policies and procedures.
6

7 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the
8 membership of the Committee shall be as follows:
9

- 10 Hon. Joseph Manck, Chair
- 11 Alderwoman Sheila Finlayson
- 12 Alderman Ian Pfeiffer
- 13 Diane Butler
- 14 Kincey Potter
- 15 Eliot Powell
- 16 Chuck Walsh

17
18 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City shall
19 provide staff support through the Department of Neighborhood and Environmental Programs
20 and the Office of Law.
21

22 **ADOPTED** this _____ day of _____, _____.
23
24

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

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Policy Report

R-26-12

Establishing a Forest Conservation Act Working Group

The proposed resolution would establish a Forest Conservation Act Working Group to review and make recommendations on the City of Annapolis' laws, policies and procedures implementing the Forest Conservation Act.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law at JCCowles@annapolis.gov or 410.263.1184.

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**CITY COUNCIL OF THE
City of Annapolis**

Resolution No. R-27-12

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
6/11/12			9/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	6/11/12		

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A RESOLUTION concerning
Establishing Polices and Procedures for Mayor and City Council Approval of Grant Revenue Appropriations

FOR the purpose of establishing policies and procedures for Mayor and City Council approval of grant revenue appropriations.

WHEREAS, the attached policy from the Finance Department addresses grant funds after they are offered by an awarding agency but before those funds are accepted by the City of Annapolis; and

WHEREAS, the purpose of the attached policy is to establish protocol for the Mayor and Council to approve (a) the City's acceptance of the grant funds and (b) the City's proper appropriation of said funds; and

WHEREAS, this policy does not specifically address grant application requirements; and

WHEREAS, it is the practice of the Annapolis City Council to approve polices and procedures by resolution.

NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the attached polices and procedures for Mayor and City Council approval of grant revenue appropriations are hereby adopted.

ADOPTED this _____ day of _____, _____.

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ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

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EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.



City of Annapolis
160 Duke of Gloucester Street
Annapolis, Maryland 21401

Phone: 410-263-7952
Fax: 410-263-7529
MD Relay or 711
www.annapolis.gov

POLICIES AND PROCEDURES:

Mayor and Council Approval of Grant Appropriations

Purpose and Authority:

The purpose of this statement is to establish policies and procedures for the Mayor and Council of the City of Annapolis (the "City") to approve appropriation of grant revenue. This policy does not specifically address grant application requirements. Instead, this policy addresses grant funds after they are offered by an awarding agency but before those funds are accepted by the City; the purpose of the policy being to establish protocol for the Mayor and Council to approve (a) the City's acceptance of the grant funds and (b) the City's proper appropriation of said funds.

Detailed Policy Statement:

Awareness of Grant Application

It is current City protocol that before any City department, office, or division (hereafter referred to as "department") can apply for grant funds, the department must obtain prior approval to apply. This approval must come from the City Grant Coordinator, the City Finance Director, and the City Manager via a signed/initialed Grant Briefing Document. This approval is contingent on the department director's attestation that any local match requirement can be met within the department's current budget without any need for supplementation or enhancement. This current policy further states that such approvals to apply, once approved, will be forwarded to the Finance Committee solely for informational purposes.

Grant Budget

If a grant is awarded after proper application, a grant award notice, grant agreement, grant contract or the like will be received from the awarding agency (such notices or agreements will hereafter be referred to summarily as a "grant award notice"). This grant award notice must be forwarded to the City Grant Coordinator. At that time, along with the grant award notice, the recipient department must submit an expense budget specific to the awarded grant revenues. This expense budget will make clear how the anticipated grant funds will be spent. The expense categories will be dictated by the same Chart of Accounts that are used to report normal operating/personnel budgets but further itemization should be provided if applicable. For example, if part of grant revenue is to be expended on supplies, specific supplies or types of supplies, with their appropriate costs, should be itemized.

On this grant budget, the appropriate director will provide a second attestation that any local match requirement will be met within the department's current budget without any need for supplementation or enhancement.

Also shown on the grant budget will be the grant revenue source. That is, any federal revenue from the grant award will be shown separate from state revenue or local match revenue so that all funds can be properly accounted.

Approval of Award Acceptance

Both this grant budget, as prepared by the recipient department(s), and the grant award notice (along with any other informative documents) will be forwarded to the City Grant Coordinator. From the City Grant Coordinator, this grant packet will follow the proper review and approval chain as dictated by the City's Grant Routing Slip (Appendix A).

If acceptance of the grant is administratively approved per the Grant Routing Slip chain, the grant packet will then be presented to the Finance Committee for their review and subsequent approval or rejection. If acceptance of the grant award is approved by the Finance Committee, action will be taken for the City's receipt of the grant award. The Finance Department will move forward with establishing a separate grant budget for the award and the appropriate departments will be given proper access to the grant revenue once received.

When the Finance Committee approves award acceptance, the Committee will act on behalf of the full City Council. The approval of grant acceptance will be forwarded to the City Council for information purposes but not for a separate vote.

If the Finance Committee rejects the award acceptance, the grant packet will be presented before the full City Council for their review and vote. In this case, the vote of the full City Council will be the deciding factor for acceptance or rejection of the grant award.

In all cases, approval of the grant packet assumes approval of the appropriation of the funds as detailed in the submitted grant budget.

The City Grant Coordinator will be kept abreast of proceedings as the grant packet follows the approval process.



City of Annapolis

Office of Grants Coordinator
93 Main Street, Suite 3B.
Annapolis, Maryland 21401
(410) 268-5180 Fax: (410) 263-7468

Grant Routing Slip

Originator:	Date:	Briefing Document Must Be Attached
--------------------	--------------	---

Originator's Comments:

Priority of action requested

<input type="checkbox"/> Urgent please handle immediately	<input type="checkbox"/> Please handle EXPEDITIOUSLY	<input type="checkbox"/> Routine consistent with other activities or during the normal duties course of business
--	---	--

The attached documents should be routed to the following. Please send this packet to the next person on the list once you have reviewed/signed documents.

Review By <i>check all required</i>	Name	Reviewed <i>please initial below</i>	Approved <i>please initial below</i>	Denied <i>please initial below</i>	Date	Comments
<input type="checkbox"/>	Originating Department Director					
<input type="checkbox"/>	Grants Coordinator					
<input type="checkbox"/>	Finance Director					
<input type="checkbox"/>	City Attorney					
<input type="checkbox"/>	City Manager					
<input type="checkbox"/>	Mayor					
<input type="checkbox"/>	City Clerk					

Please return to Originator at the conclusion of the process.

Policy Report

R-27-12

Establishing Policies and Procedures for Mayor and City Council Approval of Grant Revenue Appropriations

The proposed resolution would establish policies and procedures for Mayor and City Council approval of grant revenue appropriations.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law at JCCowles@annapolis.gov or 410.263.1184.

FISCAL IMPACT NOTE

Legislation No: R-27-12

First Reader Date:

6-11-12

Note Date:

6-13-12

Legislation Title: Establishing Policies and Procedures for Mayor and City Council Approval of Grant Revenue Appropriations

Description:

For the purpose of establishing policies and procedures for Mayor and City Council approval of grant revenue appropriations.

Analysis of Fiscal Impact:

This legislation produces no significant fiscal impact.

1 CITY COUNCIL OF THE
2 City of Annapolis

3 Ordinance No. O-18-12

4 Introduced by: Alderman Israel
5
6
7

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
6/18/12			9/14/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	6/18/12		

8
9 **AN ORDINANCE** concerning

10 **The Process for Approving City Employee Job Descriptions**

11 **FOR** the purpose of shifting the authority to approve City of Annapolis civil service employee
12 job descriptions from the City Council to the Civil Service Board and creating a job
13 description approval process for exempt service positions.

14
15 **BY** adding the following portions to the Code of the City of Annapolis, 2011 Edition
16 Section 3.08.070

17
18 **BY** repealing and re-enacting with amendments the following portions of the Code of the
19 City of Annapolis, 2011 Edition
20 Chapter 3.12
21

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

24
25 **Chapter 3.08 – EXEMPT SERVICE**

26
27 **3.08.070 – JOB DESCRIPTIONS**

28 A. ALL EXEMPT SERVICE JOB DESCRIPTIONS, WITH THE EXCEPTION OF THE CITY
29 MANAGER, DEPARTMENT DIRECTORS, AND CONTRACTUAL EMPLOYEES, SHALL BE
30 APPROVED BY THE DIRECTOR OF HUMAN RESOURCES AND CITY MANAGER THEN
31 SENT TO THE CIVIL SERVICE BOARD FOR CONSISTENCY WITH THE CLASSIFICATION
32 SYSTEM.
33

34 B. THE JOB DESCRIPTIONS FOR THE CITY MANAGER AND DEPARTMENT DIRECTORS
35 SHALL BE REVIEWED BY THE DIRECTOR OF HUMAN RESOURCES AND CITY MANAGER
36 THEN SUBMITTED TO THE CITY COUNCIL FOR APPROVAL.
37

1 C. THE JOB DESCRIPTIONS FOR CONTRACTUAL EMPLOYEES SHALL BE PREPARED
2 BY THE DEPARTMENT OF HUMAN RESOURCES THEN APPROVED BY THE DIRECTOR
3 OF HUMAN RESOURCES AND CITY MANAGER.
4

5
6 **Chapter 3.12 - CIVIL SERVICE ADMINISTRATION**
7

8 **3.12.010 - Scope of civil service.**

9 The civil service system includes all positions except those placed in the exempt service.
10

11
12 **3.12.020 - City Council—Duties.**

13 The City Council shall:

14 A. In conjunction with the adoption of the annual operating budget and whenever
15 deemed necessary, consider the recommendations of the Civil Service Board on requests
16 for the creation of new positions, the abolishment of positions and the classification and
17 reclassification of existing positions;

18 B. Adopt, by resolution, a pay plan and subsequent revisions after consideration of the
19 recommendations of the Civil Service Board;

20 [C. Adopt, by resolution, job descriptions and minimum qualifications after consideration
21 of the recommendations of the Civil Service Board.]
22
23

24 **3.12.030 - Human Resources Director—Duties.**

25 The Human Resources Director shall be responsible for:

26 A. Forwarding requests for promotions to the Civil Service Board and the administration
27 of the approved change or changes;

28 B. Maintenance of the necessary records for all employees and of the proceedings of
29 the Civil Service Board;

30 C. Supervising the soliciting, examining and selecting of applicants for all vacant
31 positions;

32 D. Disseminating information regarding actions of the Civil Service Board;

33 E. Adopting and promulgating rules and regulations governing personnel matters, not in
34 conflict with the Charter, this code or any ordinance, to implement the provisions of this
35 title. The rules and regulations shall become effective not less than forty-five days following
36 its promulgation and transmission to the City Council by the Human Resources Director,
37 unless an objection to the rules or regulations, or any portion, is registered by the City
38 Council by a resolution adopted prior to the effective date of the rules or regulations. In
39 addition to the foregoing, the City Council may adopt by resolution any rule or regulation
40 recommended by the Human Resources Director for expedited implementation. If so
41 adopted, each such rule or regulation shall become effective upon the approval of the
42 resolution.
43
44

45 **3.12.040 - Civil Service Board—Appointment.**

46 A Civil Service Board consisting of five residents of the City shall be appointed by the Mayor
47 and confirmed by the City Council. The members shall serve for terms of three years,
48 commencing on August 1st of the year in which the appointment is made, or until their
49 successors are appointed and duly qualified. The Civil Service Board shall elect a chair from its
50 membership, who shall serve for a term of two years. Any member of such board is eligible to
51 succeed himself or herself, either as chair or as a board member. A vacancy shall be filled in the

1 same manner as an original appointment for the unexpired portion of the term.
2
3

4 **3.12.050 - Civil Service Board—Duties.**

5 The Civil Service Board shall be responsible for:

- 6 A. Classification and establishment of minimum qualifications for all civil service
7 positions;
- 8 B. Making recommendations to the City Council as provided in this chapter;
- 9 C. Recommendations to the appointing authorities and City Council designed to promote
10 the morale and training of the civil service employees;
- 11 D. Hearing and deciding all appeals from civil service employees as provided by Chapter
12 3.16 of this Code, intolerable working conditions and other such areas as enumerated in
13 the civil service rules[.];
- 14 E. APPROVE JOB DESCRIPTIONS FOR ALL CIVIL SERVICE POSITIONS AFTER
15 CITY MANAGER AND DIRECTOR OF HUMAN RESOURCES REVIEW. ANY
16 APPROVED JOB DESCRIPTION WITH FINANCIAL IMPLICATIONS SHALL BE
17 ADDRESSED THROUGH THE BUDGET TRANSFER PROCESS DEFINED IN SECTION
18 6.16.020 OF THE CITY CODE.
19
20

21 **3.12.060 - Classification.**

22 The Human Resources Director is responsible for the classification and the reclassification of
23 each position in the civil service system. Each position shall be classified in a job description on
24 the basis of the kind and level of duties and responsibilities assigned to the position. A job
25 description may include one position or several similar positions. The positions classified in one
26 job description shall be sufficiently alike to permit the use of a single descriptive title, the same
27 minimum qualifications, and the same pay scale. Job descriptions and any subsequent revisions
28 shall be forwarded to the [City Council] CIVIL SERVICE BOARD for approval.
29
30

31 **3.12.070 - Pay plan.**

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

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

41 C. A civil service employee below the supervisory level shall not be granted an in-grade pay
42 increase without the favorable recommendation of the supervisory authority concerned. At
43 least twelve months shall elapse between each in-grade pay increase granted to any one civil
44 service employee. No employee shall be paid a salary less than the minimum nor more than the
45 maximum limits prescribed by the pay grade to which the employee's position has been
46 assigned.

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

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

3 a. The employee's date of hire if the employee became a member of the civil
4 service system after May 1, 1980; or

5 b. The employee's review date as of March 1, 1980, if the employee became a
6 member of the civil service system on or before March 1, 1980.

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

10
11
12 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
13 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.

14
15 **ADOPTED** this _____ day of _____, _____.

16
17
ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

18
19
20 **EXPLANATION**

21 CAPITAL LETTERS indicate matter added to existing law.

22 [brackets] indicate matter stricken from existing law.

23 Underlining indicates amendments.
24

Policy Report

O-18-12

The Process for Approving City Employee Job Descriptions

The proposed ordinance would shift authority for approving City of Annapolis civil service employee job descriptions from the City Council to the Civil Service Board, after City Manager and Director of Human Resources review. Any approved job description with financial implications would be addressed through the budget transfer process defined in Section 6.16.020 of the City Code.

The proposed ordinance would also establish a process for approving exempt service job descriptions. If the proposed ordinance is adopted, all exempt service job descriptions, with the exception of the City Manager, Department Directors and contractual employees, would be approved by the Director of Human Resources and City Manager then sent to the Civil Service Board for consistency with the classification system. If the proposed ordinance is adopted, the job descriptions for the City Manager and Department Directors would be reviewed by the Director of Human Resources and City Manager then submitted to the City Council for approval.

Prepared by Jessica Cowles, Legislative and Policy Analyst, Office of Law at JCCowles@annapolis.gov or (410) 263-1184.

1 CITY COUNCIL OF THE
2 City of Annapolis

3
4 Ordinance No. O-25-12

5 Introduced by: Alderman Israel and Mayor Cohen

6
7 Co-Sponsored by: Alderwoman Finlayson

8
9

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
6/18/12			9/14/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	6/18/12		

10
11 **AN ORDINANCE** concerning

12 **The Time for Beginning Regular Meetings of the City Council**

13 **FOR** the purpose of changing the beginning time for regular meetings of the City Council from
14 7:30 p.m. to 7:00 p.m.

15 **BY** repealing and re-enacting with amendments the following portions of the Code of the
16 City of Annapolis, 2011 Edition
17 Section 2.16.010
18

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

21 **CHAPTER 2.16 – CITY COUNCIL**

22 **Article I - Rules of Procedure**

23 **2.16.010 - Time of meetings.**

24 The regular monthly meeting of the City Council shall take place at seven[-thirty] p.m. on the
25 second Monday in each month except that the City Council shall have no regular monthly
26 meeting during the month of August. Special meetings may be called by the Mayor. No public
27 hearing before the council shall commence after ten-thirty p.m. No item of business shall be
28 taken up or acted upon by the council unless that item is under consideration by eleven p.m.
29 The times specified in this rule may be changed at any time by a majority vote.

30
31
32 **2.16.020 - Place of meeting.**

33 The place of meeting of the City Council shall be the room known as the council chamber of the
34 municipal building and no meeting shall be held elsewhere except by a majority vote of all
35 members.
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2.16.030 - Order of business.

A. The order of business at all regular meetings of the City Council shall be as follows:

1. Roll call;
2. Approval of journal of proceedings of prior meetings;
3. Petitions, reports and communications;
4. Action on applications and appeals;
5. Legislative action;
6. Public hearings;
7. Monthly reports and bills;
8. Business and miscellaneous.

B. The order of business at all special meetings of the City Council shall be as established by the Mayor.

2.16.035 - Time limitation—Petitions, reports and communications.

A person appearing before the City Council with a petition, report or communication shall be limited to a presentation of not more than five minutes. The time specified in this rule may be changed at any time by a majority vote.

2.16.040 - Suspending order of business.

The order of business may be suspended at any time by a majority vote.

2.16.050 - Calling meeting to order—Roll call—Reading and approval of journal of last meeting.

At the hour designated, the Mayor shall take the chair and call the council to order. The Mayor shall then direct the City Clerk to call the roll, and if a quorum is present, the journal of the last meeting shall be read and approved, after correction of any errors.

2.16.060 - Dispensing with reading of journal.

The journal shall be read only at regular meetings and at any time the reading may be dispensed with by unanimous consent.

2.16.070 - Reducing motions, etc., to writing—Stating or reading motion before debate.

Every motion or proposition shall be reduced to writing on the call of any member and a motion made and seconded shall be in the possession of the City Council and shall be stated by the presiding officer or read by the City Clerk before debate.

2.16.080 - Demanding previous question—Limiting or extending debate.

Any two members may demand the previous question and the previous question may be ordered by a majority vote. Debate may be limited or extended by a majority vote.

2.16.090 - Reading, amendment and passage of ordinances, etc.

A. All laws shall be enacted by ordinance. Every ordinance and every charter amendment shall be read three times by its title before a final vote is taken for its passage. However, by

1 unanimous consent of the council in session, this procedure may be waived and the ordinance
2 read two times by title only and the third reading shall not be held. No ordinance or charter
3 amendment shall be amended except upon its second reading. Every ordinance and every
4 charter amendment shall be read the first time at the meeting at which it is introduced, and the
5 ordinance or charter amendment shall then lie on the table, after which it shall be read the
6 second and third time and final action taken. All three readings of an ordinance and charter
7 amendment shall occur during the same term of the Council.
8

9 B. With the exception of referrals to the Planning Commission, all ordinances, resolutions and
10 charter amendments shall be discharged without the necessity of a motion from any committee
11 or commission to which it has been referred ninety days after first reading. The ordinance or
12 charter amendment shall thereafter be placed on the agenda of the next regular City Council
13 meeting and all subsequent Council meetings until the Council votes to postpone consideration
14 for a specific amount of time not to exceed ninety days, or votes to adopt or defeat the
15 legislation. All legislation referred to the Planning Commission shall be by way of the
16 Department of Planning and Zoning which shall complete its review, make recommendations,
17 and place the legislation on the agenda of the Planning Commission meeting that is to take
18 place within sixty days of the first reading by the City Council. An ordinance that proposes to
19 amend the zoning of any piece of property shall be referred to the Planning Commission and
20 may not be placed upon a City Council agenda until the findings and recommendations of the
21 Planning Commission have been received consistent with Chapter 21.34. Other legislation
22 referred to the Planning Commission shall be discharged without the necessity of a motion from
23 the Planning Commission one hundred eighty days after first reading by the City Council. The
24 legislation shall thereafter be placed on the agenda of the next meeting and all subsequent
25 regular meetings until the City Council votes to postpone consideration for a specific amount of
26 time not to exceed ninety days, or votes to adopt or defeat the legislation.
27

28 C. All resolutions shall be read twice by title and may be passed after the second reading.
29 Every resolution shall be read the first time at the meeting at which it is introduced, and the
30 resolution shall then lie on the table after which it shall be read a second time and final action
31 taken. Both readings of a resolution shall occur during the same term of the Council.
32

33 D. The foregoing notwithstanding, by a unanimous consent of the council in session, any
34 ordinance or resolution may be passed at the meeting of the introduction.
35

36 E. A fiscal impact note shall be submitted by the Finance Director on every ordinance, charter
37 amendment, and resolution no later than the date such ordinance, charter amendment, or
38 resolution is to be heard at public hearing. Any ordinance or resolution waiving or reducing City
39 fees shall be referred to the Finance Committee and then lie on the table after which shall be
40 read the second time and final action taken.
41

42 F. The member or members of the City Council who have requested the drafting and
43 introduction of a charter amendment, ordinance, or resolution shall be identified by title and
44 name following the heading "Introduced by." The first member requesting the drafting of a
45 specific piece of legislation may make a determination as to whether any other members of the
46 City Council may be listed under "Introduced by" and the order in which those members are to
47 be introduced. Any other member of the City Council who requests identification on the
48 legislation shall be listed under the heading "Co-sponsored by" in the chronological order in
49 which that member's request is made to the Office of Law or on the floor of the City Council.

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2.16.100 - Order of voting.

All votes by the City Council on the third reader for ordinances and charter amendments and on the second reader for resolutions shall be recorded by roll call vote. All other votes shall be by voice vote unless any member of the City Council requires a recorded roll call vote. When a recorded vote is taken, the vote of each alderman/alderwoman shall be taken in rotating sequence, with the vote of the Mayor taken first. Rotation shall occur on each calendar day the Council meets to conduct business. The order specified in this rule may be changed at any time by majority vote.

2.16.110 - Appeal from decision of chair.

An appeal may be made from any decision of the chair. When the question is taken on sustaining the decision of the chair, if there is a majority in the affirmative, or if the vote is a tie, the decision of the chair shall be sustained. If there is a majority in the negative, the decision of the chair shall be reversed.

2.16.120 - Committees.

- A. Following the recommendation by the Mayor made pursuant to Chapter 2.12 of this code, aldermen shall be confirmed to serve on a committee by a majority vote of the City Council.
- B. No committee shall have more than three aldermen as members.
- C. Each committee shall elect its chairman from its own membership.

2.16.130 - Declaring chair vacant.

The City Council by a majority vote may declare the chair vacant at any meeting if the presiding officer refuses to function in the chair's official capacity in accordance with the provisions of the Charter or this code or these rules of procedure. If the chair is declared vacant the City Council may elect a chairman pro tem who shall act as presiding officer for the duration of the meeting. This action shall not abridge the privileges of the presiding officer as a member of the body.

2.16.140 - Protest of member against action of body.

It shall be a matter of right and privilege to have received and entered upon the journal a protest of a member against the action of the City Council.

2.16.150 - Suspension of rules.

These rules may be suspended at any time for any purpose during a meeting by a unanimous vote of the members present.

2.16.160 - Robert's Rules of Order.

When no provision is made in this article, the rules of parliamentary practice comprised in the current edition of Robert's Rules of Order, Newly Revised, shall govern the City Council in all cases to which they are applicable and in which they are not inconsistent with the Charter, this code, or these rules of procedure.

1 **2.16.170 - Reconsideration.**

2 The City Council may reconsider any action it has taken, provided it is done at the same
3 meeting or at the next succeeding meeting, and provided further that there have been no
4 intervening vested rights. For purposes of this section, a meeting closed pursuant to Maryland
5 State Government Article, Section 10-501, et seq. (Open Meetings Act), its substantial
6 equivalent or successor, shall not be considered in determining the "next succeeding meeting."
7
8

9 **2.16.180 - Public hearings.**

10 A. Public Hearing Required. The Mayor shall schedule a public hearing on each ordinance
11 passed on first reading by the City Council and on any resolution passed on first reading for
12 which a member requests a public hearing. The hearing shall be advertised as required by law
13 and shall be held within forty-eight days following its passage on first reading. If the City Council
14 subsequently substantively amends an ordinance or resolution on which a hearing has been
15 held, final action shall be postponed until a second hearing has been held, no later than forty-
16 eight days following the initial hearing. For purposes of this subsection, the City Council shall
17 determine by a vote of the majority of its members whether or not an amendment is substantive.
18

19 B. Appearance and Practice. An individual may appear in that person's own behalf; a member
20 of a partnership may represent the partnership; a bona fide officer or representative of a
21 corporation, trust or association may represent the corporation, trust or association; and an
22 officer or employee of a political subdivision or body or department may represent the political
23 subdivision, body or department. A person, firm or corporation may be represented in any
24 proceedings by an attorney at law admitted to practice before the Court of Appeals of this State.
25

26 C. Conduct of Hearings.

27 1. The Mayor shall regulate the course of the hearing and shall rule upon procedural
28 matters and objections made during the course of the hearing.

29 2. All witnesses shall testify under oath to be administered by the Mayor.

30 3. A hearing may be recessed or continued from time to time.

31 4. Testimony and evidence shall be presented in the following order:

32 a. Staff reports, if any;

33 b. Findings and recommendations of boards or commissions, if any;

34 c. Applicants;

35 d. Persons in favor of the application;

36 e. Persons in opposition to the application; and

37 f. Rebuttal.

38 5. In addition to the applicant, evidence and testimony either in favor of or in opposition
39 to the application may be presented by:

40 a. Owners of property within the City;

41 b. Taxpayers of the City;

42 c. Residents of the City;

43 d. Any other persons not identified above whose personal or property interests may
44 be specially affected by the granting or denial of the application; and

45 e. Attorneys at law and experts appearing on behalf of those persons listed above.

46 6. Any person whose personal or property interests may be specially affected by the
47 granting or denial of the application may participate and have the same rights in the
48 hearing as are afforded to the applicant.

49 7. The use of any visual display or exhibit shall be conducted in such a manner as to be
50 viewed by the City Council and, to the extent practicable, by the audience.
51

1 D. Evidence.

2 1. The Mayor may admit evidence which possesses probative value commonly
3 accepted by reasonable and prudent persons in the conduct of their affairs. The Mayor
4 shall give effect to the rules of privilege recognized by law. The Mayor may exclude
5 incompetent, irrelevant, immaterial and unduly repetitious evidence.

6 2. Documentary evidence may be received in the form of copies or excerpts, or by
7 incorporation by reference. However, no documentary evidence may be received unless it
8 is presented to the City Clerk to be identified and marked as an exhibit in the proceedings.
9 Where possible, a copy of each item of documentary evidence shall be provided for public
10 inspection no later than the time of its introduction before the City Council.

11 3. A count of those in attendance who support or oppose an application shall not be
12 taken. A written listing or petition of those persons who state general support or opposition
13 to a pending application is not admissible.

14 4. With regard to an application for approval of a special exception, the City Council
15 shall provide a period of not more than seven days following the public hearing during
16 which any person may submit comments regarding the application. The comments shall be
17 in typewritten form and shall be filed with the City Clerk together with ten copies. The
18 person submitting the comments shall forward a copy to the applicant and shall certify the
19 date and manner of delivery. Following the comment period, the applicant shall have a like
20 amount of time to submit rebuttal comments. These comments shall also be in typewritten
21 form and filed with the City Clerk together with ten copies.

22
23 E. Decision. Action by the City Council with regard to any matter upon which a public hearing
24 has been conducted in the exercise of the City Council's authority to zone or rezone property, to
25 consider applications relating to the use of land, or to consider matters related to alcoholic
26 beverage licenses, shall not be taken sooner than at a special meeting called for that purpose or
27 at the next regular meeting of the City Council. Prior to acting upon an application for approval
28 of a special exception, and unless a majority objects, the City Council shall resolve itself into a
29 committee of the whole to consider the findings, conditions and other matters related to the
30 application.

31
32 F. As used in this section, the term "applicant" includes a "petitioner," "appellant," or a
33 "licensee" as the case may be, and the other provisions of this section shall be interpreted
34 accordingly in consideration of the type of matter being heard.

35
36
37 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
38 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.

39
40 **ADOPTED** this _____ day of _____, _____.

41
42
ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

43
44
45 **EXPLANATION**

46 CAPITAL LETTERS indicate matter added to existing law.

1
2

[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

Policy Report

Ordinance O-25-12

The Time for Beginning Regular Meetings of the City Council

The proposed ordinance would change the beginning time for regular meetings of the City Council from 7:30 p.m. to 7:00 p.m. for consistency with Special Meetings of the City Council since they generally begin at 7:00 p.m.

Prepared by Jessica Cowles, Legislative and Policy Analyst, Office of Law;
JCCowles@annapolis.gov and 410-263-1184.

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**CITY COUNCIL OF THE
City of Annapolis**

Resolution No. R-29-12

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
6/18/12			9/14/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	6/18/12		

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A RESOLUTION concerning

Reducing the Annual Fee For Trash Collection From Dwelling Units

FOR the purpose of reducing the annual fee for trash collection from dwelling units.

WHEREAS, the Annapolis City Council has decided to contract the dwelling unit trash collection service in order to achieve cost savings; and

WHEREAS, the anticipated cost savings associated with the City of Annapolis' contracting effort are expected to be substantial enough to allow the FY 2013 fee for dwelling unit trash collection to be reduced.

NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the FY 2013 fee schedule is amended as follows:

Section	Type of Fee	Amount of Fee FY 2013
10.16.160	Annual fee for trash collection from dwelling units within the city	[\$426.00] \$380.00

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ADOPTED this _____ day of _____, _____.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY _____

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

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EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

Policy Report

R-29-12

Reducing the Annual Fee For Trash Collection From Dwelling Units

The proposed resolution would reduce the annual fee for trash collection from dwelling units from \$426.00 to \$380.00 as a result of the cost savings the City of Annapolis anticipates as a result of the contracting of this function.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law at JCCowles@annapolis.gov or 410.263.1184.

FISCAL IMPACT NOTE

Legislation No: R-29-12

First Reader Date: 6-18-12

Note Date: 6-13-12

Legislation Title: Reducing the Annual Fee For Trash Collection From Dwelling Units

Description:

For the purpose of reducing the annual fee for trash collection from dwelling units.

Analysis of Fiscal Impact:

This legislation is expected to reduce City revenues by \$420,432 in FY2013. This reduction will be offset by a reduction in expenditures.

**Alderman Israel Amendment to O-11-12
Eliminating the Sick Leave Bank for Employees**

Amendment #1

Page 1, Line 20: insert 3.20.140 – SICK LEAVE BANK.

BY REGULATION, THE DEPARTMENT 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 LEAVE MAY DRAW SICK LEAVE.



City of Annapolis City Council
Standing Committee Referral Action Report

Date: 6/14/12

To: Jessica Cowles,
City of Annapolis Office of Law,
Legislative and Policy Analyst

The Rules and City Government Committee has reviewed 0-21-12 and
has taken the following action:

- Favorable
- Favorable with amendments *on Page 2 Line 44
After "such" delete "permits and"
+ attached*
- Unfavorable
- No Action
- Other
- Comments:

Roll Call Vote:

Ald. Israel, Chair yes

Ald. Hoyle yes

Ald. Arnett yes

Meeting Date 6/14/12

Signature of Chair Richard Israel

Rules Committee Amendments to O-21-12

On Page 1, line 34 add a new Whereas clause as follows:

“Whereas, the purpose of this ordinance is to toll the deadlines for those property owners, builders and developers who have proceeded diligently with their projects, but not to confer the benefits upon those property owners who have been subject to a final determination that they engaged in demolition by neglect of an historic property.”

On Page 2 line 44 after "such" delete "permits and".

On Page 5 line 37 after “30, 2014” delete the period and add “, provided that this shall not apply to a historic property that has been a subject of a final determination of demolition by neglect as defined under section 21.56.020

On page 5, line 39 add a new Section C:

“C. Any changes to plans previously approved under an issued certificate of approval that are required in response to Section 17.04.630(B)1 referencing the City of Annapolis Code in force at the time construction commences, must be referred to the HPC for re-evaluation if there is a necessary change to the exterior as approved.”



City of Annapolis City Council
Standing Committee Referral Action Report

Date: 6/14/12

To: Jessica Cowles,
City of Annapolis Office of Law,
Legislative and Policy Analyst

The Finance Committee has reviewed R-21-12 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Israel, Chair yes

Ald. Arnett yes

Ald. Finlayson yes

Meeting Date 14 June 12

Signature of Chair Arnett



City of Annapolis City Council
Standing Committee Referral Action Report

Date: 6/14/12

To: Jessica Cowles,
City of Annapolis Office of Law,
Legislative and Policy Analyst

The Finance Committee has reviewed R-27-12 and has taken the following action:

Favorable

Favorable with amendments (attached)

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Israel, Chair yes

Ald. Arnett yes

Ald. Finlayson yes

Meeting Date 14 June 12

Signature of Chair Ross H. Arnett

Finance Committee Amendments for R-27-12.

On Page one, line 13 strike "Mayor and City Council approval of"

On Page one, line 14 after the word "grant" add "applications and"

In all places where it occurs (page one line 19/20, Page one, line 29) replace "Mayor and Council" with "City Council"