

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

July 23, 2012 7:00 p.m.

Call to Order  
Invocation  
Pledge of Allegiance  
Roll Call

Mayor Cohen  
Alderman Silverman  
The Lucas Family  
City Clerk Watkins-Eldridge

**PETITIONS, REPORTS AND COMMUNICATIONS**

Recognition of Thomas Binebrink's Service to the City  
Reports by Committees  
Comments by the General Public

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.*

**PUBLIC HEARING**

- 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			
<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	7/23/12	6/20/12	9/14/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	6/18/12		

**LEGISLATIVE ACTIONS**

**ORDINANCES and RESOLUTIONS – 2<sup>ND</sup> READING**

- O-1-12     Election Ward Boundaries** – For the purpose of altering the eight election wards of the City of Annapolis; and all matters generally relating to said wards.

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
1/9/12	2/13/12	2/3/12	4/9/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	1/9/12	2/14/12	Favorable w/ amd.

- 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  
*Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes*

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	7/12/12	Favorable w/ amd.

- O-16-12**     **Distribution of Unsolicited Materials** – For the purpose of establishing Section 11.36.025 of the Code of the City of Annapolis regarding the distribution of unsolicited materials. *Alderman Arnett requested to be added as a co-sponsor on 2<sup>nd</sup> Reader.*

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
4/23/12	6/11/12	5/4/12	7/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Public Safety	4/23/12	6/14/12 7/16/12	Favorable Recommends postpone to 9/24/12

- R-34-12**     **Establishing a Fine for Violations of Distributing Unsolicited Materials** – For the purpose of establishing a fine for violations of distributing unsolicited materials.

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
7/9/12	N/A	7/17/12	10/8/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	7/9/12		
Public Safety	7/9/12	7/16/12	Recommends postpone to 9/24/12

- 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	7/16/12	Favorable
Rules and City Gov't	5/29/12	7/12/12	Favorable w/ amd.

Transportation	5/29/12	7/19/12	
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**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	7/16/12	Favorable
HPC	6/18/12	7/10/12	No action

**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	7/16/12	Favorable

**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			
<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	7/9/12	6/20/12	9/14/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	6/18/12	7/12/12	No action

**R-23-12 Supporting City of Annapolis Participation in the Sustainable Maryland Certified Municipal Certification Program** – For the purpose of expressing the sense of the Annapolis City Council to register and pursue the Sustainable Maryland state certification program for local municipalities.

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	6/11/12	9/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Environmental Matters	6/11/12	7/19/12	

**R-30-12 Formation of a Task Force on the Police and Fire Pension Plan and Other Post Employment Benefits (OPEB)** – For the purpose of implementing the Finance Committee's FY 2013 budget recommendation by forming a task force to study cost containment and recommend solutions to fund the Police and Fire Pension Plan and Other Post Employment Benefits (OPEB) 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
7/9/12	N/A	7/17/12	10/8/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	7/9/12		

**R-31-12 The Approval of a Community Legacy Application** – For the purpose of approving the application and receipt of financing for Community Legacy Projects(s) at the City of Annapolis' Bates Heritage Youth Development Park to be financed either directly by the Department of Housing and Community Development (the Department) of the State of Maryland or through other departments or agencies of the State of Maryland.

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
7/9/12	N/A	7/17/12	10/8/12
Referred to	Referral Date	Meeting Date	Action Taken
Housing and Human Welfare	7/9/12	7/23/12	

**R-32-12 Establishing the Hillman Garage Advisory Committee** – For the purpose of establishing the Hillman Garage Advisory Committee and specifying the process for appointing members of the Committee.

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
7/9/12	N/A	7/17/12	10/8/12
Referred to	Referral Date	Meeting Date	Action Taken
Transportation	7/9/12	7/19/12	

**R-37-12 Authorizing the Annual Kunta Kinte Festival as an Official City of Annapolis Co-Sponsored Event** – For the purpose of authorizing the annual Kunta Kinte festival as an official co-sponsored City of Annapolis event due to its importance and significance as a central element in our City’s history and the unique connection that Annapolis shares with Kunta Kinte. *Alderswoman Hoyle and Aldermen Kirby and Paone request to be added as co-sponsors on 2<sup>nd</sup> Reader.*

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
7/9/12	N/A	7/17/12	10/8/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	7/9/12	7/16/12	Favorable w/ amd.

**CHARTER AMENDMENT, ORDINANCES, and RESOLUTION – 1<sup>st</sup> READING**

**CA-4-12 Designating Emergency Preparedness and Risk Management Responsibility to the City of Annapolis Fire Department** – For the purpose of making the City Charter consistent with the City Code by designating emergency preparedness and risk management responsibility to the City of Annapolis Fire Department.

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
7/23/12			10/19/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov’t	7/23/12		

**O-26-12 Revisions to the Zoning Map Amendment Process** – For the purpose of amending Chapter 21.34 (Zoning Map Amendments) of the Annapolis City Code by establishing new procedures for local zoning map amendments, sectional zoning map amendments, and comprehensive zoning map amendments.

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	180 Day Rule
7/23/12			1/21/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov’t	7/23/12		
Planning Commission	7/23/12		

**O-27-12 Removing the Requirement that a Certified Public Accountant Attest to Ratio Reports for Restaurants Renewing Their Alcoholic Beverage Licenses** – For the purpose of removing the requirement that a certified public accountant attest to the ratio reports that restaurant class alcoholic beverage licensees must provide when renewing their licenses and instead allowing the owner to provide a sworn statement regarding the ratio of food and liquor sales.

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
7/23/12			10/19/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	7/23/12		

**R-36-12 A Request to the Maryland General Assembly Regarding the Residency Requirement for Alcoholic Beverage License Holders** – For the purpose of respectfully requesting that the Maryland General amend Article 2B of the Annotated Code of Maryland (Alcoholic Beverages) to allow the alcoholic beverage residency requirement for a City of Annapolis alcoholic beverage license to be fulfilled by a resident of Anne Arundel County.

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
7/23/12			10/19/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	7/23/12		

**BUSINESS and MISCELLANEOUS**

1. Appointments and re-appointments

**UPCOMING CITY COUNCIL EVENTS**

No scheduled City Council activities in August

**Jessica Cowles**  
**Legislative and Policy Analyst**  
**City of Annapolis Office of Law**  
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P) 410-263-1184  
F) 410-268-3916

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July 18, 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, July 22, 2012 and Monday, July 23, 2012**

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

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**NOTICE OF ANNAPOLIS CITY COUNCIL PUBLIC HEARING**

Notice is hereby given that the Annapolis City Council will hold a public hearing on Monday, July 23, 2012 at 7:00 p.m., in City Council Chambers, 160 Duke of Gloucester Street, Annapolis, for a public hearing on:

**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.

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>

1 CITY COUNCIL OF THE  
2 City of Annapolis

3 Ordinance No. O-18-12

4 Introduced by: Alderman Israel  
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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.  
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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  
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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.  
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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.  
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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.  
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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.

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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.

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15 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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17  
ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

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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](mailto:JCCowles@annapolis.gov) or (410) 263-1184.

FISCAL IMPACT NOTE

**Legislation No:** O-18-12

**First Reader Date:** 6-18-12

**Note Date:** 6-20-12

**Legislation Title:** **The Process for Approving City Employee Job Descriptions**

**Description:** 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.

**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-1-12**

**Introduced by: Mayor Cohen**

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	120 Day Rule
1/9/12			
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	1/9/12		

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**A ORDINANCE** concerning

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**Election Ward Boundaries**

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**FOR** the purpose of altering the eight election wards of the City of Annapolis; and all matters generally relating to said wards.

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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 1.16

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**WHEREAS,** Article II, Section 1 of the Charter of the City of Annapolis states that, "the city shall be divided by ordinance into eight (8) wards of approximately equal proportion."

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**WHEREAS,** Article III, Section 2 of the Charter of the City of Annapolis states that the City Council has the power to, "...divide the city into election districts, define their bounds and limits, and correct the same from time to time, so as to preserve as accurately as may be an equal number of inhabitants in each of said districts..."

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**WHEREAS,** since the 1970 federal census, the City Council has sought citizen assistance with reevaluating the boundaries of its wards; and

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**WHEREAS,** the last time the City of Annapolis conducted redistricting activities was in 2001 after the 2000 United States census data was released; and

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**WHEREAS,** as a result of the 2010 Census, it necessary to adjust the boundaries of the aldermanic wards in the City so that the eight wards will be composed of approximately equal population; and

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**WHEREAS,** Resolution R-2-11 established the Annapolis Ward Redistricting Commission; and this matter was referred to the Annapolis Ward Redistricting Commission for their recommendations; and

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**WHEREAS,** the Annapolis Ward Redistricting Commission provided their final report with their recommendations for realignment of the various wards to the Annapolis City

Council in December 2011 and the full report is available at  
<http://www.annapolis.gov/Government/Boards/annapoliswardboundarycommission.aspx>.

**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:

**CHAPTER 1.16 – ELECTION WARDS**

**1.16.010 - Division of City.**

The City shall be laid off and divided into eight wards, the boundaries of which are shown by description and on a map on file in the office of the City Clerk. The descriptions of the ward boundaries are as set out in this chapter.

**1.16.020 - First ward.**

The first ward is as follows:

*Metes and bounds are reserved until City Council action on the election ward boundary map at:*  
[http://www.annapolis.gov/Government/BoardsCommissions/working%20groups/ward%20boundary/adopted\\_AWRC\\_nov2011.pdf](http://www.annapolis.gov/Government/BoardsCommissions/working%20groups/ward%20boundary/adopted_AWRC_nov2011.pdf)

**1.16.030 - Second ward.**

The second ward is as follows:

*Metes and bounds are reserved until City Council action on the election ward boundary map at:*  
[http://www.annapolis.gov/Government/BoardsCommissions/working%20groups/ward%20boundary/adopted\\_AWRC\\_nov2011.pdf](http://www.annapolis.gov/Government/BoardsCommissions/working%20groups/ward%20boundary/adopted_AWRC_nov2011.pdf)

**1.16.040 - Third ward.**

The third ward is as follows:

*Metes and bounds are reserved until City Council action on the election ward boundary map at:*  
[http://www.annapolis.gov/Government/BoardsCommissions/working%20groups/ward%20boundary/adopted\\_AWRC\\_nov2011.pdf](http://www.annapolis.gov/Government/BoardsCommissions/working%20groups/ward%20boundary/adopted_AWRC_nov2011.pdf)

**1.16.050 - Fourth ward.**

The fourth ward is as follows:

*Metes and bounds are reserved until City Council action on the election ward boundary map at:*  
[http://www.annapolis.gov/Government/BoardsCommissions/working%20groups/ward%20boundary/adopted\\_AWRC\\_nov2011.pdf](http://www.annapolis.gov/Government/BoardsCommissions/working%20groups/ward%20boundary/adopted_AWRC_nov2011.pdf)

**1.16.060 - Fifth ward.**

The fifth ward is as follows:

*Metes and bounds are reserved until City Council action on the election ward boundary map at:*  
[http://www.annapolis.gov/Government/BoardsCommissions/working%20groups/ward%20boundary/adopted\\_AWRC\\_nov2011.pdf](http://www.annapolis.gov/Government/BoardsCommissions/working%20groups/ward%20boundary/adopted_AWRC_nov2011.pdf)

**1.16.070 - Sixth ward.**

The sixth ward is as follows:

*Metes and bounds are reserved until City Council action on the election ward boundary map at:*

1 [http://www.annapolis.gov/Government/BoardsCommissions/working%20groups/ward%20boundary/adopted\\_AWRC\\_nov2011.pdf](http://www.annapolis.gov/Government/BoardsCommissions/working%20groups/ward%20boundary/adopted_AWRC_nov2011.pdf)

2 **1.16.080 - Seventh ward.**

3 The seventh ward is as follows:

4 *Metes and bounds are reserved until City Council action on the election ward boundary map at:*

5 [http://www.annapolis.gov/Government/BoardsCommissions/working%20groups/ward%20boundary/adopted\\_AWRC\\_nov2011.pdf](http://www.annapolis.gov/Government/BoardsCommissions/working%20groups/ward%20boundary/adopted_AWRC_nov2011.pdf)

6 **1.16.090 - Eighth ward.**

7 The eighth ward is as follows:

8 *Metes and bounds are reserved until City Council action on the election ward boundary map at:*

9 [http://www.annapolis.gov/Government/BoardsCommissions/working%20groups/ward%20boundary/adopted\\_AWRC\\_nov2011.pdf](http://www.annapolis.gov/Government/BoardsCommissions/working%20groups/ward%20boundary/adopted_AWRC_nov2011.pdf)

10

11 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
12 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect at the conclusion of the  
13 current term of office for the Mayor and Aldermen and Alderwomen.

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

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**EXPLANATION:**  
Highlighting indicates matter added to existing law.  
~~Strikeout indicates matter deleted from existing law.~~  
Underlining indicates amendments.

Mayor Cohen’s Amendments to O-1-12

Election Ward Boundaries

To provide maximum text contrast, for O-1-12 only, amendments are as follows:

RED CAPITAL indicates matter added to existing law.  
Strikeout indicates matter deleted from existing law.

Amendment #1

1.16.020 - First ward.

The Ffirst Wward is as follows:

Beginning at the junction of the centerline of Taylor Avenue and the abandoned WB&A Railroad bed, with the point so fixed; thence running with the centerline of the abandoned railroad bed and its extension running in an easterly direction to the centerline of Calvert Street; thence northerly along the centerline of Calvert Street northeasterly to its intersection with the centerline of the northwest bound lane of Rowe Boulevard (also known as Bladen Boulevard and a Bladen Street); thence northwesterly along the northwest bound lane of Rowe Boulevard to its intersection with JUNCTION OF THE CENTERLINE OF THE NORTHBOUND LANE OF BLADEN STREET (AKA, ROWE BOULEVARD, BLADEN BOULEVARD) AND the centerline of College Creek; thence following the centerline of College Creek generally northeasterly to its intersection with the Annapolis and Anne Arundel County boundary line in the Severn River; thence following the Annapolis and Anne Arundel County line southeasterly to its point of intersection with the extended centerline of Spa Creek; thence following the centerline of Spa Creek generally westerly to intersect the extended centerline of the south fork of Spa Creek between "Truxtun Heights" and "Truxtun Park" AND WEST FORK OF SPA CREEK BETWEEN "TRUXTUN HEIGHTS" AND "SPA VIEW HEIGHTS"; THENCE, FOLLOWING THE CENTER LINE OF THE WEST FORK OF SPA CREEK TO ITS INTERSECTION WITH TAX MAP 51F, PARCEL 858, THENCE WITH THE HIGH WATER LINE OF THE SOUTHERN SIDE OF THE WEST FORK OF SPA CREEK; THENCE WITH THE HIGH WATER LINE OF THE WESTERN SIDE OF THE SOUTH FORK OF SPA CREEK TO INTERSECT thence southerly with the centerline of said south fork to the extended centerline of Pumphouse Road; thence following the boundary of "Truxtun Heights" PLAT (AS RECORDED AT 10:6) in a clockwise or southerly then westerly direction to INTERSECT WITH THE SOUTHEASTERN BOUNDARY LINE OF THE CHATHAM LANE PLAT (AS NOW RECORDED AT 69:38), THENCE IN A COUNTERCLOCKWISE DIRECTION WITH THE BOUNDARY LINE OF THE CHATHAM LANE PLAT, NORTHEASTLY, NORTHWESTLY, SOUTHWESTLY, NORTHWESTLY AND WESTERLY TO INTERSECT THE SOUTHEASTERN BOUNDARY OF TAX MAP 51F, PARCEL 1318, THENCE WITH SAID BOUNDARY IN A COUNTER CLOCKWISE DIRECTION, NORTHEASTERLY AND NORTHWESTERLY TO INTERSECT THE SOUTHEASTERN BOUNDARY OF SPINDRIFT 52 (AS NOW RECORDED AT 69:14); THENCE WITH THE BOUNDARY LINE IN A COUNTERCLOCKWISE DIRECTION, NORTHEASTLY AND NORTHWESTLY, WITH THE EXTENTION OF THE LAST LINE INTERSECTING THE the centerline of Spa Road; thence with the centerline of Spa Road in a northeasterly direction to the extension of the westerly

1 boundary of "Capitol Hill Manor"; thence with the boundary of "Capitol Hill Manor" in  
 2 a counterclockwise or southerly then easterly direction to intersect the centerline of  
 3 Greenfield Street; thence continuing in a northeasterly direction following the rear  
 4 property lines of addresses #817 through #51 Spa Road; thence with the eastern  
 5 boundary of #51 Spa Road in a northerly direction to the centerline of Spa Road;  
 6 thence in a **THENCE IN A** northerly direction to the center of Westgate Circle;  
 7 thence following the centerline of Taylor Avenue in a **GENERALLY** northerly  
 8 **DIRECTION TO INTERSECT THE ABANDONED WB&A (SOUTH SHORE LINE)**  
 9 **RAILROAD BED; THENCE FOLLOWING CENTER LINE OF THE ABANDONED**  
 10 **WB&A (SOUTH SHORE LINE) RAILROAD BED IN A EASTERLY DIRECTION TO**  
 11 **THE POINT OF INTERSECTION WITH THE WESTERN AND SOUTHERN**  
 12 **BOUNDARY LINE OF TAX MAP 51C, PARCEL 437; THENCE WITH THE**  
 13 **SOUTHERN BOUNDARY LINE OF TAX MAP 51C, PARCEL 437, EASTERLY TO**  
 14 **INTERSECT THE CENTERLINE OF W. WASHINGTON STREET; THENCE IN A**  
 15 **NORTHERLY DIRECTION WITH THE CENTERLINE OF W. WASHINGTON**  
 16 **STREET TO INTERSECT THE WESTERN EXTENTION OF THE NORTHERN**  
 17 **BOUNDARY OF PARCEL 379; THENCE WITH THE WESTERN EXTENTION,**  
 18 **THE NORTHERN BOUNDARY LINE OF TAX MAP 51C, PARCEL 379 AND THE**  
 19 **EASTERN EXTENTION OF THE NORTHERN BOUNDARY LINE TO INTERSECT**  
 20 **THE CENTERLINE OF CALVERT STREET; THENCE, IN A NORTHLY**  
 21 **DIRECTION WITH THE CENTERLINE OF CALVERT STREET TO ITS POINT OF**  
 22 **INTERSECTION WITH THE CENTERLINE OF THE NORTHBOUND BLADEN**  
 23 **STREET (AKA, ROWE BOULEVARD, BLADEN BOULEVARD); THENCE IN A**  
 24 **NORTHWESTLY DIRECTION WITH THE CENTERLINE OF BLADEN STREET**  
 25 **(AKA, ROWE BOULEVARD, BLADEN BOULEVARD) TO THE POINT OF**  
 26 **BEGINNING. and then westerly direction to the point of beginning.**

27 This ward will be known as the Ffirst Wward, but the ward does not include any of  
 28 the land contained therein which is the property of the U.S. Naval Academy  
 29 **UNITED STATES GOVERNMENT.**  
 30

31 **1.16.030 - Second ward.**

32 The Ssecond Wward is as follows:

33 Beginning at the junction of the centerline of Admiral Drive and the Annapolis and  
 34 Anne Arundel County boundary line with the point so fixed; thence following the  
 35 Annapolis and Anne Arundel County boundary line generally easterly along the  
 36 centerline of Weems Creek to its intersection with the centerline of the Severn  
 37 River; then southerly with the centerline of the Severn River to its intersection  
 38 with the extended centerline of College Creek; thence following the centerline of  
 39 College Creek generally southwesterly to its intersection with the northwest  
 40 bound lane of **BLADEN STREET (AKA, ROWE BOULEVARD BLADEN**  
 41 **BOULEVARD);** thence running southeasterly along the centerline of the  
 42 northwest bound lane **BLADEN STREET (AKA, ROWE BOULEVARD BLADEN**  
 43 **BOULEVARD) of Rowe Boulevard** to its intersection with the centerline of Calvert  
 44 Street; thence southwesterly along the centerline of Calvert Street to its  
 45 intersection with the **EASTERLY EXTENTION OF THE NORTHERN**  
 46 **BOUNDARY LINE OF TAX MAP 51C, PARCEL 379; THENCE WITH THE**  
 47 **EASTERN EXTENTION OF THE NORTHERN BOUNDARY LINE, THE**

1 NORTHERN BOUNDARY LINE AND THE WESTERN EXTENTION OF THE  
2 NORTHERN BOUNDARY LINE TO ITS INTERSECTION WITH THE  
3 CENTERLINE OF W. WASHINGTON STREET; THENCE, WITH THE  
4 CENTERLINE OF W. WASHINGTON STREET IN A SOUTHERNLY  
5 DIRECTION TO ITS INTERSECTION WITH THE EASTERLY EXTENTION OF  
6 THE SOUTHERN BOUNDARY LINE OF TAX MAP 51C, PARCEL 437; THENCE  
7 WITH THE EASTERN EXTENTION OF THE SOUTHERN BOUNDARY LINE  
8 AND THE SOUTHERN BOUNDARY LINE IN A WESTERLY DIRECTION TO  
9 ITS INTERSECTION WITH THE WESTERN BOUNDARY LINE OF TAX MAP  
10 51C, PARCEL 437; THENCE, FROM SAID POINT OF INTERSECTION AND  
11 RUNNING IN A WESTERLY DIRECTION WITH THE CENTERLINE OF THE  
12 ABANDONED WB&A RAILROAD BED (SOUTH SHORE LINE) TO ITS POINT  
13 OF INTERSECTION WITH THE CENTERLINE OF TAYLOR AVENUE;  
14 ~~extended centerline of the abandoned WB&A Railroad bed; thence running in a~~  
15 ~~westerly direction with the extended line of the WB&A Railroad bed and with the~~  
16 ~~centerline of the WB&A Railroad bed to its intersection with the centerline of~~  
17 ~~Taylor Avenue; thence running with the centerline of Taylor Avenue in an~~  
18 ~~easterly and then southerly direction to the center of Westgate Circle; thence~~  
19 ~~running with the centerline of~~ SPA ROAD IN A SOUTHWESTERLY DIRECTION  
20 TO ITS INTERSECTION WITH THE CENTERLINE OF SMITHVILLE STREET;  
21 THENCE WITH THE CENTERLINE OF SMITHVILLE STREET IN A WESTERLY  
22 DIRECTION TO ITS INTERSECTION WITH THE CENTERLINE OF JOHNSON  
23 PLACE; THENCE WITH CENTERLINE OF JOHNSON PLACE TO INTERSECT  
24 THE SOUTHERN BOUNDARY LINE OF TAX MAP 51C, PARCEL 2019;  
25 THENCE IN A NORTHERLY DIRECTION TO INTERSECT THE DIVISION LINE  
26 BETWEEN TAX MAP 51C, PARCELS 2018 AND 2059; THENCE RUNNING  
27 WITH SAID DIVISION LINE, AND ITS PROJECTION TO INTERSECT WITH  
28 THE CENTERLINE OF WEST STREET (MD RT. 450); THENCE, IN A  
29 WESTERLY DIRECTION WITH THE CENTERLINE OF WEST STREET (MD RT  
30 450) TO ITS INTERSECTECTION WITH THE CENTERLINE OF RUSSELL  
31 STREET; THENCE, IN A SOUTHERLY DIRECTION AND WITH THE  
32 CENTERLINE OF RUSSELL STREET TO ITS INTERSECTION WITH THE  
33 EASTERLY PROJECTION OF THE NORTHERN PROPERTY LINE OF TAX  
34 MAP 51C, PARCEL 1949; THENCE IN A WESTERLY DIRECTION WITH SAID  
35 PROJECTION OF SAID BOUNDARY LINE TO ITS INTERSECTION WITH  
36 EASTERN BOUNDARY OF LINE "DAVIS ADDITION TO GERMANTOWN" (AS  
37 NOW RECORDED AT 13:38); THENCE WITH SAID EASTERN BOUNDARY  
38 LINE IN A SOUTHERNLY DIRECTION TO INTERSECT THE CENTERLINE OF  
39 THE WEST FORK OF SPA CREEK; THENCE WITH THE CENTERLINE OF  
40 THE WEST FORK OF SPA CREEK TO ITS INTERSECTION WITH A  
41 SOUTHERLY PROJECTION OF THE CENTERLINE OF MCKENDREE  
42 STREET; THENCE RUNNING IN A NORTHERLY DIRECTION WITH THE  
43 PROJECTION OF THE CENTERLINE OF MCKENDREE STREET AND THEN  
44 THE CENTERLINE OF MCKENDREE STREET TO ITS FIRST INTERSECTION  
45 WITH THE CENTERLINE OF KENTWOOD STREET; THENCE WITH THE  
46 CENTERLINE OF KENTWOOD STREET IN A WESTERLY DIRECTION TO ITS  
47 INTERSECTION WITH THE CENTERLINE OF SOUTH CHERRY GROVE  
48 AVENUE; THENCE WITH THE CENTERLINE OF SOUTH CHERRY GROVE  
49 AVENUE TO ITS INTERSECTION WITH THE THE CENTERLINE OF West  
50 Street (MD RT 450); THENCE WITH THE CENTERLINE OF WEST STREET  
51 (MD RT 450) AND in a westerly direction to its ~~junction~~ INTERSECTION with the

1 centerline of Legion Avenue; thence running with an extension of the centerline  
 2 of Legion Avenue in a northerly direction to the junction of the centerlines of  
 3 Poplar Avenue and Windell Avenue; thence with the centerline of Windell Avenue  
 4 in a northerly direction to its intersection with the south property line of "Admiral  
 5 Heights, 6th plat", recorded among the land records of Anne Arundel County in  
 6 book 49 30, page 19; thence southwesterly with the south property line of  
 7 Admiral Heights, **TO ITS POINT OF INTERSECTION WITH THE SOUTHERN**  
 8 **BOUNDARY LINE OF TAX MAP 51B, PARCEL 449; THENCE WITH THE**  
 9 **SOUTHERN BOUNDARY LINE OF TAX MAP 51B, PARCEL 449 AND THE**  
 10 **WESTERNLY EXTENTION OF SAID SOUTHERN BOUNDARY LINE TO ITS**  
 11 **INTERSECTION WITH THE CENTERLINE OF ADMIRAL DRIVE; THENCE,**  
 12 **WITH THE CENTERLINE OF ADMIRAL DRIVE IN A NORTHWESTERNLY AND**  
 13 **NORTHERNLY DIRECTION TO** ~~one thousand four hundred and five feet, more~~  
 14 ~~or less; thence leaving the property line of Admiral Heights and running~~  
 15 ~~northwesterly to the intersection of the centerline of Admiral Drive with the~~  
 16 ~~extended centerline of Moreland Parkway; thence northerly along the centerline~~  
 17 ~~of Admiral Drive in a northwesterly direction to the point of beginning.~~

18 This ward will be known as the ~~Ssecond~~ **Second** Ward, but the ward does not include any  
 19 of the land contained therein which is the property of the ~~U.S. Naval Academy.~~  
 20 **UNITED STATES GOVERNMENT.**  
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23 **1.16.040 - Third ward.**

24 The ~~Tthird~~ **Third** Ward is as follows:

25 Beginning at the junction of the centerline of Admiral Drive and the Annapolis and  
 26 Anne Arundel County boundary line, with the point so fixed; thence  
 27 running ~~southerly~~ **SOUTHERNLY AND SOUTHEASTERLY WITH** ~~along~~  
 28 the centerline of Admiral Drive ~~to its intersection with the extended~~  
 29 ~~centerline of Moreland Parkway; thence in a southeasterly direction to its~~  
 30 intersection **WITH THE WESTERNLY PROJECTION OF THE**  
 31 **SOUTHERN BOUNDARY LINE OF TAX MAP 51B, PARCEL 449;**  
 32 **THENCE NORTHEASTERLY WITH THE WESTERN PROJECTION OF**  
 33 **THE SOUTHERN BOUNDARY LINE OF TAX MAP 51B, PARCEL 449**  
 34 **AND THE SOUTHERN BOUNDARY LINE OF TAX MAP 51B, PARCEL**  
 35 **449 TO ITS POINT OF INTERSECTION WITH** with the ~~southeast~~  
 36 **SOUTHERN** property line of "Admiral Heights, 6th plat" as recorded  
 37 among the land records of Anne Arundel County in plat book 30, page 19;  
 38 thence running **NORTHEASTERLY** ~~easterly~~ with the ~~south~~ **SOUTHERN**  
 39 **BOUNDARY** line of Admiral Heights to its intersection with the centerline  
 40 of Windell Avenue; thence southerly with the centerline of Windell Avenue  
 41 to its junction with the centerline of Poplar Avenue; thence southerly to  
 42 the junction of the centerlines of West Street and Legion Avenue; thence  
 43 running **IN A SOUTHEASTERLY DIRECTION** with the centerline of West  
 44 Street **TO ITS INTERSECTION WITH THE NORTHERLY PROJECTION**  
 45 **OF THE CENTERLINE OF SOUTH CHERRY GROVE AVENUE;**  
 46 **THENCE IN A SOUTHERLY DIRECTION WITH SAID PROJECTION**  
 47 **AND THE CENTERLINE OF SOUTH CHERRY GROVE AVENUE TO**

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INTERSECT WITH THE WESTERLY PROJECTION OF THE CENTERLINE OF KENTWOOD STREET; THENCE IN AN EASTERLY DIRECTION WITH SAID PROJECTION, THE CENTERLINE OF KENTWOOD STREET AND THE EASTERLY PROJECTION OF SAID CENTERLINE TO ITS INTERSECTION WITH THE CENTERLINE OF MCKENDREE AVENUE; THENCE IN A SOUTHERLY DIRECTION WITH THE CENTERLINE OF MCKENDREE AVENUE AND THE SOUTHERLY PROJECTION THEREOF TO ITS INTERSECTION WITH THE CENTERLINE OF THE WEST BRANCH OF SPA CREEK; THENCE IN AN EASTERLY DIRECTION WITH THE CENTERLINE OF THE WEST BRANCH OF SPA CREEK TO ITS INTERSECTION WITH THE EASTERNLY BOUNDARY OF "HERITAGE SECTION 2" (AS NOW RECORDED AT 32:56); THENCE WITH SAID BOUNDARY IN SOUTHERLY DIRECTION TO THE END OF THE SOUTH 40 DEGREE 00 MINUTE 00 SECOND 141.13 FOOT LINE, SAID POINT ALSO BEING THE BEGINNING OF THE SOUTH 8 DEGREE 32 MINUTE 55 SECOND 150 FOOT LINE OF THE SOUTHERN BOUNDARY OF HERITAGE SECTION 1 (AS NOW RECORDED AT 32:55), THENCE REVERSELY WITH SAID BOUNDARY LINE TO THE POINT OF INTERSECTION OF THE NORTHWESTERLY PROJECTION OF THE NORTH 32 DEGREE 00 MINUTE 00 SECOND 144.90 FOOT LINE WITH THE CENTERLINE OF SOUTH CHERRY GROVE AVENUE; THENCE IN A SOUTHERLY DIRECTION WITH THE CENTERLINE OF SOUTH CHERRY GROVE AVENUE TO ITS INTERSECTION WITH THE CENTERLINE OF FOREST DRIVE; THENCE IN A NORTHWESTERLY DIRECTION WITH THE CENTERLINE OF FOREST DRIVE TO ITS INTERSECTION WITH THE CENTERLINE OF GREENBRIAR LANE; ~~with the centerline of Russell Street; thence with the centerline of Russell Street in a southerly direction to the northeast corner of the boundary of #100 South Villa Avenue; thence running along the northern boundary of #100 South Villa Avenue in a westerly direction to its junction with the boundary of the McGuckian subdivision; thence running with the boundary of the McGuckian subdivision and with the rear boundary of the properties fronting on South Villa Avenue in a southerly direction extending to a junction with the northern boundary of "Heritage"; thence running along the boundary of "Heritage" in a counterclockwise or westerly then southerly direction to its southwestern corner being also the northeastern corner of the lot now occupied by the Annapolis Fire Department headquarters; thence following the eastern boundary of said Fire Department lot in a southwesterly direction to the centerline of Forest Drive; thence following the centerline of Forest Drive in a southeasterly direction to its junction with the centerline of Greenbriar Lane; thence running with the centerline of Greenbriar Lane in a southwesterly direction to its junction with the centerline of Belle Drive; thence running with the centerline of Belle Drive in a northwesterly direction to its junction~~ INTERSECTION with the centerline of Bywater Road; thence running with the centerline of Bywater Road in a northeasterly direction to its junction INTERSECTION with the centerline of Yawl Road; thence running with the centerline of Yawl Road in a generally westerly AND NORTHWESTERLY direction TO ITS INTERSECTION WITH THE NORTHWESTERLY BOUNDARY OF OXFORD LANDING, SECTION 3

1 (NOW RECORDED AT 177:23); THENCE IN A NORTHEASTERLY  
 2 DIRECTION WITH SAID BOUNDARY TO ITS INTERSECTION WITH  
 3 THE SOUTHERN RIGHT OF WAY LINE OF MD RT. 665 (ARIS T.  
 4 ALLEN BOULAVARD); THENCE, LEAVING SAID RIGHT OF WAY LINE  
 5 AND RUNNING REVERSELY AT A RIGHT ANGLE TO THE  
 6 CENTERLINE OF MD RT. 665 (ARIS T. ALLEN BOULEVARD) TO  
 7 INTERSECT SAID CENTERLINE; ~~extending to its junction~~ THENCE  
 8 WESTERLY AND THEN SOUTHWESTERLY DIRECTION WITH THE  
 9 CENTERLINE OF MD RT 665 (ARIS T. ALLEN BOULEVARD) TO ITS  
 10 INTERSECTION WITH THE NORTHERLY PROJECTION OF THE  
 11 DIVISION LINE BETWEEN TAX MAP 51E, PARCELS 363 AND 245 (1  
 12 OF 3); THENCE WITH SAID DIVISION LINE IN A SOUTHERLY  
 13 DIRECTION AND CONTINUING WITH SAID DIVISION LINE IN  
 14 SEVERAL COURSES IN A SOUTHERN AND SOUTHWESTERLY  
 15 DIRECTION TO ITS INTERSECTION WITH with the Annapolis and Anne  
 16 Arundel County boundary; thence running clockwise with the Annapolis  
 17 and Anne Arundel County boundary to its intersection with the centerline  
 18 of Admiral Drive and the point of beginning. This ward will be known as  
 19 the Tthird Wward BUT THE WARD DOES NOT INCLUDE ANY OF THE  
 20 LAND CONTAINED THEREIN WHICH IS THE PROPERTY OF THE  
 21 UNITED STATES GOVERNMENT.  
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24 **1.16.050 - Fourth ward.**

25 The fFourth wWard is as follows:

26 Beginning in the INTERSECTION OF SPA ROAD AND THE NORTH FORK OF  
 27 SPA CREEK ~~center of Westgate Circle~~, with the point so fixed; thence running in  
 28 a southerly direction ~~to the northeast corner of #51 Spa Road~~; WITH THE  
 29 CENTERLINE OF SPA ROAD TO ITS INTERSECTION WITH A WESTERLY  
 30 PROJECTION OF "OLD FOREST DRIVE"; THENCE IN A WESTERLY  
 31 DIRECTION AND WITH THE WESTERLY PROJECTION OF "OLD FOREST  
 32 DRIVE" TO ITS INTERSECTION WITH THE ANNAPOLIS AND ANNE  
 33 ARUNDEL COUNTY BOUNDARY; THENCE, WITH THE ANNAPOLIS AND  
 34 ANNE ARUNDEL COUNTY BOUNDARY IN A CLOCKWISE DIRECTION TO  
 35 THE BEGINNING OF THE NORTH 89 DEGREE 44 MINUTE 10 SECOND  
 36 WEST 568.38 FOOT LINE; THENCE LEAVING SAID ANNAPOLIS AND ANNE  
 37 ARUNDEL COUNTY AND RUNNING IN A NORTHERLY AND  
 38 NORTHEASTERLY DIRECTION WITH THE DIVISION LINE BETWEEN TAX  
 39 MAP 51E, PARCEL 245 (1 OF 3) AND PARCEL 363 TO ITS INTERSECTION  
 40 WITH THE SOUTHERN RIGHT OF WAY LINE OF MD. RT. 665 (ARIS T.  
 41 ALLEN BOULEVARD); THENCE, WITH THE NORTHERLY PROJECTION OF  
 42 THE DIVISION LINE BETWEEN TAX MAP PARCEL 445 (1 OF 3) AND 363 TO  
 43 ITS INTERSECTION WITH THE CENTER LINE OF MD RT 665 (ARIS T. ALLEN  
 44 BOULEVARD); THENCE, IN A NORTHEASTERLY THEN EASTERLY  
 45 DIRECTION WITH THE CENTERLINE OF MD RT 665 (ARIS T. ALLEN  
 46 BOULEVARD) TO A POINT ON THE CENTERLINE OF MD RT 665 (ARIS T.  
 47 ALLEN BOULEVARD) WHERE A LINE PROJECTED PERPENDICULAR TO  
 48 SAID CENTERLINE IN A SOUTHERLY DIRECTION WILL INTERSECT POINT

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NUMBER 5 (SAID POINT ALSO BEING THE POINT OF INTERSECTION BETWEEN THE SOUTHERN RIGHT OF WAY LINE MD RT 665 (ARIS T. ALLEN BOULEVARD AND THE NORTHWESTERN BOUNDARY OF OXFORD LANDING, SECTION 3 (NOW RECORDED AT 177:23) AS SHOWN ON THE PLAT OF OXFORD LANDING, SECTION 3 (NOW RECORDED AT 177:23); THENCE, WITH SAID PERPENDICULAR LINE AND SOUTHERLY DIRECTION TO POINT NUMBER 5 SHOWN ON THE PLAT OF OXFORD LANDING, SECTION 3 (NOW RECORDED AT 177:23); THENCE, LEAVE SAID POINT AND RUNNING IN A SOUTHWESTERLY DIRECTION AND WITH THE NORTHWESTERN BOUNDARY LINE OF OXFORD LANDING, SECTION 3 (NOW RECORDED AT 177:23) TO ITS INTERSECTION WITH YAWL ROAD; ~~thence with the eastern boundary line of said property in a southerly direction to the rear property corner; thence in a westerly direction with the rear or southerly boundaries of #51 through #817 Spa Road to the southeastern corner of "Capitol Hill Manor"; thence running clockwise or westerly and then northerly with the boundary of "Capitol Hill Manor" to the centerline of Spa Road; thence with said centerline in a southerly direction to an extension of the southwestern boundary of "Truxtun Heights"; thence following said boundary in a counterclockwise or southeasterly direction to its intersection with the western boundary of "Admiral Farragut Apartments"; thence with said western boundary in a southerly direction to the centerline of Hilltop Lane; thence with said centerline in a northwesterly direction to its junction with the centerline of Spa Road; thence running with the centerline of Spa Road in a southwesterly direction to its intersection with the Annapolis and Anne Arundel County boundary; thence running northwesterly with said Annapolis and Anne Arundel County boundary in a clockwise direction to its junction with an extension of the centerline of Yawl Road; thence running with the centerline of Yawl Road in a generally easterly direction to its junction~~ **INTERSECTION** with the centerline of Bywater Road; thence running with the centerline of Bywater Road in a southwesterly direction to its **INTERSECTION** ~~junction~~ with the centerline of Belle Drive; thence with the centerline of Belle Drive in a southeasterly direction to its ~~junction~~ **INTERSECTION** with the centerline of Greenbriar Lane; thence running with the centerline of Greenbriar Lane in a northeasterly direction to its ~~junction~~ **INTERSECTION** with the centerline of Forest Drive; thence running with the centerline of Forest Drive in a ~~northwesterly~~ **SOUTHEASTERLY** direction to its intersection with **CENTERLINE OF SOUTH CHERRY GROVE AVENUE; THENCE IN A NORTHERLY DIRECTION WITH SAID CENTERLINE TO ITS INTERSECTION WITH THE NORTHWESTERLY PROJECTION OF THE NORTH 32 DEGREE 00 MINUTE 00 SECOND 144.90 FOOT LINE OF THE SOUTHERN BOUNDARY OF THE "HERITAGE, SECTION 1" PLAT (AS NOW RECORDED AT 32:55); THENCE REVERSELY WITH SAID LINE AND THEN CONTINUING WITH SAID BOUNDARY OF "HERITAGE SECTION 1" TO THE BEGINNING OF THE SOUTH 08 DEGREE 32 MINUTE 55 SECOND 150 FOOT LINE, SAID POINT ALSO BEING THE END OF THE SOUTH 40 DEGREE 00 MINUTE 00 SECOND 141.13 FOOT LINE OF THE BOUNDARY OF "HERITAGE, SECTION 2" (AS NOW RECORDED AT 32:56); THENCE REVERSELY WITH SAID LINE AND THEN CONTINUING WITH SAID BOUNDARY OF "HERITAGE, SECTION 2" TO ITS INTERSECTION WITH THE WEST BRANCH OF SPA CREEK; THENCE WITH SAID WEST BRANCH OF SPA CREEK IN A WESTERLY DIRECTION TO ITS INTERSECTION WITH THE SOUTHERLY PROJECTION OF THE EASTERLY BOUNDARY LINE OF "DAVIS ADDITION TO**

1 GERMANTOWN" (AS NOW RECORDED AT 13:38); THENCE IN A  
 2 NORTHERLY DIRECTION WITH SAID BOUNDARY LINE TO ITS  
 3 INTERSECTION WITH THE NORTHERN PROPERTY LINE OF TAX MAP 51C,  
 4 PARCEL 1949; THENCE IN A EASTERLY DIRECTION WITH SAID  
 5 PROPERTY LINE AND SAID PROPERTY PROJECTION TO ITS  
 6 INTERSECTION WITH THE CENTERLINE OF RUSSELL STREET; THENCE  
 7 IN A NORTHERLY DIRECTION WITH THE CENTERLINE OF RUSSELL  
 8 STREET TO ITS INTERSECTION WITH THE CENTERLINE OF WEST STREET  
 9 (MD RT 450); THENCE IN A EASTERLY DIRECTION WITH THE CENTERLINE  
 10 OF WEST STREET (MD 450) TO ITS INTERSECTION WITH THE NORTHERN  
 11 PROJECTION OF THE DIVISION LINE BETWEEN TAX MAP 51C, PARCELS  
 12 2018 AND 2059; THENCE SOUTHERLY WITH SAID PROJECTION AND  
 13 DIVISION LINE TO THE END OF SAID DIVISION LINE; THENCE IN A  
 14 SOUTHERLY DIRECTION TO THE POINT OF INTERSECTION BETWEEN  
 15 THE CENTERLINE OF JOHNSON PLACE AND THE BOUNDARY LINE OF  
 16 TAX MAP 51C, PARCEL 2019; THENCE WITH THE CENTERLINE OF  
 17 JOHNSON PLACE TO ITS INTERSECTION WITH THE CENTERLINE OF  
 18 SMITHVILLE STREET; THENCE IN AN EASTERNLY DIRECTION WITH THE  
 19 CENTERLINE OF SMITHVILLE STREET TO INTERSECT THE CENTERLINE  
 20 OF SPA ROAD; THENCE IN A SOUTHWESTERLY DIRECTION WITH THE  
 21 CENTERLINE OF SPA ROAD TO THE NORTHFORK OF SPA CREEK AND  
 22 POINT OF BEGINNING. ~~the extension of the southeasterly property line of the  
 23 lot now occupied by the Annapolis Fire Department headquarters; thence  
 24 following said property line in a northeasterly direction to the southwestern corner  
 25 of "Heritage" ; thence following the boundary of "Heritage" clockwise or in a  
 26 northerly then northeasterly direction to its junction with a southerly extension of  
 27 the eastern boundary of the McGuckian subdivision; thence running with the  
 28 eastern boundary of the McGuckian subdivision and with the rear boundary of  
 29 the properties fronting on South Villa Avenue to the northwestern corner of #100  
 30 South Villa Avenue; thence running along the northern boundary of #100 South  
 31 Villa Avenue in an easterly direction to its junction with the centerline of Russell  
 32 Street; thence running with the centerline of Russell Street in a northerly direction  
 33 to its junction with the centerline of West Street; thence following the centerline of  
 34 West Street in an easterly direction to the center of Westgate Circle and the  
 35 place of beginning. This ward will be known as the fFourth wWard.~~

36

37 **1.16.060 - Fifth ward.**

38 The fFifth wWard is as follows:

39 Beginning at the junction of the centerline of Hilltop Lane and Primrose Road, with  
 40 the point so fixed; thence running with the centerline of Primrose Road in a  
 41 southerly direction to the extension of the rear or northwest property line of #1150  
 42 Tyler Avenue; thence with the boundary of said property counterclockwise or in a  
 43 southwesterly then southeasterly direction to the northern property corner of #1152  
 44 Tyler Avenue; thence following the northwestern boundary line of the following  
 45 properties, respectively: #1152 Tyler Avenue, #2 Woods Drive, #1 Woods Drive,  
 46 #1170 Tyler Avenue, #1172 Tyler Avenue, #1174 Tyler Avenue, and #1176 Tyler  
 47 Avenue to intersect the northeastern boundary line of #1178 Tyler Avenue; thence

1 with said boundary line in a northwesterly direction to the boundary of "Primrose  
2 Acres"; thence following said boundary in a southwesterly direction to the centerline  
3 of Forest Drive; thence following the centerline of Forest Drive in a southeasterly  
4 direction to its intersection WITH A NORTHERLY PROJECTION OF THE  
5 NORTHEASTERN BOUNDARY LINE OF THE "ANNAPOLIS OVERLOOK PLAT"  
6 (NOW RECORDED AT 124:1); THENCE WITH SAID PROJECTION AND  
7 BOUNDARY LINE IN A SOUTHERN AND THEN WESTERN DIRECTION TO  
8 INTERSECT WITH THE "HUNT MEADOWS PLAT" (NOW RECORDED AT 111:2);  
9 THENCE WITH SAID BOUNDARY LINE IN A SOUTHERLY DIRECTION TO  
10 INTERSECT WITH THE NORTHERN BOUNDARY LINE OF "HUNT MEADOWS"  
11 AS NOW RECORDED AT 147.24 AND 163:40), THENCE SAID BOUNDARY LINE  
12 IN AN EASTERLY AND THEN SOUTHERLY DIRECTION TO ITS INTERSECTION  
13 with the Annapolis and Anne Arundel County boundary; thence following said  
14 boundary in a clockwise direction to its intersection with the centerline of Spa Road  
15 NEAR THE INTERSECTION OF A WESTERLY PROJECTION OF THE  
16 CENTERLINE OF "OLD FOREST DRIVE; thence following the centerline of Spa  
17 Road in a northerly direction to its INTERSECTION WITH THE NORTHWESTLY  
18 PROJECTION OF THE NORTHEASTERLY BOUNDARY LINE OF THE  
19 "SPINDRIFT 52" PLAT (NOW RECORDED AT 69:14); THENCE IN A  
20 CLOCKWISE, OR SOUTHEASTERLY DIRECTION WITH SAID PROJECTION  
21 AND BOUNDARY LINE; THENCE, CONTINUING WITH SAID BOUNDARY LINE  
22 IN A SOUTHWESTERLY DIRECTION TO ITS INTERSECTION WITH THE  
23 NORTHEASTERN BOUNDARY LINE OF TAX MAP 51F, PARCEL NO 1318;  
24 THENCE WITH SAID BOUNDARY LINE IN A SOUTHEASTERLY AND THEN  
25 SOUTHWESTERLY DIRECTION TO ITS INTERSECTION WITH THE  
26 BOUNDARY OF THE "CHATHAM LANE" PLAT (NOW RECORDED AT 69:38);  
27 THENCE WITH SAID BOUNDARY IN A CLOCKWISE DIRECTION TO ITS  
28 INTERSECTION WITH ~~junction with the centerline of Hilltop Lane; thence with the~~  
29 ~~centerline of Hilltop Lane in a southeasterly direction to its intersection with the~~  
30 ~~extension of the western boundary of "Admiral Farragut Apartments"; thence~~  
31 ~~following said boundary in a northerly direction to its intersection with the southern~~  
32 ~~boundary of "Truxtun Heights" (AS RECORDED AT 10:6); thence with said~~  
33 ~~boundary counterclockwise or in a southeasterly then northerly direction to its~~  
34 ~~intersection with the extended centerline of Pumphouse Road; thence with the~~  
35 ~~centerline of Pumphouse Road in an easterly direction to its junction with the~~  
36 ~~centerline of Primrose Road; thence with the centerline of Primrose Road in a~~  
37 ~~southerly direction to its junction with the centerline of Hilltop Lane and the place of~~  
38 ~~beginning. SAVING AND EXCEPTING FROM THIS DESCRIPTION ARE ANY~~  
39 ~~LANDS CONTAINED WITHIN THE ANNAPOLIS CITY HOUSING AUTHORITY~~  
40 ~~PROPERTY SOUTH OF FOREST DRIVE AND SURROUNDING TYLER~~  
41 ~~AVENUE; SAID PROPERTY KNOW AS "ROBINWOOD."~~

42 This ward will be known as the fFifth wWard, but the ward does not include any of  
43 the land contained within the "Robinwood" ~~subdivision.~~

44  
45 **1.16.070 - Sixth ward.**

46 The sSixth wWard is as follows:

47 Beginning at the INTERSECTION OF THE CENTERLINES ~~junction of the~~

1 ~~centerlines of Bay Ridge Ave and Forest Hills Avenue~~ **AND BRICIN STREET**, with  
 2 the point so fixed; ~~thence running along the centerline of Forest Hills Avenue in a~~  
 3 ~~westerly direction to its junction with the centerline of Bricin Street;~~ thence running  
 4 with the centerline of Bricin Street in a ~~northeasterly~~ **NORTHWESTERLY** direction  
 5 to its junction with the centerline of Janwall Street; thence ~~southeasterly and then~~  
 6 northeasterly with the centerline of Janwall Street extending to intersect the  
 7 centerline of the right of way of the abandoned Washington, Baltimore and  
 8 Annapolis Railroad (**ALSO KNOWN AS THE BAY RIDGE RAILROAD**); thence  
 9 following said right of way centerline in a northerly direction to its common junction  
 10 with the centerlines of Tyler Avenue and Hilltop Lane; thence following the  
 11 centerline of Tyler Avenue in an easterly direction to its junction with the centerline  
 12 of President Street; thence running northerly with the centerline of President Street  
 13 to its junction with the centerline of Boucher Avenue; thence following the centerline  
 14 of Boucher Avenue in a westerly direction to its junction with the centerline of  
 15 Madison Street; thence with the centerline of Madison Street in a southerly  
 16 direction to its junction with the centerline of Windsor Avenue; thence following the  
 17 centerline of Windsor Avenue in a westerly direction extending to its junction with  
 18 the centerline of Hawkins Cove; thence along the centerline of Hawkins Cove in a  
 19 northerly direction to the centerline of Spa Creek; thence with the centerline of Spa  
 20 Creek in a southwesterly direction to its junction with the centerline of **THE SOUTH**  
 21 **FORK OF SPA CREEK** ~~an unnamed fork to the south~~ separating "Truxtun Heights"  
 22 and Truxtun Park **AND WEST FORK OF SPA CREEK BETWEEN "TRUXTUN**  
 23 **HEIGHTS" AND "SPA VIEW HEIGHTS"; THENCE, FOLLOWING THE CENTER**  
 24 **LINE OF THE WEST FORK OF SPA CREEK TO ITS INTERSECTION WITH TAX**  
 25 **MAP 51F, PARCEL 858, THENCE WITH THE HIGH WATER LINE OF THE**  
 26 **SOUTHERN SIDE OF THE NORTH FORK OF SPA CREEK; THENCE WITH THE**  
 27 **HIGH WATER LINE OF THE WESTERN SIDE OF THE SOUTH FORK OF SPA**  
 28 **CREEK TO INTERSECT;** ~~thence following said south fork in a southeasterly~~  
 29 ~~direction extending to its junction~~ with the extended centerline of Pumphouse Road;  
 30 thence along the centerline of Pumphouse Road in an easterly direction to its  
 31 junction with the centerline of Primrose Road; thence following the centerline of  
 32 Primrose Road in a southerly direction to the extension of the rear or northwest  
 33 property line of #1150 Tyler Avenue; thence with the boundary of said property  
 34 counterclockwise or in a southwesterly then southeasterly direction to the northern  
 35 property corner of #1152 Tyler Avenue; thence following the northwestern  
 36 boundary line of the following properties, respectively: #1152 Tyler Avenue, #2  
 37 Woods Drive, #1 Woods Drive, #1170 Tyler Avenue, #1172 Tyler Avenue, #1174  
 38 Tyler Avenue, and #1176 Tyler Avenue to intersect the northeastern boundary line  
 39 of #1178 Tyler Avenue; thence with said boundary line in a northwesterly direction  
 40 to the boundary of "Primrose Acres"; thence following said boundary in a  
 41 southwesterly direction to the centerline of Forest Drive; thence following the  
 42 centerline of Forest Drive in a southeasterly direction to its junction with an  
 43 extension of the northern boundary line of **THE HOUSING AUTHORITY OF THE**  
 44 **CITY OF ANNAPOLIS PROPERTY KNOWS AS** "Robinwood" (**TAX MAP 51I,**  
 45 **PARCEL 2000**); thence following the boundary of **SAID** "Robinwood"  
 46 counterclockwise around its limits or in a southwesterly then southeasterly then  
 47 northeasterly direction extending to its junction with the centerline of Forest Drive;  
 48 thence with the centerline of Forest Drive in a southeasterly direction ~~to its~~  
 49 ~~intersection with the Annapolis and Anne Arundel County boundary;~~ thence  
 50 following said boundary in a counterclockwise direction to its junction with the  
 51 centerline of Forest Drive; thence following the centerline of Forest Drive further in

1 ~~a southeasterly~~ past its common junction with the centerlines of Hillsmere Drive,  
 2 Bay Ridge Road and southbound Bay Ridge Avenue to its junction with the  
 3 centerline of the northbound exit from Bay Ridge Road onto Bay Ridge Avenue; **TO**  
 4 **THE INTERSECTION OF THE CENTERLINE OF BAY RIDGE ROAD AND THE**  
 5 **SOUTHWESTERLY PROJECTION OF THE SOUTHEASTERLY BOUNDARY**  
 6 **LINE OF THE "ANNAPOLIS WOODS APARTMENTS" PLAT (NOW RECORDED**  
 7 **AT 40:17);** thence running in a northeasterly direction **WITH SAID PROJECTION**  
 8 **AND SAID BOUNDARY LINE** to the southeastern corner of THE "ANNAPOLIS  
 9 **WOODS APARTMENTS" PLAT "Bay Ridge Gardens";** thence following the  
 10 boundary of "ANNAPOLIS WOODS APARTMENTS" PLAT "Bay Ridge Gardens" in  
 11 a counterclockwise or northeasterly then northwesterly direction extending to its  
 12 junction with the centerline of Bay Ridge Avenue; thence with the centerline of Bay  
 13 Ridge Avenue in a southwesterly direction to its junction with the centerline of  
 14 Forest Hills Avenue; **THENCE WITH THE CENTERLINE OF FOREST HILLS**  
 15 **AVENUE TO ITS INTERSECTION WITH THE CENTERLINE OF BRICIN STREET**  
 16 and the place of beginning. This ward will be known as the sSixth wWard.

17

18 **1.16.080 - Seventh ward.**

19 The sSeventh wWard is as follows:

20 Beginning at the junction of the centerlines of ~~Bay Ridge Avenue and Forest Hills~~  
 21 ~~Avenue~~ **AND BRICIN STREET**, with the point so fixed; ~~thence running generally~~  
 22 ~~westerly with the centerline of Forest Hills Avenue to its junction with the centerline~~  
 23 ~~of Bricin Street;~~ thence in a northeasterly **NORTHWESTERLY** direction with the  
 24 centerline of Bricin Street to its junction with the centerline of Janwall Street; thence  
 25 with the centerline of Janwall Street in a northeasterly direction extending to  
 26 intersect the centerline of the right of way of the abandoned Washington, Baltimore  
 27 and Annapolis Railroad (**ALSO KNOWN AS THE BAY RIDGE RAILROAD**); thence  
 28 following said right of way centerline in a northerly direction to its common junction  
 29 with the centerlines of Hilltop Lane and Tyler Avenue; thence following the  
 30 centerline of Tyler Avenue in a southeasterly direction to its junction with the  
 31 centerline of **BAY RIDGE AVENUE;** ~~President Street;~~ thence with the centerline of  
 32 ~~President Street in a northeasterly direction to its junction with the centerline of~~  
 33 ~~Jackson Street;~~ thence following the centerline of Jackson Street in a southeasterly  
 34 ~~direction to its junction with the centerline of Bay Ridge Avenue;~~ thence running  
 35 with the centerline of Bay Ridge Avenue in a southerly direction to **THE**  
 36 **INTERSECTION OF SAID CENTERLINE WITH A PROJECTION TO THE**  
 37 **SOUTHERN BOUNDARY LINE OF TAX MAP 52G, PARCEL NO. 1358; THENCE**  
 38 **WITH SAID PROJECTION AND BOUNDARY LINE IN A SOUTHEASTERLY**  
 39 **DIRECTION TO INTERSECT THE BOUNDARY LINE OF THE "GEORGETOWN**  
 40 **GROVE PLAT 3" PLAT (NOW RECORDED AT 94:50); THENCE, WITH SAID**  
 41 **BOUNDARY LINE OF THE GEORGETOWN GROVE PLAT TO THE BEGINNING**  
 42 **OF THE NORTH 83 DEGREE, 14 MINUTE, 38 SECOND EAST, 181.25 FOOT**  
 43 **LINE, SAID LINE BEING LOCATED AT THE HIGH WATER LINE OF BACK**  
 44 **CREEK; THENCE, WITH A LINE PERPENDICULAR TO SAID LINE TO ITS**  
 45 **INTERSECTION WITH THE CENTERLINE OF BACK CREEK;** ~~intersect an~~  
 46 ~~extension of the centerline of a stream the common boundary line between~~  
 47 ~~"Greenacres" and "Parkwood";~~ thence following said common boundary in an  
 48 easterly direction to the shoreline of an unnamed cove; thence running with the

~~centerline of the unnamed cove in a southeasterly direction then easterly to the centerline of Back Creek; thence running along WITH the centerline of Back Creek to a point where it intersects the Annapolis and Anne Arundel County boundary; thence running clockwise along WITH the Annapolis and Anne Arundel County boundary to a point where it intersects the centerline of Forest Drive approximately 4150 feet northwesterly from the centerline of Hillsmere Drive; thence following the centerline of Forest Drive in a southeasterly direction past its common junction with TO ITS INTERSECTION WITH THE BOUNDARY OF THE "HUNT MEADOWS PLAT (NOW RECORDED AT 147:24 AND 163:40); THENCE WITH SAID BOUNDARY LINE IN A NORTHERLY, WESTERLY DIRECTION TO INTERSECTION WITH THE BOUNDARY LINE OF THE "HUNT MEADOWS" PLAT (NOW RECORDED AT 111:2); THENCE WITH SAID BOUNDARY AND IN A NORTHERLY DIRECTION TO ITS INTERSECTION WITH THE SOUTHERN BOUNDARY LINE OF "ANNAPOLIS OVERLOOK" PLAT (NOW RECORDED AT124:1); THENCE WITH SAID BOUNDARY LINE IN AN EASTERLY AND NORTHERLY DIRECTION TO INTERSECT THE SOUTHERN RIGHT OF WAY LINE OF FOREST DRIVE; THENCE, WITH A PROJECTION OF THE LAST BOUNDARY LINE IN A NORTHERLY DIRECTION, TO INTERSECT THE CENTERLINE OF FOREST DRIVE; THENCE FOLLOWING THE CENTERLINE OF FOREST DRIVE IN A SOUTHEASTERLY DIRECTION THROUGH THE COMMON JUNCTION OF BAY RIDGE ROAD, BAY RIDGE AVENUE AND HILLSMERE DRIVE INTERSECTION TO THE INTERSECTION OF THE CENTERLINE OF BAY RIDGE ROAD AND THE SOUTHWESTERLY PROJECTION OF THE SOUTHEASTERLY BOUNDARY LINE OF THE "ANNAPOLIS WOODS APARTMENTS" PLAT (NOW RECORDED AT 40:17); the centerlines of Hillsmere Drive, Bay Ridge Road and southbound Bay Ridge Avenue to its junction with the centerline of the northbound exit from Bay Ridge Road onto Bay Ridge Avenue; thence running in a northeasterly direction WITH SAID PROJECTION AND BOUNDARY LINE to the southeastern corner of THE "ANNAPOLIS WOODS APARTMENTS" PLAT (NOW RECORDED AT 40:17); "Bay Ridge Gardens"; thence following the boundary of THE "ANNAPOLIS WOODS APARTMENTS" PLAT "Bay Ridge Gardens" in a counterclockwise or northeasterly then northwesterly direction extending to its junction with the centerline of Bay Ridge Avenue; thence with the centerline of Bay Ridge Avenue in a southwesterly direction to its INTERSECTION WITH THE CENTERLINE OF FOREST HILLS AVENEUE, THENCE WITH THE CENTERLINE OF FOREST HILLS AVENEUE IN A WESTERLY DIRECTION TO ITS INTERSECTION WITH THE CENTERLINE OF BRICIN STREET AND junction with the centerline of Forest Hills Avenue and the place of beginning. This ward will be known as the sSeventh wWard.~~

40

41 **1.16.090 - Eighth ward.**

42 The eEighth wWard is as follows:

43 Beginning at the junction of the centerlines of Jackson Street and President Street,  
 44 with the beginning point so fixed; thence running along the centerline of President  
 45 Street **NORTHERNLY AND THEN NORTHWESTERLY** ~~northeasterly~~ to its  
 46 intersection with the centerline of Boucher Avenue; thence following the centerline  
 47 of Boucher Avenue in a **SOUTHWESTERLY** ~~westerly~~ direction to its junction with  
 48 the centerline of Madison Street; thence running with the centerline of Madison

1 Street in a southerly direction to its junction with the centerline of Windsor Avenue;  
 2 thence following the centerline of Windsor Avenue in a **SOUTHWESTERLY**  
 3 ~~westerly~~ **INTERSECTION** with the centerline of Hawkins  
 4 Cove; thence running along the centerline of Hawkins Cove in a northerly direction  
 5 to its junction with the centerline of Spa Creek; thence with the centerline of Spa Creek  
 6 generally easterly to its ~~junction with the~~ **INTERSECTION WITH THE ANNAPOLIS**  
 7 **AND ANNE ARUNDEL COUNTY BOUNDARY** ~~junction centerline of the Severn~~  
 8 ~~River; thence following the centerline of the Severn River;~~ **THENCE FOLLOWING**  
 9 **SAID BOUNDARY** in a southeasterly direction to **INTERSECT** the extended  
 10 centerline of Back Creek; thence following the centerline of Back Creek generally  
 11 westerly **TO INTERSECT A LINE PROJECTED PERPENDICULAR TO THE**  
 12 **BEGINNING OF THE NORTH 83 DEGREE, 14 MINUTE, 38 SECOND EAST,**  
 13 **181.25 FOOT LINE OF THE "GEORGETOWN GROVE" PLAT (NOW RECORDED**  
 14 **AT 94:50) BOUNDARY; THENCE WITH SAID PEPENDICULAR LINE TO**  
 15 **INTERSECT THE BEGINNING OF THE NORTH 83 DEGREE, FOURTEEN**  
 16 **MINUTE, 38 SECOND, 181.25 FOOT LINE, SAID BEGINNING OF LINE**  
 17 **LOCATED AT THE HIGH WATER LINE OF BACK CREEK, THENCE,**  
 18 **REVERSELY WITH THE BOUNDARY LINE OF SAID PLAT TO INTERSECT THE**  
 19 **SOUTHERN BOUNDARY LINE OF TAX MAP 51I, PARCEL 1358; THENCE WITH**  
 20 **SAID BOUNDARY LINE AND PROJECTION OF SAID BOUNDARY LINE IN A**  
 21 **NORTHWESTERLY DIRECTION TO INTERSECT THE** ~~to its junction with the~~  
 22 ~~centerline of a cove to the north between "Parkwood" and "Greenacres";~~ thence  
 23 ~~running westerly with the common boundary line between "Parkwood" and~~  
 24 ~~"Greenacres" and along a stream to the centerline of Bay Ridge Avenue; thence~~  
 25 ~~following the centerline of Bay Ridge Avenue in a northerly direction to its junction~~  
 26 ~~with the centerline of Jackson Street;~~ **INTERECTION WITH TYLER AVENUE;**  
 27 **THENCE IN A NORTHWESTERLY DIRECTION WITH THE CENTERLINE OF**  
 28 **TYLER AVENUE TO ITS INTERSECTION WITH THE CENTERLINE OF**  
 29 **PRESIDENT STREET; THENCE WITH THE CENTERLINE OF PRESIDENT**  
 30 **STREET TO ITS INTERSECTION WITH CENTERLINE OF JACKSON STREET,**  
 31 **BEING THE POINT OF BEGINNING.** ~~thence running in a westerly direction with~~  
 32 ~~the centerline of Jackson Street to its junction with the centerline of President~~  
 33 ~~Street, being the point of beginning.~~ This ward will be known as the eEighth wWard,  
 34 **BUT THE WARD DOES NOT INCLUDE ANY LAND WHICH IS THE PROPERTY**  
 35 **OF THE UNITED STATES GOVERNMENT.**

36  
37 **Amendment #2**

38 Page 3, Lines 12-13: Strike "at the conclusion of the current term of office for the" and  
39 insert "for the next election for the offices of the"



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 2/14/12

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

The Rules and City Government Committee has reviewed 0-1-12 and  
has taken the following action:

Favorable

Favorable with amendments attached

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Israel, Chair YES

Ald. Hoyle N/A

Ald. Arnett YES

Meeting Date 2/14/12

Signature of Chair Richard Israel

Rules Committee Amendments to O-1-12

Strike “at the conclusion ...to...Alderwoman” add “shall take effect for the next regular city primary and general elections and for all subsequent special and regular elections”

## FISCAL IMPACT NOTE

**Legislation No:** O-01-12

**First Reader Date:** 1-9-2012

**Note Date:** 2-3-2012

**Legislation Title:** Election Ward Boundaries

**Description:** For the purpose of altering the eight election wards of the City of Annapolis; and all matters generally relating to said wards.

### **Analysis of Fiscal Impact:**

Translating ward boundaries into legal descriptions and codifying the ordinance prior to adoption:

If the City can utilize a free program provided by the State and if the program is not problematic and does not warrant re-checking, this activity will have no significant fiscal impact.

However, there is the potential cost of a two-week full-time commitment of a City staffer or the need to hire outside help at a cost of about \$2,500.

Costs related to voting precinct changes include the following:

Printing, supplies, copier costs, postage, legal ads and postcards to notify voters of changes in polling places - \$24,700.

Design and production of signs - \$2,000

Voting machine re-programming - \$128,740

New voter authority card - \$2,000

The fiscal impact of this legislation is estimated at \$159,940.

## **Policy Report**

### **Ordinance O-1-12**

#### **Election Ward Boundaries**

The proposed ordinance would alter the eight election wards of the City of Annapolis to conform to the recommendations of the Annapolis Ward Boundary Commission. Resolution R-2-11 created a Commission that the City historically forms after each federal decennial census to reevaluate the boundaries of its wards. The Annapolis Ward Boundary Commission reported its findings for realignment of the various wards to the Annapolis City Council in December 2011. The full report of the Annapolis Ward Boundary Commission is available at <http://www.annapolis.gov/Government/Boards/annapoliswardboundarycommission.aspx>.

Article II, Section 1 of the Charter of the City of Annapolis states that, “the city shall be divided by ordinance into eight (8) wards of approximately equal proportion.”

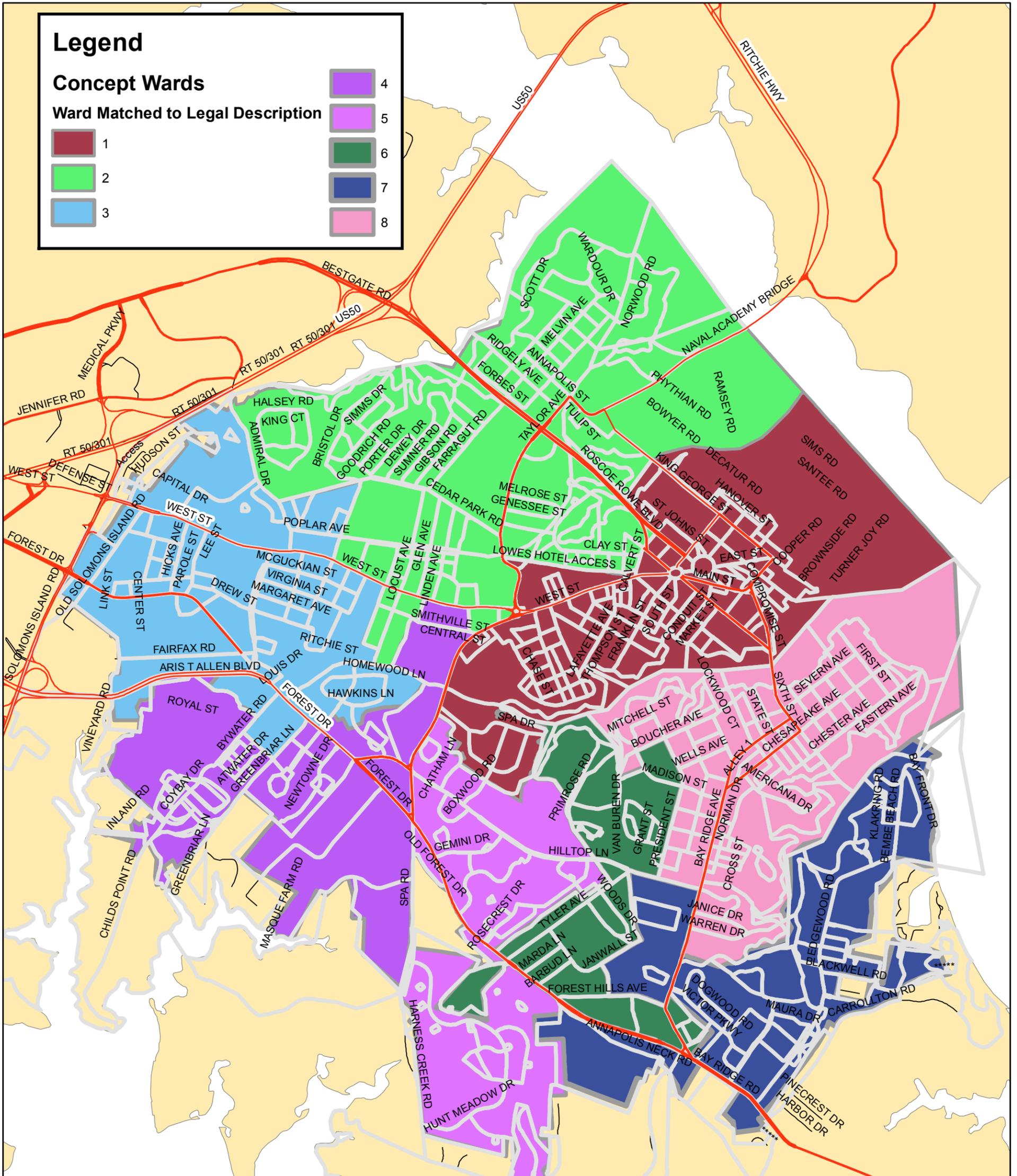
Article III, Section 2 of the Charter of the City of Annapolis states that the City Council has the power to, “...divide the city into election districts, define their bounds and limits, and correct the same from time to time, so as to preserve as accurately as may be an equal number of inhabitants in each of said districts...”

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

# Legend

## Concept Wards

### Ward Matched to Legal Description



Ward	Population	Population Dev	Deviation %	White	Black	American Indian	Asian	Hawaiian	Some Other Race Alone	Hispanic (unadjusted)
W1	4872	54	1.12	4181	429	5	50	3	143	355
W2	4798	-20	-0.42	3696	766	2	71	2	157	325
W3	4925	107	2.22	1540	2177	12	124	0	928	1359
W4	4995	177	3.67	1589	2573	13	145	1	508	841
W5	4951	133	2.76	3312	707	29	140	4	591	1279
W6	4577	-241	-5	1502	2223	9	92	0	596	1162
W7	4662	-156	-3.24	3301	832	6	95	0	334	695
W8	4766	-52	-1.08	3964	414	21	92	1	181	432



Proposed Map for Ordinance O-1-12  
7/17/2012

City of Annapolis MIT GIS

Map Created By: MIT GIS

Department Use: Public

Map is for reference purposes only please see City Code for official descriptions of the wards.

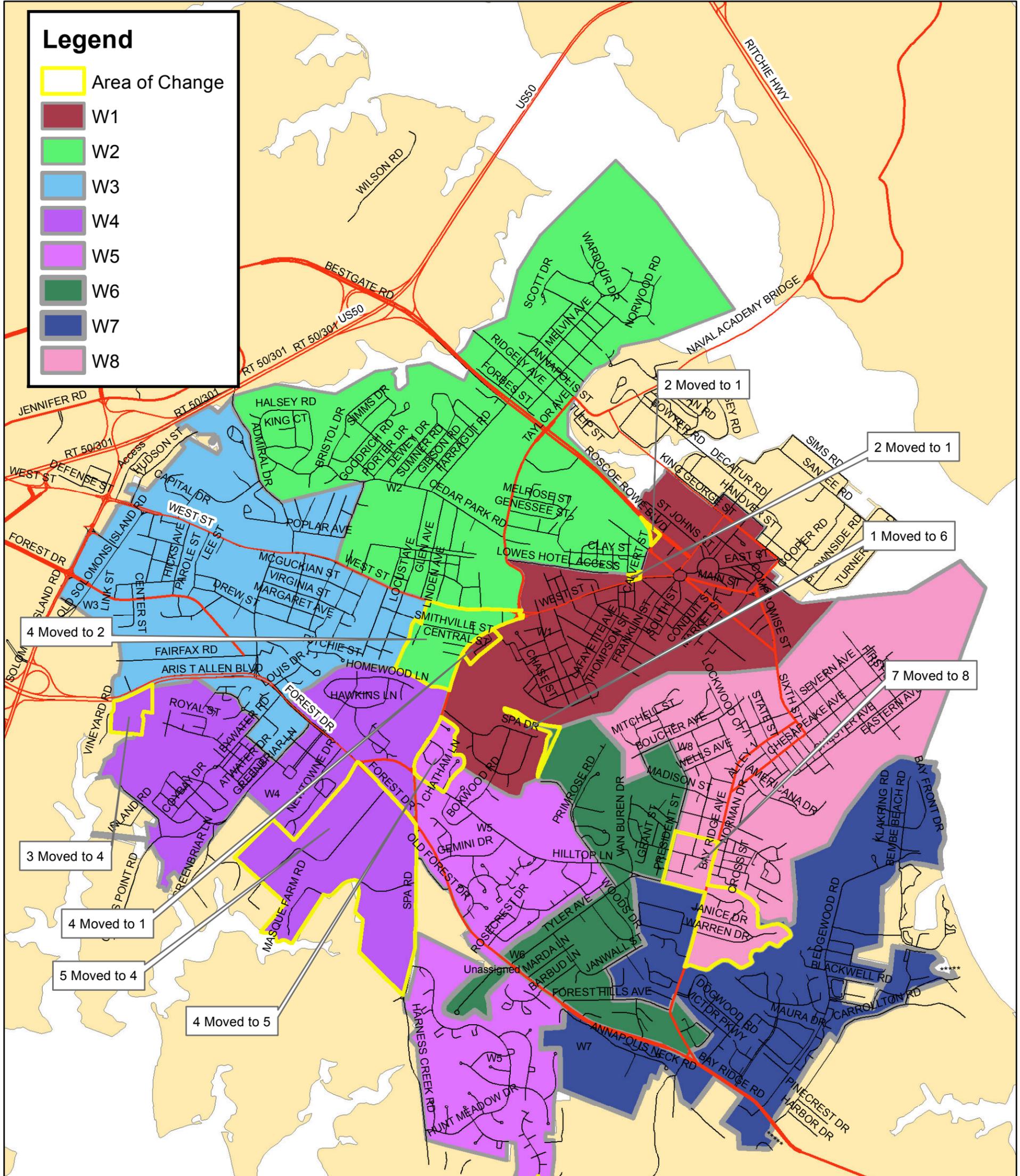
\* State Data is portrayed in all numbers but Hispanic because not part of the adjustment process.



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# Legend

- Area of Change
- W1
- W2
- W3
- W4
- W5
- W6
- W7
- W8



Ward	Population	Population Deviation	Deviation Percentage	White	Black	American Indian	Asian	Native Hawaiian	Some Other Race Alone	Hispanic	Non-Hispanic
W1	4865	66	1.38	4179	424	5	50	3	143	355	4510
W2	4841	42	0.88	3544	921	2	82	2	187	372	4469
W3	4621	-178	-3.71	1482	2084	11	105	0	808	1213	3408
W4	5171	372	7.75	1794	2431	14	153	1	598	940	4231
W5	4940	141	2.94	3310	698	29	140	4	591	1279	3661
W6	4544	-255	-5.31	1502	2190	9	92	0	596	1162	3382
W7	4654	-145	-3.02	3298	827	6	95	0	334	695	3959
W8	4758	-41	-0.85	3964	406	21	92	1	181	432	4326



Final AWRC Map  
Adopted November 2011\*  
**City of Annapolis MIT GIS**

**Map Created By: MIT GIS**

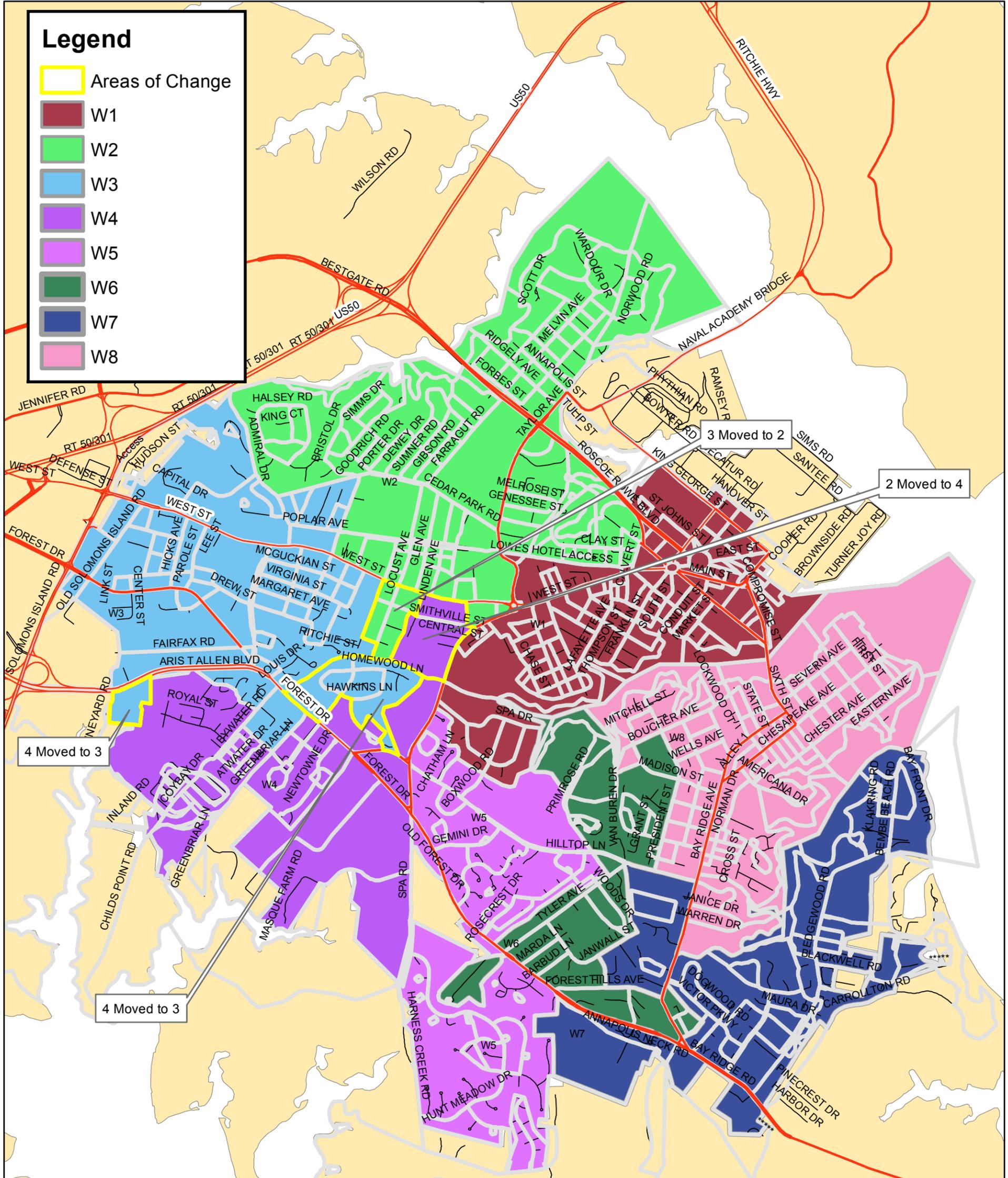
Department Use: Public

\* State Data considered but does not change the population enough to significantly alter the percentage deviation

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# Legend

- Areas of Change
- W1
- W2
- W3
- W4
- W5
- W6
- W7
- W8



Ward	Population	Population Deviation	Deviation Percentage	White	Black	American Indian	Asian	Hawaiian	Some Other Race Alone	Hispanic (unadjusted)
W1	4872	54	1.12	4181	429	5	50	3	143	355
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W5	4951	133	2.76	3312	707	29	140	4	591	1279
W6	4577	-241	-5	1502	2223	9	92	0	596	1162
W7	4662	-156	-3.24	3301	832	6	95	0	334	695
W8	4766	-52	-1.08	3964	414	21	92	1	181	432



Proposed Map 14 June 2012

**City of Annapolis MIT GIS**

**Map Created By: MIT GIS**

Department Use: Public

\* State Data is portrayed in all numbers but Hispanic because not part of the adjustment process.

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0.3 0 0.3 0.6 Miles

-  Roads
- Ward**
-  Outside City
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# Election Wards O-26-01 Revised Amended City of Annapolis Adopted June 11, 2001

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**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-11-12**

**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
3/19/12			5/14/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	3/19/12		

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**A ORDINANCE** concerning

10

**Eliminating the Sick Leave Bank for Employees**

11  
12

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

13  
14

**BY** repealing the following portions of the Code of the City of Annapolis, 2011 Edition Section 3.20.140

15  
16

17  
18

**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:

19

**CHAPTER 3.20 - LEAVES.**

20

**[3.20.140 - Sick leave bank.**

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The employees of the City of Annapolis may establish a sick leave bank to which they may donate accumulated sick leave and from which they may receive sick leave upon exhaustion of their accumulated sick, personal, and annual leave. If a sick leave bank is established, participating employees shall establish procedures to operate the sick leave bank and shall send the procedures to the Civil Service Board for review and comment. The procedures must provide for optional membership in the bank and for an automatic system for assessing donations of leave to the bank from participating employees at least equal to days granted to participating employees who receive leave.]

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

33  
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**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](mailto:JCCowles@annapolis.gov) or (410) 263-1184.



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 7/12/12

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

The Rules and City Government Committee has reviewed 0-11-12 and  
has taken the following action:

Favorable

Favorable with amendments *(attached)*

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Israel, Chair yes

Ald. Hoyle yes

Ald. Arnett N/A

Meeting Date 7/12/12

Signature of Chair Richard Israel

**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 AND IN ACCORDANCE WITH 2.04.090, 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 CONVERTED ANNUAL LEAVE.

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-16-12**

**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
4/23/12			7/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Public Safety	4/23/12		

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**AN ORDINANCE** concerning

10

**Distribution of Unsolicited Materials**

11  
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**FOR** the purpose of establishing Section 11.36.025 of the Code of the City of Annapolis regarding the distribution of unsolicited materials.

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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 11.36.010

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19

**BY** adding to the following portions of the Code of the City of Annapolis, 2011 Edition  
Section 11.36.025

20  
21

**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:

22

**CHAPTER 11.36 – OFFENSES AGAINST PROPERTY.**

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**11.36.010 - Advertising—Distribution in streets.**

No person shall distribute, or cause to be distributed, any pamphlets, dodgers, papers or other advertising matter upon or about the streets or alleys, or fasten, or cause to be fastened, the advertising matter to poles, or place, or cause them to be placed in or on automobiles. [This section does not restrict the distribution of advertising matter from house to house; provided, that it is so distributed that it will not be blown or cast into the street.]

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**11.36.025 – LITTERING – UNSOLICITED MATERIALS.**

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NO PERSON SHALL DISTRIBUTE, OR CAUSE TO BE DISTRIBUTED, ANY UNSOLICITED MATERIALS UPON OR ABOUT THE STREETS, ALLEYS, RESIDENTIAL OR COMMERCIAL PROPERTY, OR PUBLIC RIGHTS OF WAY. THIS SECTION DOES NOT RESTRICT THE DISTRIBUTION OF UNSOLICITED MATERIALS (A) DELIVERED THROUGH THE U.S. POSTAL SERVICE, (B) DEPOSITED ON RESIDENTIAL OR COMMERCIAL DOOR STEPS, PORCHES, STOOPS OR (C) SECURED OR FASTENED THROUGH THE USE OF A DOOR

1 HANGER SO THAT THE MATERIALS WILL NOT BE BLOWN OR CAST INTO THE STREETS,  
2 ALLEYS, RESIDENTIAL OR COMMERCIAL PROPERTY, OR PUBLIC RIGHTS OF WAY.  
3

4 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
5 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.  
6

7 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
8  
9

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-16-12**

### **Distribution of Unsolicited Materials**

The proposed ordinance would prohibit the distribution of unsolicited materials upon or about the streets, alleys, residential or commercial property, or public rights of way. The proposed ordinance would not restrict the distribution of unsolicited materials (a) delivered through the U.S. Postal Service, (b) deposited on residential or commercial door steps, porches, stoops or (c) secured or fastened through the use of a door hanger so that the materials will not be blown or cast into the streets, alleys, residential or commercial property, or public rights of way.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law at [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov) or 410.263.1184.

**Amendment to O-16-12  
Distribution of Unsolicited Materials**

**Amendment #1** – *in the nature of a substitution:*

Strike from Page 1, Line 31 through Page 2, Line 2:

[NO PERSON SHALL DISTRIBUTE, OR CAUSE TO BE DISTRIBUTED, ANY UNSOLICITED MATERIALS UPON OR ABOUT THE STREETS, ALLEYS, RESIDENTIAL OR COMMERCIAL PROPERTY, OR PUBLIC RIGHTS OF WAY. THIS SECTION DOES NOT RESTRICT THE DISTRIBUTION OF UNSOLICITED MATERIALS (A) DELIVERED THROUGH THE U.S. POSTAL SERVICE, (B) DEPOSITED ON RESIDENTIAL OR COMMERCIAL DOOR STEPS, PORCHES, STOOPS OR (C) SECURED OR FASTENED THROUGH THE USE OF A DOOR HANGER SO THAT THE MATERIALS WILL NOT BE BLOWN OR CAST INTO THE STREETS, ALLEYS, RESIDENTIAL OR COMMERCIAL PROPERTY, OR PUBLIC RIGHTS OF WAY.]

Insert on Page 1, Line 31:

UNSOLICITED MATERIALS MAY BE DISTRIBUTED TO RESIDENTIAL OR COMMERCIAL PROPERTY ONLY IF SUCH UNSOLICITED MATERIALS ARE: (A) DELIVERED THROUGH THE U.S. POSTAL SERVICE, (B) DEPOSITED ON DOOR STEPS, PORCHES, OR STOOPS PROVIDED THAT THE MATERIALS WILL NOT BE BLOWN OR CAST INTO STREETS, ALLEYS, RESIDENTIAL OR COMMERCIAL PROPERTY, OR PUBLIC RIGHTS OF WAY OR (C) SECURED OR FASTENED TO A DOOR, HANDLE, OR ENTRANCE GATE.

**Amendment #2**

Page 2, Line 3: insert “A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MUNICIPAL INFRACTION AND IS SUBJECT TO A FINE AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL.”



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 7/16/12

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

The Public Safety Committee has reviewed 0-16-12 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other Postpone to September 24. Request the Law department work with the papers to create a MOU.

Comments:

Roll Call Vote:

Ald. Finlayson, Chair yes

Ald. Paone N/A

Ald. Silverman yes

Meeting Date 7/16/12

Signature of Chair Chela M. Finlayson



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 Public Safety Committee has reviewed 0-16-12 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Finlayson, Chair yes

Ald. Paone Recused

Ald. Silverman JLS

Meeting Date 6/14/12

Signature of Chair Sheila M. Finlayson

FISCAL IMPACT NOTE

**Legislation No:** O-16-12

**First Reader Date:** 4-23-12

**Note Date:** 5-4-12

**Legislation Title:** **Distribution of Unsolicited Materials**

**Description:** For the purpose of establishing Section 11.36.025 of the Code of the City of Annapolis regarding the distribution of unsolicited materials.

**Analysis of Fiscal Impact:**

This legislation produces no significant fiscal impact.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-34-12**

**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
7/9/12			10/8/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	7/9/12		
Public Safety	7/9/12		

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**A RESOLUTION** concerning

**Establishing a Fine for Violations of Distributing Unsolicited Materials**

**FOR** the purpose of establishing a fine for violations of distributing unsolicited materials.

13

**WHEREAS,** proposed ordinance O-16-12 amends the Code of the City of Annapolis by regulating litter caused by the distribution of unsolicited materials; and

16

**WHEREAS,** O-16-12 authorizes the City Council to establish a fine for violating the ordinance.

18

**NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that that the Fines Schedule is hereby amended as follows:

21

Section in Code	Section Name	Fine for Initial Offense	Fine for Repeat or Continuous Violations
11.36.025	LITTERING – UNSOLICITED MATERIALS	\$250 PER VIOLATION PER DAY.	\$250 PER VIOLATION PER DAY.

22  
23

**AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that this resolution shall take effect on the date of adoption.

26  
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**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**

**R-34-12**

**Establishing a Fine for Violations of Distributing Unsolicited Materials**

The proposed resolution would establish a fine for violations of distributing unsolicited materials. Proposed ordinance O-16-12 amends the Code of the City of Annapolis by regulating litter caused by the distribution of unsolicited materials and O-16-12 authorizes the City Council to establish a fine for violating the ordinance.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law at JCCowles@annapolis.gov or 410.263.1184.



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 7/16/12

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

The Public Safety Committee has reviewed R-34-12 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other Postpone to September 24

Comments:

Roll Call Vote:

Ald. Finlayson, Chair yes

Ald. Paone N/A

Ald. Silverman yes

Meeting Date \_\_\_\_\_

Signature of Chair Heidi M. Finlayson

## FISCAL IMPACT NOTE

**Legislation No:** R-34-12

**First Reader Date:**

7-9-12

**Note Date:**

7-17-12

**Legislation Title:** Establishing a Fine for Violations of Distributing Unsolicited Materials

### **Description:**

For the purpose of establishing a fine for violations of distributing unsolicited materials.

### **Analysis of Fiscal Impact:**

This legislation provides for a fine of \$250 per violation per day for the initial offense and \$250 per violation per day for repeat or continuous violations of proposed O-16-12 which prohibits the distribution of unsolicited materials. The positive fiscal impact will depend on the number of violations.

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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			
<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			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		

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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

25  
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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.

41  
42 **2.20.040 – DISTRIBUTION OF MAIL**

43 THE DIRECTOR OF FINANCE SHALL BE RESPONSIBLE FOR CITY OFFICES MAIL  
44 DISTRIBUTION.

45  
46  
47 **[Chapter 2.46 – DEPARTMENT OF CENTRAL SERVICES]**

48  
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.]  
3

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.]  
20

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.



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 7/12/12

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

The Rules and City Government Committee has reviewed 0-17-12 and  
has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

delete references to "policies  
and procedures" replace with  
"Regulations"  
delete page 2 line 36  
" In addition to the foregoing."  
to line 40 "the resolution"

Roll Call Vote:

Ald. Israel, Chair yes

Ald. Hoyle yes Ald. Arnett N/A

Meeting Date 7/12/12

Signature of Chair Richard Israel



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 7/16/12

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

The Public Safety Committee has reviewed 0-17-12 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Finlayson, Chair YES

Ald. Paone N/A

Ald. Silverman YES

Meeting Date 7/16/12

Signature of Chair Sheila M. Finlayson

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-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		

8  
9

**AN ORDINANCE** concerning

10

**Revisions to Title 17, Buildings and Construction**

11  
12  
13

**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.

32  
33  
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.

1

2 **17.40.080 - Building Code.**

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

4

5 **17.40.140 - Multiple dwelling.**

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

8

9 **17.40.265 - Property Maintenance Code.**

10 A. The International Property Maintenance Code, 2012 EDITION, [2009] as published by the  
11 International Code Council, Inc., A COPY OF WHICH IS ON FILE IN THE DEPARTMENT OF  
12 NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS, is adopted as the Property  
13 Maintenance Code of the City of Annapolis in the State of Maryland for the control of buildings  
14 and structures with the following amendments:

- 15 1. In Section 101.1 for "[NAME OF JURISDICTION]" insert "City of Annapolis"
- 16 2. In Section 103.5 for "[APPROPRIATE SCHEDULE]" insert "Fees established by  
17 resolution of the City Council"
- 18 3. In Section 304.14 for "[DATES IN TWO LOCATIONS]" insert "April 15th - October  
19 31st"
- 20 4. In Section 602.3 for "[DATES IN TWO LOCATIONS]" insert "April 15th - October  
21 31st"
- 22 5. In Section 602.4 for "[DATES IN TWO LOCATIONS]" insert "April 15th - October  
23 31st"
- 24 6. Strike the entire Section 404.5 Overcrowding and substitute Section 17.40.460 of the  
25 Code of the City of Annapolis.

26 B. In the event of any inconsistencies between the provisions of the International Property  
27 Maintenance Code and the City Code, the more stringent shall govern. [A copy of the  
28 International Property Maintenance Code is on file in the Department of Neighborhood and  
29 Environmental Programs.]

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

31 **Article II - Basic Services and Sanitary Facilities**

32

33 **17.40.310 - Plumbing connections.**

34 Every kitchen sink, lavatory basin and bathtub or shower required under Section 17.40.280 AND  
35 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.



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 7/16/12

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

The Economic Matters Committee has reviewed 0-23-12 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Paone, Chair N/A

Ald. Finlayson yes

Ald. Pfeiffer yes

Meeting Date 7/16/12 Signature of Chair [Signature]

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.]  
17

18

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.**

51

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

42 THE FLOODPLAIN ADMINISTRATOR SHALL:  
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.**

50

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 (A) NO NEW BUILDINGS, STRUCTURES, OR OTHER DEVELOPMENT SHALL BE  
11 PERMITTED UNLESS THE APPLICANT DEMONSTRATES THAT THE SITE CANNOT  
12 BE DEVELOPED WITHOUT SUCH ENCROACHMENT INTO THE FLOOD  
13 PROTECTION SETBACK AND THE ENCROACHMENT IS THE MINIMUM  
14 NECESSARY AFTER CONSIDERATION OF VARYING OTHER SITING STANDARDS  
15 SUCH AS SIDE, FRONT, AND BACK LOT LINE SETBACKS.

16  
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:  
51

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, DEFACTS 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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6

**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](http://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.



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 7/16/16

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

The Economic Matters Committee has reviewed 0-24-12 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Paone, Chair N/A

Ald. Finlayson yes

Ald. Pfeiffer yes

Meeting Date 7/16/12 Signature of Chair 

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.

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.  
36

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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 **EXPLANATION**

45 CAPITAL LETTERS indicate matter added to existing law.  
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[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.



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 07/12/12

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

The Rules and City Government Committee has reviewed 0-25-12 and  
has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Israel, Chair yes

Ald. Hoyle yes Ald. Arnett N/A

Meeting Date 7/12/12

Signature of Chair Richard Israel 

FISCAL IMPACT NOTE

**Legislation No:** O-25-12

**First Reader Date:** 6-18-12

**Note Date:** 6-20-12

**Legislation Title:** **The Time for Beginning Regular Meetings of the City Council**

**Description:** 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.

**Analysis of Fiscal Impact:**

This legislation produces no significant fiscal impact.

1 CITY COUNCIL OF THE  
2 City of Annapolis

3 Resolution No. R-23-12

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
Environmental Matters	6/11/12		

8  
9 **A RESOLUTION** concerning

10 **Supporting City of Annapolis Participation in the Sustainable Maryland Certified**  
11 **Municipal Certification Program**  
12

13 **FOR** the purpose of expressing the sense of the Annapolis City Council to register and pursue  
14 the Sustainable Maryland state certification program for local municipalities.

15  
16 **WHEREAS,** the Sustainable Maryland program was developed by the University of  
17 Maryland's Environmental Finance Center, which focuses on strengthening the  
18 capacity of local decision-makers to analyze environmental problems and  
19 develop innovative and effective ways of financing environmental efforts; and  
20

21 **WHEREAS,** the Sustainable Maryland program was developed in cooperation with the  
22 Maryland Municipal League and the U.S. Environmental Protection Agency; and  
23

24 **WHEREAS,** the City Council adopted resolution R-43-09 supporting the sustainability goals in  
25 the 2009 Sustainable Annapolis Community Action Plan; and  
26

27 **WHEREAS,** a sustainable community means meeting the needs of the present without  
28 compromising the ability of future generations to meet their own needs; and  
29

30 **WHEREAS,** a sustainable community seeks to optimize quality of life for its residents by  
31 ensuring that its environmental, economic and social objectives are balanced and  
32 mutually supportive; and  
33

34 **WHEREAS,** the City of Annapolis strives to maximize tax dollars, assure clean land, air and  
35 water, improve working and living environments as steps to building a  
36 sustainable community that will thrive well into the future; and  
37

1 **WHEREAS,** the City of Annapolis wishes to support a model of government which benefits  
2 our residents now and far into the future by exploring and adopting sustainable,  
3 economically-sound, local government practices; and  
4

5 **WHEREAS,** by endorsing a sustainable path, the City of Annapolis is pledging to educate itself  
6 and community members further about sustainable activities and to develop  
7 initiatives supporting sustainable local government practices; and  
8

9 **WHEREAS,** as elected representatives of the City of Annapolis, we have a significant  
10 responsibility to provide leadership which will seek community-based sustainable  
11 solutions to strengthen our community.  
12

13 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that to focus  
14 attention and effort within the City of Annapolis on matters of sustainability, the City Council  
15 wishes to pursue local initiatives and actions that will lead to Sustainable Maryland Certified  
16 Municipal certification.  
17

18 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that we hereby  
19 authorize Director Maria Broadbent of the Department of Neighborhood and Environmental  
20 Programs to serve as the City of Annapolis' agent for the Sustainable Maryland Certified  
21 Municipal Certification process and authorize her to complete the Municipal Registration on  
22 behalf of the City of Annapolis.  
23  
24  
25

26 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
27  
28

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY \_\_\_\_\_

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

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30  
31 **EXPLANATION**

32 CAPITAL LETTERS indicate matter added to existing law.

33 [brackets] indicate matter stricken from existing law.

34 Underlining indicates amendments.  
35

## Staff Report

R-23-12

### Supporting City of Annapolis Participation in the Sustainable Maryland Certified Municipal Certification Program

The proposed resolution would provide a sense of the Annapolis City Council in participating in the Sustainable Maryland Certified Program. The University of Maryland's Environmental Finance Center (EFC), in cooperation with the Maryland Municipal League (MML) and the Environmental Protection Agency, developed the free and voluntary certification program called Sustainable Maryland Certified. The Environmental Finance Center is a part of the University of Maryland system, and focuses on strengthening the capacity of local decision-makers to analyze environmental problems and develop innovative and effective ways of financing environmental efforts.

The Sustainable Maryland program is designed for Maryland Municipalities that strive to be leaders in environmental initiatives, adopting environmental policies that may save money while taking steps to sustain their quality of life. The Department of Neighborhood & Environmental Programs was involved with the Planning & Built Environment Task Force that helped to develop the program. There are eight categories of action items from which communities can get certification points: community action, community based food system, energy, greenhouse gas, health & wellness, local economies, natural resources, and planning & land use. According to our estimates, the city would receive at least 250 out of the required 150 points to achieve the certification.

#### Benefits of certification:

- Gain access to training, tools and expert guidance - Regular training workshops, webinars and leadership meetings provides cities and towns with connections to the leading experts in important municipal sustainability issues.
- Get recognized - Towns that achieve certification are provided a customized Sustainable Maryland Certified logo that can be used on the town's promotional materials. Municipalities are honored at an annual Sustainable Maryland Certified event at the MML Conference.
- Conserve valuable resources, protect the environment - By becoming Sustainable Maryland Certified, you align your municipality with your community's values while saving your resources as well as nature's.

#### How to achieve certification:

- Adopt a resolution that states the City's intent to pursue Sustainable Maryland certification.
- Designate a municipal representative
- Complete the registration form online at [www.SustainableMaryland.com](http://www.SustainableMaryland.com)
- Cities that have achieved certification will be recognized at the annual fall Maryland Municipal League meeting. Certification lasts three years.

Prepared by Robert Savidge in the Department of Neighborhood and Environmental Programs at [RSavidge@annapolis.gov](mailto:RSavidge@annapolis.gov) and Jessica Cowles, Legislative and Policy Analyst in the Office of Law at [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov)

FISCAL IMPACT NOTE

**Legislation No:** R-23-12

**First Reader Date:** 6-11-12

**Note Date:** 6-11-12

**Legislation Title:** Supporting City of Annapolis Participation in the Sustainable Maryland Certified Municipal Certification Program

**Description:**

For the purpose of expressing the sense of the Annapolis City Council to register and pursue the Sustainable Maryland state certification program for local municipalities.

**Analysis of Fiscal Impact:**

This legislation produces no significant fiscal impact.

1 CITY COUNCIL OF THE  
2 City of Annapolis

3 Resolution No. R-30-12

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
7/9/12			10/8/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	7/9/12		

8  
9 **A RESOLUTION** concerning

10 **Formation of a Task Force to Study the Police and Fire Pension Plan and Other Post**  
11 **Employment Benefits (OPEB)**

12 **FOR** the purpose of implementing the Finance Committee's FY 2013 budget recommendation  
13 by forming a task force to study cost containment and recommend solutions to fund the  
14 Police and Fire Pension Plan and Other Post Employment Benefits (OPEB) for City of  
15 Annapolis employees.

16 **WHEREAS,** the City of Annapolis must re-double its efforts to meet its obligation to the  
17 Police and Fire Pension Plan, currently under-funded by over \$21 million; and  
18

19 **WHEREAS,** the City of Annapolis' actuaries estimate a \$46 million deficit in funding Other  
20 Post Employment Benefits (OPEB) for City of Annapolis employees; and  
21

22 **WHEREAS,** the City's Financial Advisory Commission stated in a May 11, 2012 letter to the  
23 Mayor and City Council, "Short of converting to defined contribution plans,  
24 which would be optimal, the only changes that are likely to fix the structural  
25 problems with the existing pensions are to increase retirement ages and to  
26 push out eligibility for beginning payments to retirees. Adjusting funding levels  
27 for employees and the City within realistic ranges, changing assumptions on  
28 forward looking rates of return and making small changes in the plan structure  
29 will only slightly defer the problem; and  
30

31 **WHEREAS,** the City's Financial Advisory Commission urged the formation of a task force  
32 with knowledgeable individuals to address these systemic and structural  
33 problems and the Finance Committee endorsed the recommendation in its FY  
34 2013 budget report.  
35

36 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that a task force  
37 to study cost containment and recommend solutions to fund the Police and Fire Pension Plan

1 and Other Post Employment Benefits (OPEB) for City of Annapolis employees is hereby  
2 established with the following membership:

3  
4 City Council:

5 Alderman Matthew Silverman  
6 Alderman Ross Arnett

7  
8 Administration:

9 Michael Mallinoff, City Manager  
10 Lee Finney, Financial Advisory Commission

11  
12 Public Safety Unions:

13 Representative from IAFF Local 1926  
14 Representative from UFCW Local 400

15  
16 Chairperson:

17 Paul Rensted, Human Resources Director  
18  
19

20 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the task force  
21 shall commence its work in July 2012 and submit its findings and recommendations on the  
22 Police and Fire Pension Plan to the City Council in October 2012, after which the task force  
23 shall then study Other Post Employment Benefits (OPEB) and prepare its findings and  
24 recommendations for submittal to the City Council.  
25

26  
27 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
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31

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

32  
33  
34 **EXPLANATION**

35 CAPITAL LETTERS indicate matter added to existing law.

36 [brackets] indicate matter stricken from existing law.

37 Underlining indicates amendments.

**Policy Report**

**R-30-12**

**Formation of a Task Force to Study the Police and Fire Pension Plan and Other Post Employment Benefits (OPEB)**

The proposed resolution would implement the Finance Committee's FY 2013 budget recommendation by forming a task force to study cost containment and recommend solutions to fund the Police and Fire Pension Plan and Other Post Employment Benefits (OPEB) for City of Annapolis employees. The proposed resolution would provide for the task force to begin its work in July 2012 and submit its findings and recommendations on the Police and Fire Pension Plan to the City Council in October 2012, after which the task force would then study Other Post Employment Benefits (OPEB) and prepare its findings and recommendations for submittal to the City Council.

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-30-12

**First Reader Date:**

7-9-12

**Note Date:**

7-17-12

**Legislation Title: Formation of a Task Force to Study the Police and Fire Pension Plan and Other Post Employment Benefits (OPEB)**

### **Description:**

For the purpose of implementing the Finance Committee's FY 2013 budget recommendation by forming a task force to study cost containment and recommend solutions to fund the Police and Fire Pension Plan and Other Post Employment Benefits (OPEB) for City of Annapolis employees.

### **Analysis of Fiscal Impact:**

This legislation will produce no significant fiscal impact until solutions recommended by the task force are implemented.

1 CITY COUNCIL OF THE  
2 City of Annapolis

3 Resolution No. R-31-12

4 Introduced by: Alderwoman Finlayson  
5  
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LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
7/9/12			10/8/12
Referred to	Referral Date	Meeting Date	Action Taken
Housing and Human Welfare	7/9/12		

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9 **A RESOLUTION** concerning

10 **The Approval of a Community Legacy Application**

11  
12 **FOR** the purpose of approving the application and receipt of financing for Community Legacy  
13 Projects(s) at the City of Annapolis' Bates Heritage Youth Development Park to be  
14 financed either directly by the Department of Housing and Community Development (the  
15 Department) of the State of Maryland or through other departments or agencies of the  
16 State of Maryland.

17  
18 **WHEREAS,** the City of Annapolis recognizes that there is a significant need for  
19 reinvestment in and revitalization of communities in the City of Annapolis; and  
20

21 **WHEREAS,** the Department, either through the Community Legacy Program or through  
22 other Programs of the Department, or in cooperation with other state  
23 departments or agencies, may provide some or all of the financing  
24 redevelopment at the Bates Heritage Youth Development Park in order to  
25 assist in making it financially feasible; and  
26

27 **WHEREAS,** the Bates Heritage Youth Development Park is located within a priority funding  
28 area under Section 5-7B-02 of the Smart Growth Act and the Project will  
29 conform to the local zoning code; and  
30

31 **WHEREAS,** the applicable law, regulations require approval of the Community Legacy  
32 Project for the Bates Heritage Youth Development Park and the Project  
33 financing by the City of Annapolis City Council.  
34

35  
36 **NOW, THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City of  
37 Annapolis hereby endorses Bates Heritage Youth Development Park project and hereby  
38 approves the request in the form of a grant, up to the amount of \$100,000.  
39

1 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City Clerk  
2 shall send copies of this Resolution to the Secretary of Housing and Community Development  
3 of the State of Maryland.

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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.

## **Staff Report**

**R-31-12**

### **Approval of a Community Legacy Application**

The proposed resolution would approve the application and receipt of financing for Community Legacy Projects(s) at the City of Annapolis' Bates Heritage Youth Development Park to be financed either directly by the Department of Housing and Community Development (the Department) of the State of Maryland or through other departments or agencies of the State of Maryland.

Community Legacy, a program of the Department of Housing and Community Development (DHCD), is designed to assist urban neighborhoods, suburban communities, and small towns that are experiencing decline and disinvestment, but have the potential, with modest public and private investment, to be vibrant places to live and work. All Community Legacy applications require a local government resolution. The City has applied to Community Legacy for the Clay Street neighborhood since 2002 and has received \$1,500,000 since then to revitalize that neighborhood.

Besides the Clay Street neighborhood, the city also designated the Bates neighborhood as a Community Legacy Area. The "Bates Neighborhood Community Legacy Plan" was adopted by the City Council on October 10, 2005. The City is requesting \$100,000 in Community Legacy funding for the "Bates Heritage Youth Development Park," as the project is in the Bates Community Legacy Area and is thus eligible for funding.

The Boys and Girls Club has been working with the Cal Ripken Foundation and the Anne Arundel County Department of Recreation and Parks to refurbish the current recreation area at the Wiley H. Bates Legacy Center. Improvements to the current athletic fields will include a new baseball diamond with dugout, soccer, a field for football, lacrosse, and field hockey, a roof for the outdoor basketball court, concession stand, and boardwalk.

The total project cost is \$1.2 million dollars. The design is complete and the Boys and Girls Club has already received \$350,000 in State Bond funds and \$350,000 from the Cal Ripken Foundation. The County will provide a long-term lease. DHCD requires a local contribution, not a prescribed match. The local contribution for this project will come from the Boys and Girls Club and includes the \$350,000 from the Cal Ripken Foundation. The City's contribution will be in-kind staff time for submitting the proposal, processing payments and submitting reports if the project is funded.

Prepared by Theresa Wellman, Chief of Community Development in Planning and Zoning at [TCW@annapolis.gov](mailto:TCW@annapolis.gov) and Jessica Cowles, Legislative and Policy Analyst in the Office of Law at [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov)

## FISCAL IMPACT NOTE

**Legislation No:** R-31-12

**First Reader Date:**

7-9-12

**Note Date:**

7-17-12

**Legislation Title:** **The Approval of a Community Legacy Application**

### **Description:**

For the purpose of approving the application and receipt of financing for community Legacy Projects(s) at the City of Annapolis' Bates Heritage Youth Development Park to be financed either directly by the Department of Housing and Community Development (the Department) of the State of Maryland or through other departments or agencies of the State of Maryland.

### **Analysis of Fiscal Impact:**

This legislation produces no significant fiscal impact other than staff time for submitting the proposal, processing payments and submitting reports.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-32-12**

**Introduced by: Alderman Israel**

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
7/9/12			10/8/12
Referred to	Referral Date	Meeting Date	Action Taken
Transportation	7/9/12		

**A RESOLUTION** concerning

**Establishing the Hillman Garage Advisory Committee**

**FOR** the purpose of establishing the Hillman Garage Advisory Committee and specifying the process for appointing members of the Committee.

**WHEREAS,** the Noah Hillman Parking Garage is a City-owned facility which was constructed in 1972; and

**WHEREAS,** the Noah Hillman Parking Garage is vital to the business community, the faith community and the general public; and

**WHEREAS,** the City of Annapolis has been advised that the Noah Hillman Parking Garage is nearing the end of its useful life; and

**WHEREAS,** it is essential that the users of this garage be consulted about the least disruptive alternative while the garage is being reconstructed, about the possibility of parking more vehicles in the reconstructed facility, and the best arrangement for managing the garage.

**NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that there is established the Hillman Garage Advisory Committee to provide recommendations to the City of Annapolis on the reconstruction of the Noah Hillman Parking Garage.

**AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the Committee shall consist of nine members who have a demonstrated interest in the reconstruction of the Noah Hillman Parking Garage.

**AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the Mayor shall appoint the members of the Committee subject to confirmation by the City Council.

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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

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

**Policy Report**

**R-32-12**

**Establishing the Hillman Garage Advisory Committee**

The proposed resolution would establish the Hillman Garage Advisory Committee and the process for appointing members to the Committee.

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-32-12

**First Reader Date:**

7-9-12

**Note Date:**

7-17-12

**Legislation Title:** Establishing the Hillman Garage Advisory Committee

**Description:**

For the purpose of establishing the Hillman Garage Advisory Committee and specifying the process for appointing members of the Committee.

**Analysis of Fiscal Impact:**

This legislation produces no significant fiscal impact.

1 CITY COUNCIL OF THE  
2 City of Annapolis

3  
4 Resolution No. R-37-12

5 Introduced by: Alderwoman Finlayson

6  
7 Co-Sponsored by: Mayor Cohen

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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
7/9/12			10/8/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	7/9/12		

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11 **A RESOLUTION** concerning

12 **Authorizing the Annual Kunta Kinte Festival as an Official City of Annapolis Co-**  
13 **Sponsored Event**

14 **FOR** the purpose of authorizing the annual Kunta Kinte festival as an official co-sponsored  
15 City of Annapolis event due to its importance and significance as a central element in  
16 our City's history and the unique connection that Annapolis shares with Kunta Kinte.

17 **WHEREAS,** Kunta Kinte has become a local, national and international symbol of African  
18 American family history grounded in the slave trade of which Annapolis was a  
19 location of importation and sale; and

20  
21 **WHEREAS,** Kunta Kinte and many of his descendents were themselves slaves and their  
22 history as slaves in Annapolis and Anne Arundel County is an integral part of  
23 who we are as a City, a County and a State; and

24  
25 **WHEREAS,** Kunta Kinte's legacy is unique to Annapolis, a legacy begun at City Dock  
26 where slaves were sold at market and where African Americans have worked  
27 and lived for generations—free and slave; and

28  
29 **WHEREAS,** Kunta Kinte-Alex Haley Memorial located at City Dock is visited by one million  
30 people a year from all over the world and has become a vibrant part of our  
31 historic City's attraction to residents and visitors alike; and

32  
33 **WHEREAS,** Kunta Kinte-Alex Haley Memorial is the site of an annual ceremony held on  
34 the anniversary date of Kunta Kinte's arrival in Annapolis as a slave, honoring  
35 the memory of our City's African American ancestors and celebrating the  
36 struggle of many ethnic groups to keep strong their culture and heritage; and  
37

1 **WHEREAS,** Kunta Kinte-Alex Haley Memorial is, this year, celebrating the 10<sup>th</sup>  
2 Anniversary of the completion of the Memorial, a process begun in 1981 with  
3 the dedication of a plaque commemorating Kunta Kinte’s arrival in 1767; and  
4

5 **WHEREAS,** Kunta Kinte Festival is held every year to celebrate African American family  
6 roots and the diversity of culture in our community; and  
7

8 **WHEREAS,** Keeping the Kunta Kinte Festival as a vital part of City community life and  
9 culture is a central element in City Government’s acknowledgement and  
10 celebration of our City’s historic and cultural significance; and  
11

12 **WHEREAS,** Section 7.40.090 of the City Code allows the City Council to designate certain  
13 days when peddlers, hawkers and itinerant merchants may sell in the Historic  
14 District or a nonresidential area.  
15

16 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the Kunta  
17 Kinte Festival shall be co-sponsored by the City as an annual event to be held at City Dock in  
18 recognition of the significance and enduring legacy of Kunta Kinte to the City of Annapolis.  
19

20 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City may  
21 waive full fees associated with this event at its discretion.  
22

23 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the Kunta  
24 Kinte festival, or its designee, is required to obtain all City permits determined necessary for the  
25 safe execution of the event when those elements are required for the execution of the festival’s  
26 activities.  
27

28 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that this resolution  
29 authorizes the annual Kunta Kinte festival as a time when vendors may sell merchandise in the  
30 Historic District that is consistent with the mission and purpose of the Kunta Kinte festival.  
31

32  
33 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
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35

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY  
\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

36  
37  
38 **EXPLANATION**  
39 CAPITAL LETTERS indicate matter added to existing law.  
40 [brackets] indicate matter stricken from existing law.  
41 Underlining indicates amendments.

**Policy Report**

**R-37-12**

**Authorizing the Annual Kunta Kinte Festival as an Official City of Annapolis Co-Sponsored Event**

The proposed resolution would authorize the annual Kunta Kinte festival as an official co-sponsored City of Annapolis event due to its importance and significance as a central element in our City's history and the unique connection that Annapolis shares with Kunta Kinte. The proposed resolution would also authorize vendors in the Historic District that are consistent with the Kunta Kinte festival's mission and purpose and waive full fees associated with the festival at the City's discretion.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law at JCCowles@annapolis.gov or 410.263.1184.



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 7/16/12

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

The Economic Matters Committee has reviewed R-37-12 and has taken the following action:

Favorable

Favorable with amendments *line 21 page 2 delete  
"at it's discretion"*

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Paone, Chair N/A

Ald. Finlayson yes

Ald. Pfeiffer yes

Meeting Date 7/16/12 Signature of Chair

FISCAL IMPACT NOTE

Legislation No: R-37-12

First Reader Date:

7-9-12

Note Date:

7-17-12

**Legislation Title: Authorizing the Annual Kunta Kinte Festival as an Official City of Annapolis Co-Sponsored Event**

**Description:**

For the purpose of authorizing the annual Kunta Kinte festival as an official co-sponsored City of Annapolis event due to its importance and significance as a central element in our City's history and the unique connection that Annapolis shares with Kunta Kinte.

**Analysis of Fiscal Impact:**

This legislation will have a negative fiscal impact if the City Council waives full fees which could include police and fire services, permits, trash collection, parking and other services.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Charter Amendment No. CA-4-12**

**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
Referred to	Referral Date	Meeting Date	Action Taken
7/23/12			10/19/12
Rules and City Gov't	7/23/12		

8  
9  
10 **A CHARTER AMENDMENT** concerning

11 **Designating Emergency Preparedness and Risk Management Responsibility to the City**  
12 **of Annapolis Fire Department**

13 **FOR** the purpose of making the City Charter consistent with the City Code by designating  
14 emergency preparedness and risk management responsibility to the City of Annapolis  
15 Fire Department.

16 **BY** amending the following portions of the City Charter:  
17 Article IV, Section 4.  
18

19 **WHEREAS,** the Annapolis City Council adopted O-14-12 on June 4, 2012 that authorized the  
20 Office of Emergency Preparedness and Risk Management as part of the City of  
21 Annapolis Fire Department with responsibility for emergency preparedness and  
22 risk management functions within the City of Annapolis.

23  
24 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
25 **COUNCIL** that the Charter of the City of Annapolis shall be amended to read as follows:

26 **ARTICLE IV - OPERATIONS**

27 **Sec. 4. - Fire department.**

28 (a) The fire department shall be commanded and administered by a director who shall be  
29 known as the fire chief. The fire chief shall be appointed on the basis of his knowledge and  
30 experience in fire prevention and suppression, in emergency services, and in public safety and  
31 administration, at least three (3) years of which shall have been in an executive or supervisory  
32 capacity.

33 (b) The fire department shall have the following powers and duties:

- 1 (1) To provide fire suppression and emergency services.
- 2 (2) To engage in programs of fire prevention.
- 3 (3) To enforce laws related to fire prevention.
- 4 (4) TO BE RESPONSIBLE FOR EMERGENCY PREPAREDNESS AND RISK
- 5 MANAGEMENT FUNCTIONS IN THE CITY OF ANNAPOLIS.

6  
7 **SECTION II: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**  
8 **COUNCIL** that the date of adoption of this Resolution is \_\_\_\_\_, 2012, and the amendments of  
9 the Charter of the City of Annapolis, hereby enacted shall become effective on \_\_\_\_\_, 2012,  
10 unless a proper petition for referendum hereon shall be filed as permitted by law within 40 days  
11 of adoption, provided a complete and exact copy of this Resolution shall be continuously posted  
12 on the bulletin board in the City Hall until \_\_\_\_\_, 2012, and provided further that a copy of the  
13 title of this Resolution shall be published in "The Capital", a newspaper of general circulation in  
14 the City of Annapolis, or in any other newspaper of such general circulation, once in each of the  
15 weeks on, \_\_\_\_\_, 2012, \_\_\_\_\_, 2012, \_\_\_\_\_, 2012, and \_\_\_\_\_, 2012.

16  
17 **SECTION III: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**  
18 **COUNCIL** that the Mayor is hereby specifically commanded to carry out the provisions of  
19 Section II hereof, and, as evidence of such compliance, the Mayor shall cause to be maintained  
20 appropriate certificates of publication of the newspaper or newspapers in which the title of the  
21 Resolution shall have been published and if a favorable referendum is held on the Charter  
22 change, shall declare the Charter change hereby enacted to be effective on \_\_\_\_\_, 2012, by  
23 affixing his signature hereto in the space provided on the effective date of change.

24  
25 **SECTION IV: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**  
26 **COUNCIL** that as soon as the Charter Amendment hereby enacted shall become effective,  
27 either as provided herein or following a referendum, the Mayor shall send to the Maryland  
28 Department of Legislative Services a copy of this Resolution showing the number of Aldermen  
29 and Alderwomen voting for and against it and a report on the votes cast for or against the  
30 amendment hereby enacted at any referendum thereon and the date of such referendum.

31  
32 The above Charter Amendment was enacted by the foregoing Resolution which was  
33 passed at a Meeting of the Annapolis City Council on \_\_\_\_\_, 2012; \_\_\_\_\_ voting in the  
34 affirmative, \_\_\_\_\_ voting in the negative, \_\_\_\_\_ abstaining and \_\_\_\_\_ absent and the said  
35 Resolution becomes effective in accordance with law on the \_\_ day of \_\_\_\_\_ 2012.

36  
37 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

38  
39 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.

1 **Policy Report**

2 **CA-4-12**

3  
4 **Designating Emergency Preparedness and Risk Management Responsibility to**  
5 **the City of Annapolis Fire Department**  
6

7  
8 Pursuant to O-14-12, adopted June 4, 2012, that designated emergency preparedness  
9 and risk management responsibility to the Office of Emergency Preparedness and Risk  
10 Management, under the City of Annapolis Fire Department, the proposed charter  
11 amendment would make the City Charter consistent with the City Code.  
12  
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17 Prepared by Jessica Cowles, Legislative and Policy Analyst, Office of Law at  
18 [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov) or (410) 263-1184.  
19

1 CITY COUNCIL OF THE  
2 City of Annapolis

3 Ordinance No. O-26-12

4 Introduced by: Mayor Cohen  
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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	180 Day Rule
Referred to	Referral Date	Meeting Date	Action Taken
7/23/12			1/21/13
Rules and City Gov't	7/23/12		
Planning Commission	7/23/12		

8  
9 **AN ORDINANCE** concerning

10 **Revisions to the Zoning Map Amendment Process**

11 **FOR** the purpose of amending Chapter 21.34 (Zoning Map Amendments) of the Annapolis  
12 City Code by establishing new procedures for local zoning map amendments, sectional  
13 zoning map amendments, and comprehensive zoning map amendments.

14 **BY** repealing and re-enacting with amendments the following portions of the Code of the  
15 City of Annapolis, 2011 Edition  
16 Section 21.34.020  
17 Section 21.34.030  
18 Section 21.34.040  
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 21.34 - ZONING MAP AMENDMENTS**  
23

24 **21.34.010 - Purpose and authority.**

25 A. Purpose. For the purpose of promoting the public health, safety, morals and general welfare,  
26 and conserving the value of property throughout the City, the City Council, from time to time, in  
27 the manner set forth in this chapter may amend the district boundary lines; provided, that in all  
28 amendatory ordinances adopted under the authority of this chapter, due allowance shall be  
29 made for existing conditions, the conservation of property values, the direction of building  
30 development to the best advantages of the entire City and the uses to which property is devoted  
31 at the time of the adoption of the amendatory ordinance.  
32

33 B. Authority. The City Council shall decide amendments under this chapter, which may be  
34 proposed by the City Council, the Planning Commission, a property owner in the City or any  
35 person who has a contractual interest which may become a freehold interest or an exclusive  
36 possessory interest of property proposed to be rezoned.

1 **21.34.020 - Procedures.**

2 A. Application Procedures. AN APPLICATION MAY BE FILED FOR ANY OF THE  
3 FOLLOWING TYPES OF AMENDMENTS TO THE ZONING MAP:

4 1. LOCAL ZONING MAP AMENDMENT. A LOCAL ZONING MAP AMENDMENT COVERING A  
5 SINGLE TRACT OF LAND, ALL OR PORTIONS OF WHICH MAY BE PROPOSED TO BE  
6 CLASSIFIED IN DIFFERENT ZONES. A LOCAL ZONING MAP AMENDMENT APPLICATION  
7 MAY BE FILED BY ANY GOVERNMENTAL AGENCY OR BY A PERSON WITH A FINANCIAL,  
8 CONTRACTUAL, OR PROPRIETARY INTEREST IN THE PROPERTY TO BE AFFECTED BY  
9 THE PROPOSED AMENDMENT.

10  
11 Any member of the City Council may introduce a LOCAL zoning map application before the City  
12 Council that would then be referred to the Planning and Zoning Director to assist in the  
13 development of a LOCAL zoning map amendment. All other applications for a LOCAL zoning  
14 map amendment shall also be filed with the Planning and Zoning Director in accordance with  
15 the requirements of Section 21.10.010 Common procedures for review of applications, including  
16 the preapplication conference with the Director pursuant to Section 21.10.010(A).

17  
18 2. SECTIONAL ZONING MAP AMENDMENT. A SECTIONAL ZONING MAP AMENDMENT  
19 COVERING A SECTION OF THE CITY, ALL OR PORTIONS OF WHICH MAY BE PROPOSED  
20 TO BE CLASSIFIED IN DIFFERENT ZONES. AN APPLICATION FOR A SECTIONAL  
21 ZONING MAP AMENDMENT MAY BE FILED ONLY BY THE PLANNING COMMISSION UPON  
22 COMPLETION OF A SECTOR OR AREA PLAN.

23  
24 3. COMPREHENSIVE ZONING MAP AMENDMENT. A COMPREHENSIVE ZONING MAP  
25 AMENDMENT COVERING THE ENTIRE CITY, ALL OR PORTIONS OF WHICH MAY BE  
26 PROPOSED TO BE CLASSIFIED IN DIFFERENT ZONES. A COMPREHENSIVE ZONING  
27 MAP AMENDMENT INCLUDES, BUT IS NOT LIMITED TO, TECHNICAL CORRECTIONS. AN  
28 APPLICATION FOR A COMPREHENSIVE ZONING MAP AMENDMENT MAY BE FILED ONLY  
29 BY THE PLANNING COMMISSION.

30  
31 B. Review Procedures.

32 1. Complete Application Forwarded to Planning Commission. Upon determination of  
33 completeness, the Planning and Zoning Director shall forward the application to the Planning  
34 Commission, for its recommendation to the City Council.

35  
36 2. Staff Review and Report. The Planning and Zoning Director may circulate the application to  
37 other City departments deemed appropriate by the Director. The Planning and Zoning Director  
38 will forward a report on the application for amendment to the Planning Commission and the City  
39 Council.

40  
41 3. Planning Commission Public Hearing. An application, when complete, shall be placed upon  
42 the agenda of the Planning Commission for consideration at a public hearing. Notice of the  
43 hearing shall be published in accordance with Sections 21.10.020(B) and 21.10.020(C)[, Notice  
44 Requirements] FOR A LOCAL ZONING MAP AMENDMENT, AND IN ACCORDANCE WITH  
45 SECTION 21.10.020(C)(1) FOR A SECTIONAL OR COMPREHENSIVE ZONING MAP  
46 AMENDMENT. At the public hearing the Planning Commission may accept evidence and  
47 testimony as it may judge to be relevant to the proper consideration of the case.

48  
49 4. Findings and Recommendations. Within thirty days after the Planning Commission has  
50 completed its review of the application, but in no case longer than ninety days after the date of  
51 the first session of the public hearing held by the Commission, the Commission shall make

1 written findings of fact and shall submit the findings together with its recommendations to the  
2 City Council. The City Council shall not act upon the application until it has received a written  
3 report and recommendation from the Planning Commission on the proposed amendment.  
4

5 5. City Council Action. After the Planning Commission has completed its review of the proposed  
6 amendment, an ordinance shall be drafted by the Mayor and introduced at the City Council. It  
7 shall be introduced on First Reader and referred to the appropriate Standing Committees of the  
8 City Council.  
9

10 6. City Council Public Hearing. The City Council shall hold a public hearing on the ordinance.  
11 The hearing shall be advertised, conducted, and a record of the proceedings shall be preserved,  
12 in the manner as the City Council, by rule, prescribes from time to time. Notice of the hearing  
13 shall be in accordance with Section 21.10.020(C)[, Notice Requirements] FOR A LOCAL  
14 ZONING MAP AMENDMENT AND IN ACCORDANCE WITH SECTION 21.10.020(C)(1) FOR A  
15 SECTIONAL OR COMPREHENSIVE ZONING MAP AMENDMENT. Other appropriate notices  
16 may be posted in a place or places as the City Council designates. At the hearing, the  
17 recommendation of the Planning Commission and report from the Planning and Zoning Director  
18 shall be placed in evidence. The Director of Planning and Zoning shall be available at the  
19 hearing for examination by all interested persons.  
20

21 7. Decision and Vote. Following the City Council public hearing and the Standing Committee  
22 reports, the City Council shall vote on the ordinance.  
23

24 8. Date of Decision. Whenever an application for an amendment has been properly filed, it shall  
25 be acted upon by the City Council within six months from the date of application, and whenever  
26 it has been denied by the City Council, the application shall not be renewed for one year after  
27 the denial.  
28

29  
30 **21.34.030 - Application requirements.**

31 All zoning map applications shall be accompanied by plans and on any forms prescribed by the  
32 Planning and Zoning Director, and shall at a minimum include the following:  
33

34 A. A statement in writing by the applicant and adequate evidence describing how the proposed  
35 map amendment conforms to the review criteria set forth in this chapter.  
36

37 B. FOR A LOCAL ZONING MAP AMENDMENT, Applicants shall provide the names and  
38 addresses of all persons having a financial or vested interest in the project and in the case of  
39 firms, partnerships and corporations, the names and addresses of all principals of the firm,  
40 partnership or corporation, who have a financial or vested interest in the project for which the  
41 application is made.  
42

43  
44 **21.34.040 - Planning Commission review criteria and findings.**

45 The Planning Commission shall not recommend the adoption of a proposed zoning map  
46 amendment unless it finds that the adoption of the amendment is in the public interest and is not  
47 solely for the interest of the applicant. The Planning Commission may recommend the adoption  
48 of an amendment changing the zoning classification of the property to a more restrictive district  
49 than that requested by the applicant. The Planning Commission shall make findings based upon  
50 the evidence presented to it in each specific case with respect to the following matters:  
51

- 1 [A. Existing uses and zoning classification of properties within the general area of the property
- 2 that is the subject of the application.]
- 3 [B. The suitability of the property in question to the uses permitted under the existing zoning
- 4 classification compared to the uses permitted under the proposed zoning classification.]
- 5 [C. The trend of development in the general area, including any changes in zoning classification
- 6 of the subject property or other properties in the area and the compatibility with existing and
- 7 proposed development for the area.]
- 8 [D. Whether there has been a substantial change in the character of the neighborhood where
- 9 the property is located or that there was a mistake in the existing zoning classification.]
- 10 [E. The availability of public facilities, present and future transportation patterns.]
- 11 [F. The relationship of the proposed amendment to the City's Comprehensive Plan.]

- 12
- 13 A. POPULATION CHANGE;
- 14 B. THE AVAILABILITY OF PUBLIC FACILITIES;
- 15 C. PRESENT AND FUTURE TRANSPORTATION PATTERNS;
- 16 D. COMPATIBILITY WITH EXISTING AND PROPOSED DEVELOPMENT FOR THE AREA;
- 17 E. THE RELATIONSHIP OF THE PROPOSED AMENDMENT TO THE CITY'S
- 18 COMPREHENSIVE PLAN;
- 19 F. A SUBSTANTIAL AND UNANTICIPATED CHANGE IN THE CHARACTER OF THE
- 20 NEIGHBORHOOD WHERE THE PROPERTY IS LOCATED;
- 21 G. A MISTAKE IN THE EXISTING ZONING CLASSIFICATION.
- 22

23 **21.34.050 - City Council review criteria and findings.**

24 The City Council shall make findings of fact in each specific case including, but not limited to,  
25 the criteria set forth above in Section 21.34.040.

26

27 **21.34.060 - Appeal.**

28 Any person aggrieved by a decision of the City Council pursuant to this chapter may appeal to  
29 the circuit court of Anne Arundel County.  
30

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.

33

34 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

35

36

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

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42

**EXPLANATION**

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

1 **Policy Report**

2  
3 **O-26-12**

4  
5 **Revisions to the Zoning Map Amendment Process**

6  
7 The proposed ordinance would amend Chapter 21.34 (Zoning Map Amendments) of the  
8 Annapolis City Code by establishing new procedures for local zoning map amendments,  
9 sectional zoning map amendments, and comprehensive zoning map amendments.

10  
11 Title 21 currently has no explicit mechanism for a comprehensive or sector area  
12 rezoning process. The proposed ordinance would authorize three types of zoning map  
13 amendments: local zoning map amendments, sectional zoning map amendments, and  
14 comprehensive zoning map amendments.

15  
16 The local zoning map amendment would preserve the existing procedure for a zoning  
17 change affecting a single tract of land. The sectional zoning map amendment would  
18 apply to a portion of the City where rezoning was proposed following the completion of a  
19 sector or area plan. An example would be an adopted neighborhood or corridor plan  
20 that recommended either a different zoning district or a re-alignment of existing zoning  
21 districts. The comprehensive zoning map amendment would be a proposed rezoning  
22 affecting the entire city. Examples would be if multiple zoning districts were combined  
23 into one zoning district or the use of Geographic Information Systems mapping  
24 technology to provide a technical update to the zoning maps (i.e., property zoning would  
25 not change, but the technological mechanism for physically displaying and storing the  
26 zoning information would be updated).

27  
28  
29  
30  
31  
32 Prepared by Sally Nash, Senior Comprehensive Planner, Planning and Zoning  
33 Department at [SNash@annapolis.gov](mailto:SNash@annapolis.gov) or (410) 263-7961 and Jessica Cowles,  
34 Legislative and Policy Analyst, Office of Law at [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov) or (410) 263-  
35 1184.

1 CITY COUNCIL OF THE  
2 City of Annapolis

3 Ordinance No. O-27-12

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
7/23/12			10/19/12
Economic Matters	7/23/12		

8  
9 **AN ORDINANCE** concerning

10 **Removing the Requirement that a Certified Public Accountant Attest to Ratio Reports for**  
11 **Restaurants Renewing Their Alcoholic Beverage Licenses**

12 **FOR** the purpose of removing the requirement that a certified public accountant attest to the  
13 ratio reports that restaurant class alcoholic beverage licensees must provide when  
14 renewing their licenses and instead allowing the owner to provide a sworn statement  
15 regarding the ratio of food and liquor sales.

16 **BY** repealing and re-enacting with amendments the following portions of the Code of the  
17 City of Annapolis, 2011 Edition  
18 Section 7.12.230  
19

20 **WHEREAS,** the July 2010 report from the Citizens Committee to Review Alcoholic Beverage  
21 Laws (CCRABL) recommended that the restaurant licensee owner be allowed to  
22 provide a sworn statement that the gross receipt from food sales in the restaurant  
23 is at least equal to the required ratio, rather than requiring a certified public  
24 accountant to attest to the ratio report.  
25

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

28 **Chapter 7.12 – ALCOHOLIC BEVERAGES.**

29 **7.12.230 - Restaurants.**

30 A. This section applies to restaurants.

31 B. Holders of restaurant class licenses shall keep in bound book form complete records of  
32 food purchases and food sales in their restaurants, as well as records of all purchases and  
33 sales of alcoholic beverages. They also shall preserve for a period of at least four months the  
34 original invoices or sales tickets of food and alcoholic beverages so purchased.

1 C. Upon making application for renewal of a restaurant class license, the applicant shall  
2 furnish a report [from a certified public accountant] stating the ratio of the daily receipts from the  
3 sale of food to the combined daily receipts from the sale of food and from the sale of alcoholic  
4 beverages. The daily receipts shall be averaged on a quarterly basis for the calendar year  
5 preceding the year for which application for renewal of the restaurant class license is being  
6 made.

7 D. Restaurant-class licenses are as follows:

8 1. Class B-1: Alcoholic beverages shall be served only with meals and sales shall be  
9 only between the hours of six a.m. and twelve midnight, Monday through Saturday. The  
10 premises shall not contain a bar open to the public.

11 2. Class B-1.X: Alcoholic beverages shall be served only with meals and sales shall be  
12 only between the hours of six a.m. and two a.m., Monday through Saturday. The premises  
13 shall not contain a bar open to the public.

14 3. Class B-2: Alcoholic beverages shall be served only with meals and sales shall be  
15 only between the hours of six a.m. and twelve midnight, seven days a week. The premises  
16 shall not contain a bar open to the public.

17 4. Class B-2.X: Alcoholic beverages shall be served only with meals and sales shall be  
18 only between the hours of six a.m. and two a.m., seven days a week. The premises shall  
19 not contain a bar open to the public.

20 5. Class B-3: Alcoholic beverages are restricted to on sale only and sales shall be only  
21 between the hours of six a.m. and twelve midnight, Monday through Saturday.

22 6. Class B-3.X: Alcoholic beverages are restricted to on sale only and sales shall be  
23 only between the hours of six a.m. and two a.m., Monday through Saturday.

24 7. Class B-4: Alcoholic beverages are restricted to on sale only and sales shall be only  
25 between the hours of six a.m. and twelve midnight, seven days a week.

26 8. Class B-4.X: Alcoholic beverages are restricted to on sale only and sales shall be  
27 only between the hours of six a.m. and two a.m., seven days a week.

28 9. Class B-3.a, class B-3.X.a, class B-4.a and class B-4.X.a: In addition to the on sale of  
29 alcoholic beverages, off sale is permitted Monday through Saturday during authorized  
30 hours.

31 10. Class B-4.a.b and class B-4.X.a.b: In addition to the on sale of alcoholic beverages  
32 and off sale of alcoholic beverages Monday through Saturday, off sale is permitted on  
33 Sunday during authorized hours.

34  
35 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
36 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.

37  
38 **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**

**O-27-12**

### **Removing the Requirement that a Certified Public Accountant Attest to Ratio Reports for Restaurants Renewing Their Alcoholic Beverage Licenses**

The proposed ordinance would enact the recommendation of the Citizens Committee to Review Alcoholic Beverage Laws (CCRABL) regarding the removal of the requirement that a certified public accountant attest to a restaurant class alcoholic beverage licensee's ratio report as part of the license renewal process. Instead, the owner would be allowed to submit a sworn statement regarding the ratio of food and liquor sales.

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

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**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-36-12**

**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
Referred to	Referral Date	Meeting Date	Action Taken
7/23/12			10/19/12
Economic Matters	7/23/12		

8  
9  
10 **A RESOLUTION** concerning

11 **A Request to the Maryland General Assembly Regarding the Residency Requirement for**  
12 **Alcoholic Beverage License Holders**

13 **FOR** the purpose of respectfully requesting that the Maryland General amend Article 2B of the  
14 Annotated Code of Maryland (Alcoholic Beverages) to allow the alcoholic beverage  
15 residency requirement for a City of Annapolis alcoholic beverage license to be fulfilled by  
16 a resident of Anne Arundel County.

17  
18 **WHEREAS,** Section 10-103 (b) of Article 2B of the Annotated Code of Maryland states that  
19 "...every new application for a license shall be made to the Board of License  
20 Commissioners on forms prescribed by the Comptroller and sworn to by the  
21 applicant. Every application for a license shall contain ... a statement that the  
22 applicant has been for two years next preceding the filing of the application a  
23 resident of the county or of the City of Baltimore in which the applicant  
24 proposes to operate under the license applied for"; and  
25

26 **WHEREAS,** the City of Annapolis is granted specific authority for regulating alcoholic  
27 beverages through Article 2B of the Annotated Code of Maryland, although  
28 applicants for an alcoholic beverage license are still subject to Section 10-103,  
29 which has been interpreted to mean that at least one applicant for an alcoholic  
30 beverage license must have been a resident in the City of Annapolis for the two  
31 years preceding filing the application; and  
32

33 **WHEREAS,** the Citizens Committee to Review Alcoholic Beverage Laws (CCRABL)  
34 recommended that the City of Annapolis seek an amendment to Article 2B of  
35 the Annotated Code of Maryland that would allow the residency requirement for  
36 an alcoholic beverage license in the City of Annapolis to be fulfilled by a  
37 resident of Anne Arundel County.  
38

1 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City  
2 Council of the City of Annapolis respectfully requests that the General Assembly amend Article  
3 2B of the Annotated Code of Maryland to allow the alcoholic beverage residency requirement  
4 for a City of Annapolis alcoholic beverage license to be fulfilled by a resident of Anne Arundel  
5 County.  
6

7  
8 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City Clerk  
9 shall send a copy of this resolution to the Governor, the Speaker of the House of Delegates, the  
10 President of the Senate and the Maryland Municipal League.  
11

12  
13 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
14

15  
ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

16  
17  
18 **EXPLANATION**

19 CAPITAL LETTERS indicate matter added to existing law.

20 [brackets] indicate matter stricken from existing law.

21 Underlining indicates amendments.

**Policy Report**

**R-36-12**

**A Request to the Maryland General Assembly Regarding the Residency Requirement for Alcoholic Beverage License Holders**

The proposed resolution would respectfully request that the Maryland General amend Article 2B of the Annotated Code of Maryland (Alcoholic Beverages) to allow the alcoholic beverage residency requirement for a City of Annapolis alcoholic beverage license to be fulfilled by a resident of Anne Arundel County. The Citizens Committee to Review Alcoholic Beverage Laws (CCRABL) recommended that the City of Annapolis seek an amendment to Article 2B of the Annotated Code of Maryland that would allow the residency requirement for an alcoholic beverage license in the City of Annapolis to be fulfilled by a resident of Anne Arundel County.

Section 10-103 (b) of Article 2B of the Annotated Code of Maryland states that "...every new application for a license shall be made to the Board of License Commissioners on forms prescribed by the Comptroller and sworn to by the applicant. Every application for a license shall contain ... a statement that the applicant has been for two years next preceding the filing of the application a resident of the county or of the City of Baltimore in which the applicant proposes to operate under the license applied for."

The City of Annapolis is granted specific authority for regulating alcoholic beverages through Article 2B of the Annotated Code of Maryland, although applicants for an alcoholic beverage license are still subject to Section 10-103, which has been interpreted to mean that at least one applicant for an alcoholic beverage license must have been a resident in the City of Annapolis for the two years preceding filing the application.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law at JCCowles@annapolis.gov or 410.263.1184.



Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

Chartered 1708

June 26, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Recreation Advisory Board Reappointment

Pending your approval, I would like to reappoint Ms. Abigail Fowlkes to the Recreation Advisory Board. Ms. Fowlkes has served on this board since 2009.

Abigail Fowlkes  
316 Burnside Street #205  
Annapolis, MD 21403  
410-295-4184

Ms. Fowlkes's term will expire on 6/30/15. A copy of her resume is attached.

Thank You.

JJC/hr

Reviewed by: <u>Economic Matters Committee</u>	
<input checked="" type="checkbox"/> Favorable	<input type="checkbox"/> Unfavorable
 _____ Committee Chair	<u>7/16/12</u> Date

***Abigail R. Fowlkes***

2 Rockwell Court  
Annapolis, MD 21403  
c: (410) 991-6499  
abigail.fowlkes@gmail.com

**SKILLS:**

- Over nine years of experience in fundraising, development and project management in the non-profit sector.
- Familiarity with local, national and international fundraising campaigns, and major gift and annual fund solicitation techniques.
- Strong donor cultivation, networking, and communications skills.

**EDUCATION:**

**Master of Arts;** Syracuse University; Syracuse, NY 2001  
Maxwell School for Citizenship and Public Affairs

- Recipient of the Graduate School Master's Prize for excellence in scholarship and research.

**Bachelor of Arts;** Wesleyan University; Middletown, CT 1998

- With Honors

**EXPERIENCE:**

**Major Gifts Officer**

**Anne Arundel Medical Center Foundation, Annapolis, Maryland** 2011-present

**Director of Philanthropy**

**Hospice of the Chesapeake, Annapolis, Maryland** 2010 - 2011

- Director of development responsible for overseeing and implementing all aspects of non-profit healthcare agency's fundraising activities. Member of organization's senior and operational leadership teams.
- Created and implemented a major gifts solicitation and stewardship program including the creation of an annual donor recognition society. Managed a portfolio of all active and potential major donors as well as assisted the CEO with his outreach and solicitation strategies. Worked with Board of Director's Major Gifts Committee to build donor base and create collateral materials for fundraising activities.
- Designed, created and wrote all grant funding proposals, appeals and collateral materials for grant submissions.
- Worked with Board of Director's Planned Giving Committee, the CEO and CFO to build Hospice of the Chesapeake's first ever planned giving program. Efforts included working with estate attorneys and financial services professionals to draft a Mission & Policy Statement, Investment Policy Statements and Gift Agreement templates for general and endowment gifts, creating marketing and outreach plans and disseminating planned giving efforts to staff, donors and board members.
- Oversaw all systems and protocol for Philanthropy Department including Annual Fund efforts, direct mail appeals, gift processing and database reporting and integrity. Conducted prospect research using Blackbaud's Target Analytics program and worked to create a moves-management protocol in Raiser's Edge.

- Created, in conjunction with the CFO, annual revenue and expense budgets for the department. Worked with other Hospice leaders to create fundraising priorities congruent with organization's long-term strategic plan.
- Member of a 3-person team that raised \$1.3 million in 2010 against a goal of \$1.15million.

### **Major Gift Officer**

**United States Naval Academy Foundation, Annapolis, Maryland** 2008 - 2010

- Development officer responsible for raising private gift support for the United States Naval Academy from alumni, parents and other individual contributors to augment and enhance appropriated funding in all areas of the Academy including academics, athletics, extra-curricular activities and multi-departmental initiatives.
- Responsible for managing a portfolio of over 350 high net worth individuals - both established and potential donors - in four geographic territories spanning 12 states throughout the country.
- Management of all activities from cultivation and negotiation through solicitation and stewardship activities with donors through frequent one-on-one visits, routine electronic and phone communication, and regular correspondence. Responsible for disseminating strategic fundraising priorities to donors, understanding donors' philanthropic areas of interest at USNA and creating opportunities for private gift support through both cash and estate gifts.
- Successful solicitation of annual gifts ranging from \$2,500-\$100,000 and multi-year pledges ranging from \$10,000 to \$500,000.
- Member of Major Gifts department that raised approximately \$15 million annually.

### **Director of Special Events, Philanthropy Department**

**Hospice of the Chesapeake, Annapolis, Maryland** 2005 - 2008

- Director of all fundraising events and associated activities for community based non-profit healthcare agency. Member of Philanthropy Department charged with raising approximately \$2 million annually.
- Planned and implemented all aspects of organization's fundraising events including solicitation of event sponsors and donors; budget creation and adherence; donor stewardship; planning of all event logistics such as décor, menu, invitations and other details; coordination and close collaboration with high-level community volunteer committees and individuals.
- Responsible for raising over \$800,000 annually in gross event revenue. Successful cultivation of gifts ranging from \$1,000 to \$50,000.
- Participate in other activities of the Philanthropy Department including networking, major donor prospecting and stewardship, volunteer recruitment, annual appeal and special appeal planning, and setting of long-term fundraising goals.

### **International Initiatives Coordinator**

**Foundation for Hospices in Sub-Saharan Africa and National Hospice and Palliative Care Organization, Alexandria, VA** 2001 - 2005

- Founding manager of initiative matching U.S. hospice programs with African hospice partners: manager of all partnership activities, recruitment, objectives and backstopping for 50 U.S.-Africa partnerships.

- Carried out all aspects of program's development and strategic planning activities such as fundraising, grant writing, event planning, and budgeting. Responsibility for adherence to grant guidelines, budgetary parameters, and for administration of funding sources.
- Managed creation of all program related materials including monthly newsletter, website content, publicity documents, etc. Presented at national and international conferences & meetings on hospice care in Africa.

**Senior Research Assistant**

**Psychotherapy and Addictions Research Group**

**Institute of Living and Yale University; Hartford, Connecticut**

1998 - 2000

- Served as primary liaison between clinical staff, the principal investigator, research subjects, and the public on a federally-funded clinical psychology study.
- Directed all client recruitment and intake, created the study's structural organization, and oversaw daily upkeep of relevant research and clinical data; assisted in writing and reviewing research grants.
- Trained and supervised two research assistants and two interns.

**PROFESSIONAL TRAINING:**

**Leadership Anne Arundel, Flagship Class; 2011**

**Pentera, Inc., 5-day Comprehensive Seminar in Planned Giving, Nov. 2009**

**Council for the Advancement and Support of Education (CASE): Major Gifts Strategies, Oct. 2008**

**Council for the Advancement and Support of Education (CASE): Corporate and Foundation Relations, June 2007**

**COMMUNITY and VOLUNTEER PARTICIPATION:**

**City of Annapolis Recreation and Parks Advisory Board, Board Member**

**Truxtun Youth Triathlon, Co-organizer**

**Wesleyan University, Volunteer Alumni Interviewer**



Chartered 1708

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 26, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Planning Commission reappointment

Pending your approval, I would like to reappoint Mr. David DiQuinzio to the Planning Commission. Mr. DiQuinzio has served on this commission since 2004.

Mr. DiQuinzio's term will expire on 6/30/2017. A copy of his resume is attached.

Thank You.

JJC/hr

David DiQuinzio  
541 Second Street  
Annapolis, MD 21403  
410-280-8990  
ddiquinzio@rtkl.com

Reviewed by: <u>Economic Matters</u>
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
 _____ Committee Chair
<u>7/16/12</u> _____ Date

# David M. DiQuinzio, PE

541 Second Street • Annapolis, MD 21403  
410 280 0021 home • 410 537 6035 office • 443 791 7939 cell

Engineering professional with a 23-year track record of innovation in the 7x24 mission-critical data center facility industry. Advocated for 3<sup>rd</sup> party testing and commissioning of MEP systems considered routine today. Leader in applying formal risk assessment, analysis and calculation techniques to identify ways to improve reliability by optimizing the allocation of testing and commissioning resources, enhanced operator training and sound maintenance procedures. Well-regarded communicator, writer and presenter.

## **EXPERIENCE**

*January 2009*  
*- present*

### **RTKL ASSOCIATES INC.**

Principal, Baltimore Office

Leader of mission-critical commissioning practice. Responsible for business development, proposal writing, scope/fee/schedule negotiations, project delivery and profitability. Projects include commissioning programs, site assessments, failure investigations, operations/maintenance reviews, operations training, procedures and reliability studies. Clients include insurance, financial, institutional and technology organizations.

*August 1997*  
*- December 2008*

### **STRATEGIC FACILITIES INC.**

Co-owner of mission-critical facility consulting firm providing planning, risk analysis, design review, testing, commissioning, operator training, operating procedures, failure investigation, project management, technology reviews, feasibility studies and related consulting services to clients throughout North America.

#### **Key Projects & Accomplishments:**

*1998 - 1999*

- Lead role in developing a data center power system technology based on fuel cells; assisted in sale of pilot installation at First National Bank of Omaha. Tested and commissioned the system and developed its maintenance and operations regimen. System has not dropped critical load in over 10 years of operation.

*May 1996*  
*- present*

- Forged multi-year partnership with MIT alumni to apply, refine and promote the use of quantitative risk analysis techniques used in the aviation and nuclear energy fields to improve data center reliability.

*January 2002*  
*- November 2005*

- Served as critical facilities consultant to a Chicago-based hedge fund. Critiqued and improved designs for primary and back-up data centers supporting trading platforms. Tested and commissioned both sites. Created system training videos for site personnel.

*March 2000*  
*- November 2001*

- Created and led a critical facilities risk analysis team for a major credit card provider that integrated contingency and business continuity planning with facilities risk analysis. Project resulted in optimized approach to reducing business interruption risk by balancing disaster avoidance and disaster recovery methods.

***EXPERIENCE - continued***

- September 1994* PRK ASSOCIATES, INC.  
*- August 1997* Associate and Director, New York Office  
Led critical facility failure investigations, site assessments, reliability analyses, and commissioning/testing projects for NYC-based financial industry clients. Responsible for business development and staff of five.
- May 1998* CHASE MANHATTAN BANK, N. A. – New York, NY  
*- September 1994* 2<sup>nd</sup> Vice President & Engineering Project Manager, Facilities  
Directed the planning, design, construction and commissioning of MEP systems for 3 & 4 Chase MetroTech Center in Brooklyn, NY with a budget of \$160 million. Project consisted of two office towers totaling 1.8 million usable SF with 90,000 SF of data center space.
- October 1986* SHEARSON LEHMAN BROTHERS – New York, NY  
*- May 1998* Facilities Engineer  
Directed MEP maintenance, operations and upgrades for 400,000 SF of NYC office space including 2 World Trade Center, Floors 101 - 106
- April 1986* HAROLD S. COHEN ASSOCIATES, INC. – Pleasantville, NJ  
*- October 1986* Electrical Designer
- June 1985* ARCHITEL SYSTEMS, INC. – New York, NY  
*- April 1986* Lighting Controls Applications Engineer

***MEMBERSHIPS, AFFILIATIONS, CREDENTIALS***

Licensed Professional Engineer – New York, Pennsylvania, New Jersey & California  
7 x 24 Exchange, a critical facilities & I. T. professionals' forum – Director: 1994 – 1997;  
chapter development: 1997 – 2000; Director, DC Chapter: since 2011  
Annapolis Planning Commission – 2005; Vice Chair, 2008 – 2009; Chair, 2010 – 2011

***PRESENTATIONS & PUBLICATIONS***

“Fundamentals of Data Center Commissioning”, 3-hour tutorial session at 7x24 Exchange national conferences – 2005, 2006, 2007 & 2008  
“Physical Security & Facilities Management”, Contingency Planning & Management, 2004  
“Communicating for Uptime”, article, Building Operating Management, May 2010

***EDUCATION***

B. S. Degree, Electrical Engineering – Drexel University, Philadelphia, PA – 1985



Chartered 1708

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

July 16, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Alcoholic Beverage Control Board Reappointment

Pending your approval, I would like to reappoint Mr. Leonard Berman to the Alcoholic Beverage Control Board. Mr. Berman has served on this board since 1991, is a resident of Ward 2, and currently serves as chair to this Board.

Leonard Berman  
211 Sumner Road  
Annapolis, MD 21401  
410-269-0368  
[rolenberman@gmail.com](mailto:rolenberman@gmail.com)

Mr. Berman's term will expire on June 30, 2015. A copy of his resume is attached.

Thank You.

JJC/hr

Reviewed by: <u>Economic Matters</u>
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
 Committee Chair
<u>7/16/12</u> Date

## RESUME/BIOGRAPHY

**Leonard Berman**  
**211 Sumner Road**  
**Annapolis, Maryland 21401**  
**Phone: (410) 269-0368**  
**E-Mail: Rolen@Erols.Com**

Born in Annapolis, Maryland. Parents and grandparents operated businesses in downtown Annapolis.

Attended Annapolis Grammar School and graduated from Annapolis High School. Attended the University of Maryland at College Park.

Served three years in the U. S. Merchant Marine during World War II as a Radio Officer and Purser. Recalled during the Korean War for two years active duty in the U. S. Navy.

Worked as a journalist for the Associated Press and the Evening Capital. Also worked as a commercial advertising writer and traffic manager for Radio Station WANN shortly after it went on the air.

Owned and operated three retail clothing stores in Annapolis and the Parole Shopping Center for 16 years, beginning in 1949. Served as President of the Parole Shopping Center Merchants Association for three years.

Designed, constructed, owned and managed the Whitehall Inn restaurant in Annapolis for twenty-one years before selling the business and property.

Worked as a commercial Realtor, Business Broker and consultant for eleven years. Currently retired.

### Civic involvements include:

Member of various City of Annapolis committees and commissions beginning with Mayor Arthur Ellington's administration.

Served as President of the Annapolis Kiwanis Club. Served on the Board and elected President of the Annapolis Chamber of Commerce.

Named Anne Arundel County's "Young Man of the Year" in 1961 by the Junior Chamber of Commerce.

Served as a member of the Board of Governors of Congregation Kneseth Israel for nine years and elected Executive Vice President.

Appointed to the City of Annapolis Ethics Commission by Mayor Alfred A. Hopkins.

Currently serving on the Annapolis Alcoholic Beverage Control Board since appointment in 1991. Served four terms as Chairman of the Board and currently serving as Vice Chairman of the Board in my sixth term.

4/1/03



Chartered 1708

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 26, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Human Relations Commission reappointment

Pending your approval, I would like to reappoint Ms. Patience Schenck to the Human Relations Commission. Ms. Schenck has served on this commission since 2000.

Ms. Schenck's term will expire on 6/30/15. A copy of her resume is attached.

Thank You.

JJC/hr

Patience Schenck  
604 Greenbriar Lane  
Annapolis, MD 21401  
410-263-4529  
pat.schenck@verizon.net

Reviewed by: <u>Rules and City Government</u>
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
<u>Richard Israel</u> <u>7/6/12</u>
Committee Chair      Date

## PATIENCE A. SCHENCK

604 Greenbriar Lane  
Annapolis, Maryland 21401  
(410) 263-4529  
pschenck@toadmail.toad.net

### PROFESSIONAL EXPERIENCE:

- 1981 - 1999      Manager, Educational Programs, American College of Obstetricians and Gynecologists (ACOG), Washington, DC (Retired in October 1999)
- Managed program of continuing medical education for physicians. Responsibilities included assessing needs, guiding faculty in designing courses and preparing their presentations, editing course materials, evaluating courses, preparing and monitoring a million dollar budget, appointing and training staff, monitoring adherence to national guidelines, and coordinating activities of the membership oversight committee
- 1979-1981      Director, Career Resource Center, YWCA, Annapolis, Maryland
- Directed careers program for women. Responsibilities included developing workshops on job hunting strategies; training volunteer job counselors; and collecting information and materials on self-assessment, career development, educational resources, and local employers
- Prior to 1979      Classroom Teacher, grades 1-9, 14 years (with gaps for maternity leave), Maryland and Illinois

### OTHER EXPERIENCE:

- At present      Clerk of Annapolis Friends Meeting. (The Quaker term "clerk" refers to the presiding officer of the Meeting or chair of a committee.) Have clerked many committees, local and regional
- At present      Facilitator for Board of Education study circles
- At present      Participant in Anne Arundel Coalition to End Hunger and Homelessness

- 1998-present Participant, Annapolis Rap Sessions with Larry Griffin
- 1985-present Plan and lead educational programs on a variety of subjects including volunteerism, aging, faith issues, listening skills, and peer counseling
- 1998 Participant, interracial community study circle
- 1983-1989 Served as a member of the Executive Committee and clerk of the Nominating Committee, American Friends Service Committee, Midatlantic Region
- 1977-1982 Led workshops in creative conflict resolution and mediation skills
- 1963-1965 Co-chair, Education Committee, South Suburban (Chicago) Human Relations Council. Brought first Black History course to local college

**EDUCATION:**

- 1970 Master of Arts in Education, University of Chicago
- 1959 Bachelor of Arts in Liberal Arts, St. John's College, Annapolis, Maryland



Chartered 1708

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 26, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Human Relations Commission reappointment

Pending your approval, I would like to reappoint Ms. Helen F. Leitch to the Human Relations Commission. Ms. Leitch has served on this commission since 1992.

Ms. Leitch's term will expire on 6/30/15. A copy of her resume is attached.

Thank You.

JJC/hr

Helen F. Leitch  
504 Sixth Street  
Annapolis, MD 21403  
410-263-2783  
leitchhelen@verizon.net

Reviewed by:	<u>Rules and City Government</u>
<input checked="" type="checkbox"/> Favorable	<input type="checkbox"/> Unfavorable
<u>Reilad Israel</u>	<u>7/12/12</u>
Committee Chair	Date

Helen Leitch  
504 Sixth Street  
Annapolis, Md. 21403  
410-263-2783

I have been a member of the City Human Relations Commission since 1992, appointed by then Alderman Moyer. I am retired from the A. A. County Health Department, working for 20 years at the Parole Health Center in the Parole community. I am presently serving on the Vestry of St. Luke's Church, Eastport, and helped to form the Eastport Ecumenical Coalition. I am a wife, mother, and grandmother. I am still very much interested in the goals of the commission and anxious to continue serving as the chair of the events committee.



Chartered 1708

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 26, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Human Relations Commission reappointment

Pending your approval, I would like to reappoint Ms. Wanda Mitchell to the Human Relations Commission. Ms. Mitchell has served on this commission since 2009.

Ms. Mitchell's term will expire on 6/30/15. A copy of her resume is attached.

Thank You.

JJC/hr

Wanda Mitchell  
191 Bertina Nick Way  
Annapolis, MD 21401  
443-994-0415  
wandmit@yahoo.com

Reviewed by: <u>Rules and City Government</u>
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
<u>Richard Israel</u> <u>7/12/12</u>
Committee Chair      Date



Chartered 1708

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 26, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Human Relations Commission reappointment

Pending your approval, I would like to reappoint Mr. Julian Kaj Spencer to the Human Relations Commission. Mr. Spencer has served on this commission since 2009.

Mr. Spencer's term will expire on 6/30/15. A copy of his resume is attached.

Thank You.

JJC/hr

Mr. Julian Kaj Spencer  
921 King James Landing Road  
Annapolis, MD 21403  
410-241-9309  
jake55@comcast.net

Reviewed by: Rules and City Government

Favorable  Unfavorable

Richard Israel  7/12/12  
Committee Chair Date



Chartered 1708

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 25, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Civil Service Board reappointment

Pending your approval, I would like to reappoint Mr. Anthony Christhilf to the Civil Service Board. Mr. Christhilf has served on this board since 2008.

Anthony Christhilf  
720 Second Street  
Annapolis, MD 21403  
410-269-6424

Mr. Anthony Christhilf's term will expire on 7/31/2015. A copy of his resume is attached.

Thank You.

JJC/hr

Reviewed by: <u>Rules and City Government</u>
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
<u>Richard Israel</u> <u>7/12/12</u>
Committee Chair      Date

## ANTHONY F. CHRISTHILF RESUME

Home address:

720 Second Street  
Annapolis, MD 21403

Office Address:

150 South Street, Suite 206  
Annapolis, MD 21401  
Phone No. 410-269-6424  
Fax No. 410-263-8836  
Email: [afchristhilf@verizon.net](mailto:afchristhilf@verizon.net)

Vital Statistics:

Date of birth: January 30, 1944; Rochester, New York  
Resident of Anne Arundel County since 1950  
Resident of the City of Annapolis since 1970  
Marital Status: Divorced, 2 children, 4 grandchildren

Education:

Loyola High School  
Towson, Maryland  
Graduation 1961

Princeton University  
Princeton, New Jersey  
AB Degree; English Major, June 1966

University of Maryland School of Law  
Baltimore, Maryland  
J. D. Degree, June 1969

Admitted to the Maryland Bar, November 1969

Employment:

August 1970 – March 1972:

Assistant County Attorney, Anne Arundel County Office of Law

April 1972 to present:

Private practice of law in Annapolis and Anne Arundel County.

Primary area of practice is land use law, real property law and related matters.

Civic Activities:

Former member and chairman of the City of Annapolis Historic District Commission

Former trustee, Maryland Historical Trust

Trustee, Hammond Harwood House Board of Trustees



Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 26, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen 

Re: Art in Public Places Commission reappointment

Pending your approval, I would like to reappoint Ms. Anne Palumbo to the Art in Public Places Commission. Ms. Palumbo has served on this board since 2008.

Anne Palumbo  
1 Steffen Point  
Annapolis, MD 21401  
410-216-9988  
Pala3636@aol.com

Mr. Palumbo's term will expire on 6/30/15. A copy of her resume is attached.

Thank You.

JJC/hr

Reviewed by: <u>Rules and City Government</u>
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
<u>Richard Israel</u>  <u>7/10/12</u>
Committee Chair      Date

1 Steffen Point  
Annapolis, MD 21401

Phone 410 216 9988  
Fax 410 216 9989  
Email pala3636@aol.com

## Anne C. Palumbo, Ph.D.

### Objective

Join the Art In Public Places Commission

### Experience

1990-1996 Prince George's County, MD

#### **Director, Art in Public Places**

- Directed a 1% for art program for public buildings under the office of the County Executive

1983-1990 George Washington University, Washington, DC

#### **Assistant Professorial Lecturer, Art History**

- Taught undergraduate courses and conducted graduate seminars in the history of American art.

1995-2003 Maryland State Arts Council, Baltimore, MD

#### **Board Member**

- Gubernatorial appointment.

2003-present Maryland Hall for the Creative Arts, Annapolis, MD/Lighthouse Center for the Arts, Tequesta, FL

#### **Board Member, Executive Committee**

- Chair, Programs and Projects Cmte.; Board Development Cmte./Chair, Exhibitions Cmte.

### Education

1954-58; 1976-78; 1979-82 University of Maryland, College Park, MD

- B.S, Journalism and Public Relations; graduated *cum laude*
- MA, American Studies
- Ph.D. American Studies, Carl Bode Prize for Best Dissertation

### Other relevant experience

Smithsonian Fellow, Smithsonian Museum of American Art (1980-82); Chair, Art Program, University of Maryland, University College (1998-2002); Board, Prince Georges Arts Council (1988-99), president (1990-91); co-curator, exhibition *Liberty: The Story of the Statue*, New York Public Library, Musee des Arts Decoratifs, Paris; co-curator, exhibition *Goddess, Guardian and Grand Old Gal*, Emory University, Atlanta, GA. Numerous scholarly publications and presentations.



Chartered 1708

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 26, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Art in Public Places Commission reappointment

Pending your approval, I would like to reappoint Mr. Tom Fridrich to the Art in Public Places Commission. Mr. Fridrich has served on this board since 2006.

Tom Fridrich  
75 Spa Road  
Annapolis, MD 21401  
410-263-5544 x15  
tfridrich@mdhallarts.org

Mr. Fridrich's term will expire on 6/30/15. A copy of his resume is attached.

Thank You.

JJC/hr

Reviewed by: <u>Rules and City Government</u>
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
<u>Ribud Lyrael</u> <u>7/17/12</u>
Committee Chair      Date

As a resident of Annapolis' Fourth Ward, Thomas Fridrich is an active performing musician, impressionist painter and the Director of Performing Arts at Maryland Hall for the Creative Arts in Annapolis, MD. For most of his adult life he has been actively involved in the arts, the last 19 years as a staff member of Maryland Hall where he has held the positions of Technical Director, Director of Facilities and his current Performing Arts position. He was a founding board member of the Annapolis Arts Alliance and the American Society of Impressionist Painters and a member of several area bands who perform exclusively original roots based music. He has exhibited and sold paintings in a variety of galleries and venues in Annapolis, Washington, DC and Provincetown, MA.



Chartered 1708

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 13, 2012

To: Alderpersons, City Of Annapolis

From: Mayor Joshua J. Cohen

Re: Ethics Commission

I respectfully submit for your approval the appointment of Mr. David Bliden to the Ethics Commission. Mr. Bliden is a resident of Ward 1 and this appointment fills a vacancy on the Commission. His resume is attached.

David Bliden  
125 Archwood Avenue  
Annapolis, MD 21401  
410-263-0469  
dsbliden@gmail.com

Thank You.

JJC/hrr

Reviewed by:	<u>Rules &amp; City Government</u>	
<input checked="" type="checkbox"/> Favorable	<input type="checkbox"/> Unfavorable	
<u>Ridral Israel</u>	<u>(Signature)</u>	<u>7/12/12</u>
Committee Chair		Date

# DAVID S. BLIDEN RESUME

## *RELEVANT EMPLOYMENT*

**Counsel, Queen Anne's County, Maryland (December, 2009 to present)** Serve as counsel to County regarding special projects and advocate County's interests before Maryland legislature and executive branch departments and agencies.

**Judge, Maryland Tax Court- (August, 2009 to present)** Adjudicate administrative appeals from the decisions of Maryland officials and agencies regarding taxation.

**Counsel Maryland Association of Counties, (January, 2009 to June 30, 2009)** Advocate on behalf of the Association before the Maryland General Assembly and provide advice and counsel, as requested.

**Executive Director, Maryland Association of Counties, (July, 1991 to January, 2009)** Managed a trade association representing the elected officials of Maryland's twenty-four subdivisions. Served as the primary representative to the General Assembly, Executive Branch, and Local Government Insurance Trust. Responsibilities included: issue analysis and position formulation; conference and meeting organization and oversight; production and dissemination of a newsletter, surveys, and other relevant county information; member outreach; and general office and employee management.

**Legislative Liaison Officer, Anne Arundel County, (July, 1989 to December, 1990)** Organized and managed the County's first Legislative Liaison Office. Served as the County Executive's liaison to the General Assembly, Executive Branch, and County Council. Monitored the impact of General Assembly legislation on County functions. Coordinated the preparation of legislation. As a member of the County Executive's immediate staff, participated in policy formulation.

**Deputy County Attorney, Office of Law for Anne Arundel County, (November, 1984 to July, 1989 and December, 1990 - June, 1991)** Assisted in office management. Served as counsel to County Executive, Chief Administrative Officer, and department heads. Represented County in complex litigation. Acted as legislative liaison before the establishment of the Legislative Liaison Office.

**Associate County Attorney, Office of Law for Prince George's County, (February, 1974 to July, 1977 and June, 1978 to October, 1984)** Served as counsel to County agencies. Represented County in litigation with an emphasis on land use, tax, police misconduct, and administrative issues.

**Associate, Shipley, Knight, Manzi and Zanecki, (August, 1977 to June, 1978)** Represented business clients in a general law practice with an emphasis on land use and administrative law.

## *EDUCATION*

B.A., University of Maryland at College Park, 1970-. Major-Economics/ Minor- Government & Politics- Dean's List

J.D., University of Maryland School of Law, 1973- Invited to write for Law Review.



Chartered 1708

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 25, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Ethics Commission reappointment

Pending your approval, I would like to reappoint Mr. <sup>James</sup>Dolezal to the Ethics Commission. Mr. Dolezal has served on this board since 2007.

James Dolezal  
86 Market Street  
Annapolis, MD 21401  
410-570-1357

Mr. Dolezal's term will expire on 6/11/2015. A copy of his resume is attached.

Thank You.

JJC/hr

Reviewed by: <u>Rules and City Government</u>
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
<u>Richard Dyras</u> <u>7/12/12</u>
Committee Chair      Date

## **JAMES E. DOLEZAL**

### **Summary**

Mr. Dolezal has more than 35 years experience in designing, planning, acquiring, and managing telecommunications services. He has experience in project management, policy analysis, developing and implementing new services, optimizing service delivery, and improving data networks, telephone systems, and radio communication services, and is familiar with new telecommunications technologies, Federal acquisition procedures, alternative pricing mechanisms, and able to maximize customer service benefits. Mr. Dolezal is a licensed Professional Engineer and was a supervisor in the Federal Government for over 20 years.

### **Relevant Experience**

Prior to joining Suss Consulting, Mr. Dolezal served as the U.S. Department of the Interior's Telecommunications Chief where he was responsible for telecommunications policy development, capital planning, and budgeting, and the planning, design, and implementation of data, telephone, and radio communications systems. He developed the criteria for selecting their FTS2001 vendor and directed the Department's transition to MCI WorldCom. His successes included implementing the DOINET data communications network and planning for the establishment of the Department's Enterprise Services Network to meet Department wide connectivity and information system requirements. For the Alaskan Regional Telecommunications Network, he prepared the budget justification and shared service plan to obtain GSA Information Technology Innovation Funds for the capitalization of the network. He is experienced in preparing cost benefit analyses for data network and telephone system acquisitions and provided leadership for the telecommunications management community through the hosting of telecommunications workshops on best practices, the changing telecommunications regulatory environment, and emerging technologies. He was responsible for the Interior Department's transition from analog wideband technologies to digital narrowband land mobile radio operations and for preparing wireless service and use policies. Within the interagency community he was the founding chairman of the FTS2000/AT&T Network Users' Forum, has chaired several National Communications System and Interagency Management Council subcommittees, and was the chairman of the Source Selection Advisory Council for GSA's FTS2001 Acquisitions.

Prior to working at the Interior Department, Mr. Dolezal was the Telecommunications Manager for the Selective Service System, was a General Services Administration senior communications systems engineer, and was a project manager and engineer at the Defense Communications Agency and the Naval Ship Engineering Center.

### **Education**

Master of Business Administration, University of Utah  
Bachelor of Science in Electrical Engineering, Illinois Institute of Technology

### **Awards**

Federal Telecommunications Executive of the Year, 1999  
Federal Computer Week, Top Federal 100 Information Technology Manager, 1997 and 1992  
Two National Performance Review Hammer Awards, 1996  
Federal Technology Leadership Award, 1996  
GSA Federal Technology Service Award for Management/Administrative Excellence, 1993

SUSS



Chartered 1706

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 25, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Ethics Commission reappointment

Pending your approval, I would like to reappoint Mr. <sup>Rex</sup>Caldwell to the Ethics Commission. Mr. Caldwell has served on this board since 2000.

Rex S. Caldwell  
514 Fourth Street  
Annapolis, MD 21403  
410-263-1954  
rexcaldwell@brillianttitle.com

Mr. Caldwell's term will expire on 6/11/2015. A copy of his resume is attached.

Thank You.

JJC/hr

Reviewed by: <u>Rules and City Government</u>
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
<u>Richard Dorval</u> <u>7/12/12</u>
Committee Chair      Date

**REX S. CALDWELL, III, ESQ.**  
 14B SPA VIEW CIRCLE  
 ANNAPOLIS, MARYLAND 21401  
 410-263-1954 (H) 410-269-1053 (W)

*Admitted to Maryland Bar, 1987.*

**EDUCATION:**

**UNIVERSITY OF BALTIMORE SCHOOL OF LAW**

Juris Doctor, May 1987

*Activities:* Staff Member, University of Baltimore Law Forum; Student Attorney, Clinical Law Program

*Published:* 17 U. Balt. Law Forum 3

**UNIVERSITY OF MARYLAND AT COLLEGE PARK**

Bachelor of Arts, Economics, 1983.

*Activities:* Legal Internship, Prince George's County Consumer Protection Commission; coached and played intramural athletics; member: Economic Society.

**EMPLOYMENT:**

**ATTORNEY**, Law Offices of Rex S. Caldwell, III

115 Cathedral Street, Annapolis, MD 21401

May 1994 -

Responsibilities: litigation in both state and federal court; representation in administrative hearings; criminal defense in State Court; in-house counsel to Homeowners Title and Escrow, Corporation/Severn Savings Bank, F.S.B. Practice areas include administrative, bankruptcy, commercial, criminal, corporate, domestic, intellectual (trademark and copyright), labor, personal injury and real property.

**ASSOCIATE**, Law Offices of John J. Dowling.

115 Cathedral Street, Annapolis, MD 21401.

August 1991 - May 1994.

Responsibilities: Prepared and litigated civil cases in both state and federal court; criminal defense in District and Circuit Court; drafted complaints, motions and memorandums; performed all settlement functions in connection with commercial and residential property. Practice included bankruptcy, commercial, criminal, corporate, domestic, labor, personal injury and real property.

**ASSISTANT STATE'S ATTORNEY**, The Office of the State's Attorney for Dorchester County.

403 High Street, Cambridge, MD 21613.

August 1988 - August 1991.

Responsibilities: Prepared and litigated criminal prosecutions in both the District and Circuit Court; misdemeanor and felony jury trial experience; drafted indictments, criminal information, motions and memorandums; assisted and oversaw criminal investigations; advised local police and sheriff departments on criminal procedure; prosecuted county municipal infractions including zoning and BOCA violations.

**JUDICIAL CLERK**, The Honorable Donald F. Johnson, Associate Judge, First Judicial Circuit.

August, 1987 - August, 1988.

Responsibilities: Drafted opinions, orders, memorandums, and correspondence related to litigated cases; reviewed motions and memorandums; performed legal research; substantial (felony) trial assistance and performed various administrative functions.

**LAW CLERK**, Resnick, Sopher & Perlow/Bay State Title Company.

January 1987 - August 1987.

Responsibilities: Examined title and judgement reports for defects; performed legal research; and prepared documents for settlement and filing.

**TITLE ABTRACTOR**, Capitol Title and self-employed.

January, 1984 - August 1987.

Responsibilities; Searched and abstracted deeds, judgements, and wills; recorded instruments and prepared title reports; and performed notary public services.

**ASSISTANT**, Plaza Theater, Forest Plaza, Annapolis, MD. August, 1977 - August 1984.

Responsibilities: Assisted manager by directing inventories; checking cash receipts, crowd control; etc.



Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 25, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Ethics Commission reappointment

Pending your approval, I would like to reappoint Mr. Jerome T. May to the Ethics Commission. Mr. May has served on this board since 2009. Mr. May is a resident of Ward 2.

Jerome T. May  
2 Wainwright Drive  
Annapolis, MD 21401  
410-268-6435  
jerryandfran\_21401@yahoo.com

Mr. May's term will expire on 6/11/2015. A copy of his resume is attached.

Thank You.

JJC/hr

Reviewed by: <u>Rules and City Government</u>
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
<u>Richard DeLoach</u> <u>7/12/12</u>
Committee Chair      Date

Jerome T. May  
2 Wainwright Drive  
Annapolis, MD 21401  
(h) 410-268-6435  
[jerryandfran.21401@yahoo.com](mailto:jerryandfran.21401@yahoo.com)

As per our conversation, I will be happy to serve if Ellen wants me to do so.

Born October 31, 1937... Jerome T. May...71 years old

BA; St. Mary's University, San Antonio Texas, 1959.

I have been a resident of Annapolis since 1963, 46 years.

Juris Doctor; University of Baltimore, 1968.

Admitted to practice of law in Maryland, 1968.

Master of Arts, Graduate Institute, St. John's College, 1992.

Engaged in the full time practice of law in Annapolis from 1968 until retirement in 2004. Presently, I only engage in pro bona work on behalf of homeless people.

Live with my wife, Frances P. May, at 2 Wainwright Drive, Annapolis, Maryland 21401. Phone 410-268-6435



Chartered 1708

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 25, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Ethics Commission reappointment

Pending your approval, I would like to reappoint Mr. Jonathan P. Kagan to the Ethics Commission. Mr. Kagan has served on this board since 2009. Mr. Kagan is a resident of Ward 1.

Jonathan P. Kagan  
104 Duke of Gloucester  
Annapolis, MD 21401  
410-974-9200  
jkagan@bkglawfirm.com

Mr. Kagan's term will expire on 6/11/2015. A copy of his resume is attached.

Thank You.

JJC/hr

Reviewed by: <u>Rules and City Government</u>
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
<u>Richard Israel</u> <u>7/12/12</u>
Committee Chair      Date

**JONATHAN P. KAGAN**  
(410) 974-9200 (Office)  
jpk@bbkmlaw.com

**EXPERIENCE**

1994 – Present

**BRASSEL BALDWIN KAGAN & MAY, P.A.**

Annapolis, Maryland

*Partner*

General civil litigation practice in both State and Federal courts concentrating in business litigation, municipal liability, employment law, civil rights, and appellate practice.

2000 – 2007

**UNIVERSITY OF MARYLAND SCHOOL OF LAW**

Baltimore, Maryland

*Adjunct Professor*

Introduction to Appellate Advocacy, Legal Analysis, Writing and Research  
And Writing and the Law Practice

1993 – 1994

**CIRCUIT COURT FOR ANNE ARUNDEL COUNTY**

Annapolis, Maryland

**The Honorable Robert H. Heller, Jr.**

*Judicial Law Clerk*

**EDUCATION**

**UNIVERSITY OF MARYLAND SCHOOL OF LAW**

Baltimore, Maryland

J.D. With Honor, 1993

Assistant Editor, *Maryland Law Review*

Member, Moot Court Board

**BOSTON UNIVERSITY**

Boston, Massachusetts

B.S. *Cum Laude* with Distinction in Political Science, 1990

**BAR MEMBERSHIPS, PROFESSIONAL ASSOCIATIONS AND ORGANIZATIONS**

Maryland, 1993

United States District Court for the District of Maryland, 1994

United States Court of Appeals for the Fourth Circuit, 1996

Anne Arundel County Bar Association, President (2008 – 2009)

Maryland State Bar Association,

Board of Governors (2009 – present)

Litigation Section Council (2007 – present)

Maryland Institute for Continuing Legal Education (MICPEL)

American Bar Association

American Trial Lawyers Association

Loophole Law Club, President (2000 – 2002)

Gilman Alumni Association, Board of Governors

Trustee (2003 – 2009)

## PUBLISHED APPELLATE DECISIONS

- West Capital Assoc. Ltd. Partnership v. City of Annapolis*, 110 Md. App. 443 (1996)  
(Attorney for City of Annapolis)
- Thomas v. City of Annapolis*, 113 Md. App. 440 (1997)  
(Attorney for City of Annapolis)
- Tall v. Board of School Commissioners of Baltimore City*, 120 Md. App. 236 (1998)  
(Attorney for William Tall)
- Lopata v. Miller*, 122 Md. App. 76 (1998)  
(Attorney for Champion Realty and the Millers)
- City of Annapolis v. Rowe*, 123 Md. App. 267 (1998)  
(Attorney for City of Annapolis)
- Branch v. McGeeney*, 123 Md. App. 330 (1998)  
(Attorney for Police Officer Defendants)
- Martin v. Beverage Capital Corp.*, 353 Md. 388 (1999)  
(Attorney for Martin)
- Pearson v. State*, 126 Md. App. 530 (1999)  
(Attorney for Defendant Pearson)
- Okwa v. Harper*, 360 Md. 161 (2000)  
(Attorney for Okwa)
- City of Annapolis v. Waterman*, 357 Md. 484 (2000)  
(Attorney for City of Annapolis)
- Dancy v. Simms*, 116 F. Supp.2d 652 (D. Md. 2000)  
(Attorney for Dancy)
- Frank Krasner Enterprises, Ltd. v. Montgomery County*, 166 F. Supp.2d 1058 (D. Md. 2001) (Attorney for Plaintiffs)
- McCleary v. McCleary*, 150 Md. App. 448 (2003)  
(Attorney for Mrs. McCleary)
- Bacon & Assoc. v. Rolly Tasker Sails*, 154 Md. App. 617 (2004)  
(Attorney for Bacon & Associates)
- Frank Krasner Enterprises, Ltd. v. Montgomery County*, 401 F.3d 230 (4<sup>th</sup> Cir. 2005)  
(Attorney for Plaintiffs)
- Kreter v. HealthSTAR Communications*, 172 Md. App. 243 (2007)  
(Attorney for HealthSTAR)



Chartered 1708

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 26, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Human Relations Commission reappointment

Pending your approval, I would like to reappoint Ms. Minna Duskow to the Human Relations Commission. Ms. Duskow has served on this commission since 2009.

Ms. Duskow's term will expire on 6/30/15. A copy of her resume is attached.

Thank You.

JJC/hr

Minna Duskow  
3 Thompson Street  
Annapolis, MD 21401  
410-263-0767  
mduskow@hotmail.com

Reviewed by:	<u>Rules and City Government</u>
<input checked="" type="checkbox"/> Favorable	<input type="checkbox"/> Unfavorable
<u>Rubad Loraal</u>	<u>7/10/12</u>
Committee Chair	Date

I

MINNA DOSKOW

Address: 3 Thompson St.  
Annapolis Md. 21401

Telephone: 410-263-0767

Education:

Ph.D. in English, University of Maryland, 1972.  
M.A. in English, University of Connecticut, 1962.  
M.S. in Education, City College of New York, 1957.  
B.S. in Education, City College of New York, 1956, cum laude.  
Post-doctoral fellowship, Princeton University, 1991-2.

Administrative Experience:

1999-2002  
Coordinator of Asian/Asian American Studies Concentration, Rowan University.

1986-1991  
Dean, School of Liberal Arts and Sciences, Glassboro State College (now Rowan University).

1984-1986  
Dean, Yale Gordon College of Liberal Arts, University of Baltimore.

1983-84  
Special Assistant to the Provost, University of Baltimore.

1982-1984  
Associate Dean, Yale Gordon College of Liberal Arts, University of Baltimore.

1979-82  
Assistant Dean, Yale Gordon College of Liberal Arts, University of Baltimore

1978-79  
Assistant Director of Continuing Education (part-time), St. John's College, Annapolis.

Teaching Experience:

1993 (summer)  
Professor, Asian Studies Consortium, International College for Academics and Business, Kanuma, Japan.

1986-~~2002~~<sup>+</sup>  
Professor, English Department, Rowan University

1980-1986  
Professor, English Department and Honors Program, University of Baltimore.

1977-79  
Seminar Leader, Continuing Education Program, St. John's College.

1975-7  
Professorial Lecturer, Department of Literature, The American University.

1972-74  
Lecturer, Department of English (leave replacement position), Goucher College.

1965-68  
Teaching Assistant, Department of English, University of Maryland.

1963-65  
Instructor, English Department, Central Connecticut State College.

1962  
Teaching Assistant, Department of English, University of Connecticut.

1956-62

Elementary School Teacher, New York City and  
Connecticut Public Schools.

Courses Taught:

Writing: Expository Writing, Writing Laboratory, Business Writing,  
Technical Writing.

Literature: Introduction to Literature, Introduction to Poetry,  
Introduction to Fiction, English Literature Survey, Jane  
Austen, William Blake, The Brontes, Browning and Tennyson,  
Eliot and Thackeray, Joyce, The New Journalism; Milton, Blake  
& Yeats, The Romantic Imagination, The Victorian Paradox, Women  
in Literature, The English Novel, English Romanticism,  
Japanese Literature: Past and Present, Modern Japanese Fiction,  
Masterpieces of Western Literature, The *Odyssey*.

Interdisciplinary: The Modern Dilemma, Individual and Society,  
Six Different Great Books Seminars, Gods and Heroes, Utopias,  
Rousseau, Justice in Aeschylus and Plato, Machiavelli and the  
Elizabethans, The Hero's Mystery, Cultural Traditions of the  
East, Introduction to Humanities, The Immigrant Experience(s).

Workshop Leader:

- Japan Studies Association, March, 1997.
- "Teaching Japanese Literature to Non-majors"  
- Rowan University
- "Mentoring Women Students," panelist, March, 1997.
- "Tale of Genji," videotape presentation and discussion, April, 1997.
- "Japanese Women Writers," presentation with students, March, 1996.
- "Feminist/Womanist Faculty Study Group," Organizer and Leader, 1994-6.  
- Association for General and Liberal Studies conference,
- "Building a Repertoire of Student Collaborative Activities," 1995.
- "Student Writing and Research: Collaborative Strategies," 1992.
- "Writing to Learn: A Collaborative Faculty Project," 1991.
- "Interdisciplinary Conversations: Creating Chinks in the Walls,"  
1990.
- "General Education: Overcoming the Obstacles," 1989.  
- Council of Colleges of Arts & Sciences, Seminar Leader- two day  
Seminar for New Deans, 1991.
- Case Study Sessions, 1987, 1989.  
- American Association of Higher Education, Panel Chair, 1988.  
- National Collegiate Honors Council Conference, 1984.  
- Maryland Collegiate Honors Council Conferences, 1981-83.  
- NE Region Honors Conferences, 1982-83, 1985, 1987.  
- Board of Trustees of Maryland State Universities and  
Colleges Faculty Development Conferences, 1982-83.

Grants and Project Director:

- Rowan Foundation Professional Development Grant, 1997.
- Rowan College, School of Liberal Arts and Sciences Research  
Grants 1995, 1996, 1997, 1998, 1999.
- Japan Foundation Library Grant, 1995.
- Woodrow Wilson Foundation Grant: Program in Business &  
Humanities, Glassboro Visiting Fellows, 1987-1991.
- "Transforming General Education," one part of "Liberalizing  
Professional Education," 1987-1990. (Funded by New Jersey  
Department of Higher Education).
- "Writers in Context," a series bringing contemporary writers  
to five Maryland Colleges, 1986. (Funded by the Maryland  
Committee for the Humanities).
- "Images of Women in Film," a series of six films, lectures  
and discussions, 1981. (Funded by the Maryland Committee  
for the Humanities.)

Papers Delivered:

"The Influence of Lady Murasaki's *Tale of Genji* on Fumiko Enchi's *The Waiting Years*," Middle Atlantic Region, Association for Asian Studies, October 1999.

"The Immigrant Experience(s): A Team Taught Interdisciplinary Approach," with Dr. Mark Hutter (Sociology), Lilly Conference on College and University Teaching, April, 1999.

"Integrating Asian and Western Literature: Using Chuang Tsu and the *Lotus Sutra* in a Western Literature Course," Asian Studies Development Program National Conference, March, 1999.

"Through Asian Lenses: A Glimpse of Japanese and Chinese Literatures," Rowan University International Week, October, 1998.

"Lavender Echoes on the Woman Slope: Pseudo-incest in *The Tale of Genji* and *The Waiting Years*," Asian Studies Development Program Conference, March, 1998.

"An Interdisciplinary Approach to Teaching 'The Immigrant Experience(s)'," with Dr. Mark Hutter (Sociology) and two students. Eastern Sociology Association Conference, March, 1998.

"Women In Literature: Virginia Woolf's A Room of One's Own," Rowan College Residence Hall Series, March, 1996, 1997, 1998.

"The Progress of Tribulation: Louisa May Alcott's Hospital Sketches," New Jersey College English Association Conference, March, 1992.

"Revitalizing Senior Faculty through Faculty Development," Council of Colleges of Arts and Sciences, November, 1990.

"Building Connections: A Liberal Arts and Sciences Faculty Development Program," Improving University Teaching, Sixteenth International Conference, Yogyakarta, Indonesia, July, 1990.

Keynote Address: "Honors Teaching: Intersections of the Real and the Ideal," North Carolina Honors Association, September, 1989.

"Herland: A Communal Sisterhood," Society for the Study of Social Problems, Berkeley, August, 1989.

"Developing Integrated General Education Programs: Opportunities and Obstacles," Rethinking the Curriculum, San Diego State College, June, 1989.

"General Education: The Agenda for Reform," New Jersey Department of Higher Education Conference, May, 1989.

"Charlotte Perkins Gilman's Herland," Women, Society, and the Arts Conference, Susquehanna University, October, 1988.

"General Education: A Campus Perspective," Bryn Mawr Summer Institute for Women in Higher Education Admin. (HERS), 1988.

"Herland: Utopia in A Different Voice," Society for Utopian Studies Conference, 1986.

"Imagination and Honors Education," NE National Collegiate Honors Council Conference, 1985.

"From Aristocracy to Respectability: Social Mores in Jane Austen's Novels," University of Houston, 1979.

"Metaphors of Time in Marvell and Robert Lowell," Maryland College English Association Conference, 1977.

#### Consultant:

- Clearview High School, Curriculum Advisor: Japanese Literature for Ninth Graders, 1996.
- University of New Hampshire, Honors Program Evaluator, 1991.
- New Jersey Department of Higher Education General Education Advisory Council, 1989.
- Ulster County College, Honors Program Evaluation, 1987.
- Middle States Association Accreditation Team Member, 1983-93.
- Program Evaluator, Maryland Committee for the Humanities and Public Policy, 1978-80.

#### Fellowships and Honors:

- Asian Studies Development Program Fellow, 1993; 1999.
- Japan Studies Institute Fellowship, 1994.
- Women's Studies Leadership Award, Rowan College of New Jersey, 1993.
- Princeton University: New Jersey State College Faculty Fellowship, 1991-2.
- Invited participant in "The Educational Leadership Program," Christian A. Johnson Foundation, August, 1990.
- Listed in Contemporary American Authors; The World Who's Who of Women; Who's Who in the Humanities; Who's Who in American Education; Who's Who in America;
- University of Baltimore Administrative Internship, 1983-84.
- Faculty Advisor of the Year Award, University of Baltimore, 1981.
- University of Maryland Graduate School Fellowship, 1968-71.
- Teaching Assistantship, Department of English, University of Maryland, 1965-68.
- Teaching Assistantship, Department of English, University of Connecticut, 1962.
- Kappa Delta Pi.
- B.S. Cum laude.

#### Publications:

##### Books

Charlotte Perkins Gilman's Utopian Novels. Madison, N.J.: Fairleigh Dickinson University Press; London: Associated University Presses, 1999.

William Blake's "Jerusalem": Structure and Meaning in Poetry and Picture. New Jersey: Fairleigh Dickinson UP; London: Associated UP, 1982.

##### Articles

"Charlotte Perkins Gilman: The Female Face of Social Darwinism." Weber Studies 14.3 (Fall, 1997): 9-22.

"Herland: Utopia in a Different Voice." Politics, Gender and the Arts. Ed. Ronald Dotterer and Susan Bowers. Women, The Arts and Society series. Selinsgrove: Susquehanna University Press; London and Toronto: Associated University Presses, 1992. 52-63.

"William Blake and the Wheels of Compulsion." History and Myth: Essays on English Romantic Literature, ed. Stephen C. Behrendt. Detroit, MI: Wayne State University Press, 1990. 53-72.

"Honors Teaching: Intersections of the Real and the Ideal." with Joan Henley. Forum for Honors 16.1 (Fall, 1985): 25-30.

"The Humanized Universe of Blake and Marx." Blake and the Moderns. ed. Robert Bertholf and Annette Levitt. Buffalo, N.Y.: SUNY Press, 1982. 225-240.

"The Shape of Limitation: A Visual Pattern in the Illuminated Works of William Blake." Colby Library Quarterly 17.3 (September 1981): 121-160.

"William Blake's America: The Story of a Revolution Betrayed." Blake Studies 8.2 (Fall 1979): 167-186.

"The Thematic Structure of William Blake's Jerusalem." Blake Studies. 1979.

"Poetic Structure and the Problem of the Smiths in 'Wit Faerstice.'" Papers on Language and Literature 12.3 (Summer 1976): 321-326.

"The Night Journey in Catch 22," Twentieth Century Literature 12 (1967): 186-193. Reprinted in A Catch-22 Casebook. ed. Kiley and McDonald. New York: Crowell, 1973. 166-173.



Chartered 1708

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 26, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Human Relations Commission reappointment

Pending your approval, I would like to reappoint Ms. Rosemary Katchmar to the Human Relations Commission. Ms. Katchmar has served on this commission since 2006.

Ms. Katchmar's term will expire on 6/30/15. A copy of her resume is attached.

Thank You.

JJC/hr

Rosemary Katchmar  
Po box 3320  
Annapolis, MD 21403  
410-268-8977  
rkatchmar@msn.com

Reviewed by: <u>Rules and City Government</u>
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
<u>Richard Israel</u> <u>7/6/12</u>
Committee Chair      Date



## **A. Reza Jafari**

Mr. Jafari is the Chairman and CEO of e-Development International. Based in Annapolis, Maryland, e-Development International is an executive advisory group that promotes, facilitates and participates in Information and Communication Technology (ICT) initiatives for Social Entrepreneurships, Healthcare and Public-Private Partnerships worldwide.

Mr. Jafari is the Chairman of the Board of Directors of ITU TELECOM (a UN Agency); a board member of GSMA Ltd.; a member of the Board of the India, China and America Institute (ICAI); a member of the Governor's Council for International Business, Maryland; a Commissioner of the Broadband Commission for Digital Development; a Board member of the International Digital Health Initiative; a Board member of Annapolis Economic Development Corporation; a Board member of Heart Health Foundation, Annapolis (Formerly Dare to C.A.R.E Foundation) and a Board member of Annapolis Summer Garden Theatre

Mr. Jafari has spent 35 years in the IT services, competitive telecoms, media and entertainment, education and Health-IT industries. His portfolio of business relationships and interests include advising established and start up companies and organizations in, mobile health, mobile value added services, satellite communications, cyber security, Broadband, digital innovations and IT services. He is on the Board of Directors of two public companies: TeleCommunications Systems, Inc. and TMNG.

Mr. Jafari served as the Chairman and Managing Director of NeuStar International in Sterling, VA (2005 - 2008) and as the Chairman and CEO of The Omega Partners in Atlanta, GA (2002-2005).

From 1990 to 2002, Mr. Jafari held various senior executive positions at Electronic Data Systems Corporation (EDS now an HP Company) including Group President of EDS' Global Communications, Media and Entertainment Industry Group (Responsible for \$1.3 billion annual revenue) ; Managing Director of the Communications and Media Industry Group for Europe Middle East and Africa (EMEA.) responsible for \$250 million annual revenue.

Mr. Jafari's career also includes seven years as the Founder, President and CEO of Satellite Conference Network, New York City. He is the recipient of several awards for Innovation from the International TeleConferencing Association and the Council for the Advancement of Science and Technology in Education. Mr. Jafari is a frequent speaker on the role of technology for economic development, improving healthcare and education.

Mr. Jafari received his MBA (Master of Business Administration) in International Business in 1976, (Ed. S) Post graduate in 1980 and his ABD (PhD) in Instructional Systems Technology in 1981 from Indiana University, Bloomington, Indiana, USA.

1 Mayor Cohen’s Amendments to O-1-12

2 Election Ward Boundaries

3 To provide maximum text contrast, for O-1-12 only, amendments are as follows:

4 RED CAPITAL indicates matter added to existing law.  
5 Strikeout indicates matter deleted from existing law.

6 Amendment #1

7 1.16.020 - First ward.

8 The Ffirst Wward is as follows:

9 Beginning at the junction of the centerline of Taylor Avenue and the abandoned  
10 WB&A Railroad bed, with the point so fixed; thence running with the centerline of  
11 the abandoned railroad bed and its extension running in an easterly direction to the  
12 centerline of Calvert Street; thence northerly along the centerline of Calvert Street  
13 northeasterly to its intersection with the centerline of the northwest bound lane of  
14 Rowe Boulevard (also known as Bladen Boulevard and a Bladen Street); thence  
15 northwesterly along the northwest bound lane of Rowe Boulevard to its intersection  
16 with JUNCTION OF THE CENTERLINE OF THE NORTHBOUND LANE OF  
17 BLADEN STREET (AKA, ROWE BOULEVARD, BLADEN BOULEVARD) AND the  
18 centerline of College Creek; thence following the centerline of College Creek  
19 generally northeasterly to its intersection with the Annapolis and Anne Arundel  
20 County boundary line in the Severn River; thence following the Annapolis and Anne  
21 Arundel County line southeasterly to its point of intersection with the extended  
22 centerline of Spa Creek; thence following the centerline of Spa Creek generally  
23 westerly to intersect the extended centerline of the south fork of Spa Creek  
24 between "Truxtun Heights" and "Truxtun Park" AND WEST FORK OF SPA CREEK  
25 BETWEEN "TRUXTUN HEIGHTS" AND "SPA VIEW HEIGHTS"; THENCE,  
26 FOLLOWING THE CENTER LINE OF THE WEST FORK OF SPA CREEK TO ITS  
27 INTERSECTION WITH TAX MAP 51F, PARCEL 858, THENCE WITH THE HIGH  
28 WATER LINE OF THE SOUTHERN SIDE OF THE WEST FORK OF SPA CREEK;  
29 THENCE WITH THE HIGH WATER LINE OF THE WESTERN SIDE OF THE  
30 SOUTH FORK OF SPA CREEK TO INTERSECT thence southerly with the  
31 centerline of said south fork to the extended centerline of Pumphouse Road; thence  
32 following the boundary of "Truxtun Heights" PLAT (AS RECORDED AT 10:6) in a  
33 clockwise or southerly then westerly direction to INTERSECT WITH THE  
34 SOUTHEASTERN BOUNDARY LINE OF THE CHATHAM LANE PLAT (AS NOW  
35 RECORDED AT 69:38), THENCE IN A COUNTERCLOCKWISE DIRECTION  
36 WITH THE BOUNDARY LINE OF THE CHATHAM LANE PLAT, NORTHEASTLY,  
37 NORTHWESTLY, SOUTHWESTLY, NORTHWESTLY AND WESTERLY TO  
38 INTERSECT THE SOUTHEASTERN BOUNDARY OF TAX MAP 51F, PARCEL  
39 1318, THENCE WITH SAID BOUNDARY IN A COUNTER CLOCKWISE  
40 DIRECTION, NORTHEASTERLY AND NORTHWESTERLY TO INTERSECT THE  
41 SOUTHEASTERN BOUNDARY OF SPINDRIFT 52 (AS NOW RECORDED AT  
42 69:14); THENCE WITH THE BOUNDARY LINE IN A COUNTERCLOCKWISE  
43 DIRECTION, NORTHEASTLY AND NORTHWESTLY, WITH THE EXTENTION OF  
44 THE LAST LINE INTERSECTING THE the centerline of Spa Road; thence with the  
45 centerline of Spa Road in a northeasterly direction to the extension of the westerly

boundary of "Capitol Hill Manor"; thence with the boundary of "Capitol Hill Manor" in a counterclockwise or southerly then easterly direction to intersect the centerline of Greenfield Street; thence continuing in a northeasterly direction following the rear property lines of addresses #817 through #51 Spa Road; thence with the eastern boundary of #51 Spa Road in a northerly direction to the centerline of Spa Road; thence in a **THENCE IN A** northerly direction to the center of Westgate Circle; thence following the centerline of Taylor Avenue in a **GENERALLY** northerly **DIRECTION TO INTERSECT THE ABANDONED WB&A (SOUTH SHORE LINE) RAILROAD BED; THENCE FOLLOWING CENTER LINE OF THE ABANDONED WB&A (SOUTH SHORE LINE) RAILROAD BED IN A EASTERLY DIRECTION TO THE POINT OF INTERSECTION WITH THE WESTERN AND SOUTHERN BOUNDARY LINE OF TAX MAP 51C, PARCEL 437; THENCE WITH THE SOUTHERN BOUNDARY LINE OF TAX MAP 51C, PARCEL 437, EASTERLY TO INTERSECT THE CENTERLINE OF W. WASHINGTON STREET; THENCE IN A NORTHERLY DIRECTION WITH THE CENTERLINE OF W. WASHINGTON STREET TO INTERSECT THE WESTERN EXTENTION OF THE NORTHERN BOUNDARY OF PARCEL 379; THENCE WITH THE WESTERN EXTENTION, THE NORTHERN BOUNDARY LINE OF TAX MAP 51C, PARCEL 379 AND THE EASTERN EXTENTION OF THE NORTHERN BOUNDARY LINE TO INTERSECT THE CENTERLINE OF CALVERT STREET; THENCE, IN A NORTHLY DIRECTION WITH THE CENTERLINE OF CALVERT STREET TO ITS POINT OF INTERSECTION WITH THE CENTERLINE OF THE NORTHBOUND BLADEN STREET (AKA, ROWE BOULEVARD, BLADEN BOULEVARD); THENCE IN A NORTHWESTLY DIRECTION WITH THE CENTERLINE OF BLADEN STREET (AKA, ROWE BOULEVARD, BLADEN BOULEVARD) TO THE POINT OF BEGINNING.** and then westerly direction to the point of beginning.

This ward will be known as the Ffirst Wward, but the ward does not include any of the land contained therein which is the property of the U.S. Naval Academy **UNITED STATES GOVERNMENT.**

**1.16.030 - Second ward.**

The Ssecond Wward is as follows:

Beginning at the junction of the centerline of Admiral Drive and the Annapolis and Anne Arundel County boundary line with the point so fixed; thence following the Annapolis and Anne Arundel County boundary line generally easterly along the centerline of Weems Creek to its intersection with the centerline of the Severn River; then southerly with the centerline of the Severn River to its intersection with the extended centerline of College Creek; thence following the centerline of College Creek generally southwesterly to its intersection with the northwest bound lane of **BLADEN STREET (AKA, ROWE BOULEVARD BLADEN BOULEVARD);** thence running southeasterly along the centerline of the northwest bound lane **BLADEN STREET (AKA, ROWE BOULEVARD BLADEN BOULEVARD)** of Rowe Boulevard to its intersection with the centerline of Calvert Street; thence southwesterly along the centerline of Calvert Street to its intersection with the **EASTERLY EXTENTION OF THE NORTHERN BOUNDARY LINE OF TAX MAP 51C, PARCEL 379; THENCE WITH THE EASTERN EXTENTION OF THE NORTHERN BOUNDARY LINE, THE**

1 NORTHERN BOUNDARY LINE AND THE WESTERN EXTENTION OF THE  
2 NORTHERN BOUNDARY LINE TO ITS INTERSECTION WITH THE  
3 CENTERLINE OF W. WASHINGTON STREET; THENCE, WITH THE  
4 CENTERLINE OF W. WASHINGTON STREET IN A SOUTHERNLY  
5 DIRECTION TO ITS INTERSECTION WITH THE EASTERLY EXTENTION OF  
6 THE SOUTHERN BOUNDARY LINE OF TAX MAP 51C, PARCEL 437; THENCE  
7 WITH THE EASTERN EXTENTION OF THE SOUTHERN BOUNDARY LINE  
8 AND THE SOUTHERN BOUNDARY LINE IN A WESTERLY DIRECTION TO  
9 ITS INTERSECTION WITH THE WESTERN BOUNDARY LINE OF TAX MAP  
10 51C, PARCEL 437; THENCE, FROM SAID POINT OF INTERSECTION AND  
11 RUNNING IN A WESTERLY DIRECTION WITH THE CENTERLINE OF THE  
12 ABANDONED WB&A RAILROAD BED (SOUTH SHORE LINE) TO ITS POINT  
13 OF INTERSECTION WITH THE CENTERLINE OF TAYLOR AVENUE;  
14 ~~extended centerline of the abandoned WB&A Railroad bed; thence running in a~~  
15 ~~westerly direction with the extended line of the WB&A Railroad bed and with the~~  
16 ~~centerline of the WB&A Railroad bed to its intersection with the centerline of~~  
17 ~~Taylor Avenue; thence running with the centerline of Taylor Avenue in an~~  
18 ~~easterly and then southerly direction to the center of Westgate Circle; thence~~  
19 ~~running with the centerline of~~ SPA ROAD IN A SOUTHWESTERLY DIRECTION  
20 TO ITS INTERSECTION WITH THE CENTERLINE OF SMITHVILLE STREET;  
21 THENCE WITH THE CENTERLINE OF SMITHVILLE STREET IN A WESTERLY  
22 DIRECTION TO ITS INTERSECTION WITH THE CENTERLINE OF JOHNSON  
23 PLACE; THENCE WITH CENTERLINE OF JOHNSON PLACE TO INTERSECT  
24 THE SOUTHERN BOUNDARY LINE OF TAX MAP 51C, PARCEL 2019;  
25 THENCE IN A NORTHERLY DIRECTION TO INTERSECT THE DIVISION LINE  
26 BETWEEN TAX MAP 51C, PARCELS 2018 AND 2059; THENCE RUNNING  
27 WITH SAID DIVISION LINE, AND ITS PROJECTION TO INTERSECT WITH  
28 THE CENTERLINE OF WEST STREET (MD RT. 450); THENCE, IN A  
29 WESTERLY DIRECTION WITH THE CENTERLINE OF WEST STREET (MD RT  
30 450) TO ITS INTERSECTECTION WITH THE CENTERLINE OF RUSSELL  
31 STREET; THENCE, IN A SOUTHERLY DIRECTION AND WITH THE  
32 CENTERLINE OF RUSSELL STREET TO ITS INTERSECTION WITH THE  
33 EASTERLY PROJECTION OF THE NORTHERN PROPERTY LINE OF TAX  
34 MAP 51C, PARCEL 1949; THENCE IN A WESTERLY DIRECTION WITH SAID  
35 PROJECTION OF SAID BOUNDARY LINE TO ITS INTERSECTION WITH  
36 EASTERN BOUNDARY OF LINE "DAVIS ADDITION TO GERMANTOWN" (AS  
37 NOW RECORDED AT 13:38); THENCE WITH SAID EASTERN BOUNDARY  
38 LINE IN A SOUTHERNLY DIRECTION TO INTERSECT THE CENTERLINE OF  
39 THE WEST FORK OF SPA CREEK; THENCE WITH THE CENTERLINE OF  
40 THE WEST FORK OF SPA CREEK TO ITS INTERSECTION WITH A  
41 SOUTHERLY PROJECTION OF THE CENTERLINE OF MCKENDREE  
42 STREET; THENCE RUNNING IN A NORTHERLY DIRECTION WITH THE  
43 PROJECTION OF THE CENTERLINE OF MCKENDREE STREET AND THEN  
44 THE CENTERLINE OF MCKENDREE STREET TO ITS FIRST INTERSECTION  
45 WITH THE CENTERLINE OF KENTWOOD STREET; THENCE WITH THE  
46 CENTERLINE OF KENTWOOD STREET IN A WESTERLY DIRECTION TO ITS  
47 INTERSECTION WITH THE CENTERLINE OF SOUTH CHERRY GROVE  
48 AVENUE; THENCE WITH THE CENTERLINE OF SOUTH CHERRY GROVE  
49 AVENUE TO ITS INTERSECTION WITH THE THE CENTERLINE OF West  
50 Street (MD RT 450); THENCE WITH THE CENTERLINE OF WEST STREET  
51 (MD RT 450) AND in a westerly direction to its junction INTERSECTION with the

1 centerline of Legion Avenue; thence running with an extension of the centerline  
 2 of Legion Avenue in a northerly direction to the junction of the centerlines of  
 3 Poplar Avenue and Windell Avenue; thence with the centerline of Windell Avenue  
 4 in a northerly direction to its intersection with the south property line of "Admiral  
 5 Heights, 6th plat", recorded among the land records of Anne Arundel County in  
 6 book 49 30, page 19; thence southwesterly with the south property line of  
 7 Admiral Heights, **TO ITS POINT OF INTERSECTION WITH THE SOUTHERN**  
 8 **BOUNDARY LINE OF TAX MAP 51B, PARCEL 449; THENCE WITH THE**  
 9 **SOUTHERN BOUNDARY LINE OF TAX MAP 51B, PARCEL 449 AND THE**  
 10 **WESTERNLY EXTENTION OF SAID SOUTHERN BOUNDARY LINE TO ITS**  
 11 **INTERSECTION WITH THE CENTERLINE OF ADMIRAL DRIVE; THENCE,**  
 12 **WITH THE CENTERLINE OF ADMIRAL DRIVE IN A NORTHWESTERNLY AND**  
 13 **NORTHERNLY DIRECTION TO** ~~one thousand four hundred and five feet, more~~  
 14 ~~or less; thence leaving the property line of Admiral Heights and running~~  
 15 ~~northwesterly to the intersection of the centerline of Admiral Drive with the~~  
 16 ~~extended centerline of Moreland Parkway; thence northerly along the centerline~~  
 17 ~~of Admiral Drive in a northwesterly direction to the point of beginning.~~

18 This ward will be known as the ~~S~~second ~~W~~ward, but the ward does not include any  
 19 of the land contained therein which is the property of the ~~U.S. Naval Academy.~~  
 20 **UNITED STATES GOVERNMENT.**  
 21  
 22

23 **1.16.040 - Third ward.**

24 The ~~T~~third ~~W~~ward is as follows:

25 Beginning at the junction of the centerline of Admiral Drive and the Annapolis and  
 26 Anne Arundel County boundary line, with the point so fixed; thence  
 27 running ~~southerly~~ **SOUTHERNLY AND SOUTHEASTERLY WITH** along  
 28 the centerline of Admiral Drive ~~to its intersection with the extended~~  
 29 ~~centerline of Moreland Parkway; thence in a southeasterly direction to its~~  
 30 intersection **WITH THE WESTERNLY PROJECTION OF THE**  
 31 **SOUTHERN BOUNDARY LINE OF TAX MAP 51B, PARCEL 449;**  
 32 **THENCE NORTHEASTERLY WITH THE WESTERN PROJECTION OF**  
 33 **THE SOUTHERN BOUNDARY LINE OF TAX MAP 51B, PARCEL 449**  
 34 **AND THE SOUTHERN BOUNDARY LINE OF TAX MAP 51B, PARCEL**  
 35 **449 TO ITS POINT OF INTERSECTION WITH** with the ~~southeast~~  
 36 **SOUTHERN** property line of "Admiral Heights, 6th plat" as recorded  
 37 among the land records of Anne Arundel County in plat book 30, page 19;  
 38 thence running **NORTHEASTERLY** ~~easterly~~ with the ~~south~~ **SOUTHERN**  
 39 **BOUNDARY** line of Admiral Heights to its intersection with the centerline  
 40 of Windell Avenue; thence southerly with the centerline of Windell Avenue  
 41 to its junction with the centerline of Poplar Avenue; thence southerly to  
 42 the junction of the centerlines of West Street and Legion Avenue; thence  
 43 running **IN A SOUTHEASTERLY DIRECTION** with the centerline of West  
 44 Street **TO ITS INTERSECTION WITH THE NORTHERLY PROJECTION**  
 45 **OF THE CENTERLINE OF SOUTH CHERRY GROVE AVENUE;**  
 46 **THENCE IN A SOUTHERLY DIRECTION WITH SAID PROJECTION**  
 47 **AND THE CENTERLINE OF SOUTH CHERRY GROVE AVENUE TO**

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INTERSECT WITH THE WESTERLY PROJECTION OF THE CENTERLINE OF KENTWOOD STREET; THENCE IN AN EASTERLY DIRECTION WITH SAID PROJECTION, THE CENTERLINE OF KENTWOOD STREET AND THE EASTERLY PROJECTION OF SAID CENTERLINE TO ITS INTERSECTION WITH THE CENTERLINE OF MCKENDREE AVENUE; THENCE IN A SOUTHERLY DIRECTION WITH THE CENTERLINE OF MCKENDREE AVENUE AND THE SOUTHERLY PROJECTION THEREOF TO ITS INTERSECTION WITH THE CENTERLINE OF THE WEST BRANCH OF SPA CREEK; THENCE IN AN EASTERLY DIRECTION WITH THE CENTERLINE OF THE WEST BRANCH OF SPA CREEK TO ITS INTERSECTION WITH THE EASTERNLY BOUNDARY OF "HERITAGE SECTION 2" (AS NOW RECORDED AT 32:56); THENCE WITH SAID BOUNDARY IN SOUTHERLY DIRECTION TO THE END OF THE SOUTH 40 DEGREE 00 MINUTE 00 SECOND 141.13 FOOT LINE, SAID POINT ALSO BEING THE BEGINNING OF THE SOUTH 8 DEGREE 32 MINUTE 55 SECOND 150 FOOT LINE OF THE SOUTHERN BOUNDARY OF HERITAGE SECTION 1 (AS NOW RECORDED AT 32:55), THENCE REVERSELY WITH SAID BOUNDARY LINE TO THE POINT OF INTERSECTION OF THE NORTHWESTERLY PROJECTION OF THE NORTH 32 DEGREE 00 MINUTE 00 SECOND 144.90 FOOT LINE WITH THE CENTERLINE OF SOUTH CHERRY GROVE AVENUE; THENCE IN A SOUTHERLY DIRECTION WITH THE CENTERLINE OF SOUTH CHERRY GROVE AVENUE TO ITS INTERSECTION WITH THE CENTERLINE OF FOREST DRIVE; THENCE IN A NORTHWESTERLY DIRECTION WITH THE CENTERLINE OF FOREST DRIVE TO ITS INTERSECTION WITH THE CENTERLINE OF GREENBRIAR LANE; ~~with the centerline of Russell Street; thence with the centerline of Russell Street in a southerly direction to the northeast corner of the boundary of #100 South Villa Avenue; thence running along the northern boundary of #100 South Villa Avenue in a westerly direction to its junction with the boundary of the McGuckian subdivision; thence running with the boundary of the McGuckian subdivision and with the rear boundary of the properties fronting on South Villa Avenue in a southerly direction extending to a junction with the northern boundary of "Heritage"; thence running along the boundary of "Heritage" in a counterclockwise or westerly then southerly direction to its southwestern corner being also the northeastern corner of the lot now occupied by the Annapolis Fire Department headquarters; thence following the eastern boundary of said Fire Department lot in a southwesterly direction to the centerline of Forest Drive; thence following the centerline of Forest Drive in a southeasterly direction to its junction with the centerline of Greenbriar Lane; thence running with the centerline of Greenbriar Lane in a southwesterly direction to its junction with the centerline of Belle Drive; thence running with the centerline of Belle Drive in a northwesterly direction to its junction~~ INTERSECTION with the centerline of Bywater Road; thence running with the centerline of Bywater Road in a northeasterly direction to its junction INTERSECTION with the centerline of Yawl Road; thence running with the centerline of Yawl Road in a generally westerly AND NORTHWESTERLY direction TO ITS INTERSECTION WITH THE NORTHWESTERLY BOUNDARY OF OXFORD LANDING, SECTION 3

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(NOW RECORDED AT 177:23); THENCE IN A NORTHEASTERLY DIRECTION WITH SAID BOUNDARY TO ITS INTERSECTION WITH THE SOUTHERN RIGHT OF WAY LINE OF MD RT. 665 (ARIS T. ALLEN BOULAVARD); THENCE, LEAVING SAID RIGHT OF WAY LINE AND RUNNING REVERSELY AT A RIGHT ANGLE TO THE CENTERLINE OF MD RT. 665 (ARIS T. ALLEN BOULEVARD) TO INTERSECT SAID CENTERLINE; ~~extending to its junction~~ THENCE WESTERLY AND THEN SOUTHWESTERLY DIRECTION WITH THE CENTERLINE OF MD RT 665 (ARIS T. ALLEN BOULEVARD) TO ITS INTERSECTION WITH THE NORTHERLY PROJECTION OF THE DIVISION LINE BETWEEN TAX MAP 51E, PARCELS 363 AND 245 (1 OF 3); THENCE WITH SAID DIVISION LINE IN A SOUTHERLY DIRECTION AND CONTINUING WITH SAID DIVISION LINE IN SEVERAL COURSES IN A SOUTHERN AND SOUTHWESTERLY DIRECTION TO ITS INTERSECTION WITH with the Annapolis and Anne Arundel County boundary; thence running clockwise with the Annapolis and Anne Arundel County boundary to its intersection with the centerline of Admiral Drive and the point of beginning. This ward will be known as the Tthird Wward BUT THE WARD DOES NOT INCLUDE ANY OF THE LAND CONTAINED THEREIN WHICH IS THE PROPERTY OF THE UNITED STATES GOVERNMENT.

24 **1.16.050 - Fourth ward.**

25 The fFourth wWard is as follows:

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Beginning in the INTERSECTION OF SPA ROAD AND THE NORTH FORK OF SPA CREEK ~~center of Westgate Circle~~, with the point so fixed; thence running in a southerly direction ~~to the northeast corner of #51 Spa Road~~; WITH THE CENTERLINE OF SPA ROAD TO ITS INTERSECTION WITH A WESTERLY PROJECTION OF "OLD FOREST DRIVE"; THENCE IN A WESTERLY DIRECTION AND WITH THE WESTERLY PROJECTION OF "OLD FOREST DRIVE" TO ITS INTERSECTION WITH THE ANNAPOLIS AND ANNE ARUNDEL COUNTY BOUNDARY; THENCE, WITH THE ANNAPOLIS AND ANNE ARUNDEL COUNTY BOUNDARY IN A CLOCKWISE DIRECTION TO THE BEGINNING OF THE NORTH 89 DEGREE 44 MINUTE 10 SECOND WEST 568.38 FOOT LINE; THENCE LEAVING SAID ANNAPOLIS AND ANNE ARUNDEL COUNTY AND RUNNING IN A NORTHERLY AND NORTHEASTERLY DIRECTION WITH THE DIVISION LINE BETWEEN TAX MAP 51E, PARCEL 245 (1 OF 3) AND PARCEL 363 TO ITS INTERSECTION WITH THE SOUTHERN RIGHT OF WAY LINE OF MD. RT. 665 (ARIS T. ALLEN BOULEVARD); THENCE, WITH THE NORTHERLY PROJECTION OF THE DIVISION LINE BETWEEN TAX MAP 51E PARCEL 245 (1 OF 3) AND 363 TO ITS INTERSECTION WITH THE CENTER LINE OF MD RT 665 (ARIS T. ALLEN BOULEVARD); THENCE, IN A NORTHEASTERLY THEN EASTERLY DIRECTION WITH THE CENTERLINE OF MD RT 665 (ARIS T. ALLEN BOULEVARD) TO A POINT ON THE CENTERLINE OF MD RT 665 (ARIS T. ALLEN BOULEVARD) WHERE A LINE PROJECTED PERPENDICULAR TO SAID CENTERLINE IN A SOUTHERLY DIRECTION WILL INTERSECT POINT

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NUMBER 5 (SAID POINT ALSO BEING THE POINT OF INTERSECTION BETWEEN THE SOUTHERN RIGHT OF WAY LINE MD RT 665 (ARIS T. ALLEN BOULEVARD AND THE NORTHWESTERN BOUNDARY OF OXFORD LANDING, SECTION 3 (NOW RECORDED AT 177:23) AS SHOWN ON THE PLAT OF OXFORD LANDING, SECTION 3 (NOW RECORDED AT 177:23); THENCE, WITH SAID PERPENDICULAR LINE AND SOUTHERLY DIRECTION TO POINT NUMBER 5 SHOWN ON THE PLAT OF OXFORD LANDING, SECTION 3 (NOW RECORDED AT 177:23); THENCE, LEAVE SAID POINT AND RUNNING IN A SOUTHWESTERLY DIRECTION AND WITH THE NORTHWESTERN BOUNDARY LINE OF OXFORD LANDING, SECTION 3 (NOW RECORDED AT 177:23) TO ITS INTERSECTION WITH YAWL ROAD; ~~thence with the eastern boundary line of said property in a southerly direction to the rear property corner; thence in a westerly direction with the rear or southerly boundaries of #51 through #817 Spa Road to the southeastern corner of "Capitol Hill Manor"; thence running clockwise or westerly and then northerly with the boundary of "Capitol Hill Manor" to the centerline of Spa Road; thence with said centerline in a southerly direction to an extension of the southwestern boundary of "Truxtun Heights"; thence following said boundary in a counterclockwise or southeasterly direction to its intersection with the western boundary of "Admiral Farragut Apartments"; thence with said western boundary in a southerly direction to the centerline of Hilltop Lane; thence with said centerline in a northwesterly direction to its junction with the centerline of Spa Road; thence running with the centerline of Spa Road in a southwesterly direction to its intersection with the Annapolis and Anne Arundel County boundary; thence running northwesterly with said Annapolis and Anne Arundel County boundary in a clockwise direction to its junction with an extension of the centerline of Yawl Road; thence running with the centerline of Yawl Road in a generally easterly direction to its junction~~ **INTERSECTION** with the centerline of Bywater Road; thence running with the centerline of Bywater Road in a southwesterly direction to its **INTERSECTION** ~~junction~~ with the centerline of Belle Drive; thence with the centerline of Belle Drive in a southeasterly direction to its ~~junction~~ **INTERSECTION** with the centerline of Greenbriar Lane; thence running with the centerline of Greenbriar Lane in a northeasterly direction to its ~~junction~~ **INTERSECTION** with the centerline of Forest Drive; thence running with the centerline of Forest Drive in a northwesterly **SOUTHEASTERLY** direction to its intersection with **CENTERLINE OF SOUTH CHERRY GROVE AVENUE; THENCE IN A NORTHERLY DIRECTION WITH SAID CENTERLINE TO ITS INTERSECTION WITH THE NORTHWESTERLY PROJECTION OF THE NORTH 32 DEGREE 00 MINUTE 00 SECOND 144.90 FOOT LINE OF THE SOUTHERN BOUNDARY OF THE "HERITAGE, SECTION 1" PLAT (AS NOW RECORDED AT 32:55); THENCE REVERSELY WITH SAID LINE AND THEN CONTINUING WITH SAID BOUNDARY OF "HERITAGE SECTION 1" TO THE BEGINNING OF THE SOUTH 08 DEGREE 32 MINUTE 55 SECOND 150 FOOT LINE, SAID POINT ALSO BEING THE END OF THE SOUTH 40 DEGREE 00 MINUTE 00 SECOND 141.13 FOOT LINE OF THE BOUNDARY OF "HERITAGE, SECTION 2" (AS NOW RECORDED AT 32:56); THENCE REVERSELY WITH SAID LINE AND THEN CONTINUING WITH SAID BOUNDARY OF "HERITAGE, SECTION 2" TO ITS INTERSECTION WITH THE WEST BRANCH OF SPA CREEK; THENCE WITH SAID WEST BRANCH OF SPA CREEK IN A WESTERLY DIRECTION TO ITS INTERSECTION WITH THE SOUTHERLY PROJECTION OF THE EASTERLY BOUNDARY LINE OF "DAVIS ADDITION TO**

1 GERMANTOWN" (AS NOW RECORDED AT 13:38); THENCE IN A  
2 NORTHERLY DIRECTION WITH SAID BOUNDARY LINE TO ITS  
3 INTERSECTION WITH THE NORTHERN PROPERTY LINE OF TAX MAP 51C,  
4 PARCEL 1949; THENCE IN A EASTERLY DIRECTION WITH SAID  
5 PROPERTY LINE AND SAID PROPERTY PROJECTION TO ITS  
6 INTERSECTION WITH THE CENTERLINE OF RUSSELL STREET; THENCE  
7 IN A NORTHERLY DIRECTION WITH THE CENTERLINE OF RUSSELL  
8 STREET TO ITS INTERSECTION WITH THE CENTERLINE OF WEST STREET  
9 (MD RT 450); THENCE IN A EASTERLY DIRECTION WITH THE CENTERLINE  
10 OF WEST STREET (MD 450) TO ITS INTERSECTION WITH THE NORTHERN  
11 PROJECTION OF THE DIVISION LINE BETWEEN TAX MAP 51C, PARCELS  
12 2018 AND 2059; THENCE SOUTHERLY WITH SAID PROJECTION AND  
13 DIVISION LINE TO THE END OF SAID DIVISION LINE; THENCE IN A  
14 SOUTHERLY DIRECTION TO THE POINT OF INTERSECTION BETWEEN  
15 THE CENTERLINE OF JOHNSON PLACE AND THE BOUNDARY LINE OF  
16 TAX MAP 51C, PARCEL 2019; THENCE WITH THE CENTERLINE OF  
17 JOHNSON PLACE TO ITS INTERSECTION WITH THE CENTERLINE OF  
18 SMITHVILLE STREET; THENCE IN AN EASTERNLY DIRECTION WITH THE  
19 CENTERLINE OF SMITHVILLE STREET TO INTERSECT THE CENTERLINE  
20 OF SPA ROAD; THENCE IN A SOUTHWESTERLY DIRECTION WITH THE  
21 CENTERLINE OF SPA ROAD TO THE NORTHFORK OF SPA CREEK AND  
22 POINT OF BEGINNING. ~~the extension of the southeasterly property line of the~~  
23 ~~lot now occupied by the Annapolis Fire Department headquarters; thence~~  
24 ~~following said property line in a northeasterly direction to the southwestern corner~~  
25 ~~of "Heritage" ; thence following the boundary of "Heritage" clockwise or in a~~  
26 ~~northerly then northeasterly direction to its junction with a southerly extension of~~  
27 ~~the eastern boundary of the McGuckian subdivision; thence running with the~~  
28 ~~eastern boundary of the McGuckian subdivision and with the rear boundary of~~  
29 ~~the properties fronting on South Villa Avenue to the northwestern corner of #100~~  
30 ~~South Villa Avenue; thence running along the northern boundary of #100 South~~  
31 ~~Villa Avenue in an easterly direction to its junction with the centerline of Russell~~  
32 ~~Street; thence running with the centerline of Russell Street in a northerly direction~~  
33 ~~to its junction with the centerline of West Street; thence following the centerline of~~  
34 ~~West Street in an easterly direction to the center of Westgate Circle and the~~  
35 ~~place of beginning. This ward will be known as the fFourth wWard.~~

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37 **1.16.060 - Fifth ward.**

38 The fFifth wWard is as follows:

39 Beginning at the junction of the centerline of Hilltop Lane and Primrose Road, with  
40 the point so fixed; thence running with the centerline of Primrose Road in a  
41 southerly direction to the extension of the rear or northwest property line of #1150  
42 Tyler Avenue; thence with the boundary of said property counterclockwise or in a  
43 southwesterly then southeasterly direction to the northern property corner of #1152  
44 Tyler Avenue; thence following the northwestern boundary line of the following  
45 properties, respectively: #1152 Tyler Avenue, #2 Woods Drive, #1 Woods Drive,  
46 #1170 Tyler Avenue, #1172 Tyler Avenue, #1174 Tyler Avenue, and #1176 Tyler  
47 Avenue to intersect the northeastern boundary line of #1178 Tyler Avenue; thence

1 with said boundary line in a northwesterly direction to the boundary of "Primrose  
 2 Acres"; thence following said boundary in a southwesterly direction to the centerline  
 3 of Forest Drive; thence following the centerline of Forest Drive in a southeasterly  
 4 direction to its intersection WITH A NORTHERLY PROJECTION OF THE  
 5 NORTHEASTERN BOUNDARY LINE OF THE "ANNAPOLIS OVERLOOK PLAT"  
 6 (NOW RECORDED AT 124:1); THENCE WITH SAID PROJECTION AND  
 7 BOUNDARY LINE IN A SOUTHERN AND THEN WESTERN DIRECTION TO  
 8 INTERSECT WITH THE "HUNT MEADOWS PLAT" (NOW RECORDED AT 111:2);  
 9 THENCE WITH SAID BOUNDARY LINE IN A SOUTHERLY DIRECTION TO  
 10 INTERSECT WITH THE NORTHERN BOUNDARY LINE OF "HUNT MEADOWS"  
 11 AS NOW RECORDED AT 147.24 AND 163:40), THENCE SAID BOUNDARY LINE  
 12 IN AN EASTERLY AND THEN SOUTHERLY DIRECTION TO ITS INTERSECTION  
 13 with the Annapolis and Anne Arundel County boundary; thence following said  
 14 boundary in a clockwise direction to its intersection with the centerline of Spa Road  
 15 NEAR THE INTERSECTION OF A WESTERLY PROJECTION OF THE  
 16 CENTERLINE OF "OLD FOREST DRIVE; thence following the centerline of Spa  
 17 Road in a northerly direction to its INTERSECTION WITH THE NORTHWESTLY  
 18 PROJECTION OF THE NORTHEASTERLY BOUNDARY LINE OF THE  
 19 "SPINDRIFT 52" PLAT (NOW RECORDED AT 69:14); THENCE IN A  
 20 CLOCKWISE, OR SOUTHEASTERLY DIRECTION WITH SAID PROJECTION  
 21 AND BOUNDARY LINE; THENCE, CONTINUING WITH SAID BOUNDARY LINE  
 22 IN A SOUTHWESTERLY DIRECTION TO ITS INTERSECTION WITH THE  
 23 NORTHEASTERN BOUNDARY LINE OF TAX MAP 51F, PARCEL NO 1318;  
 24 THENCE WITH SAID BOUNDARY LINE IN A SOUTHEASTERLY AND THEN  
 25 SOUTHWESTERLY DIRECTION TO ITS INTERSECTION WITH THE  
 26 BOUNDARY OF THE "CHATHAM LANE" PLAT (NOW RECORDED AT 69:38);  
 27 THENCE WITH SAID BOUNDARY IN A CLOCKWISE DIRECTION TO ITS  
 28 INTERSECTION WITH ~~junction with the centerline of Hilltop Lane; thence with the~~  
 29 ~~centerline of Hilltop Lane in a southeasterly direction to its intersection with the~~  
 30 ~~extension of the western boundary of "Admiral Farragut Apartments"; thence~~  
 31 ~~following said boundary in a northerly direction to its intersection with the southern~~  
 32 ~~boundary of "Truxtun Heights" (AS RECORDED AT 10:6); thence with said~~  
 33 ~~boundary counterclockwise or in a southeasterly then northerly direction to its~~  
 34 ~~intersection with the extended centerline of Pumphouse Road; thence with the~~  
 35 ~~centerline of Pumphouse Road in an easterly direction to its junction with the~~  
 36 ~~centerline of Primrose Road; thence with the centerline of Primrose Road in a~~  
 37 ~~southerly direction to its junction with the centerline of Hilltop Lane and the place of~~  
 38 ~~beginning. SAVING AND EXCEPTING FROM THIS DESCRIPTION ARE ANY~~  
 39 ~~LANDS CONTAINED WITHIN THE ANNAPOLIS CITY HOUSING AUTHORITY~~  
 40 ~~PROPERTY SOUTH OF FOREST DRIVE AND SURROUNDING TYLER~~  
 41 ~~AVENUE; SAID PROPERTY KNOW AS "ROBINWOOD."~~

42 This ward will be known as the fFifth wWard, but the ward does not include any of  
 43 the land contained within the "Robinwood" ~~subdivision.~~

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 45 **1.16.070 - Sixth ward.**

46 The sSixth wWard is as follows:

47 Beginning at the INTERSECTION OF THE CENTERLINES ~~junction of the~~

1 centerlines of Bay Ridge Ave and Forest Hills Avenue **AND BRICIN STREET**, with  
 2 the point so fixed; ~~thence running along the centerline of Forest Hills Avenue in a~~  
 3 ~~westerly direction to its junction with the centerline of Bricin Street;~~ thence running  
 4 with the centerline of Bricin Street in a ~~northeasterly~~ **NORTHWESTERLY** direction  
 5 to its junction with the centerline of Janwall Street; thence ~~southeasterly and then~~  
 6 northeasterly with the centerline of Janwall Street extending to intersect the  
 7 centerline of the right of way of the abandoned Washington, Baltimore and  
 8 Annapolis Railroad (**ALSO KNOWN AS THE BAY RIDGE RAILROAD**); thence  
 9 following said right of way centerline in a northerly direction to its common junction  
 10 with the centerlines of Tyler Avenue and Hilltop Lane; thence following the  
 11 centerline of Tyler Avenue in an easterly direction to its junction with the centerline  
 12 of President Street; thence running northerly with the centerline of President Street  
 13 to its junction with the centerline of Boucher Avenue; thence following the centerline  
 14 of Boucher Avenue in a westerly direction to its junction with the centerline of  
 15 Madison Street; thence with the centerline of Madison Street in a southerly  
 16 direction to its junction with the centerline of Windsor Avenue; thence following the  
 17 centerline of Windsor Avenue in a westerly direction extending to its junction with  
 18 the centerline of Hawkins Cove; thence along the centerline of Hawkins Cove in a  
 19 northerly direction to the centerline of Spa Creek; thence with the centerline of Spa  
 20 Creek in a southwesterly direction to its junction with the centerline of **THE SOUTH**  
 21 **FORK OF SPA CREEK** ~~an unnamed fork to the south~~ separating "Truxtun Heights"  
 22 and Truxtun Park **AND WEST FORK OF SPA CREEK BETWEEN "TRUXTUN**  
 23 **HEIGHTS" AND "SPA VIEW HEIGHTS"; THENCE, FOLLOWING THE CENTER**  
 24 **LINE OF THE WEST FORK OF SPA CREEK TO ITS INTERSECTION WITH TAX**  
 25 **MAP 51F, PARCEL 858, THENCE WITH THE HIGH WATER LINE OF THE**  
 26 **SOUTHERN SIDE OF THE NORTH FORK OF SPA CREEK; THENCE WITH THE**  
 27 **HIGH WATER LINE OF THE WESTERN SIDE OF THE SOUTH FORK OF SPA**  
 28 **CREEK TO INTERSECT;** ~~thence following said south fork in a southeasterly~~  
 29 ~~direction extending to its junction~~ with the extended centerline of Pumphouse Road;  
 30 thence along the centerline of Pumphouse Road in an easterly direction to its  
 31 junction with the centerline of Primrose Road; thence following the centerline of  
 32 Primrose Road in a southerly direction to the extension of the rear or northwest  
 33 property line of #1150 Tyler Avenue; thence with the boundary of said property  
 34 counterclockwise or in a southwesterly then southeasterly direction to the northern  
 35 property corner of #1152 Tyler Avenue; thence following the northwestern  
 36 boundary line of the following properties, respectively: #1152 Tyler Avenue, #2  
 37 Woods Drive, #1 Woods Drive, #1170 Tyler Avenue, #1172 Tyler Avenue, #1174  
 38 Tyler Avenue, and #1176 Tyler Avenue to intersect the northeastern boundary line  
 39 of #1178 Tyler Avenue; thence with said boundary line in a northwesterly direction  
 40 to the boundary of "Primrose Acres"; thence following said boundary in a  
 41 southwesterly direction to the centerline of Forest Drive; thence following the  
 42 centerline of Forest Drive in a southeasterly direction to its junction with an  
 43 extension of the northern boundary line of **THE HOUSING AUTHORITY OF THE**  
 44 **CITY OF ANNAPOLIS PROPERTY KNOWS AS** "Robinwood" (**TAX MAP 51I,**  
 45 **PARCEL 2000**); thence following the boundary of **SAID** "Robinwood"  
 46 counterclockwise around its limits or in a southwesterly then southeasterly then  
 47 northeasterly direction extending to its junction with the centerline of Forest Drive;  
 48 thence with the centerline of Forest Drive in a southeasterly direction ~~to its~~  
 49 ~~intersection with the Annapolis and Anne Arundel County boundary;~~ thence  
 50 following said boundary in a counterclockwise direction to its junction with the  
 51 centerline of Forest Drive; thence following the centerline of Forest Drive further in

1 ~~a southeasterly~~ past its common junction with the centerlines of Hillsmere Drive,  
 2 Bay Ridge Road and southbound Bay Ridge Avenue to its junction with the  
 3 centerline of the northbound exit from Bay Ridge Road onto Bay Ridge Avenue; **TO**  
 4 **THE INTERSECTION OF THE CENTERLINE OF BAY RIDGE ROAD AND THE**  
 5 **SOUTHWESTERLY PROJECTION OF THE SOUTHEASTERLY BOUNDARY**  
 6 **LINE OF THE "ANNAPOLIS WOODS APARTMENTS" PLAT (NOW RECORDED**  
 7 **AT 40:17);** thence running in a northeasterly direction **WITH SAID PROJECTION**  
 8 **AND SAID BOUNDARY LINE** to the southeastern corner of THE "ANNAPOLIS  
 9 **WOODS APARTMENTS" PLAT "Bay Ridge Gardens";** thence following the  
 10 boundary of "ANNAPOLIS WOODS APARTMENTS" PLAT "Bay Ridge Gardens" in  
 11 a counterclockwise or northeasterly then northwesterly direction extending to its  
 12 junction with the centerline of Bay Ridge Avenue; thence with the centerline of Bay  
 13 Ridge Avenue in a southwesterly direction to its junction with the centerline of  
 14 Forest Hills Avenue; **THENCE WITH THE CENTERLINE OF FOREST HILLS**  
 15 **AVENUE TO ITS INTERSECTION WITH THE CENTERLINE OF BRICIN STREET**  
 16 and the place of beginning. This ward will be known as the sSixth wWard.

17

18 **1.16.080 - Seventh ward.**

19 The sSeventh wWard is as follows:

20 Beginning at the junction of the centerlines of ~~Bay Ridge Avenue and Forest Hills~~  
 21 ~~Avenue~~ **AND BRICIN STREET**, with the point so fixed; ~~thence running generally~~  
 22 ~~westerly with the centerline of Forest Hills Avenue to its junction with the centerline~~  
 23 ~~of Bricin Street;~~ thence in a northeasterly **NORTHWESTERLY** direction with the  
 24 centerline of Bricin Street to its junction with the centerline of Janwall Street; thence  
 25 with the centerline of Janwall Street in a northeasterly direction extending to  
 26 intersect the centerline of the right of way of the abandoned Washington, Baltimore  
 27 and Annapolis Railroad (**ALSO KNOWN AS THE BAY RIDGE RAILROAD**); thence  
 28 following said right of way centerline in a northerly direction to its common junction  
 29 with the centerlines of Hilltop Lane and Tyler Avenue; thence following the  
 30 centerline of Tyler Avenue in a southeasterly direction to its junction with the  
 31 centerline of **BAY RIDGE AVENUE;** ~~President Street;~~ thence with the centerline of  
 32 ~~President Street in a northeasterly direction to its junction with the centerline of~~  
 33 ~~Jackson Street;~~ thence following the centerline of Jackson Street in a southeasterly  
 34 ~~direction to its junction with the centerline of Bay Ridge Avenue;~~ thence running  
 35 with the centerline of Bay Ridge Avenue in a southerly direction to **THE**  
 36 **INTERSECTION OF SAID CENTERLINE WITH A PROJECTION TO THE**  
 37 **SOUTHERN BOUNDARY LINE OF TAX MAP 52G, PARCEL NO. 1358; THENCE**  
 38 **WITH SAID PROJECTION AND BOUNDARY LINE IN A SOUTHEASTERLY**  
 39 **DIRECTION TO INTERSECT THE BOUNDARY LINE OF THE "GEORGETOWN**  
 40 **GROVE PLAT 3" PLAT (NOW RECORDED AT 94:50); THENCE, WITH SAID**  
 41 **BOUNDARY LINE OF THE GEORGETOWN GROVE PLAT TO THE BEGINNING**  
 42 **OF THE NORTH 83 DEGREE, 14 MINUTE, 38 SECOND EAST, 181.25 FOOT**  
 43 **LINE, SAID LINE BEING LOCATED AT THE HIGH WATER LINE OF BACK**  
 44 **CREEK; THENCE, WITH A LINE PERPENDICULAR TO SAID LINE TO ITS**  
 45 **INTERSECTION WITH THE CENTERLINE OF BACK CREEK;** ~~intersect an~~  
 46 ~~extension of the centerline of a stream the common boundary line between~~  
 47 ~~"Greenacres" and "Parkwood";~~ thence following said common boundary in an  
 48 easterly direction to the shoreline of an unnamed cove; thence running with the

~~centerline of the unnamed cove in a southeasterly direction then easterly to the centerline of Back Creek; thence running along WITH the centerline of Back Creek to a point where it intersects the Annapolis and Anne Arundel County boundary; thence running clockwise along WITH the Annapolis and Anne Arundel County boundary to a point where it intersects the centerline of Forest Drive approximately 4150 feet northwesterly from the centerline of Hillsmere Drive; thence following the centerline of Forest Drive in a southeasterly direction past its common junction with TO ITS INTERSECTION WITH THE BOUNDARY OF THE "HUNT MEADOWS PLAT (NOW RECORDED AT 147:24 AND 163:40); THENCE WITH SAID BOUNDARY LINE IN A NORTHERLY, WESTERLY DIRECTION TO INTERSECTION WITH THE BOUNDARY LINE OF THE "HUNT MEADOWS" PLAT (NOW RECORDED AT 111:2); THENCE WITH SAID BOUNDARY AND IN A NORTHERLY DIRECTION TO ITS INTERSECTION WITH THE SOUTHERN BOUNDARY LINE OF "ANNAPOLIS OVERLOOK" PLAT (NOW RECORDED AT 124:1); THENCE WITH SAID BOUNDARY LINE IN AN EASTERLY AND NORTHERLY DIRECTION TO INTERSECT THE SOUTHERN RIGHT OF WAY LINE OF FOREST DRIVE; THENCE, WITH A PROJECTION OF THE LAST BOUNDARY LINE IN A NORTHERLY DIRECTION, TO INTERSECT THE CENTERLINE OF FOREST DRIVE; THENCE FOLLOWING THE CENTERLINE OF FOREST DRIVE IN A SOUTHEASTERLY DIRECTION THROUGH THE COMMON JUNCTION OF BAY RIDGE ROAD, BAY RIDGE AVENUE AND HILLSMERE DRIVE INTERSECTION TO THE INTERSECTION OF THE CENTERLINE OF BAY RIDGE ROAD AND THE SOUTHWESTERLY PROJECTION OF THE SOUTHEASTERLY BOUNDARY LINE OF THE "ANNAPOLIS WOODS APARTMENTS" PLAT (NOW RECORDED AT 40:17); the centerlines of Hillsmere Drive, Bay Ridge Road and southbound Bay Ridge Avenue to its junction with the centerline of the northbound exit from Bay Ridge Road onto Bay Ridge Avenue; thence running in a northeasterly direction WITH SAID PROJECTION AND BOUNDARY LINE to the southeastern corner of THE "ANNAPOLIS WOODS APARTMENTS" PLAT (NOW RECORDED AT 40:17); "Bay Ridge Gardens"; thence following the boundary of THE "ANNAPOLIS WOODS APARTMENTS" PLAT "Bay Ridge Gardens" in a counterclockwise or northeasterly then northwesterly direction extending to its junction with the centerline of Bay Ridge Avenue; thence with the centerline of Bay Ridge Avenue in a southwesterly direction to its INTERSECTION WITH THE CENTERLINE OF FOREST HILLS AVENUE, THENCE WITH THE CENTERLINE OF FOREST HILLS AVENUE IN A WESTERLY DIRECTION TO ITS INTERSECTION WITH THE CENTERLINE OF BRICIN STREET AND junction with the centerline of Forest Hills Avenue and the place of beginning. This ward will be known as the sSeventh wWard.~~

40

#### 41 **1.16.090 - Eighth ward.**

42 The eEighth wWard is as follows:

43 Beginning at the junction of the centerlines of Jackson Street and President Street,  
 44 with the beginning point so fixed; thence running along the centerline of President  
 45 Street **NORTHERNLY AND THEN NORTHWESTERLY** ~~northeasterly~~ to its  
 46 intersection with the centerline of Boucher Avenue; thence following the centerline  
 47 of Boucher Avenue in a **SOUTHWESTERLY** ~~westerly~~ direction to its junction with  
 48 the centerline of Madison Street; thence running with the centerline of Madison

1 Street in a southerly direction to its junction with the centerline of Windsor Avenue;  
 2 thence following the centerline of Windsor Avenue in a **SOUTHWESTERLY**  
 3 ~~westerly~~ **INTERSECTION** with the centerline of Hawkins  
 4 Cove; thence running along the centerline of Hawkins Cove in a northerly direction  
 5 to its junction with the centerline of Spa Creek; thence with the centerline of Spa Creek  
 6 generally easterly to its ~~junction with the~~ **INTERSECTION WITH THE ANNAPOLIS**  
 7 **AND ANNE ARUNDEL COUNTY BOUNDARY** ~~junction centerline of the Severn~~  
 8 ~~River; thence following the centerline of the Severn River;~~ **THENCE FOLLOWING**  
 9 **SAID BOUNDARY** in a southeasterly direction to **INTERSECT** the extended  
 10 centerline of Back Creek; thence following the centerline of Back Creek generally  
 11 westerly **TO INTERSECT A LINE PROJECTED PERPENDICULAR TO THE**  
 12 **BEGINNING OF THE NORTH 83 DEGREE, 14 MINUTE, 38 SECOND EAST,**  
 13 **181.25 FOOT LINE OF THE "GEORGETOWN GROVE" PLAT (NOW RECORDED**  
 14 **AT 94:50) BOUNDARY; THENCE WITH SAID PEPENDICULAR LINE TO**  
 15 **INTERSECT THE BEGINNING OF THE NORTH 83 DEGREE, FOURTEEN**  
 16 **MINUTE, 38 SECOND, 181.25 FOOT LINE, SAID BEGINNING OF LINE**  
 17 **LOCATED AT THE HIGH WATER LINE OF BACK CREEK, THENCE,**  
 18 **REVERSELY WITH THE BOUNDARY LINE OF SAID PLAT TO INTERSECT THE**  
 19 **SOUTHERN BOUNDARY LINE OF TAX MAP 51I, PARCEL 1358; THENCE WITH**  
 20 **SAID BOUNDARY LINE AND PROJECTION OF SAID BOUNDARY LINE IN A**  
 21 **NORTHWESTERLY DIRECTION TO INTERSECT THE** ~~to its junction with the~~  
 22 ~~centerline of a cove to the north between "Parkwood" and "Greenacres";~~ thence  
 23 ~~running westerly with the common boundary line between "Parkwood" and~~  
 24 ~~"Greenacres" and along a stream to the centerline of Bay Ridge Avenue; thence~~  
 25 ~~following the centerline of Bay Ridge Avenue in a northerly direction to its junction~~  
 26 ~~with the centerline of Jackson Street;~~ **INTERECTION WITH TYLER AVENUE;**  
 27 **THENCE IN A NORTHWESTERLY DIRECTION WITH THE CENTERLINE OF**  
 28 **TYLER AVENUE TO ITS INTERSECTION WITH THE CENTERLINE OF**  
 29 **PRESIDENT STREET; THENCE WITH THE CENTERLINE OF PRESIDENT**  
 30 **STREET TO ITS INTERSECTION WITH CENTERLINE OF JACKSON STREET,**  
 31 **BEING THE POINT OF BEGINNING.** ~~thence running in a westerly direction with~~  
 32 ~~the centerline of Jackson Street to its junction with the centerline of President~~  
 33 ~~Street, being the point of beginning. This ward will be known as the eEighth wWard,~~  
 34 **BUT THE WARD DOES NOT INCLUDE ANY LAND WHICH IS THE PROPERTY**  
 35 **OF THE UNITED STATES GOVERNMENT.**

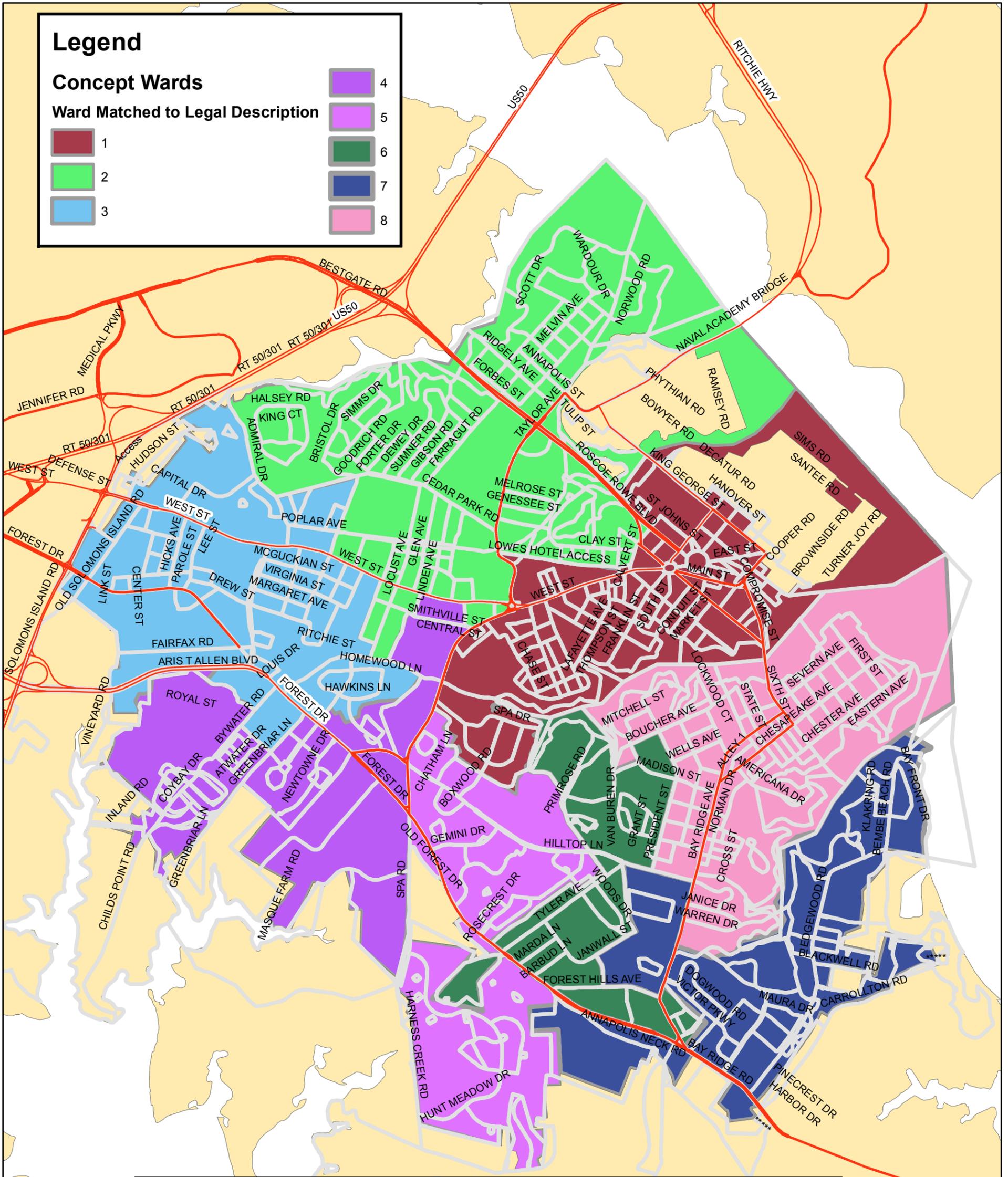
36  
37 **Amendment #2**

38 Page 3, Lines 12-13: Strike "at the conclusion of the current term of office for the" and  
39 insert "for the next election for the offices of the"

# Legend

## Concept Wards

### Ward Matched to Legal Description



Ward	Population	Population Dev	Deviation %	White	Black	American Indian	Asian	Hawaiian	Some Other Race Alone	Hispanic (unadjusted)
W1	4872	54	1.12	4181	429	5	50	3	143	355
W2	4798	-20	-0.42	3696	766	2	71	2	157	325
W3	4925	107	2.22	1540	2177	12	124	0	928	1359
W4	4995	177	3.67	1589	2573	13	145	1	508	841
W5	4951	133	2.76	3312	707	29	140	4	591	1279
W6	4577	-241	-5	1502	2223	9	92	0	596	1162
W7	4662	-156	-3.24	3301	832	6	95	0	334	695
W8	4766	-52	-1.08	3964	414	21	92	1	181	432



Proposed Map for Ordinance O-1-12  
7/20/2012

City of Annapolis MIT GIS

Map Created By: MIT GIS

Department Use: Public

Map is for reference purposes only please see City Code for official descriptions of the wards.

\* State Data is portrayed in all numbers but Hispanic because not part of the adjustment process.



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## **Alderman Israel's Amendment to O-1-12**

### **Election Ward Boundaries**

#### **Amendment #1**

Page 2, Lines 28-29 of Mayor Cohen's Amendments to O-1-12:

Strike: "contained therein which is the property of the United States Government"  
and replace with "owned by the United States Government and used by the United States Department of the Navy."



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 7/19/12

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

The Transportation Committee has reviewed 0-17-12 and has taken the following action:

- Favorable
- Favorable with amendments
- Unfavorable
- No Action
- Other
- Comments:

Roll Call Vote:

Ald. Pfeiffer, Chair YES

Ald. Kirby YES

Ald. Arnett YES

Meeting Date 7/19/12

Signature of Chair [Signature]

To: City Council

From: Sharon A Kennedy, HPC Chair

July 23, 2012

Re: O-23-12

Thank you for referring o-23-12 to the HPC for review and discussion. It was an agenda item at our July 10, 2012 hearing. At that time we had insufficient information to determine our opinion, and therefore filed a report indicating no action. At that time the Commission expressed concerns related to the adoption of the International Energy Conservation Code and the impact of that adoption on historic resources. Questions were also raised to possible changes in standards for demolition being adopted. Subsequent conversations with the DNEP staff have clarified the situation. Specifically the code being adopted under O-23-12 contains the following language:

**101.4.2 Historic buildings.** Any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource with a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Registers of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, are exempt from this code.

It is the understanding of both DNEP and P&Z that this language exempts the Historic District (as well as other properties that qualify outside the District) from the International Energy Conservation Code provisions that raised concerns with the HPC and therefore there will be no negative impact on the District related to adoption of O-23-12.



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 7/19/12

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

The Environmental Matters Committee has reviewed R.23.12 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Paone N/A

Ald. Kirby YES

Ald. Pfeiffer YES

Meeting Date 7/19/12

Signature of Chair [Signature]

## Mayor Cohen's Amendments to R-30-12

### Formation of a Task Force to Study the Police and Fire Pension Plan and Other Post Employment Benefits (OPEB)

#### Amendment #1

Page 1, Lines 22-29, Strike:

**WHEREAS,** the City's Financial Advisory Commission stated in a May 11, 2012 letter to the Mayor and City Council, "Short of converting to defined contribution plans, which would be optimal, the only changes that are likely to fix the structural problems with the existing pensions are to increase retirement ages and to push out eligibility for beginning payments to retirees. Adjusting funding levels for employees and the City within realistic ranges, changing assumptions on forward looking rates of return and making small changes in the plan structure will only slightly defer the problem; and

And replace with:

**WHEREAS,** the Memoranda of Understanding negotiated with the City's public safety unions for FY 2013 included a commitment to create a Task Force to evaluate changes to the Police and Fire pension, including funding levels, plan design, and possibility of creating a Deferred Retirement Option Program (DROP); and

#### Amendment #2

Page 2, Line 13: insert "one" before "Representative"

Page 2, Line 14: insert "one" before "Representative"

#### Amendment #3

Page 2, Line 15: insert

"For the OPEB Task Force

One representative from AFSCME

One representative from the Employee Feedback Committee"



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 7/19/12

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

The Transportation Committee has reviewed R-32-12 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Pfeiffer, Chair YCS

Ald. Kirby YCS

Ald. Arnett YCS

Meeting Date 7/19/12

Signature of Chair [Signature]

**Proposed Amendment to R-37-12 Discussed at July 19, 2012 Work Session**  
**Authorizing the Annual Kunta Kinte Festival as an Official City of Annapolis**  
**Co-Sponsored Event**

**Amendment #1**

Page 2, Line 20: Strike "may" and replace with "shall"

*Alderwoman Hoyle also requested to be added as a co-sponsor of R-37-12.*



Chartered 1708

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 25, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Environmental Commission reappointment

Pending your approval, I would like to reappoint Ms. Diane Butler to the Environmental Commission. Ms. Butler is a resident of Ward 8 and has served on this board since 2009. Ms. Butler is currently serving as Chair of this Commission.

Diane Butler  
407 Third Street  
Annapolis, MD 21403  
443-253-7263  
dianebutler827@aol.com

Mr. Butler's term will expire on 6/30/15. A copy of her resume is attached.

Thank You.

JJC/hr

Reviewed by: <u>Environmental Matters Committee</u>	
<input checked="" type="checkbox"/> Favorable	<input type="checkbox"/> Unfavorable
 _____ Committee Chair	<u>7/10/12</u> Date

**Diane R. Butler** is the Chair of the Annapolis Environmental Commission. Ms. Butler is the President of Resolution Associates. Mrs. Butler has been engaged in the full-time management of environmental and toxic tort insurance claims settlements for over eighteen years. Prior to joining Resolution Associates, Inc. in 2003, she worked for the insurance industry. In 1989, she joined the Law Department of The Travelers Insurance Company making coverage determinations in environmental cases. Later, she became Environmental Claims Liaison to the Reinsurance Department at Aetna, where she resolved coverage disputes with Aetna's reinsurers in complex claim matters. While at Aetna she helped establish reserve and allocation methodologies for environmental, toxic tort and product claims. Mrs. Butler began consulting on behalf of policyholders in 1995, first as Claims Manager and Counsel and then as Vice President of firms specializing in insurance archaeology, negotiation and settlement of environmental claims for Fortune 500 Companies. Mrs. Butler has participated in negotiations for over \$185 Million in settlements.

Mrs. Butler is a graduate of the State University of New York at Plattsburgh, the University of Baltimore Law School and has attained the Associate Risk Manager (ARM) designation. She is licensed to practice law in Connecticut, Pennsylvania and Maryland.



Chartered 1708

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 21, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Environmental Commission reappointment

Pending your approval, I would like to reappoint Mr. Ted Weber to the Environmental Commission. Mr. Weber is a resident of Ward 8 and has served on this board since 2009.

Theodore C. Weber  
1022 Park Avenue  
Annapolis, MD  
410-268-7621  
savethereefs@earthlink.net

Mr. Weber's term will expire on 6/30/15. A copy of his resume is attached.

Thank You.

JJC/hr

Reviewed by: <u>Environmental Matters Committee</u>	
<input checked="" type="checkbox"/> Favorable	<input type="checkbox"/> Unfavorable
 _____ Committee Chair	<u>7/19/12</u> Date

### **EXPERIENCE SUMMARY**

- Current position oversees all of the science issues associated with strategic conservation projects at The Conservation Fund. Specific tasks include defining the use of conservation planning and science tools, managing subcontractors, coordinating technical teams, developing assessment protocols, designing habitat models and green infrastructure networks, and reviewing pertinent literature. Authors planning documents, reports, and journal articles on conservation science and strategic conservation planning, and presents work at professional conferences.
- Project manager for landscape, watershed, and field-based ecological assessments throughout the eastern U.S.A., developing tools and data to identify and prioritize areas for conservation and restoration.
- Over ten years experience in performing research and developing GIS applications to assess landscapes for their ecological value and function using principles of landscape ecology, conservation biology, ecological modeling, restoration ecology, and wildlife biology.
- Over ten years experience using ArcGIS, ARC/INFO, ArcView GIS, MaxEnt, and other software for spatial modeling, conservation and restoration planning, landscape and wildlife habitat analyses, and other purposes. Also over ten years experience conducting statistical analyses with SAS, R, NCSS, and other software packages.
- Over ten years experience conducting forest, wetland, stream, and wildlife field assessments, including designing surveys, logistical preparation, supervising field crews, performing a wide variety of field measurements, and analyzing results.
- Performed ecosystem valuation of Cecil County, Maryland, and performing one for the Houston area.
- Working with the University of Maryland to develop a prototype ecosystem investment corporation which would pay forest stewards to provide ecosystem services to the general public.
- Experience performing systems analyses and emergy accounting.
- Over ten years experience documenting and preparing reports, presentations, posters, web products, etc.
- Over ten years experience supervising employees, interns, and volunteers.
- Certified by Maryland Biological Stream Survey (MBSS) for stream biological, chemical, and physical sampling.
- Experience measuring water quality metrics such as dissolved oxygen, nitrate, pH, turbidity, algae, etc.
- Experience identifying native and non-native flora and fauna throughout the eastern U.S.A. and other areas.
- Experience conducting aerial surveys by helicopter and fixed-wing aircraft.
- Experience assessing properties for conservation values and restoration needs.
- Experience monitoring conservation easements.
- Helped teach classes and workshops.
- Performed environmental education and outreach at festivals, fairs, boat shows, etc.
- Lectured on applications of landscape and wildlife ecology to conservation practitioners in Brazil, Argentina, South Africa, Botswana, and throughout the U.S.A.
- Helped the Associação Mico Leão Dourado (Golden Lion Tamarin Association) plan reforestation in the state of Rio de Janeiro, Brazil, by analyzing habitat quality and connectivity potential.
- Helped Conservation International develop a monitoring framework for the Okavango Delta in Botswana, using aquatic macroinvertebrates as indicators of wetland condition.

- Developed energy analyses and simulation models of ecological and economic systems.
- Attended and presented at numerous conferences, workshops, meetings, and training seminars.
- Helped organize and facilitate meetings.
- Experienced at camping, trekking, canoeing, SCUBA diving, and other outdoor activities. Able to navigate by compass and map, by GPS, and by using ArcPad field GIS.

### **RECENT WORK HISTORY**

- Strategic Conservation Science Manager, The Conservation Fund, Annapolis, MD (Jan. 2010 – present).
- Strategic Conservation Analyst, The Conservation Fund, Annapolis, MD (May 2005 – Dec. 2009).
- Landscape ecologist, Maryland Department of Natural Resources, Annapolis, MD (Feb. 1998 – May 2004. On leave of absence traveling the world May 2004 - April 2005).
- Researcher II, Cooperative Wildlife Research Laboratory, Southern Illinois University at Carbondale, Carbondale, IL (Nov. 1995 - Jan. 1998)

### **EDUCATION**

- M.S. in Environmental Science, Dec. 1994, University of Florida, Gainesville, FL  
Programs: Systems Ecology, Wetlands Ecology. GPA: 3.77/4.00
- Graduate Certificate in Wetlands, April 1994, University of Florida, Gainesville, FL
- B.S. in Physics, May 1989, University of Florida, Gainesville, FL

### **PUBLICATIONS**

Weber, T. C., and M. S. Schwartz. 2011. Maximum entropy habitat modeling of four endangered mussels in the Ohio River basin, USA. *Journal of Conservation Planning* 7:13-26.

Weber, T. C. 2011. Maximum entropy modeling of mature hardwood forest distribution in four U.S. states. *Forest Ecology and Management* 261:779-788.

Weber, T. C. and W. L. Allen. 2010. Beyond on-site mitigation: An integrated, multi-scale approach to environmental mitigation and stewardship for transportation projects. *Landscape and Urban Planning* 96:240-256.

Allen, W. L., T. C. Weber, and K. A. Hoellen. 2010. Green infrastructure design and benefit-cost optimization in transportation planning. Pages 115-126 in Burke, D. G. and J. E. Dunn (eds.), *A sustainable Chesapeake: better models for conservation*. The Conservation Fund, Arlington, VA.

Weber, T. C., and D. E. Boss. 2009. Use of LiDAR and supplemental data to estimate forest maturity in Charles County, Maryland, USA. *Forest Ecology and Management* 258:2068-2075.

Allen, W. and T. Weber. 2009. Advancing strategic conservation through green infrastructure. *Sustainability Tomorrow* 4(2):6-12.

Weber, T., P. Blank, and A. Sloan. 2008. Field validation of a conservation network on the eastern shore of Maryland, USA, using breeding birds as bio-indicators. *Environmental Management* 41:538-550.

The Conservation Fund. 2008. Cecil County, Maryland, green infrastructure plan. The Conservation Fund, Arlington, VA. 48 pp. (Contributing author)

Weber, T. C. 2007. Development and application of a statewide conservation network in Delaware, U.S.A. *Journal of Conservation Planning* 3:17-46.

Allen, W., and T. Weber. 2007. Baltimore County land preservation model: water quality assessment. The Conservation Fund, Arlington, VA. 16pp.

The Conservation Fund. 2006. The state of Chesapeake forests. The Conservation Fund, Arlington, VA. 144pp. (Contributing author)

The Conservation Fund. 2006. Kent County, Delaware: rapid assessment of green infrastructure. The Conservation Fund, Arlington, VA. 53pp. (Contributing author)

Weber, T., P. Blank, R. Aviram, J. Lister, and A. Sloan. 2006. A field validation of Maryland's Green Infrastructure Assessment using breeding birds as bio-indicators in Eastern Shore forests. Maryland Dept. Nat. Res., Annapolis, MD.

Weber, T., J. Wolf, and A. Sloan. 2006. Maryland's green infrastructure assessment: development of a comprehensive approach to land conservation. *Landscape and Urban Planning* 77:94-110.

Weber, T. 2004. Landscape ecological assessment of the Chesapeake Bay watershed. *Environmental Monitoring and Assessment* 94(1):39-53.

Weber, T., J. Wolf, P. Blank, R. Aviram, and J. Lister. 2004. Restoration targeting in Maryland's Green Infrastructure. Maryland Dept. Nat. Res., Annapolis, MD. 63pp. plus appendices.

Weber, T. 2004. Risk of forest loss in Maryland's Green Infrastructure, based on 1997-2000 patterns of development. Maryland Dept. Nat. Res., Annapolis, MD. 12pp.

Weber, T. 2003. Maryland's green infrastructure assessment: a comprehensive strategy for land conservation and restoration. Maryland Dept. Nat. Res., Annapolis, MD. 246pp. plus appendices.

Woolf, A., C. K. Nielsen, T. Weber, and T. J. Gibbs-Kieninger. 2002. Statewide modeling of bobcat, *Lynx rufus*, habitat in Illinois, USA. *Biological Conservation* 104:191-198.

Weber, T., and J. Wolf. 2000. Maryland's green infrastructure: using landscape assessment tools to identify a regional conservation strategy. *Environmental Monitoring and Assessment* 63:265-277.

### **PROFESSIONAL MEMBERSHIPS**

- Society for Conservation Biology
- International Association for Landscape Ecology
- Freshwater Mollusk Conservation Society

### **OTHER**

- Commissioner, Annapolis Environmental Commission
- Riverwatcher, Bacon Ridge Branch (volunteer position with South River Federation)
- Volunteer easement monitor, Maryland Environmental Trust



Chartered 1708

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 25, 2012

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Annapolis Conservancy Board reappointment

Pending your approval, I would like to reappoint Ms. Karen Jennings to the Annapolis Conservancy Board. Ms. Jennings has served on this board since 2008 and serves as Chair of this committee. Ms. Jennings is a resident of Ward 8.

Ms. Karen Jennings  
1022 Park Avenue  
Annapolis, MD 21403  
410-268-7621

Ms. Jennings's term will expire on 6/30/18. A copy of her resume is attached.

Thank You.

JJC/hr

Reviewed by: <u>Environmental Matters Committee</u>
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
 _____ Committee Chair
<u>7/19/12</u> _____ Date

## Karen Louise Jennings

**Address:** 16 Brewer Ave., Annapolis, Maryland 21401  
**Phone:** Home: (410) 280-1746 **Email:** kljennings.geo@yahoo.com

### QUALIFICATIONS:

### EDUCATION

- M.S., Geology University of Vermont, Burlington, VT 05405. 1998 – 2001  
Specialties: Geomorphology, Hydrogeology  
Thesis title: Depositional histories of Vermont alluvial fans.  
Related Skills: Surficial geology mapping, stratigraphic analysis, soil classification, radiocarbon dating, examination of hillslope erosion (pre- and post-deforestation), land surveying with Total Station and GPS equipment, computerized drafting.  
Advisor: Dr. Paul R. Bierman, (802) 656-4411
- B.A., Geoscience Franklin and Marshall College, Lancaster, PA 17604. 1992-1996

### WORK EXPERIENCE

- GEOMORPHOLOGIST**  
07/2005 – Present  
Straughan Environmental Services, Inc., 9135 Guilford Rd, Columbia, MD 21046  
Environmental Design Unit: Assessment of river stability; design of stream and wetland restoration projects; groundwater monitoring; sediment sampling for contamination; evaluation of fish migration barriers; post-mining landscape rehabilitation  
Supervisor: Paul Dane, (301) 362-9200
- HYDROLOGIST**  
08/2001 – 02/2004  
Riverside Forest Fire Laboratory, Pacific Southwest Research Station, USDA Forest Service, 4955 Canyon Crest Drive, Riverside, CA 92507.  
Prescribed Fire and Fire Effects Work Unit: Co-designed a project to determine the spatial and temporal effects of wildfire disturbance on headwater stream hydrology; implementation of projects to determine the erosional and hydrologic characteristics of treated and untreated burned hillslopes in small watersheds; assistance with the selection of field sites appropriate to study goals; assistance with collection of field data and ongoing monitoring of hillslope runoff and sediment production at burned forest sites.
- GEOLOGIST-IN-THE-PARK**  
04/2003- 05/2004, part-time  
Antietam National Battlefield, P.O.Box 158, Sharpsburg, MD 21782  
Preliminary assessment of Antietam Creek for restoration or rehabilitation efforts; collection of baseline data on current stream scour including surveys of bank erosion and riparian buffers along the creek and its tributaries; Rosgen stream classification and delineation; analysis and interpretation of historic stream gage and flood data; quantification of runoff from high-use areas of the park; overview of watershed health; identification of potential remediation efforts.
- GEOLOGIST II**  
02/2001 – 08/2001  
Maryland Geological Survey, 2300 St. Paul Street, Baltimore, MD 21218.  
Southern Maryland Patapsco Aquifer Project: Monitoring of drilling projects and aquifer (pumping and recovery) tests; collection and description of drill cutting mineralogical and sedimentologic characteristics; interpretation of aquifer characteristics using cutting descriptions and geophysical logs; compilation of tables and hydrographs from well network and project field data; maintenance of the Ground Water Information System (GWIS) database.
- OAK RIDGE INTERN**  
01/1997 – 12/1997  
U.S. Geological Survey, 215 Limekiln Road, New Cumberland, PA 17070.  
Pennsylvania Bridge Scour Project: Surveys of bridge sites and documentation of site geomorphic and hydrologic characteristics in brief Department of Transportation reports, including any recommendations for stream channel remediation.

**PROFESSIONAL MEMBERSHIPS:** Geological Society of America; American Geophysical Union; Association of Women Geoscientists; International Association of Geomorphologists



Chartered 1708

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 21, 2012

To: Alderpersons, City Of Annapolis

From: Mayor Joshua J. Cohen

Re: Annapolis Environmental Commission

I respectfully submit for your approval the appointment of Mr. Kurt Riegel to the Annapolis Environmental Commission. Mr. Riegel is a resident of Ward 2 and this appointment fills a vacancy on the Commission. His resume is attached.

Kurt W. Riegel  
307A Monterey Ave  
Annapolis MD 21  
410.507.2999  
Kurt.Riegel@gmail.com

Thank You.

JJC/hrr

Reviewed by: ___ Environmental Matters Committee ___	
<input checked="" type="checkbox"/> Favorable	<input type="checkbox"/> Unfavorable
 _____	<u>7/10/12</u> Date
Committee Chair	

## Kurt W. Riegel

307A Monterey Ave  
Annapolis MD 21401

Web: [apl.jhu.edu/Notes/Riegel/](http://apl.jhu.edu/Notes/Riegel/)

Phone: 410.507.2999

E-mail: [Kurt.Riegel@gmail.com](mailto:Kurt.Riegel@gmail.com)

### Education

Harvard Business School, PMD 1977  
University of Maryland, PhD Astrophysics 1966  
Johns Hopkins University, BA Physics 1961

### Other Education

Johns Hopkins & Syracuse Universities (International Strategic & Policy Studies)  
National Science Foundation (Negotiation & Planning)  
Federal Executive Institute (General Management)  
Energy Field Institute (Private/Public Energy Field Studies)  
Department of Energy Oak Ridge Training Center (General Supervision)

### Employment

- Consultant, Antares Group, Renewable Energy, 2005 - present
- Instructor, Whiting School of Engineering, Johns Hopkins University, 2001- present, Environmental Compliance Management
- Director, Environmental Technology, Office of the Assistant Secretary of the Navy (Installations & Environment). 1994–2001, Washington DC
- Founding Director, Environmental Protection, Occupational Safety & Health, Naval Sea Systems Command. 1989-1994, Washington DC
- Head, National Astronomy Centers, National Science Foundation, 1982-1989, Washington DC
- Associate Director, Environmental Engineering and Technology, Office of Research & Development, Environmental Protection Agency, 1979-1982, Washington DC.
- Director, Consumer Products (Conservation and Solar Applications), Department of Energy, 1975-1979, Washington DC
- Program Manager, Federal Energy Administration (Federal Energy Office and Energy Research & Development Administration), 1974-1975, Washington DC
- Assistant Professor, 1966-1974, Los Angeles, California
- Scientific Consultant, RAND Corporation. 1973-1974, Santa Monica, California
- Visiting Scientist, University of Leiden. 1972-1973, Leiden, Netherlands.

## Other Relevant Activities and Awards

- Member Ft. Meade Restoration Advisory Board, 2011-present
- Member, Severn River Association Board of Directors, 2007-present
- Commissioner, Severn River Commission, 2009-present
- President, Severn River Association, 2007-2009
- Green Heron Award, Severn River Association, 2007
- Recipient of the Bronze Medal Award of the Environmental Protection Agency, 1992
- Chair, Virginia Governor's Advisory on Environmental Education (Colleges & Universities), 2000-2001
- Judge & Steering Committee Member, Commonwealth of Virginia 1999 & 2000 Watershed Protection Awards
- Adjunct Professor at George Washington University - Hazardous Waste Policy/Management
- Executive in Residence, Washington & Lee University, Lexington VA – Environmental Policy
- Adjunct Professor at Virginia Tech, Energy Planning & Management
- Teaching, Virginia Military Institute, Environmental Leadership
- Past Memberships:
  - American Association for the Advancement of Science
  - Society of Sigma Xi
  - Harvard Business School Club (Vice-President)
  - American Physical Society
  - American Astronomical Society
  - International Astronomical Union
  - Audubon Society & Sierra Club
  - Member, Underwriters Laboratories Casualty Council

## Personal

- Married to Marieluise Baeck Stewart Riegel.
- Children: Tatiana, Sam and Eden - all accomplished show business professionals.

## Selected Publications and Presentations

*Beauty is the Beast of the Chesapeake Bay*, The Capital newspaper, November 09, 2007

*Private property, public pain*, The Capital newspaper, July 18, 2009

*Governor fails 3 times to protect Severn*, The Capital newspaper, May 2, 2009

Formal written response to call for public comment, Maryland Department of Environment, "Total Maximum Daily Loads of Fecal Coliform for the Restricted Shellfish Harvesting Areas in Whitehall and Meredith Creeks, Mill Creek, and the Severn River Mainstem of the Severn River Basin in Anne Arundel County, Maryland.; 24 July 2007 (published in the public record)

"Saving our Severn: Public good, private interest", with Thistle Cone, Capital newspaper, April 28, 2007

"Summary of Remarks to Interstate Technology Regulatory Cooperation (ITRC) group", San Antonio, Oct 2000, <http://www.itrcweb.org/kr121900remarks.pdf>

"The Federal Government's Role in Sustainability", Keynote Address, with EPA Region 3 Administrator W. Michael McCabe, Environment Virginia '99 Conference, 21 April 1999

"Modeling & Simulation: Department of the Navy Environmental Compliance", Department of Defense Symposium on Environmental Modeling and Simulation, Washington DC, 5 May 1998

"Environmental Science & Technology", Society of American Military Engineers Environmental Forum, Washington DC, 28 Jan 1998

"Science & Technology for Environmental Performance", Keynote Address, Environment Virginia '98 Conference, 2 April 1998

"Polychlorinated biphenyls on Naval Vessels", Proceedings of the Conference on Chemical Risk Assessment: Science, Policy and Practice (abstract) January 1993

"Long Range Plan for Environmental Protection", Naval Sea Systems Command (management document), December 1990

"Major Claimant Environmental Program Assessment", Naval Sea Systems Command (management document), April 1991

"Going by the Boards", Style Plus, C5, Special to The Washington Post on telecommunications, 5 December 1985

"Hazardous Waste Reduction and Recycling", Proceedings of NATO Challenges to Modern Society Symposium on Hazardous Waste Disposal, vol. 4, Plenum Press 1983

"Emissions, Costs and Engineering Assessment", Final Report to US Department of State and Canadian Department of External Affairs under United States/Canada Memorandum of Intent on Transboundary Air pollution, June 1982

"Issue Paper for Public Hearings—A Review of Federal Energy Conservation Programs", under Section 11 of the Federal Non-nuclear Energy Research and Development Act PL 93-577, Environmental Protection Agency Office of Research & Development, June 1981

"Keynote Address", Symposium on Environmental Aspects of Fuel Conversion Technology, Environmental Protection Agency Report EPA-600/9-81-006, January 1981

"Environmental and Health Concerns Stemming from Use of Bio-Energy", Proceedings of Bio-Energy '80 World Congress and Exposition, April 1980

“Environmental Implications of Solar Thermal Applications”, Government-Industry Forum on the National Energy Act and the Solar Thermal Option, April 1980

”Resource Conservation and Recovery Act”, Third Conference on Advanced Pollution Control for the Metal Finishing Industry, Environmental Protection Agency EPA-600/2-81-028, February 1981

“Technology and Consumer Products Branch Program Plan”, Department of Energy, DOE/CS-0047, September 1978.

“Consumer Product and Technology Branch Program Plan”, Energy Research and Development Administration, ERDA 77-81, September 1977

“The Hollister Lamp”, letter to Lighting Design & Application, pub. July 1976

“Lighting and Energy—a Federal Perspective”, Lighting Design and Application, January 1976, p.9

“The Federal Program for Research, Development and Demonstration for Energy Conservation through Improved Controls”, Proceedings of ERDA Controls Conference, Boston, May 1976

“Appliances and Lighting”, invited paper, Proceeding of the National Forum on Energy Conservation, Ft. Lauderdale, FL, 2 December 1975

“Federal Initiatives to Save Energy in Lighting and Appliances”, invited paper, Proceedings of the Symposium on Environment and Energy Conservation, Denver, Colorado, November, 1975

“Technical Opportunities for Improving the Energy Efficiency of the Nation’s Appliances”, Committee Print, 94<sup>th</sup> Congress, Subcommittee on Energy and Power, House Interstate and Foreign Commerce Committee, August 29, 1975

“The Federal Energy Administration’s Lighting Energy Conservation Program”, Proceedings of Symposium on the Occupational Safety and Health Effects Associated with Reduced Levels of Illumination, US Department of Health, Education and Welfare, March 1975

“Getting Individual Customers Involved in Energy Conservation: A Printed Comparative Energy Use Indicator on Customer Bills?”, Public Utilities Fortnightly, November 1974

“Energy Conservation in Lighting”, Proceedings of Conference on Buildings, Energy and the Environment, the Cary Arboretum of the New York Botanical Garden, Millbrook, New York, 1 November 1974

“Lighting and Thermal Operations: Energy Management Action Program for Commercial, Public and Industrial Buildings”, Guidelines published by the Federal Energy Administration, Office of Energy Conservation and Environment, November 1974

“A Preliminary Assessment of Energy Conservation in Lighting”, report of the Rand Corporation, WN-8666-FEO, May 1974

”Optical Interstellar Line Studies of a Nearby Cold Cloud”, Astrophysical Journal 188, 481, March 1974

“Light Pollution: Outdoor Lighting is a Growing Threat to Astronomy”, Science 179, 1285, 1973

“Two New Main-Line OH/IR Stars”, Astronomy and Astrophysics 22, 473, 1973

“Toward the Development of a National Energy Conservation Program”, report prepared for the Federal Energy Office, 1 November 1973

“Neutral Hydrogen Self-Absorption in a Large Region Toward the Galactic Center”, Astronomy and Astrophysics 18, 55, 1972

“OH Observations of the Galactic Cluster NGC 2264”, *Astrophysical Journal* 172, L107, 1972

Book review, of *New Horizons in Astronomy* by John C. Brandt and Stephen P. Maran, W. H. Freeman and Co., San Francisco 1972, in *Sky and Telescope* 44, 23, 184, 1972

“H I Spectral Line Observations in the Direction of W31”, *Astrophysical Journal* 164, 29, 15 February 1971

“Detection of 166-alpha Recombination Line Radiation in the Direction of the Galactic Center”, *Astrophysical Journal* 159, L155, March 1970

“Observations of an Unusual Cold Cloud in the Galaxy”, *Astrophysical Journal* 157, #2, 563, August 1969

“Neutral Hydrogen Self-Absorption in a Cold Cloud” (a), *Astronomical Journal* 73, #10, 1365, December 1968

“The Galactic Radio Source DR21 at 3.3 mm”, *Astrophysical Journal* 151, L33, January 1968

“The Galactic Radio Source W49 at 3.4 mm”, *Astrophysical Journal* 149, L55, August 1967

“21-cm Line Observations of Galactic H II Regions”, *Astrophysical Journal* 148, 87, April 1967

“An Analysis of the Light Curve of Mu Cephei”, *Journal of the Royal Astronomical Society of Canada*, 60, #1, p.15, February 1966