

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2011, Legislative Day No. 36

Bill No. 79-11

Introduced by Mr. Trumbauer and Mr. Ladd

By the County Council, November 7, 2011

Introduced and first read on November 7, 2011

Public Hearing set for December 5, 2011

Bill Expires February 10, 2012

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Stormwater Management and Restoration Fund and
2 Stormwater Management Charge

3
4 FOR the purpose of creating the Anne Arundel County Stormwater Management and
5 Restoration Fund as a special, nonlapsing fund into which revenues from the system
6 of stormwater management charges authorized by State law shall be paid and from
7 which appropriations to implement stormwater management programs shall be made;
8 providing for the purposes and excluding certain uses of the Fund; providing that the
9 Fund shall not be the exclusive source of funds used to pay for stormwater
10 management programs; defining certain terms; providing for the imposition, nature,
11 disposition of revenues, rate and payment, and scope of the stormwater management
12 charge; providing for eligibility of a waiver from the charge; providing for the
13 applicability of the new charge; providing for an appeal of the calculation of the fee;
14 and generally relating to the funding of stormwater management programs.

15
16 By renumbering: §§ 4-12-101 through 4-12-107 and the title "Title 12. Miscellaneous
17 Provisions to be §§ 4-13-101 through 4-13-107 and the title "Title 13. Miscellaneous
18 Provisions, respectively
19 Anne Arundel County Code (2005, as amended)

20
21 BY adding: §§ 4-12-101 through 4-12-103 to be under the new title "Title 12. Anne
22 Arundel County Stormwater Management and Restoration of Tributaries Fund.
23 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.

1 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
2 *Maryland,* That §§ 4-12-101 through 4-12-107 and the title “Title 12. Miscellaneous
3 Provisions” of the Anne Arundel County Code (2005, as amended) are hereby
4 renumbered to be §§ 4-13-101 through 4-13-107 and the title “Title 13. Miscellaneous
5 Provisions, respectively.”

6
7 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
8 Code (2005, as amended) read as follows:

9
10 **ARTICLE 4. FINANCE, TAXATION, AND BUDGET**

11
12 **TITLE 12. ANNE ARUNDEL COUNTY STORMWATER MANAGEMENT AND**
13 **RESTORATION FUND**

14
15 **4-12-101. Anne Arundel County Stormwater Management and Restoration Fund.**

16
17 (A) **Fund established.** THERE IS AN ANNE ARUNDEL COUNTY STORMWATER
18 MANAGEMENT AND RESTORATION FUND INTO WHICH REVENUES FROM THE SYSTEM OF
19 CHARGES AUTHORIZED BY THE ENVIRONMENT ARTICLE, § 4-204(D), OF THE STATE CODE
20 SHALL BE PAID AND FROM WHICH APPROPRIATIONS SHALL BE MADE IN ORDER TO FUND
21 IN WHOLE OR IN PART STORMWATER MANAGEMENT PROGRAMS.

22
23 (B) **Special fund.** THE STORMWATER MANAGEMENT AND RESTORATION FUND IS A
24 SPECIAL, NONLAPSING FUND.

25
26 (C) **Purposes.** THE REVENUES PAID INTO THE STORMWATER MANAGEMENT AND
27 RESTORATION FUND ARE DEDICATED BY THE ENVIRONMENT ARTICLE, § 4-204(D), OF THE
28 STATE CODE, TO FUNDING THE IMPLEMENTATION OF STORMWATER MANAGEMENT
29 PROGRAMS INCLUDING THE FOLLOWING:

- 30
31 (1) RETROFITTING DEVELOPED AREAS FOR POLLUTION CONTROL;
- 32
33 (2) PLANNING, DESIGN, LAND ACQUISITION AND CONSTRUCTION OF
34 STORMWATER MANAGEMENT SYSTEMS AND STRUCTURES;
- 35
36 (3) WATER QUALITY MONITORING AND WATER QUALITY PROGRAMS;
- 37
38 (4) WATERSHED PLANNING;
- 39
40 (5) OPERATION AND MAINTENANCE OF FACILITIES;
- 41
42 (6) INSPECTION AND ENFORCEMENT ACTIVITIES;
- 43
44 (7) REVIEWING STORMWATER MANAGEMENT PLANS;
- 45
46 (8) ANY ACTIVITY AUTHORIZED BY THIS TITLE OR SECTION 4-204(D) OF THE
47 ENVIRONMENT ARTICLE OF THE STATE CODE; AND
- 48
49 (9) PROGRAM DEVELOPMENT OF THE ACTIVITIES LISTED IN THIS SUBSECTION.
- 50

51 (D) **Matching funds.** IF PERMITTED BY THE GRANTOR, THE STORMWATER
52 MANAGEMENT AND RESTORATION FUND MAY BE USED AS A SOURCE OF MATCHING
53 FUNDS UNDER ANY FEDERAL, STATE OR PRIVATE GRANT OR OTHER PROGRAM FOR
54 FUNDING STORMWATER MANAGEMENT PROGRAMS UNDER SUBSECTION (C).

1 (E) **Nonexclusive source of funding.** GENERAL FUND AND OTHER REVENUES MAY BE
2 USED TO SUPPLEMENT APPROPRIATIONS FROM THE STORMWATER MANAGEMENT AND
3 RESTORATION FUND.
4

5 (F) **Excluded uses.** THE STORMWATER MANAGEMENT AND RESTORATION FUND MAY
6 NOT BE USED AS A SOURCE OF FUNDING FOR THE INSTALLATION OR REPAIR OF CURBS
7 OR GUTTERS ON STREETS AND ROADS UNLESS THE INSTALLATION OR REPAIR IS
8 INCIDENTAL TO CONSTRUCTION ALLOWED UNDER SUBSECTION (C).
9

10 (G) **Control of expenditures.** NO FUNDS MAY BE EXPENDED FROM THE
11 STORMWATER MANAGEMENT AND RESTORATION FUND FOR PURPOSES OTHER THAN
12 THE PURPOSES IN SUBSECTION (C).
13

14 **4-12-102. Stormwater management charge.**
15

16 (A) **Definitions.** IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED:
18

19 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC WORKS.
20

21 (2) "DIRECTOR" MEANS THE DIRECTOR OF PUBLIC WORKS OR THE DIRECTOR'S
22 DESIGNEE.
23

24 (3) "EQUIVALENT RUN-OFF UNIT" MEANS 2,500 SQUARE FEET OF IMPERVIOUS
25 SURFACE.
26

27 (4) "IMPERVIOUS SURFACE" HAS THE MEANING STATED IN ARTICLE 18 OF THIS
28 CODE.
29

30 (B) **Imposition of charge.**
31

32 BEGINNING JULY 1, 2012, THERE IS A STORMWATER MANAGEMENT CHARGE ON
33 ALL PROPERTY IN ANNE ARUNDEL COUNTY, EXCEPT FOR PROPERTY IN THE CITY OF
34 ANNAPOLIS.
35

36 (C) **Calculation of equivalent run-off units.**
37

38 (1) THE CONTROLLER SHALL COLLECT A BASE CHARGE OF ONE EQUIVALENT
39 RUN-OFF UNIT FOR PROPERTY IMPROVED BY A SINGLE FAMILY DETACHED DWELLING, A
40 A TOWNHOUSE OR ROWHOUSE, A SEMI-DETACHED DWELLING, A DUPLEX DWELLING
41 AND EACH DWELLING UNIT IN A MULTIFAMILY DWELLING OR IN A MIXED USE
42 DEVELOPMENT, UNLESS THE UNITS ARE UNDER A SINGLE OWNERSHIP.
43

44 (2) FOR ALL OTHER PROPERTIES, INCLUDING MULTIFAMILY DWELLINGS UNDER
45 A SINGLE OWNERSHIP AND NON-RESIDENTIAL PORTIONS OF A MIXED USE
46 DEVELOPMENT, THE CALCULATION OF IMPERVIOUS SURFACE AND EQUIVALENT RUN-
47 OFF UNITS SHALL BE DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS. TOTAL
48 EQUIVALENT RUN-OFF UNITS SHALL BE CALCULATED BY DIVIDING THE TOTAL AMOUNT
49 OF IMPERVIOUS SURFACE FOR EACH IMPROVED LOT BY AN EQUIVALENT RUN-OFF UNIT.
50 FRACTIONAL AMOUNTS SHALL BE ROUNDED UP TO THE NEXT EQUIVALENT RUN-OFF
51 UNIT.
52

53 (3) THE DEPARTMENT OF PUBLIC WORKS SHALL TRANSMIT TO THE CONTROLLER
54 THE EQUIVALENT RUN-OFF UNIT CALCULATION FOR THE PURPOSE OF BILLING AND
55 COLLECTION PURSUANT TO SUBSECTION (D).
56

57 (D) **Rate and time of payment.** THE BASE CHARGE FOR DWELLING UNITS IN

1 MULTIFAMILY DWELLINGS, TOWNHOUSES OR ROWHOUSES IS \$25.00 PER EQUIVALENT
2 RUN-OFF UNIT. THE BASE CHARGE FOR ALL OTHER PROPERTIES UNDER SUBSECTION
3 (C)(1) IS \$35.00 PER EQUIVALENT RUN-OFF UNIT. THE BASE CHARGE FOR PROPERTIES
4 UNDER SUBSECTION (C)(2) IS \$35 PER EQUIVALENT RUN-OFF UNIT, WITH THE TOTAL FEE
5 NOT TO EXCEED \$25,000 PER YEAR PER PROPERTY. THE CHARGE SHALL BE COLLECTED
6 AS PROVIDED IN § 1-9-101 OF THIS CODE.

7
8 **(E) Waiver.**

9
10 (1) THE CONTROLLER MAY GRANT A WAIVER OF THE STORMWATER
11 MANAGEMENT CHARGE IF THE OWNER OR AT LEAST ONE OF THE OWNERS:

12
13 (I) HAS RESIDED IN THE DWELLING AS A PRINCIPAL RESIDENCE FOR A PERIOD
14 OF AT LEAST THREE CONSECUTIVE YEARS; AND

15
16 (II) HAS A COMBINED GROSS INCOME, AS DEFINED IN THE TAX-PROPERTY
17 ARTICLE, § 9-104, OF THE STATE CODE, THAT DOES NOT EXCEED 50 PERCENT OF THE
18 MEDIAN INCOME FOR THE AREA MEDIAN INCOME, ADJUSTED BY HOUSEHOLD SIZE, AS
19 DEFINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
20 DEVELOPMENT.

21
22 (2) AN OWNER SHALL APPLY FOR A WAIVER NO LATER THAN APRIL 1 OF EACH
23 YEAR BY SUBMITTING A REQUEST FOR WAIVER ON A FORM PROVIDED BY THE OFFICE OF
24 FINANCE.

25
26 **(F) Public Hearing and Annual Report.** THE DEPARTMENT OF PUBLIC WORKS
27 SHALL:

28
29 (1) CONDUCT AN ANNUAL PUBLIC HEARING TO PRESENT THE ACTIVITIES OF THE
30 STORMWATER MANAGEMENT AND RESTORATION FUND DURING THE PRECEDING YEAR
31 AND TO SOLICIT COMMENTS REGARDING THE UPCOMING YEAR'S PRIORITIES; AND

32
33 (2) PROVIDE TO THE COUNTY COUNCIL, DURING ITS ANNUAL BUDGET SESSION,
34 AN ANNUAL REPORT OF THE ACTIVITIES, BY COUNCILMANIC DISTRICT, OF THE
35 STORMWATER MANAGEMENT AND RESTORATION FUND DURING THE PRECEDING YEAR
36 AND A PROJECTION OF THE UPCOMING YEAR'S PRIORITIES.

37
38 **4-12-103. Appeals.**

39
40 **(A) Generally.** A PERSON AGGRIEVED BY THE DEPARTMENT'S CALCULATION OF THE
41 IMPERVIOUS SURFACE OF A PROPERTY MAY FILE AN APPEAL TO THE DEPARTMENT,
42 ACCOMPANIED BY AN ESTIMATE OF THE IMPERVIOUS SURFACE AS WELL AS PROOF OF
43 ANY IMPROVEMENTS MADE TO DECREASE THE IMPERVIOUS SURFACE ON THE
44 PROPERTY.

45
46 **(B) Hearing.** THE DEPARTMENT, WITHIN 10 DAYS OF RECEIPT OF A NOTICE OF
47 APPEAL, SHALL SCHEDULE A HEARING AT A LOCATION DESIGNATED BY THE
48 DEPARTMENT AND NOTIFY THE PERSON WHO FILED THE APPEAL NO LATER THAN 10
49 DAYS AFTER THE DATE OF THE NOTICE OF APPEAL.

50
51 **(C) Decision.** THE DIRECTOR SHALL PREPARE A WRITTEN DECISION ON ALL APPEALS
52 WITHIN 30 DAYS OF THE DATE OF THE HEARING. THE DECISION MAY CORRECT THE
53 CALCULATION OF THE IMPERVIOUS SURFACE IF THE DIRECTOR DETERMINES THE
54 ORIGINAL CALCULATION OF IMPERVIOUS SURFACE WAS INACCURATE. THE
55 DEPARTMENT SHALL PROVIDE A COPY TO THE APPELLANT, THE CONTROLLER, AND ANY
56 COUNSEL OF RECORD.

1 **(D) Appeal to the Board of Appeals.** A PERSON AGGRIEVED BY THE DECISION OF
2 THE DEPARTMENT MAY APPEAL TO THE BOARD OF APPEALS WITHIN 30 DAYS AFTER THE
3 DATE OF THE FINAL DECISION OF THE DEPARTMENT. UPON RECEIVING A COPY OF A
4 NOTICE OF APPEAL, THE DEPARTMENT SHALL PROMPTLY TRANSMIT THE APPLICATION,
5 ANY EXHIBITS FROM THE HEARING, AND THE DECISION TO THE OFFICE OF THE BOARD
6 OF APPEALS.

7
8 **(E) Stay of sale pending appeal.** A PROPERTY MAY NOT BE SOLD FOR
9 NONPAYMENT OF THE STORMWATER MANAGEMENT CHARGE DURING THE PENDENCY
10 OF ANY APPEAL.

11
12 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
13 from the date it is enacted.