

**FINAL**

AMENDED  
March 18 and April 1 2013

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2013, Legislative Day No. 2

Bill No. 2-13

VETO OVERRIDDEN BY THE  
COUNTY COUNCIL ON MAY 1, 2013

Introduced by Mr. Trumbauer  
(by request of the County Executive)  
and by Mr. Grasso and Mr. Ladd

By the County Council, January 22, 2013

**VETOED**  
*[Signature]*  
LAURA NEUMAN  
COUNTY EXECUTIVE

Introduced and first read on January 22, 2013  
Public Hearing set for and held on February 19, 2013  
Bill AMENDED on March 18, 2013  
Public Hearing on AMENDED BILL set for and held on April 1, 2013  
Public Hearing on SECOND AMENDED BILL set for and held on April 15, 2013  
Bill Expires April 27, 2013

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Stormwater Management – Watershed Protection and  
2 Restoration Special Revenue Fund and Program

3  
4 FOR the purpose of repealing existing storm drainage fee; establishing the Watershed  
5 Protection and Restoration Special Revenue Fund as a special, nonlapsing fund; specifying  
6 the purposes for the Fund and allowing other sources of funding for those purposes;  
7 establishing the Watershed Protection and Restoration Program; defining certain terms;  
8 establishing a certain stormwater remediation fee; setting the base rate for a stormwater  
9 remediation fee; setting the amount of a stormwater remediation fee for certain categories  
10 of real properties; establishing the method, frequency and enforcement of the collection of  
11 a stormwater remediation fee; establishing a cap for a stormwater remediation fee for  
12 nonresidential properties; establishing a certain procedure to appeal the imposition of a  
13 stormwater remediation fee; providing for certain exceptions; creating a certain program  
14 to exempt certain real properties from paying a stormwater remediation fee; requiring that  
15 certain rules and regulations be established for certain reductions in a stormwater  
16 remediation fee; allowing the creation of certain grant programs for stormwater  
17 remediation projects; and generally relating to the Watershed Protection and Restoration  
18 Fund and Program.

EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.  
Underlining indicates amendments to bill.  
~~Strikeover~~ indicates matter stricken from bill by amendment.  
Asterisks \*\*\* indicate existing Code provisions in a list or chart that remain unchanged.

1 BY repealing: § 17-6-108

2 Anne Arundel County Code (2005, as amended)

4 BY repealing and reenacting: § 17-11-101 and 17-11-102

5 Anne Arundel County Code (2005, as amended)

7 BY adding: §§ 4-11-118; and 13-7-101 through ~~13-7-107~~ 13-7-108 to be under the new title  
8 "Title 7. Watershed Protection and Restoration Program"  
9 Anne Arundel County Code (2005, as amended)

11 ~~SECTION 1. Be it enacted by the County Council of Anne Arundel County, Maryland,~~  
12 ~~That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:~~

14 SECTION 1. Be it enacted by the County Council of Anne Arundel County, Maryland,  
15 That § 17-6-108 of the Anne Arundel County Code (2005, as amended) be and is hereby  
16 repealed.

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

21 **ARTICLE 4 FINANCE, TAXATION, AND BUDGET**

23 **TITLE 11. BUDGET**

25 **4-11-118. Watershed Protection and Restoration Special Revenue Fund.**

27 (A) **Fund established.** THERE IS A WATERSHED PROTECTION AND RESTORATION SPECIAL  
28 REVENUE FUND INTO WHICH SHALL BE PAID THE REVENUE REQUIRED BY THE ENVIRONMENT  
29 ARTICLE, § 4-202.1(H)(3), OF THE STATE CODE.

31 (B) **Special fund.** THE WATERSHED PROTECTION AND RESTORATION SPECIAL REVENUE  
32 FUND IS A SPECIAL, NONLAPSING FUND.

34 (C) **Purposes.** THE REVENUE PAID INTO THE WATERSHED PROTECTION AND RESTORATION  
35 SPECIAL REVENUE FUND SHALL BE DEDICATED TO AND APPROPRIATED FOR THOSE PURPOSES  
36 SET FORTH IN THE ENVIRONMENT ARTICLE, § 4-202.1(H)(4), OF THE STATE CODE, INCLUDING  
37 THE PAYMENT OR REIMBURSEMENT OF DEBT SERVICE ON BONDS, NOTES OR OTHER  
38 OBLIGATIONS THAT FINANCE STORMWATER MANAGEMENT PROJECTS AND THE PLEDGING OF  
39 SUCH REVENUE AND FUND TO SECURE THE REPAYMENT OF THIS DEBT SERVICE.

41 (D) **Nonexclusive source of funding.** GENERAL FUND AND OTHER REVENUES MAY BE  
42 USED TO SUPPLEMENT APPROPRIATIONS FROM THE WATERSHED PROTECTION AND  
43 RESTORATION SPECIAL REVENUE FUND FOR THE PURPOSES SET FORTH IN SUBSECTION (C).

45 **ARTICLE 13. PUBLIC WORKS**

47 **TITLE 7. WATERSHED PROTECTION AND RESTORATION PROGRAM**

49 **13-7-101. Definitions.**

1 IN THIS TITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

2  
3 (1) "ATTACHED DWELLING" MEANS A DUPLEX, SEMI-DETACHED, OR TOWNHOUSE,  
4 DWELLING AS DEFINED IN § 18-1-101(30) OF THIS CODE.

5  
6 (2) "BASE RATE" MEANS THE STORMWATER REMEDIATION FEE TO BE CHARGED FOR  
7 EACH EQUIVALENT RESIDENTIAL UNIT PER YEAR.

8  
9 (3) "CONDOMINIUM" HAS THE MEANING STATED IN § 17-1-101(16) OF THIS CODE.

10  
11 (4) "DETACHED SINGLE-FAMILY DWELLING" HAS THE MEANING STATED FOR  
12 "DWELLING, SINGLE-FAMILY DETACHED" IN § 18-1-101(30) OF THIS CODE.

13  
14 (5) "DWELLING UNIT" HAS THE MEANING STATED IN § 18-1-101(30) OF THIS CODE.

15  
16 (6) "EQUIVALENT RESIDENTIAL UNIT" MEANS 2,800 SQUARE FEET.

17  
18 (7) "FARM" MEANS A PROPERTY, OR CONTIGUOUS PROPERTIES UNDER THE SAME  
19 OWNERSHIP, WITH OR WITHOUT BUILDINGS, THAT IS USED FOR CULTIVATING AND MANAGING  
20 THE SOIL FOR COMPOSTING, GROWING, HARVESTING, AND SELLING OF CROPS AS WELL AS THE  
21 PRODUCTS OF FORESTRY, HORTICULTURE AND HYDROPONICS; PROCESSING AGRICULTURAL  
22 PRODUCTS, REGARDLESS OF WHETHER THERE IS A CHANGE IN NATURAL STATE OF THE  
23 PRODUCT; BREEDING, RAISING, AND MANAGING LIVESTOCK, INCLUDING HORSES, CATTLE,  
24 POULTRY, FISH, GAME, BEES, AND FUR-BEARING ANIMALS; DAIRYING; AND EQUESTRIAN  
25 ACTIVITIES AND EVENTS NOT CONDUCTED UNDER A LICENSE ISSUED BY THE STATE RACING  
26 COMMISSION.

27  
28 (7) (8) "HOMEOWNERS ASSOCIATION" MEANS AN INCORPORATED OR  
29 UNINCORPORATED HOMEOWNERS ASSOCIATION, CIVIC OR COMMUNITY ASSOCIATION,  
30 COUNCIL OF CONDOMINIUM UNIT OWNERS, OR SIMILAR ENTITY.

31  
32 (7) (8) (9) "IMPERVIOUS SURFACE" HAS THE MEANING STATED IN THE ENVIRONMENT  
33 ARTICLE, § 4-201.1(D), OF THE STATE CODE.

34  
35 (8) (9) (10) "MULTIFAMILY RESIDENTIAL PROPERTY" MEANS REAL PROPERTY LOCATED  
36 IN ANY ZONING DISTRICT THAT IS IMPROVED BY A "DWELLING, MULTIFAMILY", AS THAT TERM  
37 IS DEFINED IN § 18-1-101(30) OF THIS CODE. "MULTIFAMILY RESIDENTIAL PROPERTY" ALSO  
38 INCLUDES A MOBILE HOME PARK, AS THAT TERM IS DEFINED IN § 11-9-101 OF THIS CODE.

39  
40 (9) (10) (11) "NONRESIDENTIAL PROPERTY" MEANS REAL PROPERTY LOCATED IN A  
41 COMMERCIAL, INDUSTRIAL, MARITIME, MIXED USE, ODENTON GROWTH MANAGEMENT AREA,  
42 OPEN SPACE, TOWN CENTER, OR SMALL BUSINESS ZONING DISTRICT AS SHOWN ON THE ANNE  
43 ARUNDEL COUNTY DIGITAL ZONING LAYER ADOPTED IN ACCORDANCE WITH § 18-2-106 OF  
44 THIS CODE, AND INCLUDES REAL PROPERTY IN THOSE ZONING DISTRICTS IMPROVED BY AN  
45 ATTACHED DWELLING OR A DETACHED SINGLE FAMILY DWELLING. "NONRESIDENTIAL  
46 PROPERTY" ALSO INCLUDES REAL PROPERTY LOCATED IN A RESIDENTIAL ZONING DISTRICT  
47 AS SHOWN ON THE ANNE ARUNDEL COUNTY DIGITAL ZONING LAYER ADOPTED IN  
48 ACCORDANCE WITH § 18-2-106 OF THIS CODE WITH A USE OTHER THAN A DWELLING; REAL  
49 PROPERTY OWNED BY NOT-FOR-PROFIT ENTITIES SUCH AS COMMUNITY HOMEOWNERS  
50 ASSOCIATIONS, FRATERNAL ORGANIZATIONS, RELIGIOUS INSTITUTIONS GROUPS OR  
51 ORGANIZATIONS, HEALTHCARE FACILITIES, AND OTHER REAL PROPERTY DEVOTED TO NON-  
52 GOVERNMENTAL CHARITABLE, OR INSTITUTIONAL USES; AND REAL PROPERTY LOCATED  
53 PARTIALLY IN A RESIDENTIAL DISTRICT AND PARTIALLY IN ANY DISTRICT OTHER THAN A  
54 RESIDENTIAL ZONING DISTRICT AS SHOWN ON THE ANNE ARUNDEL COUNTY DIGITAL ZONING  
55 LAYER ADOPTED IN ACCORDANCE WITH § 18-2-106 OF THIS CODE.

1           ~~(11)~~ (12) "RELIGIOUS GROUP OR ORGANIZATION" MEANS A RELIGIOUS ORGANIZATION  
2 THAT IS CERTIFIED UNDER § 501(C)(3) OR (D) OF THE INTERNAL REVENUE CODE AND THAT IS  
3 EXEMPT FROM REAL PROPERTY TAX UNDER SECTION 7-204 OF THE TAX PROPERTY ARTICLE OF  
4 THE STATE CODE.

5  
6           ~~(10)~~ ~~(12)~~ (13) "RESIDENTIAL PROPERTY, TIER ONE" MEANS REAL PROPERTY LOCATED IN  
7 ZONING DISTRICT RA, RLD, OR R1 AS SHOWN ON THE ANNE ARUNDEL COUNTY DIGITAL  
8 ZONING LAYER ADOPTED IN ACCORDANCE WITH § 18-2-106 OF THIS CODE, AND IMPROVED  
9 WITH A DETACHED SINGLE-FAMILY DWELLING.

10  
11           ~~(11)~~ ~~(13)~~ (14) "RESIDENTIAL PROPERTY, TIER TWO" MEANS REAL PROPERTY LOCATED IN  
12 ZONING DISTRICT R2 OR R5 AS SHOWN ON THE ANNE ARUNDEL COUNTY DIGITAL ZONING  
13 LAYER ADOPTED IN ACCORDANCE WITH § 18-2-106 OF THIS CODE, AND IMPROVED WITH A  
14 DETACHED SINGLE-FAMILY DWELLING.

15  
16           ~~(12)~~ ~~(14)~~ (15) "RESIDENTIAL PROPERTY, TIER THREE" MEANS REAL PROPERTY LOCATED  
17 IN ZONING DISTRICT R10, R15, OR R22 AS SHOWN ON THE ANNE ARUNDEL COUNTY DIGITAL  
18 ZONING LAYER ADOPTED IN ACCORDANCE WITH § 18-2-106 OF THIS CODE, AND IMPROVED  
19 WITH AN ATTACHED DWELLING OR A DETACHED SINGLE-FAMILY DWELLING. "RESIDENTIAL  
20 PROPERTY, TIER THREE" ALSO INCLUDES REAL PROPERTY IN RESIDENTIAL ZONING DISTRICT  
21 RA, RLD, R1, R2, OR R5 THAT IS IMPROVED BY AN ATTACHED DWELLING OR IS A FARM WITH AN  
22 APPROVED SOIL CONSERVATION PLAN OR IS A MOBILE HOME SPACE UNDER A LICENSE ISSUED  
23 PURSUANT TO ARTICLE 11, SUBTITLE 9 OF THIS CODE.

24  
25           (13) ~~(15)~~ (16) "STORMWATER REMEDIATION FEE" MEANS THE FEE CHARGED IN  
26 ACCORDANCE WITH THIS TITLE TO FUND OR SUPPORT, IN FULL OR IN PART, THE PURPOSES SET  
27 FORTH IN § 4-11-118(C) OF THIS CODE.

28  
29           (14) ~~(16)~~ (17) "UNIMPROVED PROPERTY" MEANS REAL PROPERTY THAT HAS NO  
30 IMPERVIOUS SURFACE.

31  
32 **13-7-102. Watershed Protection and Restoration Program.**

33  
34           (A) **Program established.** THERE IS A WATERSHED PROTECTION AND RESTORATION  
35 PROGRAM.

36  
37           (B) **Purposes.** THE PURPOSES OF THE WATERSHED PROTECTION AND RESTORATION  
38 PROGRAM ARE TO SUPPORT COMPLIANCE WITH THE REQUIREMENTS OF THE COUNTY'S  
39 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MUNICIPAL SEPARATE STORM  
40 SEWER SYSTEM PERMIT, CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD AND LOCAL  
41 WATERSHED TOTAL MAXIMUM DAILY LOAD, AND STORMWATER WATERSHED  
42 IMPLEMENTATION PLANS THROUGH STORMWATER MANAGEMENT PRACTICES AND STREAM  
43 AND WETLAND RESTORATION ACTIVITIES, AND TO MAINTAIN AND ADMINISTER THE  
44 WATERSHED PROTECTION AND RESTORATION SPECIAL REVENUE FUND ESTABLISHED UNDER §  
45 4-11-118 OF THIS CODE.

46  
47 **13-7-103. Stormwater remediation fee.**

48  
49           (A) **Fee established.** THERE IS A AN EXCISE TAX KNOWN AS THE STORMWATER  
50 REMEDIATION FEE IMPOSED ON THE USE OF REAL PROPERTY IMPROVED WITH IMPERVIOUS  
51 SURFACE. THE STORMWATER REMEDIATION FEE MAY NOT BE IMPOSED ON REAL PROPERTY IN  
52 THE CITY OF ANNAPOLIS.

53  
54           (B) **Base rate.** THE BASE RATE OF THE STORMWATER REMEDIATION FEE FOR ONE  
55 EQUIVALENT RESIDENTIAL UNIT SHALL BE \$85 PER YEAR.

1       **(C) Residential property fee.** THE STORMWATER REMEDIATION FEE FOR EACH REAL  
2 PROPERTY IN THE FOLLOWING CATEGORIES SHALL BE:

3  
4       (1) RESIDENTIAL PROPERTY, TIER ONE - TWO TIMES THE BASE RATE;

5  
6       (2) RESIDENTIAL PROPERTY, TIER TWO - THE BASE RATE; AND

7  
8       (3) RESIDENTIAL PROPERTY, TIER THREE - 40% OF THE BASE RATE FOR EACH DWELLING  
9 UNIT OR MOBILE HOME SPACE.

10  
11       **(D) Multifamily residential and nonresidential properties fee.** EXCEPT AS PROVIDED  
12 IN SUBSECTION ~~(E)~~ SUBSECTIONS (E), (F), (G), ~~AND (H), (I), (J), (K), (L), (M), AND (O)~~ THE  
13 STORMWATER REMEDIATION FEE FOR A MULTIFAMILY RESIDENTIAL PROPERTY OR A  
14 NONRESIDENTIAL PROPERTY SHALL BE DETERMINED IN ACCORDANCE WITH THE FOLLOWING  
15 PROCEDURE:

16  
17       (1) THE DIRECTOR DETERMINES THE NUMBER OF EQUIVALENT RESIDENTIAL UNITS  
18 ASSIGNED TO THE PROPERTY BY DIVIDING THE TOTAL IMPERVIOUS SURFACE OF THE  
19 PROPERTY BY THE VALUE OF ONE EQUIVALENT RESIDENTIAL UNIT; AND

20  
21       (2) THE DIRECTOR COMPUTES THE STORMWATER REMEDIATION FEE BY MULTIPLYING  
22 THE BASE RATE BY THE NUMBER OF EQUIVALENT RESIDENTIAL UNITS ASSIGNED TO THE  
23 PROPERTY; AND

24  
25       (3) IF THE STORMWATER REMEDIATION FEE CALCULATED UNDER THIS SUBSECTION IS  
26 \$500 OR GREATER, IT SHALL BE CHARGED IN THE FOLLOWING MANNER:

27  
28       (I) 60% OF THE FEE BEGINNING IN FISCAL YEAR 2014; AND

29  
30       (II) 100% OF THE FEE BEGINNING IN FISCAL YEAR 2015 AND EACH FISCAL YEAR  
31 THEREAFTER.

32  
33       **(E) Condominiums fee.** IF A MULTIFAMILY RESIDENTIAL PROPERTY IS A CONDOMINIUM,  
34 THE STORMWATER REMEDIATION FEE DETERMINED FOR BUILDINGS CONTAINING DWELLING  
35 UNITS IN ACCORDANCE WITH SUBSECTION (D) SHALL BE DIVIDED BY THE NUMBER OF  
36 DWELLING UNITS AND THAT AMOUNT SHALL BE BILLED SEPARATELY TO EACH CONDOMINIUM  
37 DWELLING UNIT OWNER

38  
39       **(F) Private roads -- fee.** IF A NONRESIDENTIAL PROPERTY IS A PRIVATE ROAD WITH A  
40 SEPARATE TAX ACCOUNT NUMBER AND IS NOT OWNED BY A HOMEOWNERS ASSOCIATION,  
41 THE STORMWATER REMEDIATION FEE SHALL BE THE BASE RATE.

42  
43       **(G) Homeowners associations -- fee.** IF A NONRESIDENTIAL PROPERTY IS OWNED BY A  
44 HOMEOWNERS ASSOCIATION, THE TOTAL STORMWATER REMEDIATION FEE FOR ALL  
45 PROPERTIES OWNED BY THE SAME HOMEOWNERS ASSOCIATION ~~SHALL MAY NOT EXCEED THE~~  
46 ~~NUMBER OF DWELLINGS OR DWELLING UNITS THAT MAY BE BILLED BY PROPERTY TAX~~  
47 ~~ACCOUNTS FOR THE PROPERTY OWNERS WITHIN THE BOUNDARIES OF THE HOMEOWNERS~~  
48 ~~ASSOCIATION MULTIPLIED BY 40% OF THE BASE RATE.~~

49  
50       **(H) Religious facilities -- fee.** IF A NONRESIDENTIAL PROPERTY IS OWNED BY A  
51 RELIGIOUS GROUP OR ORGANIZATION THE STORMWATER REMEDIATION FEE SHALL NOT  
52 EXCEED TWO TIMES THE BASE RATE BE ONE DOLLAR.

53  
54       **(I) Nonresidential properties -- cap on fee.** THE STORMWATER REMEDIATION FEE FOR A  
55 NONRESIDENTIAL PROPERTY MAY NOT EXCEED 35% OF THE STATE AND COUNTY REAL

1 PROPERTY TAX THAT WOULD BE LEVIED BASED ON THE ASSESSMENT OF THE PROPERTY  
2 PRIOR TO ANY TAX CREDITS, DEFERRALS, OR EXEMPTIONS THAT ARE APPLICABLE IN  
3 ACCORDANCE WITH THE TAX-PROPERTY ARTICLE OF THE STATE CODE OR ARTICLE 4, TITLE 2  
4 OF THIS CODE.

5  
6 (J) **Certain Marinas – Fee.** MARINAS IN GOOD STANDING WITH THE MARYLAND  
7 DEPARTMENT OF NATURAL RESOURCES CLEAN MARINA INITIATIVE WITH MORE THAN SEVEN-  
8 AND-ONE-HALF ACRES OF IMPERVIOUS SURFACE SHALL PAY A FEE FOR EACH ADDITIONAL  
9 ACRE OR FRACTION THEREOF IN EXCESS OF SEVEN-AND-ONE-HALF ACRES EQUIVALENT TO  
10 25% OF THE BASE RATE.

11  
12 (K) **Private Airfields or Airports - Fee.** IF A NONRESIDENTIAL PROPERTY IS A PRIVATE  
13 AIRFIELD OR AIRPORT AS DEFINED IN ARTICLE 18 OF THIS CODE, THE STORMWATER  
14 REMEDATION FEE SHALL BE TWO TIMES THE BASE RATE.

15  
16 (L) **Private Academic Schools - Fee.** IF A NONRESIDENTIAL PROPERTY IS OWNED BY A  
17 PRIVATE ACADEMIC SCHOOL AS DEFINED IN ARTICLE 18 OF THIS CODE AND IS EXEMPT FROM  
18 PROPERTY TAX UNDER SECTION 7-202 OF THE TAX PROPERTY ARTICLE OF THE MARYLAND  
19 CODE, THE STORMWATER REMEDIATION FEE SHALL BE TWO TIMES THE BASE RATE.

20  
21 (M) **Farms - Fee.** THE STORMWATER REMEDIATION FEE FOR A FARM SHALL BE 40% OF  
22 THE BASE RATE FOR EACH PROPERTY TAX ACCOUNT ASSOCIATED WITH THE FARM THAT HAS  
23 IMPERVIOUS SURFACE.

24  
25 (N) **Properties with Certain Permits - Fee .** IF A NONRESIDENTIAL PROPERTY IS  
26 SUBJECT TO A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT INCLUDING  
27 STORMWATER MANAGEMENT CONTROLS, THE STORMWATER REMEDIATION FEE SHALL BE 30  
28 % OF THE RATE CALCULATED UNDER SUBSECTION (D)(2).

29  
30 (F) (O) **Collection.** THE STORMWATER REMEDIATION FEE SHALL BE BILLED ANNUALLY TO  
31 THE OWNER OF THE REAL PROPERTY ON WHICH IT IS IMPOSED. THE STORMWATER  
32 REMEDATION FEE SHALL BE COLLECTED AS PROVIDED IN § 1-9-101 OF THIS CODE.

33  
34 **13-7-104. Appeals.**

35  
36 **(A) Administrative appeal.** A PROPERTY OWNER MAY APPEAL A STORMWATER  
37 REMEDIATION FEE TO THE DEPARTMENT. AN APPEAL SHALL BE SUBMITTED ON OR BEFORE  
38 AUGUST 15 IN ORDER TO RECEIVE A CORRECTION OF THE STORMWATER REMEDIATION FEE  
39 FOR THE SUCCEEDING TAXABLE YEAR.

40  
41 **(B) Grounds for appeal.** GROUNDS FOR APPEAL OF THE STORMWATER REMEDIATION FEE  
42 INCLUDE:

43  
44 (1) INCORRECT CLASSIFICATION OF REAL PROPERTY FOR PURPOSES OF DETERMINING  
45 THE STORMWATER REMEDIATION FEE;

46  
47 (2) FOR NONRESIDENTIAL OR MULTIFAMILY RESIDENTIAL PROPERTY, ERRORS IN THE  
48 CALCULATION OF THE IMPERVIOUS SURFACE OF THE PROPERTY;

49  
50 (3) MATHEMATICAL ERRORS IN CALCULATING THE STORMWATER REMEDIATION FEE;

51  
52 (4) THE REAL PROPERTY IS NOT SUBJECT TO THE STORMWATER REMEDIATION FEE  
53 UNDER § 13-7-105;

54  
55 (5) THE PROPERTY OWNER IS EXEMPT FROM THE STORMWATER REMEDIATION FEE

1 UNDER § 13-7-106; OR

2  
3 (6) ERRORS IN THE IDENTIFICATION OF THE PROPERTY OWNER OF REAL PROPERTY  
4 SUBJECT TO THE STORMWATER REMEDIATION FEE; OR

5  
6 (7) FOR NONRESIDENTIAL PROPERTY OWNED BY A HOMEOWNERS ASSOCIATION,  
7 ERRORS IN THE NUMBER OF DWELLINGS OR DWELLING UNITS THAT MAY BE BILLED BY  
8 PROPERTY TAX ACCOUNTS FOR THE PROPERTY OWNERS WITHIN THE BOUNDARIES OF THE  
9 HOMEOWNERS ASSOCIATION.

10  
11 (C) **Application.** AN APPEAL MUST BE SUBMITTED IN WRITING ON AN APPLICATION FORM  
12 PROVIDED BY THE DEPARTMENT. A PROPERTY OWNER SHALL INCLUDE A DETAILED  
13 STATEMENT OF THE GROUNDS OF THE APPEAL AND ALL INFORMATION OR SUPPORTING  
14 DOCUMENTATION AS REQUIRED BY THE DEPARTMENT. FAILURE TO PROVIDE ALL  
15 INFORMATION REQUIRED ON THE APPLICATION FORM OR TO ATTACH ANY RELEVANT  
16 DOCUMENTATION IS A BASIS FOR A DENIAL OF AN APPEAL. IF THE BASIS FOR APPEAL IS:

17  
18 (1) THAT THE ZONING DISTRICT OF THE REAL PROPERTY IS INCORRECT, THE PROPERTY  
19 OWNER SHALL PROVIDE PROOF OF THE ZONING DISTRICT OF THE PROPERTY AS SHOWN ON  
20 THE ANNE ARUNDEL COUNTY DIGITAL ZONING LAYER ADOPTED IN ACCORDANCE WITH § 18-2-  
21 106 OF THIS CODE; OR

22  
23 (2) THAT THERE IS AN ERROR IN THE CALCULATION OF THE IMPERVIOUS SURFACE OF  
24 THE PROPERTY, THE PROPERTY OWNER SHALL SUPPLY DOCUMENTATION PREPARED AND  
25 CERTIFIED BY A REGISTERED PROFESSIONAL ENGINEER OR PROFESSIONAL LAND SURVEYOR  
26 OF THE IMPERVIOUS SURFACE OF THE PROPERTY; OR

27  
28 (3) THAT THERE IS AN ERROR IN THE NUMBER OF DWELLINGS OR DWELLING UNITS  
29 THAT MAY BE BILLED BY A HOMEOWNERS ASSOCIATION. THE PROPERTY OWNER SHALL  
30 PROVIDE PROOF OF THE NUMBER OF DWELLINGS OR DWELLING UNITS THAT MAY BE BILLED  
31 BY PROPERTY TAX ACCOUNTS FOR THE PROPERTY OWNERS WITHIN THE BOUNDARIES OF THE  
32 HOMEOWNERS ASSOCIATION.

33  
34 (D) **Written decision.** THE DIRECTOR SHALL ISSUE A WRITTEN DECISION INDICATING  
35 WHETHER THE APPEAL IS GRANTED OR DENIED AND A COPY SHALL BE PROVIDED TO THE  
36 PROPERTY OWNER, THE CONTROLLER, AND ANY COUNSEL OF RECORD. THE WRITTEN  
37 DECISION OF THE DIRECTOR SHALL SET FORTH ALL REASONS FOR THE DECISION AND SHALL  
38 SET FORTH ANY CHANGE IN THE AMOUNT OF THE STORMWATER REMEDIATION FEE. FOR  
39 FISCAL YEAR 2014, THE DIRECTOR SHALL ISSUE THE WRITTEN DECISION WITHIN 90 DAYS OF  
40 THE FILING OF THE APPEAL. FOR ANY YEAR AFTER FISCAL YEAR 2014, THE DIRECTOR SHALL  
41 ISSUE THE WRITTEN DECISION WITHIN 45 DAYS.

42  
43 (E) **Adjusted billing.** IF THE DECISION OF THE DIRECTOR CHANGES THE AMOUNT OF THE  
44 STORMWATER REMEDIATION FEE, THE CONTROLLER SHALL ISSUE A NEW BILL TO THE  
45 PROPERTY OWNER.

46  
47 (F) Stay. AN APPLICATION FOR AN APPEAL FILED UNDER SUBSECTION (C) SHALL ACT AS AN  
48 IMMEDIATE STAY ON THE COLLECTION OF THE STORMWATER REMEDIATION FEE, WITHOUT  
49 INTEREST OR PENALTY. A PROPERTY OWNER SHALL PAY THE FEE WITHIN 30 DAYS OF A FINAL  
50 DETERMINATION OF THE AMOUNT OF FEE.

51  
52 ~~(F)~~ (G) **Tax court.** A PROPERTY OWNER WHO IS AGGRIEVED BY A DECISION OF THE  
53 DIRECTOR ON AN APPEAL OR BY THE IMPOSITION OF A STORMWATER REMEDIATION FEE  
54 SHALL PAY THE STORMWATER REMEDIATION FEE AND MAY REQUEST A REFUND IN  
55 ACCORDANCE WITH ARTICLE 24, § 9-710, OF THE STATE CODE AND MAY APPEAL TO THE  
56 MARYLAND TAX COURT IN ACCORDANCE WITH ARTICLE 24, § 9-712(D), OF THE STATE CODE.

1 **13-7-105. Exemptions - property.**

2  
3 (A) **State and local government property.** A STORMWATER REMEDIATION FEE MAY NOT  
4 BE IMPOSED ON REAL PROPERTY OWNED BY THE ENTITIES LISTED IN THE ENVIRONMENT  
5 ARTICLE, § 4-202.1(E)(2), OF THE STATE CODE.  
6

7 (B) **Unimproved property.** A STORMWATER REMEDIATION FEE MAY NOT BE IMPOSED ON  
8 UNIMPROVED PROPERTY.  
9

10 **13-7-106. Exemptions - substantial financial hardship.**

11  
12 (A) **Program established.** THERE IS A SUBSTANTIAL FINANCIAL HARDSHIP EXEMPTION  
13 PROGRAM. THE PURPOSE OF THE PROGRAM IS TO EXEMPT FROM THE PAYMENT OF THE  
14 STORMWATER REMEDIATION FEE A PROPERTY OWNER WHO IS ABLE TO DEMONSTRATE  
15 SUBSTANTIAL FINANCIAL HARDSHIP AS A RESULT OF THE FEE.  
16

17 (B) **Qualifications for exemption.** TO QUALIFY FOR A SUBSTANTIAL FINANCIAL  
18 HARDSHIP EXEMPTION:

19  
20 (1) THE REAL PROPERTY FOR WHICH THE EXEMPTION IS REQUESTED SHALL CONTAIN A  
21 DETACHED SINGLE FAMILY DWELLING OR A DWELLING UNIT IN AN ATTACHED DWELLING OR  
22 MULTIFAMILY RESIDENTIAL PROPERTY;  
23

24 (2) AT LEAST ONE OF THE PROPERTY OWNERS SHALL BE AN OCCUPANT OF THE  
25 PROPERTY; AND  
26

27 (3) AT LEAST TWO OF THE FOLLOWING FOUR CRITERIA SHALL BE MET TO  
28 DEMONSTRATE SUBSTANTIAL FINANCIAL HARDSHIP:  
29

30 (I) THE COMBINED GROSS INCOME, AS DEFINED IN THE TAX-PROPERTY ARTICLE, §  
31 9-104, OF THE STATE CODE, DOES NOT EXCEED THE POVERTY GUIDELINES UPDATED  
32 PERIODICALLY IN THE FEDERAL REGISTER BY THE UNITED STATES DEPARTMENT OF HEALTH  
33 AND HUMAN SERVICES UNDER THE AUTHORITY OF 42 U.S.C. § 9902(2);  
34

35 (II) AT LEAST ONE OF THE PROPERTY OWNERS WHO RESIDES AT THE PROPERTY  
36 RECEIVES AN ENERGY ASSISTANCE SUBSIDY IN ACCORDANCE WITH A FUEL AND UTILITY  
37 ASSISTANCE PROGRAM ESTABLISHED UNDER THE HUMAN SERVICES ARTICLE, § 5-5A-07, OF  
38 THE STATE CODE;  
39

40 (III) AT LEAST ONE OF THE PROPERTY OWNERS WHO RESIDES AT THE PROPERTY  
41 RECEIVES SUPPLEMENTAL SECURITY INCOME UNDER 42 U.S.C. § 1381, ET SEQ. OR FOOD  
42 STAMPS UNDER 42 U.S.C. § 2011, ET SEQ.; OR  
43

44 (IV) AT LEAST ONE OF THE PROPERTY OWNERS WHO RESIDES AT THE PROPERTY  
45 RECEIVES VETERANS OR SOCIAL SECURITY DISABILITY BENEFITS UNDER THE SOCIAL  
46 SECURITY ACT, THE RAILROAD RETIREMENT ACT, ANY FEDERAL ACT FOR MEMBERS OF THE  
47 UNITED STATES ARMED FORCES, OR ANY FEDERAL RETIREMENT SYSTEM.  
48

49 (C) **Mobile home park tenants.** A PERSON WITH A VALID LEASE OR CONTRACT TO USE A  
50 MOBILE HOME SPACE IN A LICENSED MOBILE HOME PARK QUALIFIES FOR THE SUBSTANTIAL  
51 FINANCIAL HARDSHIP EXEMPTION IF AT LEAST ONE OF THE PERSONS LISTED ON THE LEASE OR  
52 CONTRACT IS AN OCCUPANT OF A MOBILE HOME IN THE MOBILE HOME SPACE AND AT LEAST  
53 TWO OF THE FOUR CRITERIA SET FORTH IN SUBSECTION (B)(3) ARE MET. IF A SUBSTANTIAL  
54 FINANCIAL HARDSHIP EXEMPTION IS GRANTED UNDER THIS SUBSECTION AND THE



1 STORMWATER REMEDIATION FEE IS CHARGED TO AN OWNER OF A MOBILE HOME PARK, THE  
2 STORMWATER REMEDIATION FEE FOR THE MOBILE HOME PARK SHALL BE REDUCED BY 40% OF  
3 THE BASE RATE.  
4

5 ~~(C)~~ **(D) Rules and regulations.** THE OFFICE OF FINANCE SHALL ADMINISTER THE  
6 SUBSTANTIAL FINANCIAL HARDSHIP EXEMPTION PROGRAM AND THE CONTROLLER SHALL  
7 ADOPT RULES AND REGULATIONS GOVERNING THE PROGRAM. THE RULES AND REGULATIONS  
8 SHALL PROVIDE:

9  
10 (1) THE APPLICATION DEADLINE;

11  
12 (2) THAT THE APPLICATION SHALL BE MADE ON A FORM PROVIDED BY THE OFFICE OF  
13 FINANCE;

14  
15 (3) A DESCRIPTION OF DOCUMENTATION THAT SHALL BE PROVIDED BY AN APPLICANT;  
16 AND

17 (4) ANY OTHER MATTERS DEEMED NECESSARY BY THE CONTROLLER TO ADMINISTER  
18 THE SUBSTANTIAL FINANCIAL HARDSHIP EXEMPTION PROGRAM.  
19

20 ~~(D)~~ **(E) Validity of exemption.** ANY EXEMPTION GRANTED IS ONLY VALID FOR THE YEAR  
21 THAT PAYMENT OF THE STORMWATER REMEDIATION FEE IS DUE.  
22

### 23 **13-7-107. Reduction of fee.**

24  
25 THE DIRECTOR SHALL ADOPT RULES AND REGULATIONS IN ACCORDANCE WITH THE  
26 ENVIRONMENT ARTICLE, § 4-202.1(F)(1), OF THE STATE CODE TO REDUCE, UP TO ~~IN AN AMOUNT~~  
27 NOT TO EXCEED 50%, THE STORMWATER REMEDIATION FEE FOR A REAL PROPERTY THAT HAS  
28 A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT THAT INCLUDES  
29 STORMWATER MANAGEMENT CONTROLS, OR TO ACCOUNT FOR EXISTING ON SITE SYSTEMS,  
30 FACILITIES, SERVICES, OR ACTIVITIES THAT REDUCE THE QUANTITY OR IMPROVE THE  
31 QUALITY OF STORMWATER DISCHARGED FROM A PROPERTY. MARINAS COVERED UNDER A  
32 CURRENT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT WITH  
33 STORMWATER MANAGEMENT CONTROLS FOR MARINAS SHALL BE ENTITLED TO A 25%  
34 REDUCTION OF THE STORMWATER REMEDIATION FEE FOR THE MARINA. MARINAS IN GOOD  
35 STANDING WITH THE MARYLAND DEPARTMENT OF NATURAL RESOURCES CLEAN MARINA  
36 INITIATIVE SHALL BE ENTITLED TO A TOTAL REDUCTION NOT TO EXCEED 50% OF THE  
37 STORMWATER REMEDIATION FEE FOR THE MARINA. THE DIRECTOR MAY ENTER INTO AN  
38 AGREEMENT FOR A FEE REDUCTION CONDITIONED UPON THE SUCCESSFUL IMPLEMENTATION  
39 OF AN APPROVED STORMWATER REMEDIATION PROJECT.  
40

### 41 **13-7-108. Competitive Grant Program.**

42  
43 BEGINNING JULY 1, 2014, THE DEPARTMENT MAY ESTABLISH A GRANT PROGRAM  
44 CONSISTENT WITH §4-202.1(H)(4)(VI) OF THE ENVIRONMENTAL ARTICLE OF THE STATE CODE TO  
45 AWARD GRANTS ON A COMPETITIVE BASIS TO NON-PROFIT ORGANIZATIONS, INCLUDING  
46 HOMEOWNERS ASSOCIATIONS, TO EXECUTE STORMWATER MANAGEMENT PROJECTS THAT  
47 ARE CONSISTENT WITH THE DEPARTMENT'S WATERSHED IMPLEMENTATION PROGRAM AND  
48 ARE NECESSARY TO ATTAIN COUNTY TMDL MANDATES AN ENTITY DETERMINED TO BE A  
49 501(C) ORGANIZATION BY THE INTERNAL REVENUE SERVICE FOR WATERSHED RESTORATION  
50 AND REHABILITATION PROJECTS RELATING TO PLANNING, DESIGN, AND CONSTRUCTION OF  
51 STORMWATER MANAGEMENT PRACTICES AND STREAM AND WETLAND RESTORATION,  
52 CONSISTENT WITH SECTION 4-202.1(H)(4)(VI) OF THE ENVIRONMENT ARTICLE OF THE STATE  
53 CODE AND THE DEPARTMENT'S WATERSHED IMPLEMENTATION PROGRAM.  
54

## 55 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

**TITLE 11. FEES AND SECURITY**

**17-11-101. Fees and security.**

The following fees shall be paid and security given as provided in the following chart, except that fees paid on an application governed by the law as it existed prior to May 12, 2005 shall be credited against the fees in the following chart if the application is withdrawn and a new application is filed under this article:

| <b><u>Category</u></b>     | <b><u>Fee or Security</u></b>   |
|----------------------------|---|
| ***                        |   |
| <u>[Storm drainage fee</u> | <u>1.5 cents per square foot of gross area disturbed by construction activity, including grading]</u> |

**17-11-102. Fee reduction.**

[(a)] **Fee reduction.** The Planning and Zoning Officer, upon receipt of a cost benefit analysis that justifies the reduction, may authorize a reduction in application [and storm drainage] fees of up to 50% for development that exceeds the environmental site design criteria of this Code.

**[(b) Credits.**

(1) The value of any conveyance of land or improvements received and accepted by the County from a developer may be credited against the developer's storm drainage fee under this title if the land or improvements have been designed to exceed the ESP to the MEP standard and exceed adequate outfall mitigation.

(2) To receive credit against the amount of the storm drainage fee due for such conveyance of land or improvements, the developer shall enter into a fee agreement with the County. The fee agreement shall provide for the establishment of credits and payment of fees in a specified manner and time.

(3) The value of land conveyed by a developer and accepted by the County for purposes of this section shall be the fair market value of the land as determined by an appraisal. The value of improvements constructed by a developer and accepted by the County for purposes of this section shall be established by the County.

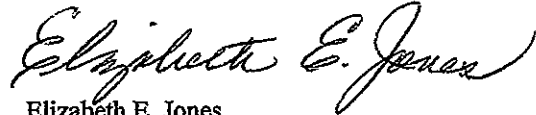
(4) Any land awarded credit under this section shall be conveyed no later than the time at which storm drain fees are required to be paid. The portion of the storm drain fees represented by a credit for improvements shall be deemed paid when the improvements are completed and accepted by the County for maintenance or when adequate security for the completion of the improvements has been provided.]

1 SECTION ~~2~~ 3, *And be it further enacted*, That this Ordinance shall take effect 45 days  
2 from the date it becomes law.

AMENDMENTS ADOPTED: March 18 and April 1 2013

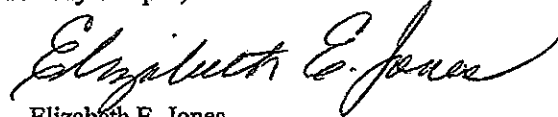
READ AND PASSED this 15<sup>th</sup> day of April, 2013

By Order:



Elizabeth E. Jones  
Administrative Officer

PRESENTED to the County Executive for her approval this 16<sup>th</sup> day of April, 2013



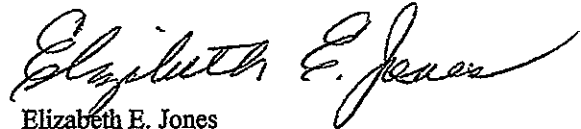
Elizabeth E. Jones  
Administrative Officer

APPROVED AND ENACTED this \* \_\_\_ day of April, 2013

\* Bill No. 2-13 VETOED by the County Executive  
on April 25, 2013

Laura Neuman  
County Executive

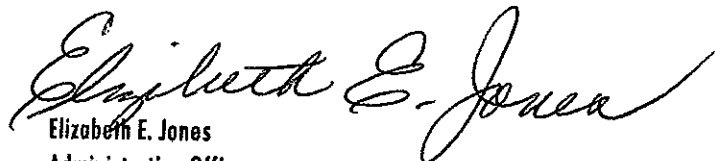
I HEREBY CERTIFY THAT THE COUNTY EXECUTIVE'S VETO OF BILL NO. 2-13, ATTACHED  
HERETO AND APPENDED TO THIS ORDINANCE, WAS CONSIDERED BY THE COUNTY  
COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND ON MAY 1, 2013, AND THAT THE VETO  
WAS OVERRIDDEN BY THE REQUIRED AFFIRMATIVE FIVE (5) VOTES OF THE COUNTY  
COUNCIL.



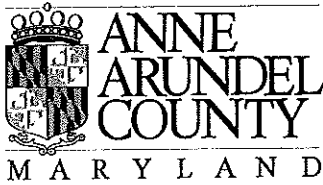
Elizabeth E. Jones  
Administrative Officer

EFFECTIVE DATE: June 15, 2013

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.  
2-13 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.



Elizabeth E. Jones  
Administrative Officer



County Executive Laura Neuman  
P.O. Box 2700, Annapolis, MD 21404  
410-222-1821

April 25, 2013

The Anne Arundel County Council  
Arundel Center  
44 Calvert Street  
Annapolis, Maryland 21401

**RE: Veto and Veto Statement, Bill No. 2-13**

Dear Members of the County Council:

In accordance with Section 307(j) of the Anne Arundel County Charter, I hereby exercise my Executive Veto as to Bill No. 2-13. My reasons for not approving the bill are stated below and are incorporated by reference to the bill, which is returned to you.

I have vetoed Bill No. 2-13: Stormwater Management – Watershed Protection and Restoration Special Revenue Fund and Program primarily for two reasons: (1) I do not believe the citizens of Anne Arundel County had ample notice of or information about these unfunded State-mandated county fees; and (2) the fees, as previously imposed, were unduly burdensome on some properties and groups.

I believe we all must do our part to keep our waterways healthy and thriving, but I believe more work needs to be done on this bill, including better clarity of the implications to county businesses and residential properties, adjustments to the amount of the stormwater remediation fees for commercial properties, putting a cap in place for non-profit groups, and implementing a slower phase-in for residential properties.

Sincerely,

A handwritten signature in black ink, appearing to be "Laura Neuman".

Laura Neuman  
County Executive

RECEIVED

APR 25 2013

COUNTY COUNCIL

Enclosure