

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2013; Legislative Day No. 13

Bill No. 44-13

Introduced by Mr. Benoit

By the County Council, May 6, 2013

Introduced and first read on May 6, 2013
Public Hearing set for and held on May 23, 2013
Public Hearing on AMENDED BILL set for and held on June 3, 2013
Public Hearing on SECOND AMENDED BILL set for and held on June 17, 2013
Bill Expires August 9, 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 defining certain terms; changing the stormwater remediation fee for
5 certain dwellings in certain residential zoning districts; establishing certain grounds to
6 appeal the imposition of a stormwater remediation fee; providing for the application of
7 this Ordinance; and generally relating to the Watershed Protection and Restoration Fund
8 and Program.

9
10 BY repealing and reenacting, with amendments: § 13-7-101; ~~and 13-7-103 (c) and 13-7-~~
11 104 (as amended by Bill No. 2-13)
12 Anne Arundel County Code (2005, as amended)

13
14 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
15 That Section(s) of the Anne Arundel County Code (2005, as amended) (and as amended by
16 Bill No. 2-13) read as follows:

17
18 **ARTICLE 13. PUBLIC WORKS**

19
20 **TITLE 7. WATERSHED PROTECTION AND RESTORATION 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.

1 **13-7-101. Definitions.**

2
3 In this title, the following words have the meanings indicated.

4
5 (1) "Attached dwelling" means a duplex, semi-detached, or townhouse, dwelling as
6 defined in § 18-1-101(30) of this Code.

7
8 (2) "Base rate" means the stormwater remediation fee to be charged for each
9 equivalent residential unit per year.

10
11 (3) "Condominium" has the meaning stated in § 17-1-101(16) of this Code.

12
13 (4) "Detached single-family dwelling" has the meaning stated for "dwelling, single-
14 family detached" in § 18-1-101(30) of this Code.

15
16 (5) "Dwelling unit" has the meaning stated in § 18-1-101(30) of this Code.

17
18 (6) "Equivalent Residential Unit" means [2,800] 2,940 square feet.

19
20 (7) "Farm" means a property, or contiguous properties under the same ownership,
21 with or without buildings, that is used for cultivating and managing the soil for composting,
22 growing, harvesting, and selling of crops as well as the products of forestry, horticulture and
23 hydroponics; processing agricultural products, regardless of whether there is a change in
24 natural state of the product; breeding, raising, and managing livestock, including horses,
25 cattle, poultry, fish, game, bees, and fur-bearing animals; dairying; and equestrian activities
26 and events not conducted under a license issued by the State Racing Commission.

27
28 (8) "Homeowners Association" means an incorporated or unincorporated
29 homeowners association, civic or community association, council of condominium unit
30 owners, or similar entity.

31
32 (9) "Impervious surface" has the meaning stated in the environment article, § 4-
33 201.1(d), of the State Code.

34
35 (10) "Multifamily residential property" means real property located in any zoning
36 district that is improved by a "dwelling, multifamily", as that term is defined in § 18-1-101(30)
37 of this Code.

38
39 (11) "Nonresidential property" means real property located in a commercial,
40 industrial, maritime, mixed use, Odenton Growth Management Area, open space, town
41 center, or small business zoning district as shown on the Anne Arundel County Digital Zoning
42 Layer adopted in accordance with § 18-2-106 of this Code, and includes real property in
43 those zoning districts improved by an attached dwelling or a detached single family dwelling.
44 "nonresidential property" also includes real property located in a residential zoning district as
45 shown on the Anne Arundel County Digital Zoning Layer adopted in accordance with § 18-2-
46 106 of this code with a use other than a dwelling; real property owned by not-for-profit
47 entities such as homeowners associations, fraternal organizations, religious groups or
48 organizations, healthcare facilities, and other real property devoted to non-governmental

1 charitable, or institutional uses; and real property located partially in a residential district and
 2 partially in any district other than a residential zoning district as shown on the Anne Arundel
 3 County Digital Zoning Layer adopted in accordance with § 18-2-106 of this Code.

4
 5 (12) "Religious group or organization" means a religious organization that is certified
 6 under § 501(c)(3) or (d) of the internal revenue code and that is exempt from real property
 7 tax under Section 7-204 of the Tax Property Article of the State Code.

8
 9 (13) "Residential property, tier one" means real property located in zoning district RA,
 10 ~~OR RLD, [or] R1, R2 OR R5~~ as shown on the Anne Arundel County Digital Zoning Layer
 11 adopted in accordance with § 18-2-106 of this Code, and improved with a detached single-
 12 family dwelling.

13
 14 {(14) "Residential property, tier two" means real property located in zoning district R1,
 15 R2, or R5 as shown on the Anne Arundel County Digital Zoning Layer adopted in accordance
 16 with § 18-2-106 of this Code, and improved with a detached single-family dwelling.}

17
 18 {(15)}{(14)} "Residential property, tier {three} TWO" means real property located in
 19 zoning district R10, R15, or R22 as shown on the Anne Arundel County Digital Zoning Layer
 20 adopted in accordance with § 18-2-106 of this Code, and improved with an attached dwelling
 21 or a detached single-family dwelling. "Residential property, tier {three} TWO" also includes
 22 real property in residential zoning district RA, RLD, R1, R2, or R5 that is improved by an
 23 attached dwelling or is a mobile home space under a license issued pursuant to Article 11,
 24 Subtitle 9 of this Code.

25
 26 {(16)}{(15)} "Stormwater remediation fee" means the fee charged in accordance with
 27 this Title to fund or support, in full or in part, the purposes set forth in § 4-11-118(c) of this
 28 Code.

29 {(17)}{(16)} "Unimproved property" means real property that has no impervious surface.

30
 31 **13-7-103. Stormwater remediation fee.**

32
 33 (c) **Residential property fee.** The stormwater remediation fee for each real property in
 34 the following categories shall be:

35
 36 (1) Residential property, tier one -- {two times} the base rate; AND

37
 38 {(2) Residential property, tier two - the base rate; and

39
 40 (3)}{(2)} Residential property, tier {three} TWO-- 40% of the base rate for each dwelling
 41 unit or mobile home space.

42
 43 **13-7-104. Appeals.**

44
 45 (A) **Definitions.** IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS
 46 INDICATED.

47
 48 (1) "MEDIAN IMPERVIOUS SURFACE OF RESIDENTIAL PROPERTY, TIER 2" MEANS 2940

1 SQUARE FEET.

2
3 (2) "MEDIAN IMPERVIOUS SURFACE OF RESIDENTIAL PROPERTY, TIER 3" MEANS 1200
4 SQUARE FEET."

5
6 [(a)] (B) Administrative appeal. A property owner may appeal a stormwater remediation
7 fee to the Department. An appeal shall be submitted on or before August 15 in order to
8 receive a correction of the stormwater remediation fee for the succeeding taxable year.

9
10 [(b)] (C) Grounds for appeal. Grounds for appeal of the stormwater remediation fee
11 include:

12
13 (1) incorrect classification of real property for purposes of determining the stormwater
14 remediation fee;

15
16 (2) A PROPERTY IN THE CATEGORY RESIDENTIAL PROPERTY, TIER 1 HAVING LESS
17 IMPERVIOUS SURFACE THAN THE MEDIAN IMPERVIOUS SURFACE OF RESIDENTIAL PROPERTY,
18 TIER 2, FOR A CHARGE AT THE TIER 2 LEVEL;

19
20 (3) A PROPERTY IN THE CATEGORY RESIDENTIAL PROPERTY, TIER 2 HAVING LESS
21 IMPERVIOUS SURFACE THAN THE MEDIAN IMPERVIOUS SURFACE OF RESIDENTIAL PROPERTY,
22 TIER 3, FOR A CHARGE AT THE TIER 3 LEVEL;

23
24 [(2)] (3) for nonresidential or multifamily residential property, errors in the calculation
25 of the impervious surface of the property;

26
27 [(3)] (4) mathematical errors in calculating the stormwater remediation fee;

28
29 [(4)] (5) the real property is not subject to the stormwater remediation fee under § 13-
30 7-105;

31
32 [(5)] (6) the property owner is exempt from the stormwater remediation fee under §
33 13-7-106;

34
35 [(6)] (7) errors in the identification of the property owner of real property subject to
36 the stormwater remediation fee; or

37
38 [(7)] (8) for nonresidential property owned by a homeowners association, errors in the
39 number of property tax accounts for the property owners within the boundaries of the
40 homeowners association.

41
42 [(c)] (D) Application. An appeal must be submitted in writing on an application form
43 provided by the department. a property owner shall include a detailed statement of the
44 grounds of the appeal and all information or supporting documentation as required by the
45 department. failure to provide all information required on the application form or to attach
46 any relevant documentation is a basis for a denial of an appeal. If the basis for appeal is:

47
48 (1) that the zoning district of the real property is incorrect, the property owner shall
49 provide proof of the zoning district of the property as shown on the Anne Arundel County

1 Digital Zoning Layer adopted in accordance with § 18-2-106 of this Code;
2

3 (2) that there is an error in the calculation of the impervious surface of the property,
4 the property owner shall supply documentation prepared and certified by a registered
5 professional engineer or professional land surveyor of the impervious surface of the property,
6 or
7

8 (3) that there is an error in the number of dwellings or dwelling units that may be
9 billed by a homeowners association, the property owner shall provide proof of the number of
10 property tax accounts for the property owners within the boundaries of the homeowners
11 association.
12

13 [(d)] (E) **Written decision.** The Director shall issue a written decision indicating whether
14 the appeal is granted or denied and a copy shall be provided to the property owner, the
15 Controller, and any counsel of record. The written decision of the Director shall set forth all
16 reasons for the decision and shall set forth any change in the amount of the stormwater
17 remediation fee. For fiscal year 2014, the Director shall issue the written decision within 90
18 days of the filing of the appeal. For any year after fiscal year 2014, the Director shall issue the
19 written decision within 45 days.
20

21 [(e)] (F) **Adjusted billing.** If the decision of the director changes the amount of the
22 stormwater remediation fee, the controller shall issue a new bill to the property owner.
23

24 [(f)] (G) **Stay.** An application for an appeal filed under subsection [(c)] (D) shall act as an
25 immediate stay on the collection of the stormwater remediation fee, without interest or
26 penalty. A property owner shall pay the fee within 30 days of a final determination of the
27 amount of fee.
28

29 [(g)] (H) **Tax court.** A property owner who is aggrieved by a decision of the director on
30 an appeal or by the imposition of a stormwater remediation fee shall pay the stormwater
31 remediation fee and may request a refund in accordance with Article 24, § 9-710, of the State
32 Code and may appeal to the Maryland Tax Court in accordance with Article 24, § 9-712(d),
33 of the State Code.
34

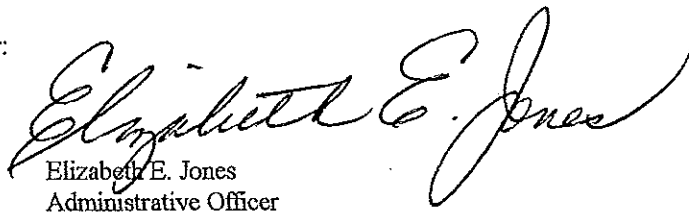
35 SECTION 2. *And be it further enacted,* That the provisions this Ordinance shall be
36 construed retroactively and shall be applied to and interpreted to affect the stormwater
37 remediation fees for the applicable properties for Fiscal Year 2014.
38

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

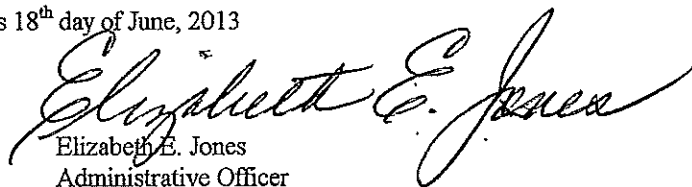
AMENDMENTS ADOPTED: May 23 and June 3, 2013

READ AND PASSED this 17th day of June, 2013

By Order:


Elizabeth E. Jones
Administrative Officer

PRESENTED to the County Executive for her approval this 18th day of June, 2013


Elizabeth E. Jones
Administrative Officer

APPROVED AND ENACTED this * day of June, 2013

*Returned unsigned on June 28, 2013

Enacted June 28, 2013

Laura Neuman
County Executive

EFFECTIVE DATE: August 12, 2013

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
44-13 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.


Elizabeth E. Jones
Administrative Officer