A BILL ENTITLED

AN ORDINANCE concerning: Floodplain Management, Erosion and Sediment Control, and Stormwater Management – Stormwater Management

FOR the purpose of increasing the time period before the expiration of approved grading permits; requiring that a completed project meet all County as-built submittal requirements; requiring a certain warranty for best management practices installed by a homeowner’s association; adding the conditions for warranty, security, and inspection of best management practices owned or maintained by a homeowner’s association; requiring repair, restoration, and maintenance of private stormwater management practices; providing for the application of this Ordinance; providing for a delayed effective date; and generally relating to floodplain management, erosion and sediment control, and stormwater management.

BY repealing and reenacting, with amendments: §§ 16-3-212(2); 16-4-302; and 16-4-303(a)

Anne Arundel County Code (2005, as amended)

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

ARTICLE 16. FLOODPLAIN MANAGEMENT, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT
TITLE 3. EROSION AND SEDIMENT CONTROL

16-3-212. Expiration of issued permit.

A grading permit expires:

(2) [[two]] THREE years after approval by the Anne Arundel Soil Conservation District unless a renewal of the Anne Arundel Soil Conservation District approval is obtained;

TITLE 4. STORMWATER MANAGEMENT

16-4-302. Completion.

(a) As-built plans and certification. When construction is complete, the applicant shall submit to the Department as-built plans and an as-built certification prepared by a design professional. At a minimum, the as-built certification shall include a set of drawings comparing what was constructed to the approved stormwater management plan AND SHALL MEET THE LATEST AS-BUILT SUBMITTAL REQUIREMENTS SET BY THE DEPARTMENT. The Department may require any additional information that is necessary to determine that the work complies with the approved stormwater management plan.

(b) Certificate of occupancy. A certificate of occupancy may not be issued until the required stormwater management system is completed to the satisfaction of the Department.

(C) Two-Year Warranty; Best Management Practice to be owned or maintained by homeowner’s association.

(1) Scope. THIS SUBSECTION DOES NOT APPLY TO A BEST MANAGEMENT PRACTICE THAT IS INSTALLED BY THE COUNTY, BOARD OF EDUCATION, OR A PUBLIC UTILITY, OR THAT IS NOT REQUIRED FOR A NEW DEVELOPMENT OR A REDEVELOPMENT PROJECT.


(3) Form of warranty. THE FORM AND CONTENT OF THE WARRANTY PROVIDED BY THE APPLICANT SHALL BE IN A FORM ACCEPTABLE TO THE DEPARTMENT AND SHALL WARRANT THAT ANY BEST MANAGEMENT PRACTICE TO BE OWNED OR MAINTAINED BY A HOMEOWNER’S ASSOCIATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS. THE WARRANTY SHALL INCLUDE VERIFICATION THAT THE APPLICANT HAS RESERVED A RIGHT OF ENTRY ONTO THE PROPERTY TO CONDUCT REPAIRS OR RESTORATION TO A BEST MANAGEMENT PRACTICE.

(4) Security. THE WARRANTY SHALL BE ACCOMPANIED BY A SECURITY POSTED BY THE APPLICANT IN THE FORM APPROVED BY THE DEPARTMENT. THE SECURITY SHALL BE IN AN AMOUNT EQUAL TO THE CONSTRUCTION COSTS AS ESTIMATED AT THE TIME OF ISSUANCE OF THE GRADING PERMIT FOR ANY BEST MANAGEMENT PRACTICE THAT WILL
BE OWNED OR MAINTAINED BY A HOMEOWNER’S ASSOCIATION AND SHALL SECURE ANY
REPAIR OR RESTORATION UNTIL THE TWO-YEAR WARRANTY, AS EXTENDED, EXPIRES.

(5) **Inspection.** AT INTERVALS AT THE DISCRETION OF THE DEPARTMENT DURING
THE WARRANTY PERIOD AND UPON FINAL INSPECTION PRIOR TO THE RELEASE OF THE
WARRANTY, THE DEPARTMENT SHALL INSPECT ANY BEST MANAGEMENT PRACTICE THAT
WILL BE OWNED OR MAINTAINED BY A HOMEOWNER’S ASSOCIATION. THE INSPECTIONS
SHALL INCLUDE ALL REQUIRED ELEMENTS OF A MAINTENANCE INSPECTION DESCRIBED
IN THE COUNTY PROCEDURES MANUAL. IF THE DEPARTMENT DETERMINES THAT ANY
REPAIR OR RESTORATION TO A BEST MANAGEMENT PRACTICE IS REQUIRED, THE
DEPARTMENT SHALL ISSUE A NOTICE TO THE APPLICANT.

(6) **Extension of warranty.** IF AN APPLICANT IS ISSUED A NOTICE FROM THE
DEPARTMENT DURING THE TWO-YEAR WARRANTY PERIOD TO REPAIR OR RESTORE A
BEST MANAGEMENT PRACTICE, OTHER THAN FOR ROUTINE MAINTENANCE AND UPKEEP,
THE WARRANTY AND SECURITY SHALL BE EXTENDED FOR ONE ADDITIONAL YEAR
BEYOND THE ORIGINAL TWO-YEAR PERIOD. IF AN APPLICANT IS ISSUED A NOTICE DURING
AN EXTENDED WARRANTY PERIOD TO REPAIR OR RESTORE A BEST MANAGEMENT
PRACTICE, OTHER THAN FOR ROUTINE MAINTENANCE AND UPKEEP, THE WARRANTY AND
SECURITY SHALL BE EXTENDED FOR ONE ADDITIONAL YEAR BEYOND THE EXTENDED
WARRANTY PERIOD. THE TOTAL LENGTH OF THE WARRANTY PERIOD, INCLUDING
EXTENSIONS, SHALL NOT EXCEED FOUR YEARS.

(7) **Forfeiture of security.** IF AN APPLICANT FAILS TO REPAIR OR RESTORE A BEST
MANAGEMENT PRACTICE AS DIRECTED BY THE DEPARTMENT, THE SECURITY SHALL BE
FORFEITED TO THE COUNTY. IF THE COUNTY’S COST TO COMPLETE THE WORK TO REPAIR
OR RESTORE A BEST MANAGEMENT PRACTICE IS GREATER THAN THE AMOUNT OF THE
SECURITY, THE EXCESS COST SHALL BE BILLED TO THE APPLICANT.

(8) **Release.**

(I) THE DEPARTMENT SHALL CONDUCT A FINAL INSPECTION AT LEAST 30 DAYS
PRIOR TO THE EXPIRATION OF THE WARRANTY PERIOD, AS EXTENDED, TO ENSURE THE
BEST MANAGEMENT PRACTICE FUNCTIONS AS DESIGNED. IF, ON FINAL INSPECTION, NO
REPAIR OR RESTORATION OF THE BEST MANAGEMENT PRACTICE IS REQUIRED, THE
SECURITY PROVIDED UNDER THIS SECTION SHALL BE RELEASED UPON EXPIRATION OF
THE WARRANTY PERIOD, AS EXTENDED.

(II) IF THE WARRANTY IS EXTENDED BEYOND THE ORIGINAL TWO-YEAR
WARRANTY PERIOD AND IF THE DEPARTMENT DETERMINES THAT A PARTIAL RELEASE OF
THE SECURITY WILL NOT IMPAIR IMPLEMENTATION OF THE WRITTEN WARRANTY, THE
DEPARTMENT MAY ALLOW A PARTIAL RELEASE, NOT TO EXCEED 75% OF THE TOTAL
SECURITY REQUIRED BY THE WARRANTY. A PARTIAL RELEASE OF THE SECURITY DOES
NOT RELIEVE THE APPLICANT OF ITS OBLIGATIONS TO REPAIR OR RESTORE THE BEST
MANAGEMENT PRACTICE OR ITS LIABILITY UNDER PARAGRAPH (7).

16-4-303. **Maintenance.**

(a) **Generally.** The property owner shall perform preventive maintenance to ensure that
a PRIVATE stormwater management system is functioning properly. The Department shall
inspect all PRIVATE stormwater management practices [[during the first year of operation
and]] every three years [[thereafter]] AFTER RELEASE OF THE GRADING PERMIT SECURITY
OR, FOR BEST MANAGEMENT PRACTICES THAT REQUIRE A WARRANTY UNDER
§ 16-4-302(C), AFTER THE EXPIRATION OF THE TWO-YEAR WARRANTY, AS EXTENDED, to
ensure that preventive and routine maintenance is performed.
SECTION 2. And be it further enacted, That this Ordinance shall apply to any new application for a grading permit, or any application for a major revision to a pending or issued grading permit, filed on or after January 1, 2021.

SECTION 3 And be it further enacted, That this Ordinance shall take effect on January 1, 2021.

READ AND PASSED this 5th day of October, 2020

By Order:

[Signature]
JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 6th day of October, 2020

[Signature]
JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 16th day of October, 2020

[Signature]
Steuart Pittman
County Executive

EFFECTIVE DATE: January 1, 2021

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO. 67-20, THE ORIGINAL OF WHICH IS RETAINED IN THE FILES OF THE COUNTY COUNCIL.

[Signature]
JoAnne Gray
Administrative Officer