

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 18

Bill No. 80-21

Introduced by Ms. Pickard, Ms. Rodvien, Mr. Pruski, and Ms. Lacey

By the County Council, September 20, 2021

Introduced and first read on September 20, 2021
Public Hearing set for and held on October 18, 2021
Public Hearing on AMENDED bill set and held on for November 1, 2021
Bill Expires on December 24, 2021

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Floodplain Management, Erosion and Sediment Control,
2 and Stormwater Management and Subdivision and Development – Violation,
3 Enforcement, and Penalties – Civil Fines – Clearing Trees of Significant Size
4

5 FOR the purpose of making it a Class A civil offense to clear trees of significant size in
6 violation of County erosion and sediment control law; amending the factors to be used
7 when determining a fine for a Class A civil offense; amending the definition of
8 “clearing”; adding a definition of “hazardous tree; and generally relating to floodplain
9 management, erosion and sediment control, and stormwater management.
10

11 BY repealing and reenacting, with amendments: ~~§ 16-5-105(b)~~ §§ 16-5-105(b); and 17-1-
12 101(15)
13 Anne Arundel County Code (2005, as amended)
14

15 BY renumbering: § 17-1-1-101(51) through (100), respectively to be § 17-1-101(52)
16 through (101), respectively
17 Anne Arundel County Code (2005, as amended)
18

19 BY adding: § 17-1-101(51)
20 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter repealed from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

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

3
4 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
5 That § 17-1-1-101(51) through (100), respectively of the Anne Arundel County Code
6 (2005, as amended) be renumbered to be § 17-1-101(52) through (101), respectively.

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

10
11 **ARTICLE 16. FLOODPLAIN MANAGEMENT, EROSION AND SEDIMENT**
12 **CONTROL, AND STORMWATER MANAGEMENT**

13
14 **TITLE 5. VIOLATIONS, ENFORCEMENT, AND PENALTIES**

15
16 **16-5-105. Civil fines.**

17
18 (b) **Class A civil offenses.**

19
20 (1) It is a Class A civil offense to violate any provision of Title 3 in the critical area.

21
22 (2) It is a Class A civil offense to violate any provision of Title 4 in the critical area.

23
24 (3) Except as otherwise provided by this section, it is a Class A civil offense to
25 violate any provision of Article 17, Title 8.

26
27 (4) IT IS A CLASS A CIVIL OFFENSE TO CLEAR TREES OF SIGNIFICANT SIZE, AS
28 DEFINED IN § 17-1-101 OF THIS CODE, IN VIOLATION OF ANY PROVISION OF TITLE 3.

29
30 ~~[(4)]~~ (5) The following factors shall be considered in determining the amount of
31 any fine assessed under this section ~~[[for violations in the critical area]]~~:

32
33 (i) the gravity of the violation;

34
35 (ii) any willfulness or negligence involved in the violation;

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37 (iii) the environmental impact of the violation; and

38
39 (iv) the cost of restoration and mitigation, including any cost incurred by the
40 State or County.

41
42 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

43
44 **TITLE 1. DEFINITIONS**

45
46 **17-1-101. Definitions.**

1 Unless defined in this article, the Natural Resources Article of the State Code, or
2 COMAR, the definitions of words defined elsewhere in this Code apply in this article. The
3 following words have the meanings indicated:

4
5 ***

6
7 (15) "Clearing" is a form of development that means the process of cutting or
8 removing trees, woody vegetation, ground cover, stumps, or roots, and does not include
9 gardening or maintenance of an existing grass lawn or removal of hazardous trees [[as
10 defined in COMAR, Title 27]].

11
12 ***


13
14 (51) "HAZARDOUS TREE" HAS THE MEANING STATED IN COMAR, TITLE 27.

15
16 SECTION 2. 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
17 from the date it becomes law.

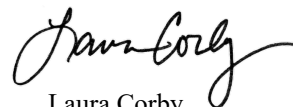
AMENDMENTS ADOPTED: October 18, 2021

READ AND PASSED this 1st day of November, 2021

By Order:


Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 2nd day of November, 2021


Laura Corby
Administrative Officer

APPROVED AND ENACTED this 8th day of November, 2021


Stuart Pittman
County Executive

EFFECTIVE DATE: December 23, 2021

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I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 80-21 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby". The signature is fluid and cursive, with the first name "Laura" and last name "Corby" clearly distinguishable.

Laura Corby
Administrative Officer