

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2018, Legislative Day No. 36

Bill No. 96-18

Introduced by Mr. Trumbauer

By the County Council, September 17, 2018

Introduced and first read on September 17, 2018
Public Hearing set for October 15, 2018
Bill Expires November 1, 2018

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Floodplain Management, Erosion and Sediment Control,
2 and Stormwater Management – Civil Fines
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4 FOR the purpose of allowing for the assessment of civil fines for certain erosion and
5 sediment control violations outside of the critical area; and generally relating to
6 floodplain management, erosion and sediment control, and stormwater management.
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8 BY repealing and reenacting, with amendments: § 16-5-105
9 Anne Arundel County Code (2005, as amended)
10

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:
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14 **ARTICLE 16. FLOODPLAIN MANAGEMENT, EROSION AND SEDIMENT** 15 **CONTROL, AND STORMWATER MANAGEMENT** 16

17 **TITLE 5. VIOLATIONS, ENFORCEMENT, AND PENALTIES** 18

19 **16-5-105. Civil fines.** 20

21 (a) **Generally.** A violation of any provision of this article is a civil offense, punishable
22 by a civil fine as provided by § 9-2-101 of this Code.
23

24 (b) **Critical area violations.**

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

1 (1) **Erosion and sediment control violations.** It is a Class A civil offense to violate
2 any provision of Title 3 in the critical area.

3
4 (2) **Stormwater management violations.** It is a Class A civil offense to violate
5 any provision of Title 4 in the critical area.

6
7 (3) **Other critical area violations.** Except as otherwise provided by this section, it
8 is a Class A civil offense to violate any provision of Article 17, Title 8.

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10 (4) **Factors in assessing fines.** The following factors shall be considered in
11 determining the amount of any fine assessed under this section for violations in the critical
12 area:

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14 (i) the gravity of the violation;

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

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

19
20 (iv) the cost of restoration and mitigation, including any cost incurred by the
21 State or County.

22
23 **(c) Violations outside the critical area.**

24
25 (1) **Erosion and sediment control violations.** IT IS A CLASS A CIVIL OFFENSE TO
26 VIOLATE ANY PROVISION OF TITLE 3 OUTSIDE THE CRITICAL AREA. THE FACTORS LISTED
27 IN SUBSECTION (B)(4) SHALL BE CONSIDERED IN DETERMINING THE AMOUNT OF THE FINE
28 ASSESSED.

29
30 (2) **Stormwater management violations.** It is a Class B civil offense to violate any
31 provision of Title 4 [of this article] outside the critical area.

32
33 (d) **Other violations.** It is a Class C civil offense to violate any other provision of this
34 article.

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