

PURPOSE

FOR THE PURPOSE OF AMENDING ARTICLE III, SECTION 38.1 OF THE ST. MARY'S COUNTY ZONING ORDINANCE TO ADD AIR FLIGHT PROVISIONS THAT ADDRESS PUBLIC SAFETY, ENCROACHMENT AND RELATED ISSUES AT THE CAPTAIN WALTER F. DUKE REGIONAL AIRPORT.

RECORDING FEE 0.00
TOTAL 0.00
Res#5465 Acct#999999
EMA LP 01/12/01
Mar 16, 2001 09:01 am

ORDINANCE

WHEREAS, pursuant to the authority granted under Article 66B, Section 4.04(a) of the Annotated Code of Maryland, and Section 70.1.1 of the St. Mary's County Zoning Ordinance, as amended by Ordinance Number Z-2000-01, adopted and effective February 1, 2000, the Board of County Commissioners for St. Mary's County may adopt, revise and amend the St. Mary's County Zoning Ordinance, (the "Zoning Ordinance"); and

WHEREAS, the current Zoning Ordinance does not fully protect the health, safety and welfare of the citizens of St. Mary's County with regard to the potential hazards of air traffic and does not adequately provide for future growth in the use of current and future air traffic facilities; and

WHEREAS, pursuant to Article 66B, §4.04 of the Annotated Code of Maryland, the Planning Commission conducted a public hearing on the proposed amendment of Article III, Section 38.1 of the Zoning Ordinance on October 10, 2000, after due notice and publication on September 20, 2000 and September 27, 2000 in The Enterprise, a newspaper of general circulation within St. Mary's County; and

WHEREAS, upon due consideration and input from staff and the citizens, the Planning Commission recommended approval of the amendment of Article III, Section 38.1 of the Zoning Ordinance to the Board of County Commissioners for St. Mary's County, Maryland; and

WHEREAS, pursuant to Article 66B, §4.04 of the Annotated Code of Maryland, the Board of County Commissioners for St. Mary's County, Maryland held a public hearing on the recommended amendment on October 17, 2000, after due notice and publication on September 27, 2000 and October 4, 2000 in The Enterprise, a newspaper of general circulation within St. Mary's County; and

WHEREAS, after deliberation, study and public hearing, the Board of County Commissioners for St. Mary's County, Maryland has determined that it is in the best interest of the public, and in order to secure the health, safety and general welfare for present and future residents of St. Mary's County, and in order to achieve the purposes set forth in Article 66B of the Annotated Code of Maryland, as amended, to adopt and approve the amendment of Article III, Section 38.1 of the Zoning Ordinance as set forth herein.

NOW THEREFORE, BE IT ORDAINED, by the Board of County Commissioners for St. Mary's County, Maryland, that Section 38.1 of Article III of the St. Mary's County Zoning Ordinance heretofore adopted and currently in effect, shall be and the same is hereby amended as shown in Attachment A hereto, incorporated by reference as if fully set out herein; and

BE IT FURTHER ORDAINED, by the Board of County Commissioners for St. Mary's County, Maryland, that should any section, subsection, paragraph, clause, or phrase of this Ordinance be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this Ordinance which shall remain in full force and effect; and

BE IT FURTHER ORDAINED, by the Board of County Commissioners for St. Mary's County, Maryland, that in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance, or unless deletion of the invalid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance; and

BE IT FURTHER ORDAINED, by the Board of County Commissioners for St. Mary's County, Maryland, that the purpose and recitals set forth above are hereby incorporated by reference as written above; and

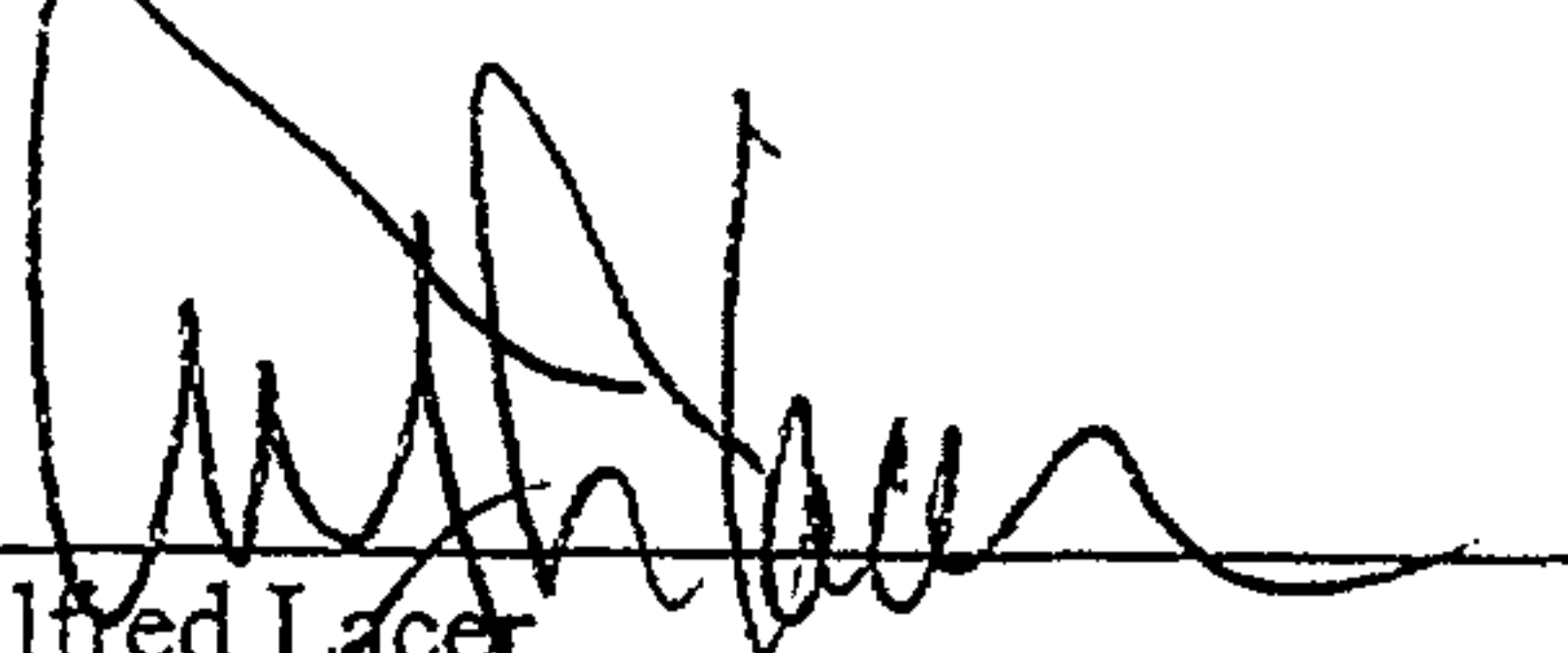
Ordinance No. Z 01-____
Zoning Ordinance Amendment
Subj.: Air Installations Compatible Use Zone (AICUZ)
and Airport Environs (AE) Overlay

BE IT FURTHER ORDAINED, by the Board of County Commissioners for St. Mary's County, Maryland, that this Ordinance shall become effective as of the date written below.

Approval Date: 3/13/01

Effective Date: 3/13/01

ATTEST:


Alfred Lacer,
County Administrator

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND

absent
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Goazzo
Shelby P. Goazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

John B. Norris, III
John B. Norris, III,
Deputy County Attorney

SUBJECT: FY 2001 Supplemental Appropriation
Office of the Sheriff

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2001 General Fund Operating Budget to increase the appropriation for the Office of the Sheriff for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$17,005.00 are available in federal grant funds. From the Governor's Office of Crime Control and Prevention for the purpose of them to continue their proactive crime prevention program.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, March 6, 2001 pursuant to Notice published on or about February 23, 2001 and March 02, 2001 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, February 6, 2001 to present and explain the requirements to increase the Fiscal Year 2001 Budget in the amount of \$17,005.00 (Seventeen Thousand & Five Dollars), and such increase is hereby approved this 20th day of March, 2001 by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: ALL
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 3/20/01
Effective Date: 3/20/01

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:

Alfred A. Lacer
Alfred A. Lacer
County Administrator

FUNDING AVAILABILITY VERIFIED:

Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Patrick B. Murphy
Patrick B. Murphy
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#003 Rcr#4339993
ERA HAB Bk#1752
Mar 23, 2001 09:06 am

BOOK 0018 PAGE 0004

NO.: 01-22
SUBJECT: Waiver of Landfill Fees for
Christmas in April Projects

RECORDING FEE 0.00
TOTAL 0.00
Res#5203 Ref#000000
EHA NB BIK#17
Apr 02, 2001 10:24 am

RESOLUTION

WHEREAS, the Eleventh (11th) Annual *Christmas in April* Program ("Program") will take place locally on April 28, 2001; and

WHEREAS, over 60,700 volunteers have performed over \$1,700,000 in repairs on approximately 346 homes occupied by elderly, handicapped and low-income countians since 1991; and

WHEREAS, this year it is recognized that the Program will be repairing thirty (30) homes and one (1) community project; and

WHEREAS, the Board of County Commissioners of St. Mary's County wishes to support continuation of these efforts; and

WHEREAS, 24,000 pounds of waste materials are generated by this Program each year.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Mary's County that the landfill fees for the trash and debris associated with *Christmas in April* Projects be waived.

Those Voting Aye: Alh
Those Voting Nay: _____
Those Abstaining
or Absent: _____

Adoption Date: 3/20/01

Effective Date: 3/20/01

BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
Julie B. Randall, President

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Joseph F. Anderson, Commissioner

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Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST
Alfred A. Lacer
Alfred A. Lacer
County Administrator

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:
Patrick B. Murphy
Patrick B. Murphy
County Attorney

Book 18

Page 5

skipped &

not used

BOOK 0018 PAGE 0001

BOOK 0018 PAGE 0006

Ordinance No. Z 01- 02
Zoning Ordinance Amendment
Subj.: Air Installations Compatible Use Zone (AICUZ)
and Airport Environs (AE) Overlay

PURPOSE

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RECORDING FEE 0.00
TOTAL 0.00
RESIGNED Not 4/11/2001
EWA LP 8/14/2000
Mar 16, 2001 09:01 am

ORDINANCE

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RE RECORDED

RECORDING FEE 0.00
TOTAL 0.00

BE IT FURTHER ORDAINED, by the Board of County Commissioners for St. Mary's County, Maryland, that should any section, subsection, paragraph, clause, or phrase of this Ordinance be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this Ordinance which shall remain in full force and effect; and

RESIGNED Not 4/11/2001
EWA TLC 8/14/2000

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APR 11, 2001 10:46 am

BE IT FURTHER ORDAINED, by the Board of County Commissioners for St. Mary's County, Maryland, that the purpose and recitals set forth above are hereby incorporated by reference as written above; and

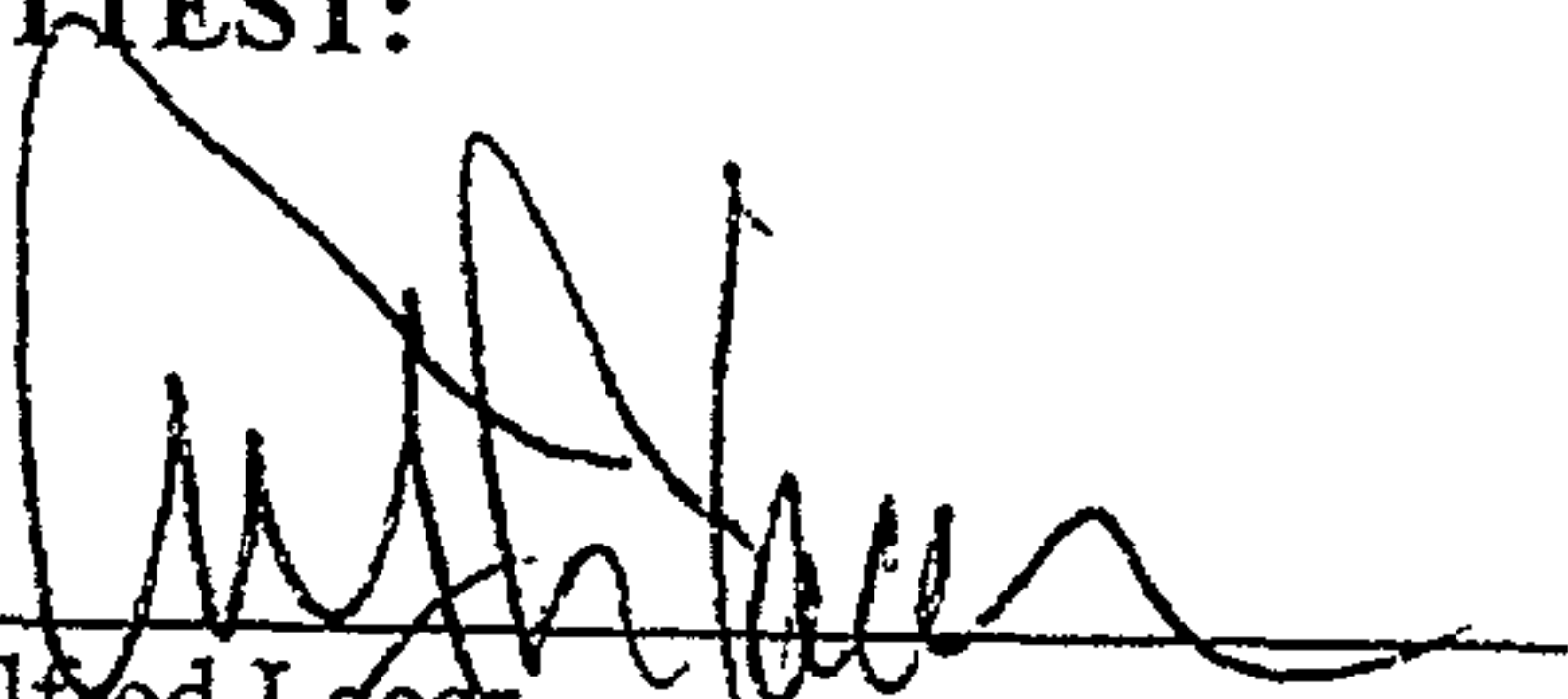
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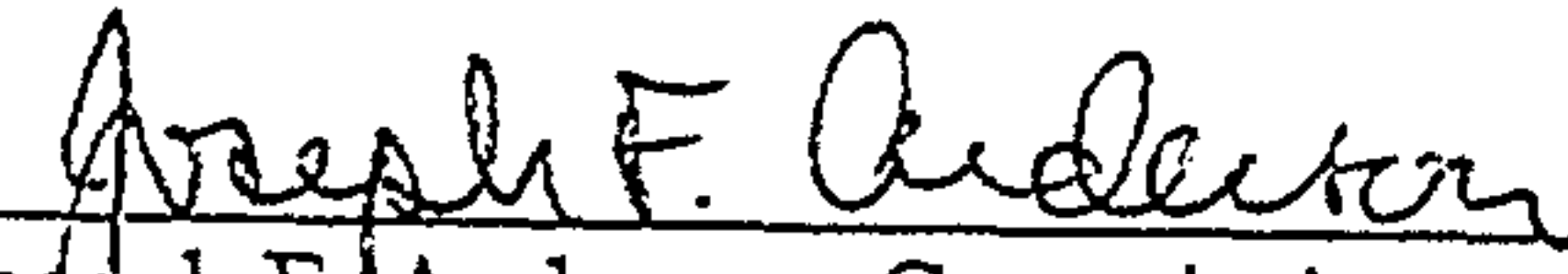
Effective Date: 3/13/01

ATTEST:

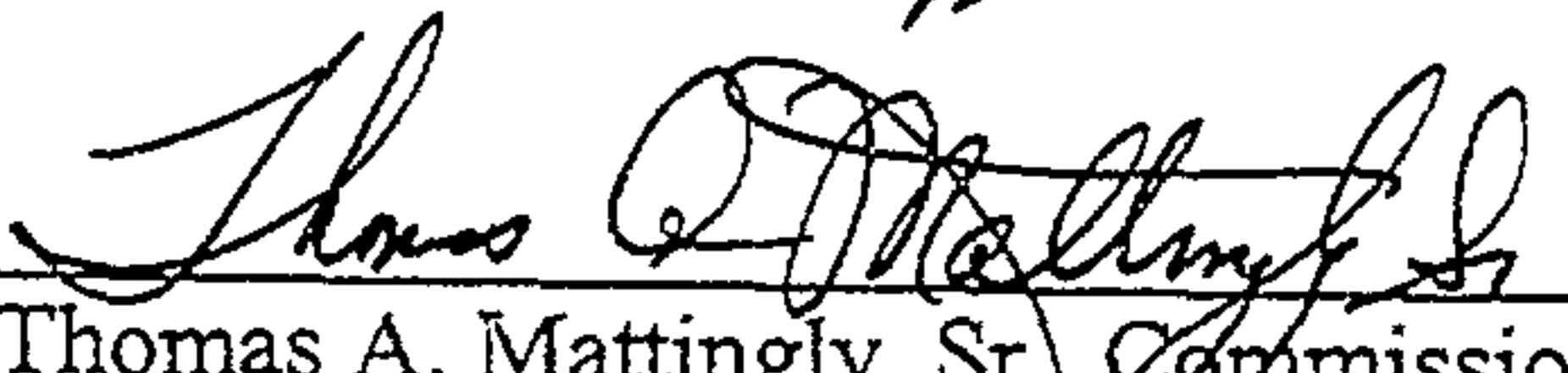

Alfred Lacer,
County Administrator

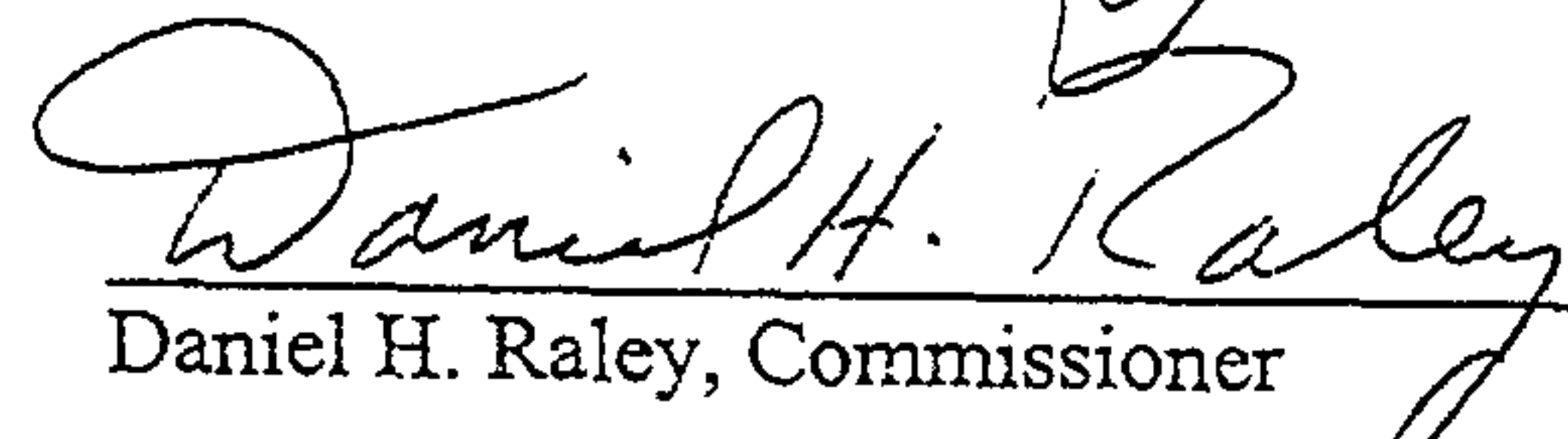
BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND


Julie B. Randall, President



Joseph F. Anderson, Commissioner


Shelby P. Goazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


John B. Norris, III,
Deputy County Attorney

ARTICLE III

30.00 RESERVED

THROUGH

BOOK 0018 PAGE 0008

37.00 RESERVED

38.00 SPECIAL DISTRICTS

38.1. AIR INSTALLATIONS COMPATIBLE USE ZONE (AICUZ) AND
AIRPORT ENVIRONS (AE) OVERLAY

11-28-94

PURPOSE

An overlay zone (AICUZ) is hereby established to provide protection to life and property as well as to provide for protection of the mission and functions of the air facilities adjacent to which the AICUZ overlay zone is mapped. Accident Potential Zones (APZ) are created within the AICUZ to protect persons living and working in the vicinity of airports as well as to protect these valuable facilities from intrusion by construction by way of height, clearance, or complaints arising from their proper operations. It is the intent of these zones to provide for the safety of the public by appropriate provision of height of construction, intensity of development, and sound level reduction in new or improved construction or development.

These Areas are created to protect persons living and working in the vicinity of the airport as well as to protect this valuable facility from intrusion by construction by way of height, clearance or complaints arising from it's proper operation. It is the intent of these zones to provide for the safety of the public by appropriate provision of height of construction, intensity of development and sound level reduction in new construction. These Overlay Areas have been designated to ensure that development in and around the facility is compatible with the operation of the airport and to accommodate general aviation and commuter air service development.

Any development which proposes to locate within the runway safety clearances (AE) and AICUZ areas shall provide and have approved by the Planning Commission a plan which demonstrates the environmental impact upon the proposed development and the compatibility with the airport facility, and which demonstrates measures to minimize detrimental impacts as required in this SECTION.

38.1.2 APPLICABILITY AND ZONING MAP DESIGNATOR

1. The AICUZ districts shall be shown on the zoning map with "CZ," "APZ 1," and "APZ 2" designators. The AE districts shall be shown on the zoning map with all applicable Federal Aviation Regulation (FAR) designators, including 14 C.F.R. Part 77, "FAR Part 77", as amended from time to time. The AICUZ and AE special purpose districts will be applied according to boundaries set out on the zoning map(s).

- (a) If a portion of a lot, parcel, or tract lies within one of the AICUZ or AE sub-

district(s), the restrictions upon uses and structures apply only to that portion of the lot, parcel or tract located within the AICUZ or AE sub-district(s).

- (b) An AICUZ or AE boundary must be established (i.e. no airport may be created until a Zoning Map amendment creating the respective AICUZ and/or AE zones in accordance with this part are completed) for all new or improved public or private airport, airfield, or heliport operations.
- (c) All applicable Federal and State requirements, as may be amended from time to time, shall apply. Where local, state or federal requirements conflict, the criteria that permits the least density, uses other than residential, or otherwise, as appropriate shall apply.

- 2. In the vicinity of military airports, the county shall map "Noise Level Contours" based on anticipated Day-Night average sound level (Ldn) in decibels (dB) due to volume and altitude of air traffic. In the vicinity of non-military, public or private airfields, the county shall map noise level contours as may be required under Federal Aviation Regulations. The noise from concentrated numbers of low flying aircraft is expected to produce discomfort, annoyance or a potentially unhealthy environment. These "Noise Level Contours" shall be shown on the zoning maps and regulations shall assure increased construction requirements for sound level reduction to produce an acceptable interior environment.

38.1.3 DISTRICT AND SUB-DISTRICT BOUNDARIES

Complex safety issues are major factors which affect pilots, airports, and surrounding airport land use. Part 77 surfaces and FAA Safety Zones provide specific standards for identifying which areas around an airport should be protected. Safety is of paramount concern when considering the operation of an airport. Safety relates not only to pilots and aircraft, but also to persons and property in each airport's environs. In establishing Part 77 and Safety Zone criteria, the FAA has used data to identify those areas around an airport which should be protected to reduce aircraft incidents.

The conclusion that most of the risk involved with air transportation is associated with the takeoff and landing portions of flight is supported by statistics. The critical areas at an airport that need to be secured and protected from a land use compatibility standpoint include the approach and departure paths of the runways. It is best to maintain obstruction-free airspace and a reasonable amount of vacant land at both ends of each runway.

- 38.1.3.1 The boundaries of the Patuxent Naval Air Station AICUZ and its sub-districts are shown diagrammatically on the official Zoning Map.

The AICUZ sub-districts are as follows:

- A. CLEAR ZONE

The CLEAR ZONE is as identified on the Official Zoning Maps and is for the purpose of providing an area clear of any development in the air field area as shown on the zoning maps. In this area, aircraft can be expected to operate at an altitude approaching ground level and this is the area of the greatest aircraft accident potential. As such, this zone shall be clear of any construction, and no use shall be permitted which in any way obstructs aircraft operations.

- (1) The following constitutes an exclusive list of uses permitted in the Clear Zone as-of-right;
 - (a) Underground utilities
 - (b) Uses as defined by Figure A

B. APZ ZONE 1 - GLIDE ZONE

APZ Zone 1 is as identified on the Official Zoning Map and is the area to which the aircraft is transitioning to commit to touchdown or takeoff with high power settings in a climbing attitude. It is an area of high concentration of air traffic and noise and represents the second greatest accident potential.

- (1) The following constitutes an exclusive list of uses permitted in the Glide Zone as-of-right;
 - (a) Industrial (by PUD approval only)
 - (b) Underground utilities
 - (c) Agricultural
 - (d) Airport activities
 - (e) Retail (by PUD approval only)

C. APZ ZONE 2 - RENDEZVOUS-DISPERSION ZONE

APZ Zone 2 is as identified on the Official Zoning Maps and is the area over which aircraft are normally in a vulnerable flight attitude with variable power settings on landing and high power settings on takeoff and represents the least potential for aircraft accidents, within the APZ Zones.

- (1) The following constitutes an exclusive list of uses permitted in the Rendezvous Dispersion Zone as-of-right;
 - (a) Agricultural
 - (b) Residential (by PUD approval only) limited to 2 d.u. net per acre

- (c) Commercial, retail sales, offices (by PUD approval only)
 - (d) Industrial (by PUD approval only)
- (2) Zones Allowed
- (a) PUDR
 - (b) PUD-CP
 - (c) PUD-IP

38.1.3.2

The boundaries of the AE Overlay District for the Captain Walter Francis Duke Regional Airport at St. Mary's and its sub-districts are shown diagrammatically on the official Zoning Map. The map shall be modified from time to time to reflect the Airport Master Plan configuration adopted by the Board of County Commissioners. The AE sub-district dimensions are unique to each airport, airfield or heliport. For purposes of this zoning article, the Captain Walter F. Duke Regional Airport at St. Mary's runway 29/11 will be considered as a non-precision instrument runway larger than utility (Category B-II Large) with visibility minimums of one (1) mile. The AE sub-districts for the Captain Walter F. Duke Regional Airport at St. Mary's are shown diagrammatically on the official zoning map and include the following standards for determining height limitations as follows:

The AE Sub-Districts are as follows and are graphically shown in Figure C:

A. APPROACH SURFACE (AS)

The inner edge of this Approach Surface coincides with the width of the primary surface and is five hundred (500) feet wide. The Approach Surface expands outward uniformly to a width of 3,500 feet at a horizontal distance of ten thousand (10,000) feet from the Primary Surface, centered on the extended runway centerline. This surface extends upward at a slope of 34 feet horizontally for each foot vertically (34:1) beginning at the end of and at the same elevation as the Primary Surface.

B. CONICAL SURFACE (CS)

This sub-district is established as the area that commences at the periphery of the Horizontal Surface sub-district, further described below, at a slope of twenty to one (20:1) and extends outward a horizontal distance of four thousand (4,000) feet.

C. HELIPORT IMAGINARY SURFACES

The Heliport Imaginary Surfaces consist of the HPS, the HAS and the HTS. The Heliport Primary Surface (HPS) underlies a surface which coincides with the size and shape of the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation. The Heliport Approach Surface (HAS) begins at each end of the Heliport Primary Surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500'. The slope of the approach

surface is 8:1 for civil and 10:1 for military heliports. Heliport Transitional Surfaces (HTS) extend outward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 foot horizontal to 1 foot vertical for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

D. HORIZONTAL SURFACE (HS)

This sub-district is established as a horizontal plane, one hundred and fifty (150) feet above the established airport elevation, the same being 293 feet above mean sea level. This surface is defined by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the Primary Surface of the runway, as identified below, and connecting the adjacent arcs by drawing lines tangent to those arcs. The Horizontal Surface does not include the Approach and Transitional Surfaces.

E. PRIMARY SURFACE (PS)

This sub-district is a ground surface, five hundred (500) feet in width, longitudinally centered on the runway and ends at the end of a turf runway and two hundred (200) feet beyond the end of a paved runway. The land area between the end of the Primary Surface and the end of the paved runway is subject to the requirements found in the FAA Advisory Circular 150/5300-13, CHG 4, "Design Standards", Safety Zones

F. TRANSITIONAL SURFACE (TS)

This sub-district is established as a surface extending outward at 90-degree angles to the runway centerline extended at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the Primary and Approach Surfaces to where they intersect the Horizontal and Conical Surfaces. In addition to the Site Development Standards contained herein, there are established height limits sloping upward and outward seven feet horizontally for each foot vertically (7:1) beginning at the sides of the same elevation as the Approach Surfaces, and extending to where they intersect the Conical Surface.

G. RUNWAY PROTECTION ZONE (RPZ)

This sub-district is a trapezoidal shaped area located off the end of each runway. The RPZ expands outward uniformly to a width of seven hundred (700) feet at a horizontal distance of one thousand (1,000) feet from the Primary Surface, centered on the extended runway centerline. This is an area where aircraft are operating at a low altitude during approach or takeoff.

38.1.4 LAND USE AND DEVELOPMENT REGULATIONS

The restrictions upon use established in Figures A and B, as supplemented and more fully set forth in the following subsections, shall apply to lands within the AICUZ or AE sub-districts, respectively. These restrictions are in addition to the land use regulations prescribed in Article III, and any other applicable regulations. Where the requirements conflict, the more stringent criteria shall apply.

Concept plan review of PUD plans in APZ Zones shall require all proposed uses to be in accordance with the guidelines of the COMPREHENSIVE PLAN, this Part 38 and Figures A and B. Accordingly, fuel handling should not be permitted in the RPZ nor should auto parking along the extended runway centerline with the RPZ.

(1) PERMITTED USES

- (a) Uses identified in the AICUZ or AE Districts shown in Figures A and B are subject to the following restrictions:
 - A. CLEARLY COMPATIBLE. Exposure to accident potential is such that the activities associated with the land use maybe carried out with essentially no interference or substantial loss of life and property.
 - B. NORMALLY COMPATIBLE. Exposure to accident potential is great enough to be of some concern, but density of people and structures, when properly planned and approved will allow the accident potential environment to be acceptable. A site plan review is required.
 - C. NORMALLY INCOMPATIBLE. The exposure to accident potential is significantly more severe so that unusual density restrictions are necessary for safety of life and property. Any development proposed within or below the AREA 2 Approach Surface shall be subject to a Conditional Use Application. A conditional use approval is required in order to be located within or below the designated AREA, subject to Land Use Compatibility Guidelines contained herein.
 - D. CLEARLY INCOMPATIBLE. The exposure to accident potential at the site is so severe, due to potential loss of life and property, that performance of the land use activity is not permitted.
- (b) Uses not identified in Figures A and B shall be deemed clearly incompatible.

(2) AE LAND USE COMPATIBILITY GUIDELINES.

It is always best to take actions that will prevent incompatible land use, as opposed to taking action to correct such activities after the fact. The first step in implementing compatible land use for an airport is to adopt Guidelines as part of a comprehensive plan and the airport's land use plan and map. Areas recommended for control as part of the Land Use Compatibility Guidelines in the AE District are defined in the following sections.

Figure B identifies land uses which are generally compatible or incompatible within airport safety zones and Part 77 surfaces. There are

BOOK 0018 PAGE 0014

specific types of development that are usually compatible within airport safety zones. In general, these include agriculture, commercial, and industrial uses. Other types of development, such as noise sensitive activities and places of public assembly are typically considered to be incompatible within airport safety zones. The Land Use Compatibility Guidelines are divided into the following four areas, which are graphically shown in Figure C:

1. **AREA 1**

Area 1, as identified on the Official Zoning Maps, consists of the land beneath the Primary Surface for each runway at the airport and the land beneath the Runway Protection Zone (RPZ) which is further described in SECTION 38.1.3. The dimensions of this zone vary based on the length and width of the runway and the existing or planned approach. The following are permitted uses in Area 1, subject to the height requirements established by FAR Part 77:

- a. Runway and taxiway systems (widening, extending etc.)
- b. Frangible navigational aids (localizer, approach lighting etc.)

2. **AREA 2**

Area 2, as identified on the Official Zoning Maps, consists of the land beneath the Approach Surface, as defined in SECTION 38.1.3 for each runway end extended 3,000 feet from the edge of the Primary Surface, as defined in SECTION 38.1.3, except for land within Area 1. Area 2 expands outward uniformly from the Primary Surface to a width of 1400' and includes sufficient area for installation of an approach and runway indicator lighting systems. The following are permitted uses in Area 2 and are subject to the height requirements established in FAR Part 77:

- a. Agriculture
- b. Passive Recreation (non-spectator)
- c. Cemeteries
- d. Automobile Parking
- e. Transportation Uses such as Roads, Railway and Street Rights-of-Way,
- f. Utilities (above and below ground)

3. **AREA 3**

Area 3, as identified on the Official Zoning Maps, consists of the land beneath the Transitional Surface and the land beneath the Approach Surface, as defined in SECTION 38.1.3, and located within 700 feet of the runway or runway centerline extended. The following are permitted uses in Area 3, subject to the height requirements established in FAR Part 77:

- a. Agriculture, Forestry
- b. Recreation (non-spectator),
- c. Resource extraction – Mining, General Manufacturing,
- d. Transportation Uses such as Roads, Railway and Street Rights-of-Way,
- e. Automobile Parking,
- f. Utilities,
- g. Wholesale and Retail Trade such as building materials, hardware, and general merchandise,
- h. Services, excluding hospitals, nursing homes, educational, other medical facilities, and other noise sensitive uses.
- i. Airport and aircraft related services and fixed base operations (Tee-hangars, etc)

It is important to note that these land use recommendations for the approach and transitional surfaces are not based specifically on any established FAA criteria.

4. AREA 4

Area 4, as identified on the Official Zoning Maps, consists of the land beneath the AE sub-districts not contained within Areas 1, 2 or 3, and is bound by the outer limit of the Conical Surface. All land uses are permitted in Area 4, subject to the height requirements established in FAR Part 77.

(3) SITE DEVELOPMENT STANDARDS

- (a) General Requirements. Within the AICUZ, any application for subdivision or site plan approval, conditional use approval, or variance, except for agricultural uses, shall be subject to Site Plan Review pursuant to Article V of this Ordinance, and, shall not be approved except upon receipt of evidence of the filing of a "Notice of Proposed Construction or Alteration" with the Federal Aviation Administration (FAA). Within the AE surface restrictions described at paragraph 2 of Section 38.1.4(2), any application for subdivision or site plan approval within or below AREA 2, shall be subject to Conditional Use application in accordance with Section 66.3 of this Ordinance. Any other applications will be reviewed with specific consideration of proposed building heights, land uses, and relationship to airport access.
- (b) Performance Standards. The following performance standards shall apply to all uses within the AICUZ or the AE overlay districts.
 - i) Review by Airport Manger. Any application for subdivision or site plan approval, conditional use approval, or variance within the AE sub-districts shall be referred to the Airport Manager for comment on the potential impact of the proposal on aviation and/or airport operations or

proposed expansions prior to the issuance of any approval or building permit within the AE sub-districts. All zoning and/or building permit applications within the AE sub-districts will be reviewed with specific consideration of proposed building heights, land uses, and relationship to airport access.

- ii) No proposed land use shall create electrical or electronic interference with communications among aviators and ground control personnel.
 - iii) No proposed land use shall make it difficult for aviators to distinguish between airport lights and other lights or cause glare in the eyes of aviators using the airport or airport facilities.
 - iv) No proposed land use shall emit smoke, fly ash, dust, steam, vapor, gases or other forms of air emissions that would impair visibility in the vicinity of the airport, or otherwise interfere with the safe operation of aircraft, endanger the landing, take-off, or maneuvering of aircraft at the airport or in the vicinity of the airport.
 - v) No proposed land use within the AE sub-districts shall be otherwise sensitive to noise.
- (c) Construction or Alteration Requiring Notice. Development applications are required to document site elevations in relation to the Federal Aviation Regulations Part 77 Surfaces. An area located in more than one of the surfaces is considered to be only in the surface with the more restrictive height limitation. Documentation of site elevations shall consist of: a topographic map of the site showing contours for every five feet of elevation change to illustrate the elevation above mean sea level; the location and height of any proposed buildings or structures, as well as natural features that impinge upon the Part 77 surfaces; and the elevation of the aviation facility affecting the applicant's property. A "Notice of Proposed Construction or Alteration" shall be completed by the applicant and submitted to the Airport Manager and to the Federal Aviation Administration for review and approvals for:
- i) Any construction, exceeding 100' in height above ground level at the site;
 - ii) Any construction greater in height than an imaginary surface extending outward and upward at one of the following slopes:

- a) 100' horizontal to 1' vertical for a horizontal distance of 20,000 feet from the nearest runway (end or side) of an airport with at least 1 runway more than 3,200 feet in length, excluding heliports;
 - b) 50' horizontal to 1' vertical for a horizontal distance of 10,000 feet from the nearest runway (end or side) of an airport with at least 1 runway no more than 3,200 feet in length, excluding heliports;
 - c) 25' horizontal to 1' vertical for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and take off area of each heliport.
 - d) Transportation routes/structure (bridges, railways, highways, waterways), exceeding heights listed in ii (a) or (b) above based on the height of the route/facility adjusted upward by the height of the vehicle normally traversing the route/structure.
- iii) The height of existing structures shall be evaluated per the criteria of 38.1.4(3)(c) above when siting for new airports, airfields, landing strips and heliports are evaluated for conditional use approval by the Board of Appeals.
 - iv) Marking and lighting. The owner of any existing structure or tree not meeting the criteria of 38.1.4(3)(c) above is hereby required to permit the installation, operation and maintenance of such markers, beacons and lights as shall be deemed necessary by the Airport Manager to indicate to the operations of aircraft, in the vicinity of the airport, the presence of such hazards. Such markers shall be installed, operated and maintained at the expense of the County. New or existing developments which present a hazard, including penetrations or proposed obstructions to navigable airspace will be subject to review and a determination and action by the Federal Aviation Administration.

D. SOUND LEVEL REDUCTION (SLR)

Noise contours shall be identified on the Official Zoning Maps to indicate where concentration of aircraft traffic is anticipated to be in such volume and altitude to produce discomfort, annoyance, or potentially unhealthy environment by way of noise so as to warrant increased construction requirements for sound level reduction to produce an acceptable interior environment.

38.1.4(4)

AIRPORT EASEMENTS, RESTRICTIONS AND COVENANTS

BOOK 0018 PAGE 0018

The following notes will appear on all record plats of lands subdivided after the adoption of this provision and within the Airport Environs sub-districts as mapped at the time of final subdivision approval:

- (a.) "With the area of the tract hereby created, no structure, erection, object, growth of trees or vegetation within the boundaries of the tract herein described, nor any other objects placed within said tract shall penetrate the Primary Surface or the Transitional Surface of an Airport or Heliport, as identified and defined by the St. Mary's County Zoning Ordinance, as amended from time to time. Owner, his/her/their/its' heirs, successors and assigns shall be responsible for maintaining and pruning trees and vegetation so that this height restriction is not exceeded."
- (b.) "The land owner expressly reserves for the use and benefit of itself and the public a right of flight for the passage of aircraft in the airspace above the lands identified herein, together with the right to cause above such tract all such noise, fumes, dust, vibration and fuel particles as may be inherent in the operation of aircraft using said airspace for landing and taking off from St. Mary's County Airport."

38.1.4(5)

LAND USE INCOMPATIBILITIES

- (a.) It is best to take preventive measures described so that incompatible land use does not become an issue in the Airport Environs sub-districts. If however, development has already occurred, there are corrective actions which may be taken by the Planning Director to resolve or at least mitigate the impacts of incompatible land use on the airport's long-term operation efficiency. Corrective actions, authorized by this Ordinance, that can be considered fall into two general categories: Noise Mitigation and Acquisition. It is important to note that mitigation strategies can be considered as corrective actions in applicable situations. The Planning Director, upon his/her own initiative, or the affected owner(s) of real property may petition the Board of County Commissioners for either the installation of noise barriers or the acquisition of easements, as set forth below:
- (b.) **Noise Barriers.** Minimizing aircraft noise impacts on the area around an airport once it has become developed is one corrective action that can be considered to achieve airport land use compatibility. Noise barriers, or shielding, can reduce ground level generated aircraft noise. Ground level noise sources at an airport include aircraft engine run-up areas, aircraft maintenance areas, and taxiways. The impact of ground level generated noise is usually confined to those areas immediately adjacent to the source. Noise barriers can be constructed through the strategic placement of new hangars, terminal structures, building, or tree and vegetative screens.
- (c.) **Easements.**

- i) Easements permit the purchaser the use of another's property and property rights for the special purposes stated in the easement agreement which may include:
 - (a) the right of flight over the land in question
 - (b) the right to remove existing obstructions
 - (c) a restriction against the establishment of future obstruction or the creation/continuation of incompatible land uses on the property
 - (d) compensation to the owner for the side effects of aircraft operations over the owner's property. This compensation can be used for home insulation, air conditioning, trees, and plants to help reduce over flight impacts.

- ii) Easements can be obtained in a number of ways including purchase, condemnation, and dedication (either voluntary or required at time of subdivision).

TABLE 30.1 - MINIMUM SOUND LEVEL REDUCTION REQUIREMENTS FOR STRUCTURES

ACTIVITIES AND/OR LAND USES**	Ldn 75+(SLR 35 dB)	Ldn 70-75 (SLR 30 dB)	Ldn 65-70 (SLR 25 dB)
Residential (1)	Not Allowed	Not Allowed	Permitted with SLR 25
Residential (2), Educational and Institutional (3)	Not Allowed	Permitted with SLR 30	Permitted with SLR 25
Auditoriums, Concert Halls	Not Allowed	Not Allowed	Permitted with SLR 35
Outdoor Amphitheaters, Music Shells	Not Allowed	Not Allowed	Not Allowed
Offices: Personal, Business and Professional Services; Commercial - Retail, Movie, Theaters, Restaurants (4)	Permitted with SLR 30 except movie theaters and restaurants	Permitted with SLR 25	Permitted
Transient Lodging - Hotels, Motels	Not Allowed	Permitted with SLR 30	Permitted with SLR 25
Sports Arenas, Outdoor Spectator Sports	Not Allowed	Permitted with SLR 30	Permitted
Playgrounds, Neighborhood Park	Not Allowed	Not Allowed	Permitted
Golf Courses, Driving Ranges, Water Recreation, Cemeteries (5)	Permitted	Permitted	Permitted
Commercial - Wholesale and Selected Retail, Industrial/Manufacturing, Transportation, Communications and Utilities (6)	Permitted	Permitted	Permitted
Animal-related Services (7)	Not Allowed	Permitted	Permitted
Agricultural (8)	Permitted	Permitted	Permitted
* This table only relates to sound Level reduction for uses otherwise permitted			
** See accompanying notes for expanded List of activities and Land uses.			

NOTES FROM TABLE

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- (1) "Standard Land Use Coding Manual", Urban Renewal Administration Housing and Home Finance Agency and Bureau of Public Roads, Department of Commerce, first edition, 1965.
- (2) Triplex, fourplex, apartment houses, multi-family dwellings, rooming houses, boarding houses, old persons' homes, sorority and fraternity houses, dormitories, boarding schools, convalescent homes.
- (3) School classrooms, libraries, churches, and hospitals.
- (4) Professional and financial offices, banks, savings and loan associations, mortgage bankers, insurance offices, real estate office, architects, engineers, attorneys-at-law, decorators, medical and dental clinics and labs, funeral homes and mortuaries, retail stores, clothing stores, department stores, food and dairy markets, cafes, restaurants (enclosed and drive-in), cafeterias, barber shops, beauty shops, new and used car sales, country clubs.
- (5) Swimming pools, shooting ranges, miniature golf courses.
- (6) Automobile salvage and wrecking yards, industrial metal and waste salvage yards, manufacturing facilities, gasoline service stations, ambulance services, automobile repair garages, public storage garages, taxi dispatch offices, automobile washing stations, lumber yards, warehousing, motor freight terminals, railway passenger and freight stations, airport services.
- (7) Animal grooming services, dog kennels, veterinarians and veterinarian hospitals.
- (8) Farms, orchards, nurseries, greenhouses.

FIGURE A LAND USE COMPATIBILITY IN AIRCRAFT ACCIDENT POTENTIAL

LAND USE CATEGORY	COMPTIBILITY *1		
	CLEAR ZONE	APZ-1	APZ-2
RESIDENTIAL			
Single family	D	D	B *2
2 - 4 family	D	D	D
Multi-family dwellings	D	D	D
Group quarters	D	D	D
Residential hotels, transient lodging (motels, etc.)	D	D	D
Mobile home parks or courts	D	D	D
Other residential	D	D	C *2
INDUSTRIAL/MANUFACTURING			
Food and kindred products	D	C	B
Textile mill products	D	C	B
Apparel	D	D	C
Lumber and wood products	D	B	A
Furniture and fixtures	D	B	A
Paper and allied products	D	B	A
Printing, publishing	D	B	A
Chemicals and allied products	D	D	C
Petroleum refining and related ind.	D	D	D
Rubber and misc. plastic products	D	C	C
Stone, clay, and glass products	D	B	A
Primary metal products	D	B	A
Fabricated metal products	D	B	A
Professional, scientific and controlling instruction	D	B	C
Misc. Manufacturing	D	D	B
TRANSPORTATION, COMMUNICATIONS AND UTILITIES			
Railroad, rapid rail transit (on-grade)	C *5	A *4	A
Highway and street right-of-way	C *5	A	A
Automobile parking (long-term)	C *5	B	A
Communication	C *5	A *4	A
Utilities	C *5	A *4	A
Other transportation, communication, and utilities	C *5	A *4	A
COMMERCIAL AND RETAIL TRADE			
Wholesale trade	D	B	A
Building materials-retail	D	B	A
General merchandise-retail	D	C	B
Food-retail	D	C	B
Automotive, marine, aviation-retail	D	B	A
Apparel and accessories-retail	D	C	B
Furniture, home furnishing-retail	D	C	B
Eating and drinking establishments	D	D	C
Other retail trade	D	C	A

FIGURE A LAND USE COMPATIBILITY IN AIRCRAFT ACCIDENT POTENTIAL ZONES

LAND USE CATEGORY	COMPATIBILITY *1		
	CLEAR ZONE	APZ-1	APZ-2
PERSONAL AND BUSINESS SERVICES *6			
Finance, insurance and real estate	D	D	B
Personal services	D	D	B
Business services	D	D	B
Repair services	D	B	A
Professional services	D	C	B
Contract construction services	D	B	A
Indoor recreation services	D	D	B
Other services	D	C	B
PUBLIC AND QUASI-PUBLIC SERVICES			
Government services	D	B	B *5
Educational services	D	D	D
Cultural activities	D	D	C
Medical and other health services	D	D	D
Cemeteries	D	B *7	A *7
Non-profit organization, including churches	D	D	C
Other public and quasi-public services	D	D	B
OUTDOOR RECREATION			
Playgrounds, neighborhood parks	D	D	B
Community and regional parks	D	B *8	A *8
Nature exhibits	D	B	A
Spectator sports, including arenas	D	D	D
Golf courses, riding stables	D	A	A
Water-based recreational areas	D	B	A
Resort and group camps	D	D	D
Entertainment assembly	D	B	D
Other outdoor recreation	D	B *8	B
RESOURCE PRODUCTION, EXTRACTION AND OPEN LAND			
Agriculture (except livestock)	B	A	A
Livestock farming, animal breeding	D	A	A
Forestry activities	D *5	A	A
Fishing activities and related services	D	A	A
Mining activities	D	B *3	A
Permanent open space	B	A	A
Water areas *8	B	A	A

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KEY TO FIGURE A

- A: CLEARLY COMPATIBLE** Exposure to accident potential is such that the activities associated with the land use may be carried out with essentially no interference or substantial loss of life and property.
- B: NORMALLY COMPATIBLE** Exposure to accident potential is great enough to be of some concern, but density of people and structures, when property planned, will allow the accident potential environment to be acceptable.
- C: NORMALLY INCOMPATIBLE** The exposure to accident potential is significantly more severe so that unusual density restrictions are necessary for safety of life and property.
- D: CLEARLY INCOMPATIBLE** The exposure to accident potential at the site is so severe, due to potential loss of life and property, that performance of land use activities is not advisable.

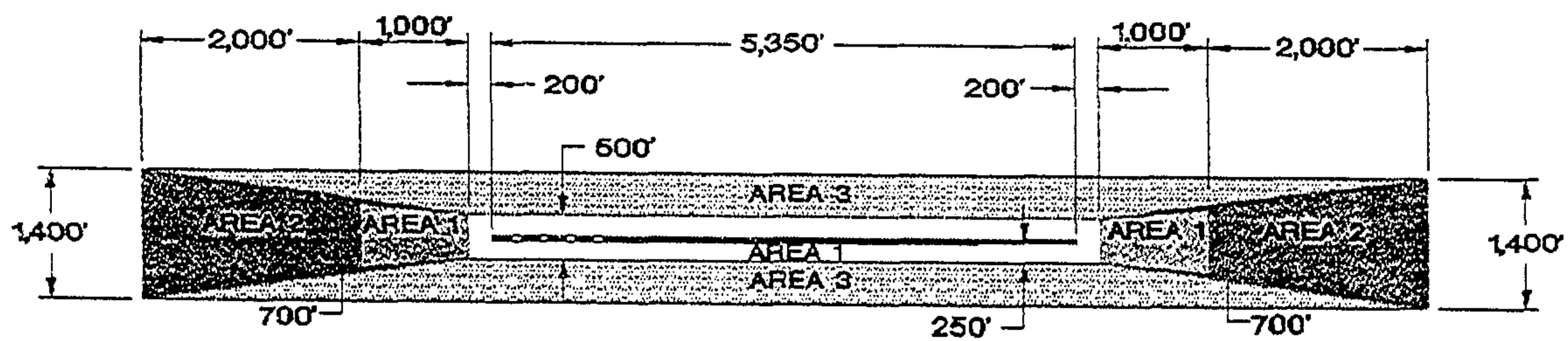
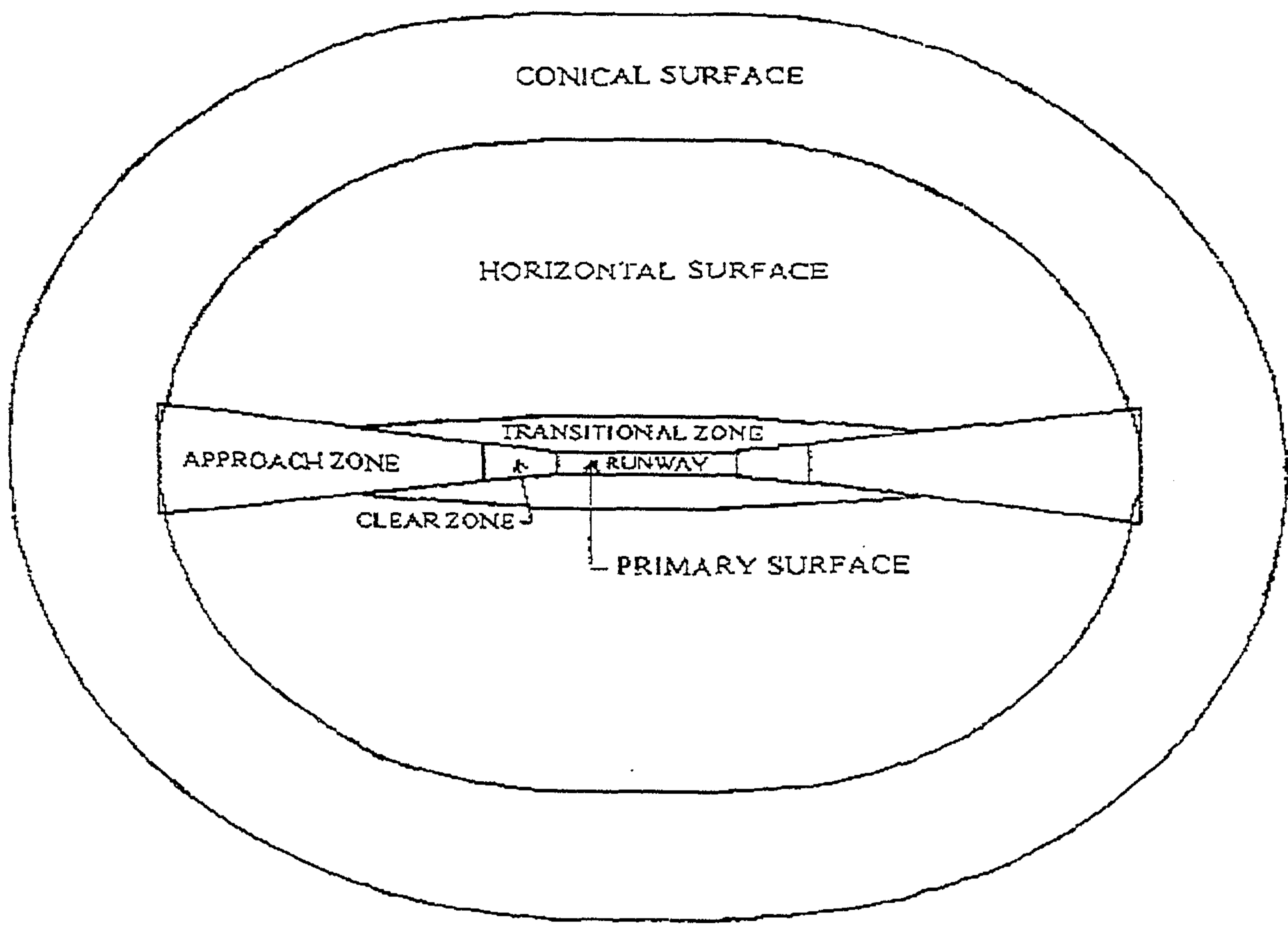
FOOTNOTES TO FIGURE A

1. Within each land use category, uses exist where further definition may be needed due to the variation of densities in people and structures.
2. Maximum density: 2 dwelling units per acre.
3. Factors to be considered: Labor intensity, structural coverage, explosive characteristics, and air pollution.
4. No passenger terminals and no major above-ground transmission lines in clear zones.
5. The placing of structures, buildings or above-ground utility lines in the clear zone is subject to severe restrictions. In a majority of the clear zones, these items are prohibited.
6. Low-intensity office uses only. Meeting places, auditoriums, etc. not recommended.
7. Excludes chapels.
8. Facilities must be low intensity.
9. Clubhouse not recommended.
10. Concentrated rings with large classes not recommended

FIGURE B COMPATIBLE LAND USE RECOMMENDATIONS WITHIN THE AE SUB-DISTRICTS

LAND USE CATEGORY			
RESIDENTIAL	AREA 1 / 2	AREA 3	AREA 4
Residential-other than mobile home parks, transient lodgings	D / D	B	B
Mobile Home Parks / Mobile Homes	D / D	B	B
Transient Lodgings, Hotels, Motels	D / D	B	B
PUBLIC USE AND TRANSPORTATION			
Places of Public Assembly (Nursing Homes, Schools, Hospitals, Churches, Auditoriums)	D / D	B	B
Governmental Buildings	D / D	B	B
Transportation (Parking, Highways, Bus and Rail Terminals, Aviation Terminals)	D / B	B	A
COMMERCIAL AND RETAIL TRADE			
Offices-Business and Professional	D / D	B	B
Wholesale/Retail-Materials, Food, Hardware and Farm Equipment	D / D	B	B
Retail Trade-General, Animal-Related Services (grooming etc)	D / D	B	B
Utilities	D / B	B	A
Communications (Telephone, Exchange Stations, Relay Towers, Transmission Stations)	D / D	C	A
INDUSTRIAL AND MANUFACTURING			
Manufacturing -General	D / D	B	B
Agricultural (Except Livestock)	D / B	B	A
Livestock Farming and Breeding	D / B	B	A
Resource Extraction (Mining)	D / D	D	A
Forestry	D / D	B	A
RECREATIONAL			
Outdoor Sports Arenas	D / D	D	B
Nature Exhibits, Zoos	D / D	D	B
Amusement Parks, Resorts , Camps	D / D	D	B
<i>Source: Pennsylvania Land Use Compatibility Guidelines, Exhibit 9</i>			
<i>Land Use Recommendations do not reflect an FAA standard or guideline; areas are based on FAR Part 77 and FAA Safety Zones.</i>			

FIGURE C AE SUB-DISTRICTS AND LAND USE COMPATIBILITY GUIDELINES



RESOLUTION

WHEREAS, the BOARD of ST. MARY'S COUNTY COMMISSIONERS (the "County") has submitted an application dated June 6, 2000 to receive a grant of funds from the Tri-County Council for Southern Maryland in the amount of \$6,000 (the "Grant"), to use such funds for the purpose of advertising, assistance, signage and enhancement for the North Farmers Market in Charlotte Hall, Maryland; and

WHEREAS, the County has received a letter dated July 20, 2000 from the Infrastructure Committee conditionally approving the Grant to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of St. Mary's County Commissioners, THAT:

1. The St. Mary's County Commissioners are hereby fully authorized and empowered to accept the grant from the Tri-County Council for Southern Maryland in the amount of \$6,000, to allow the North Farmers Market in Charlotte Hall, Maryland to advertise and enhance their market.
2. This Resolution shall be effective upon its adoption in accordance with applicable law this 27th day of March, 2001.

Those voting Aye: all

Those voting Nay: —

Those Absent: —

Date of Adoption: 3/27/01
Effective Date: 3/27/01

BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:
Alfred A. Lacer
Alfred A. Lacer
County Administrator

Elaine M. Kramer
Elaine M. Kramer
Finance Director

APPROVED AS TO FORM AND SUFFICIENCY:

Patrick Murphy
Patrick Murphy
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
RES#2001 RPT#000000
EWA HAS BIK#1370
Apr 17 2001 10:26 am

A RESOLUTION TO RE-ESTABLISH AND APPOINT MEMBERS TO THE REDISTRICTING BOARD

RECITALS

WHEREAS, Chapter 26-2 of Article 19 of the Code of Public Local Laws of Maryland requires the establishment of a Redistricting Board and set forth its composition and duties, principal of which is to prepare and submit to the Board of County Commissioners for St. Mary's County, Maryland a Redistricting Plan, (the "Plan"), which establishes the boundaries of four (4) County Commissioner Districts; and

WHEREAS, said Redistricting Board shall be composed of one (1) appointee of each County Commissioner, and none shall be an employee of the County; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland recognize their obligation to appoint members to the Redistricting Board that shall establish Commissioner Election District boundaries that ensure the geographic representation of the County Commissioners, considering the changes in population in St. Mary's County, Maryland.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners for St. Mary's County, Maryland, that:

- (1) The Redistricting Board shall be established and comprised of five (5) members, one (1) individual selected by each of the current County Commissioners for St. Mary's County, Maryland; and
(2) The Redistricting Board shall convene as soon as practicable, but in no event later than sixty (60) days after appointment, to organize and elect a Chairperson from among its members; and
(3) The Redistricting Board shall establish the boundaries of the four (4) County Commissioner Districts in St. Mary's County, Maryland in conformance with all applicable, federal, State and local laws, regulations, ordinances and policies; and
(4) The Redistricting Board shall hold such public hearings as are required by law; and
(5) The Redistricting Board shall conduct its meetings in accordance with the St. Mary's County Open Meetings Act, Maryland Annotated Code, Article 24, §4-201, et seq.; and
(6) Members of the Redistricting Board shall be compensated in an amount not to exceed Twenty Five Dollars (\$25.00) per meeting for each meeting in attendance;
(7) The Redistricting Board shall submit the redistricting plan to the Board of County Commissioners for St. Mary's County, Maryland on or before December 4, 2001.

AND IT IS FURTHER RESOLVED, that this Resolution shall take effect from the date set forth below as the "Effective Date."

Those voting Aye: ALL

Those voting Nay:

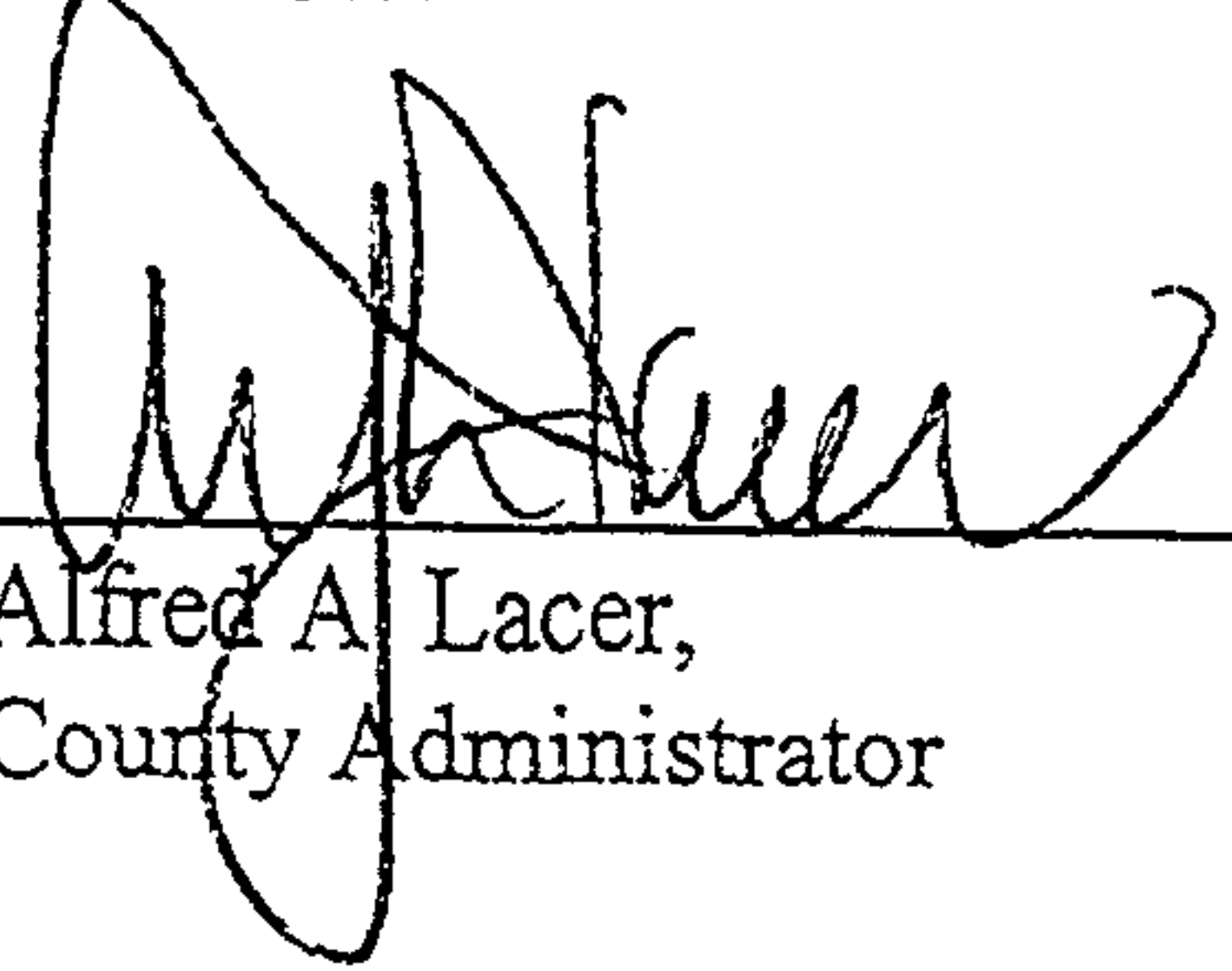
Those Absent:

RECORDING FEE 0.00
TOTAL 0.00
RESOLVED BY 4-2000000
EWA HAS BIK41370
Apr 17, 2001 10:28 am

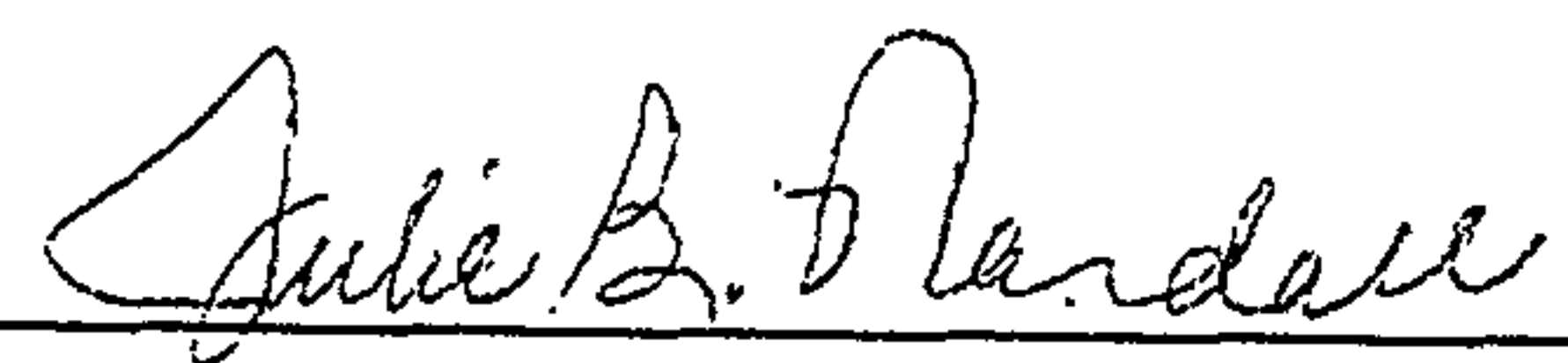
ADOPTED: 4/10/01

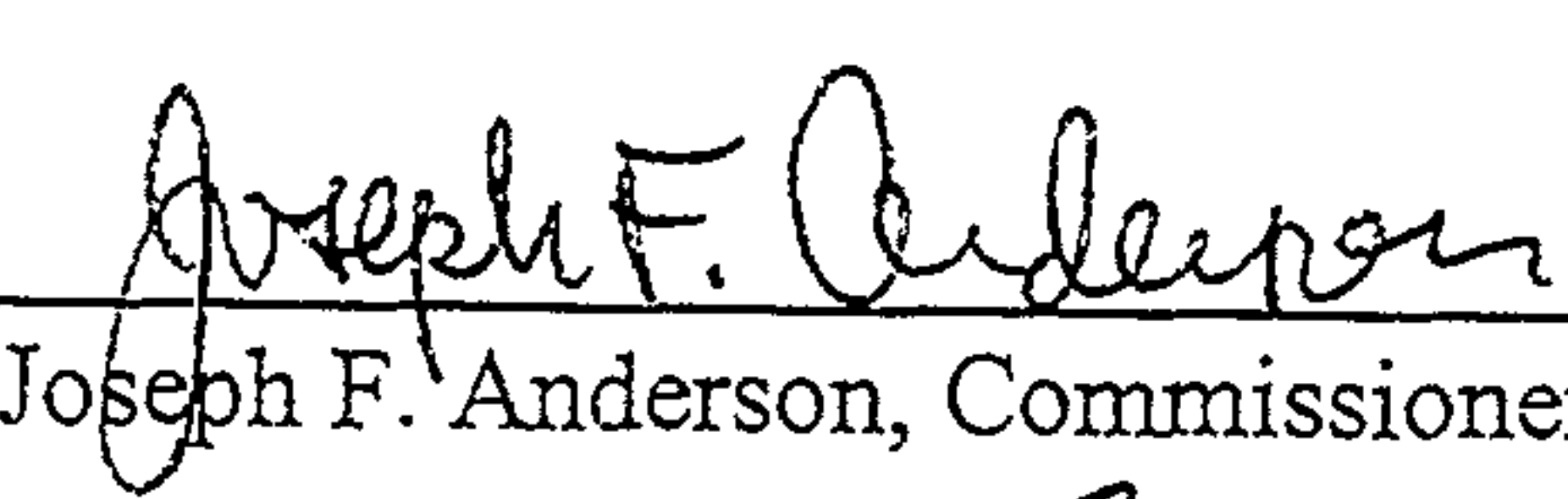
EFFECTIVE DATE: 4/10/01

ATTEST:



Alfred A. Lacer,
County Administrator

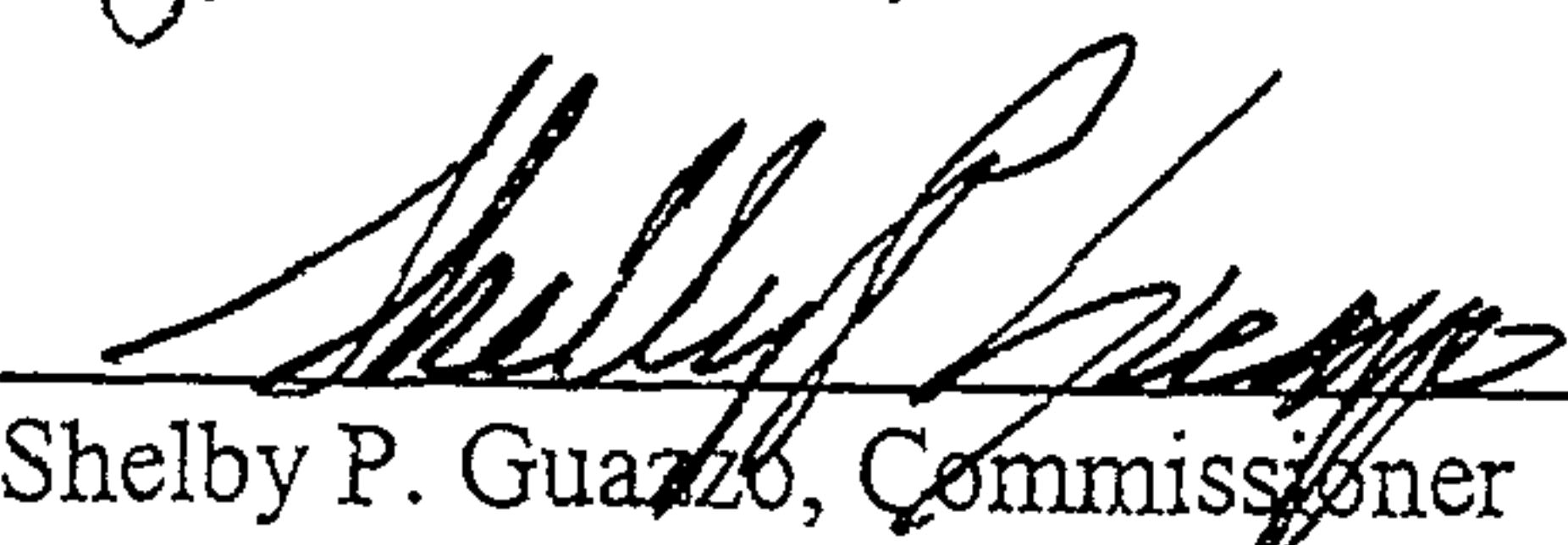
BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND

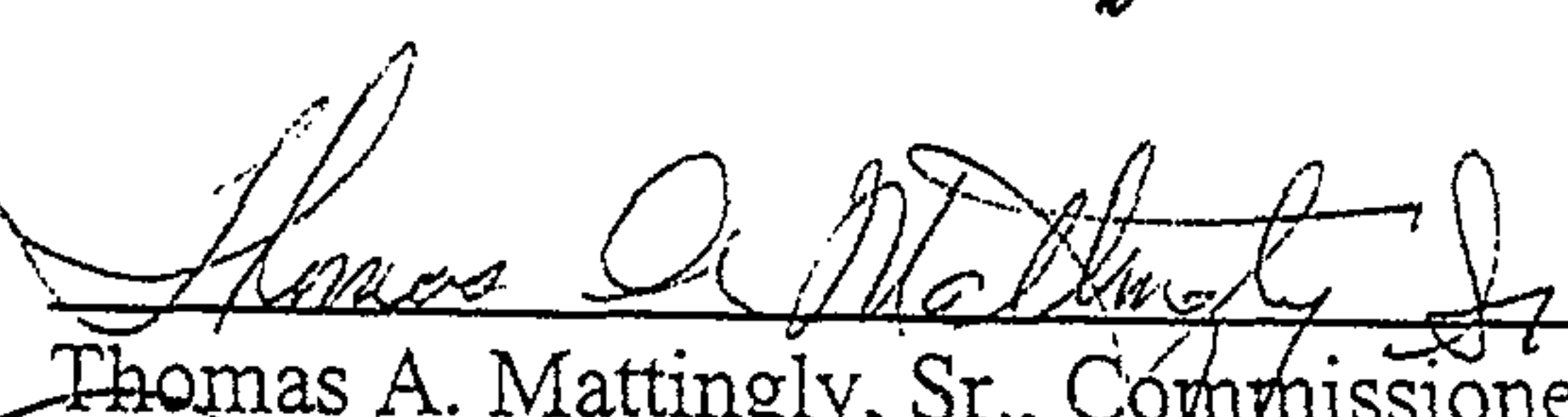

Julie B. Randall, President

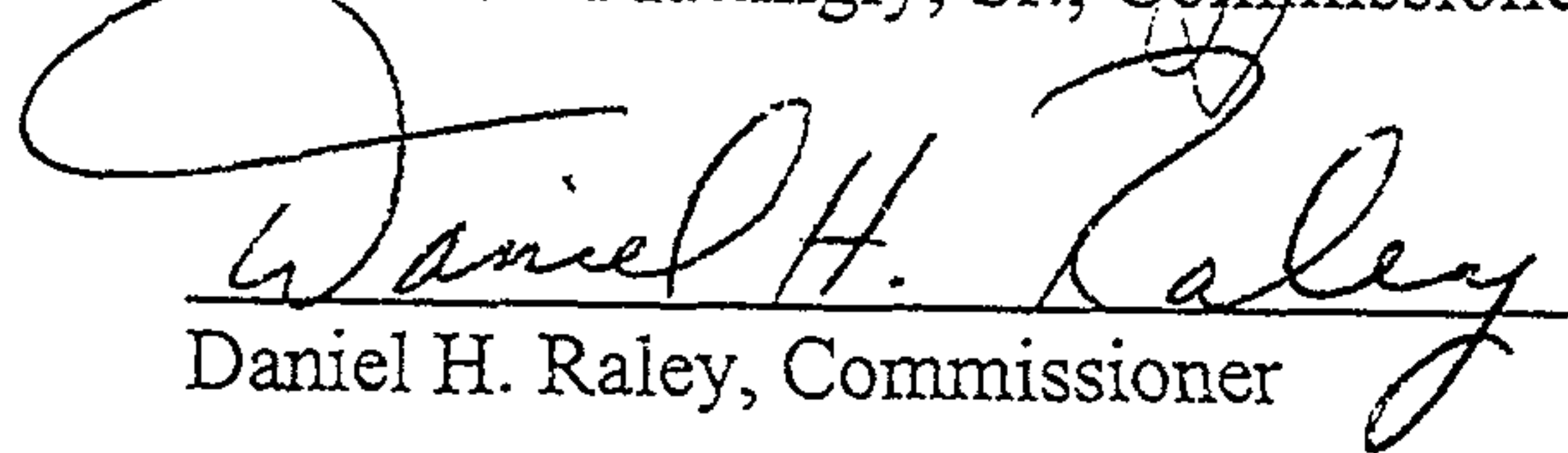

Joseph F. Anderson, Commissioner

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


John B. Norris, III
Deputy County Attorney


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

NO.: 01-25
SUBJECT: Fox Run Road, Ark Court,
And Dove Place
Stop Signs
Bay Ridge Estates Subdivision
Section 2, Phase 1

BOOK 0018 PAGE 0030

RESOLUTION

WHEREAS, pursuant to Section 25-102 of the Transportation Article of the Maryland Annotated Code, the Board of County Commissioners for St. Mary's County, Maryland, is authorized and empowered to regulate traffic by means of a traffic control device, and to designate any intersection as a stop intersection, or yield intersection.

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has identified the intersections of Bay Ridge Road and Fox Run Road, County Route 31299; Fox Run Road and Ark Court, County Route 31300; and Fox Run Road and Dove Place, County Route 31301, located in Section 2, Phase 1 of the Bay Ridge Estates Subdivision, Eighth (8th) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 41, Page 55, as a threat to public safety and a hazardous condition due to the absence of traffic control devices at these intersections; and

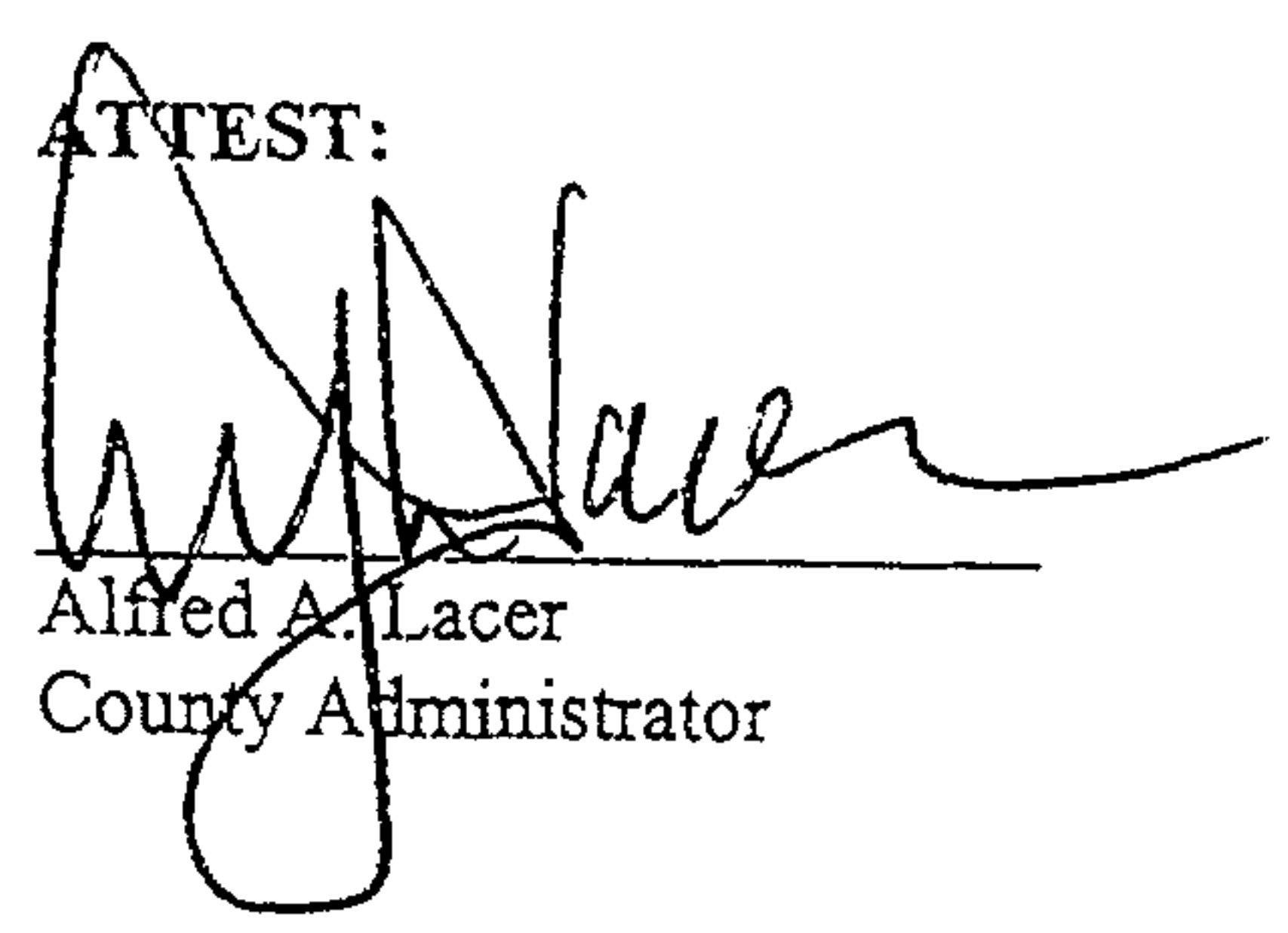
WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has, therefore, recommended that the Board of County Commissioners for St. Mary's County, Maryland, exercise its authority to regulate traffic at these intersections by means of traffic control devices, specifically, stop signs on Fox Run Road, County Route 31299, at the intersection with Bay Ridge Road; Ark Court, County Route 31300, at the intersection with Fox Run Road; and Dove Place, County Route 31301, at the intersection with Fox Run Road.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland, finds that, upon the advice of the Director of the Department of Public Works and Transportation, a hazardous condition currently exists at the intersections of Fox Run Road, County Route 31299, and Bay Ridge Road; Ark Court, County Route 31300, and Fox Run Road; and Dove Place, County Route 31301, and Fox Run Road; and that in the interest of public safety and to eliminate a hazardous condition, Fox Run Road, County Route 31299, Ark Court, County Route 31300, and Dove Place, County Route 31301, further identified as being located in Section 2, Phase 1 of the Bay Ridge Estates Subdivision, Eighth (8th) Election District, St. Mary's County, Maryland (Plat Reference: EWA 41, Page 55) shall be designated as Stop Streets, which is a reasonable exercise of this Board's police powers; and

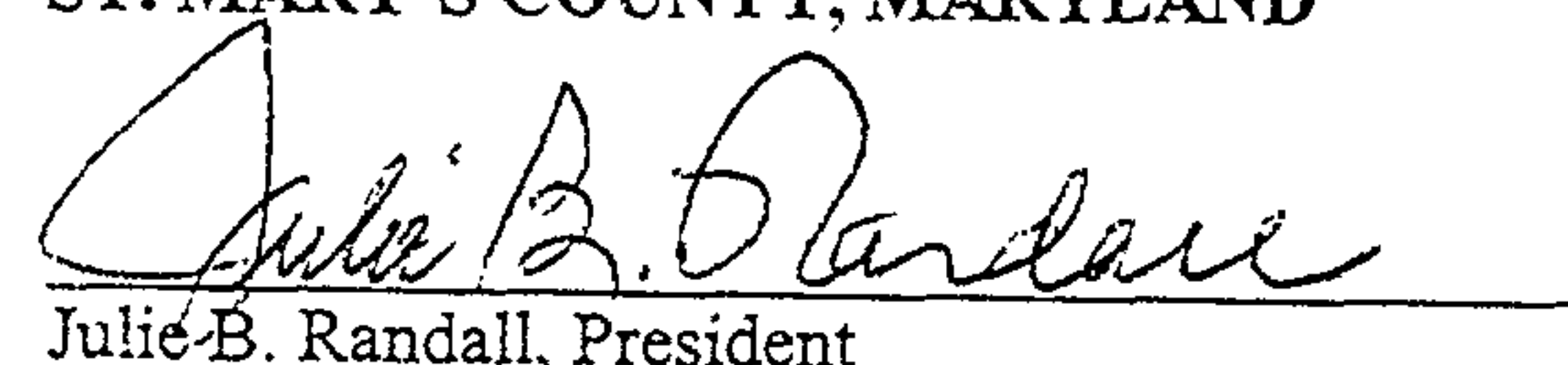
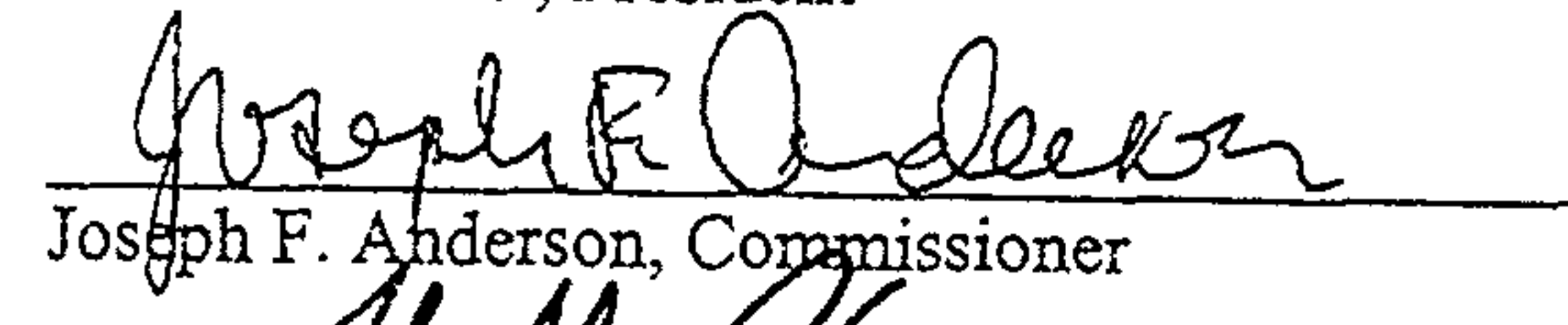

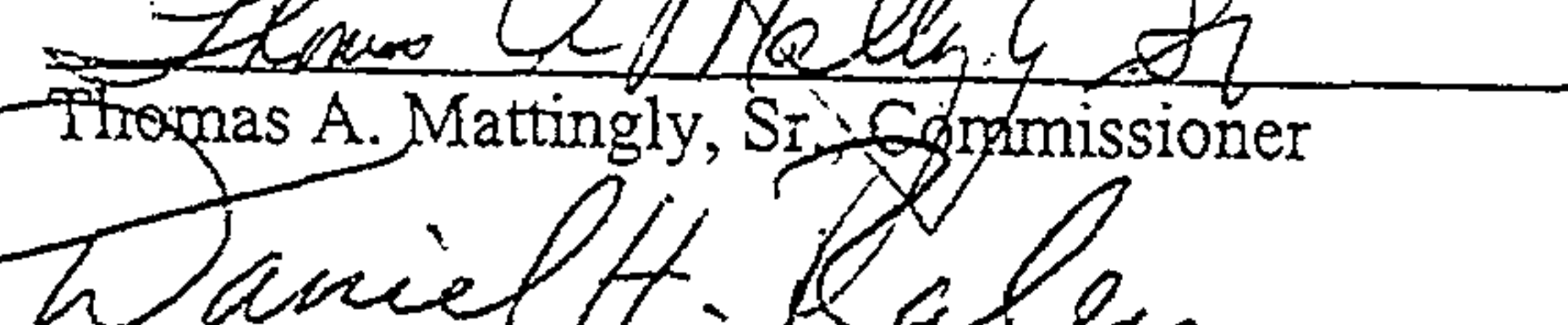
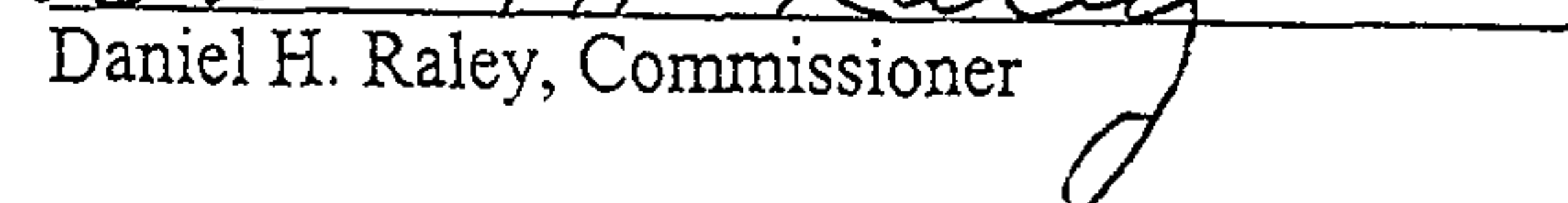
BE IT FURTHER RESOLVED, that the Board of County Commissioners for St. Mary's County, Maryland, directs and instructs the Director of the Department of Public Works and Transportation to erect traffic control devices, specifically stop signs, on Fox Run Road, County Route 31299, at the intersection with Bay Ridge Road; Ark Court, County Route 31300, at the intersection with Fox Run Road; and Dove Place, County Route 31301, at the intersection with Fox Run Road, as necessary to identify Fox Run Road, Ark Court and Dove Place as Stop Streets.

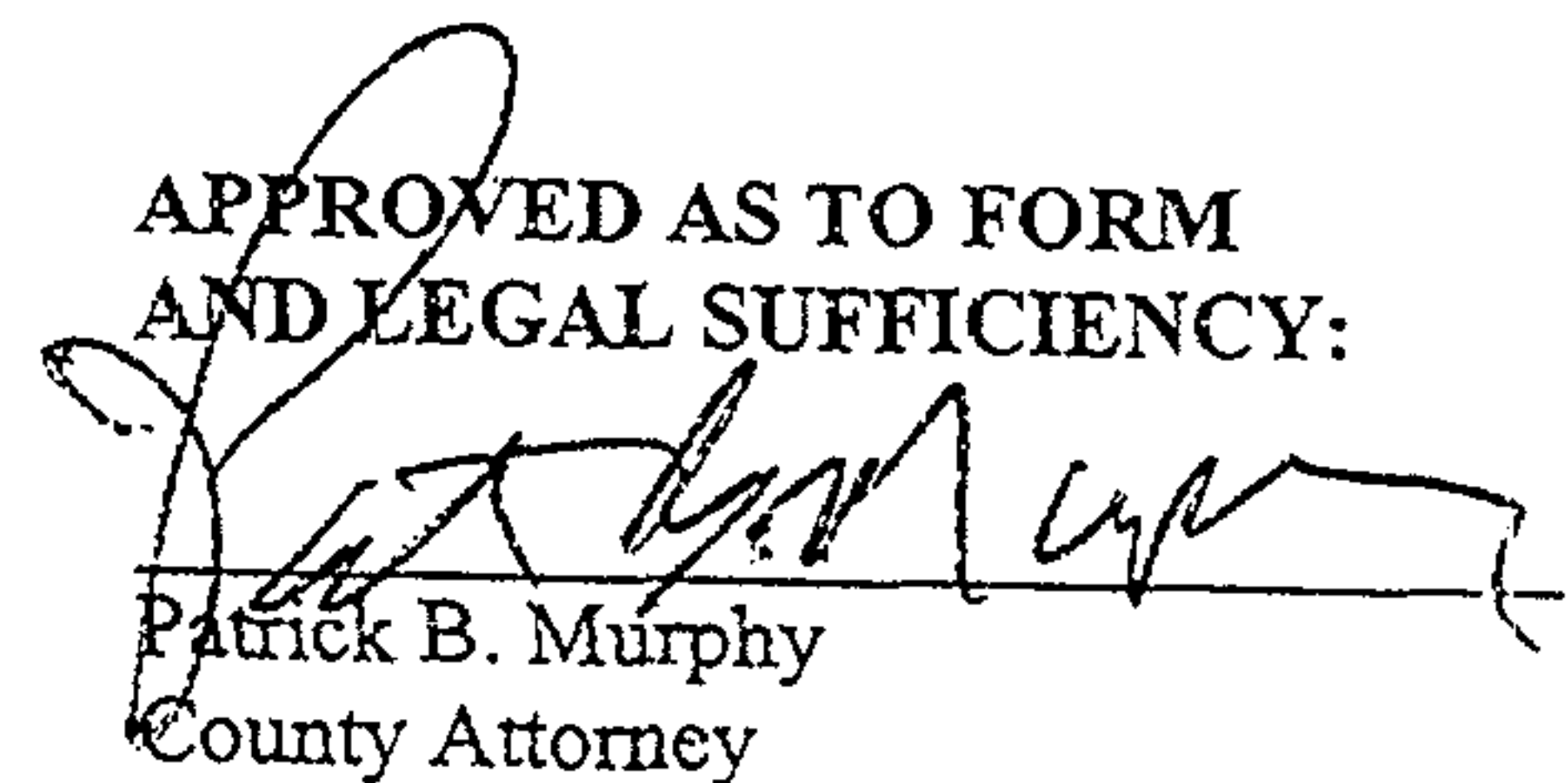
Those voting aye: ALL
Those voting nay: _____
Those abstaining or absent: _____
Date of Adoption: 05/01/01
Effective Date: 05/01/01

RECORDING FEE 0.00
TOTAL 0.00
RES#5463 REC#499999
EWA MAR 21K4840
May 09, 2001 10:25 am

ATTEST:

Alfred A. Lacer
County Administrator

BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND


Julie B. Randall, President

Joseph F. Anderson, Commissioner

Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Patrick B. Murphy
County Attorney

BOOK 0018 PAGE 0031

NO.: 01- 26
SUBJECT: Bay Ridge Road,
Fox Run Road, Ark Court,
and Dove Place
Speed Limit
Bay Ridge Estates Subdivision
Section 2, Phase 1

RESOLUTION

WHEREAS, pursuant to the authority granted under Section 25-102 (a) (10) and Section 21-803 of the Maryland Annotated Code, Transportation Article, the Board of County Commissioners for St. Mary's County, Maryland, may alter the speed upon a public road within the County; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that the maximum speed limit set forth in Subtitle 21 of the Transportation Article of the Maryland Annotated Code for Bay Ridge Road, County Route 31215, Fox Run Road, County Route 31299, Ark Court, County Route 31300, and Dove Place, County Route 31301, located in Section 2, Phase 1 of the Bay Ridge Estates Subdivision, Eighth (8th) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 41, Page 55, is greater than reasonable or safe under existing conditions of road design, motor vehicle traffic and pedestrian safety; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that 25 miles per hour is a reasonable and safe maximum speed for Bay Ridge Road, County Route 31215, Fox Run Road, County Route 31299, Ark Court, County Route 31300, and Dove Place, County Route 31301.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland finds the maximum speed limit set forth for roads of the type of Bay Ridge Road, Fox Run Road, Ark Court, and Dove Place is greater than reasonable or safe, and that Bay Ridge Road, County Route 31215, Fox Run Road, County Route 31299, Ark Court, County Route 31300, and Dove Place, County Route 31301, located in Section 2, Phase 1 of the Bay Ridge Estates Subdivision, Eighth (8th) Election District, St. Mary's County, Maryland (Plat Reference: EWA 41, Page 55) be posted at 25 miles per hour as per the recommendation of the St. Mary's County Department of Public Works and Transportation.

BE IT FURTHER RESOLVED, that the Director of the Department of Public Works and Transportation is directed to install the signage necessary to implement this Resolution in accordance with Section 21-801.1(f) and 21-803 (c) of the Maryland Annotated Code, Transportation Article.

Those voting aye: All

Those voting nay: _____


Those abstaining or absent: _____

Date of Adoption: 05/01/01


Effective Date: 05/01/01

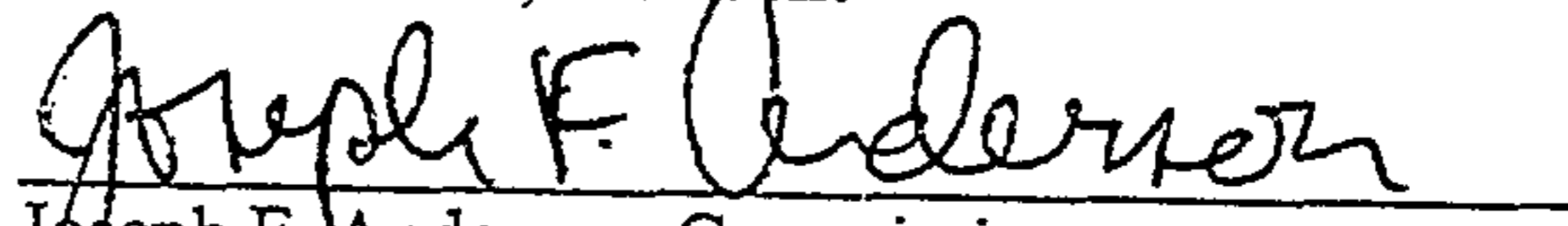
RECORDING FEE 0.00
TOTAL 0.00
Res#523 Rct#99999
EWA MAR 21#248
May 03, 2001 10:27 am

ATTEST:

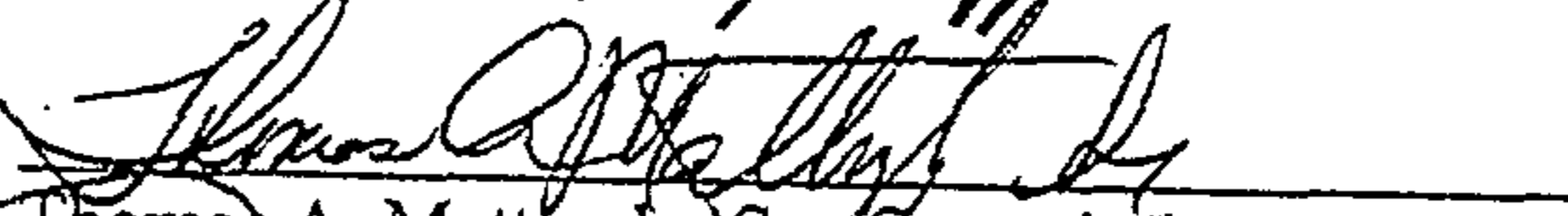

Alfred A. Lacer
County Administrator

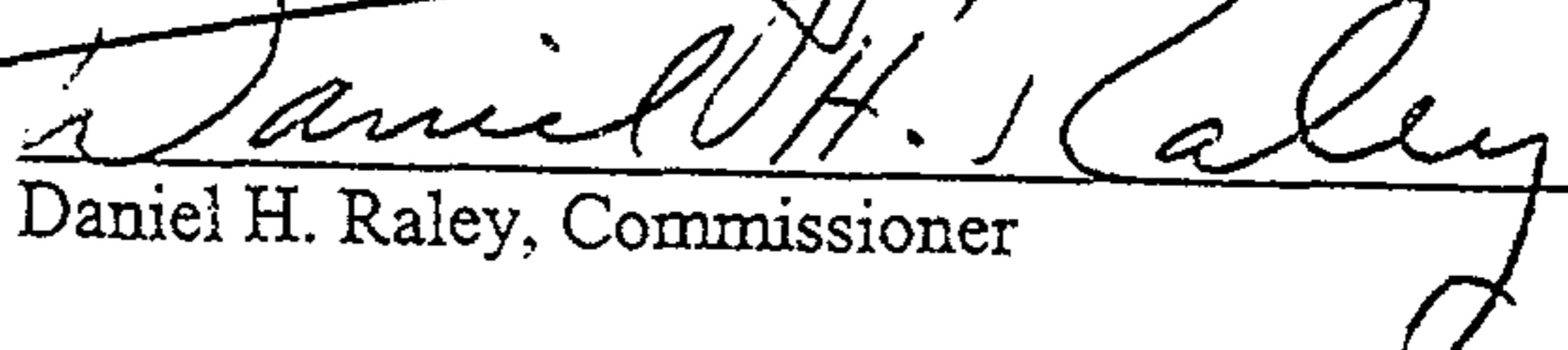
BOARD OF COUNTY COMMISSIONERS FOR
ST. MARY'S COUNTY, MARYLAND


Julie B. Randall, President



Joseph F. Anderson, Commissioner


Shelby P. Guazze, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:


Patrick B. Murphy
County Attorney

Subject: Reappointment of St. Mary's Health Department
As Local Lead Agency
(St. Mary's Infants and Toddlers Program)

RESOLUTION

FOR THE PURPOSE OF REAPPOINTING THE ST. MARY'S COUNTY HEALTH DEPARTMENT AS THE LOCAL LEAD AGENCY FOR THE ST. MARY'S INFANTS AND TODDLERS PROGRAM

WHEREAS, the St. Mary's County Health Department has been the lead agency in the Multiagency (Board of Education, Department of Social Services, Health Department) Infant and Toddlers Program in St. Mary's County; and,

WHEREAS, the St. Mary's County Health Department has effectively performed the administrative and service functions in this program in coordination with the other agencies for a number of years; and,

WHEREAS, it is the desire of the local multiagency team to continue this arrangement;

MAY NOW, THEREFORE, BE IT RESOLVED, this 15th day of MAY, 2001 by the County Commissioners for St. Mary's County, that the St. Mary's County Health Department is hereby reappointed as the local lead agency for the Infant and Toddlers Program in St. Mary's County (as defined in COMAR 01.04.01). It is understood that no local fiscal participation is required.

Those voting Aye: ALL

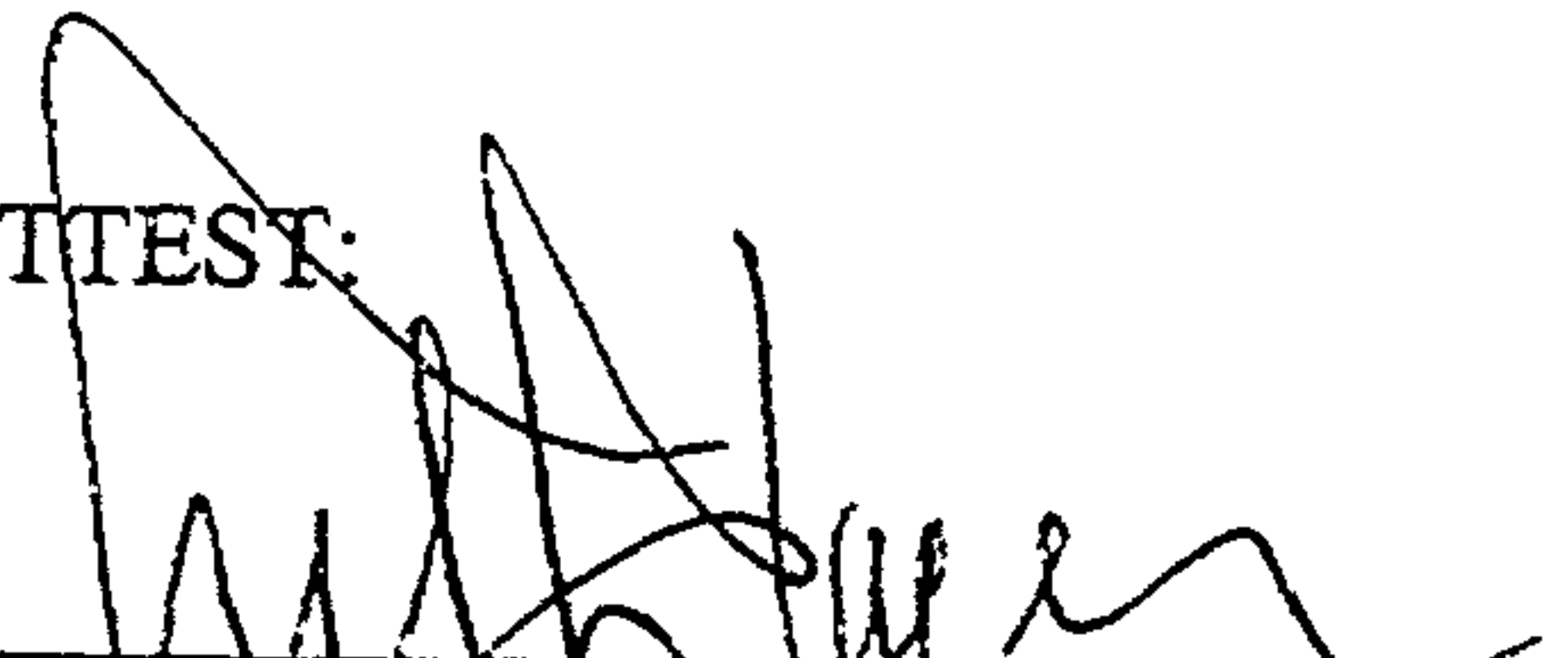
Those voting Nay: _____

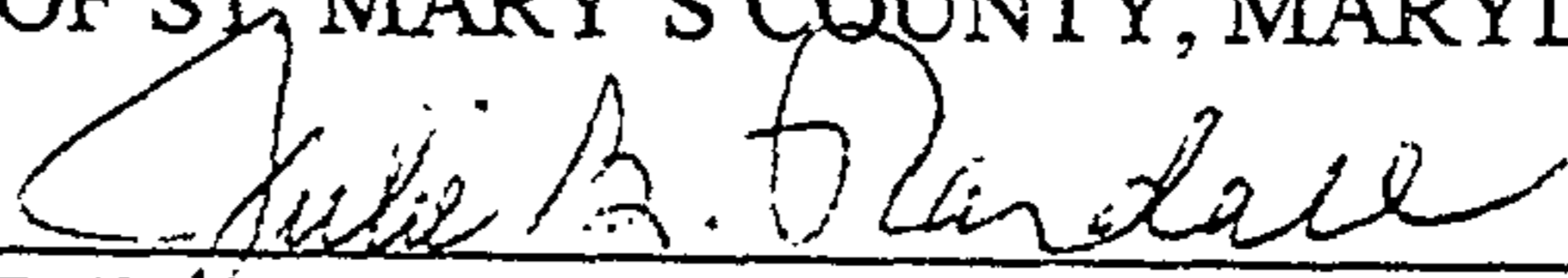
Those Absent: _____

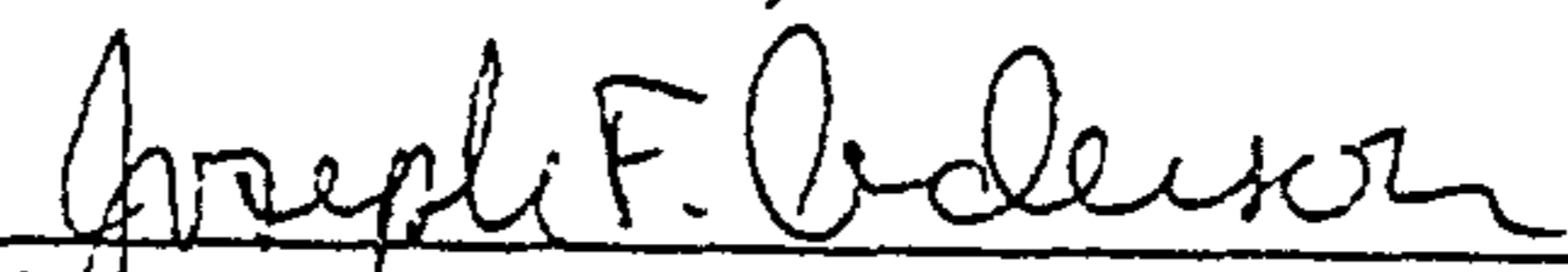
ADOPTED: 05/15/01

EFFECTIVE: 05/15/01


RECORDING FEE 0.00
TOTAL 0.00
RES 15702 RCF 1999999
EWA NB BIK 1074
MAY 21, 2001 11:33 am

ATTEST:

Alfred A. Lacer, County Administrator


BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Julie B. Randall, President


Joseph F. Anderson, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:


Patrick B. Murphy, County Attorney


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

BOOK 0018 PAGE 033

RESOLUTION

WHEREAS, Article 25, Section 11A(b)(3-1) of the Annotated Code of Maryland authorizes the Board of County Commissioners for St. Mary's County, Maryland to sell, at public or private sale, any real property no longer needed for any public use, subject to notice and public hearing requirements; and

WHEREAS, the Board of County Commissioners has determined that the property described as 0.94 acres, more or less, identified as Tax Map 127, Parcel 210 (hereinafter, the "Property"), is no longer needed for any public use; and

WHEREAS, by the authority of the Board of County Commissioners for St. Mary's County, notice of a public hearing was published in The Enterprise, a newspaper of general circulation in St. Mary's County, on March 7, 2001 and March 14, 2001 in accordance with the statutory provisions of Sections 3(r) and 11A(b)(3-1)(ii) of Article 25 of the Annotated Code of Maryland; and

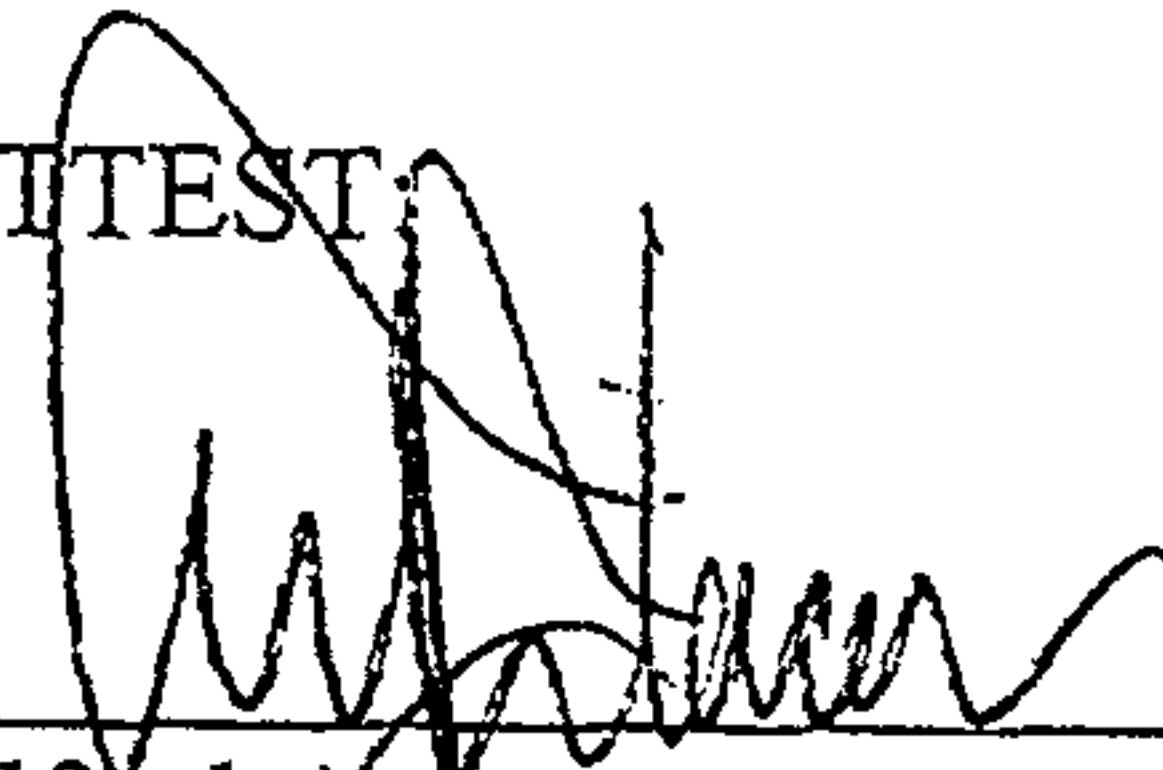
WHEREAS, the Board of County Commissioners for St. Mary's County held a public hearing, as advertised and in accordance with applicable statutory provisions on March 27, 2001; and

WHEREAS, upon careful consideration of public testimony and staff comments, the Board of County Commissioners for St. Mary's County determined that the Property is no longer needed for any public use; and

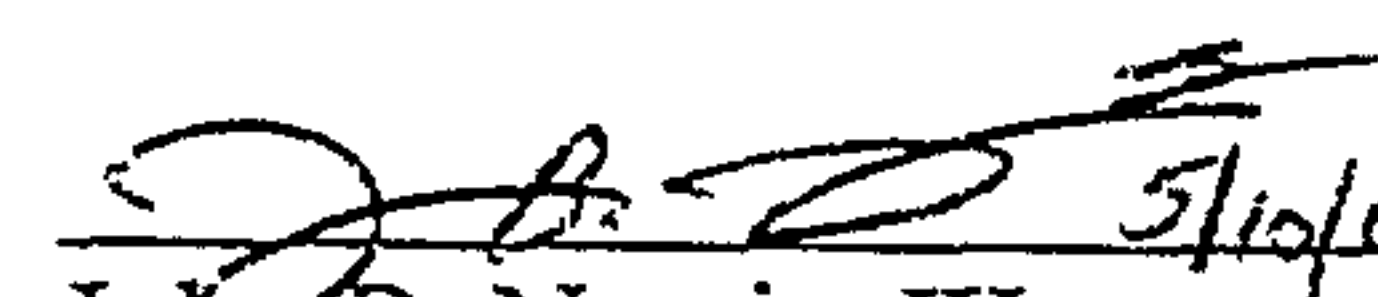
WHEREAS, in furtherance of the public health, safety and welfare, the Board of County Commissioners has determined that disposition of the Property herein shall be via private sale to the Leonardtown Volunteer Rescue Squad.

NOW, THEREFORE, be it **RESOLVED** by the Board of County Commissioners for St. Mary's County, that: 1) the existing lease with the Leonardtown Volunteer Rescue Squad shall be amended to allow for conveyance of the Property for a nominal fee to the Rescue Squad, subject to a first right and option to purchase the Property and any improvements thereon at the then current market value of the improvements; 2) Julie B. Randall, Commission President, is hereby authorized to execute such documents necessary to amend the existing lease and to sell/transfer the Property as provided herein; and 3) the foregoing recitals are incorporated herein as written above.

Date of Adoption: 05/22/01 Ayes: All
Effective Date: 05/22/01 Nays: _____
Abstain: _____


ATTEST

Alfred A. Lacer
County Administrator


APPROVED AS TO
FORM AND LEGAL
SUFFICIENCY



John B. Norris, III
Deputy County Attorney

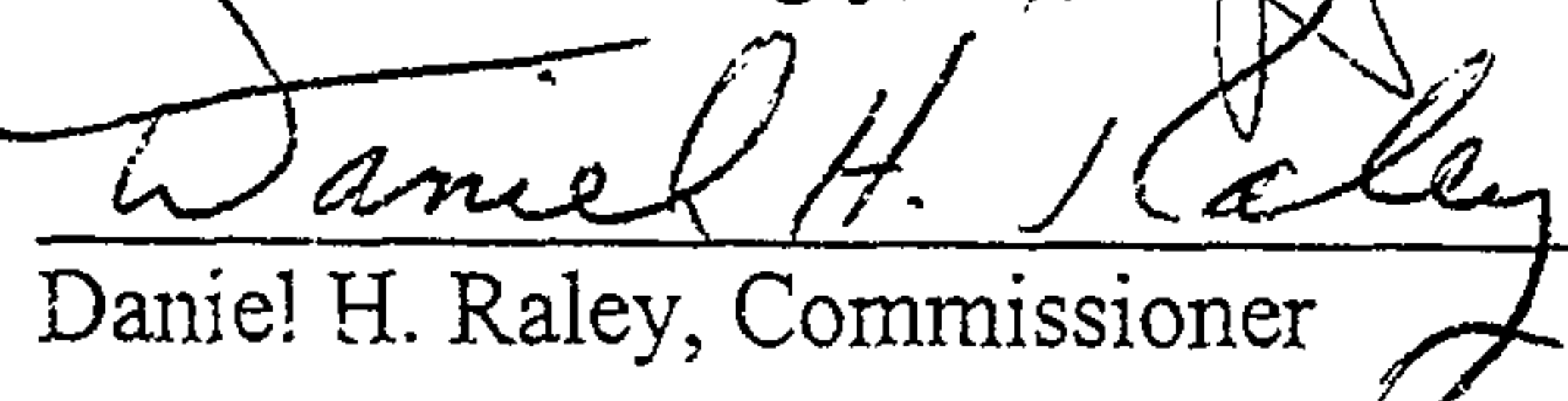
BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND


Julie B. Randall, President


Joseph F. Anderson, Commissioner


Shelby P. Guzzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

RECORDING FEE 0.00
TOTAL 0.00
Res#3102 Rcrt#99999
EMA LP BIK#1815
May 29, 2001 10:03 am

BOOK 0018 PAGE 0034

ORDINANCE NO. 2001-29
SUBJECT: St. Mary's County Animal Control Regulations

ORDINANCE

WHEREAS, the Board of County Commissioners has been specifically enabled by the Maryland General Assembly and pursuant to its authority to promote public health, safety, and welfare to enact local Animal Control Regulations; and

WHEREAS, Resolution No. 93-31 was adopted by the Board of County Commissioner of St. Mary's County on July 13, 1993, as Chapter 212 of the Code of St. Mary's County; and

WHEREAS, the Board of County Commissioners appointed an advisory group known as the Animal Control Committee which consisted of eight (8) members to study, review and make recommendations to the Board of County Commissioners on changes, alterations, and amendments to the County's Animal Control Regulations; and

WHEREAS, after careful study and deliberation, the Animal Control Committee made formal recommendations to the Board of County Commissioners on April 3, 2001 for the enumerated changes to the Animal Control Regulations found attached as Exhibit 1 hereto; and

WHEREAS, after due and proven notice was published in the Enterprise, a newspaper of General Circulation on January 31, 2001, February 7, 2001, February 28, 2001, March 7, 2001, March 14, 2001, and March 21, 2001, a final public hearing was held on April 3, 2001, before the Board of County Commissioners to receive public and staff comment and input on the proposed amendment to the Animal Control Regulations; and the record was kept open 10 days for additional public comment; and

WHEREAS, the Board of County Commissioners, after careful and diligent study and upon consideration of public and staff comments and recommendations deemed it to be in the best interest of the citizens of St. Mary's County, Maryland, and in furtherance of the general health, safety and welfare to alter, amend and change the Animal Control Regulations as enumerated in Exhibit 1 attached hereto;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland, that Resolution No. 93-31 is hereby rescinded and the St. Mary's County Animal Control Regulations dated April 24, 2001, and attached as Exhibit 1 hereto, are hereby in its entirety adopted as Chapter 212 of the Code of St. Mary's County.

DATE OF ADOPTION: 05/22/01

EFFECTIVE DATE: 05/22/01

BOARD OF COUNTY COMMISSIONERS FOR
ST. MARY'S COUNTY, MARYLAND

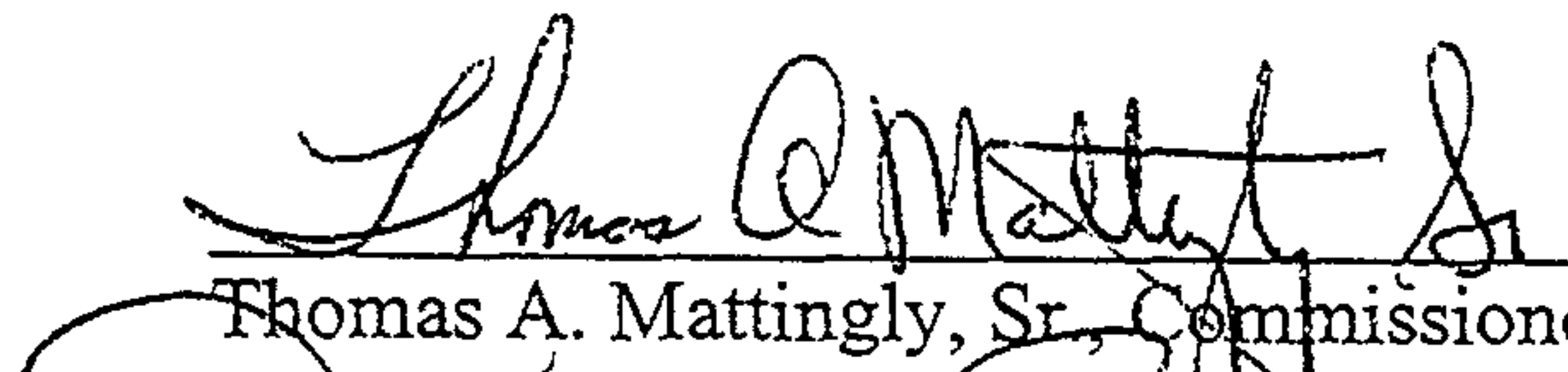
Julie B. Randall
Julie B. Randall, President

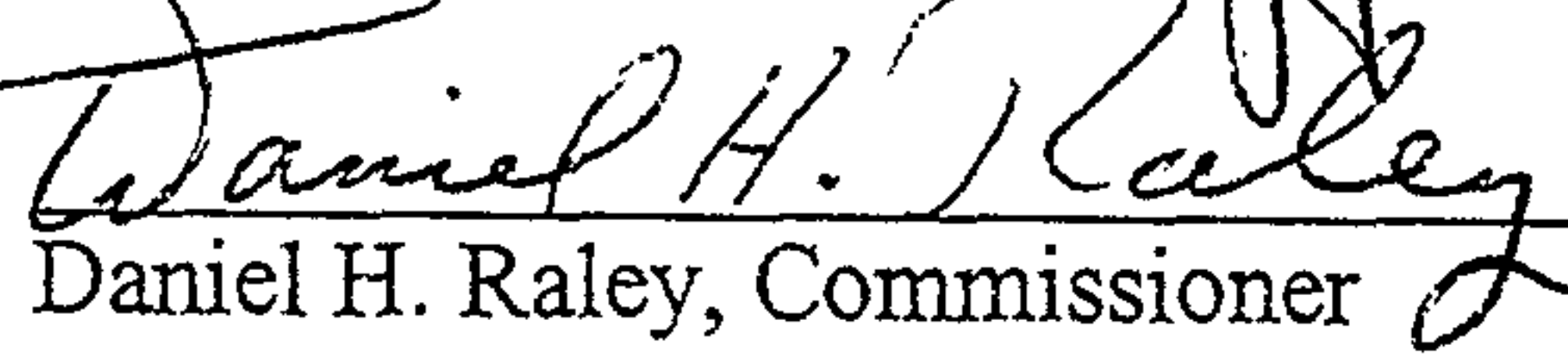
Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

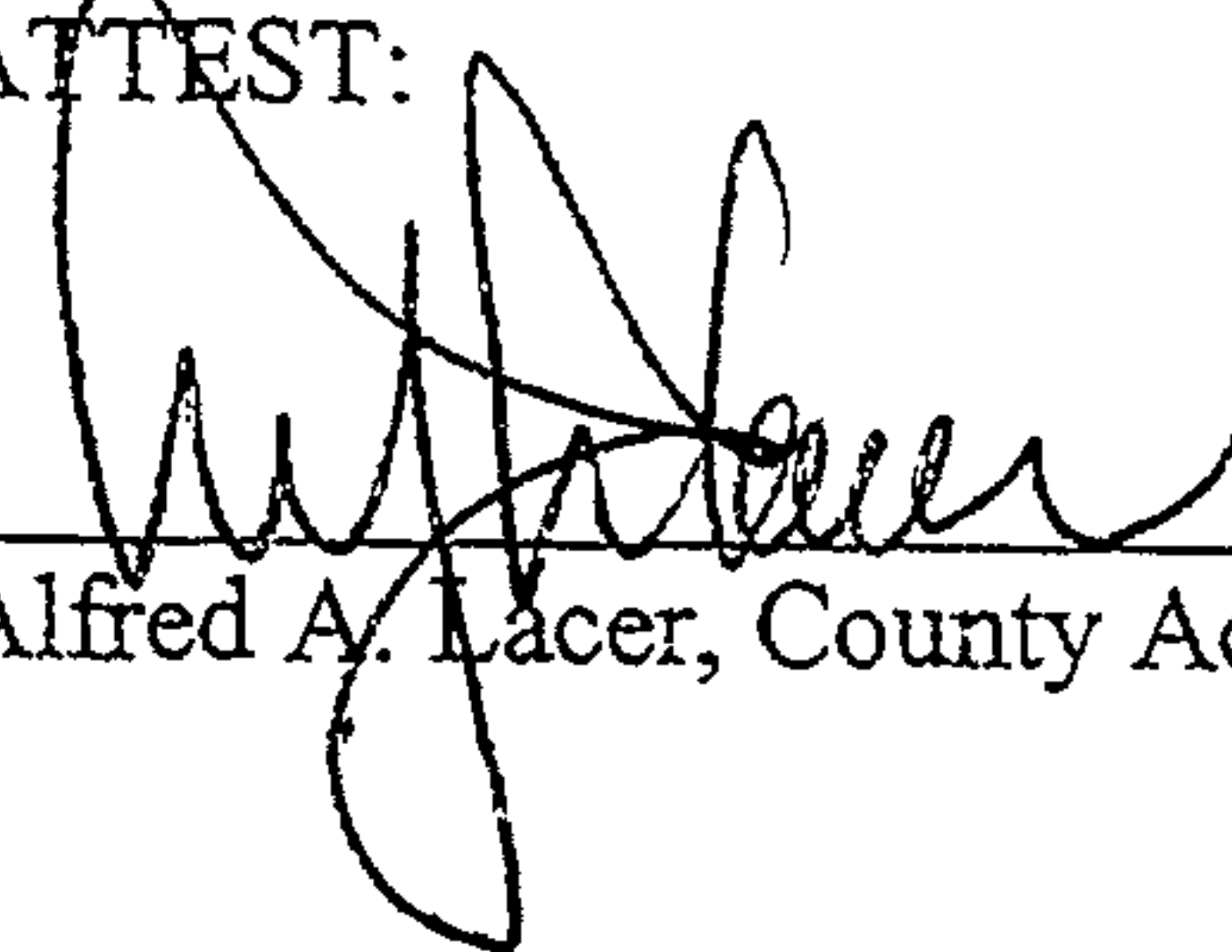
RECORDING FEE 0.00
TOTAL 0.00
REGISTRATION Ref# 4992999
EVA LP BIK# 1615
MAY 29, 2001 10:04 am

BOOK 0018 PAGE 0035


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

ATTEST:


Alfred A. Lacer, County Administrator

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Patrick B. Murphy, County Attorney

BOOK 0018 PAGE 0036

ST. MARY'S COUNTY

ANIMAL CONTROL REGULATIONS

301-475-8018

ANIMAL CONTROL

CHAPTER 212

BOOK 0018 PAGE 0037

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212.3 Director of Animal Control.....5
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212.14 Rescue Organizations.....16
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History: Adopted by the Board of County Commissioners of St. Mary's County 8/29/67 as Resolution No. 67-3.

Statement of Purpose: These Regulations are hereby established by the Board of County Commissioners of St. Mary's County to provide for the safety of the public, the humane care and treatment of animals and to encourage responsible pet ownership.

As used in these Regulations the following terms are defined below:

Animal: Every domestic animal including but not limited to dogs and cats.

Animal At Large: Any animal off the premises of the owner, and not under the restraint of a person capable of controlling the animal.

Animal Control: St. Mary's County Animal Control shall include but not be limited to any individual designated by the County Commissioners to enforce these regulations and State Law.

Animal Exposed to Rabies: Any animal which has been bitten by an animal which either has rabies or has been in proximity or contact with an animal that has rabies, or any animal which has not been bitten but which has been in proximity to or in contact with or has otherwise been exposed for any period of time to an animal which has rabies. The determination whether an animal is infected with rabies shall be made by the Health Officer for St. Mary's County and the Maryland Department of Health and Mental Hygiene.

Animal and Veterinary Hospital: Any establishment maintained by a licensed veterinarian and licensed by the state or operated by a licensed veterinarian for the immunization, hospitalization, surgery, or diagnosis, prevention and treatment of diseases and injuries of animals.

Animal Shelter: Any facility operated by a municipal agency or its agents, for the purpose of impounding animals under the authority of these Regulations or State Code for care, confinement, return to owner, adoption, or euthanasia.

Animal Warden: Any Animal Warden employed by the St. Mary's County Commissioners to enforce these Regulations and the State Code.

Auction: Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in these Regulations.

Cage: Any enclosure of limited space, enclosed on the bottom, top and all sides by a wall or otherwise, in which animals are placed for any purpose, including confinement or display.

Commercial Animal Establishment: Any person, partnership or corporation or other legal entity that has as its purpose the sale, transfer, or conveyance of any animal/animal services for consideration including, but not limited to, monetary, trade or barter. It shall include but not be limited to any pet shop, grooming shop, auction, zoological park, circus, performing animal exhibition, boarding or breeding kennel/cattery or any establishment with the purpose of training, leasing, or selling guard dogs. It shall not include licensed animal hospitals, animal shelters or humane society facilities.

Vaccination: An anti-rabies vaccination using a vaccine type approved by the Maryland State Department of Health and Mental Hygiene or the Maryland Public Health Veterinarian.

Vicious/Dangerous Animal: As defined under Section 212.12 below.

Wild Animal: Domesticated animals that roam at large, prey on other animals for food and do not reside with an owner.

§212.2

DUTY OF ALL ANIMAL OWNERS TO BE RESPONSIBLE OWNERS

- A. It shall be the duty of every owner of any animal, or anyone having any animal in his possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which may result from the behavior of the owner's animal, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.
- B. In the event that the owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of these Regulations and the State Code are complied with.
- C. No animal may be sold, given to, or bought from a minor without the written consent of the minor's parent or legal guardian.

§212.3

DIRECTOR OF ANIMAL CONTROL

The Emergency Management Director shall be responsible for the enforcement of these Regulations and applicable State Law, including but not limited to public safety, public nuisance, prevention of cruelty to animals, and minimum standards for animal care.

§212.4

ANIMAL WARDEN

- A. Any Animal Warden employed by the Board of County Commissioners of St. Mary's County, Maryland shall exercise that authority necessary to enforce the provisions of these Regulations and State Law. Among their other duties, wardens are specifically authorized and empowered by these Regulations to:
 - (1) Humanely impound animals whose owner, custodian, or keeper is found to be in violation of these Regulations or the State Code, and humanely transport those animals to the Animal Shelter.
 - (2) Make a prompt and reasonable effort to locate and notify the owner, custodian, or keeper of an impounded animal, including coordinating with the Animal Shelter staff, posting impoundment notice on suspected owner's, custodian or keeper's property and review lost reports to locate possible owners.
 - (3) Issue notices of violations to the owner, custodian or keepers of an animal.

- (4) Seek qualified medical assistance for injured or diseased animals, which come into the custody of Animal Control. The Animal Warden may determine after consultation with appropriate medical staff, the necessity for treatment or disposition of animal.
 - (a) The Animal Warden administering such assistance, Board of County Commissioners for St. Mary's County or any of its employees or agents shall not be liable for acts committed or omitted while rendering such assistance.
 - (5) Conduct public information programs on these Regulations State Law, adoption, spay/neuter, health care, and other programs.
 - (6) Conduct inspections of commercial animal establishments as provided in these Regulations.
 - (7) Receive animals for adoption or euthanasia as appropriate pursuant to these Regulations.
 - (8) Initiate a complaint or other form of enforcement of these Regulations and/or the State Law.
- B. It shall be a violation of these Regulations and State Law to interfere with an Animal Warden performing the duties as prescribed in these Regulations and State Law.
 - C. It shall be unlawful for anyone to remove animals from traps, remove traps, or trip traps (set by Animal Control or designee) other than the Animal Warden or designee.
 - D. It shall be unlawful to dispose of animal carcasses at any county trash disposal facility (or any public or private area).

§212.5

CRUELTY

- A. It shall be a violation of these Regulations for any person to:
 - (1) Abandon an animal regardless of intent to abandon; i.e., trash disposal, rental properties, side of the road, private/public areas.
 - (2) Torture, torment, cruelly beat/kill, injure intentionally, mutilate, run down with a vehicle intentionally, overload, or otherwise abuse any animal.
 - (3) Administer poison to any animal, knowingly place, or leave any poisonous or other harmful substance with intent to injure or kill any animal other than vermin.

- (4) Use or permit any animal to be used for the purpose of fighting with any other animal.
 - (5) Cause, arrange, or participate in authorize these acts.
 - (6) Have the charge or custody of an animal and inflict unnecessary suffering or pain upon the animal, or unnecessarily fail to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the elements.
 - (7) To train any animal for illegal fighting.
- B. In the case of activities in which physical pain may unavoidably be caused to animals, such as medical and scientific activities, food processing, customary and normal veterinary and agricultural husbandry practices, and hunting, "cruelty" means a failure to employ the most humane method reasonably available.

§212.6

RABIES PREVENTION

- A. It shall be the duty of every resident of the County owning keeping or having custody of a dog, cat, or ferret four (4) months old or older to have such dog, cat, or ferret inoculated with an anti-rabies vaccine approved by the Director of Public Health. Inoculation shall be repeated as often as the Director of Public Health may from time to time specify, in keeping with current regulations. The inoculation shall be administered by a licensed veterinarian. The rabies certificate issued by the veterinarian shall be carefully preserved by the owner or custodian of the dog, cat, or ferret and exhibited promptly upon the request for inspection by the Animal Warden, Health Officer, or any other law enforcement officer, or their agents, to include shelter staff when redeeming an animal at the shelter. The vaccination status of an animal should always be verified in person either by a health agent, warden, or veterinarian exam.
- B. Quarantine Requirements. As directed by the Health Department, an animal who has bitten a person or otherwise exposes a human to rabies shall be quarantined for ten (10) days in the following manner:
- (1) Confinement of the animal to a house, garage or other escape proof enclosure or building approved in writing by the Health Department or its designated agent.
 - (2) The animal shall not be removed from the structure unless on a leash and under the immediate control of an adult.
 - (3) Contact with other animals shall be prohibited. Only persons authorized by the Health Department may come into contact with the animal.
 - (4) The animal shall not be removed from the quarantine premises unless permission is

obtained in writing from the local Health Officer or his designated agent and the Animal Warden is notified in writing at least forty-eight (48) hours in advance of the removal.

- (5) If the animal becomes ill or begins to show behavioral changes, the owner shall immediately notify the Health Department, which shall determine an appropriate course of action.
- (6) If the animal dies, the owner shall immediately notify the Health Department and make the animal available for rabies testing prior to disposing of the carcass.
- (7) If the animal escapes, the owner shall immediately notify the Sheriff's Department, Animal Warden, and Health Department.
- (8) Until the animal is cleared by the Health Department from quarantine, the owner shall not kill, give away, sell or otherwise dispose of the animal without written permission from the Health Department.
- (9) If a veterinarian's examination is not required by the Health Department on the last day of the quarantine, the owner shall report by telephone to the Health Department the health status of the animal.
- (10) If the animal is unvaccinated against rabies at the time of exposure, the animal shall not be vaccinated until released from quarantine by the Health Department.
- (11) If unvaccinated, the owner shall take the animal to a licensed veterinarian for a physical rabies exam and vaccination within five (5) days of the end of quarantine.
- (12) If an animal is not properly quarantined it shall be impounded by an Animal Warden or his designee with all costs associated with impoundment including boarding, feeding and transportation borne by owner, custodian or keeper.
- (13) It is the responsibility of the St. Mary's County Health Department for the enforcement of all quarantine requirements.

§212.7

LICENSING/FEES

- A. The sale of licenses shall be through the St. Mary's County Treasurer, Animal Control, or other designee of the St. Mary's County Treasurer.
 - (1) It shall be unlawful for any person, firm or corporation to own, keep or harbor a dog four (4) months old, or older without a current St. Mary's County license. The license period shall be concurrent with the fiscal year, namely from July 1 to June 30, with all fees payable to the County Treasurer.
 - (2) Owners of certified Seeing Eye dogs, hearing dogs, governmental police dogs, or

other certified dogs that are trained to assist the physically handicapped shall not be required to pay the annual fee but shall be required to obtain and display the license.

- (3) Animal shelters operated by chartered humane organizations or the County for the purpose of housing stray, abandoned, sick or injured animals shall be exempt from licensing prior to adoption or return to owner.
- (4) Applications for license shall be made to the County Treasurer or a duly authorized agent. Before any license shall be issued, the owner shall produce a valid rabies certificate issued by a Maryland licensed veterinarian certifying that the dog is currently vaccinated against rabies. Before any unsexed license shall be issued, the owner shall produce a certificate of surgical sterilization issued by a Maryland licensed veterinarian certifying that the dog has been spayed or neutered.
- (5) If a dog shall become four (4) months of age or an unlicensed dog of licensing age shall come into the possession of any person between July 1 and June 30 of any fiscal year, the full license fee for that current fiscal year shall be paid forthwith by said owner or harbinger of such dog.
- (6) License certificates shall include the date of issuance and expiration date, the owner's name and address, home telephone number, the animal's sex, breed, age, color and markings, rabies vaccination date, rabies tag number, animal's name.
- (7) A license tag shall be issued with the license certificate. This tag shall be worn by the dog at all times, except when confined in a kennel or when participating in a competition where such displays are prohibited.
- (8) No person may use any license for any dog other than the animal for which it was issued.
- (9) The license certificate shall be made available upon request by any health or public safety officer, Animal Control Warden, or their agents.
- (10) The annual fee for a dog license shall be:

Unneutered Male	\$7.50
Unspayed Female	\$7.50
Neutered Male	\$2.00
Spayed Female	\$2.00
- (11) Any dog found/picked up without a license, the Owner could be fined \$25.00.
- (12) Any fees established within these Regulations may be evaluated and adjusted annually.

B. Commercial Animal Establishment Licensing. No person, partnership, or corporation shall

operate a commercial animal establishment without first obtaining a commercial animal establishment license in compliance with this Section. License applications shall be accompanied by written verification from St. Mary's County Government that the applicant complies with the St. Mary's County Zoning Ordinance as amended from time to time.

- (1) No fee shall be required of any government operated zoological park.
- (2) All animals offered for sale by a commercial animal establishment must be examined by a Maryland licensed veterinarian within the last three (3) months prior to sale.
 - (a) Any animal under veterinarian treatment may not be offered for sale without written release from the veterinarian.
 - (b) Any owner or employee of a commercial animal establishment who knows of or should have known of any animal defect or illness shall make a purchaser aware of this information in writing prior to sale.
- (3) Records or forms must be maintained for a period of one (1) year for any animal purchased for resale. Records shall contain the following but are not limited to:
 - (a) Animal Description - breed, sex, color, and age.
 - (b) The origin of purchase will include the supplier and the date of receipt.
 - (c) Medical records and any required treatment program.
- (4) Every facility regulated by these Regulations shall be considered a separate enterprise requiring an individual license.
- (5) The license period shall run for one year from the date of issuance. Renewal applications for licenses shall be made 30 days prior to expiration of said license. The license fee shall be \$25.00 with a \$5.00 penalty for noncompliance.

§212.8

ANIMAL CARE

- A. No owner or custodian of an animal shall fail to provide the animal with sufficient, wholesome and nutritious food; palatable water in sufficient quantities; proper air; shelter, space, and protection from the weather; veterinary care when needed to prevent suffering; and humane care and treatment.
 - (1) In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices.

- B. Indoor and outdoor enclosures for animals shall meet the following minimum standards:
- (1) Be structurally sound and maintained in good repair to protect the animals from injury and to contain the animal.
 - (2) Provide sufficient space to allow each animal adequate freedom of movement.
 - (3) Be routinely cleaned to remove excretions and other waste materials, dirt and trash, to provide humanely clean conditions to minimize health hazards and obnoxious odors.
 - (4) Provide palatable water that is always available and that is kept in a vessel secured to prevent tipping.
 - (5) Indoor housing facilities shall provide adequate ventilation by natural or mechanical means and the ambient temperature shall be compatible with the health of the animal.
- C. In addition to the above, outdoor enclosures shall meet the following minimum standards:
- (1) When sunlight is likely to cause heat exhaustion, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.
 - (2) If an animal is confined outdoors unattended, it shall be the duty of each and every owner, or custodian or keeper to provide said animal with proper shelter as described below:
 - (a) WEATHERPROOF - Shelter must be solid. There shall be no cracks or openings other than entrance. The shelter shall not have any metal or plastic primary interior surfaces.
 - (b) ELEVATED - Floor must be off the ground at least two (2) inches.
 - (c) DOOR FLAP - Entrance must be covered with a flexible flap and/or entrance placed down wind when necessary to protect the animal from the elements of weather.
 - (d) BEDDING - Bedding must be dry. Straw, hay, cedar chips or other material must be provided as needed during cold and inclement weather.
 - (e) SIZE - Large enough to allow the animal to enter, stand, turn around and lie down comfortable. Small enough to allow the animal to warm interior with its body.
- D. If a chain, rope, or line is used to tie an animal, it shall be of sufficient length (minimum length of four (4) times the animal's body length) to safely and humanely allow the animal

freedom of movement without becoming entangled with obstructions.

- E. A person shall not allow an animal to ride in the unenclosed area of a motor vehicle unless the animal is confined by a securely affixed, well-ventilated container, cage, or other device designed to safely prevent the animal from falling or jumping from the motor vehicle.

§212.9

ANIMAL AT LARGE

- A. It shall be unlawful for any person, partnership or corporation to allow their animal to be at large.
- B. This section shall not apply to a dog undergoing supervised obedience training or while actually engaged in the sport of hunting in an authorized area while supervised by a competent person possessing a valid hunting license.
- C. Without permission of the proper authority, the owner, ~~ex~~ custodian or keeper of any animal may not permit the animal to be on public or private school grounds on a day and time when school is in session or in a public recreation area unless:
- (1) The animal is controlled by a leash or similar restraining device as defined under definitions of restraints.
 - (2) The presence of the animal is in an organized activity such as a dog show.
- D. No animal accidentally at large with a person in immediate pursuit shall be deemed at large.
- E. A person who is aware of an animal being at large or who finds a stray animal shall report the condition to Animal Control.
- F. An Animal Warden or authorized representative of Animal Control who observes an animal at large may pursue that animal on public and/or private property.
- G. The Animal Warden or designee is authorized and directed, whenever possible, to seize and impound any animal running at large. When not able to catch an animal running at large and when all other reasonable options have been exhausted and, if in judgement of the Animal Warden or designee the animal is deemed a threat to public safety the animal may be shot or killed.

§212.10

FEMALE IN SEASON

- A. Every female dog or cat in season shall be humanely confined in a building or secure enclosure in such a manner that such female dog or cat cannot come in contact with unneutered male of the same species except for planned breeding. This does not exclude normal waste elimination while under physical restraint and direct supervision on the owner, custodian or keeper's property.

- A. No person shall keep or maintain any animal in such manner as to cause or permit the animal to be a public nuisance. A public nuisance is when an owner or custodian allows an animal to:
- (1) Be at large.
 - (2) Damage the property of anyone other than its owner, custodian or keeper.
 - (3) Molest pedestrians, passersby or other animals.
 - (4) Intimidate pedestrians or passersby. Intimidation is defined as a reasonable prudent person under same and/or similar circumstances and whether that person would have been intimidated by the actions of the animal in question.
 - (5) Chase vehicles, pedestrians or other animals.
 - (6) Bark or make other harsh or excessive noise continuously so as to disturb the quiet, comfort, or repose of members of the community as reflected by reasonable persons with normal sensitivities to noise.
 - (8) Foul the air by odor and thereby create unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
 - (9) Allow to defecate or urinate on other than that of the owner, custodian or keeper.
 - (10) Other actions or omissions recognized by Maryland Common Law as a public nuisance.

§212.12

DANGEROUS AND/OR VICIOUS ANIMALS

- A. For the purpose of these Regulations a dangerous and/or vicious animal shall be defined as:
- (1) Any animal which has inflicted injury on a human being without provocation on public or private property.
 - (a) Any person may kill any licensed or unlicensed dog that attacks him while he is not on the property of the owner, custodian or keeper.
 - (2) Any animal which has without provocation injured or killed a domestic animal:
 - (a) Any person may kill any licensed or unlicensed dogs found out of the

enclosure of its owner or custodian and not under his immediate care actually in the act of wounding or killing persons or any animal.

- (3) Any animal owned bred or harbored primarily or in part for the purpose of animal fighting, or any animal trained for animal fighting.
 - (4) Any animal, not owned by a governmental or law enforcement unit, used primarily to guard public or private property.
 - (5) No animal shall be declared dangerous and/or vicious if the threat, injury or damage was sustained by a person who:
 - (a) At the time was committing a willful trespass or other criminal act upon the premises of the owner or custodian of the animal, or;
 - (b) Was teasing, tormenting, abusing, or assaulting the animal, or;
 - (c) Has in the past been observed or reported to have teased, tormented, abused, or assaulted the animal, or;
 - (d) Was committing or attempting to commit a crime;
 - (e) Deliberately placed the animal in the position of protecting or defending its young or other animal;
 - (f) Caused pain or injury to the animal immediately prior to the attack.
- B. Upon determination by Emergency Management Agency/Animal Control of an animal being dangerous and/or vicious, the Warden may require any or all of the following:
- (1) Any dangerous and/or vicious animal must be kept in its own enclosure.
 - (2) Where any owner, custodian or keeper of a dangerous and/or vicious animal maintains their animal outside, a portion of their property shall be fenced with a perimeter or area fence. Within this perimeter fence, the animal shall be humanely confined inside a pen or kennel of adequate size. The pen or kennel shall not share common fencing with the area of perimeter fence. The kennel or pen must have secure sides; a secure top attached to all sides; the sides must either be buried two (2) feet into the ground, sunken into a concrete pad, or otherwise secured to prevent escape by digging. The gate to the kennel must be locked.
 - (3) Whenever outside of its enclosure, but on the owner's or custodian's property, a dangerous and/or vicious animal shall be attended by the owner or custodian and restrained by a secure collar and leash of sufficient strength to prevent escape.
 - (4) All owners, custodians or keepers of any dangerous and/or vicious animal shall

display in a prominent place on their properties, and at each entrance and exit to the area where such animal is confined, a sign easily readable by the public using the words "DANGEROUS ANIMAL."

- (5) Except when being transported in, and humanely and securely confined within a vehicle, no dangerous and/or vicious animal shall be permitted off the property of its owner, custodian or keeper except when it is:
 - (a) Attended by its owner, custodian or keeper; and
 - (b) Is humanely restrained by a secure collar and leash (not to exceed six (6) feet in length); both collar and leash to be of sufficient strength to prevent escape; and
 - (c) Is humanely muzzled by any means sufficient to prevent biting persons or domestic animals.
 - (6) The animal be neutered at the expense of the owner, custodian or keeper.
 - (7) Ownership or custody of an animal deemed dangerous and/or vicious by the Emergency Management Agency/Animal Control shall not be transferred without prior notification and approved by the Animal Warden or designee.
 - (8) The animal to be humanely euthanized at the sole cost and expense of the owner, custodian or keeper.
 - (9) Any Police Office or Animal Warden has full authority to kill any dog that is known to be living in the County in a wild state. There shall be no liability on such persons, police officers or animal wardens in damages or otherwise for killing of animals as permitted in these Regulations.
- C. The Animal Warden or designee is authorized whenever possible to seize any animal known to be dangerous and vicious and found to be running at large. When not able to catch the animal, and when all other reasonable options have been exhausted, they are authorized and may shoot or otherwise kill the animal.

§212.13

IMPOUNDMENT/REDEMPTION/ADOPTION

- A. Any animal observed in violation of these Regulations or State Law shall be immediately and humanely impounded and housed with the Animal Shelter at the sole expense and cost of the owner, custodian or keeper including boarding, feeding and transportation and legal fees, if necessary.
 - (1) In addition to, or in lieu of, impounding an animal, the Warden may issue to the known owner of such animal a notice of violation.

- B. Impounded animals shall be kept for not less than three (3) working days unless said animal is contagiously ill or severely injured.
- C. An owner reclaiming an impounded animal shall pay the fees established by the Sheltering Authority. The fees for subsequent impounds occurring within twelve (12) months shall be doubled.
- (1) Upon the third impoundment within twelve (12) months, the animal shall remain in the Shelter until the owner, custodian or keeper appears before the Director of Emergency Management. The Director of Emergency Management shall determine the necessary means to address the violations and levy fines and fees.
- D. In addition to paying the established fees, an owner, custodian or keeper reclaiming an impounded animal shall show proof of a current rabies vaccination and county license, or shall pay the license fees required to comply with Section 212.7 of these Regulations and other expenses incurred by the County in caring for the impounded animal.
- E. Except as otherwise provided in these Regulations, any animal impounded and not redeemed by its owner within three (3) working days following notice of impoundment shall be deemed abandoned. The animal shall become the property of the County, which shall place for adoption or euthanize the animal in accordance with the State Law and Shelter policy.
- F. No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized within thirty (30) days for adults or at a specified date in the contract for puppies and kittens. A deposit established by the Sheltering Authority shall be paid at the time of adoption and refunded once proof of sterilization is presented.
- G. Any animal considered by the Sheltering Authority to be unhealthy, dangerous vicious or otherwise unsafe shall not be placed for adoption.
- H. The Animal Shelter shall deny applications for adoption as provided by established Shelter policy and procedure.
- I. No wild animal shall be placed for adoption.
- J. No animal shall be knowingly sold or given away for use in experimentation or research.
- K. The County, its employees, or agents shall not be liable for any damage to person or property caused by an animal adopted or reclaimed from the Shelter.

§212.14

RESCUE ORGANIZATIONS

- A. Any and all rescue organizations must register with Animal Control with information regarding name, organization, contact, address, and telephone number. Unregistered

organizations shall not be considered by Animal Control in rescuing, adoption or rehabilitation of animals.

- B. Each organization will provide Animal Control with a list of rescue homes that are being utilized within St. Mary's County.
- C. Each rescue home will be subject to periodic inspections by Animal Control.

§212.15

FINES

- A. The fines for violations are as follows, including possible misdemeanor charges as provided by Maryland Law:

212.4	Interference with an Animal Warden	Up to \$1000 and/or up to one (1) year in jail
212.6	Rabies Prevention Failure to vaccinate Failure to quarantine	Up to \$1000 and/or up to one (1) year in jail \$100.00
212.7	Failure to license	\$25.00
212.8	Animal Care	\$50.00 Per offense
212.9	Animal at Large 1st Offense 2nd Offense All Subsequent Violations (Per animal within one (1) year of the original offense)	\$50.00 \$100.00 \$200.00
212.10	Female in Season (As defined in Section)	\$35.00
212.11	Public Nuisance	\$50.00
212.12	Dangerous and/or Vicious 1st Offense	Up to \$1000.00 and/or up to one (1) year in jail

After 2nd offense, animal will be removed from the owner for public safety, and will be secured at the Tri-County Animal Shelter pending an investigation.

Those fines that range up to \$1000.00 are determined by the Animal Warden.

§212.16

ENTERING INTO CONTRACTS WITH OUTSIDE SERVICES

- A. No statement, provision or regulation set forth herein shall be construed to prevent the County Commissioners of St. Mary's County, Maryland from entering into a contract with any outside service for the administration of all or any portion of these Regulations.

§212.17

CONFLICTING ORDINANCES

- A. All other Regulations of St. Mary's County that are in conflict with these Regulations are hereby repealed to the extent of such conflict.
- B. In the event of conflict with any other state or local law, ordinance, rule or regulation, the strictest shall apply.

§212.18

SEVERABILITY CLAUSE

- A. If any part of these Regulations shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of these Regulations.

SUBJECT: ORDINANCE FOR LEVYING RATES FOR
ST. MARY'S COUNTY REVENUE TAXES,
FIRE TAX RATES,
SERVICE CHARGE FOR THE SEMI-ANNUAL
PAYMENT OF PROPERTY TAXES,
INCOME TAX RATE,
ENERGY AND FUEL TAX RATES,
SPECIAL DISTRICT TAX RATES, AND
SPECIAL DISTRICT - HOLLYWOOD SHORES
SHORE EROSION CONTROL DISTRICT
FOR FISCAL YEAR 2002

REVENUE TAX ORDINANCE

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Budget Authority

WHEREAS, the 1979 Laws of Maryland, Chapter 670, the 1982 Laws of Maryland, Chapter 75, and the 1986 Laws of Maryland, Chapter 43, codified as the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Sections 27-1 through 27-11, authorizes and empowers the Board of County Commissioners for St. Mary's County to adopt the Annual Budget and Appropriation Act by June 1 of each year; and

Compliance with Budget Procedures

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-5, the Recommended Budget was filed in the office of the Board of County Commissioners on March 29, 2001, public hearings were held on April 17, 2001 and April 24, 2001, pursuant to Notice published on April 6, 2001 and April 13, 2001 in The Enterprise, a newspaper of general circulation published in the county; and

Fire Property Tax Levy Authority

WHEREAS, the 1957 Laws of Maryland, Chapter 759, Section 77B, which has been codified as the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 49-1, authorizes and directs the Board of County Commissioners for St. Mary's County, Maryland to levy a fire tax of not more than Fourteen cents (\$.14) on every One hundred dollars (\$100.00) of assessed valuation of all real and personal property in the Election Districts wherein the question of levying said Fire Tax has been submitted to and approved by a referendum of the legally qualified voters; and

WHEREAS, In Election Districts 1, 2, 3, 4, 5, 6, 7, 8 and 9, the Fire Tax has been voted upon and approved by the legally qualified voters; and

Authority for a Service Charge for the Semi-Annual Payment of Property Taxes

WHEREAS, Tax-Property Article of the Annotated Code of Maryland, Sections 6-202, 6-204, 6-302, 6-306 and 6-308 and the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-7(C), authorizes and empowers the Board of County Commissioners for St. Mary's County to levy a property tax rate for each fiscal year; and

WHEREAS, the Maryland Department of Assessments and Taxation has approved a service charge of One and three hundred seventy-five thousandths percent, (1.375%), of the amount of tax due at the second installment to cover lost interest income and administrative expenses associated with the semiannual payment for a property owner electing to pay real property taxes under a semiannual payment schedule pursuant to Section 10-204.3 of the Tax-Property Article of the Annotated Code of Maryland. As a result, the service charge shall be effective at the rate of One and three hundred seventy-five thousandths percent, (1.375%), of the amount of tax due at the second installment; and
Income Tax Levy Authority

SUBJECT: ORDINANCE FOR LEVYING RATES FOR
ST. MARY'S COUNTY REVENUE TAXES,
FIRE TAX RATES,
SERVICE CHARGE FOR THE SEMI-ANNUAL
PAYMENT OF PROPERTY TAXES,
INCOME TAX RATE,
ENERGY AND FUEL TAX RATES,
SPECIAL DISTRICT TAX RATES, AND
SPECIAL DISTRICT - HOLLYWOOD SHORES
SHORE EROSION CONTROL DISTRICT
FOR FISCAL YEAR 2002

Income Tax Levy Authority

WHEREAS, pursuant to Section 10-106(a) (iii) of the Tax-General Article of the Maryland Annotated Code and the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 267-15, the Board of County Commissioners for St. Mary's County shall set, by ordinance or resolution, a County Income Tax equal to at least One percent, (1%), but not more than Three and two-tenth percent, (3.20%), of an individual's Maryland taxable income for the taxable year beginning after December 31, 2001; and

WHEREAS, Tax-General Article of the Maryland Annotated Code, Section 10-106(a) (2) and the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 267-16 authorizes the County income tax to continue until the county changes the rate by ordinance or resolution; and

WHEREAS, the Board of County Commissioners for St. Mary's County, by Ordinance 2000-24, adopted June 27, 2000, set the County Income Tax Rate at Three and one-tenth percent, (3.10%), of an individual's Maryland taxable income; and

Energy and Fuel Tax Rate Levy Authority

WHEREAS, Article 24, Section 9-604 of the Annotated Code of Maryland authorizes and empowers the Board of County Commissioners for St. Mary's County to impose, by ordinance, and collect a sales and use tax on any form of energy or fuel used or consumed in St. Mary's County; and

WHEREAS, the Board of County Commissioners imposed such a sales and use tax on energy or fuel by Ordinance No. 89-13 adopted on May 16, 1989, and repealed and re-enacted by Ordinance No. 90-19 adopted on October 16, 1990, which ordinance has been codified as the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Sections 267-23 through 267-28; and

WHEREAS, Article 24, Section 9-604 of the Annotated Code of Maryland provides that the sales and use tax on energy or fuel may not exceed Five percent, (5%), of the sum of the total amounts billed in the County by all vendors for energy and fuel subject to the tax within classifications separated by energy or fuel during the calendar year that ends before the beginning of each fiscal year divided by the total number of units of energy or fuel subject to the tax within the classifications used or consumed in St. Mary's County during the calendar year that ends before the beginning of each fiscal year; and

WHEREAS, the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 267-24 (F) provides that the Board of County Commissioners shall levy the Energy and Fuel tax rates for each fiscal year ensuing after the fiscal year beginning after June 30, 1990, in accordance with the procedures set forth in that sub-section of the ordinance; and

Special District Tax Rate Levy Authority

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland are empowered by virtue of Article 25, Sections 167A through 167E of the Annotated Code of Maryland, to establish, create, repair, and maintain shore erosion control districts; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, may act as District Council pursuant to authority granted in Article 25, Sections 161-167; in Article 25, Sections 167A-E; and Natural Resources Article Section 8-705 of the Annotated Code of Maryland for the Special Districts created as Shore Erosion, Erosion Control Districts and/or Waterway Improvement Districts; and

SUBJECT: ORDINANCE FOR LEVYING RATES FOR
 ST. MARY'S COUNTY REVENUE TAXES,
 FIRE TAX RATES,
 SERVICE CHARGE FOR THE SEMI-ANNUAL
 PAYMENT OF PROPERTY TAXES,
 INCOME TAX RATE,
 ENERGY AND FUEL TAX RATES,
 SPECIAL DISTRICT TAX RATES, AND
 SPECIAL DISTRICT - HOLLYWOOD SHORES
 SHORE EROSION CONTROL DISTRICT
 FOR FISCAL YEAR 2002

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland are empowered, under the provisions of the Code of Public Local Laws of Maryland, Article 19 (St. Mary's County) Section 109-2(C) and (D), to construct and improve private roads and drainage incident thereto and to impose an annual benefit assessment for said construction and/or improvement after the approval of a petition of a majority of the property owners whose property benefits from said improvements; and

WHEREAS, the Board of County Commissioners, acting as District Council, shall certify the amount of each assessment to the Treasurer of St. Mary's County, Maryland on or before May 1 of each year hereafter for debt service on the capital construction costs, utilizing a uniform assessment method whereby each property within the District, as defined above, shall pay an equal share; and

Special District Tax – Hollywood Shores Shore Erosion Control District Levy Authority

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, by virtue of Article 25, Section 166(a) of the Annotated Code of Maryland, shall impose an annual levy to pay all interest as it becomes due, all principal as it matures and all expenses to effectuate the provisions of that subtitle, including the construction, maintenance and repairs of improvements; and to reimburse the Board of County Commissioners for St. Mary's County for, acting as district counsel for each district, for all expenses incurred by them, not to exceed Two hundred dollars, (\$200.00), each; and

WHEREAS, the Board of County Commissioners for St. Mary's County have directed the Department of Public Works to conduct annual inspections of the District's improvements and to annually submit a budget for "district maintenance" including inspection, maintenance, repairs, and incidental and overhead expenses, for purposes of maintaining and repairing the District's Improvements until the District is first dissolved; and

WHEREAS, the Department of Public Works has conducted such inspections and prepared such a budget; and

Levy of Fire Property Tax Rate

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners for St. Mary's County, the Fire Tax is hereby assessed on every One hundred dollars (\$100.00) of assessed valuation of all real and personal property, effective July 1, 2001, as follows:

Fire Tax Rates – Real Property:	Election District 1	\$.036
	Election District 2	\$.044
	Election District 3	\$.024
	Election District 4	\$.044
	Election District 5	\$.044
	Election District 6	\$.044
	Election District 7	\$.044
	Election District 8	\$.044
	Election District 9	\$.036;

SUBJECT: ORDINANCE FOR LEVYING RATES FOR
ST. MARY'S COUNTY REVENUE TAXES,
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INCOME TAX RATE,
ENERGY AND FUEL TAX RATES,
SPECIAL DISTRICT TAX RATES, AND
SPECIAL DISTRICT - HOLLYWOOD SHORES
SHORE EROSION CONTROL DISTRICT
FOR FISCAL YEAR 2002

Fire Tax Rates – Personal And other property:

Election District 1	\$.09
Election District 2	\$.11
Election District 3	\$.06
Election District 4	\$.11
Election District 5	\$.11
Election District 6	\$.11
Election District 7	\$.11
Election District 8	\$.11
Election District 9	\$.09;

Levy of Service Charge for the Semi-Annual Payment of Property Taxes

BE IT FURTHER ORDAINED that the property tax rate for St. Mary's County for fiscal year 2002, Ninety and eight-tenths cents (\$.908) per One hundred dollars, (\$100.00), of assessed valuation, for real property and Two dollars and twenty- seven cents (\$2.27) per One hundred dollars (\$100.00) of assessed valuation for other property enacted by Ordinance 2000-15 is reaffirmed; and that the service charge, applicable only to those choosing to take advantage of the optional semiannual payment schedule for State, County and special taxing district property taxes due on owner-occupied residential property pursuant to Section 10-204.3 of the Tax-Property Article of the Annotated Code of Maryland, be established at One and three hundred seventy-five thousandths percent, (1.375%), of the amount of tax due at the second installment; and

Levy of Energy and Fuel Tax Rate

BE IT FURTHER ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland that the following energy and fuel tax rates are enacted for St. Mary's County for fiscal year 2002:

Energy Tax Rates: Electricity - \$.00387 per kilowatt-hour,
Fuel Oil - \$.06650 per gallon,
Liquefied Petroleum Gas - \$.07974 per gallon; and

Levy of Special District Tax Rate

BE IT FURTHER ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland that, pursuant to its authority, the following Special District tax rates shall be enacted for the following districts for Fiscal Year 2001:

Tanner Creek Erosion	\$2.03 per \$100 of assessment Tanner Creek waterfront property; \$1.17 per \$100 of assessment surrounding owners property; \$5.43 Bay front; \$3.61 fronting Tanner Creek,
Breton Bay Shore Erosion	Group A - \$413.97 per year; Group B - \$137.99 per year
Jefferson Island Erosion	Varying amounts each year, per DNR agreements, hereby incorporated by reference,
Golden Beach #3 Road & Drainage	\$73.67 per lot,
Tall Timbers Erosion #2	\$8.85 per front foot,

SUBJECT: ORDINANCE FOR LEVYING RATES FOR ST. MARY'S COUNTY REVENUE TAXES, FIRE TAX RATES, SERVICE CHARGE FOR THE SEMI-ANNUAL PAYMENT OF PROPERTY TAXES, INCOME TAX RATE, ENERGY AND FUEL TAX RATES, SPECIAL DISTRICT TAX RATES, AND SPECIAL DISTRICT - HOLLYWOOD SHORES SHORE EROSION CONTROL DISTRICT FOR FISCAL YEAR 2002

Tall Timbers Erosion #3	\$115.33 per front lot, \$57.28 per back lot,
Duke Drive	\$67.29 per lot,
Southampton Lighting	\$19.76 per lot,
Kline Drive	\$100.48 per lot,
Scott Circle	\$130.76 per lot,
Roof Top Circle	\$237.80 per lot,
Miles Drive	\$270.24 per lot,
Rosebank Village	\$342.65 per lot,
Cloverdale Acres	\$512.75 per lot,
Wicomico Shores	\$228.73 per lot,
Mallard Creek	\$259.26 per owner,
Little Kingston Creek	\$136.35 per owner,
Hollywood Shores	\$39.47 per owner, and

Levy of Special District Tax - Hollywood Shores Shore Erosion Control District

BE IT FURTHER ORDAINED that the Board of County Commissioners for St. Mary's County, Maryland acting as the District Council by virtue of Article 25, Sections 166(a) and (b) hereby levies, on each "property" within the boundaries of the Special Districts, the first annual assessment of \$0.004298 per One hundred dollars (\$100) of value for inspection, maintenance, repairs, district overhead, and incidental expenses, as to the Hollywood Shores Shore Erosion Control District.

Those voting Aye: ALL

Those voting Nay: _____

Those Absent: _____

Adoption Date: May 29, 2001

Effective Date of Ordinance: July 1, 2001

Effective Date of Fire Tax Rates: July 1, 2001

Effective Date of Property Tax Service Charge: July 1, 2001

Effective Date of Income Tax Rate: January 1, 2002

Effective Date of Energy and Fuel Tax Rate: July 1, 2001

Effective Date of Special District Tax Rate: July 1, 2001

Effective Date of Special District Tax - Hollywood Shores Shore Erosion Control District Rate: July 1, 2001

NO: 2001-10

SUBJECT: ORDINANCE FOR LEVYING RATES FOR ST. MARY'S COUNTY REVENUE TAXES, FIRE TAX RATES, SERVICE CHARGE FOR THE SEMI-ANNUAL PAYMENT OF PROPERTY TAXES, INCOME TAX RATE, ENERGY AND FUEL TAX RATES, SPECIAL DISTRICT TAX RATES, AND SPECIAL DISTRICT - HOLLYWOOD SHORES SHORE EROSION CONTROL DISTRICT FOR FISCAL YEAR 2002

ATTEST:

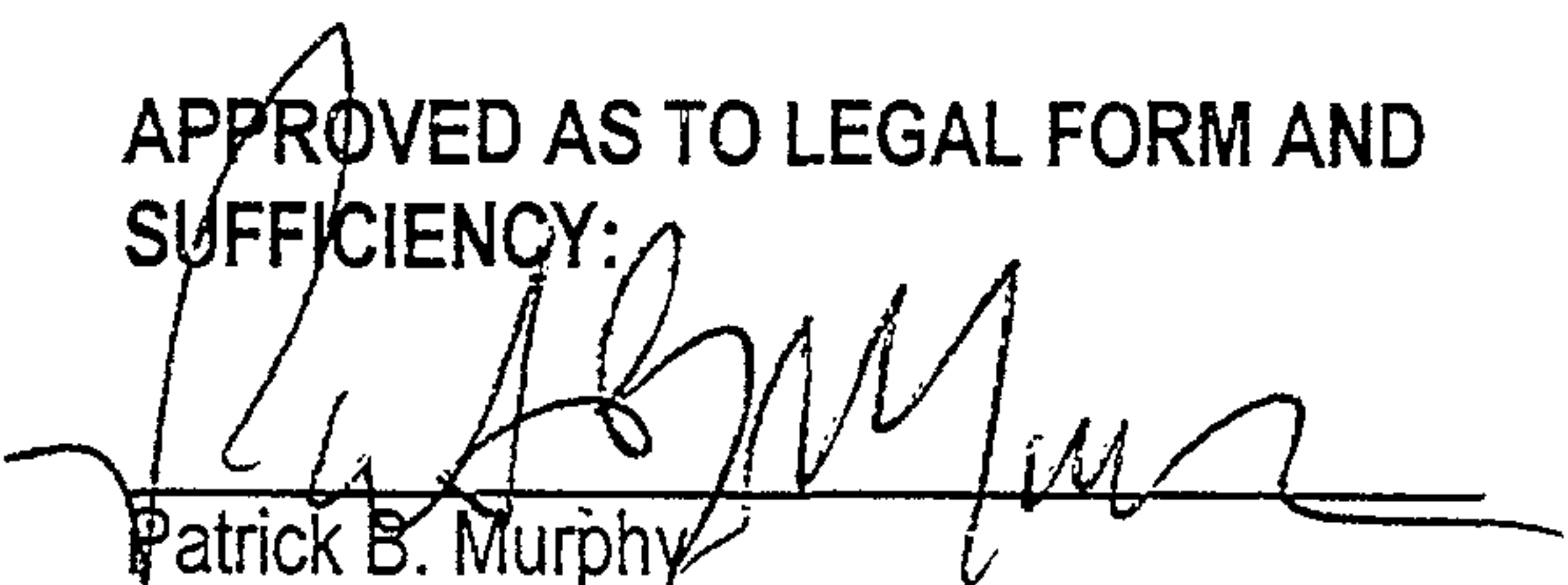


Alfred A. Lacer
County Administrator



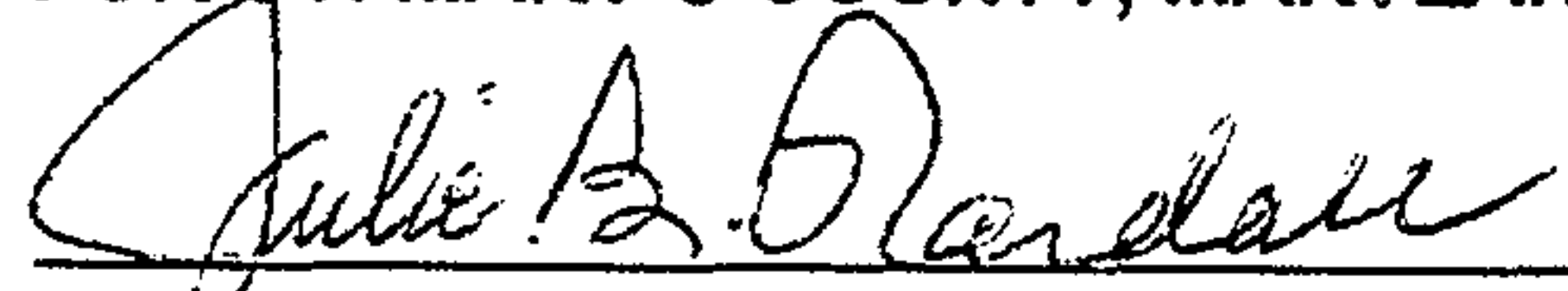
Elaine M. Kramer
Director of Finance

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:



Patrick B. Murphy
County Attorney

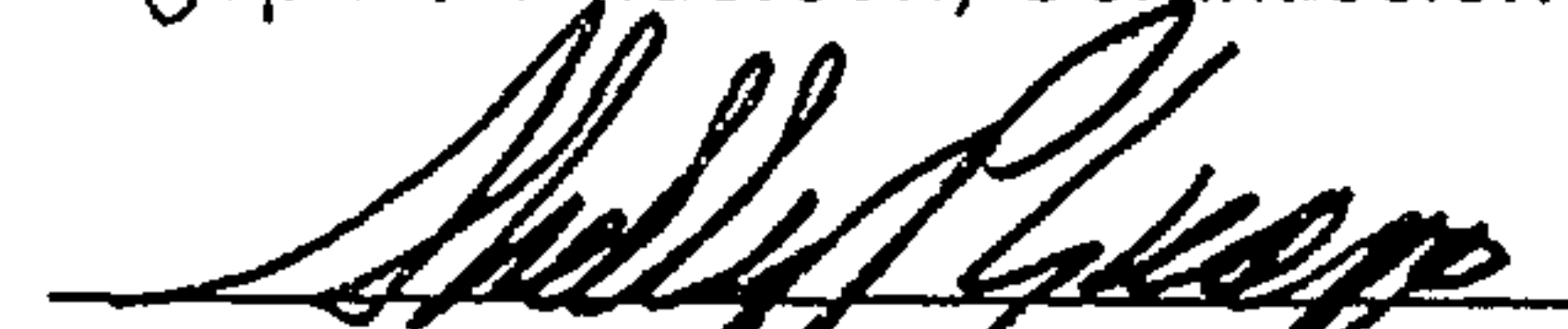
BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND



Julie B. Randall, President



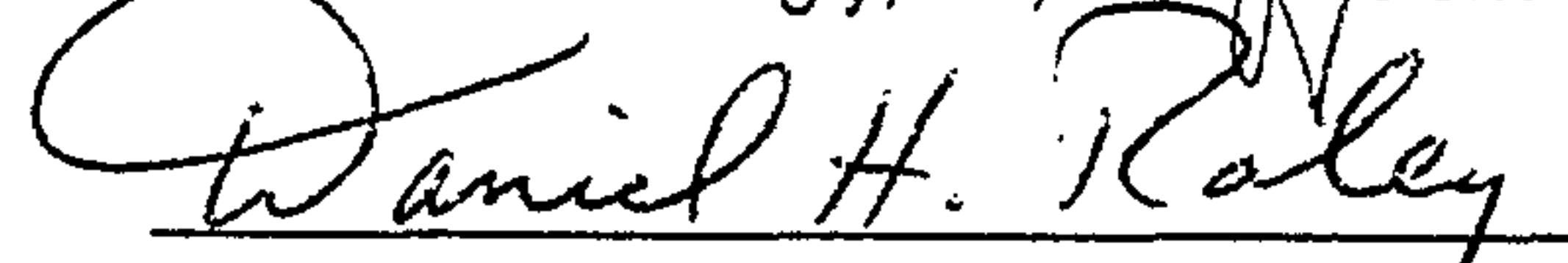
Joseph F. Anderson, Commissioner



Shelby P. Guazzo, Commissioner



Thomas A. Mattingly, Sr., Commissioner



Daniel H. Raley, Commissioner

ORDINANCE NO. 2001-12

PROPERTY TAX ORDINANCE

WHEREAS, Tax-Property Article of the Annotated Code of Maryland, Sections 6-202, 6-204, 6-302, 6-306 and 6-308 and the Code of Public Local Laws of Maryland, Article 19 (St. Mary's County), Chapter 27-7(C), authorizes and empowers the Board of County Commissioners for St. Mary's County to levy a property tax rate for each fiscal year; and

WHEREAS, Tax-Property Article of the Annotated Code of Maryland, Section 6-308 limits the property tax rate to the constant yield rate absent notice and a public hearing; and

WHEREAS, by the authority of the Board of County Commissioners for St. Mary's County, notice of a public hearing was published in The Enterprise, a newspaper of general circulation in St. Mary's County, on April 6, 2001 and April 13, 2001 in accordance with the statutory provisions of Section 6-308 of the Tax-Property Article of the Annotated Code of Maryland and Section 3 (r) of Article 25 of the Annotated Code of Maryland; and

WHEREAS, the Board of County Commissioners for St. Mary's County held a public hearing, as advertised and in accordance with the statutory provisions of Section 6-308 of the Tax-Property Article of the Annotated Code of Maryland, on April 17, 2001, at the close of which, the Board of County Commissioners for St. Mary's County announced that a decision regarding this matter would be made at the May 29, 2001 regular meeting of the Board of County Commissioners for St. Mary's County at Room 14 of the Governmental Center, 23115 Leonard Hall Drive, Leonardtown, Maryland; and

WHEREAS, by said authority, the Board of County Commissioners for St. Mary's County may set a property tax rate greater than the constant yield rate for fiscal year 2002; and

WHEREAS, the Board of County Commissioners for St. Mary's County has carefully reviewed the expert analysis of this situation, the recommendations of the County Departments and the comments and concerns of the public; and

WHEREAS, the Maryland Department of Assessments and Taxation has approved a service charge of 1.375% of the amount of tax due at the second installment to cover lost interest income and administrative expenses associated with the semiannual payment for a property owner electing to pay real property taxes under a semiannual payment schedule pursuant to Section 10-204.3 of the Tax-Property Article of the Annotated Code of Maryland;

NOW, THEREFORE, BE IT ORDAINED, By the Board of County Commissioners for St. Mary's County, Maryland, that the following property tax rate is enacted for St. Mary's County for fiscal year 2002:

Ninety and eight-tenths cents (\$.908) per One hundred dollars (\$100.00) of assessed valuation for real property; and Two dollars and twenty-seven cents (\$2.27) per One hundred dollars (\$100.00) of assessed valuation for operating real property and personal property, and a service charge, applicable only to those choosing to take advantage of the optional semiannual payment schedule for State, County and special taxing district property taxes due on owner-occupied residential property, is hereby established at 1.375% of the amount of tax due at the second installment;

AND IT IS FURTHER ORDAINED, that this Ordinance shall take effect July 1, 2001.

Those voting Aye: ALL

Those voting Nay: _____

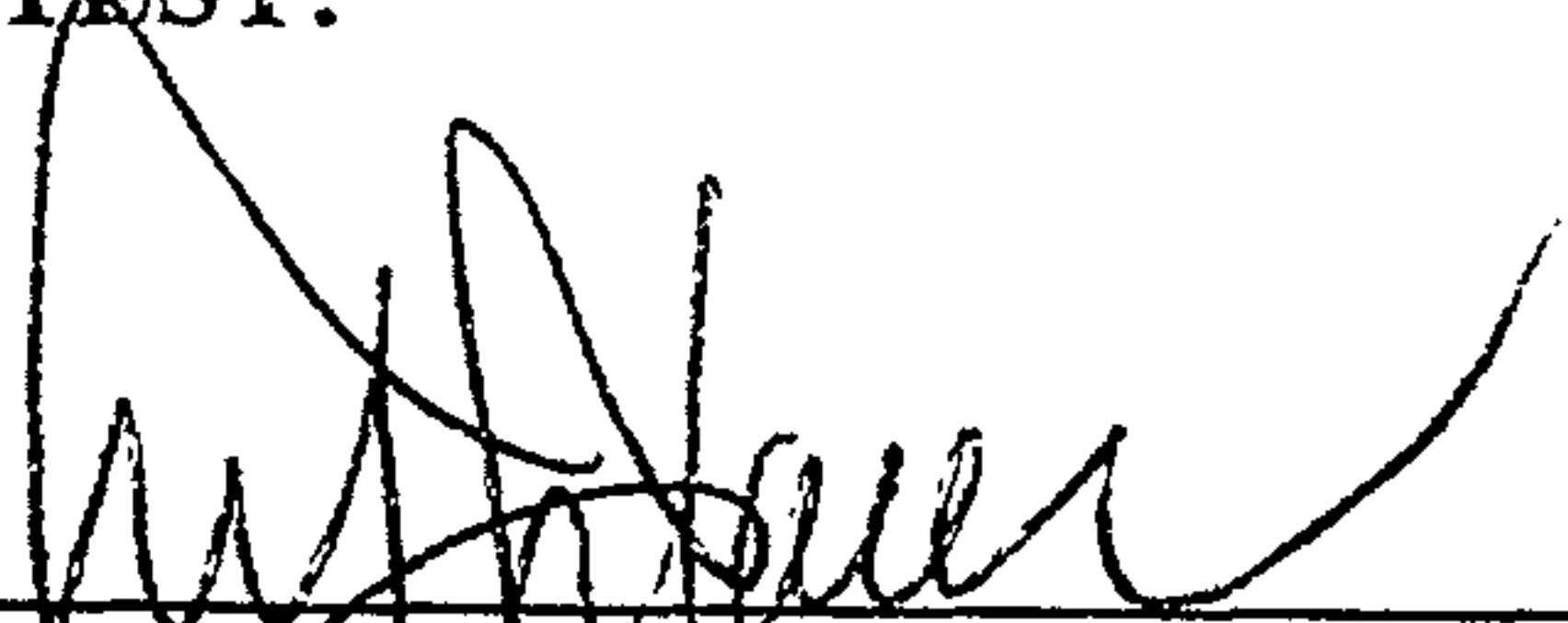
Those Absent: _____

ADOPTED: May 29, 2001

EFFECTIVE DATE: July 1, 2001

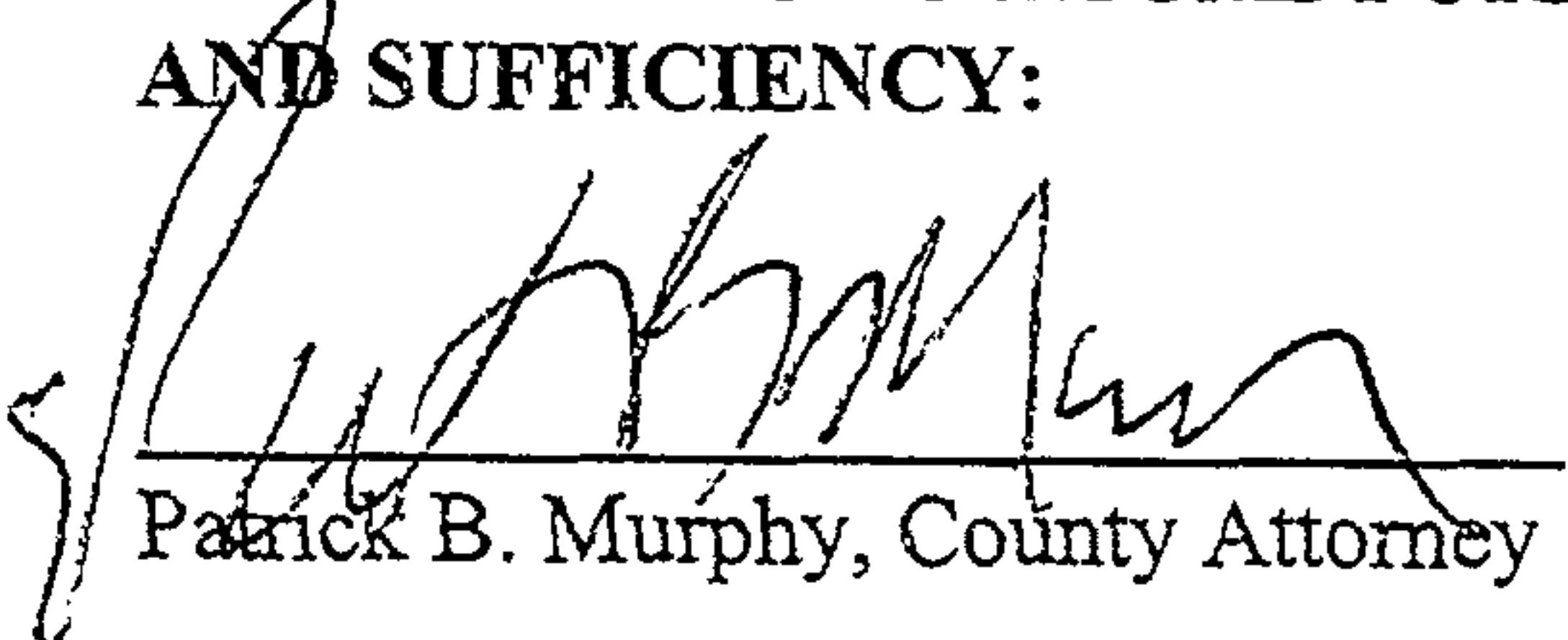
RECORDING FEE 0.00
TOTAL 0.00
Res#28403 Acct#999999
EWA FG BIK#172
JUN 05, 2001 01:27 PM

ATTEST:

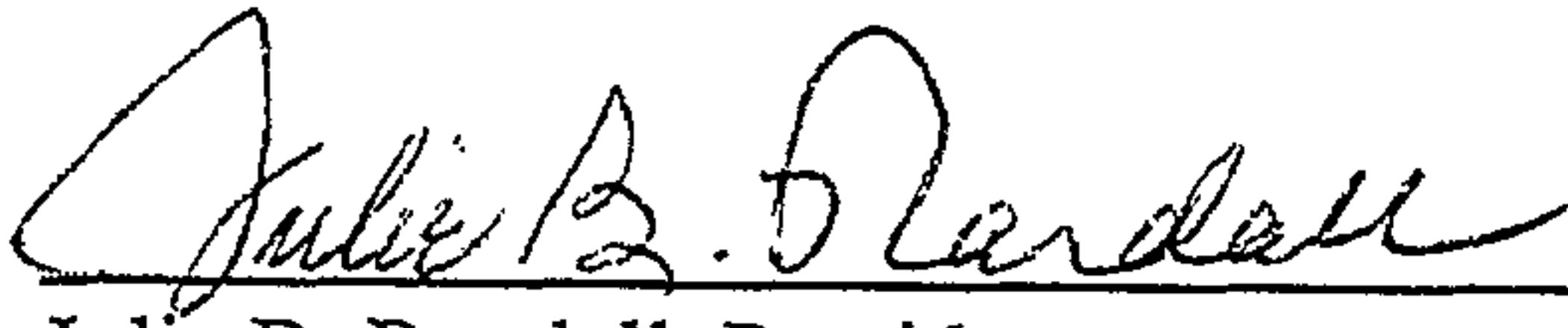

Alfred A. Lacer, County Administrator


Elaine M. Kramer, Director of Finance

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

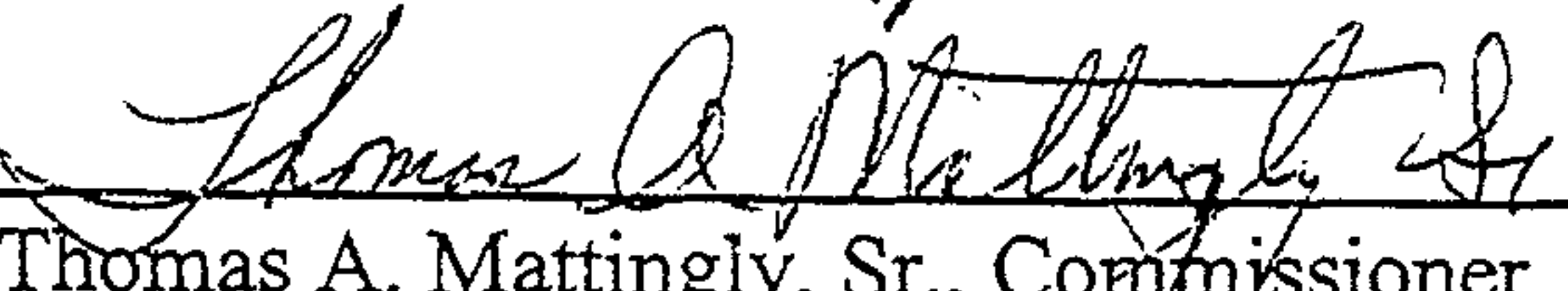

Patrick B. Murphy, County Attorney

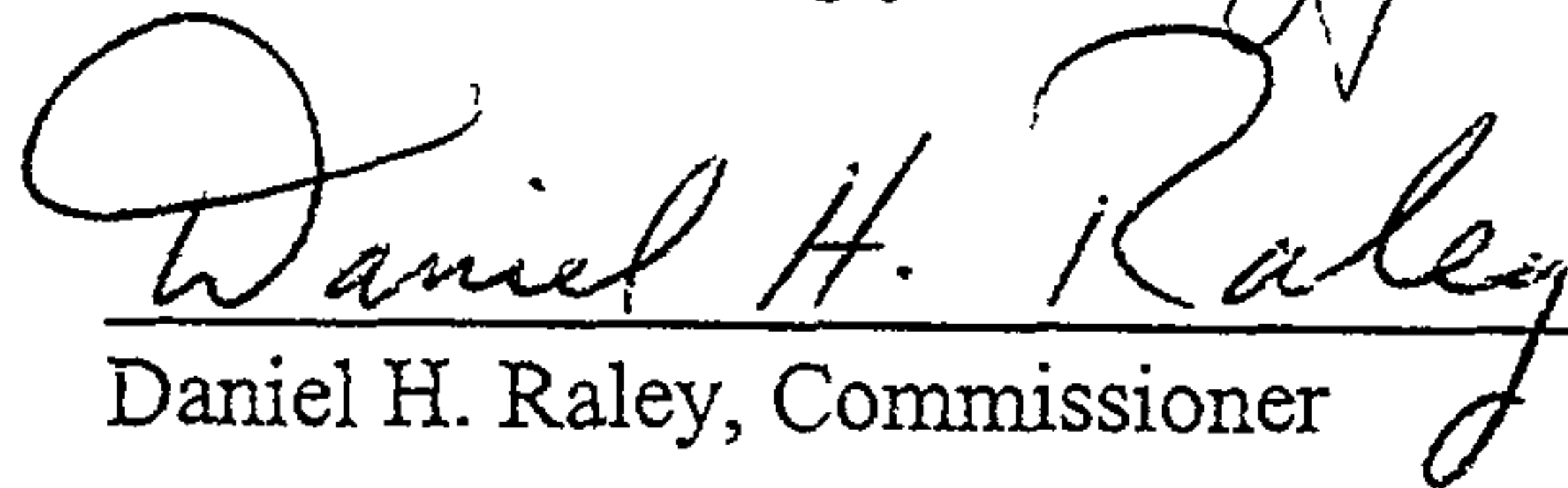
BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND


Julie B. Randall, President


Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

APPROPRIATION ORDINANCE

WHEREAS, the 1979 Laws of Maryland, Chapter 670, the 1982 Laws of Maryland, Chapter 75, and the 1986 Laws of Maryland, Chapter 48, codified as the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Sections 27-1 through 27-11 authorizes and empowers the Board of County Commissioners to adopt the Annual Budget and Appropriation Act by June 1 of each year;

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-5, the Recommended Budget was filed in the office of the Board of County Commissioners on March 29, 2001, public hearings were held on April 17, 2001 and April 24, 2001, pursuant to Notice published on April 6, 2001 and April 13, 2001 in The Enterprise, a newspaper of general circulation published in the county;

RECORDING FEE 0.00
TOTAL 0.00

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland, that the operating budget for fiscal year 2002 (FY 2002) is hereby adopted as set forth in the St. Mary's County Approved Budget for Fiscal Year 2002, a copy of which is incorporated herein by reference. In accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-8, transfer of appropriations between general classification of expenditures as outlined in this Ordinance may be authorized by the Board of County Commissioners of St. Mary's County, Maryland;

RESTON REC-4999999

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Board of County Commissioners of St. Mary's County, Maryland that the following appropriations and capital improvement program are enacted for St. Mary's County for the fiscal year beginning July 1, 2001 (FY 2001) as follows:

CHA FG Bk#172
Jun 25, 2001 01:31 PM

SECTION 1. OPERATING APPROPRIATIONS

County Departments

County Commissioners/County Administrator	\$ 1,713,458
Office on Aging	1,605,746
Office of Community Services	770,725
County Attorney	438,746
Department of Economic & Community Development	1,248,542
Emergency Management Agency	763,321
Emergency Communications Center	1,346,904
Department of Finance	1,285,472
Marcey Halfway House	282,618
Department of Information Technology	1,881,720
Department of Human Resources	413,196
Department of Facilities Management	2,966,934
Department of Planning and Zoning	1,533,885
Department of Building Permit Services	779,235
Department of Public Works & Transportation	10,071,386
Department of Recreation and Parks	2,422,020
Total County Departments	\$ 29,523,908

Elected Officials

Circuit Court	\$ 1,146,224
Orphan's Court	29,053
Office of the Sheriff	15,635,343
Office of the State's Attorney	1,676,833
County Treasurer	312,870
Total Elected Officials	\$ 18,800,323

SUBJECT: FY 2002 ST. MARY'S COUNTY BUDGET

State Agencies and
Independent Boards

Department of Health	\$ 949,933
Department of Social Services	299,187
Alcoholic Beverages Board	151,217
Supervisors of Elections	303,456
Cooperative Extension Service	137,692
Ethics Commission	11,000
Soil Conservation District	38,026
Board of Education	52,511,215
College of Southern Maryland	1,786,016
Board of Library Trustees	1,473,840
Total State Agencies and Independent Boards	\$ 57,661,582

Non-Profit Private Entity
Contributions

The ARC of Southern Maryland, Inc.	\$ 132,150
Big Brothers/Big Sisters	4,000
Catholic Charities	15,000
So. Md. Center for L.I.F.E.	15,000
The Center for Life Enrichment	155,908
Chamber of Commerce	10,920
St. Mary's County Farmers Market Association	1,000
Greenwell foundation	30,000
Hospice of St. Mary's	15,000
St. Mary's Historical Society	12,700
Leonardtwn Lions	20,000
Literacy Council of St. Mary's	12,000
Maryland Historical Society	1,000
Mental Health Authority of St. Mary's	54,945
Patuxent River Naval Air Museum	30,000
Southern Maryland Navy Alliance, Inc. ¹	20,000
St. Mary's Caring, Inc.	3,000
St Mary's College River Concert Series	10,000
St. Mary's College Scholarship Fund	6,000
Seventh District Optimist	8,000
Sotterley Mansion Foundation	50,000
Southern Maryland Higher Education Center	50,000
So. Md. Interagency Consortium for Children & Families	7,400
So. Md. Resource Conservation/Development	5,200
Three Oaks Center	50,000
Tri-County Alternatives for Youth and Families	26,250
Tri-County Community Action Committee	17,751
Tri-County Council	94,200
Tri-County Youth Services Bureau	116,479
Walden/Sierra, Inc.	195,038
Watermen's Association	25,000
Wicomico Scenic River Commission	1,000
St. Mary's Women's Center	72,409
Total Non-Profit Entity Contributions	\$ 1,267,350

¹ No federal funds are included in this appropriation.

SUBJECT: FY 2002 ST. MARY'S COUNTY BUDGET

Other Government Budget
Costs

Environmental Education Program (Public Schools)	\$	23,500
Fire Departments and Rescue Squads		1,192,392
Mosquito Control Program		40,000
Noxious Weed Control Program		12,035
Leonardtown - Tax Rebate Grant		44,558
Substance Abuse Screening Program		60,455
So. Md. Independent Life Environment		32,110
Employer Contributions		530,000
Debt Service		11,586,144
Capital Projects		2,000,000
911 Emergency Communications/EDS		1,201,460
Budget Reserve Account -Rainy Day & Bond Rating		350,000
Budgeted Reserve Account - Undesignated		56,834
Total Other Government Budget Costs	\$	17,129,488

TOTAL GENERAL FUND \$ 124,382,651

Enterprise and Special
Revenue Funds

	Nursing Center Enterprise Fund	\$	11,005,677
505	Recreation and Parks Activities Fund		2,883,051
520	Wicomico Shores Municipal Golf		2,213,529
205	Medical Adult Day Care Special Revenue Fund		976,459
530	Miscellaneous Revolving Fund		72,239
	Total Enterprise & Special Revenue Funds	\$	17,150,955

SECTION 2. CAPITAL
IMPROVEMENTS FUND
APPROPRIATIONS
Public Facilities

Lexington Park Family Support and Head Start Center	\$	710,000
Charlotte Hall Senior Activity Center		1,832,000
Fire and Rescue Revolving Loan Fund		250,000
Parking/Site Improvements		50,000
Second District Court		55,100
Airport Improvements		495,000
Governmental Center		1,100,000
Governmental Center - annex		1,343,000
Naval Air Museum & Visitors Center		2,600,000
Total Public Facilities	\$	8,435,100

Land Conservation

Agricultural Preservation Program	\$	2,116,000
Rural Legacy Program		50,000
Critical Farms Program		250,000
Total Land Conservation	\$	2,416,000

Marine

Murray Road Revetment	\$	15,000
Shoreline Conditions Assessment		80,000
Patuxent Beach Road Revetment		14,000
Tanner Creek Maint. Dredging		15,000
Total Marine	\$	124,000

SUBJECT: FY 2002 ST. MARY'S COUNTY BUDGET

Highways

Asphalt Overlay	\$ 1,500,000
Surface Treatment	375,000
Slurry Seal	200,000
Removal of Roadside Obstacles	260,000
Neighborhood Improvement Program	160,000
Transportation Plan Update	60,000
Connector - K-Mart/Wal-Mart	245,000
County Mapping	80,000
Streetscape Improvements	42,500
Regional Stormwater Management Facility	137,000
Lexington Park/Tulagi Place Master Plan	50,000
Total Highways	\$ 3,109,500

Solid Waste

Ridge Convenience Center Land Acquisition	\$ 34,000
Convenience Center Site Assessments	36,000
St. Andrews Landfill Closure Area B	216,800
Total Solid Waste	\$ 286,800

Building Services

Roof Replacements - County Facilities	\$ 150,000
Building Maintenance and Repairs	300,000
ADA Upgrades	40,000
Total Building Maintenance and Repairs	\$ 490,000

Recreation and Facility
Development

Margaret Brent Community Space	\$ 5,000
Drayden African American Schoolhouse	37,600
Piney Point Lighthouse Museum & Park	650,000
St. Clements Island Museum Exp.	178,000
Skate Park	50,000
Total Recreation and Facility Development	\$ 920,600

Parks Acquisition and
Development

Nicolet Park Expansion	\$ 787,000
Northern County Park	200,000
Chancellors Run Park Improvement	100,000
Dorsey Park Improvements	115,000
Parks ADA Accessibility Project	202,000
Tennis Court Replacement	60,000
County Bikeway	500,000
Laurel Grove Park	210,000
Total Parks Acquisition and Development	\$ 2,174,000

Public Landings Acquisition
and Development

Derelict Boat Removal	\$ 30,000
Abell's Wharf Public Landing	50,000
St. Inigoes Public Landing	50,000
Wicomico Shores Public Landing	50,000
Total Public Landings Acquisition and Development	\$ 180,000

SUBJECT: FY 2002 ST. MARY'S COUNTY BUDGET

Public Schools

Banneker Elementary Addition/Renovation	\$ 2,326,000
Margaret Brent Middle Addition/Renovation	998,000
Relocatable Classrooms Future Capacity	383,000
ADA Transition Plan	831,000
Site/Parking Restoration - Various Locations	65,000
Lexington Park Elementary Addition/Renovation	738,000
Technical Center Addition/Renovation	12,284,000
Technology in School-one School	16,000
White Marsh HVAC Systemic Renov.	982,000
White Marsh Roof Systemic Renov.	387,000
Lettie Dent Elem. Roof Systemic Renov.	478,000
Greenview Knolls El. Parking Lot Mods.	190,000
Spring Ridge MS Well Replacement	80,000
Technical Center Relocatables	102,000
Carver Elem. Replacement School	262,000
Mechanicsville ES HVAC Sys Ren	1,283,000
Town Creek Gymnasium	579,000
Total Public Schools	\$ 21,984,000

TOTAL CAPITAL IMPROVEMENTS FUND \$ 40,120,000

AND BE IT FURTHER ORDAINED in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-3, that the Capital Program for the fiscal years ending June 30, 2003; June 30, 2004; June 30, 2005; June 30, 2006 and June 30, 2007; is hereby adopted as set forth in the St. Mary's County Approved Budget for Fiscal Year 2002, a copy of which is incorporated herein by reference, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: ALL

Those voting Nay: _____

Those Absent: _____

Adoption Date: May 29, 2001

Effective Date: July 1, 2001

ATTEST:

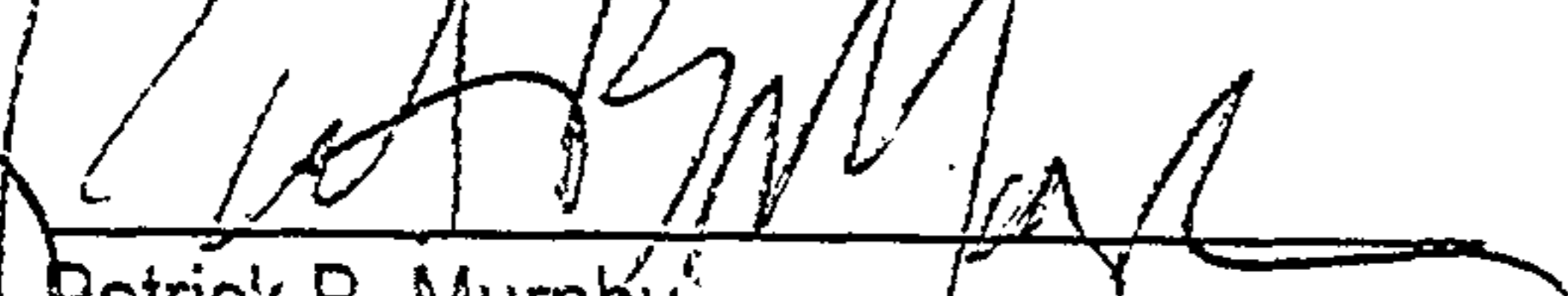


Alfred A. Lacer
County Administrator



Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND SUFFICIENCY:


Patrick B. Murphy
County Attorney

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND



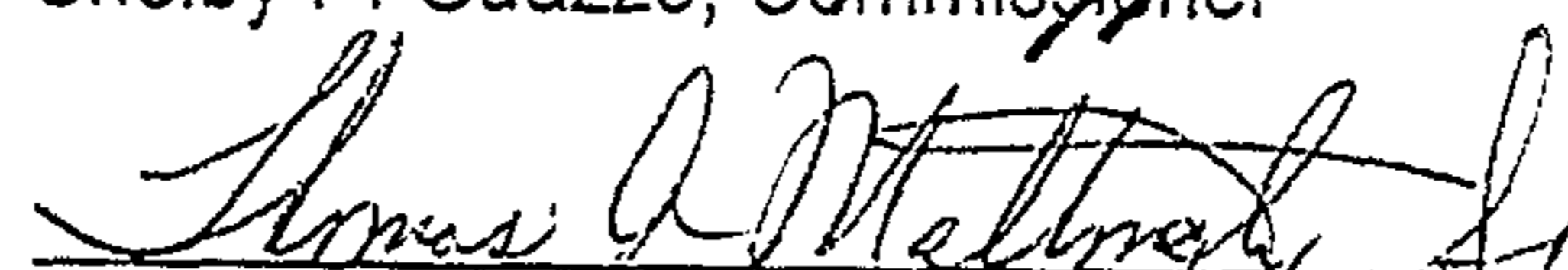
Julie B. Randall, President



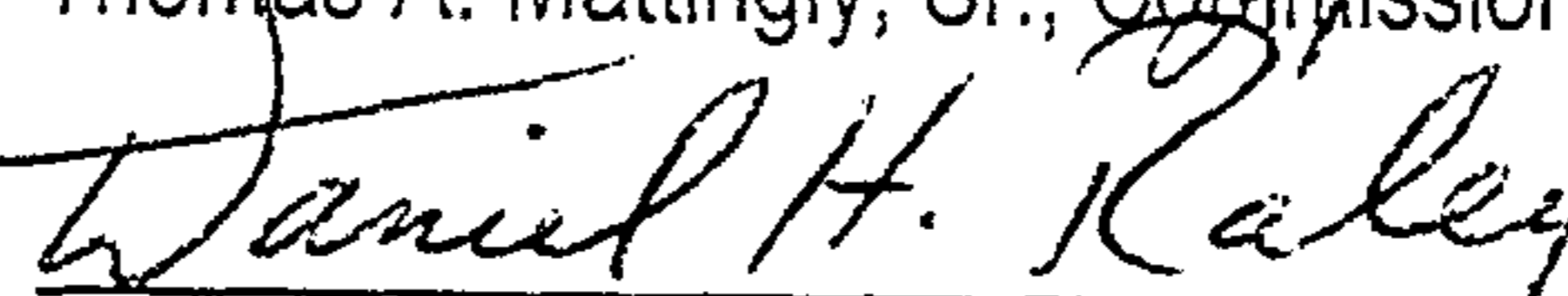
Joseph F. Anderson, Commissioner



Shelby P. Guazzo, Commissioner



Thomas A. Mattingly, Sr., Commissioner



Daniel H. Raley, Commissioner

NO.: 2001-09

SUBJECT: FY 2001 Supplemental Appropriation
Advanced Life Support

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2001 General Fund Operating Budget to increase the appropriation for Community Services of St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$9,200.00 are available in State funds, for the purpose of various Advanced Life Support classes for continuing Education.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, May 15, 2001 pursuant to Notice published on or about May 4, 2001 and May 11, 2001 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, May 15, 2001 to present and explain the requirements to increase the Fiscal Year 2001 Budget in the amount of \$9,200.00 (Nine Thousand Two Hundred Dollars), and such increase is hereby approved this 29th day of May, 2001 by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: ALL
Those voting Nay:
Those Absent:

Date of Adoption: 05/29/01
Effective Date: 05/29/01

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:
Alfred A. Lacer
Alfred A. Lacer
County Administrator

FUNDING AVAILABILITY VERIFIED:
Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Patrick B. Murphy
Patrick B. Murphy
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
RESERVED Rcpt#999999
SMA FC BIK#172
Jun 05, 2001 81:43 PM

SUBJ.: FY 2001 Supplemental Appropriation
Department of Recreation and Parks

ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 2000 Capital Improvement Budget to increase the appropriation for the Department of Recreation and Parks for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19. (St. Mary's County) §27-9(A). The St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$75,000.00 are available in the form of State grant funds by the Maryland Boundless Playground Initiative. Natural Resource Article, §5-901, of the Annotated Code of Maryland. For the purpose of planning, designing and construction of a universally accessible and usable playground for children with disabilities to be built at Lancaster Park.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on May 15, 2001 pursuant to Notice published on or about May 4, 2001 and May 11, 2001 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on May 15, 2001 to present and explain the requirements to increase the Fiscal Year 2001 Budget in the amount of \$75,000.00 (Seventy Five Thousand Dollars) and such increase is hereby approved this 29 day of May, 2001, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: ALL
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 05/29/01
Effective Date: 05/29/01

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND
Julie B. Randall
Julie B. Randall, President
Joseph F. Anderson
Joseph F. Anderson, Commissioner
Shelby P. Guazzo
Shelby P. Guazzo, Commissioner
Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner
Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:
Alfred A. Lacer
Alfred A. Lacer
County Administrator

FUNDING AVAILABILITY VERIFIED:
Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Pattick B. Murphy
Pattick B. Murphy
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Rec#SMB3 Acct#999999
EWA FG 814472
Jun 05, 2001 01:44 PM

SUBJ: FY 2001 Supplemental Appropriation
Office on Aging

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2001 General Fund Operating Budget to increase the appropriation for the Office on Aging for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$17,500.00, \$41,820.00, \$28,915 are available in Federal funds from the Maryland Department of Aging, Older Americans Act funds, for the purpose of increasing senior nutrition and community service projects.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, May 15, 2001 pursuant to Notice published on or about May 4, 2001 and May 11, 2001 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on May 15, 2001 to present and explain the requirements to increase the Fiscal Year 2001 Budget in the amount of \$88,235.00 (Eighty Eight Thousand Two Hundred Thirty Five Dollars), and such increase is hereby approved this 29th day of May, 2001, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: ALL
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 05/29/01

Effective Date: 05/29/01

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr. Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:

Alfred A. Lacer
Alfred A. Lacer
County Administrator

Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Patrick B. Murphy
Patrick B. Murphy
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Rest#3003 Rort#999999
EWA FC 214#172
Jun 05, 2001 01:47 PM

BOOK 0010 PAGE 0-69
CERTIFICATION OF FUNDS AVAILABILITY
DIRECTOR OF FINANCE
SUPPLEMENTAL OR EMERGENCY APPROPRIATION

Section 27-9 of the St. Mary's County Code states that the County Commissioners may make additional, supplementary or emergency appropriations during any fiscal year only if the Chief Financial Officer certifies in writing that funds are available for appropriation.

DATE: May 15, 2001
TO: Board of County Commissioners

ORDINANCE
NUMBER:

PURPOSE: paying salaries for staff & monitoring of rentals. Replace equipment and furniture. Enrollment in low income, elderly, and disabled Medicare beneficiaries in Medicaid "by- in programs". For educational materials for the prevention of elderly abuse.

FUNDS CERTIFICATION:

<u>Amount</u>	<u>Source</u>
\$17,500.00	Rental Fees
\$41,820.00	Per Notice of Grant Award from the Maryland Department of Aging, Numbered 5-24-AAA-013.
\$28,915.00	Per Notice of Grant Award from the Maryland Department of Aging, Numbered 3-24-AAA-013.



Elaine M. Kramer
Director of Finance

NO: 2001-13

SUBJ: 911 System Enhancement and Maintenance Fee for Wireless Telephone Use in St. Mary's County

ORDINANCE

An Ordinance pertaining to the adoption of an additional local 911 fee for wireless telephone service

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland recognizes the importance of the safety and well-being of the Citizens of St. Mary's County and the need for timely and appropriate assistance when lives or property of Citizens are in imminent danger; and

WHEREAS, St. Mary's County, Maryland, has a 911 emergency telephone number and it is recognized that assistance to protect the health, safety and welfare of the Citizens of this County is almost always summoned by telephone; and

WHEREAS, the Board of County Commissioners, pursuant to Article 41, Sections 18-101 through 18-108 of the Annotated Code of Maryland is authorized to impose a local 911 fee to aid in the recovery of costs associated with the operation and maintenance of the St. Mary's County 911 system as well as an assessment by local government of an additional 911 fee for wireless telephone service; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland has determined that the additional revenues generated from an addition to the 911 fee are necessary to offset a portion of the operation maintenance costs of the 911 emergency telephone system to the taxpayers of St. Mary's County, Maryland; and

WHEREAS, in accordance with Article 25, Section 3(r) of the Annotated Code of Maryland, notice of the public hearing was advertised on April 20, 2001 and April 25, 2001 in The Enterprise, a newspaper of general circulation and a public hearing was held on May 1, 2001 to consider public comment and discussion concerning an Ordinance to adopt an additional 911 fee for wireless telephone service; and

WHEREAS, upon consideration of comment and input from staff and the public, the Board of County Commissioners deems it in the interest of public health, safety, and welfare to adopt an Ordinance establishing fifty (\$.50) cents per month charge in addition to the 911 fee to all monthly wireless telephone service within the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for St. Mary's County, Maryland that there is hereby imposed an additional charge of fifty cents (\$.50) per month to be applied to all current bills rendered for wireless telephone service within St. Mary's County, Maryland, under the authority of Article 41, Section 18-105(c) of the Annotated Code of Maryland.

Those voting aye: ALL

Those voting nay:

Those abstaining or absent:

Approval Date: 05/29/01

Effective Date: 05/29/01

BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND

Julie B. Randall, President

Joseph F. Anderson, Commissioner

Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Commissioner

Daniel H. Raley, Commissioner

ATTEST: Alfred A. Lacer, County Administrator

APPROVED AS TO FORM AND SUFFICIENCY: Patrick B. Murphy, County Attorney

RECORDING FEE 0.00 TOTAL 0.00 Res#3463 Ref#999999 EWA FG Bk#172 Jun 05, 2001 01:48 PM

Resolution No. 2001-36

**Subject: APPOINTMENT OF
COMMISSION AND TASK FORCE TO STUDY AND
MAKE RECOMMENDATIONS ON AFFORDABLE
HOUSING COUNTY-WIDE AND TO INVESTIGATE
THE APPROPRIATE STEPS FOR PROVISION OF
LOW COST HOUSING TO REPLACE OCCUPIABLE
DWELLINGS PROPOSED FOR ELIMINATION IN
THE AICUZ ZONE**

RECORDING FEE 0.00
TOTAL 0.00

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland is empowered to enact, establish and amend zoning regulations pursuant to the authority granted under Article 66B, Section 4.04(a) of the Annotated Code of Maryland and Section 70.1.1 of the St. Mary's County Zoning Ordinance, as amended by Ordinance Number Z-2000-01, adopted and effective February 1, 2000; and

REC-3403 REC-4999999

WHEREAS, § 38.1 of Article III of the County's Zoning Ordinance establishes the AICUZ zone, an overlay zone created for the purpose of providing protection to life and property in the vicinity of air facilities as well as protecting the mission, functions and viability of air facilities; and

EHA FC BIK-172

WHEREAS, the AICUZ zone was enacted for the specific purpose of preventing the establishment of certain land uses, particularly two-family and multi-family residential land uses, near air facilities which uses are, by their nature, incompatible with air facilities due to safety considerations and the detrimental impact of noise, emissions and other effects of aircraft and airport operations; and

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WHEREAS, intense residential development in close proximity to air facilities is inappropriate and inconsistent with the County's comprehensive zoning plan because individuals should not be required to live in areas impacted by noise, emissions and other adverse effects of air facilities; the problems associated with residential development near air facilities are a particular concern in the case of low-cost housing where the affected individuals may have more limited options in selecting a residence; and

WHEREAS, the location of the United States Navy Patuxent River Naval Air Station in St. Mary's County is important to the mission of the United States Navy, the viability of many County businesses and the stability of communities in the County; and

WHEREAS, the concentration of two-family and multi-family residential uses in the AICUZ zone is necessarily adversely impacted by air facilities operations; and

WHEREAS, the perpetuation and reconstruction of residential non-conforming uses in the AICUZ zone could undermine the effectiveness of the AICUZ zone and defeat its purposes; and

WHEREAS, the detrimental effect of residential non-conforming uses is particularly acute in the AICUZ zone given the severe degree of incompatibility between aircraft and airport operations and two-family and multi-family residential uses; and

WHEREAS, a more stringent non-conforming use provision would result in the eventual elimination of such incompatible land uses in the AICUZ zone in a manner that is consistent with (1) the policy of Maryland law that land uses be consistent with a comprehensive zoning plan and that non-conforming uses be eventually removed and (2) the rights of property owners to make productive and beneficial use of their properties; and

WHEREAS, the Board of County Commissioners for St. Mary's County has determined that it may be advisable to amend § 38.1 of Article III of the County Zoning Ordinance to establish a special and more stringent non-conforming use provision for the purpose of eliminating certain residential non-conforming uses in the AICUZ zone in a fair and equitable manner which allows the property owner to enjoy beneficial use of his or her property; and

WHEREAS, the County Commissioners may impose a special non-conforming use provision in the AICUZ zone which will provide that no two-family or multi-family non-conforming residential dwelling shall be reestablished or reoccupied, regardless of the intention of the property owner to abandon or not abandon the dwelling, if (1) the dwelling is vacant for a period of six months or more, (2) the dwelling is destroyed or damaged by fire or flood and the reasonable cost of repairing the structure exceeds 50 percent of its replacement cost, or (3) the dwelling is vacant and does not meet livability requirements and the reasonable cost of repairing the structure to meet such requirements exceeds its fair market value.

WHEREAS, many of the occupiable two-family or multi-family dwellings in the AICUZ zone constitute low cost housing for individuals of low or moderate income; and

WHEREAS, a draft ordinance imposing more stringent non-conforming use provisions in the AICUZ zone is attached as Exhibit 1; and

WHEREAS, the elimination of two-family and multi-family residential uses in the AICUZ zone will have the effect of reducing the availability of low or moderate cost housing in the County and potentially displacing individuals with low to moderate income from their housing; and

WHEREAS, it is a basic function of good government to ensure the adequacy of safe, accessible and affordable housing and St. Mary's County Government is committed to making sure its citizens have such housing; and

WHEREAS, the current stock of housing for low to moderate income persons in the County is less than desirable, and is often times in substandard condition; and

WHEREAS, immediate action needs to be taken to make available affordable housing throughout the County; and

WHEREAS, in partnership and cooperation with the St. Mary's County Housing Authority and the Maryland Department of Housing, the Board of County Commissioners deems it in the best interest of all the citizens of St. Mary's County to appoint a Blue Ribbon commission to study the general issue of affordable housing County-wide and to study and make recommendations to provide affordable housing outside of the AICUZ (Air Installations Compatibility Zone) and Lexington Manor; and

WHEREAS, the Lexington Manor community located in Lexington Park constitutes substandard housing in that it contains buildings that are in such disrepair that it poses a health and safety risk for its own residents as well as being a blight on the Lexington Park landscape; and

WHEREAS, Lexington Manor is also located in the AICUZ where current zoning regulations, for safety reasons and to protect the mission capabilities of Patuxent River Naval Air Station, permit only two single-family homes per acre; and

WHEREAS, the Board of County Commissioners deems it in the best interest of all the citizens of St. Mary's County, in addition to the above-referenced commission, to appoint a task force to assist the commission in formulating a relocation plan to

provide the residents of Lexington Manor with safe, affordable housing outside the AICUZ; and

WHEREAS, it is the policy of the County to work closely with State and Federal agencies, including the U.S. Department of Housing and Urban Development and the Maryland Department of Housing and Community Development, to meet the goals of the United States Fair Housing Act, 42 U.S.C. §§3601 et seq., of ensuring adequate, safe and affordable housing for low to moderate income individuals regardless of race, color, religion, sex, familial status or national origin; and

WHEREAS, the County Commissioners do not deem it appropriate to establish a special and more stringent non-conforming use provision for the purpose of eliminating two-family and multi-family dwellings in the AICUZ zone which constitute occupiable housing for low or moderate income individuals until such time as the County Commissioners have adopted a plan for the replacement of such housing; and

WHEREAS, housing for low to moderate income individuals should not be concentrated in areas such as the AICUZ zone which are impacted by airport operations and are a less desirable place to live as a result of the danger, noise, emissions and other adverse effects of airport operations; and

WHEREAS, the County Commissioners deem it appropriate and in the best interests of the citizens of the County to appoint a special commission to investigate promptly and make recommendations to the County Commissioners regarding a plan to replace occupiable two-family or multi-family dwellings in the AICUZ zone constituting housing for low or moderate income persons which would be eliminated under the terms of the draft Ordinance attached as Exhibit 1.

NOW, THEREFORE, BE IT RESOLVED, by the Board of St. Mary's County Commissioners that:

1. A. The County Administrator shall not later than fourteen (14) days from the date of this Resolution present to the Board of County Commissioners the names of not more than nine (9) qualified individuals to serve on a special commission to (i) study the issue of affordable housing County-wide and to present a plan to address the County's housing issues and (ii) to make recommendations to the County Commissioners regarding a plan to replace occupiable two-family and multi-family dwellings in the AICUZ zone that constitute housing for low or moderate income individuals and that would be eliminated by the more stringent non-conforming use provisions set forth in the draft Ordinance attached as Exhibit 1.

B. The County Administrator shall not later than fourteen (14) days from the date of this Resolution also present to the Board of County Commissioners the names of not more than nine (9) qualified individuals to serve on a task force to make recommendations to the commission mentioned in Section 1.A. above regarding a plan to replace occupiable two-family and multi-family dwellings in the area known as Lexington Manor that constitute housing for low or moderate income individuals and that would be eliminated by the more stringent non-conforming use provision set forth in the draft Ordinance attached as Exhibit 1.

2. The County Commissioners shall appoint the special commission described in Paragraph 1.A and task force described in paragraph 1.B above not later than seven (7) days after receiving recommendations from the County Administrator.

3. The County Office of Planning and Zoning, the County Housing Authority and other County agencies shall provide such reasonable administrative and other support as may be required by the commission and the task force to perform its functions.

4. Upon the request of the commission and the task force, the County Administrator shall retain such independent expert consultants to assist the commission or the task force as he deems reasonable and advisable.

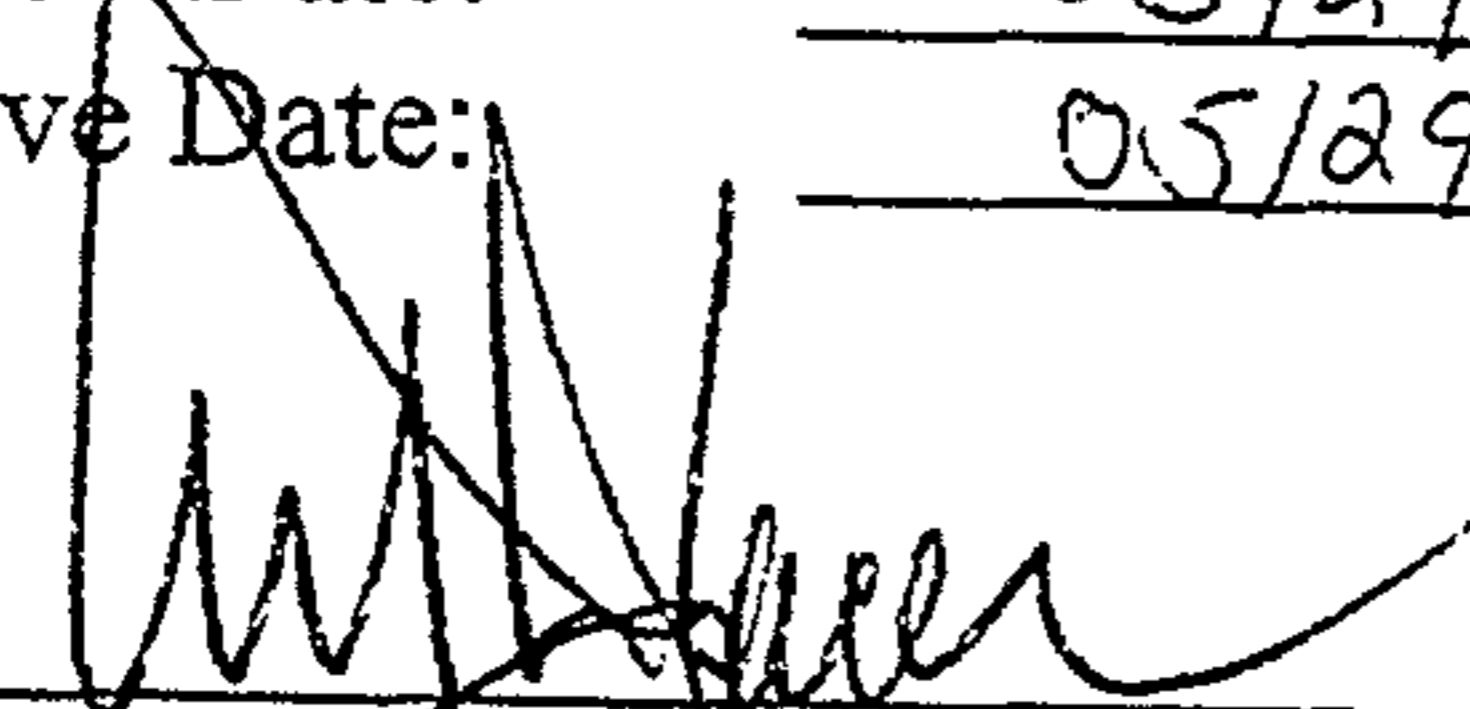
5. A. The commission shall submit its report and recommendations to the County Commissioners not later than five (5) months after the date of the appointment of the commission.

B. The task force shall submit its report and recommendations to the commission not later than four (4) months after the date of the appointment of the task force.

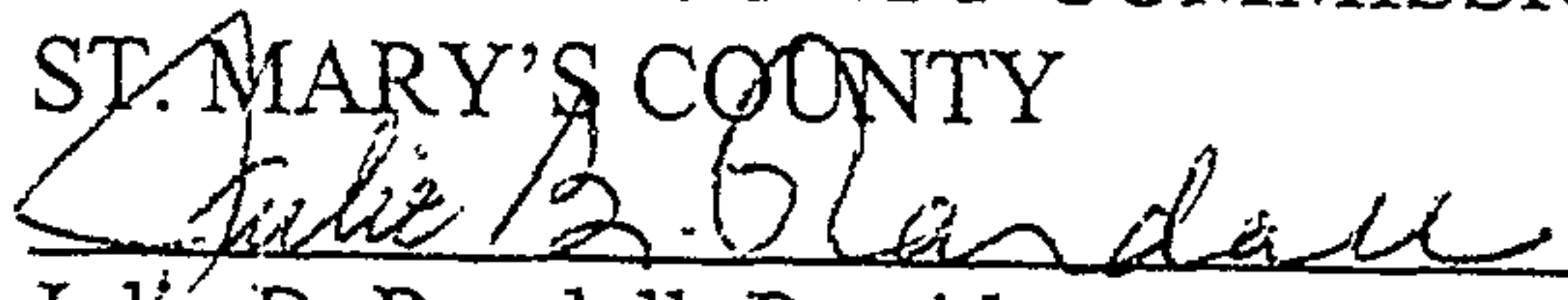
6. The recitals above are incorporated herein.

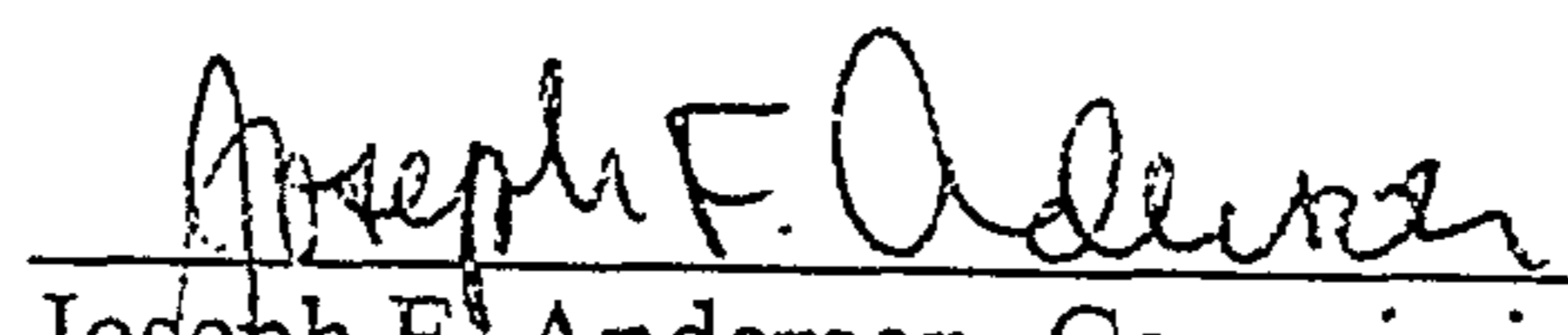
Adoption Date: 05/29/01

Effective Date: 05/29/01

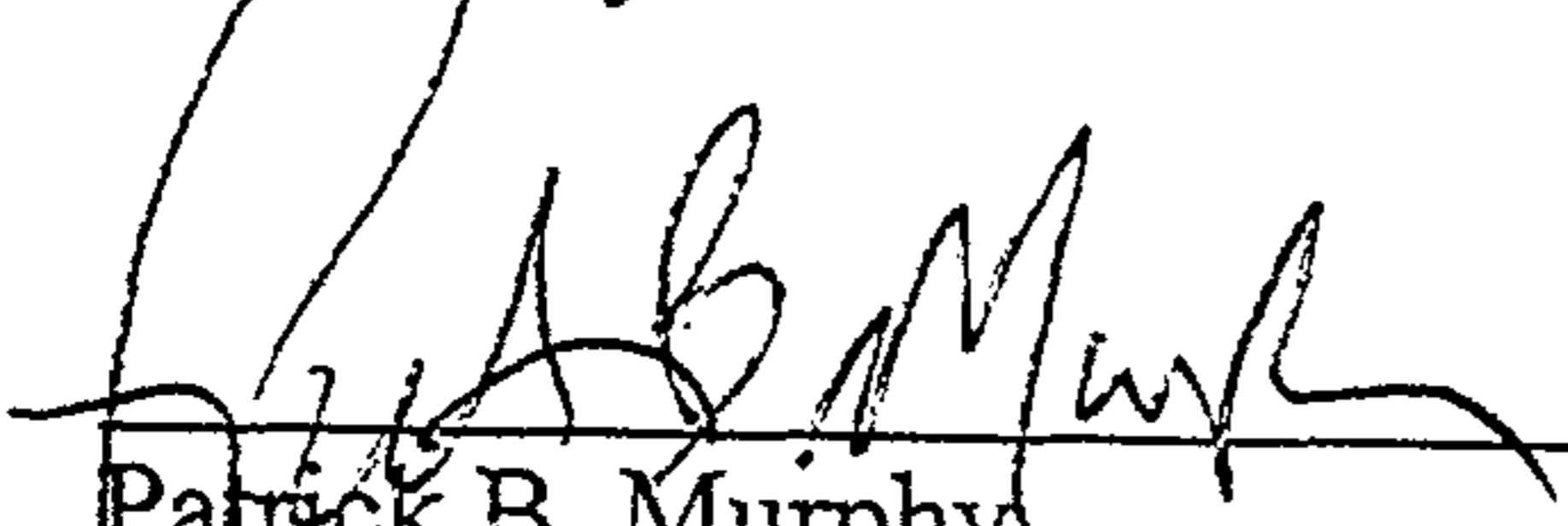
Attest: 
Alfred A. Lacer
County Administrator

BOARD OF COUNTY COMMISSIONERS FOR
ST. MARY'S COUNTY

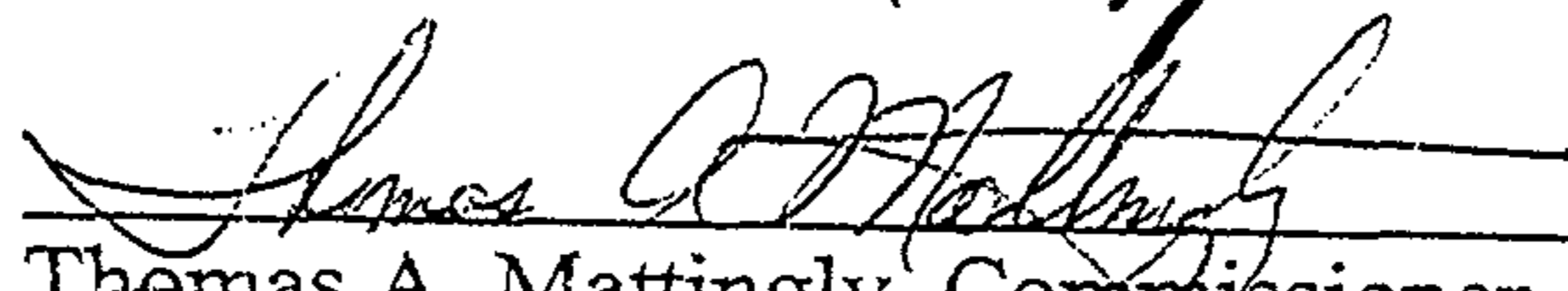

Julie B. Randall, President


Joseph F. Anderson, Commissioner

Approved for Legal Form and
Sufficiency


Patrick B. Murphy
County Attorney


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Commissioner


Daniel H. Raley, Commissioner

DRAFT

PURPOSE

FOR THE PURPOSE of amending Article III, § 38.1 of the St. Mary's County Zoning Ordinance and Chapter 236 (Livability Code) of the St. Mary's County Code to (1) add a new § 38.1(i) to establish special non-conforming/non-complying use provisions for the AICUZ zone for the purpose of eliminating, in a fair and equitable manner, two-family and multi-family residential non-conforming and non-complying uses in this zone, which such uses have an acute, adverse effect on the health, safety and welfare of citizens residing in the zone and on the mission, functions and continued viability of air facilities, and (2) add a new § 236-19 to require that a property owner obtain an AICUZ Certificate of Occupancy before permitting a two-family or multi-family residential non-conforming use in the AICUZ zone to be reoccupied by a tenant or person other than the property owner if the building, housing unit or premises is vacant on or after December 1, 2000.

ORDINANCE

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland are empowered to enact, establish and amend zoning regulations pursuant to the authority granted under Article 66B, Section 4.04(a) of the Annotated Code of Maryland and Section 70.1.1 of the St. Mary's County Zoning Ordinance, as amended by Ordinance Number Z-2000-01, adopted and effective February 1, 2000, without receiving a recommendation from the Planning Commission; and

WHEREAS, § 38.1 of Article III of the County's Zoning Ordinance establishes the Air Installations Compatible Use Zone, hereinafter, "AICUZ," an overlay zone created for the purpose of providing protection to life and property in the vicinity of air facilities as well as protecting the mission, functions and viability of air facilities; and

WHEREAS, the AICUZ zone was enacted for the specific purpose of preventing the establishment of certain land uses, particularly two-family and multi-family residential land uses, near air facilities which uses are, by their nature, incompatible with air facilities due to safety considerations and the detrimental impact of noise, emissions and other effects of aircraft and airport operations; and

WHEREAS, the location of the United States Navy Patuxent River Naval Air Station in St. Mary's County is important to the mission of the United States Navy, the viability of many County businesses and the stability of communities in the County; and

WHEREAS, the concentration of two-family and multi-family residential uses in the AICUZ zone is necessarily adversely impacted by air facilities operations; and

WHEREAS, the perpetuation and reconstruction of residential non-conforming uses in the AICUZ zone undermines the effectiveness of the AICUZ zone and defeat its purposes; and

WHEREAS, the detrimental effect of residential non-conforming uses is particularly acute in the AICUZ zone given the severe degree of incompatibility between aircraft and airport operations and two-family and multi-family residential uses; and

WHEREAS, a more stringent non-conforming use provision will result in the eventual elimination of such incompatible land uses in the AICUZ zone in a manner that is consistent with the rights of property owners to make productive and beneficial use of his or her properties; and

WHEREAS, the Board of County Commissioners for St. Mary's County has determined that it is advisable to amend § 38.1 of Article III of the County Zoning Ordinance to establish a special and more stringent non-conforming use provision for the purpose of eliminating certain residential non-conforming uses in the AICUZ zone in a fair and equitable manner which allows the property owner to enjoy beneficial use of his or her property; and

WHEREAS, the awarding of density transfer development rights to property owners whose nonconforming two and multi-family dwelling uses are eliminated, pursuant to the provisions set forth herein, will ameliorate and reduce any adverse economic impact from the elimination of such nonconforming uses; and

WHEREAS, the County Commissioners find it in the best interest of the health, safety, welfare and morals of the County to impose a special non-conforming use provision in the AICUZ zone which shall provide that no two-family or multi-family non-conforming residential dwelling shall be reestablished or reoccupied, regardless of the intention of the property owner to abandon or not abandon the dwelling, if: (1) dwellings within a building are not actually occupied for residential purposes for a continuous period of six months or more, (2) a building containing dwellings is destroyed or damaged by fire, flood, explosion or any other cause, and the cost of repairing the building exceeds 50 percent of its fair market value, or (3) there is a transfer of right, title or interest, legal, equitable or possessory, in a building the subject of this Ordinance and that building does not meet livability requirements and the reasonable cost of repairing the building to meet such requirements exceeds its fair market value, (ascertained at the time this determination is made), as determined by the Planning Director; and

WHEREAS, the new special non-conforming use provision could create an incentive on the part of property owners quickly to cause the reoccupation of such two-family or multi-family buildings before the expiration of the six month period to forestall the termination of the non-conforming use, regardless of whether a building, structure or housing unit satisfies the livability requirements of Chapter 236 of the County Code; and

WHEREAS, to prevent the leasing or occupation in the AICUZ zone of buildings, structures, housing units and premises that are not in compliance with the livability requirements of Chapter 236 of the County Code, the County Commissioners deem it advisable to amend Chapter 236 of the County Code to add a new § 236-19 which shall provide that, if a two-family or multi-family residential building, structure, housing unit or premises is located in the AICUZ zone and is not actually occupied for residential purposes on or after December 1, 2000, the property owner or operator may not permit the building, structure, housing unit or premises to be reoccupied by a tenant or person other than the property owner without first obtaining an AICUZ Certificate of Occupancy from the Code Official as defined in Chapter 236 of the St. Mary's County Code; and

WHEREAS, pursuant to Article 66b of the Annotated Code of Maryland, §4.04, the County Commissioners held a public hearing on the ____ day of _____, 2000, after due notice and publication on _____ in The Enterprise, a newspaper of general circulation in _____.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland that:

SECTION 1. The County Zoning Ordinance heretofore adopted and currently in effect shall be and the same is hereby amended as follows:

A. Section 38.1 of Article III of the County Zoning Ordinance is amended to add a § 38.1(i) which shall read as follows:

1. SPECIAL NON-CONFORMING USE PROVISION

- (1) PURPOSE. There is a high degree of incompatibility between aircraft and airport operations and certain land uses, particularly two-family and multi-family residential uses. Accordingly, a special and more stringent non-conforming use provision is applied in the AICUZ zone to two-family and multi-family dwellings to ensure the elimination of these non-conforming uses within a reasonable period of time and consistent with the rights of property owners to enjoy reasonable, beneficial use of their properties.
- (2) For purposes of this § 38.1(i), "vacant" shall include, but not be limited to, the cessation of the utilization of a two-family or multi-family dwelling for the purposes of human habitation; "occupation," "occupied," "reoccupation" or "reoccupied" shall mean possession by a person with intent to reside. Occupation of one dwelling unit of a two-family or multi-family building shall be deemed occupation of the entire building. For purposes of this § 38.1(i), the term "building" shall mean a structure constructed or renovated to accommodate two-family or multi-family dwellings that encloses both units of a two-family dwelling or all units of a multi-family dwelling.
- (3) No building containing a two-family or multi-family dwelling within the AICUZ overlay Zone APZ1 or APZ2 shall be reestablished or reoccupied that is or becomes: (a) vacant for any continuous period of six (6) months or more after December 1, 2000; (b) damaged or deteriorated by fire, flood, explosion or any other cause, including, but not limited to, neglect or failure to maintain the building, to the building in which two-family or multi-family dwelling is maintained and the reasonable cost of repairing such damage or deterioration exceeds fifty (50) percent of the fair market value, (ascertained at the time this determination is made), of such building, as determined by the Planning Director; or (c) the subject of a transfer of right, title or interest, (legal, equitable or possessory), in a building the subject of this Ordinance after December 1, 2000 and does not meet the livability requirements set forth in §§ 236-13 through 236-17 of the St. Mary's County Code and the reasonable cost of repairing or renovating the building in which the dwelling is maintained exceeds fifty (50) percent of the fair market value, (ascertained at the time this determination is made), of the building, as determined by the Planning Director.
- (4) A non-conforming or non-complying use of a building terminated under this subsection § 38.1(i) shall not be reestablished or reoccupied regardless of the property owner's intention to abandon or not abandon the non-conforming or non-complying use during any period of vacancy or cessation of use. Notwithstanding any judicial or administrative interpretation of the term "non-conforming use" or "non-complying use" §§ 48.1 through 48.6 and Article 8 of the County Zoning Ordinance, for purposes of this § 38.1(i), the terms "non-conforming use" and "non-complying use" shall include and be applicable to any individual dwelling, building or structure located on real property. For example, if a single parcel contains two separate buildings, each containing two-family residential

non-conforming uses, and both dwelling units in one building are vacant for a period of six months or more after December 1, 2000, the use of the building as a two-family dwelling may not be reestablished or reoccupied; but the use of the other building may be continued if the continuation of the use is otherwise consistent with this § 38.1 and the other provisions of the Zoning Ordinance.

- (5) The non-conforming use provisions set forth in §§ 48.1 through 48.6 of the County Zoning Ordinance shall remain applicable in the AICUZ zone and the provisions of this § 38.1(i) shall supplement those provisions. In the event of a conflict between this § 38.1(i), the more restrictive provision (that is, those favoring discontinuance of a nonconforming two or multi-family dwelling) shall apply.
- (6) The provisions of § 48.7 of the Zoning Ordinance shall not apply in the AICUZ zone.
- (7) The Planning Director or his/her designee, as defined by § 61.0 of this Zoning Ordinance, shall have the right and authority to enter onto and into the property containing any two-family or multi-family dwelling in the AICUZ at any reasonable time for the purpose of determining whether the building is vacant and for the purpose of making such appraisal or other economic analysis as may, in the discretion of the Planning Director or designee be related to the termination of a non-conforming use. At the request of the Planning Director or designee, the Sheriff or his designee shall accompany the Planning Director or his designee to ensure the right and authority granted by this subsection. Additionally, the Planning Director may apply to the circuit court for an injunction and to obtain compensatory and punitive money damages prohibiting interference with the right and authority granted by this subsection. The Planning Director or designee, shall have the right and authority to demand the production of financial investment or data related to the determination of the remaining economic life or the reasonable return on financial investment of all building containing two-family or multi-family dwelling(s) subject to this subsection § 38.1(i), which information shall be supplied to the Planning Director or his designee within fifteen (15) days of said demand.
- (8) Notwithstanding the provisions of § 38.1(i)(3), above, the residential use of any building containing two-family and multi-family dwelling(s) in the AICUZ shall cease within thirty (30) days of the longer of for each building:
 - (a) The remaining economic life of the building containing the two-family or multi-family dwelling(s); or
 - (b) The period of time reasonably necessary for the owner of the building containing two-family or multi-family dwelling(s) to receive a reasonable return of financial investment in the building containing the two or multi-family dwelling.

The time periods referenced above shall be determined by the County Commissioners by later Ordinance upon a

public hearing, as provided in the Maryland Annotated Code, *Article 25*, Section 3(r), and upon the receipt of the written recommendation of a Hearing Officer appointed by the County Commissioners by Resolution. At such hearing, any person holding an interest of record of a subject property, or the rents or profits therefrom, may present relevant information and cross-examine witnesses. The Planning Director or his/her designee, as defined by § 61.0 of this Zoning Ordinance shall also have the right to present relevant information and cross-examine witnesses. The period of time referenced above shall not begin to run until the time periods are established by the Board of County Commissioners for St. Mary's County, Maryland.

- (9) In forming a recommendation pursuant to § 38.1(i)(6)(b), above, the Hearing Officer or designee, shall conduct an evidentiary hearing for the presentation of evidence related to his/her recommendation upon serving reasonable notice of such hearing upon all persons holding an interest of record of a subject property, or the rents or profits therefrom, through certified mail at least fourteen (14) days prior to such hearing. Subject to reasonable restrictions regarding time, any person holding an interest of record of a subject property, or the rents or profits therefrom, and the Planning Director or his/her designee, as defined by § 61.0 of this Zoning Ordinance, may present relevant information and cross-examine witnesses at such hearing.
- (10) The owner(s) of a property upon which a two or multi-family dwelling use is terminated under subsection § 38.1(i)(6), above, and that is registered as a non-conforming use in accordance with the provisions of this Zoning Ordinance, shall be entitled to a density transfer development right for 1 of every 2 buildings containing a two or multi-family dwelling terminated under the provisions of this § 38.1(i), with a minimum of one density transfer development right per building, the use of which has been terminated under this §38.1(i). No density transfer development right shall be granted upon a finding that a building for which a density transfer development right is sought was vacant, or the use of which ceased, as set forth at subsection § 38.1(i)(3), above.

SECTION 2: The St. Mary's County Code heretofore adopted and currently in effect shall be and the same is hereby amended as follows:

A. Chapter 236 of the St. Mary's County Code is amended to add a new § 236-19 which shall read as follows:

§ 236-19 AICUZ Certificate of Occupancy

A. If a two-family or multi-family dwelling, as defined in the St. Mary's County Zoning Ordinance, housing unit or premises is located in the Air Installations Compatible Use Zone ("AICUZ") established by § 38.1 of the St. Mary's County Zoning Ordinance, and is vacant on or after December 1, 2000, the property owner or operator may not permit the building, housing unit or premises to be reoccupied by a tenant or person other than the property owner without first obtaining an AICUZ Certificate of Occupancy from the Code Official. For purposes of this § 236-19, the terms "occupied", "reoccupied" and "vacant" shall have the meaning set forth in § 38.1(i)(2) of the County Zoning Ordinance.

B. The Code Official shall issue an AICUZ Certificate of Occupancy if the Code Official determines, after inspection of the two-family or multi-family dwelling, as defined in the St. Mary's County Zoning Ordinance, housing unit or premises, that it is in compliance with the livability requirements set forth in §§ 236-13 through 236-17 of the St. Mary's County Code.

C. A property owner or operator shall file an application with the Code Official for an AICUZ Certificate of Occupancy. The Code Official shall grant or deny the application within 30 days of the date of filing of the application. An application for a Certificate of Occupancy from the Code Official under this Chapter of the St. Mary's County Code shall not forestall the passage of time set forth at § 38.1(i)(2) of the St. Mary's County Zoning Ordinance or otherwise preclude or hinder the application of § 38.1(i) of the St. Mary's County Zoning Ordinance. Any person aggrieved by a decision of a Code Official pursuant to this §§ 236-19 may appeal a final decision pursuant to §§ 236-11 and 236-12 of the St. Mary's County Code.

D. A two-family or multi-family residential building, structure, housing unit or premises in the AICUZ zone that is vacant on or after December 1, 2000 shall be deemed vacant for purposes of § 38.1(i) of the St. Mary's County Zoning Ordinance until such time as the building, structure, unit or premises is occupied by the property owner or by a tenant or other person pursuant to an AICUZ Certificate of Occupancy.

SECTION 3. In the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a Court of competent jurisdiction, it is the intent of the Board of County Commissioners for St. Mary's County, Maryland to sever only the invalid portion or provision, and that the remainder of Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance, or unless deletion of the invalid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners for St. Mary's County, Maryland in enacting this Ordinance.

SECTION 4. This Ordinance shall take effect on _____.

Those voting Aye: _____

Those voting Nay: _____

Those Absent: _____

ADOPTED: _____

EFFECTIVE DATE: _____

[SIGNATURES ON THE FOLLOWING PAGE]

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND**

Alfred A. Lacer,
County Administrator

Julie B. Randall, President

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Joseph F. Anderson, Commissioner

John B. Norris, III,
Assistant County Attorney

Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

RESOLUTION

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY for the purpose of supplementing the Resolution of the County adopted on August 26, 1997 authorizing the issuance of general obligation bonds of the County by designating certain new projects as additional projects authorized to be financed with the proceeds from the sale of such bonds.

RECORDING FEE 0.00
TOTAL 0.00
Res#1502 Rec#4399999
EMA TLC BIK#751
Jun 08 2001 10:01 am

RECITALS

On August 26, 1997, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of \$26,555,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1997 dated September 1, 1997 (the "Bonds"), a portion of the proceeds of which were to be used to finance the construction, improvement or development of certain capital projects described in such Authorizing Resolution (the "Original Projects").

Section 1 of the Authorizing Resolution provides that the proceeds of the Bonds shall be applied to the payment of the cost of the projects described in Resolution No. 97-33, unless the County by resolution authorizes the application of the proceeds of the Bonds to other capital projects of the County, and any unexpended proceeds of the Bonds shall otherwise be applied as provided in Resolution No. 97-33.

The County has determined that a portion of the proceeds of the sale of the Bonds originally designated to be used to finance the costs of the Original Projects is no longer required for such purpose.

The County has determined that it is in its best interest to use \$697,910.00 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

The County has further determined that the projects being financed by the proceeds of the Bonds and listed on Schedule A attached hereto have been authorized by Chapter 360 of the Laws of Maryland of 1992, as amended, Chapter 52 of the Laws of Maryland of 1993, as amended, Chapter 439 of the Laws of Maryland of 1996, as amended, Section 46-2 of the St. Mary's County Code, as amended, and Sections 2C and 24 of Article 31 of the Annotated Code of Maryland, as amended, and have been approved by St. Mary's County Board of County Commissioners Approved Budget.

BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1: The authorizing resolution adopted by the County Commissioners of St. Mary's County on August 26, 1997 (the "Authorizing Resolution") authorizing the issuance and sale of \$26,555,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1997, dated September 1, 1997 (the "Bonds") is hereby supplemented for the sole purpose of designating the projects described in Section 2 below as additional projects the costs of which are authorized to be financed with the proceeds of the sale of the Bonds.

Section 2: The County hereby finds and determines that a portion of the proceeds from the sale of the Bonds designated to finance the construction, improvement or development of certain capital projects approved by the Authorizing Resolution is no longer required for such purpose. The County hereby designates \$697,910.00 from the proceeds of

the sale of the Bonds to be used to finance the construction, improvement or development of the projects in the County set forth in Schedule A attached to and made a part of this Resolution. The designation of such additional projects authorized to be financed from the proceeds of the sale of the Bonds shall in no way limit the County from designating such further additional projects as permitted under the Authorizing Resolution and shall in no way modify, amend or rescind any other provisions of the Authorizing Resolution.

Section 3: This Supplement Resolution shall become effective immediately upon its passage.

Date of Adoption: 05/29/01

Effective Date: 05/29/01

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
Julie B Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:

Alfred A. Lacer
Alfred A. Lacer
County Administrator

Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Patrick B. Murphy
Patrick B. Murphy
County Attorney

RESOLUTION NO. 2001-31

BOOK 0018 PAGE 0-84

SUBJ: Public Facilities Bonds of 1997
Leonardtown High Addition

Page 3 of 3

Description of Additional Projects Authorized to be Financed with
the Proceeds of the County Commissioners of St. Mary's County
Public Facilities Bonds of 1997.

St. Mary's County Public Schools - Leonardtown High Addition	\$697,910.00
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BOOK 0018 PAGE 0 85

RESOLUTION NO. 2001-32

SUBJ: Public Facilities Bonds of 1999
St. Andrews Maintenance Facility
Leonardtwn High addition
Margaret Brent Roof
Banneker Elementary Addition

Page 1 of 3

RESOLUTION

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY for the purpose of supplementing the Resolution of the County adopted on October 5, 1999 authorizing the issuance of general obligation bonds of the County by designating certain new projects as additional projects authorized to be financed with the proceeds from the sale of such bonds.

RECORDING FEE 0.00
TOTAL 0.00
Rest#002 Rct#999999
EHA TLC BIK#751
Jun 06, 2001 10:02 am

RECITALS

On October 5, 1999, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of \$29,575,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1999 dated October 15, 1999 (the "Bonds"), a portion of the proceeds of which were to be used to finance the construction, improvement or development of certain capital projects described in such Authorizing Resolution (the "Original Projects").

Section 1 of the Authorizing Resolution provides that the proceeds of the Bonds shall be applied to the payment of the cost of the projects described in Resolution No. 99-20, unless the County by resolution authorizes the application of the proceeds of the Bonds to other capital projects of the County, and any unexpended proceeds of the Bonds shall otherwise be applied as provided in Resolution No. 99-20.

The County has determined that a portion of the proceeds of the sale of the Bonds originally designated to be used to finance the costs of the Original Projects is no longer required for such purpose.

The County has determined that it is in its best interest to use \$2,250,859.00 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

The County has further determined that the projects being financed by the proceeds of the Bonds and listed on Schedule A attached hereto have been authorized by Chapter 439 of the Laws of Maryland of 1996, Chapter 460 of the Laws of Maryland of 1997, Chapter 77 of the Laws of Maryland of 1997, and Chapter 86 of the Laws of Maryland of 1999, and have been approved by St. Mary's County Board of County Commissioners Approved Budget.

BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1: The authorizing resolution adopted by the County Commissioners of St. Mary's County on October 5, 1999 (the "Authorizing Resolution") authorizing the issuance and sale of \$29,575,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1999, dated October 15, 1999 (the "Bonds") is hereby supplemented for the sole purpose of designating the projects described in Section 2 below as additional projects the costs of which are authorized to be financed with the proceeds of the sale of the Bonds.

Section 2: The County hereby finds and determines that a portion of the proceeds from the sale of the Bonds designated to finance the construction, improvement or development of certain capital projects approved by the Authorizing Resolution is no longer required for such purpose. The County hereby designates \$2,250,859.00 from the proceeds of the sale of the

BOOK 0018 PAGE 0 86

RESOLUTION NO.: 2001-32

SUBJ: Public Facilities Bonds of 1999
St. Andrews Maintenance Facility
Leonardtwn High addition
Margaret Brent Roof
Banneker Elementary Addition

Page 2 of 3

Bonds to be used to finance the construction, improvement or development of the projects in the County set forth in Schedule A attached to and made a part of this Resolution. The designation of such additional projects authorized to be financed from the proceeds of the sale of the Bonds shall in no way limit the County from designating such further additional projects as permitted under the Authorizing Resolution and shall in no way modify, amend or rescind any other provisions of the Authorizing Resolution.

Section 3: This Supplement Resolution shall become effective immediately upon its passage.

Date of Adoption: 05/29/01

Effective Date: 05/29/01

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
Julie B Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:

Alfred A. Lacer
Alfred A. Lacer
County Administrator

Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Patrick B. Murphy
Patrick B. Murphy
County Attorney

BOOK 0018 PAGE 0 87

RESOLUTION NO.: 2001-

SUBJ: Public Facilities Bonds of 1999
St. Andrews Maintenance Facility
Leonardtwn High addition
Margaret Brent Roof
Banneker Elementary Addition

Page 3 of 3

Description of Additional Projects Authorized to be Financed with
the Proceeds of the County Commissioners of St. Mary's County
Public Facilities Bonds of 1999.

St. Mary's County Public Schools – Leonardtwn High addition	\$2,149,859.00
St Andrews Maintenance Facility	\$31,000.00
Margaret Brent Roof	\$33,000.00
Banneker Elementary Addition	\$37,000.00

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2001 General Fund Operating Budget to increase the appropriation for the Office of the Sheriff for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$12,511.00 are available in state funds. From the St. Mary's County Health Department, as part of the state's Tobacco use prevention and cessation initiative for the purpose of reduction of tobacco use in St. Mary's County.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, May 15, 2001 pursuant to Notice published on or about May 4, 2001 and May 11, 2001 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, May 15, 2001, to present and explain the requirements to increase the Fiscal Year 2001 Budget in the amount of \$12,511.00 (Twelve Thousand Five Hundred & Eleven Dollars), and such increase is hereby approved this 5th day of JUNE, 2001 by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: _____
Those voting Nay: GUAZZO
Those Absent: _____

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rcr#1999999
ENA TLC BK#751
Jun 08, 2001 10:03 am

Date of Adoption: 06/05/01
Effective Date: 06/05/01

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner

ABSTAINED
Daniel H. Raley, Commissioner

ATTEST
Alfred A. Lacer
Alfred A. Lacer
County Administrator

FUNDING AVAILABILITY VERIFIED:
Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Patrick B. Murphy
Patrick B. Murphy
County Attorney

CERTIFICATION OF FUNDS AVAILABILITY
DIRECTOR OF FINANCE
SUPPLEMENTAL OR EMERGENCY APPROPRIATION

Section 27-9 of the St. Mary's County Code states that the County Commissioners may make additional, supplementary or emergency appropriations during any fiscal year only if the Chief Financial Officer certifies in writing that funds are available for appropriation.

DATE: May 15, 2001

TO: Board of County Commissioners

ORDINANCE
NUMBER:

PURPOSE: Office of the Sheriff
For the purpose of providing supplemental funds for the plan of action and tobacco use prevention and cessation program.

FUNDS CERTIFICATION:

<u>Amount</u>	<u>Source</u>
\$12,511.00	Per Notice of agreement from St. Mary's Health Department dated April 5, 2001.



Elaine M. Kramer
Director of Finance

R 00-01

ST. MARY'S COUNTY
RESOLUTION

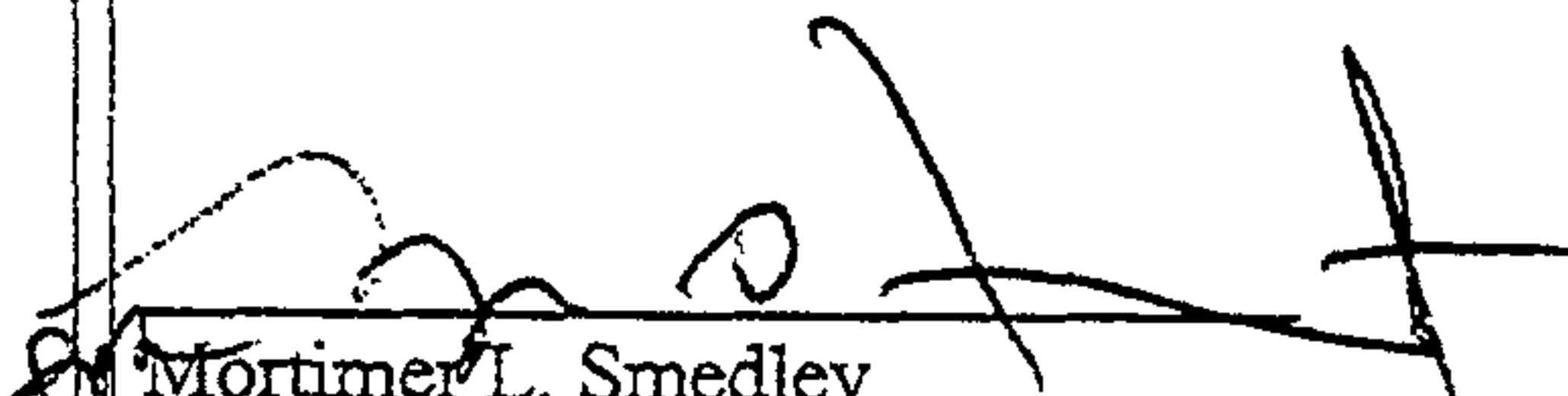
The following Resolution was adopted by the Board of County Commissioners for St. Mary's County, Maryland on the 11th day of January, 2000.

WHEREAS, in the interest of public safety and as per the recommendation of the Department of Public Works, the Board of County Commissioners for St. Mary's County, Maryland, hereby acknowledges that traffic control devices are currently posted for Pleasant Valley Court, County Route 31293; and all work has been satisfactorily completed in accordance with the Public Works Agreement dated June 1, 1999 for the Pleasant Valley Subdivision.

NOW, THEREFORE, BE IT RESOLVED that Pleasant Valley Court, County Route 31293, from Station 0+00 to Station 21+70, located in the Sixth (6th) Election District, St. Mary's County, Maryland, is hereby accepted into the County's Highway Maintenance System.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY


Mortimer L. Smedley
County Administrator

By: 
Julie B. Randall, President

SUBJ: Acceptance of Road into St. Mary's County
Highway Maintenance System
Pleasant Valley Subdivision - Pleasant
Valley Court.

RECORDING FEE 0.00
TOTAL 0.00
REGISTRATION RCP#49999999
EWA HAD BIK#1113
JUN 12, 2001 04:06 PM

ST. MARY'S COUNTY
RESOLUTION

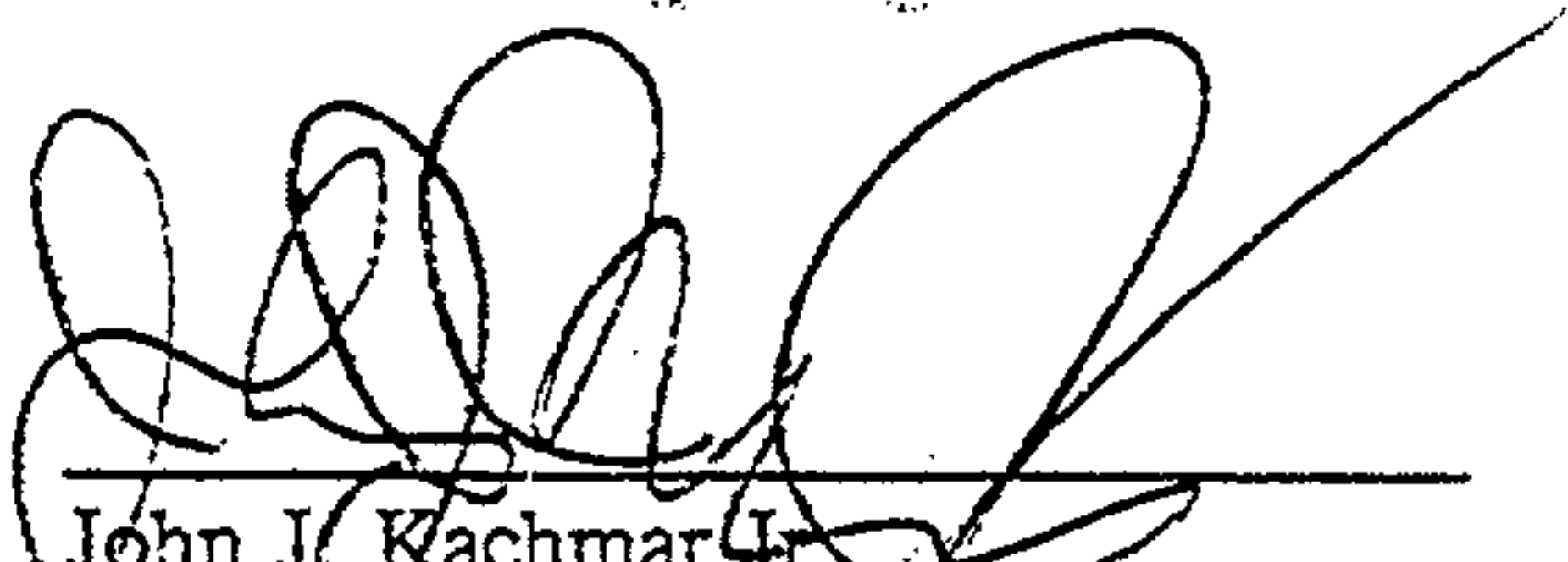
The following Resolution was adopted by the Board of St. Mary's County Commissioners on the 8th day of September, 1998.

WHEREAS, in the interest of public safety and as per the recommendation of the Department of Public Works, the Board of County Commissioners for St. Mary's County, Maryland, hereby acknowledges that traffic control devices are currently posted for the extension of Mt. Wolfe Road, County Route 30002; and all work has been satisfactorily completed in accordance with the Public Works Agreement dated March 26, 1998 for the Mount Wolfe Estates Subdivision.

NOW, THEREFORE, BE IT RESOLVED that the extension of Mt. Wolfe Road, County Route 30002, from Station 109+00 to Station 110+20, located in the Fifth (5th) Election District, St. Mary's County, Maryland, is hereby accepted into the County's Highway Maintenance System.

This Resolution shall be effective when appropriate signs have been posted at the above locations.

ATTEST:


John J. Kachmar Jr.
County Administrator

BOARD OF ST. MARY'S
COUNTY COMMISSIONERS

By: 
Barbara R. Thompson, President

SUBJ: Acceptance of Road into St. Mary's County
Highway Maintenance System

Mount Wolfe Subdivision - Mt. Wolfe Road.

wp/wolfe.res

RECORDING FEE 0.00
TOTAL 0.00
REGISTRATION RCP#19999999
EVA MAR BIK#1113
JUN 12, 2001 04:06 PM

1. EUC
2. JH; JOT

ST. MARY'S COUNTY
RESOLUTION

The following Resolution was adopted by the Board of County Commissioners for St. Mary's County, Maryland on the 28th day of December, 1999.

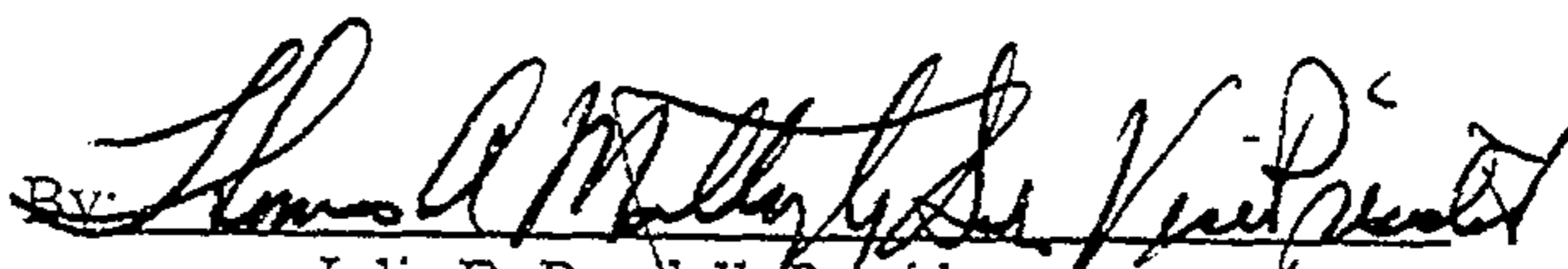
WHEREAS, in the interest of public safety and as per the recommendation of the Department of Public Works, the Board of County Commissioners for St. Mary's County, Maryland, hereby acknowledges that traffic control devices are currently posted for the extension of Cottonwood Parkway, County Route 30883; and all work has been satisfactorily completed in accordance with the Public Works Agreement dated May 4, 1998 for the Wildewood Subdivision.

NOW, THEREFORE, BE IT RESOLVED that the extension of Cottonwood Parkway, County Route 30883, from Station 16+89 to Station 19+76, located in the Eighth (8th) Election District, St. Mary's County, Maryland, is hereby accepted into the County's Highway Maintenance System.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY


Mortimer L. Smedley
County Administrator

By: 
Julie B. Randall, President

SUBJ: Acceptance of Road into St. Mary's County
Highway Maintenance System
Wildewood Subdivision - Cottonwood Parkway.

RECORDING FEE 0.00
TOTAL 0.00
RES#5202 RC#14999999
EWA HAB 01/11/13
JUN 12, 2001 04:07 PM

1- EOC

R 00-11

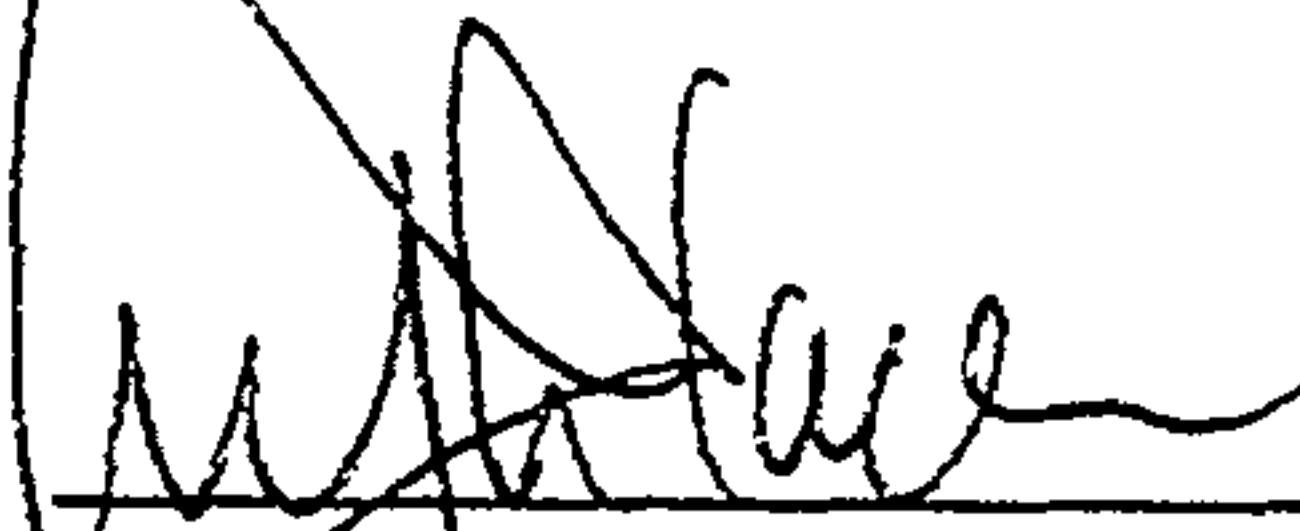
ST. MARY'S COUNTY
RESOLUTION

The following Resolution was adopted by the Board of County Commissioners for St. Mary's County, Maryland on the 24 day of October, 2000.

WHEREAS, in the interest of public safety and as per the recommendation of the Department of Public Works & Transportation, the Board of County Commissioners for St. Mary's County, Maryland, hereby acknowledges that traffic control devices are currently posted for John Wayne Court, County Route 31297, and Jessie Jane Place, County Route 31298; and all work has been satisfactorily completed in accordance with the Public Works Agreement dated October 2, 1998 for Section 2 of the John Wayne Estates Subdivision.


NOW, THEREFORE, BE IT RESOLVED that John Wayne Court, County Route 31297, from Station 0+00 to Station 9+43.23, and Jessie Jane Place, County Route 31298, from Station 0+00 to Station 2+17.50, located in the Fourth (4th) Election District, St. Mary's County, Maryland, are hereby accepted into the County's Highway Maintenance System.

IN WITNESS:



Alfred A. Lacer
County Administrator

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY

By: 

Julie B. Randall, President

SUBJ: Acceptance of Road into St. Mary's County
Highway Maintenance System

John Wayne Estates Subdivision - John Wayne
Court and Jessie Jane Place.

RECORDING FEE 0.00
TOTAL 0.00
REASSUME RCP-14999999
EWA MAB BK#1113
JUN 12, 2001 04:07 PM

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND

WHEREAS, in accordance with the *Environment Article*, Title 9, Subtitle 5, of the Annotated Code of Maryland and Title 26, Subtitle 03, Chapter 03, Development of the of County Comprehensive Solid Waste Management Plans, Code of Maryland Regulations, (COMAR), requires that counties in Maryland maintain current, comprehensive solid waste management plans that cover at least the succeeding ten-year period; and

WHEREAS, Section 9-503(b) of the *Environment Article*, Annotated Code of Maryland, requires that each county's comprehensive solid waste management plan be reviewed and updated on a three (3) year cycle; and

WHEREAS, St. Mary's County has a strong history of citizen involvement in government and we believe citizen involvement in solid waste management will serve to improve and enhance our solid waste planning efforts; and

WHEREAS, the Solid Waste Advisory Committee has written, with the professional assistance of a consultant, Gershman, Brickner and Bratton (GBB), the 2000-2010 St. Mary's County, Maryland Comprehensive Solid Waste Management and Recycling Plan for St. Mary's County (the "Plan"), setting forth the principles, policies, objectives and goals, which shall serve as a guide for the management of solid waste within St. Mary's County for the succeeding ten-year period; and

WHEREAS, the Maryland Department of the Environment has formally acknowledged that the County is to be commended for its efforts in expanding the opportunities for public participation in the solid waste management planning process; and

WHEREAS, the Solid Waste Advisory Committee has certified that the criteria set forth in Section 9-505(a) of the *Environment Article*, Annotated Code of Maryland, has been met with the preparation of the Comprehensive Solid Waste Management and Recycling Plan referenced herein; and

WHEREAS, the Draft Comprehensive Solid Waste Management and Recycling Plan Update was posted on the County's website on August 23, 2000 for review and comment by the citizenry; and

WHEREAS, a public informational meeting was held by the Solid Waste Advisory Committee in conjunction with the St. Mary's County Department of Public Works and Transportation on November 29, 2000 after due notice was given; and

WHEREAS, by authority of the Board of County Commissioners for St. Mary's County, Maryland, notice of a public hearing was published in The Enterprise, a newspaper of general circulation in St. Mary's County, on November 29, 2000 and December 6, 2000, in accordance with the statutory provisions of Section 3(r) of *Article 25* of the Annotated Code of Maryland and in accordance with the statutory provisions of Section 9-503(d) of the *Environment Article* of the Annotated Code of Maryland and a joint public hearing of the Board of County Commissioners and the Solid Waste Advisory Committee was held on December 12, 2000; and

WHEREAS, a full Recycling Plan was approved by the Maryland Department of the Environment (MDE) and implemented by January 1, 1994; and

WHEREAS, a reduction, through recycling, of at least fifteen percent (15%) of the County's solid waste stream continues to be achieved; and

WHEREAS, incorporation of the Recycling Plan into the Comprehensive Solid Waste Management Plan is acceptable to the Maryland Department of the Environment (MDE); and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, has had sufficient time to study the Plan comments, suggestions and recommendations made by the Solid Waste Advisory Committee, staff and other groups and individuals, and public comment and input; and

WHEREAS, upon due consideration of the comments of the public and staff; and in furtherance of the public health, safety and welfare, it is in the best interest of the public health, safety and welfare of the citizens of St. Mary's County, Maryland, to adopt revisions to the previous plan as proposed by the Solid Waste Advisory Committee and incorporate the approved St. Mary's County Recycling Plan within the 2000-2010 St. Mary's County, Maryland Comprehensive Solid Waste Management and Recycling Plan.

RECORDING FEE 0.00
TOTAL 0.00
Res#5402 Rec#499999
ENA NB Blk#1738
Jun 29, 2001 09:55 am

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland, that the foregoing recitals are hereby adopted as written above; and

BE IT FURTHER RESOLVED AND ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland, that it is in the best interest of public health, safety and welfare of the citizens of St. Mary's County, Maryland, that the Comprehensive Solid Waste Management and Recycling Plan, 2000-2010, prepared by the Solid Waste Advisory Committee and Department of Public Works and Transportation with the professional assistance of Gershman, Brickner and Bratton, be approved and adopted and shall supercede the St. Mary's County, Maryland Comprehensive Solid Waste Management Plan, 1993-2005; and

BE IT FURTHER RESOLVED AND ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland, that the Director of the St. Mary's County Department of Public Works and Transportation is hereby directed to submit the adopted 2001-2010 Comprehensive Solid Waste Management and Recycling Plan to the Maryland Department of the Environment, as required by Section 9-503(c) of the *Environment Article* of the Annotated Code of Maryland; and

BE IT FURTHER RESOLVED AND ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland that this ORDINANCE shall be effective at the date written below.

Those voting aye: Randall, Anderson
Guazzo, Raley

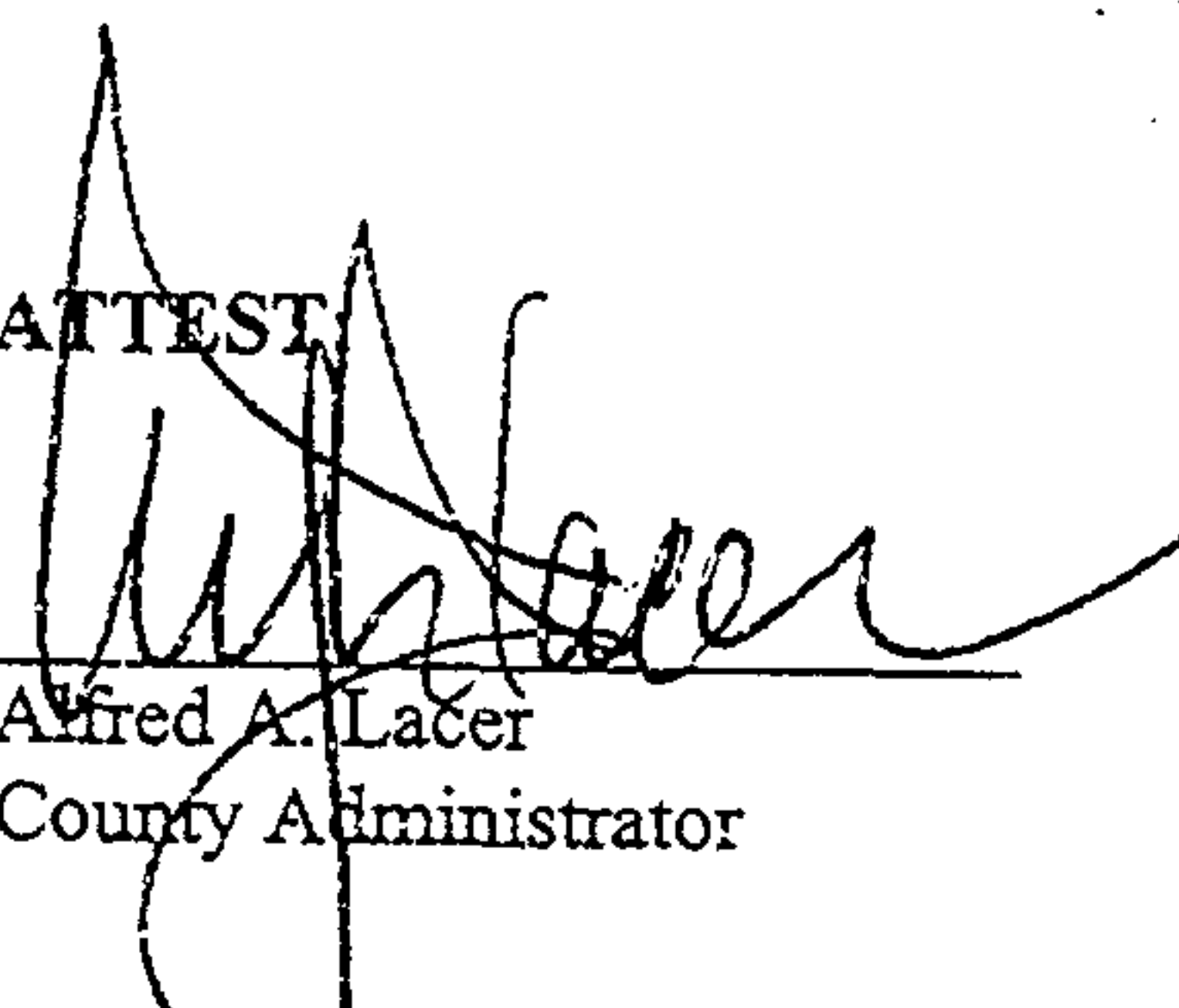
Date of Adoption: 6/19/01

Those voting nay: _____

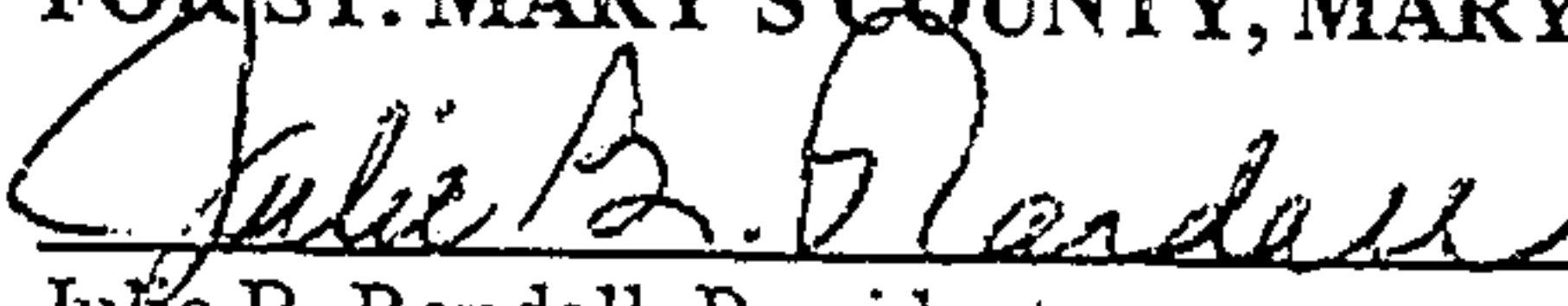
Effective Date: 6/19/01

Those abstaining
or absent Mattingly (absent)

ATTEST


Alfred A. Lacer
County Administrator

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND


Julie B. Randall, President

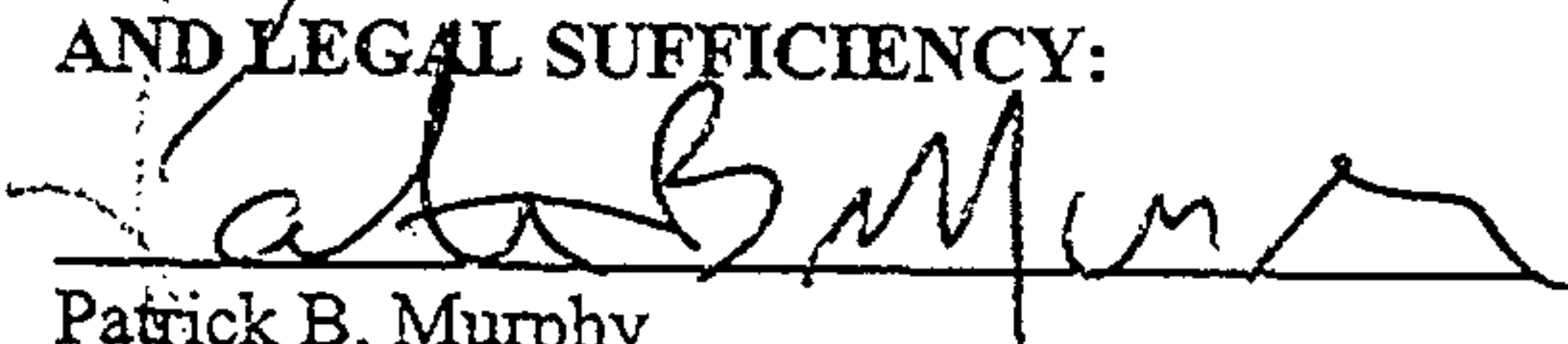

Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner

ABSENT
Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Patrick B. Murphy
County Attorney

No. Z-01- 16

**Subject: Temporary and Limited Moratorium
on the Issuance of Zoning and Building Permits
for Two-Family and Multi-Family Residences
in the Air Installation Compatible Use Zone.**

PURPOSE

For the purpose of imposing a limited and temporary moratorium on the issuance of zoning and building permits for, or related to, two-family and multi-family residences in the Air Installation Compatible Use Zone, ("AICUZ"), for a period not to exceed 180 days from the date of enactment of this ordinance. The Board of County Commissioners are considering whether it should enact an ordinance which would impose a special and more stringent nonconforming use provision in the AICUZ which would result in the eventual elimination of two-family and multi-family residential uses. The Board of County Commissioners, however, have concluded that they should not enact a nonconforming use ordinance eliminating these residential uses until they have adopted a plan for the replacement of those occupiable residential uses that constitute low-cost housing. To develop such a plan, the County Commissioners have appointed a commission to study fair housing issues generally and a task force to develop a plan for the replacement of low-cost housing eliminated at the Lexington Manor community in the AICUZ. The purpose of this limited and temporary Moratorium is to prevent developers from undermining the effectiveness of the proposed nonconforming use ordinance by obtaining zoning and building permits and constructing or renovating such dwellings during the period that the commission and task force are studying and developing a plan to replace occupiable low-cost housing to be eliminated under the nonconforming use ordinance.

RECORDING FEE 0.00
TOTAL 0.00
Res#5402 Ref#99999
EWA TLC 21k#2786
Jun 29, 2001 10:45 am

ORDINANCE

WHEREAS, pursuant to Article 66B of the Annotated Code of Maryland, Article 25 §10D of the Annotated Code of Maryland, and Section 70.1.1 of the St. Mary's County Zoning Ordinance, as amended, (the "County Zoning Ordinance"), by Ordinance No. Z-2000-01 adopted and effective February 1, 2000, the Board of County Commissioners for St. Mary's County is empowered to enact, establish and amend zoning regulations; and

WHEREAS, Section 38.1 of Article 3 of the County's Zoning Ordinance establishes the Air Installation Compatible Use Zone, (the "AICUZ"), an overlay zone created for the purpose of providing protection to life and property in the vicinity of air installations as well as protecting the mission function and viability of air installations; and

WHEREAS, the AICUZ was created for the specific purpose of preventing the establishment of certain land uses, particularly two-family and multi-family residential land uses, near air facilities which uses are, by their nature, incompatible with air installations due to safety considerations and the detrimental impact of noise, emissions, and other effects of aircraft and airport operations; and

WHEREAS, intense residential development in close proximity to air bases is inappropriate and inconsistent with the County's comprehensive zoning plan because individuals should not be required to live in areas impacted by noise, emissions and other adverse effects of air facilities; the problems associated with residential development near air facilities are of particular concern in the case of low-cost housing where the affected individuals may have more limited options in selecting a residence; and

WHEREAS, housing for low to moderate income individuals should not be concentrated in areas such as the AICUZ which are impacted by airport operations and are a less desirable place to live as a result of the danger, noise, emissions and other adverse effects of airport operations; and

WHEREAS, the location of the United States Naval Patuxent River Air Station in St. Mary's County is important to the mission of the United States Navy, the viability of many County businesses and the stability of communities in the County; and

WHEREAS, the proliferation and reconstruction of residential nonconforming uses in the AICUZ could undermine the effectiveness of revisions to the AICUZ provisions of the County Zoning Ordinance addressing the perpetuation of nonconforming two-family and multi-family dwellings in the AICUZ and defeat its purposes; and

WHEREAS, the detrimental effect of residential nonconforming uses is particularly acute in the AICUZ given the severe degree of incompatibility between aircraft and airport operations and two-family and multi-family residential uses; and

WHEREAS, the more stringent nonconforming use provisions in the AICUZ currently being considered by the Board of County Commissioners for St. Mary's County, Maryland would result in the eventual elimination of such incompatible land uses in the AICUZ in a manner that is consistent with: (1) the policy of Maryland law that land uses be consistent with a comprehensive zoning plan and that nonconforming uses be eventually removed; and (2) the rights of property owners to make productive and beneficial use of their properties; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland has determined that it may be advisable to amend § 38.1 of Article III of the

County Zoning Ordinance to establish a special and more stringent nonconforming use provision for the purpose of eliminating certain residential nonconforming uses in the AICUZ in a fair and equitable manner which allows the property owner to enjoy beneficial use of his or her property; and

WHEREAS, the County Commissioners are considering the imposition of a special nonconforming use provision in the AICUZ which will provide that no two-family or multi-family nonconforming residential dwelling shall be reestablished or reoccupied, regardless of the intention of the property owner to abandon or not abandon the dwelling, if: (1) the dwelling is vacant for a period of six months or more; (2) the dwelling is destroyed or damaged by fire or flood and the reasonable cost of repairing the structure exceeds 50 percent of its replacement cost; or (3) the dwelling is vacant and does not meet livability requirements and the reasonable cost of repairing the structure to meet such requirements exceeds its fair market value; and

WHEREAS, many of the occupiable two-family or multi-family dwellings in the AICUZ constitute low-cost housing for individuals of low or moderate income; and

WHEREAS, the elimination of two-family and multi-family residential uses in the AICUZ though more stringent nonconforming use provisions in Section 38.1 of Article III of the County Zoning Ordinance will have the effect of reducing the availability of low or moderate cost housing in the vicinity of the United States Navy Patuxent River Naval Air Station and displace individuals with low to moderate income from nonconforming two-family and multi-family homes in the AICUZ; and

WHEREAS, the County Commissioners do not deem it appropriate to establish a special and more stringent nonconforming use provision for the purpose of eliminating two-family and multi-family dwellings in the AICUZ which constitute occupiable housing for low or moderate income individuals until such time as the County Commissioners have adopted a plan for the replacement of such housing; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, have, pursuant to Resolution No. 2001-30, established and appointed a Fair and Affordable Housing Commission and a Lexington Manor Task Force to study and make recommendations on affordable housing County-wide and to investigate the appropriate steps for provision of low-cost housing to replace occupiable dwellings proposed for elimination in the AICUZ; and

WHEREAS, a strong incentive exists for developers and others to obtain zoning and building permits and construct, replace or renovate two-family and multi-family residences in the AICUZ while the County is developing a plan for replacing low-cost

two-family and multi-family residences that will be eliminated through more stringent regulation of nonconforming uses in the AICUZ, as is currently being considered by the Board of County Commissioners for St. Mary's County, Maryland and thereby defeat or undermine the purpose of the nonconforming use ordinance revisions which would eventually eliminate such uses in the AICUZ; and

WHEREAS, the Board of County Commissioners for St. Mary's County has been considering whether to impose a limited and temporary moratorium on the issuance of building and zoning permits for two-family and multi-family residence in the AICUZ while the study of affordable housing throughout the County and in the AICUZ is being conducted by the Fair and Affordable Housing Commission and the Lexington Manor Task Force; and

WHEREAS, a limited and temporary moratorium on the issuance of zoning and building permits for two-family and multi-family residences in the AICUZ will prevent developers and others from rushing in and defeating the purpose of the proposed revisions to the nonconforming use ordinance while the County is studying and developing a plan to replace a low-cost housing to be eliminated by the proposed revisions to the nonconforming use ordinance; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland is working in cooperation and partnership with the St. Mary's County Housing Authority and the Maryland State Department of Housing and Community Development and has made available the Department of Planning and Zoning, the Department of Permits and Inspections, and other applicable County staff and agencies to provide technical support and study the issue of fair and affordable housing county-wide and specifically in the AICUZ; and

WHEREAS, the Board of County Commissioners held a public hearing on the implementation of proposed a temporary limited moratorium on the issuance of zoning and building permits for two-family and multi-family residences in the AICUZ on June 12, 2001, after due notice of publication in The Enterprise, a newspaper of general circulation on May 25, 2001 and June 1, 2001;

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners for St. Mary's County that the County Zoning Ordinance is amended by adding the following provisions:

1. Between the effective date of this Ordinance and the date 180 days following the effective date of this ordinance, the Code Official and the Director of Planning as appropriate, and any of their designees, shall not

issue, or accept application for, building or zoning permits for, or related to, two-family or multi-family residential dwellings, buildings, or uses in the AICUZ as set forth in the St. Mary's County Zoning Ordinance; and

2. That in the event of the substantial destruction of an occupied two-family or multi-family residential dwelling in the AICUZ by an "Act of God" during the period from the effective date of this Ordinance until 180 days following the effective date, the Code Official and Director of Planning may, during this period, issue, or accept application for, building or zoning permits for, or related to, the dwelling that is substantially destroyed. For purposes of this Ordinance an "Act of God" shall mean an unusual and extraordinary manifestation of the forces of nature that could not have been reasonably anticipated or expected under normal conditions. The Code Official and Director of Planning shall have reasonable discretion to determine whether any such dwelling has been substantially destroyed by an "Act of God" and in determining whether a two-family or multi-family residential dwelling in the AICUZ is "occupied".
3. That in the event that any portion of this Ordinance is found to be unconstitutional, illegal, null, or void by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance or unless deletion of the invalid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance; and
4. This Ordinance shall become effective as of the date of adoption set forth below; and
5. The purpose and all of the recitals set forth above are incorporated herein.

Those voting aye: ALL

BOOK 0018 PAGE 0101

Those voting nay: _____

Those abstaining or absent: _____

Approval Date: 06/28/01

Effective Date: 06/28/01


BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND


ATTEST:

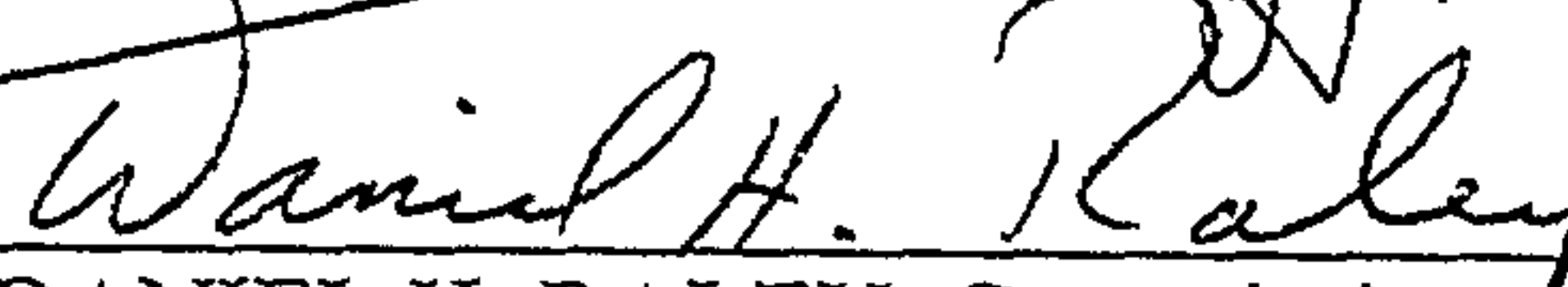

ALFRED A. LACER,
County Administrator


JULIE B. RANDALL, President



JOSEPH F. ANDERSON, Commissioner


SHELBY P. GUAZZO, Commissioner


THOMAS A. MATTINGLY, SR., Commissioner


DANIEL H. RALEY, Commissioner

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


PATRICK B. MURPHY
County Attorney

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SUBJ: Public Facilities Bonds of 1993
Park Hall Elementary Addition / Renovation
Pegg Road
Technical Center Roof
Piney Point Elementary Roof
Regional Park

BOOK 0018 PAGE 0102

RECORDING FEE
TOWN
PERMITS
ESTIMATE OF VALUE
DATE

RESOLUTION

RESOLUTION OF THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND for the purpose of supplementing Resolution No. 93-09 of the County, adopted on March 2, 1993, authorizing the issuance of general obligation bonds of the County by designating certain new projects as additional projects authorized to be financed with the proceeds from the sale of such bonds and adjusting the allocation of the Bond proceeds for the projects authorized to be financed with the proceeds from the sale of such Bonds, including a reduction of the amount of the St. Andrew's Landfill project authorized to be financed with the proceeds from the sale of such Bonds in like amount.

RECITALS

WHEREAS, on March 2, 1993, the County Commissioners for St. Mary's County, Maryland, (the "County"), adopted its Resolution Number 93-09, (the "Authorizing Resolution"), authorizing the issuance and sale of the County Commissioners of St. Mary's County Public Facilities Bonds of 1993 in the amount of Eight Million Three Hundred Seventy Five Thousand Dollars, (\$8,375,000), aggregate principal, issued March 15, 1993, (the "Bonds"), a portion of the proceeds of the sale of said Bonds were to be used to finance the construction, improvement or development of certain capital projects described in such Authorizing Resolution (the "Original Projects"); and

WHEREAS, Section 5 of the Authorizing Resolution provides that the proceeds of the Bonds shall be applied to the payment of the cost of the projects described in Resolution No. 93-09, unless the County, by resolution, authorizes the application of the proceeds of the Bonds to other capital projects of the County, and any unexpended proceeds of the Bonds shall otherwise be applied as provided in Resolution No. 93-09; and

WHEREAS, the County has determined that a portion of the proceeds of the sale of the Bonds originally designated to be used to finance the costs of the Original Projects were adjusted in the amount allocated to certain Original Projects and used to finance other qualifying projects; and

WHEREAS, the County has determined that the allocation of Bond proceeds to the Park Hall Elementary School Addition/Renovation and Pegg Road, both Original Projects, was adjusted to the funding levels set forth at Schedule A hereto, incorporated by reference; and

WHEREAS, the County has determined that a portion of the proceeds of the sale of the Bonds designated to be used to finance the costs of the Original Projects were used to finance all or a portion of the cost of certain projects listed in Schedule A hereto, which were not identified as Original Projects, specifically, the Technical Center Roof, Piney Point Elementary School Roof and Regional Park projects; and

WHEREAS, the County has further determined that the funding of the St. Andrew's Landfill, an Original Project, was reduced an amount equal to the increase in funding of the Park Hall Elementary School Addition/Renovation and Pegg Road and the funding allocated to the Technical Center Roof, Piney Point Elementary School Roof and Regional Park projects; and

WHEREAS, the County has further determined that the projects being financed by the proceeds of the Bonds and listed on Schedule A hereto have been authorized by Chapter 705 of the Laws of Maryland of 1981 and have been approved by the County Commissioners for St. Mary's County, Maryland Approved Budget.

BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, that:

Section 1: Resolution No. 93-09, adopted by the County Commissioners of St. Mary's County on March 2, 1993 (the "Authorizing Resolution"), authorizing the issuance and sale of Eight Million Three Hundred Seventy Five Thousand Dollars, (\$8,375,000), in the aggregate principal amount, of the County Commissioners of St. Mary's County Public Facilities Bonds of 1993, (the "Bonds"), is hereby supplemented for the sole purpose of designating certain projects described in Section 2, below, as additional projects the costs of which are and have been authorized to be financed with the proceeds of the sale of the Bonds, and adjusting the allocation of the Bond proceeds for Original Projects Park Hall and Pegg Road, as set forth at Schedule A hereto, hereby incorporated by reference.

Section 2: The County hereby finds and determines that a portion of the proceeds from the sale of the Bonds designated to finance the construction, improvement or development of certain capital projects approved by the Authorizing Resolution were used to finance other projects. The County hereby designates One Million Seven

SUBJ: Public Facilities Bonds of 1993
Park Hall Elementary Addition / Renovation
Pegg Road
Technical Center Roof
Piney Point Elementary Roof
Regional Park

Hundred Thirty-Five Thousand Five Hundred Forty-Two Dollars, (\$ 1,735,542) from the proceeds of the sale of the Bonds to be used to finance the construction, improvement or development of the projects in the County set forth in Schedule A, attached, and made a part of this Resolution.

Section 3: This Resolution shall in no way limit the authority of the County to designate such further additional projects as permitted under the Authorizing Resolution and shall in no way modify, amend or rescind any other provisions of the Authorizing Resolution not specifically addressed herein, other than to reduce the funding for St. Andrews Landfill by a like amount.

Section 4: This Resolution shall not constitute waiver of any defense available to the County.

Section 5: The foregoing recitals are hereby adopted as written above.

Section 6: This Resolution shall become effective immediately upon its passage.

Date of Adoption: 06/28/01

Effective Date: 06/28/01

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly
Thomas A. Mattingly, Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:

Alfred A. Lacer
Alfred A. Lacer
County Administrator

Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
BOND COUNCIL:

James E. Cumbie
James E. Cumbie, Esquire

SUBJ: Public Facilities Bonds of 1993
Park Hall Elementary Addition /
Renovation
Pegg Road
Technical Center Roof
Piney Point Elementary Roof
Regional Park

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SCHEDULE A

Park Hall Elementary Addition / Renovation	\$600,542
Pegg Road	\$500,000
Technical Center Roof	\$200,000
Piney Point Elementary Roof	\$100,000
Regional Park	\$335,000

**ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND**

WHEREAS, in accordance with the Environment Article, Title 4, Subtitle 2, of the Annotated Code of Maryland and Code of Maryland Regulations, Title 26, Subtitle 17, Water Management (COMAR), requires that counties in Maryland adopt ordinances necessary to implement a stormwater management program by July 1, 2001; and

WHEREAS, the primary goal of the State and local stormwater management programs is to maintain after development, as nearly as possible, the pre-development runoff characteristics, and to reduce stream channel erosion, pollution, siltation and sedimentation, and local flooding; and

WHEREAS, § 4-206 of the Environment Article, Annotated Code of Maryland, has been amended and now requires that the Administration inspect and review the stormwater management programs of the counties at least once every three (3) years; and

WHEREAS, a public hearing was held on the adoption of a revised Stormwater Management Ordinance, Exhibit "A" hereto, by the St. Mary's County Planning Commission on May 14, 2001; and

WHEREAS, by authority of the Board of County Commissioners for St. Mary's County, Maryland, notice of a public hearing was published in The Enterprise, a newspaper of general circulation in St. Mary's County, on May 25, 2001 and June 1, 2001, in accordance with the statutory provisions of Sections 3 (r) of Article 25 of the Annotated Code of Maryland; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, as required by law, gave due notice of and conducted a public hearing on the proposed Ordinance on June 12, 2001; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, has had sufficient time to study the Ordinance and recommendations made by the Planning Commission and by other groups and individuals and public comment and input; and

WHEREAS, upon due consideration of the comments of the public and staff; and in furtherance of the public health, safety and welfare, it is in the best interest of the public health, safety and welfare of the citizens of St. Mary's County, Maryland, to adopt the Ordinance as proposed and recommended by the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for St. Mary's County, Maryland, this 28th day of June, 2001, that the foregoing recitals are hereby adopted as written above; and

BE IT FURTHER RESOLVED by the Board of County Commissioners for St. Mary's County, Maryland, that the applicable Stormwater Management sections of the Sedimentation Control Ordinance No. 79-08, and Zoning Ordinance No. 90-11, adopted and approved by Ordinance, and as amended from time to time, are hereby rescinded and that the Stormwater Management Ordinance attached hereto as Exhibit "A" is hereby approved and adopted in the place of that rescinded; and

RECORDING FEE 0.00
TOTAL 0.00
RESERVED FOR 4999999
FM LP 8/4/02
JUL 10 2001 09:54 AM

BE IT FURTHER ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland, that this Ordinance shall be codified to become part of the current St. Mary's County Zoning Ordinance and, thereafter, shall be recodified into the Unified Land Development Code, when adopted, and may be altered to meet the numbering, chapter and paragraph conventions and references of the respective documents; and

BE IT FURTHER ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland, that the recitals set forth above are hereby incorporated within this Ordinance as if fully written; and

BE IT FURTHER ORDAINED by the Board of County Commissioners for St. Mary's County, Maryland, that this ORDINANCE shall be effective at the date written below.

Those Voting Aye: ALL

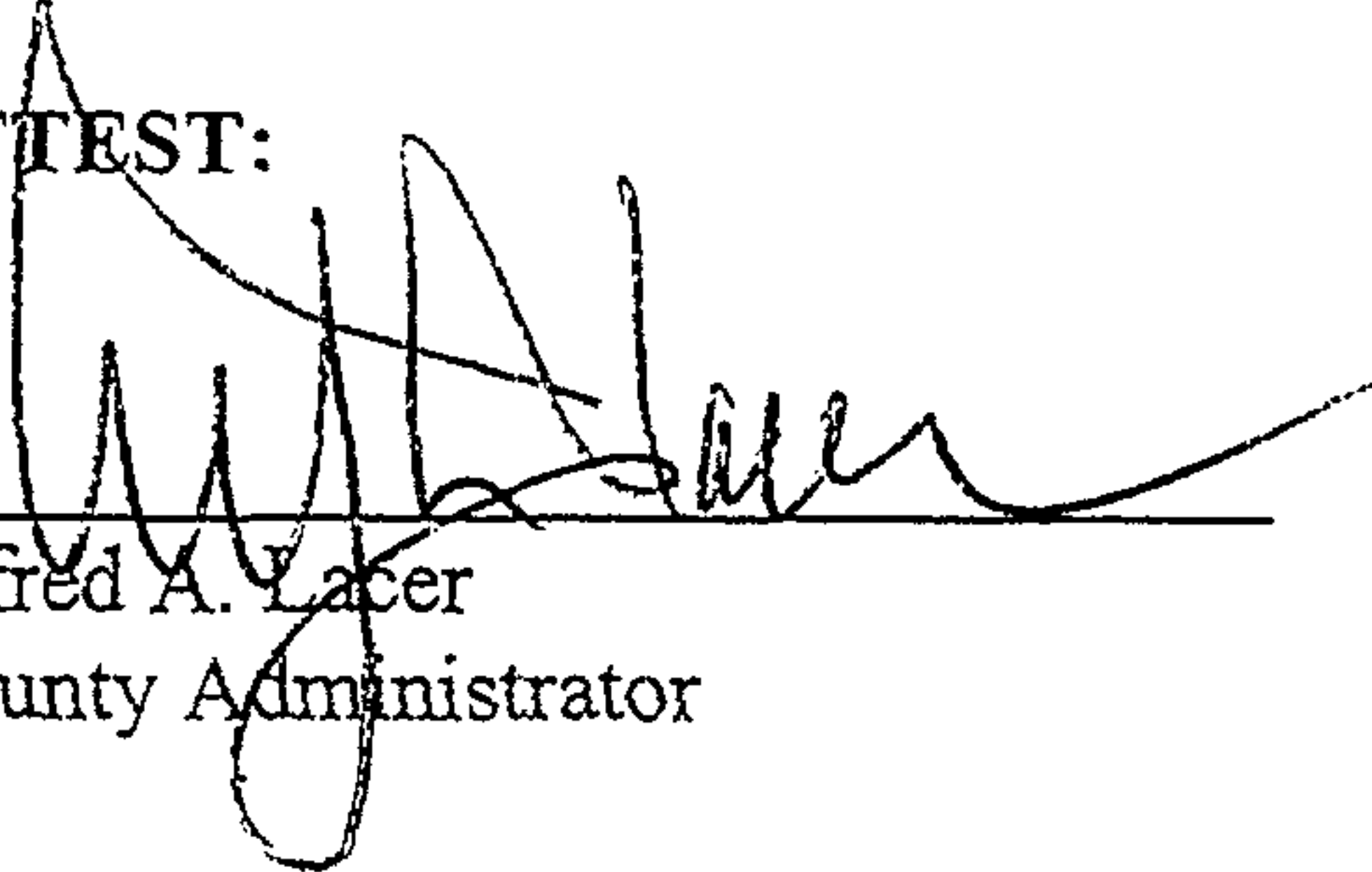
DATE OF ADOPTION: 06/28/01

Those Voting Nay: _____

EFFECTIVE DATE: 07/01/01


Those Abstaining or absent: _____

ATTEST:



Alfred A. Lacer
County Administrator

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND




Julie B. Randall, President



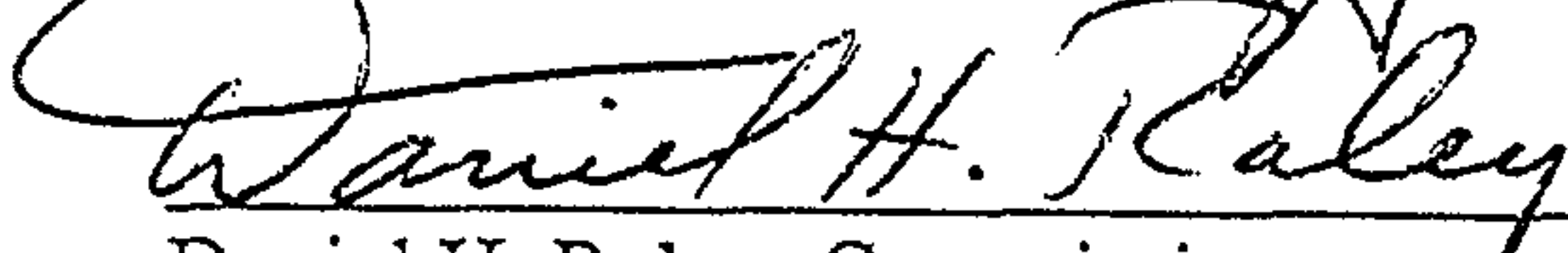
Joseph F. Anderson, Commissioner



Shelby P. Guazzo, Commissioner




Thomas A. Mattingly, Sr., Commissioner



Daniel H. Raley, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



John B. Norris, III
Deputy County Attorney

CHAPTER 77 STORMWATER MANAGEMENT

Sections:

- 77.1 Purpose and Authority.
- 77.2 Applicability
- 77.3 Exemptions.
- 77.4 Stormwater Management Waivers/Watershed Management Plans
- 77.5 Redevelopment.
- 77.6 Variances
- 77.7 Stormwater Management Criteria
- 77.8 Drainage System Design Standards.
- 77.9 Stormwater Management Plans
- 77.10 Permits
- 77.11 Performance Bond.
- 77.12 Construction Inspection and Enforcement
- 77.13 Maintenance and Inspection.
- 77.14 Appeals
- 77.15 Severability
- 77.16 Penalties
- 77.17 Definitions

77.1. Purpose and Authority.

1. **Purpose.** The purpose of this Code is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control storm water runoff and any potential adverse impacts. Proper management of stormwater runoff will:
 - a. minimize damage to public and private property;
 - b. reduce the effects of development on land;
 - c. control stream channel erosion;
 - d. assist in attaining and maintaining water quality standards;
 - e. reduce localized flooding; and
 - f. maintain after development, as nearly as possible, the runoff characteristics, which existed prior to the proposed development; and
 - g. In areas with highly erodible soils, provide the runoff characteristics of a forested site.
2. **Authority.** The provisions of this Code, pursuant to the Environment Article, Title 4, Subtitle 2, Annotated Code of Maryland, 1996 replacement volume, as amended, are adopted under the authority of St. Mary's County Board of County Commissioners and shall apply to all development occurring within St. Mary's County, Maryland. The application of this Code and provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. The Department of Public Works and Transportation and/or the Department of Permits and Inspection shall be responsible for the coordination and enforcement of the provisions of this subtitle Code.
3. **Incorporation by Reference.** For the purpose of this Code, the following documents are incorporated by reference:
 - a. The 2000 Maryland Stormwater Design Manual Volumes I & II (Maryland Department of the Environment, April 2000) is incorporated in this Code by reference and shall serve as the official guide for stormwater principles, methods, and practices.
 - b. USDA Natural Resources Conservation Service Maryland Conservation Practice Standard Pond Code 378 (January 2000).

77.2. Applicability

1. No person shall develop or redevelop any land for residential, commercial, industrial, or institutional uses without providing stormwater management quantity control for runoff from such development and without providing water quality measures for the total developed area (existing and proposed) on the site, except as provided within this Code.
2. Unless the particular activity is exempted by this Code, a person may not develop any land without an approved stormwater management plan from the Director of the Department of Public Works and Transportation.
3. A grading or building permit may not be issued for a property unless a stormwater management plan has been approved that is consistent with this Code, the Design Manual and applicable State and regulations. No grading or clearing permits shall be issued until final site/subdivision approval is granted by the Department of Planning and Zoning and/or the Planning Commission
4. In the Critical Area, additional stormwater quality controls may be required in addition to any quantity or quality controls necessary to comply with this Code. Additional removal of pollutant loading from runoff caused by developments located within the Critical Areas may be required in accordance with and consistent with applicable State regulations.

77.3. Exemptions.

1. The following development activities are exempt from the provisions of this Chapter [Code]:
 - a. Agricultural land management activities;
 - b. Additions or modifications to existing single family detached residential structures that do not cumulatively disturb over 5,000 square feet of total land area and that do not direct runoff to highly erodible soils and do not disturb or discharge toward steep slopes. The official maps are located at the St. Mary's County Department of Planning and Zoning;
 - c. Developments that do not cumulatively disturb over 5,000 square feet of total land area and that do not direct runoff to highly erodible soils and do not disturb or discharge toward steep slopes; or
 - d. Land development activities regulated under specific State laws, which provide for managing stormwater runoff.

77.4. Stormwater Management Waivers/Watershed Management Plans**1. Authority**

- a. Stormwater management *quality* control shall not be waived.
- b. The Director of the Department of Public Works and Transportation may grant Stormwater management quantity control waivers (full or partial) on a case-by-case basis in accordance with the provisions of this section.

2. Waiver Applicability. The following are the only allowable applications for stormwater management quantity waivers:

- a. Sites which discharge directly to tidally influenced receiving waters;
- b. When the applicant conclusively demonstrates that exceptional circumstances exist on the site that prevent reasonable implementation of quantity control practices; and for
- c. Developments in areas where the County has established an overall Watershed Management Plan, consistent with §77.4.4, containing specific quantitative waiver and redevelopment provisions.
- d. Waivers may be contingent on payment of pro-rata share payments by the applicant to the County for regional stormwater management structures identified in the Watershed Management Plan.

3. **Applications.**

- a. A written request must be submitted containing:
 - (1) A written request with descriptions, drawings and computations necessary to evaluate/justify the waiver;
 - (2) An analysis of the cumulative effects of nearby developments contributing runoff toward the site within the watershed;
 - (3) An analysis showing that the increase in runoff from the development will not adversely impact adjacent property or the receiving channel by assuring non-erosive velocities and non-concentrated flows; and
- b. A *separate* written waiver request and reanalysis must be submitted when an addition, or modification, to the original waiver is proposed.

4. **Watershed Management Plans.** Watershed Management Plans for specific watersheds may be established or approved by the County for the purpose of implementing different stormwater management policies for waivers and redevelopment, and shall:

- a. Be drawn at a scale of 1"=200' unless otherwise approved by the Department of Public Works and Transportation ;
- b. Include detailed hydrologic and hydraulic analyses to determine hydrograph timing;
- c. Evaluate both quantity and quality management;
- d. Include cumulative impact assessment of watershed development;
- e. Identify existing flood levels and receiving stream channel conditions;
- f. Specify where on-site or off-site quantitative and qualitative stormwater management practices are to be implemented;
- g. Be consistent with the General Performance Standards for Stormwater Management in Maryland found in Section 1.2 of the Design Manual; and
- h. Be approved by the Administration.

77.5. **Redevelopment.**

- 1. **Applicability.** The redevelopment criteria shall only be applicable for sites where:
 - a. At least 75% of the site is covered in impervious surface that is not managed for quality control;
 - b. The proposed redevelopment maintains or reduces impervious cover (Where conditions prevent *any* reduction of impervious area, stormwater management shall be provided in accordance with Minimum Control Requirements in Section 77.7);
 - c. The redevelopment does not increase the peak discharge rates by more than ten (10) percent; and
 - d. Downstream flooding or erosion is not occurring. (If downstream flooding or erosion exists, the site does *not* qualify as redevelopment and all criteria in Section 77.7 must be addressed.)
- 2. **Redevelopment Criteria.** Stormwater management plans for redevelopment shall provide minimum control requirements consistent with the Design Manual and the following:
 - a. The recharge, channel protections storage volume, and overbank flood protection volume requirements specified in the Design Manual shall not apply to redevelopment sites if adequate outfall has been established and approved.
 - b. To the extent that site conditions allow, redevelopment project designs shall reduce impervious area by at least 20 percent.

- (1) Where site conditions prevent a full 20 percent reduction of impervious area, a combination of impervious area reduction and water quality may be implemented as approved by the Director of the Department of Public Works and Transportation.
 - (2) At a minimum, water quality control for 20% of the existing impervious area and 100% of the additional impervious area must be provided and sized per the Design Manual.
- c. Where conditions prevent *any* on-site stormwater management, practical alternatives shall be implemented to mitigate the effects of an equivalent discharge in the same watershed. Possible alternatives shall include, but not be limited to:
- (1) Design and implementation of an off-site Best Management Practice (BMP) for a drainage area comparable in size and percent imperviousness to that of the project within the same drainage basin,
 - (2) Retrofit of an existing stormwater BMP,
 - (3) Performance of a stream or watershed restoration (on an approved watershed or stream),
 - (4) Payment of a fee-in-lieu of stormwater management (based on the stormwater volume generated by the proposed development) to the County for:
 - (a) installation of a regional stormwater management facility within the development's watershed that has been at least 75% funded in the current 6 -year County Capital Improvement Program;
 - (b) Watershed or stream restoration, or
 - (c) Other practices approved by the appropriate authority.

77.6. Variances

1. The Department of Public Works and Transportation may grant a written variance from any requirement of Section 77.7, Stormwater Management Criteria, of this Code if there are exceptional circumstances applicable to the site such that strict adherence will result in unnecessary hardship and not fulfill the intent of the Code. A written request for variance shall be provided to the Department of Public Works and Transportation that states the specific variances sought and reasons for their granting.
2. The Director of Public Works and Transportation shall not grant a variance unless and until sufficient written justification is provided by the applicant and the intent of the stormwater management criteria are met.
3. Prioritized steps to mitigate adverse impacts resulting from the granting of a variance shall include:
 - a. retrofit of an existing facility, either upstream or downstream, to satisfy the full requirements of Section 77.7;
 - b. construction of a new facility on an adjacent site or as close as hydro-logically possible, but within the same watershed;
 - c. payment of a fee-in-lieu of construction in an amount equal to the estimated cost of full implementation measures, as approved by the Director of Public Works & Transportation, shall be submitted to the County for regional storm-water management, watershed protection and restoration studies.

77.7. Stormwater Management Criteria

1. **Minimum Control Requirements.** The minimum control requirements established under this Code and in the Design Manual are as follows:
 - a. The recharge volume, water quality volume, and channel protection storage volume sizing criteria shall be used to design BMP's according to the Design Manual.
 - b. The Department of Public Works and Transportation may require more than the minimum control requirements specified in this Code if hydrologic or topographic conditions warrant or if flooding, stream channel erosion, or documented water quality problems in excess of COMAR 26.08.02 Water Quality Standards exist downstream from a proposed project. (Control of the 10-year and/or 100 year frequency storm event is required according to the Design Manual if the Department of Public Works and Transportation determines that historical flooding problems exist and downstream floodplain development and conveyance system design cannot be controlled.)
 - c. Stormwater management and development plans where applicable, shall be consistent with adopted and approved watershed management plans or flood management plans as approved by the Maryland Department of the Environment in accordance with the Flood Hazard Management Act of 1976. (Environment Article, Title 5, Subtitle 8, Annotated Code of Maryland).
 - d. Per the Design Manual, developers of land uses that generate higher concentrations of hydrocarbons, trace metals, or toxicants than are found in typical stormwater runoff may be required to prepare a Stormwater Pollution Prevention Plan to reduce the generation of pollutants from the site or prevent contact of rainfall with the pollutants.
2. **Stormwater Management Measures.** The structural and nonstructural stormwater management measures established in this Ordinance shall be used, either alone or in combination, and shall account for both on-site and off-site surface waters.
 - a. Structural Stormwater Management Practices shall be designed according to the Design Manual and any other standards established in this Code to satisfy the purpose established in Section 77.7.1. The following structural practices shall be selected based on performance criteria specified in the Design Manual and with consideration to unique hydrologic/geologic conditions:
 - (1) Stormwater management ponds which incorporate water quality measures (such as micropools, wet pockets, wet ponds, multiple ponds);
 - (2) Wetlands;
 - (3) Infiltration trenches and basins;
 - (4) Filtering systems (such as surface sand filters, perimeter sand filters, organic filters, bioretention, and pocket sand filters); and
 - (5) Open Channel Systems.

note: a site may qualify for development density increase if at least 50% of the impervious surfaces are treated with bioretention, see Schedule 32.2.
 - b. Nonstructural stormwater management practices shall be applied according to the Design Manual to minimize runoff from new development, to assist in removing pollutants, to reduce the size of structural practices, and to minimize reliance on structural BMP's. The following may be applied:
 - (i) Nonstructural practices shall be applied according to the Design Manual:
 - (a) Natural area conservation;
 - (b) Disconnection of rooftop runoff;
 - (c) Disconnection of non-rooftop impervious areas;

- (d) Sheet flow to buffers;
 - (e) Grass channels; and
 - (f) Environmentally sensitive development.
- (2) The use of nonstructural stormwater management practices may not conflict with existing State or local laws, ordinances, regulations, or policies.
 - (3) The minimum control requirements (storage volume requirements listed in Section 77.7.1 of this Code) for structural practices may be reduced when nonstructural stormwater management credits are computed and incorporated into site designs according to the Design Manual.
 - (4) Nonstructural stormwater management practices for which credits are applied to reduce the minimum control requirements shall be documented on a plat and recorded in the land records of St. Mary's County and shall remain unaltered by subsequent property owners unless prior approval from the Department of Public Works and Transportation is granted.
- c. Alternative structural and nonstructural stormwater management practices may be used for new development for water quality control if they meet the performance criteria established in the Design Manual and are approved by the Administration.
3. **Specific Design Requirements.** The specific design criteria, methodologies, and construction specifications shall be those of the Design Manual and shall include (but are not necessarily be limited to) the following:
- a. Stormwater management facilities shall not be constructed within the mapped or calculated 100-year flood plain.
 - b. Within subdivisions, structural stormwater management facilities requiring an inspection and maintenance agreement shall be located on separate parcels, not within building lots.
 - c. The applicant shall compute the Recharge Volume (Re_v), Water Quality Volume (WQ_v), Channel Protection Volume (Cp_v), the Overbank Flood Protection Volume (Q_v), Extreme Flood Volume (Q_e) in accordance with the Design Manual. Computations shall be submitted to and reviewed by the Director of the Department of Public Works and Transportation.
 - (1) Flow from BMP's shall be at non-erosive velocities in accordance with the Design Manual and meet the permissible velocities for channels in Table 77.7.4.a. (4.b).
 - (2) The design release rates of structures shall be modified if any increase in the flood levels or frequency, or downstream channel erosion would result at a downstream dam, highway, storm drain system, structure, or natural point of restricted stream flow.
 - d. *Adequate Outfall:* For purposes of modifying the minimum control requirements or design criteria, the applicant shall submit a written analysis of the impacts of stormwater flows downstream in the watershed. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed development upon a dam, highway, structure, or natural point of restricted stream flow. The analysis shall be conducted in the area between the point of drainage discharge and a point downstream of the first downstream tributary whose drainage area equals or exceeds the contributing area to the project or to the stormwater management facility. The area of analysis shall be established with the concurrence of the Director of the Department of Public Works and Transportation.
 - e. Stormwater management measures, channel lining(s), and/or additional measures may be required to retrofit inadequate outfall conditions.

- f. Special consideration for safety shall be made during the design of ponds including fencing, slope benching, access roads, flattened side slopes. Fencing is not desirable, but may be required around ponds if other more desirable safety measures are not feasible. Fencing may be required when a water depth of over two (2) feet for over 24 hours after the storm event, and safety benching or bottom side slopes of 6:1 or flatter cannot be provided. Where provided, fencing shall be in accordance with the Format Guidelines and the following general requirements:
- (1) Fencing material may be PVC (black or dark green) coated galvanized steel, aluminized steel, aluminum or wood. PVC plastic resin finish shall be a minimum 7-mil thickness. A chain link fence shall have a maximum mesh size of 2 ¼ inches and a minimum No. 12 gauge measured before any coating application;
 - (2) No person shall erect, construct, alter, or maintain a fencing containing barbed wire, electricity, or any other material where there is a possibility that a person may be injured from it;
 - (3) The maintenance access gate shall be equipped with a self-closing and self-latching device, shall have a lockable release located a minimum distance of 48 inches from the ground, be mounted to open away from the facility and be a minimum of four feet in width; and
 - (4) The maximum acceptable vertical clearance between grade and the bottom of the fence shall be 4 inches measured on the side of the fence that faces away from the facility. The top of the fence must be between 60 and 72 inches above grade measured on the outside of the fence.

77.8. Drainage System Design Standards.

1. **General Design Standards.** In developments where impervious surfaces are limited to 15% of the lot area or lot frontage on the roadway is 100 feet or greater and where open grassed channels can safely handle storm water runoff, an open drainage system is preferred. In certain cases, where quantity of flow, topographic, soil or natural channel conditions preclude open systems, then the system may be fully or partially enclosed. The following general standards shall apply:
2. **Closed Stormwater Runoff System Design Standards.**
 - a. Closed runoff systems shall generally be required where curb and gutter (urban) street sections are required, unless otherwise approved by the Director of Public Works and Transportation.
 - b. Closed systems shall be designed to carry 10-year frequency storms provided that surcharge overflow from 25-year storms can be carried without damage in public streets, allies, and rights-of-way to a suitable outfall. In sumps and other critical areas where overflow is not permissible, 25-year flows shall govern. The easement or "fee simple" right-of-way required for maintenance of the inlets by the Department of Public Works and Transportation shall extend at least 10 feet beyond the outside limits of the pipe "outlet works", and shall be a minimum of 20 feet in width. Drainage easements shall be separately designated, will extend from the maintenance easement area(s), and encompass runoff to the approved natural/existing outfall. All drainage easements shall be maintained by the property owner(s).
 - c. Wherever possible, existing natural drainageways shall be preserved as a supplementary element to closed drainage systems. In all cases, closed systems shall discharge into existing natural drainageways as soon as is practical.

- d. Where, as a function of net development densities, closed drainage systems are not essential to serve portions of development dedicated to permanent open space, the use of existing natural or open ditch drainageway systems may be approved. This approval is subject to determination by the Director of Public Works and Transportation that the open system design is adequate considering existing and projected topographic and ground coverage conditions.
- e. The minimum velocity in storm drains shall be 2 feet per second. The maximum velocity in storm drains shall be 25 fps. The minimum allowable slope for storm drains is 0.50 percent, but one percent is preferred. The maximum allowable slope for storm drainpipe is 20 percent, beyond which suitably designed anchors shall be provided at a maximum horizontal spacing of 15 feet.
- f. The design and evaluation of standard curb opening inlets will be made using a value for the local depression of 1.5 inches. The maximum inlet depression "a" shall be 2.0 inches.
- g. Inlets, where required at intersections, should not be placed between the PC and PT of curb (or proposed curb) and at no time shall be placed within the curb fillet.
- h. The minimum grade along urban streets shall be 0.5 percent. Inlets on grade shall be spaced to pick up at least 85 percent of the total gutter flow and the maximum allowable spread of flow in the curb and gutter section shall be 10 feet for the 10-year storm. 100 percent of the flow must be intercepted at the next downstream inlet. Sump inlets must be designed to pick up 100 percent of the flow.
- i. The minimum size of any culvert or storm drain shall be 15 inches or an equivalent size pipe. Storm drains crossing water mains and sanitary sewers shall be constructed with a minimum clearance of 12 inches or concrete encasement/piers shall be provided. Clearance shall be measured between outside diameters of pipes. A minimum of 8 inches shall be between a storm drainpipe and the surface material in a private driveway and at least 12 inches in a public street or roadway, at the shoulder as well as at the centerline.
- j. Maximum allowable spread of flow for commercial and industrial developments shall be 15 feet.
- k. *Inlet Spacing.* Inlet spacing shall be governed by the following criteria:
 - (1) Maximum allowable flow in standard curb and gutter streets shall be 5.0 cubic feet per second (cfs);
 - (2) Maximum allowable flow across street intersections (where valley gutters are used) shall be 2.0 cfs;
 - (3) Maximum allowable flow along curb fillets shall be 2.5 cfs;
 - (4) Maximum allowable flow from any development to the County streets shall be 2.0 cfs. The Applicant shall be required to provide on-site private drainage systems for such developments, which may be connected to adequate county-owned systems within the public streets; and
 - (5) In calculating the spread within vertical curves, the actual grade between the point 25 feet prior to the inlet and the beginning of the inlet shall be critical, not the longitudinal tangent grade of the roadway.

3. *Open Drainage Systems*

- a. Open drainage systems shall be designed for a 10-year frequency storm, unless the Director of the Department of Public Works and Transportation determines that an alternative design criteria is warranted based on the characteristics of the proposed development; however, drainage systems for roadways classified as minor collector, major collector, and arterial shall be designed for the 25-year storm event.

- b. Open stormwater runoff drainage systems within road rights-of-way shall be designed to maintain flows below 10 cfs. The depth of flow shall not exceed the depth of the ditch. In general, flows in excess of 10 cfs shall be conveyed via a closed storm drainage system. Drainage from rights-of-way must flow in an easement, which should be along lot lines wherever possible.
- c. For private developments, maximum depth of water ponding in a parking lot or drive aisle shall be limited to 4 inches in sump areas and 2 inches elsewhere, with a maximum spread of 10 feet.
- d. Where culverts are provided, the shape and length of culverts, and the grading of culvert inlets and outlets shall be designed and constructed to facilitate periodic maintenance to remove obstruction.

- (1) Outlet velocities shall be calculated. If outlet velocities equal or exceed erosive velocities of the existing channel lining, then some form of energy dissipation device shall be placed to protect the outlet channel. Riprap lining of the channel may be used but is not the preferred method to prevent erosion. Size and weight of riprap shall conform to the Administration's current edition of the Maryland Standards and Specifications for Soil Erosion and Sediment Control. Certification must be submitted for any proposed type of erosion control matting.
- (2) The maximum permissible velocities of flow for unprotected grass channels shall not exceed 3.5 fps, or lower values on the following table:

Table 77.7.4.a (4)b: Permissible Velocities for Grass-Lined Channels

Channel Slope	Lining	Permissible Velocity (ft/sec) *
0 to 5%	Red Fescue	2.5
	Redtop	2.5
	Serices lespedeza	2.5
	Annual lespedeza	2.5
	Small grains	2.5
Greater than 5% to 10%	Grass-legume mix	3
Greater than 10%	Reed canary grass	3
	Tall Fescue	3
	Kentucky bluegrass	3

*For highly erodible soils, additional stabilization measures shall be provided.

- (3) The computed design head water elevation must not cause damage to existing properties and must be a minimum of 0.75 feet below the edge of the road shoulder (for rural sections) or 2.2 feet below the top of curb elevation (for urban street sections). In general, the maximum allowable headwater above the crown of the culvert shall be 5 feet. The design headwater elevation shall be confined within a storm drainage easement and recorded as part of the development plat.
- (4) When the hydraulic gradient exceeds 1 foot above the crown of the pipe, special treatment of pipe joints (i.e. rubber gaskets or concrete collars) shall be required.

4. **Permitted Materials.**

a. **Public Streets**

- (1) Bituminous coated corrugated metal pipe (BCCMP) and galvanized metal pipe are hereby prohibited in the construction of public roads under the provisions of this Chapter. Only aluminized corrugated metal pipe, structural plate pipe and reinforced concrete pipe are allowed on a general basis, although plastic pipe, PVC pipe and corrugated aluminum alloy pipe will be considered on a case by case basis; and shall require specific approval of the Director of Public Works and Transportation.

- (2) For closed storm drain systems in traffic bearing areas, Class IV reinforced concrete pipe is required.
- (3) The minimum gauge shall be 14 but shall be based on a pH of 4.0 with a 50-year design life. The use of Gauge 12 or thicker Aluminized-CMP will preclude the need for supporting data (i.e., pH/Resistivity testing). Reinforced concrete pipe must be used when the pipe slope is 10 percent or greater.

- b. Private Development: Private storm drain system materials shall be appropriate for the development conditions. Pipe materials should be designed for a minimum 30-year life. Where the private system serves runoff from a public system, the materials shall meet public system standards. Soil testing may be necessary to determine the appropriateness of a particular material. Where corrugated pipe is specified, aluminized steel pipe is encouraged. Materials used in stormwater management facilities shall be in conformance with MD 378 Specifications (steel pipe is not allowed).

5. **Dedication of Drainage Easements.**

- a. Where a natural drainage course or stream traverses a development, there shall be provided a drainage easement, a minimum of 50 feet in width, conforming substantially with the line of such watercourse for the purpose of maintaining, improving, or protecting such drainage facilities. This easement area shall be designed to the 100-year flood plain level.
- b. Drainage easements shall be provided for the design storm.
- c. Required storm drainage easements and surface drainage easements should be identified and recorded as a part of the record plat. Maintenance responsibilities for surface drainage easements shall be identified as the landowner or respective homeowners association where applicable.
- d. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the road right-of-way and with satisfactory access to the road. Easements shall be indicated on the site plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
- e. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- f. The applicant shall designate drainage easements on both sides of existing watercourses, to a distance to be determined by the Planning Commission on recommendation of the Director of Public Works and Transportation.

6. **Over-lot Grading**

- a. Grading plans for construction of all buildings and dwelling units shall be provided and approved prior to issuance of a building permit by the Department of Permits and Inspections. The plans shall show existing and proposed easements and lot contours, on-site drainage swales, minimum first floor / basement / walk-out elevations, spot shots around the building perimeter to demonstrate accommodations of the 10 and 100-year flows and elevations, delineation of soil types, and retention and infiltration areas to assure that adequate drainage is provided.
- b. All structures shall be located at least 12" above the 100-year storm elevation. All drainage easements shall be shown on the plan. Where the on-site construction raises the water surface elevation on upstream properties, the applicant shall provide or obtain a

drainage easement for the 10-year storm elevation, and provide calculations to show that the 100-year water surface elevation does not encroach on any existing structures

- c. Compliance with the grading plan shall be required to the extent that zoning setback requirements are maintained, adequate drainage is maintained and the limit of clearing is honored.
- d. Design of surface runoff across lots shall not result in erosive velocities. In general, when storm sewers are provided, they shall not outfall in the front yard, but shall extend to a point to the rear of the house or lot. In addition, the building shall not be located in such a manner as culvert outfalls direct flow towards the structure. The elevation of existing and/or proposed ground surfaces at all driveway/street intersections and on adjacent lots that effect drainage towards a building or dwelling unit may be requested as a part of the grading permit.
- e. Lots shall be generally graded so that surface runoff does not cross more than 3 lots before it is collected into a retention and infiltration area or a stormwater sewer system. The storm sewer system may be an open channel, closed conduit or a combination of both. The Director of Public Works and Transportation may approve an open channel where the preservation of a natural drainageway is desirable or the use of the open channel will not interfere with the use of the property.
- f. In areas that are susceptible to a high water table (permanent, perched, and/or seasonal) the engineer shall provide pavement design criteria and measures to assure dry basements and to preclude wet yards.
- g. Overbank flood protection measures shall be incorporated into the design plans.
- h. Adequate compaction of fill embankments at 95% density shall be required to ensure proper stability of the slopes, which shall be no steeper than two feet horizontal to one vertical. Use of retaining walls in connection with site plan or subdivision developments shall be shown at the time of building permit application.
- i. In general, two-foot contour intervals shall be utilized. However, for subdivisions with lots greater than one acre, topographic data with five-foot contour intervals at a scale no greater than one inch equals 100 feet shall be acceptable. Scale shall be large enough to ensure that an accurate representation is shown on the plans.

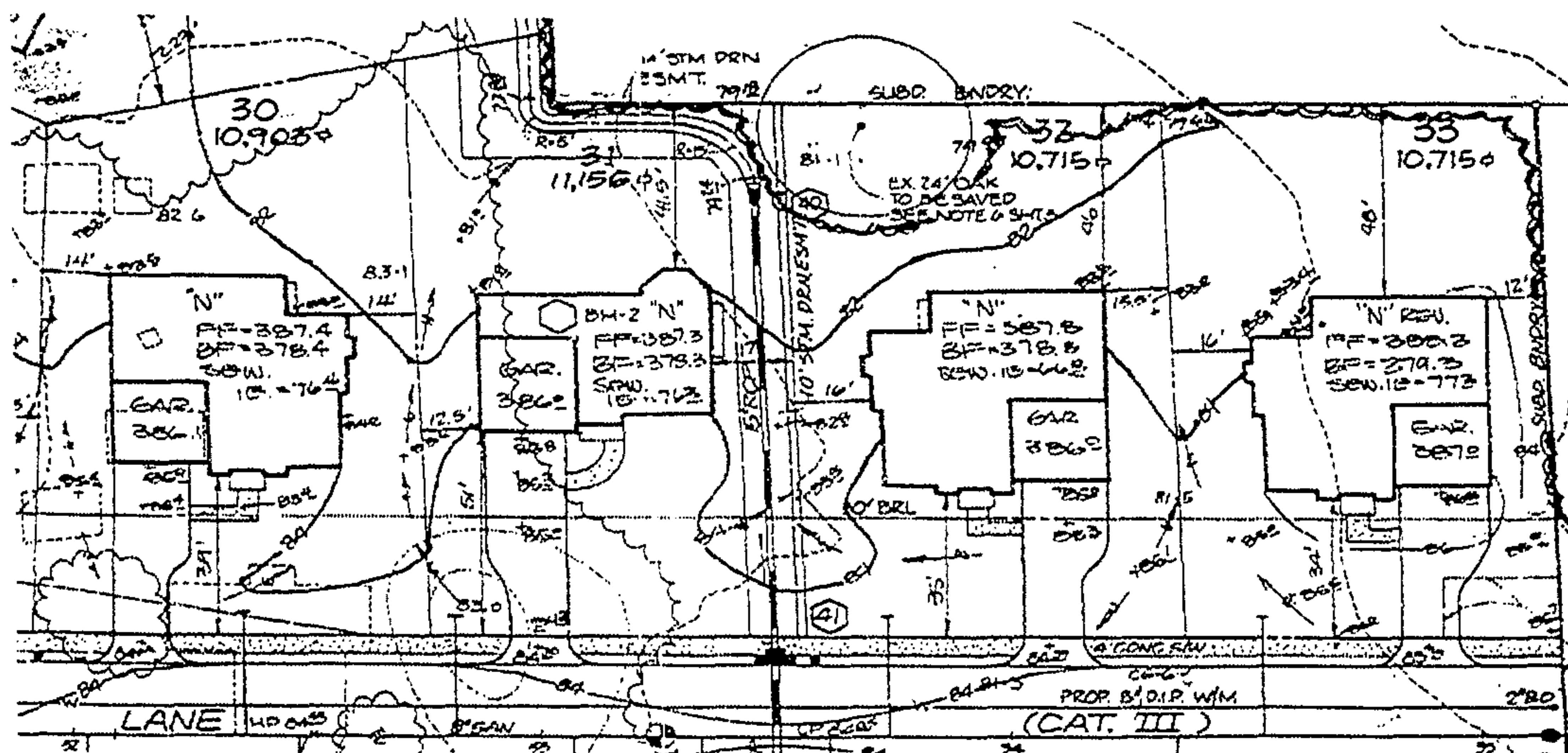


Figure 77.8.6.a SAMPLE DETAIL REQUIRED FOR OVERLOT GRADING PLANS

77.9. Stormwater Management Plans

1. *Preparation of the Stormwater Management Plan.*
 - a. The design of stormwater management plans shall be prepared by any individual whose qualifications are acceptable to the County. The design shall be prepared by either a professional engineer, professional land surveyor, or landscape architect licensed in the State, as necessary to protect the public or the environment.
 - b. If a stormwater BMP requires either a dam safety permit from MDE or small pond approval from the St. Mary's County Soil Conservation District (SCD), the Director of Public Works and Transportation shall require that the design be prepared by a professional engineer or registered land surveyor licensed in the State of Maryland.
 - c. A separate certification shall be submitted with each plan submittal certifying that the plans and computations have been prepared in accordance with this Code, the Format Guidelines, and sound engineering practice, and that the plans have been reviewed for accuracy and completeness prior to submission.
2. *Application Requirements.* The design of stormwater management plans shall conform to the following requirements:
 - a. In addition to an executed Inspection and Maintenance Agreement, an operation and maintenance plan shall be required as a condition of stormwater management plan approval.
 - b. If a stormwater management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any easements or other necessary property interests concerning flow of water prior to plan approval. Approval of a stormwater management plan does not create or affect any right to direct runoff onto adjacent property without the property owner's permission.
 - c. The applicant shall give consideration to incorporating the use of natural topography and land cover as they exist prior to development as part of the management strategy.
 - d. A completed Stormwater Management Notice of Construction Completion Form signed by a Professional Engineer is required prior to issuance of the grading permit.
 - e. Any existing storm drainage systems that are considered inadequate to accommodate the proposed development must be improved prior to development. Any waiver of stormwater management does not relieve the applicant of providing an adequate storm drainage system. This policy may be applied to correct an existing inadequate outfall, and may aid in meeting the requirement for adequate drainage.
 - f. Safety. Special consideration should be made during the design of a pond including fencing, slope benching, access roads, flattened side slopes. Fencing is not desirable, but may be required around ponds if other more desirable safety measures are not feasible. For specific design criteria for fencing, refer to the Format Guidelines.
 - g. The visual impact of stormwater management facilities shall be considered in the overall design of the site and specific design of the facilities. The appropriateness of the design, the shape and form of the structures, excavated material, plantings and fencing shall be considered and shall be designed to relate to the surroundings and their functions.
 - h. If off-site construction and easements are required to obtain adequate outfall, a grading permit will not be issued until the easement has been obtained. If the adjacent owner refuses to grant such easement, the owner or developer may request condemnation of the land by the County at the applicant's cost. Condemnation can proceed only if a public need is demonstrated.
 - i. Storm drains shall be discharged into areas least likely to erode.

3. *Review and Approval of Stormwater Management Plans.*
- a. For any proposed development, the applicant shall submit a stormwater management plan or waiver application to the Director of Public Works and Transportation for review and approval, unless otherwise exempted. The stormwater management plan shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which stormwater runoff will be managed from the entire development.
 - b. The Public Works and Transportation Director shall review the application package to determine completeness of the application prior to acceptance of the application for processing. Incomplete applications shall be returned to the applicant. For complete applications, the Director shall review the plan to determine compliance with the requirements of this Code prior to approval. The plan shall serve as the basis for all subsequent construction.
 - c. Notification of approval or reasons for disapproval or modification shall be given to the applicant within 30 days after submission of the completed stormwater plan. If a decision is not made within 30 days, the applicant shall be informed of the status of the review process and the anticipated completion date. The stormwater management plan shall not be considered approved without the inclusion of the signature and date of signature of the Director of Public Works and Transportation on the plan.
4. The contents of the Stormwater Management Plan shall conform to the Format Guidelines and the following:
- a. The applicant is responsible for submitting a stormwater management plan in the form of a construction drawing that meets the design requirements of this Code. The plan shall be accompanied by a report that includes sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The applicant shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the approved plan.
 - b. Reports submitted for stormwater management plan approval shall consider the impact on existing downstream development and/or conditions to be caused by proposed upstream development and shall include the following minimum information:
 - (1) A brief narrative description of the project, the stormwater management methodology, and an analysis of existing and proposed outfall conditions.
 - (2) A plan showing the facilities to be provided along with flow data and computations developed in the design and the layout of the drainage facilities.
 - (3) Runoff calculations and assumptions shall be provided in an acceptable format for both closed and open systems, giving area, size, quantity, velocity, slope and depth of flows and hydraulic gradient. All storm drain systems will be reviewed using the Rational Method. All storm water facilities draining five (5) acres or less will be reviewed using the Rational Method. All cross culverts and storm water management facilities draining more than five (5) acres will be reviewed using the TR-20 computer program or the TR-55 tabular Hydrograph Method.
 - (4) A stormwater management summary table listing acreage of impervious areas (including pre-development and post development), method of quality control, unified sizing volume criteria per the Design Manual, required and provided water quality volume, water recharge volume, channel protection volume, overbank flood protection volume, and extreme flood volume for the overall development, each drainage area by phase of development, pre- and post development runoff rates for the 1, 2, 10, and 100- year storm events, where applicable, as well as cumulative acreage and weighted runoff curve number for

incremental development of a watershed for a regional stormwater management facility, where applicable.

- (5) The hydraulic gradient must be calculated and shown on the storm drain and open channel profiles in accordance with the current State Highway Administration methodology. The hydraulic gradient is a line connecting points to which water will rise in manholes and inlets during the ten (10) year recurrent interval storm.
 - (6) Geotechnical and structural investigations including soil maps, borings, site specific recommendations, and any additional information necessary for the proposed stormwater management design.
 - (7) Descriptions of all water courses, impoundments, and wetlands on or adjacent to the site. Hydrologic computations, including drainage area maps depicting pre-development and post development runoff flow path segments and land use (may include floodplain studies or dam breach analysis).
 - (8) Certified structural computations, including computations for reinforcing, anti-floatation, trash rack, and structure classifications.
 - (9) The Director of Public Works and Transportation shall have the right to require further downstream analysis where the submitted narrative and all related plans and plats are insufficient to show the true impact of the development on surrounding and other downslope properties.
 - (10) Any other information required by this Code or the Director of the Department of Public Works and Transportation shall also be provided by the applicant.
- c. Construction drawings submitted for stormwater management plan approval shall be folded and prepared in accordance with the Format Guidelines.
- d. As built submission requirements shall be prepared in accordance with St. Mary's County Sediment Control Ordinance Policy Statement SCO-93-02 and the Format Guidelines. After submitted, all as-built drawings shall be reviewed by the Department of Public Works and Transportation, and forwarded to the Department of Permits and Inspection for final inspection.

77.10. Permits

1. Permit Requirements:
 - a. A grading, construction or building permit may not be issued for any parcel or lot unless a stormwater management plan has been approved as meeting all the requirements of this Code (and any other applicable State regulation) or waived by the Director of Public Works and Transportation.
 - b. A grading permit, construction permit, or building permit shall not be issued without final approval for a site plan or recorded subdivision plat in accordance with final subdivision approval and applicable land development codes.
 - c. Where appropriate, grading, construction or building permits shall not be issued without:
 - (1) Recorded easements for the stormwater management facility and for adequate access for inspection and maintenance from a public right-of-way;
 - (2) Signed Stormwater Management Notice of Construction Completion Form(s);
 - (3) Recorded stormwater management maintenance agreement;
 - (4) Performance bond; and
 - (5) Permission from adjacent property owners as necessary.
 - d. A grading, construction or building permit may not be issued for any parcel or lot in the Critical Area unless an Environmental Permit has been issued. Work performed in the

Critical Area in accordance with a grading, construction or building permit but in violation of or prior to obtaining an Environmental Permit shall be subject to mitigation or fines.

2. *Plans Review and Permit Fees.* A non-refundable plan review fee will be collected at the time the stormwater management plan or application for waiver is submitted. This fee will provide for the cost of plan review and administration. A permit fee will be collected with the grading permit application, and will cover the management of the permitting process, and inspection of all projects subject to this Code. A permit fee schedule shall be established by the Board of County Commissioners based upon the relative complexity of the project and may be amended from time to time. The schedule of fees shall be published by the Department of Planning and Zoning.
3. *Permit Suspension and Revocation.* Any grading or construction permit issued by the Director of Public Works and Transportation may be suspended or revoked after written notice is given to the permittee for any of the following reasons:
 - a. Any violation(s) of the conditions of the stormwater management plan approval.
 - b. Changes in site runoff characteristics upon which an approval or waiver was granted.
 - c. Construction is not in accordance with the approved plan.
 - d. Noncompliance with correction notice(s) or stop work order(s) issued for the construction of the stormwater management facility.
 - e. An immediate danger exists in a downstream area in the opinion of the Director of Public Works and Transportation.

77.11. Performance Bond.

The Department of Public Works and Transportation shall require from the developer a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the County Attorney prior to the issuance of any building and/or grading permit for the construction of a development requiring a stormwater management facility. The amount of the security shall not be less than the total estimated construction cost of the stormwater management measures (structural and nonstructural), sediment and erosion control, and stabilization, plus a ten percent (10%) contingency.

1. The required bond shall include provisions relative to:
 - a. Forfeiture for failure to complete work specified in the approved stormwater management plan;
 - b. Compliance with all of the provisions of this Code, and other applicable State laws and regulations; and
 - c. Any time limitations.
2. The bond shall not be fully released without submission and approval of as-built plans to the Department of Public Works and Transportation, and final inspection by the Department of Permits and Inspections to verify that all work has been completed in accordance with the approved plans. A procedure may be used to release parts of the bond held by Department of Public Works and Transportation after various stages of construction have been completed, inspected and accepted by Department of Public Works and Transportation. The procedures used for partially releasing performance bonds must be specified by Department of Public Works and Transportation in writing prior to stormwater management plan approval.
3. The Department of Public Works and Transportation shall not release the performance bond until the posting of an Inspection and Maintenance Bond has been provided by the applicant to the Department of Permits and Inspections.

77.12. Construction Inspection and Enforcement

1. Inspection Schedule and Reports.
 - a. The applicant shall provide:

- (1) Advanced written notification to the Department of Permits and Inspections that is received at least 2 working days (48 hours) prior to commencing any work in conjunction with the stormwater management system construction;
 - (2) Engineering certification documenting the adherence to construction requirements contained in approved plans; and
 - (3) Failure to have inspection and/or certification could result in disapproval of the facility, delays of final acceptance and permit release.
- b. Documented regular inspections during construction of stormwater management measures shall be conducted by Department of Permits and Inspections, its authorized representative, or certified by a professional engineer licensed in the State.
- (1) Periodic inspections shall be documented and reports shall be provided to the Director of the Department of Public Works and Transportation.
 - (2) Written reports shall be prepared after every inspection and include:
 - (a) The date and location of the inspection;
 - (b) Whether construction was in compliance with the approved stormwater management plan;
 - (c) Any variations from the approved construction specifications; and
 - (d) Any violations that exist and the type of enforcement action taken.
 - (3) The applicant and on site personnel shall be notified in writing when violations are observed. Written notification shall describe the nature of the violation and the required corrective action.
 - (4) No work shall proceed until the County inspects and approves the work previously completed and furnishes the applicant with the results of the inspection reports as soon as possible after completion of each required inspection.

2. **Inspection Requirements During Construction.** At a minimum regular inspections shall be made and documented at the following specified stages of construction:

a. *For Ponds:*

- (1) Upon completion of excavation to sub-foundation and when required, installation of structural supports or reinforcement for structures, including but not limited to:
 - (a) Core trenches for structural embankments;
 - (b) Inlet and outlet structures, anti-seep collars or diaphragms, and watertight connectors on pipes; and
 - (c) Trenches and compaction for enclosed storm drainage facilities;
- (2) During placement of structural fill, concrete, and installation of piping and catch basins;
- (3) During backfill of foundations and trenches;
- (4) During embankment construction; and
- (5) Upon completion of final grading and establishment of permanent stabilization.
- (6) Wetlands – at the stages specified for pond construction in Code 77.11.2a(1), during and after wetland reservoir area planting, and during the second growing season to verify a vegetation survival rate of at least 50 percent.

b. *For Infiltration Trenches:*

- (1) During excavation to subgrade;

- (2) During placement and backfill of underdrain systems and observation wells;
 - (3) During placement of geotextiles and all filter media;
 - (4) During construction of appurtenant conveyance systems such as diversion structures, pre-filters and filters, inlets, outlets, and flow distribution structures; and
 - (5) Upon completion of final grading and establishment of permanent stabilization;
- c. *For Infiltration Basins.* At the stages specified for pond construction in Code 77.11.2.a(1) of this section and during placement and backfill of underdrain systems.
- d. *For Filtering Systems:*
- (1) During excavation to subgrade;
 - (2) During placement and backfill of underdrain systems;
 - (3) During placement of geotextiles and all filter media;
 - (4) During construction of appurtenant conveyance systems such as flow diversion structures, pre-filters and filters, inlets, outlets, orifices, and flow distribution structures; and
 - (5) Upon completion of final grading and establishment of permanent stabilization.
- e. *For open channel systems:*
- (1) During excavation to subgrade;
 - (2) During placement and backfill of underdrain systems for dry swales;
 - (3) During installation of diaphragms, check dams, or weirs; and
 - (4) Upon completion of final grading and establishment of permanent stabilization.
- f. For nonstructural practices – upon completion of final grading, the establishment of permanent stabilization, and before issuance of use and occupancy approval.
3. **Materials Testing Requirements.** The following materials tests are required, and shall be performed by a qualified licensed professional, which shall include supplier certifications for all materials.
- a. Classification of core trench materials;
 - b. Certification of all topsoil and filter media specifications (e.g. percent organic material, pH, salt content, nutrients, gradation);
 - c. Certification that all geotextile meets specifications;
 - d. Certification that all plant materials are disease and pest free;
 - e. Void ratio of gravel used for storage of runoff; and
 - f. Any other test the inspector requires.
4. **Enforcement.** The Department of Permits and Inspections is responsible for inspection and enforcement of approved stormwater management plans and may, for enforcement purposes, use any one or a combination of the following actions:
- a. If stormwater management plan noncompliance is identified, a notice of violation shall be issued specifying the need for a violation to be corrected;
 - b. If a violation persists, a stop work order shall be issued for the site by the Director of Permits and Inspections;
 - c. If reasonable efforts to correct the violation have not been undertaken, bonds or securities may be withheld or the case may be referred for legal action; or

- d. In addition to any other sanctions, a civil action or criminal prosecution may be brought against any person in violation of the Stormwater Management subtitle or this Code.
 - e. Any step in the enforcement process may be taken at any time, depending on the severity of the violation.
5. **As-Built Certifications.** Once construction is complete, as-built plan certification shall be submitted to the Department of Permits and Inspections and the Department of Public Works and Transportation by either a professional engineer or professional land surveyor licensed in the State to ensure that constructed stormwater management practices and conveyance systems comply with the specifications contained in the approved plans. At a minimum, as-built certification shall include a set of drawings, in accordance with the Format Guidelines, comparing the approved stormwater management plan with what was constructed. Either the Director of Public Works and Transportation or the Director of Permits and Inspections may require additional information.
6. Prior to release of the Grading Permit, a perpetual Maintenance Bond (or other acceptable surety) equal to 10% of the estimated construction cost shall be posted with the Department of Permits and Inspections to assure performance of the owner's maintenance responsibilities.
7. **Notice of Construction Completion.** The Director of Public Works and Transportation shall submit a Notice of Construction Completion Form to the Administration for each stormwater management practice within 45 days of construction completion. If Best Management Practices requiring Soil Conservation District approval are constructed, notice of construction completion shall also be submitted to the St. Mary's County Soil Conservation District.

77.13. Maintenance and Inspection.

1. **Maintenance Design Considerations.** The maintenance impact of stormwater management and BMP facilities is considered to be a primary concern to the County and to the future operations of these facilities. Applicants shall include maintenance and operation of all stormwater management measures as one of the primary design considerations and shall include the following as necessary in the construction plans:
- a. *Access-ways.*
 - (1) All access ways shall remain cleared, graded and passable at locations designated on the approved plans and shall be constructed with the stormwater management facility.
 - (2) Specific access easements shall be recorded outside of drainage easements and planting of shrubs, construction of fences or other structures within the access easement area(s) shall be prohibited.
 - (3) In order to facilitate vehicular access and maintenance, grading of the access to and around facilities shall not create slopes with a grade of greater than 3 to 1.
 - (4) At least one all weather access roadway shall be provided to include a minimum ten-foot wide surface to the satisfaction of the Director of Public Works and Transportation.
 - (5) Multiple accesses should be provided on major facilities.
 - b. *Design features.*
 - (1) Principle spillways and other devices shall be designed to minimize tampering.
 - (2) The design of a dry pond bottom shall include a trickle ditch from the principal inlets to the outlets. The minimum pond floor slope shall be 2% to the trickle ditch.
 - (3) Normal pool depth in dry structures shall not exceed 18 inches.
 - (4) A minimum of two (2) feet of freeboard above the 100-year water surface elevation shall be maintained.

- (5) Where trash services are provided, they shall be removable as a unit by unbolting, without destroying the structure. Access to the trash rack shall be provided immediately above the rack in the underground chambers.
- (6) Where pipe storage is permitted all pipes shall be reinforced concrete with parged joints.

c. *Underground Chambers.*

- (1) The use of underground chambers is discouraged due to maintenance concerns. Where used, underground chambers shall only be appurtenance structures to the site and through drainage storm sewer system. The storm water management facilities shall not be incorporated as an in-line system, but be designed as a parallel or perpendicular appurtenance structure.
- (2) Underground chambers shall provide a smooth contoured bottom to facilitate silt and debris removal.
- (3) Underground chambers shall provide more than one access point each with a 4'-0" X 4'-0" access door for ventilation, and cleaning, and shall be large enough to accommodate equipment. Generally the minimum interior height, where possible, shall be 72 inches, in order to facilitate maintenance.

d. *Trees, Shrubs and Wetland Plantings.*

- (1) Planting shall be prohibited on side slopes, or within 15 feet of the toe of a dam. (2) Trees and shrubs and other landscaping shall be provided in accordance with the Design Manual and MD 378 Small Pond Specifications.

2. **Maintenance Responsibility.** Prior to the issuance of any permit for which stormwater management is required, the Director of the Department of Public Works and Transportation shall require the applicant or owner to execute an Inspection and Maintenance Agreement binding on all subsequent owners of land served by the private stormwater facility. The requirements for such agreement are as follows:

- a. *Reasonable Access.* The agreement shall provide for access to the facility at reasonable times for regular inspection by either the Director of the Department of Permits and Inspections or the Director of Public Works and Transportation or their authorized representatives and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any provisions established. A minimum 20-foot access easement with a 10-foot travel surface shall be shown on the plan and on the record plat.
- b. *Recording.* The agreement shall be recorded by the applicant in the County land records.
- c. *Inspection and Maintenance Agreement.* The agreement shall require the owner of the property on which work has been done pursuant to this Code for private stormwater management facilities (structural and/or nonstructural) or any other person or agent in control of such property, to maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.
- d. The agreement also shall provide that, should maintenance not be properly performed to the detriment of other properties or the public, a court of competent jurisdiction, after due notice, shall order the work performed and a lien for the cost of the work and any penalties placed on the property which shall be collected as real estate taxes by the County.
- e. *Transfer of Maintenance Responsibility.* Prior to transfer of maintenance responsibility, a new Inspection and Maintenance Agreement must be recorded in the Land Records of St. Mary's County.

- f. *Maintenance Schedule.* A maintenance schedule shall be developed for the life of any stormwater management facility/measure (structural and nonstructural.) The Inspection and Maintenance Agreement shall include the maintenance schedule which shall state the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be printed on the stormwater management plan and shall conform to the Design Manual.
- (1) The Department of Permits and Inspections shall periodically perform maintenance inspections. The intervals for inspection shall be at one (1) year and subsequently every three (3) years following release of the respective grading permit. If facility deficiencies, either maintenance or repairs are needed to assure proper operation of the facility, they shall be noted and the owner shall have 90 days to complete the required maintenance. Extensions may be granted due to weather or other extenuating circumstances.
 - (2) Mowing shall be performed at a minimum of twice a year, once in the spring and once in the fall.
- g. *Failure to correct violations.* The agreement shall also provide that, if after notice by the Director of Permits and Inspections to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within a reasonable period of time (30 days maximum), the Department of Permits and Inspections may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties. This may be accomplished by placing a lien on the property, which may be placed on the tax bill and collected as ordinary real estate taxes by the County, and/or by making a claim on the Maintenance Bond/Surety
- h. *Required Certifications.* The agreement shall incorporate the plans approved, which contain certification by the applicant that all land clearing, construction, development, and drainage will be done according to the plan.

3. Maintenance Inspection and Enforcement

- a. The Department of Permits and Inspections shall ensure that preventative maintenance is performed by inspecting all stormwater management systems.
- (1) The owner of the stormwater management facility shall perform or cause to be performed preventive maintenance of all completed stormwater management practices to insure proper functioning. Stormwater management facilities and BMP's (structural and nonstructural) shall be visually inspected at least twice a year and after major storms.
 - (2) The Department of Permits and Inspections shall perform inspections or cause to be performed through contract environmental services, inspections of private stormwater management facilities during the first year of operation and at least once every subsequent three (3) years. The Department of Permits and Inspections shall maintain all inspection reports for all stormwater management facilities and shall provide the Director of the Department of Public Works a copy of the inspection reports which shall contain the following information:
 - (a) The date of inspection;
 - (b) Name of inspector;
 - (c) Description of needed maintenance;
 - (d) The condition of:
 - i. maintenance access and landscaping;
 - ii. vegetation or filter media;

- iii. fences or other safety devices including safety benches and trash racks;
 - iv. spillways, valves, or other control structures including low orifices, risers, and forebays;
 - v. embankments, slopes, and safety benches;
 - vi. reservoir or treatment areas;
 - vii. inlet and outlet channels or structures;
 - viii. underground drainage;
 - ix. sediment and debris accumulation in storage and forebay areas;
 - x. differential settlement of the structures; and
 - xi. any other item that could affect the proper function of the stormwater management system including non-structural practices and BMP's to the extent practicable.
- b. Inspection reports shall be maintained by the Department of Permits and Inspections for all stormwater management systems. A copy of the inspection reports shall be transmitted to and maintained by the Department of Public Works and Transportation.
 - c. After notification is provided to the Owner of any deficiencies discovered from an inspection of a stormwater management system, the Owner shall have 30 days or other time frame mutually agreed to between the Department of Permits and Inspections and the Owner, to correct the deficiencies. The Department of Permits and Inspections shall then conduct a subsequent inspection to ensure completion of the repairs.
 - d. If the repairs are not undertaken or are found to be done improperly, enforcement procedures following Code 77.11.4 shall be followed by the Department of Permits and Inspections.
 - e. If, after an inspection by the Department of Permits and Inspections, the condition of a stormwater management facility/system presents an immediate danger to the public health or safety, because of an unsafe condition or improper maintenance, the Department of Permits and Inspections shall take such action as may be necessary to protect the public and make the facility safe, including making a claim on the maintenance bond, if available. Any cost incurred by the County and/or Town of Leonardtown shall be assessed against the Owner(s) as provided in Code 77.12.2.

77.14. Appeals

Any person aggrieved by the action of any official charged with the enforcement of this Code, as the result of the disapproval of a properly filed application for a permit, issuance of a written notice of violation, or an alleged failure to properly enforce the Code in regard to a specific application, shall have the right to appeal the action to the Board of Appeals. The appeal shall be filed in writing within 30 days of the date of official transmittal of the final decision or determination to the applicant, shall state clearly the grounds on which the appeal is based, and shall be processed in the manner prescribed for hearing administrative appeals under the County [Code].

77.15. Severability

If a court of competent jurisdiction holds any portion of this Code invalid or unconstitutional, such portion shall not affect the validity of the remaining portions of this Code. It is the intent of the Board of County Commissioners that this Code shall stand, even if a section, subsection, sentence, clause, phrase, or portion may be found invalid.

77.16. Penalties

Any person convicted of violating the provisions of this Code shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five Thousand Dollars

(\$5,000.00) or imprisonment not exceeding one (1) year or both for each violation with costs imposed in the discretion of the court. Each day that a violation continues shall be a separate offense. In addition, the Board of County Commissioners may institute injunctive, mandamus or other appropriate action or proceedings of law to correct violations of this Code. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.

77.17. Definitions

For the purpose of this Code, the following definitions describe the meaning of the terms used in this Code:

Administration means the Maryland Department of the Environment (MDE) Water Management Administration (WMA).

Adverse impact means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Agricultural land management practices means those methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

Applicant means any person (engineer, developer or Owner), firm, or governmental agency that executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

Aquifer means a porous water bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.

Best Management Practice (BMP) means a structural device or nonstructural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities.

Channel Protection Storage Volume (Cp.) means the volume used to design structural management practices to control stream channel erosion. Methods for calculating the channel protection storage volume are specified in the 2000 Maryland Stormwater Design Manual, Volumes I & II.

CIP means Capital Improvement Program for St. Mary's County or the Town of Leonardtown.

Clearing means the removal of trees and brush from the land but shall not include the ordinary mowing of grass.

Design Manual means the 2000 Maryland Stormwater Design Manual, Volumes I & II that serves as the official guide for stormwater management principles, methods, and practices.

Detention structure means a permanent structure for the temporary storage of runoff, which is designed so as not to create a permanent pool of water.

Develop land means to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.

Direct discharge means the concentrated release of stormwater to tidal waters or vegetated tidal wetlands from new development or redevelopment projects in the Critical Area.

Drainage area means the area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridgeline.

Easement means a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

Exemption means those land development activities that are not subject to the stormwater management requirements contained in this Code.

Extended detention means a stormwater design feature that provides gradual release of a volume of water in order to increase settling of pollutants and protect downstream channels from frequent storm events. Methods for designing extended detention BMPs are specified in the Design Manual.

Extreme flood volume (Q_f) means the storage volume required to control those infrequent but large storm events in which overbank flows reach or exceed the boundaries of the 100-year floodplain.

Flow attenuation means prolonging the flow time of runoff to reduce the peak discharge.

Format Guidelines means the St. Mary's County Department of Public Works and Transportation Format Guidelines for Development Plan Submittals.

Grading means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.

Infiltration means the passage or movement of water into the soil surface.

Off-site stormwater management means the design and construction of a facility necessary to control stormwater from more than one development.

On-site stormwater management means the design and construction of systems necessary to control stormwater within an immediate development.

Overbank flood protection volume (Q_p) means the volume controlled by structural practices to prevent an increase in the frequency of out of bank flooding generated by development. Methods for calculating the overbank flood protection volume are specified in the Design Manual.

Recharge volume (Re_v) means that portion of the water quality volume used to maintain groundwater recharge rates at development sites. Methods for calculating the recharge volume are specified in the Design Manual.

Redevelopment means any construction, alteration, or improvement cumulatively exceeding 5,000 square feet of land disturbance performed on sites where existing land use is commercial, industrial, institutional or multifamily residential *and* where seventy-five percent (75%) or more of the parent parcel is currently covered by impervious material (roof top or pavement.) Existing gravel surfaces will *not* be considered impervious in defining redevelopment. Final determination of the applicable area shall be made by the Department of Public Works and Transportation.

Retention structure means a permanent structure that provides for the storage of runoff by means of a permanent pool of water.

Retrofitting means the construction of a structural BMP in a previously developed area, the modification of an existing structural BMP, or the implementation of a nonstructural practice to improve water quality over current conditions.

SCD means the St. Mary's Soil Conservation District, also known as the local U.S. Department of Agriculture Natural Resources Conservation Service (NRCS).

Sediment means soils or other surface materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.

Site means:

- (a) for "new development" any tract, lot, or parcel of land or combination of tracts, lots, or parcels of land, which are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.
- (b) for "redevelopment" the area of new construction as shown on an approved site plan; or the original parcel. Final determination of the applicable area shall be made by the Director of Public Works and Transportation.

Stabilization means the prevention of soil movement by any of various vegetative and/or structural means.

Stormwater management means:

For quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; and

For qualitative control, a system of vegetative, structural, and other measures which reduce or eliminate pollutants that might otherwise be carried by surface runoff.

Stormwater Management Plan means a set of drawings or other documents submitted by a person as a prerequisite to obtaining a stormwater management approval, which contain all of the information and specifications pertaining to stormwater management.

Stripping means any activity that removes the vegetative surface cover including tree removal, clearing, grubbing and storage or removal of topsoil.

Variance means the modification of the minimum stormwater management requirements for specific circumstances such that strict adherence to the requirements would result in necessary hardship and not fulfill the intent of the Code.

Waiver means the relinquishment from stormwater management requirements by the Department of Public Works and Transportation for a specific development on a case-by-case review basis.

Qualitative stormwater management waiver includes water quality volume and recharge volume design parameters.

Quantitative stormwater management waiver includes channel protection storage volume, overbank flood protection volume, and extreme flood volume design parameter.

Watercourse means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that is subject to inundation from overflow or flood water.

Watershed means the total drainage area contributing runoff to a single point.

Water quality volume (WQ_v) means the volume needed to capture and treat the runoff from ninety percent (90%) of the average annual rainfall at a development site. Methods for calculating the water quality volume are specified in the Design Manual.