

J. S. ...

COUNTY ORDINANCE NO. 00-07

A BILL ENTITLED

AN ACT concerning the amendment of Section 18-1-025 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.);

FOR THE PURPOSE of amending Section 18-1-025 of the Code of Public Local Laws of Queen Anne's County to allow group day care centers as either principal or accessory uses in the Suburban Industrial and Light Industrial Highway Service zoning districts.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-025 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be and is hereby repealed and readopted to read as set forth on the attached.

SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

Introduced By: Marlene Davis
Date: 7-18-00 9:30am (Aug 29, 2000)
Vote: 3 Yea 9-19-00 Nay

Effective: Nov. 4th

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COUNTY ORDINANCE NO. 00-08

A BILL ENTITLED

AN ACT concerning the repeal and readoption with amendments of Section 18-1-108(d) of the Code of Public Local Laws of Queen Anne's County (1996 Ed.)

FOR THE PURPOSE OF increasing the maximum permitted height of lighting for outdoor recreational uses from 40 feet to 70 feet.

SECTION I

BE IT ENACTED BY the County Commissioners of Queen Anne's County, Maryland that Section 18-1-108(d) of the Code of Public Local Laws of Queen Anne's County be repealed and reenacted to read as follows:

Section 18-1-108 Lighting Standards

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- (d) ...
- (1) lighting for the outdoor recreational uses specified above may not exceed a maximum allowed post height of 70 feet; and
- (2) ...

SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

INTRODUCED BY: Marlene Davis

DATE: 7-18-00

PUBLIC HEARING SCHEDULED FOR: 8-29-00 9:45am

PUBLIC HEARING HELD: _____

VOTE: 3 YEA _____ NAY _____

DATE: 9-19-00

Effective: Nov 4th

COUNTY ORDINANCE NO. 00-04

A BILL ENTITLED

AN ACT concerning the Repeal and Re-Adoption with amendments of the Local Public Laws of Queen Anne's County, Title 14 *ENVIRONMENTAL PROTECTION*, Subtitle 1. Chesapeake Bay Critical Area Act 1996 Official Chesapeake Bay Critical Area Overlay Map Number 56.

FOR THE PURPOSE OF amending parcel 22, block 18, Lot 2 of the Fair Prospect subdivision located on said 1996 Official Chesapeake Bay Critical Area Overlay Map 56 to designate approximately 22.33 acres of said parcel from Resource Conservation Area (RCA) to ~~Intense Development Area (IDA).~~

Intensely Developed

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that the Local Public Laws of Queen Anne's County, Title 14 *ENVIRONMENTAL PROTECTION*, Subtitle 1. Chesapeake Bay Critical Area Act 1996 Official Chesapeake Bay Critical Area Overlay Map Number 56 is hereby repealed and the attached Map Number 56 be and is hereby adopted as the 1996 Official Chesapeake Bay Critical Area Overlay Map Number 56 for Queen Anne's County, Maryland.

SECTION II

BE IT FURTHER ENACTED that this Act will take effect on the forty-sixth day following its passage.

INTRODUCED BY: Marlene Davis

DATED: 3-21-00

PUBLIC HEARING HELD: May 2, 2000 9130

VOTE: 3 YEA _____ NAY _____

DATE: May 16, 2000

Effective July 1st

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IN THE MATTER OF
PROPOSED COUNTY
ORDINANCE NO. 00-04

* BEFORE THE
* COUNTY COMMISSIONERS OF
* QUEEN ANNE'S COUNTY

FINDINGS

A public hearing was held on May 2, 2000 at 9:30 a.m. in the County Commissioners meeting room Liberty Building, 107 N Liberty Street, Centreville, Maryland 21617 on the application of Elm Street Development, Inc. for growth allocation and on proposed County Ordinance 00-04 which would amend Chesapeake Bay Critical Area Overlay Map No. 56 to designate 22.33 acres, more or less (Map 56, Parcel 22, Block 18, Lot 2) from Resource Conservation Area (RCA) to Intensely Developed Area (IDA).

Following the hearing the County Commissioners evaluated and considered the following: the Queen Anne's County Comprehensive plan, the Queen Anne's County Critical Area Program, the Stevensville Community Growth Sub-Area Plan, the testimony and exhibits presented and the recommendations and findings of the Queen Anne's County Planning Commission and the Chesapeake Bay Critical Area Commission.

Based upon consideration of the matters set forth above, the County Commissioners make the following findings:

1. The application is consistent with the purposes set forth in Section 8-1800 et seq. of the Natural Resources Article of the Annotated Code of Maryland, the Queen Anne's County Critical Area Program, the Comprehensive Plan and the Queen Anne's County Code of Public Local Laws.

2. The subject property is located in the Stevensville Growth Area and was rezoned SMPD to accommodate higher density development.
3. SMPD zoning is not consistent with the density limitations imposed by an RCA designation.
4. The property is pre-mapped for growth allocation in the Stevensville Community Plan.
5. Existing public water and sewer is available to serve the property.
6. The granting of growth allocation will have no adverse impact upon shore buffer, protected resources, habitat protection areas or the character of the existing waterfronts.
7. The seven conditions on approval suggested by the Queen Anne's County Planning Commission are consistent with the intent of the Queen Anne's County Critical Area Program.

DECISION

The application for growth allocation will be approved subject to the requirements of the Queen Anne's County Code of Public Local Laws including Section 14-177(h) and subject to those seven (7) conditions recommended by the Queen Anne's County Planning Commission which conditions are incorporated herein by reference.

THE COUNTY COMMISSIONERS OF
QUEEN ANNE'S COUNTY

George M. O'Donnell

Marlene F. Davis

John T. McQueeney, Jr.

adopted 8-16-00

COUNTY ORDINANCE NO. 00-10

AN ACT CONCERNING

AN BILL ENTITLED Interim Adequate Facilities Ordinance,
Title 28 of the Code of Public Local Laws of Queen Anne's County.

FOR THE PURPOSE of adopting an Interim Adequate Public
Facilities Ordinance in Queen Anne's County, establishing the
intent thereof, establishing procedures to assure that adequate
schools, roads, water and sewer services are available to serve
proposed development and to insure that development in Queen
Anne's County does not occur unless adequate provision is made
for such public facilities by adopting a new Title 28 of the Code
of Public Local Laws of Queen Anne's County and providing that
such Ordinance shall be emergency legislation and effective
immediately upon adoption.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S
COUNTY, MARYLAND that the attached Title 28 of the Code of Public
Local Laws of Queen Anne's County, entitled "Interim Adequate
Facilities Ordinance" be and is hereby adopted.

SECTION II

BE IT FURTHER ENACTED that the County Commissioners of Queen
Anne's County do determine and declare that this Ordinance shall
be an emergency bill affecting the public health, safety and
welfare and shall take effect from the date of its passage.

Introduced By: Marlene Davis

Date of Introduction: 11-27-00

Hearing Held: 12-12-00

Date of Hearing: 12-12-00 10:00am

Vote: 3 Yea Nay

Date of Vote: March 20, 2001

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QUEEN ANNE'S COUNTY

**TITLE 28. INTERIM ADEQUATE
FACILITIES ORDINANCE**

Subtitle 1. General Provisions

28-101 Title

This Ordinance shall be known as the Interim Adequate Public Facilities Ordinance of Queen Anne's County, Maryland (IAPFO).

28-102 Purpose and Intent

The Queen Anne's County Commissioners find that the health, safety and general public welfare of the residents of Queen Anne's County will be promoted by establishing temporary public facilities regulations to be in effect while the County updates the Comprehensive Plan and Zoning Code, in addition to preparing an Impact Fee Ordinance and an Adequate Public Facilities Ordinance (referred to herein as the "Growth Management Program"). The purpose and intent of this Ordinance is not to prohibit the filing, review or approval of development applications, but instead, to influence the rate at which development may occur while the County updates its Growth Management Program.

The purposes of this Ordinance are to:

- (a) implement "Interim" Adequate Public Facilities policies in anticipation of preparation and adoption of an Adequate Public Facilities Ordinance.
- (b) determine that public facilities, infrastructure and services adequate to serve proposed development are either existing or will be provided concurrent with that development.
- (c) assure that proposed development will not adversely affect the public health, safety and welfare of County residents.
- (d) establish uniform procedures for the review of development applications while this Ordinance remains in effect.

28-103 Affected Area

This Ordinance shall apply within the entire unincorporated area of the County.

28-104 Definitions

To the extent that the words and terms used herein are defined in the Queen Anne's County Code and Master Water and Sewer Plan, they shall be accorded the same

meaning and definitions herein. The following words and terms, not defined in said Code and Plan, are defined as follows:

(a) Adequate Public Facilities Study (APFS)

A study that describes (a) existing essential public facilities (including schools, roads, wastewater and water systems) likely to be impacted by a proposed development, (b) the impact the proposed development will have upon such essential public facilities, and (c) whether the public facilities will continue to provide adequate service to the residents of Queen Anne's County after the proposed development (and each phase thereof) is completed.

(b) Capital Improvements Program (CIP)

A document adopted annually by the County Commissioners itemizing County capital projects funded for the current fiscal year and those capital projects planned for the following five-year period, including the proposed means of funding such projects, sometimes referred to herein as "the six year CIP".

(c) Development Application: Any of the following submitted or pending on/after 11/1/00.

- (1) Concept/sketch plan.
- (2) Preliminary/final subdivision application.
- (3) Preliminary/final mixed use application.
- (4) Site plan application.
- (5) Conditional use application.

(d) Essential Public Facilities

- (1) Public schools.
- (2) Public roads.
- (3) Wastewater systems including community sewerage systems, multi-use systems or individual sewerage disposal systems.
- (4) Water systems including community water systems, multi-use systems or individual water supply systems.

Subtitle 2. Term and Extension

28-201 Term of Ordinance

This Ordinance shall remain in effect from the date of its adoption until the earlier of:

- (a) nine (9) months from its date of adoption, unless extended by the County Commissioners as set forth below; or
- (b) the date of adoption of an Adequate Public Facilities Ordinance.

28-202 Extension of Term of Ordinance

The Queen Anne's County Commissioners may extend the term of this Ordinance for a period not exceeding nine (9) months. The County Commissioners may extend the term of this Ordinance by resolution without the requirement of additional public hearings.

Subtitle 3. Applicability

28-301 Development Approvals

Unless otherwise provided in Section 28-302, this Ordinance applies to all development applications as defined herein.

28-302. Exempted Uses and Development

This Ordinance does not apply to the following:

- (a) Sketch plan applications of less than 20 lots.
- (b) Subdivision applications of less than 20 lots.
- (c) Mixed use development applications of less than 20 lots/units and less than 5,000 sq. ft. of nonresidential floor area.
- (d) Concept plan applications of less than 5,000 sq. ft. of floor area.
- (e) Site plan applications of less than 5,000 sq. ft. of floor area.
- (f) Public service uses.
- (g) Building permits or zoning certificates.

Subtitle 4. Applicability

28-401 Compliance

An APFS must be submitted to the Dept. of Planning & Zoning prior to the review of any new development application. Review of new development applications will not begin until the Planning Director determines that adequate essential public facilities exist or will be provided concurrently with the proposed development.

An APFS must be submitted to the Dept. of Planning & Zoning for any development application pending on the effective date of this Ordinance prior to any further review or approvals of the pending development application. Further review and approvals of pending development applications will not proceed until the Planning Director determines that adequate essential public facilities exist or will be provided concurrently with the proposed development.

28-402 Submission Requirements

If a phased development is proposed or contemplated, the APFS shall address the impacts of the entire development on affected essential public facilities. A complete APFS shall contain at a minimum the following information:

- (a) Schools - an APFS shall include the following regarding schools:
- (1) schools to be attended by the projected students based upon school districts, as established by the Queen Anne's County Board of Education.
 - (2) for each school district affected by the project, existing enrollments and enrollments projected to be generated by all other proposed developments in the school district, and all other enrollments projected by the Queen Anne's County Board of Education by the time of project completion.
 - (3) the APFS may propose improvements which will achieve adequacy of service as defined in Section 28-502 (a).
- (b) Roads - an APFS regarding roads shall include a traffic impact study of public rights-of-way owned and maintained by the State or County that will be impacted by the proposed development. The traffic impact study shall, at a minimum, provide information regarding the following roadway improvements or conditions: pavement, drainage, traffic control devices, bridges and culverts, existing service levels at all impacted intersections and projected service levels. In assessing projected service levels, the APFS shall include traffic to be generated by other development projects pending or reasonably anticipated. The APFS may propose improvements which will achieve adequacy of service as defined in Section 28-502 (b).
- (c) Wastewater Systems - an APFS regarding wastewater systems shall be based upon the adequacy criteria set forth in Section 28-502 (c). The APFS may propose improvements which will achieve adequacy of service as defined in Section 28-502(c).
- (d) Water Systems - an APFS regarding water systems shall be based upon the adequacy criteria set forth in Section 28-502 (d). The APFS may propose improvements which will achieve adequacy of service as defined in Section 28-502 (d).

Subtitle 5. Procedure and Requirements

27-501 Procedures for Determination of Adequacy of Public Facilities

- (a) Submission to Planning Director. The Planning Director shall within fifteen (15) days determine whether the APFS is complete pursuant to the submission requirements set forth in Section 28-402. If the APFS is complete, the Planning Director shall forward the APFS to the Department

of Public Works and Board of Education and other agencies deemed appropriate by the Planning Director for review and comment.

- (b) Planning Director Determination of Adequacy. The comments and recommendations of agencies to which the APFS has been referred shall be considered by the Planning Director. If the Planning Director determines that each essential public facility will be adequate to serve the proposed development at the standards set forth in this Ordinance, the Planning Director shall notify the applicant in writing within thirty (30) days. The development application shall then be reviewed and considered for approval as provided in Title 18 of the Queen Anne's County Code.

If the Planning Director determines that any essential public facility will not be adequate to serve the proposed development at the standards set forth in this Ordinance, the Planning Director shall notify the applicant in writing within thirty (30) days that one or more essential public facilities are inadequate to serve the proposed development. The applicant may then submit a mitigation plan that proposes means to maintain or generate adequate essential public facilities concurrently with the development of the project.

(c) Mitigation Plan.

- (1) The Planning Director shall consider a mitigation plan submitted by an applicant. The Planning Director may recommend final approval of a mitigation plan by the Planning Commission only if the Planning Director finds that the plan will assure that adequate levels of essential public facilities exist or will be made available to serve the proposed development concurrently with the development of the project. A mitigation plan may include one or more of the following:
- (i) dedication of property to the County.
 - (ii) front funding payment of impact fees.
 - (iii) fees in lieu of necessary public facilities improvements.
 - (iv) participation in private/public partnerships.
 - (v) developer agreements.
 - (vi) off-site improvements.

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(vii) other mechanisms as may be determined by the County Commissioners, Sanitary Commission or Planning Director.

(2) The Planning Director shall consider the recommendations of the Director of the Department of Public Works, the Superintendent of Schools and any other agency. The Planning Director shall notify the applicant in writing within forty-five (45) days of receiving a complete mitigation plan whether the mitigation plan will be recommended for approval by the Planning Commission. The development application shall then be reviewed and considered for approval as provided in Title 18 of the Queen Anne's County Code. The mitigation plan shall include the type(s) of mitigation and the methods and schedules, including project phasing, for the implementation of the mitigation plan. The Planning Commission shall review and have final approval authority of the mitigation plan at or before final project approval.

(3) Following final approval by the Planning Commission, the mitigation plan shall be reduced to a binding Adequate Public Facilities Agreement between the applicant and the County, that shall run with and bind the applicant's property. The Agreement shall be approved for form and content by the County Attorney.

(d) Disapproval of Project.

If the Planning Director has determined that one or more essential public facilities are inadequate and an applicant fails to provide a mitigation plan to assure adequate levels of essential public facilities, the Planning Director shall reject the development application. The decision of the Planning Director shall be in writing to the applicant.

(e) Performance Guarantees.

The County Commissioners may require a performance guarantee (bond, letter of credit, etc.) when appropriate to insure compliance with an approved mitigation plan.

28-502 Threshold Requirements

(a) Public Schools.

Public schools in the service area of the proposed development shall be considered adequate if:

- (1) the existing and projected school population together with the school population projected to be generated from the proposed development is 120% or less of the State rated capacity per school affected or the Board of Education determines that exceeding capacity will not be detrimental to the curriculum or quality of education; or
- (2) the County is scheduled to initiate construction within the first two years of the adopted six-year CIP, such additional schools or school improvements as are necessary in combination with existing schools to comply with Item #1 above; or
- (3) the applicant agrees to undertake school construction or improvements necessary to meet Item #1 above; or
- (4) the applicant agrees to contribute to the financing of specific improvements in accordance with the CIP that will comply with Item #1 above.

(b) Public Roads.

Roads affected by the proposed development shall be considered adequate if:

- (1) in growth areas, the projected level of service after buildout of the project for road segments and intersections affected by the proposed project is B or higher for off-peak hours and C or above for peak hours.
 - (2) outside growth areas, the projected level of service after buildout of the project for road segments and intersections affected by the proposed project is A for off-peak and peak hours.
 - (3) the County is scheduled to initiate construction within the first two years of the six-year CIP, such additional roads, or road improvements as are necessary in combination with existing roads and intersections to comply with the standards specified in Items #1 & #2 above; or
 - (4) the applicant agrees to undertake the construction of the roads or road improvements to comply with the standards specified in Items #1 & #2 above; or
- (5) the applicant agrees to contribute to the financing of specific improvements in accordance with the six-year CIP to comply with Item #3 above.

(c) Wastewater Systems.

The proposed development shall be served by an adequate community sewage system, multi-use system, or individual sewage disposal system.

- (1) The community sewage system shall be considered adequate if the lateral systems, interceptors, pumping stations, force mains and treatment plant have sufficient unreserved or uncommitted available capacity to accommodate expected and ultimate peak flows from the proposed development; or
- (2) The community sewage system shall also be considered adequate if improvements, expansion or construction of facilities necessary to comply with standards in Item #1 above are scheduled to be constructed and on-line within the first two years of the six-year CIP; or
- (3) The community sewage system may be considered adequate if improvements, expansion or construction of facilities necessary to comply with standards in Item #1 are scheduled to be constructed and on-line within the first four years of the six-year CIP and the applicant agrees to contribute to financing of specific improvements in accordance with the six-year CIP which will comply with Items #1 or #2 above.
- (4) Multi-use systems and on-site sewage disposal systems shall be considered adequate if the design is approved by appropriate State and County authorities.

(d) Water Systems.

The proposed development shall be served by an adequate community water system, multi-use water system or individual water supply system.

- (1) The community water system shall be considered adequate if the source facilities, storage tanks, pumping stations and distribution systems have sufficient unreserved or uncommitted capacity available to provide the average flow required in addition to minimum fire flow for the proposed project; or
- (2) The community water system shall be considered adequate if improvements, expansion or construction of facilities necessary to comply with standards in Item #1 above are scheduled to be constructed and on-line within the first two years of the six-year CIP; or

- (3) The community water system may be considered adequate if improvements, expansion or construction of facilities necessary to comply with standards in Item #1 above are scheduled to be constructed and on-line within the first four years of the six-year CIP and the applicant agrees to contribute to the financing of specific improvements in accordance with the six-year CIP which will comply with Items #1 or #2 above.
- (4) Multi-use systems and individual water supply systems shall be considered adequate if the design is approved by appropriate State and County authorities.

Subtitle 6. Miscellaneous

27-601 Appeals

Appeals from any decision of the Planning Director or Planning Commission under this Ordinance shall be to the Queen Anne's County Board of Appeals.

27-602 Effect on Existing County Ordinance This Ordinance is not intended to amend or repeal any existing County ordinance or regulation, or the Queen Anne's County Master Water and Sewer Plan and any sewer allocation policy adopted by the Queen Anne's County Sanitary Commission. The requirements of this Ordinance shall be deemed to be supplemental to, and not in substitution of, existing County ordinances, regulations, or adopted policies.

28-603 Conflict

In the event of conflict between this Ordinance and any other County law or regulations, the most restrictive legally applicable law shall apply.

27-603 Severability

If any section, subsection, sentence, clause, phase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of law, such portions shall be deemed a separate, distinct or independent provision, and such holding shall not effect the validity of the remaining portions of this Ordinance; it being the intent of the Queen Anne's County Commissioners that this Ordinance shall stand, notwithstanding the invalidity of any section, sentence, clause, phrase, or portion hereof.

AMENDMENT TO
COUNTY ORDINANCE NO. 00-10A

AN ACT AMENDING

A BILL ENTITLED Interim Adequate Public Facilities Ordinance, Title 28 of the Code of Public Local Laws of Queen Anne's County.

FOR THE PURPOSE of amending pending County Ordinance 00-10 to provide for the establishment and responsibilities of a Technical Review Committee; clarifying the development applications to which the proposed IAPFO will apply; clarifying appeal procedures; amending the required levels of service for roads; and correcting stylistic errors.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that pending County Ordinance 00-10 be amended so that Title 28 of the Code of Public Local Laws of Queen Anne's County, entitled "Interim Adequate Facilities Ordinance" shall read as set forth on the attached.

Introduced by: Maureen Davis

Date of Introduction: 3-20-01

Seconded: _____

Vote: 3 Yea _____ Nay _____

Date of Vote: 3-20-01

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**TITLE 28. INTERIM ADEQUATE
PUBLIC FACILITIES ORDINANCE**

Subtitle 1. General Provisions

28-101 Title

This Ordinance shall be known as the Interim Adequate Public Facilities Ordinance of Queen Anne's County, Maryland (IAPFO).

28-102 Purpose and Intent

The Queen Anne's County Commissioners find that the health, safety and general public welfare of the residents of Queen Anne's County will be promoted by establishing temporary public facilities regulations to be in effect while the County updates the Comprehensive Plan and Zoning Code, in addition to preparing an Impact Fee Ordinance and an Adequate Public Facilities Ordinance (referred to herein as the "Growth Management Program"). The purpose and intent of this Ordinance is not to prohibit the filing, review or approval of development applications, but instead, to influence the rate at which development may occur while the County updates its Growth Management Program.

The purposes of this Ordinance are to:

- (a) implement "Interim" Adequate Public Facilities policies in anticipation of preparation and adoption of an Adequate Public Facilities Ordinance.
- (b) determine that public facilities, infrastructure and services adequate to serve proposed development are either existing or will be provided concurrent with that development.
- (c) assure that proposed development will not adversely affect the public health, safety and welfare of County residents.
- (d) establish uniform procedures for the review of development applications while this Ordinance remains in effect.

28-103 Affected Area

This Ordinance shall apply within the entire unincorporated area of the County.

28-104 Definitions

To the extent that the words and terms used herein are defined in the Queen Anne's County Code and Master Water and Sewer Plan, they shall be accorded the same

meaning and definitions herein. The following words and terms, not defined in said Code and Plan, are defined as follows:

(a) Adequate Public Facilities Study (APFS)

A study that describes (a) existing essential public facilities (including schools, roads, wastewater and water systems) likely to be impacted by a proposed development, (b) the impact the proposed development will have upon such essential public facilities, and (c) whether the public facilities will continue to provide adequate service to the residents of Queen Anne's County after the proposed development (and each phase thereof) is completed.

(b) APFS Technical Review Committee (TRC)

A committee comprised of the Queen Anne's County Administrator and the Directors of the Queen Anne's County Department of Public Works and Department of Planning and Zoning.

(c) Capital Improvements Program (CIP)

A document adopted annually by the County Commissioners itemizing County capital projects funded for the current fiscal year and those capital projects planned for the following five-year period, including the proposed means of funding such projects, sometimes referred to herein as "the six year CIP".

(d) Development Application: Any of the following pending on or submitted after March 1, 2001.

- (1) Concept/sketch plan.
- (2) Preliminary/final subdivision application.
- (3) Preliminary/final mixed use application.
- (4) Site plan application.

(e) **Essential Public Facilities**

- (1) Public schools.
- (2) Public roads.
- (3) Wastewater systems including community sewerage systems, multi-use systems or individual sewerage disposal systems.
- (4) Water systems including community water systems, multi-use systems or individual water supply systems.

Subtitle 2. Term and Extension

28-201 Term of Ordinance

This Ordinance shall remain in effect from the date of its adoption until the earlier of:

- (a) nine (9) months from its date of adoption, unless extended by the County Commissioners as set forth below; or
- (b) the date of adoption of an Adequate Public Facilities Ordinance.

28-202 Extension of Term of Ordinance

The Queen Anne's County Commissioners may extend the term of this Ordinance for a period not exceeding nine (9) months. The County Commissioners may extend the term of this Ordinance by resolution without the requirement of additional public hearings.

Subtitle 3. Applicability

28-301 Development Approvals

Unless otherwise provided in Section 28-302, this Ordinance applies to all development applications as defined herein.

28-302. Exempted Uses and Development

This Ordinance does not apply to the following:

- (a) Sketch plan applications of less than 20 lots/units.
- (b) Subdivision applications of less than 20 lots/units.

- (c) Mixed use development applications which generate less than 25 peak hour trips and do not require an amendment to the Queen Anne's County Master Water and Sewer Plan.
- (d) Concept plan applications for non-residential uses which generate less than 25 peak hour trips and do not require an amendment to the Queen Anne's County Master Water and Sewer Plan.
- (e) Site plan applications for non-residential uses which generate less than 25 peak hour trips and do not require an amendment to the Queen Anne's County Master Water and Sewer Plan.
- (f) Public service uses.
- (g) Building permits or zoning certificates.

Subtitle 4. Applicability

28-401 Compliance

An APFS must be submitted to the Dept. of Planning & Zoning prior to the review of any new development application. Review of new development applications will not begin until the TRC determines that adequate essential public facilities exist or will be provided concurrently with the proposed development.

An APFS must be submitted to the Dept. of Planning & Zoning for any development application pending on the effective date of this Ordinance prior to any further review or approvals of the pending development application. Further review and approvals of pending development applications will not proceed until the TRC determines that adequate essential public facilities exist or will be provided concurrently with the proposed development.

28-402 Submission Requirements

If a phased development is proposed or contemplated, the APFS shall address the impacts of the entire development on affected essential public facilities. A complete APFS shall contain at a minimum the following information:

- (a) **Schools** - an APFS shall include the following regarding schools:
 - (1) schools to be attended by the projected students based upon school districts, as established by the Queen Anne's County Board of Education.

- (2) for each school district affected by the project, existing enrollments and enrollments projected to be generated by all other proposed developments in the school district, and all other enrollments projected by the Queen Anne's County Board of Education by the time of project completion.
 - (3) the APFS may propose improvements which will achieve adequacy of service as defined in Section 28-502 (a).
- (b) Roads - an APFS regarding roads shall include a traffic impact study of public rights-of-way owned and maintained by the State or County that will be impacted by the proposed development. Prior to the applicant initiating a Traffic Impact Study a meeting shall be held with Department of Public Works Staff to determine the Traffic Impact Study Parameters. The traffic impact study shall, at a minimum, provide information regarding the following roadway improvements or conditions: pavement, drainage, traffic control devices, bridges and culverts, existing service levels at all impacted intersections and projected service levels. In assessing projected service levels, the APFS shall include traffic to be generated by other development projects pending or reasonably anticipated. The APFS may propose improvements which will achieve adequacy of service as defined in Section 28-502 (b).
- (c) Wastewater Systems - an APFS regarding wastewater systems shall be based upon the adequacy criteria set forth in Section 28-502 (c). The APFS may propose improvements which will achieve adequacy of service as defined in Section 28-502(c).
- (d) Water Systems - an APFS regarding water systems shall be based upon the adequacy criteria set forth in Section 28-502 (d). The APFS may propose improvements which will achieve adequacy of service as defined in Section 28-502 (d).

Subtitle 5. Procedure and Requirements

28-501 Procedures for Determination of Adequacy of Public Facilities

- (a) Submission to Planning Director. The Planning Director shall within fifteen (15) days determine whether the APFS is complete pursuant to the submission requirements set forth in Section 28-402. If the APFS is complete, the Planning Director shall forward the APFS to the Department of Public Works and Board of Education and other agencies deemed appropriate by the TRC for review and comment.

- (b) TRC Determination of Adequacy. The comments and recommendations of agencies to which the APFS has been referred shall be considered by the TRC. If the TRC determines that each essential public facility will be adequate to serve the proposed development at the standards set forth in this Ordinance, the TRC shall notify the applicant in writing within forty-five (45) days of submission of a completed application. The development application shall then be reviewed and considered for approval as provided in Title 18 of the Queen Anne's County Code.

If the TRC determines that any essential public facility will not be adequate to serve the proposed development at the standards set forth in this Ordinance, the TRC shall notify the applicant in writing within forty-five (45) days of submission of a completed application that one or more essential public facilities are inadequate to serve the proposed development. The applicant may then submit a mitigation plan that proposes means to maintain or generate adequate essential public facilities concurrently with the development of the project.

(c) Mitigation Plan.

- (1) The TRC shall consider a mitigation plan submitted by an applicant. The TRC may recommend final approval of a mitigation plan to the Planning Commission only if the TRC finds that the plan will assure that adequate levels of essential public facilities exist or will be made available to serve the proposed development concurrently with the development of the project. The development application shall be reviewed and considered for approval as provided in Title 18 of the County Code only after a mitigation plan has been recommended by the TRC for final approval. A mitigation plan may include one or more of the following:
- (i) dedication of property to the County.
 - (ii) front funding payment of impact fees.
 - (iii) fees in lieu of necessary public facilities improvements.
 - (iv) participation in private/public partnerships.
 - (v) developer agreements.
 - (vi) off-site improvements.
 - (vii) other mechanisms as may be determined by the TRC.

The mitigation plan shall include the type(s) of mitigation and the methods and schedules, including project phasing, for the implementation of the mitigation plan.

- (2) Following final approval by the Planning Commission, the mitigation plan shall be reduced to a binding Adequate Public Facilities Agreement between the applicant and the County, that shall run with and bind the applicant's property. The Agreement shall be approved for form and content by the County Attorney.

(d) Disapproval of Project.

If the TRC has determined that one or more essential public facilities are inadequate and an applicant fails to provide a mitigation plan to assure adequate levels of essential public facilities, the TRC shall reject the development application. The decision of the TRC shall be in writing to the applicant.

(e) Performance Guarantees.

The Planning Commission may require a performance guarantee (bond, letter of credit, etc.) when appropriate to insure compliance with an approved mitigation plan.

28-502 Threshold Requirements

(a) Public Schools.

Public schools in the service area of the proposed development shall be considered adequate if:

- (1) the existing and projected school population together with the school population projected to be generated from the proposed development is 120% or less of the State rated capacity per school affected or the Board of Education determines that exceeding capacity will not be detrimental to the curriculum or quality of education; or
- (2) the County is scheduled to initiate construction within the first two years of the adopted six-year CIP, such additional schools or school improvements as are necessary in combination with existing schools to comply with Item #1 above; or
- (3) the applicant agrees to undertake school construction or improvements necessary to meet Item #1 above; or

- (4) the applicant agrees to contribute to the financing of specific improvements in accordance with the CIP that will comply with Item #1 above.

(b) Public Roads.

Roads affected by the proposed development shall be considered adequate if:

- (1) in growth areas, the projected level of service after buildout of the project for intersections affected by the proposed project is C or above for peak hours, provided, however, that a projected level of service D for peak hours shall be considered adequate if the applicant submits and the TRC and Planning Commission approve a Mitigation Plan under § 28-501(c) that will result in an overall improvement to either road capacity or level of service in the vicinity of the proposed development.
- (2) outside growth areas, the projected level of service after buildout of the project for and intersections affected by the proposed project is B for peak hours.
- (3) the County is scheduled to initiate construction within the first two years of the six-year CIP, such additional roads, or road improvements as are necessary in combination with existing roads and intersections to comply with the standards specified in Items #1 & #2 above; or
- (4) the applicant agrees to undertake the construction of the roads or road improvements to comply with the standards specified in Items #1 & #2 above; or
- (5) the applicant agrees to contribute to the financing of specific improvements in accordance with the six-year CIP to comply with Item #3 above.

(c) Wastewater Systems.

The proposed development shall be served by an adequate community sewage system, multi-use system, or individual sewage disposal system.

- (1) The community sewage system shall be considered adequate if the lateral systems, interceptors, pumping stations, force mains and treatment plant have sufficient unreserved or uncommitted available capacity to accommodate expected and ultimate peak flows from the proposed development; or

- (2) The community sewage system shall also be considered adequate if improvements, expansion or construction of facilities necessary to comply with standards in Item #1 above are scheduled to be constructed and on-line within the first two years of the six-year CIP; or
- (3) The community sewage system may be considered adequate if improvements, expansion or construction of facilities necessary to comply with standards in Item #1 are scheduled to be constructed and on-line within the first four years of the six-year CIP and the applicant agrees to contribute to financing of specific improvements in accordance with the six-year CIP which will comply with Items #1 or #2 above.
- (4) Multi-use systems and on-site sewage disposal systems shall be considered adequate if the design is approved by appropriate State and County authorities.

(d) Water Systems.

The proposed development shall be served by an adequate community water system, multi-use water system or individual water supply system.

- (1) The community water system shall be considered adequate if the source facilities, storage tanks, pumping stations and distribution systems have sufficient unreserved or uncommitted capacity available to provide the average flow required in addition to minimum fire flow for the proposed project; or
- (2) The community water system shall be considered adequate if improvements, expansion or construction of facilities necessary to comply with standards in Item #1 above are scheduled to be constructed and on-line within the first two years of the six-year CIP; or
- (3) The community water system may be considered adequate if improvements, expansion or construction of facilities necessary to comply with standards in Item #1 above are scheduled to be constructed and on-line within the first four years of the six-year CIP and the applicant agrees to contribute to the financing of specific improvements in accordance with the six-year CIP which will comply with Items #1 or #2 above.

- (4) Multi-use systems and individual water supply systems shall be considered adequate if the design is approved by appropriate State and County authorities.

Subtitle 6. Miscellaneous

28-601 Appeals

Any decision of the TRC finding that public facilities will not be adequate to serve proposed development under this Ordinance may be appealed within thirty (30) days from the date of the decision to the Queen Anne's County Board of Appeals. The Board of Appeals shall affirm the decision of the TRC unless the Board finds the decision of the TRC to be arbitrary, capricious or illegal.

28-602 Effect on Existing County Ordinance

This Ordinance is not intended to amend or repeal any existing County ordinance or regulation, or the Queen Anne's County Master Water and Sewer Plan and any sewer allocation policy adopted by the Queen Anne's County Sanitary Commission. The requirements of this Ordinance shall be deemed to be supplemental to, and not in substitution of, existing County ordinances, regulations, or adopted policies.

28-603 Conflict

In the event of conflict between this Ordinance and any other County law or regulations, the most restrictive legally applicable law shall apply.

28-604 Severability

If any section, subsection, sentence, clause, phase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of law, such portions shall be deemed a separate, distinct or independent provision, and such holding shall not effect the validity of the remaining portions of this Ordinance; it being the intent of the Queen Anne's County Commissioners that this Ordinance shall stand, notwithstanding the invalidity of any section, sentence, clause, phrase, or portion hereof.



DEPARTMENT OF PLANNING AND ZONING
QUEEN ANNE'S COUNTY
107 N. LIBERTY STREET
CENTREVILLE, MARYLAND 21617

NNN

410-758-4088 Permits
410-758-3972 Fax
410-758-1255 Planning
410-758-2905 Fax

MEMORANDUM

TO: THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY
HONORABLE GEORGE M. O'DONNELL, PRESIDENT
HONORABLE MARLENE F. DAVIS, VICE-PRESIDENT
HONORABLE JOHN T. MCQUEENEY, JR., MEMBER

FROM: STEVEN KAIL-ZIEGLER SKZ

RE: AMENDED PENDING ORDINANCE NO. 00-10 (IAPFO)

DATE: 3/16/01

I am attaching a copy of the final amended version of County Ordinance No. 00-10 for review and potential approval/adoption on 3/20/01. Should you have any questions or concerns relating to the pending legislation, please do not hesitate to call me at home over the weekend at 410-897-9393. I will be available Friday evening and Sunday evening.

SKZ:cm

Attachment

CC: Steve Walls
Christopher Drummond, Esq.
Mark Belton

\\steve\cocommarch16.doc

COUNTY ORDINANCE NO. 00-09

A BILL ENTITLED

AN ACT Concerning the Repeal and Readoption with Amendments of Queen Anne's County Sectional Zoning Map No. 30.

FOR THE PURPOSE of rezoning Parcels 81, 88 and 64 on Queen Anne's County Sectional Zoning Map No. 30 from Neighborhood Conservation (NC-2) Zoning District to Suburban Industrial (SI) Zoning District.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Queen Anne's County Sectional Zoning Map No. 30 be and is hereby repealed and readopted with Parcels Nos. 81, 88 and 64 rezoned to Suburban Industrial (SI) District.

SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

Introduced By: Marlene Davis

Date: 11-27-00

Vote: 3 Yea 2-6-01 Nay

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QUEEN ANNE'S COUNTY

1. The subject property has historically been utilized for industrial activity. Prior to 1987 the property was zoned M-2 which is a General Industrial District.

2. The property is not generally suitable for residential purposes. The NC-2 district normally contemplates an average lot size of 2 acres. The property is slightly over 1 acre in size. The property is adjacent to a railroad track and is currently improved with silos, storage buildings and a loading and unloading deck.

2. No evidence was presented regarding population change in the area. The County Commissioners note that the area surrounding the subject property has been relatively stable in terms of population growth.

3. Public water and sewer are not available to the property. Any industrial use of the property would be restricted in size by the lack of such facilities.

4. The property is on a public road, bordered by a railroad track and in close proximity to Route 301, the major highway in the northern part of Queen Anne's County.

5. The continued use of the property for industrial activity is consistent with its prior usage and compatible with the surrounding neighborhood and potential development in the area.

6. The rezoning is consistent with the Queen Anne's County Master Plan. The property is in close proximity (although not immediately adjacent) to other SI zoned lands.

Based on the forgoing the County Commissioners of Queen Anne's County find that a mistake was made when parcels 88, 81 and 64 on Tax Map 30 were zoned Neighborhood Conservation (NC-2) and the properties be and are hereby redesignated Suburban Industrial (SI).

George M. O'Donnell

George M. O'Donnell

Marlene F. Davis

Marlene F. Davis

John T. McQueeney, Jr.

John T. McQueeney, Jr.

COUNTY ORDINANCE NO. 01-03

A BILL ENTITLED

AN ACT CONCERNING the Repeal and Readoption with Amendments of Sections 11-101, 11-201, 11-202, 11-204, 11-301, 11-304, 11-402, 11-502, 11-601 and 11-602 of Title 11 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) entitled "Construction Regulation - Electrical Examiners".

FOR THE PURPOSE of defining certain terms; providing for the licensing and examination of Limited Electricians; making certain stylistic changes; increasing the potential fines for violating the provisions thereof and generally updating and revising the provisions of Title 11 of the Public Local Laws of Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY; MARYLAND that Sections 11-101, 11-201, 11-202, 11-204, 11-301, 11-304, 11-402 and 11-502 Title 11 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) entitled "Construction Regulation - Electrical Examiners" be and are hereby repealed and readopted to read as set forth on the attached.

SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

Introduced By: Marlene Davis

Date: 5-15-01

Public Hearing Held: 10:00 Am 6-12-01

Vote: 3 Yea Nay

Date: 6-19-01

Effective date Aug 4, 2001

RECEIVED
CLERK, CIRCUIT COURT

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QUEEN ANNE'S COUNTY

TITLE 11. CONSTRUCTION REGULATION - ELECTRICAL EXAMINERS

Subtitle 1. Definitions; Scope of Title

11-101. Definitions.

(a) *In general.*

In this title the following words have the meanings indicated.

(b) *Board.*

"Board" means the Board of Electrical Examiners of Queen Anne's County.

(c) *Limited Electrician.*

"Limited Electrician" means a person who limits their electrical work to the installation of the maintenance and control wiring in no more than two (2) of the following categories of electrically operated equipment, system, or devices:

- (a) Heating, ventilation, and air conditioning equipment, low voltage only.
- (b) Refrigeration equipment, low voltage only.
- (c) Display signs, low voltage only, Neon excluded.
- (d) Fire alarm or detection systems, low voltage only.
- (e) Communications, data, sound and television, low voltage only.

(d) *Low voltage.*

"Low voltage" means any voltage lower than 90 volts.

(e) *Master Electrician.*

"Master Electrician" means a person:

- (1) whose services are unlimited in the electrical trade; and
- (2) who has the experience, knowledge, and skill to install, repair, alter, and add to electrical wiring, fixtures, appliances, raceways, conduits, or any part of them that generates, transmits, transforms, or utilizes electrical energy in any form for light, heat, power or communication in a manner that complies with all plans, specifications, codes, laws and regulations applicable, including electrical installation and systems within plants and substations.

Drafter's Note: Subsection (a) of this section is standard language added to a definitional section.

Subsection (b) of this section is new language added to explicitly defined "Board".

Subsection (c) of this section is derived from the Public Local Laws of Queen Anne's County, 1983 ed., §5-201. Although "master electrician" was formerly defined for a single subtitle, it is redefined to apply throughout this title for accuracy.

The only changes are stylistic.

Defined terms: See §§2-101 and 11-101

Subtitle 2. Board of Electrical Examiners

11-201. Board of Electrical Examiners.

(a) Established.

(1) The County Commissioners shall appoint a Board of Electrical Examiners of Queen Anne's County.

(2) The purpose of the Board is to examine the qualifications and capabilities of persons who are engaged, or desire to engage, in business as master or limited electrician.

(b) Membership; qualifications.

(1) The Board shall consist of three members.

(2) Each member of the Board shall be a competent master electrician of Queen Anne's County.

(3) Members of the Board shall be selected from a list of names recommended to the County Commissioners by the Queen Anne's County Board of Electrical Examiners.

(4) Each member appointed to the Board shall be a resident of the County and over the age of 21 years.

(c) Oath.

Before taking office, each member of the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(d) Tenure; vacancies.

(1) The term of a member of the Board is three years and the terms are staggered as required by the terms provided for members of the Board on June 1, 1985.

(2) If a vacancy occurs for any cause during the term of a Board member, the County Commissioners shall fill the vacancy from a list of at least two names recommended by the Queen Anne's County Board of Electrical Examiners.

(e) Removal.

The County Commissioners may remove any member of the Board for incompetency or improper conduct if satisfactory evidence is presented to the County Commissioners of such condition.

Drafter's Note: This section is derived from the Public Local Laws of Queen Anne's County, 1983 ed., § 5-101 and, as it related to the Constitutional oath, § 5-102.

In subsection (a) of this section, the former phrase 'in which event the provisions of this subtitle shall then become effective' is deleted as obsolete.

Subsection (c) of this section is revised to cite the relevant Constitutional provision and to conform to similar provisions in this Code.

The only other changes are stylistic.

Defined terms. See §§ 2-101 and 11-101.

11-202. Officers; by-laws.

(a) Officers.

The Board may elect a Chairman from among its members and such other officers as it deems necessary.

(b) By-laws.

The Board may adopt rules and by-laws for the transaction of the business of the Board as it considers expedient and proper.

Drafter's Note: This section is derived from the second sentence of the Public Local Laws of Queen Anne's County, 1983 ed., § 5-102.

The only changes are stylistic.

Defined terms: See §§ 2-101 and 11-101.

11-204. Regulations.

(a) In general.

(1) The Board shall adopt regulations for:

(i) the examination of master and limited electricians;

and

(ii) the placing, installing, and operation of electrical wiring, appliances, apparatus, or construction in, upon, and about buildings in the County.

(2) The regulations shall provide for the giving of timely notice of meetings to those who have applied for a license.

(b) Legal effect.

Regulations adopted under this section shall have the same force and effect as if contained herein.

Drafter's Note: This section is derived from the Public Local Laws of Queen Anne's County, 1983 ed., § 5-104, as it related to regulations of the Board.

In subsections (a) and (b) of this section, the former reference to "rules" are deleted in light of the word "regulations".

The only other changes are stylistic.

Defined terms: See §§ 2-101 and 11-101.

Subtitle 3. Master and Limited Electricians - Licensing Procedures

11-301. Electrician licenses.

(a) Application - In general.

(1) An individual who desires to be employed as a master or limited electrician in Queen Anne's County shall apply to the Board for the license examination.

(2) The Board shall provide the individual with the appropriate forms.

(b) Required experience for Master Electrician's License.

(1) An applicant for the master electrician's license examination must have been regularly and principally employed or engaged in electrical construction, maintenance, installation, and repair of all types of electrical equipment and apparatus for not less than seven years preceding the date of the application under the direction and supervision of a master electrician.

(2) For three of the seven years the applicant must have been actively in charge of electrical installation work.

(3) The Board may credit up to three years of formal course study or professional training in electrical installation if, in the opinion of the Board, the study or training provided comparable experience and training otherwise attainable under the supervision of a master electrician.

(c) Application procedure.

(1) Each application for the license examination shall be in writing on the forms provided by the Board and shall be accompanied by a fee set by the County Commissioners.

(2) An applicant shall file an application with the Board at least 45 days before the examination date.

(3) Following receipt of the application and the fee the Board may investigate the qualifications of the applicant, including the education and experience required by subsection (b) of this section.

(4) The Board shall notify the applicant of eligibility for examination at least 15 days before the examination.

(5) Any applicant who fails to appear for a scheduled examination and still desires to take the examination shall file a new application and pay a new fee. The Board may waive this requirement for good cause.

(d) *Examination.*

(1) The Board shall hold license examinations quarterly on dates designated by the Board.

(2) The license examination shall require knowledge of all applicable codes or other rules, laws, or principles of electrical installations.

(3) The questions shall be obtained from a list of questions submitted by the Maryland Uniform Electrical Licensing Examination Committee, Inc.

(e) *Passing Grade.*

(1) Each applicant shall take and pass the objective written examination to determine their fitness for a master or limited electrician license.

(2) The passing grade for the examination shall be 70%.

(3) The notice of the examination shall specify the passing grade.

(f) *Licensure.*

(1) Within 45 days after the examination, the Board shall inform the applicant, in writing, whether or not the applicant passed the application.

(2) If the applicant passed, the Board shall issue a license, subject to compliance by the applicant with the requirements of § 11-304 of this subtitle.

(3) The license shall be issued only in the personal name of the licensee or to a licensee as a qualified agent assigned to a single person, firm or corporation by which the licensee is principally employed.

(g) *Appeals.*

(1) If the Board rejects an applicant's application for an electrician's license, the applicant may appeal to a Board of Arbitration.

(2) The Board of Arbitration shall consist of three members; one person selected by the applicant; one person selected by the Board; and a third person selected by the two persons named to the Board of Arbitration by the applicant and Board, respectively.

(3) The decision of the majority of the Board of Arbitration shall be final and binding on all parties to the appeal.

(4) The members of the Board of Arbitration shall be paid \$25 each, the total of which shall be deposited with the Board by the applicant.

(5) If the Board of Arbitration affirms the decision of the Board, the money deposited shall be used to pay the Board of Arbitration members.

(6) If the Board's decision is reversed the Board of Arbitration members shall be paid \$25 each by the County, and the deposit shall be returned to the applicant.

(7) The applicant shall still be responsible for the application fee.

Drafter's Note: This section is derived from the Public Local Law of Queen Anne's County, 1983 ed., § 5-202(a) through (g) as amended by Ch. 49, Acts of the General Assembly, 1990.

In subsection (g)(6) of this section, the reference to payment by "the County" is substituted for the former reference to the "Treasurer of Queen Anne's County" to reflect the abolishment of the Treasurer's position by County Ordinance 92-09.

The only other changes are stylistic.

Defined terms: See 2-101 and 11-101.

11-304. Insurance requirements.

(a) In general.

A person may not be licensed as a master or limited electrician under this subtitle unless the person carries general liability insurance in an amount of at least \$300,000 and property damage insurance in an amount of at least \$100,000.

(b) Proof.

An applicant for the issuance or renewal of a license shall furnish the Board with proof that the insurance has been obtained before the Board shall issue or renew the license.

(c) Notice of cancellation.

Within ten days of the cancellation date, a person licensed as an electrician shall forward to the Board any notice of cancellation of the master electrician's general liability insurance.

Drafter's Note: This section is derived from the Public Local Laws of Queen Anne's County, 1983 ed., § 5-202(j).

The only changes are stylistic.

Defined terms: See §§ 2-101 and 11-101.

Subtitle 4. Licenses

11-402. Display of license.

A person granted a license shall be issued a card and they shall carry it on their person at all times while engaged in any work under said license.

Drafter's Note: This section is derived from the Public Local Laws of Queen Anne's County, 1983 ed., § 5-304.

The only changes are stylistic.

Defined terms: See §§ 2-101 and 11-101.

Subtitle 5. Miscellaneous Provisions

11-502. Wiring; cut-in certificates.

(a) Electrical hookups.

An electric light or power company may not attach its power lines or an electric meter to any consumer's property within the County:

(1) unless:

(i) the building was wired before June 1, 1959; or

(ii) the electrical work has been installed by a master electrician licensed under this title; and

(2) until a temporary or permanent meter cut-in certificate has been issued by an inspection agency or a department designated by the County Commissioners.

(b) Meter cut-in certificate.

(1) The designated agency or department shall issue a meter cut-in certificate.

(2) The certificate shall be sent to the power or electric company furnishing the electricity for the consumer's property.

(c) Special permits.

Notwithstanding subsection (a) of this section, the Board may issue a special permit for an attachment to a contractor needing electricity during construction, and the electric light or power company may provide service upon presentation of the special permit.

Drafter's Note: This section is derived from the Public Local Laws of Queen Anne's County, 1983 ed., § 5-401.

In the introductory language of subsection (a) of this section, the former implementation date, "[a]fter June 1, 1959" is deleted as obsolete.

In subsection (a) (1) (ii) of this section, the word "electrical" is added to modify "work" for clarity. Similarly, in subsection (c) of this section, the introductory phrase, "[n]otwithstanding subsection (a) of this section," is added for clarity.

The only other changes are stylistic.

Defined terms: See 2-101 and 11-101.

Subtitle 6. Prohibited Acts; Penalties

11-601. Prohibited activities.

Any person who practices or engages, or continues in the work of a master or limited electrician without having complied with all the provisions of this title and any person not licensed as a master or limited electrician, who does or performs any such work except under the direction of a master or limited electrician, and any person having been licensed as a master or limited electrician but fails to renew the license, and does or performs any such work, or who violates any of the provisions of this title, shall be guilty of a misdemeanor.

Drafter's Note: This section is derived from the Public Local Laws of Queen Anne's County, 1983 ed., § 5-501, as it related to prohibited activities.

The only changes are stylistic.

Defined terms: See §§ 2-101 and 11-101.

11-602. Penalties.

(a) In general.

A person convicted under § 11-601 of this subtitle is subject to a fine of not less than \$250 but not exceeding \$1,000 or to imprisonment not exceeding 90 days or both.

(b) Annulment of license.

Any conviction under this subtitle shall automatically annul a license issued to the person convicted.

Drafter's Note: This section is derived from the Public Local Laws of Queen Anne's County, 1983 ed., § 5-501, as it related to penalties.

In subsection (a) of this section, the former phrase, "in the discretion of the court" is deleted as implicit.

In subsection (b) of this section, the reference to "automatically annul [a license]" is substituted for the former reference "ipso facto revoke and annul" for brevity.

The only other changes are stylistic.

Defined terms: See §§ 2-101 and 11-101.

Drafter's Note to title: Former § 5-602 of the Public Local Laws of Queen Anne's County, 1983 ed., which was a severability provision, is deleted as unnecessary in light of § 3-107 of this Code. Throughout this title, numerous stylistic changes are made for clarity or for consistency with other titles of this Code. However, no substantive changes are intended.

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QUEEN ANNE'S COUNTY

COUNTY ORDINANCE NO. 01-01

A BILL ENTITLED

AN ACT concerning the Repeal and Readoption with amendments of the Public Local Laws of Queen Anne's county (1996 Ed.) Title 14, Environmental Protection, 1996 Official Chesapeake Bay Critical Area Map Nos. 49 and 57.

FOR THE PURPOSE of utilizing Critical Area Growth Allocation to redesignate 293.25 acres of property near Stevensville, Maryland from Resource Conservation Area (RCA) to Intense Development Area (IDA) and to utilize pre-mapped growth allocation to redesignate 79.55 acres of land from Limited Development Area (LDA) to Intense Development Area (IDA) by amending part of parcels 7, 8 and 11 on Queen Anne's County Official Chesapeake Bay Critical Area Map No. 49 and Parcels 1, 8, 347 and 532 on Official Chesapeake Bay Critical Area Map No. 57.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Title 14 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be amended by the repeal of Official Chesapeake Bay Critical Area Map Nos. 49 and 57 and the adoption of the attached Map Nos. 49 and 57 as the Official Chesapeake Bay Critical Area Map Nos. 49 and 57.

SECTION II

BE IT FURTHER ENACTED that this Act will take effect on the forty-sixth day following its passage.

Introduced by: Commissioner Marlene Davis

Date of Introduction: 2-6-01

Public Hearing Scheduled for: 2-27-01

Public Hearing Held: Yes No

Vote: 3 Yea Nay

Date: 8-21-01

ORDINANCE NO. 01-01A

AN AMENDMENT TO A BILL ENTITLED

AN ACT concerning the Repeal and Readoption with amendments of the Public Local Laws of Queen Anne's County (1996 Ed.) Title 14, Environmental Protection, 1996 Official Chesapeake Bay Critical Area Map Nos. 49 and 57.

FOR THE PURPOSE of conditioning the grant of Critical Area Growth Allocation contemplated by County Ordinance No. 01-01 on the performance and satisfaction of certain conditions and providing for the recapture of said Growth Allocation if certain conditions are not met.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Title 14 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be amended by the repeal of Official Chesapeake Bay Critical Area Map Nos. 49 and 57 and the adoption of the attached Map Nos. 49 and 57 as the Official Chesapeake Bay Critical Area Map Nos. 49 and 57 provided, however, that the map amendments and the use of Critical Area Growth Allocation in connection therewith are conditioned in their entirety on (i) the negotiation and execution of an acceptable Developer Rights and Responsibilities Agreement between the County Commissioners of Queen Anne's County and K. Hovnanian of Maryland, Inc. in accordance with Resolution No. 01-13 of the County Commissioners of Queen Anne's County adopted April 10, 2001 and (ii) full compliance with all other conditions set forth in said Resolution 01-13.

SECTION II

BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that in the event a satisfactory Developer Rights and Responsibilities Agreement is not negotiated and executed within six (6) months from the date of adoption of this Ordinance, or the other conditions set forth in Resolution 01-13 are not complied with in full as a part of or before final subdivision approval the grant of growth allocation and the amendments to Chesapeake Bay Critical Area Map Nos. 49 and 57 contemplated herein shall be null and void. The County Commissioners of Queen Anne's County may extend said six (6) month period by resolution adopted prior to the expiration of said six (6) month period. Any such resolution shall extend said six (6) month period to a day certain.

SECTION III

BE IT FURTHER ENACTED that County Ordinance 01-01 shall be amended as set forth above immediately upon adoption of this Amendment.

Amendment Introduced By: Marlene Davis

Date of Introduction: 8-21-01

Vote: 3 Yea _____ Nay _____

Date of Vote: 8-21-01

Amended County Ordinance No. 01-01

Vote: 3 Yea _____ Nay _____

Date of Vote: 8-21-01

COUNTY ORDINANCE NO. 00-02

A BILL ENTITLED

AN ACT CONCERNING the Repeal and Readoption with Amendments of Title 12 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) entitled "Construction Regulation - Plumbing and Health".

FOR THE PURPOSE of defining certain terms; providing for appointment of a plumbing inspector from a list of qualified applicants reviewed by the Plumbing Board; making certain stylistic changes; providing for installation and testing of backflow prevention devices; and generally updating Title 12 of the Code of Public Local Laws of Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Title 12 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) entitled "Construction Regulations - Plumbing and Health" be and is hereby repealed and readopted to read as set forth on the attached.

SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

Introduced By: Marlene Davis

Date: 6-5-01

Public Hearing Held: 7-3-01 at 9:00

Vote: 3 Yea _____ Nay _____

Date: October 2, 2001

~~Effective Date~~

Effective Date: 11-17-01

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QUEEN ANNE'S COUNTY

IRJP 4 PAGE 96

TITLE 12. CONSTRUCTION REGULATION -PLUMBING AND HEALTH

Subtitle 1. Definitions

12-101. "Board" defined.

Subtitle 2. County Plumbing Board; Plumbing Inspector

- 12-201. County Plumbing Board.
- 12-202. Regulations; fees.
- 12-203. Miscellaneous duties.
- 12-204. Plumbing inspector.
- 12-205. Same- miscellaneous powers and duties.

Subtitle 3. Licensing

- 12-301. Plumber licenses - In general.
- 12-302. Master plumber license.
- 12-303. Septic system contractor license.
- 12-304. Special registrations

12-305 Business entities.

Subtitle 4 Plumbing work; Miscellaneous Provisions

- 12-401. Required permit.
- 12-402. Sanitary construction permit- Application.
- 12-403. Same - Processing.
- 12-404. Appliance installation permit.
- 12-405. Code conformance.
- 12-406. Piping work.
- 12-407. Maintenance work.
- 12-408. Backflow Prevention

Subtitle 5. Administrative Appeals; Criminal Penalties

- 12-501. Administrative appeals
- 12-502. Criminal penalties.

Subtitle 1. Definitions

12-101. Definitions

- (a) "Board" means the County Plumbing Board.
- (b) "Plumbing Code" means the plumbing code approved by the Maryland State Board of Plumbing.

QUEEN ANNE'S COUNTY CODE

Subtitle 2. County Plumbing Board; Plumbing Inspector

12-201. County Plumbing Board

(a) *Established.*

The County Commissioners shall appoint a County Plumbing Board.

(b) *Membership; qualifications.*

(1) The Board shall consist of five members who are County residents.

(2) The Board shall consist of:

- (i) a representative of the Master Plumbers Association of Queen Anne's County;
- (ii) a person holding a master plumber license in the County who is recommended by, but need not be a member of, the Master Plumbers Association of Queen Anne's County;
- (iii) a person employed in the building or construction industry and who is not a plumber; and
- (iv) two persons not connected with plumbing or the building trade.

(c) *Term*

(1) Initially, the County Commissioners shall appoint:

- (i) two members for one-year terms;
- (ii) two members for two-year terms;
- (iii) one member for a three-year term.

(2) Thereafter, members shall be appointed for three-year terms and shall continue to serve until their successors are duly appointed.

(d) *Meetings.*

The Board shall meet a least once a month at the office of the Board or other location designated by the Board.

12-202. Regulations; fees.

(a) Regulations.

The County Commissioners and the Board may adopt any regulation and resolution as considered necessary to carry out the provisions of this title.

(b) Fees.

The County Commissioners may establish the amount charged for fees, licenses, license applications, and permits required by this title and may establish the amount of required performance bonds or certificates of insurance.

12-203. Miscellaneous duties.

In addition to any duties set forth elsewhere, the board shall:

(1) hear and decide questions in dispute between property owners, or their agents, and the plumbing inspector; and

(2) act as adviser to the County Commissioners with respect to the administration and enforcement of this title.

12-204. Plumbing inspector

(a) Appointment.

The County Commissioners shall appoint a plumbing inspector from a list of qualified applicants as reviewed by the Plumbing Board.

(b) Qualifications.

The plumbing inspector shall be:

(1) a master plumber or otherwise qualified person or agency as reviewed and recommended by the Board for the position; and

(2) a resident of Queen Anne's County for at least one year prior to appointment if appointed as a county employee.

(c) Compensation.

The plumbing inspector shall be paid as determined by the County Commissioners.

QUEEN ANNE'S COUNTY CODE

12-205. Same - Miscellaneous powers and duties.

(a) Powers.

The plumbing inspector may :

- (1) go on any property whenever the plumbing inspector considers it necessary or expedient to do so to inspect work authorized by a construction permit as the work progresses to determine whether it conforms with the Plumbing Code and with Department of Environment regulations;
- (2) order work stopped that is not in conformity with the Plumbing code or with Department of Environment regulations and require the plumber doing the work to correct it; and
- (3) make other inspections that the plumbing inspector considers necessary.

(b) Duties - In general.

The plumbing inspector shall:

- (1) inspect property during construction authorized by permits issued under this title;
- (2) where appropriate, determine whether all plumbing and gas work performed is in conformity with the Plumbing Code
- (3) where appropriate, determine whether water supply and sewage disposal systems are in compliance with Department of Environment regulations.

(c) Same - Required inspections.

- (1) The plumbing inspector and the Queen Anne's County Health Department sanitarian shall inspect property during construction authorized by a construction permit in accordance with this subsection.
- (2) During a first inspection:
 - (i) the Plumbing Inspector shall inspect all soil lines, drains, vents, and waterlines of any building after they are roughed in and before they are covered.
 - (ii) the Queen Anne's County Health Department shall inspect all outside waste disposal systems during installation and before being covered; and
 - (iii) when appropriate, any submersible pump connected with a well must be inspected during installation.

(3) During a second or final inspection, all work must be inspected and receive final approval after all plumbing fixtures and appliances connected with the water or sewerage system are set, sewers and wells are covered, and the job is completed.

QUEEN ANNE'S COUNTY CODE

12-301. Plumber license - In general

(a) *State license.*

A plumber doing work in the County must be licensed in accordance with the provisions of Title 12 of the Business Occupations and Professions Article of the Annotated code of Maryland.

(b) *County license - Master plumbers.*

A master plumber doing work in the County, whether a resident of the County or not, must obtain a County master plumber license from the Board. A master plumber license shall be issued for a two year period.

(c) *Same - Journeyman plumber.*

A journeyman plumber working in the County, whether a resident of the County or not, must obtain a County journeyman plumber license from the Board. A journeyman plumber license shall be issued for a two year period.

12-302. Master plumber license.

(a) *Application fee; Required certificate of insurance.*

(1) an application for a master plumber license must be accompanied by:

- (i) the appropriate fee; and
- (ii) a certificate of insurance.

(2) The certificate of insurance shall be in the form and amount prescribed by the Board.

(b) *Term.*

A master plumber license shall be issued for a two year period.

(c) *License refusal or revocation.*

The Board may refuse to issue a license or may revoke a license if:

(1) it is shown that a master plumber or journeyman plumber is unable or unwilling to properly perform the plumber's work; or fails to properly supervise work done under his direction.

(2) action is taken upon the plumber's certificate of insurance.

(d) *Same - Reinstatement.*

(1) A person whose license has been suspended or revoked may apply in writing any time to the County Plumbing Board for reinstatement of the license.

(2) On satisfactory proof of the correction of all previous violations the person may be entitled to have the license reinstated.

12-303. Septic system contractor license.

(a) *License required; exceptions.*

(1) A person may not engage in the business of constructing, remodeling, altering, or installing any septic system or part of any septic system unless the person has a valid septic system contractor's license approved by the County Health Officer and issued by the Plumbing Board.

(2) This subsection does not apply to:

(i) a person constructing, remodeling, altering, or repairing the person's own septic system on the person's property;

(ii) a licensee whose license has been suspended or revoked if the licensee is correcting a defect on a job contracted prior to the date of suspension or revocation; or

(iii) a holder of a Queen Anne's County master plumber license.

(b) *Application.*

A person desiring a septic system contractor license may apply to the County Health Officer on an approved form if the person does not have a license under suspension or revocation.

(c) *Fee; required bond or certificate of insurance*

(1) An application for a license must be accompanied by:

(i) the appropriate fee; and

(ii) a certificate of insurance in the form and amount prescribed by the

Board.

QUEEN ANNE'S COUNTY CODE

(d) *Issuance; term.*

A license issued or renewed under this section shall:

- (1) be valid for up to two years; and
- (2) expire on May 31

(e) *Presentation of license.*

The holder of a license shall present it upon request to:

- (1) an employee or agent of the Department of Health and Mental Hygiene; or Approving Authority
- (2) the County plumbing inspector;
- (3) a law enforcement officer of the County or of the State of Maryland

(f) *License suspension and revocation.*

The County Health Officer or Approving Authority may suspend or revoke a license issued under this section if the licensee violates any provision of the health laws or septic system regulations of the County or the State of Maryland or any other law or ordinance relating to the installation of septic system in the County.

(g) *Same - Reinstatement.*

(1) A person whose license has been suspended or revoked may apply in writing any time to the County Health Officer or Approving Authority for reinstatement of the license.

(2) On satisfactory proof of the correction of all previous violations of Department of the Environment regulations or septic system regulations, the person shall be entitled to have the license reinstated.

12-304. Special Registration.**(a) Registration required; exception.**

(1) A person may not install any appliance, water conditioner, pump or propane gas without a County registration.

(2) This section does not apply to a person holding a County master plumber license.

(b) Application.

A person desiring a registration under this section shall apply to the Board.

(c) Same - requirements.

(1) An application for a registration must be accompanied by:

(i) A current State of Maryland master well driller's license, a State of Maryland water conditioner installer's license, State of Maryland gas fitter's license, or State of Maryland pump installer's license.

(ii) A certificate of insurance in form and amount as prescribed by the Plumbing Board.

(d) Issuance; term.

A registration issued under this section shall be valid for two years.

(e) Registration refusal or revocation.

The Board may refuse to issue a registration or may revoke a registration if:

(1) it is shown that the applicant or registrant is unable or unwilling to properly perform the work; or

(2) action is taken on the registrant's certificate of insurance.

12-305. Business entities.

A firm or corporation may engage in the plumbing business in the County if:

(1) there is a licensed master plumber associated with or employed by the firm or corporation; and

(2) the master plumber regularly manages and supervises all plumbing installations.

QUEEN ANNE'S COUNTY CODE

Subtitle 4. Plumbing Work; Miscellaneous Provisions

12-401. Required permit.

Unless a required permit is first obtained from the board, a person may not:

- (1) begin the erection or construction of a new building;
- (2) begin the construction of a major addition or alteration to an existing building that will affect the water supply, sewage disposal, plumbing system or gas system in the building; or
- (3) install any new plumbing fixture, gas fixture or appliance connected with the water or sewerage system, sewer, or addition to a present sewer.
- (4) Significantly alter any existing plumbing or gas system.

12-402. Sanitary construction permit - application.

(a) *In general.*

An applicant for a permit shall complete an application form obtainable at the Queen Anne's County Health Department or Plumbing Board.

(b) *Information required.*

The applicant is required to include on the form:

- (1) the location and description of the property, including, if applicable, the name of the subdivision, lot number, size of lot, and nature and size of building or extent of addition or alteration to an existing building;
- (2) the method of water supply and sewage disposal; and
- (3) the number and kind of plumbing fixtures and appliances connected with the water or sewerage system.

(c) *Same - Accompanying information.*

The application shall be accompanied by a rough drawing showing the size, shape and general location of the owner's property, the location of the existing or proposed building on the property, and the water supply and sewage disposal system in existence or proposed.

12-403. Same - Processing.**(a) In general.**

After an application has been submitted, it shall be delivered to the County Health Department for processing and approval.

(b) Health approval.

The County Health Department may not approve an application for a permit if:

(1) it is evident to the Department that the sanitary requirements cannot or will not be complied with by the owner of the property; or

(2) the site and soil evaluation tests show that an on-site waste disposal system will not be satisfactory.

12-404. Appliance installation permit.**(a) In general.**

(1) A person may not install an appliance in the County that affects or connects with a water supply, sewerage disposal, plumbing system or gas system unless the person first obtains a permit from the Board.

(2) A person may not install an automatic washer, combination washer and dryer, dishwasher, disposal, water conditioner, or similar appliance unless the person is a licensed master plumber or has a master well driller's license, a pump installer's license or a state gas fitters or water conditioner installer's license and is registered under Section 12-304 of this Title.

(3) All water heaters shall be installed by a licensed Master plumber.

(4) This subsection does not apply to the replacement of an old appliance with a new model or with a similar appliance.

(b) Application.

(1) An applicant for a permit shall complete an application form obtainable from the Board.

(2) The applicant is required to provide:

(i) the location of the property;

(ii) the name of the owner of the property;

QUEEN ANNE'S COUNTY CODE

(iii) the name and number of appliances; and

(iv) a drawing showing:

1. The existing water supply and sewer;
2. The number of appliances and fixtures already installed;

and

3. How the appliance will be connected to the present water and sewer system or gas system.

(d) ***Sewer and water alteration.***

If the County Health Department or plumbing inspector determines that a substantial alteration or addition to the sewer or water system is necessary, the property owner, or his agent must obtain other required permits from the County Health Department or Plumbing Board and the work must be performed in a manner that the County Health Department approves.

(e) ***Inspection.***

On installation of the appliance, the plumbing inspector shall inspect the installation under the same regulations as other plumbing installations.

12-405. Code conformance.

(a) ***In general.***

All plumbing work done in the County in and about or in connection with any building, including work involved in installing appliances, must conform to:

- (1) the plumbing code approved by the State Board of Plumbing; and
- (2) the regulations of the Department of Health and Mental Hygiene or Department of Environment.

(b) ***Indoor fixtures.***

Indoor plumbing fixtures must be installed under the supervision of a Master plumber holding a Queen Anne's County plumber license.

(c) ***Septic work.***

Unless the work is being done by the property owner, licensed septic system installer, or as otherwise authorized under this subtitle, installation of approved septic tanks, mound systems, seepage pits, or tile fields must be done under the supervision of a master plumber holding a Queen Anne's County master plumber license or a person holding a septic system contractor's license.

12-406. Piping work.**(a) Piping.**

Any piping beyond a cold water pressure tank must be done under the supervision of a master plumber holding a Queen Anne's County master plumber license.

(b) Well work.

If installation of piping necessitates any work on a well, an appropriate permit must be obtained from the Board or County Health Department and the work must be inspected by the plumbing inspector or Health Department before the work is covered.

12-407. Maintenance work.**(a) In general.**

Subject to subsection (b) of this section, a person employed as a maintenance man in a cannery, oyster house, orange juice plant, milk plant, or similar operation may do maintenance work on the machinery of the company and may routinely service the plumbing system of the plant without being licensed.

(b) License required.

If maintenance work described in subsection (a) of this section requires any new plumbing fixture, new sewer, or addition to an existing sewer handling human waste, the work must be done by a plumber holding a Queen Anne's County plumber license, and shall be governed by the same regulations as other plumbing installations.

12-408. Backflow Prevention.**(a) In general.**

(1) only a licensed Master Plumber or Journeyman Plumber successfully completing a State of Maryland approved Backflow and Cross Connection Course in both classroom and practical shall be allowed to install and test backflow prevention devices in Queen Anne's County.

(2) only a Master Plumber can issue a certification except as provided in number 3 of this section.

(3) The Queen Anne's County Sanitary District and Incorporated Municipalities in Queen Anne's County may install, test, certify, and maintain backflow preventors on their property or right of ways.

QUEEN ANNE'S COUNTY CODE

12-501. Administrative appeals.

Any person aggrieved by a decision of the Board may appeal to the Circuit Court for Queen Anne's County.

12-502. Criminal penalties.

(a) *In general.*

Any person who violates any provision of this title shall be guilty of a misdemeanor.

(b) *Penalty.*

(1) A person convicted under subsection (a) of this section is subject to a fine of not more than \$50 for each offense.

(2) Each day of a violation constitutes a separate offense.

AMENDMENT TO
COUNTY ORDINANCE NO. 01-02A

A BILL AMENDING

AN ACT CONCERNING the Repeal and Readoption with Amendment of Title 12 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) entitled "Construction Regulation - Plumbing and Health".

FOR THE PURPOSE of amending pending County Ordinance No. 01-02 to provide for the appointment of a Plumbing Inspector at the discretion of the County Commissioners, clarifying certain terminology, providing an exemption from registration for homeowner installation of appliances other than gas appliances in or on the homeowner's property, permitting homeowners to install certain appliances, and increasing the penalties for violation of Title 12 of the Code of Public Local Laws.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that pending County Ordinance No. 01-02A be amended as set forth on the attached.

SECTION II

BE IT FURTHER ENACTED that this Act will take effect on the forty-sixth day following its passage.

Introduced by: Commissioner Marlene

Date of Introduction: 10-2-01

Public Hearing Scheduled for: —

Public Hearing Held: Yes No

Vote: 3 Yea Nay

Date: 10-2-01

Effective Date 11-17-01

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QUEEN ANNE'S COUNTY

TITLE 12. CONSTRUCTION REGULATION -PLUMBING AND HEALTH

Subtitle 1. Definitions

12-101. Definitions

Subtitle 2. County Plumbing Board; Plumbing Inspector

- 12-201. County Plumbing Board.
- 12-202. Regulations; fees.
- 12-203. Miscellaneous duties.
- 12-204. Plumbing inspector.
- 12-205. Same- miscellaneous powers and duties.

Subtitle 3. Licensing

- 12-301. Plumber licenses - In general.
- 12-302. Master plumber license.
- 12-303. Septic system contractor license.
- 12-304. Special registrations
- 12-305. Business entities.

Subtitle 4 Plumbing work; Miscellaneous Provisions

- 12-401. Required permit.
- 12-402. Sanitary construction permit- Application.
- 12-403. Same - Processing.
- 12-404. Appliance installation permit.
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- 12-406. Piping work.
- 12-407. Maintenance work.
- 12-408. Backflow Prevention

Subtitle 5. Administrative Appeals; Criminal Penalties

- 12-501. Administrative appeals
- 12-502. Criminal penalties.

Subtitle 1. Definitions

12-101. Definitions

- (a) "Board" means the Queen Anne's County Plumbing Board.
- (b) "Plumbing Code" means the plumbing code approved by the Maryland State Board of Plumbing.

Subtitle 2. County Plumbing Board; Plumbing Inspector**12-201. County Plumbing Board****(a) *Established.***

The County Commissioners of Queen Anne's County shall appoint a County Plumbing Board.

(b) *Membership; qualifications.*

(1) The Board shall consist of five members who are County residents of Queen Anne's County.

(2) The Board shall consist of:

(i) a representative of the Master Plumbers Association of Queen Anne's County;

(ii) a person holding a master plumber license in the County who is recommended by, but need not be a member of, the Master Plumbers Association of Queen Anne's County;

(iii) a person employed in the building or construction industry and who is not a plumber; and

(iv) two persons not connected with plumbing or the building trade.

(c) *Term*

(1) Initially, the County Commissioners shall appoint:

(i) two members for one-year terms;

(ii) two members for two-year terms;

(iii) one member for a three-year term.

(2) Thereafter, members shall be appointed for three-year terms and shall continue to serve until their successors are duly appointed.

(d) *Meetings.*

The Board shall meet at least once a month at the office of the Board or other location designated by the Board.

CONSTRUCTION REGULATION - PLUMBING AND HEALTH

12-202. Regulations; fees.

(a) ***Regulations.***

The County Commissioners and the Board may adopt any regulation and resolution as considered necessary to carry out the provisions of this title.

(b) ***Fees.***

The County Commissioners may establish the amount charged for fees, licenses, license applications, and permits required by this title.

12-203. Miscellaneous duties.

In addition to any duties set forth elsewhere, the Board shall:

(1) hear and decide questions in dispute between property owners, or their agents, and the plumbing inspector; and

(2) act as adviser to the County Commissioners with respect to the administration and enforcement of this title.

12-204. Plumbing inspector

(a) ***Appointment.***

The County Commissioners shall appoint a plumbing inspector. The Board may advise and recommend to the County Commissioners a qualified person or agency to serve in this capacity. *

(b) ***Qualifications.***

The plumbing inspector shall be a master plumber or otherwise qualified person or agency.

(c) ***Compensation.***

The plumbing inspector shall be paid as determined by the County Commissioners.

12-205. Same - Miscellaneous powers and duties.**(a) Powers.**

The plumbing inspector may :

(1) go on any property whenever the plumbing inspector considers it necessary or expedient to do so to inspect work authorized by a construction permit as the work progresses to determine whether it conforms with the Plumbing Code and with Department of Environment regulations;

(2) order work stopped that is not in conformity with the Plumbing Code or with Department of Environment regulations and require the plumber doing the work to correct it; and

(3) make other inspections that the plumbing inspector considers necessary.

(b) Duties - In general.

The plumbing inspector shall:

(1) inspect property during construction authorized by permits issued under this title;

(2) where appropriate, determine whether all plumbing and gas work performed is in conformity with the Plumbing Code;

(3) where appropriate, determine whether water supply and sewage disposal systems are in compliance with Department of Environment regulations.

(c) Same - Required inspections.

(1) The plumbing inspector and the Queen Anne's County Health Department sanitarian shall inspect property during construction authorized by a construction permit in accordance with this subsection.

(2) During a first inspection:

(i) the Plumbing Inspector shall inspect all soil lines, drains, vents, and waterlines of any building after they are roughed in and before they are covered,

(ii) the Queen Anne's County Health Department shall inspect all outside waste disposal systems during installation and before being covered; and

(iii) when appropriate, any submersible pump connected with a well must be inspected during installation.

CONSTRUCTION REGULATION - PLUMBING AND HEALTH

(3) During a second or final inspection, all work must be inspected and receive final approval after all plumbing fixtures and appliances connected with the water or sewerage system are set, sewers and wells are covered, and the job is completed.

12-301. Plumber license - In general**(a) State license.**

A plumber doing work in the County must be licensed in accordance with the provisions of Title 12 of the Business Occupations and Professions Article of the Annotated Code of Maryland.

(b) County license - Master plumbers.

A master plumber doing work in the County, whether a resident of the County or not, must obtain a County master plumber license from the Board. A master plumber license shall be issued for a two year period.

(c) Same - Journeyman plumber.

A journeyman plumber working in the County, whether a resident of the County or not, must obtain a County journeyman plumber license from the Board. A journeyman plumber license shall be issued for a two year period.

12-302. Master plumber license.**(a) Application fee; Required certificate of insurance.**

(1) an application for a master plumber license must be accompanied by:

(i) the appropriate fee; and

(ii) a certificate of insurance.

(2) The certificate of insurance shall be in the form and amount prescribed by the Board.

(b) Term.

A master plumber license shall be issued for a two year period.

(c) License refusal or revocation.

The Board may refuse to issue a license or may revoke or suspend a license if:

(1) it is shown that a master plumber or journeyman plumber is unable or unwilling to properly perform the plumber's work or fails to properly supervise work done under his direction.

(2) action is taken upon the plumber's certificate of insurance.

CONSTRUCTION REGULATION - PLUMBING AND HEALTH

(d) ***Same - Reinstatement.***

(1) A person whose license has been suspended or revoked may apply in writing any time to the Board for reinstatement of the license.

(2) On satisfactory proof of the correction of all previous violations the person may be entitled to have the license reinstated.

12-303. Septic system contractor license.

(a) ***License required; exceptions.***

(1) A person may not engage in the business of constructing, remodeling, altering, or installing any septic system or part of any septic system unless the person has a valid septic system contractor's license approved by the County Health Officer and issued by the Plumbing Board.

(2) This subsection does not apply to:

(i) a person constructing, remodeling, altering, or repairing the person's own septic system on the person's property;

(ii) a licensee whose license has been suspended or revoked if the licensee is correcting a defect on a job contracted prior to the date of suspension or revocation;
or

(iii) a holder of a Queen Anne's County master plumber license.

(b) ***Application.***

A person desiring a septic system contractor license may apply to the County Health Officer on an approved form if the person does not have a license under suspension or revocation.

(c) ***Fee; required bond or certificate of insurance***

(1) An application for a license must be accompanied by:

(i) the appropriate fee; and

(ii) a certificate of insurance in the form and amount prescribed by the Board.

(d) *Issuance; term.*

A license issued or renewed under this section shall:

- (1) be valid for up to two years; and
- (2) expire on May 31

(e) *Presentation of license.*

The holder of a license shall present it upon request to:

- (1) an employee or agent of the Department of Health and Mental Hygiene or the Board;
- (2) the County plumbing inspector; and
- (3) a law enforcement officer of the County or of the State of Maryland

(f) *License suspension and revocation.*

The County Health Officer or the Board may suspend or revoke a license issued under this section if the licensee violates any provision of the health laws or septic system regulations of the County or the State of Maryland or any other law or ordinance relating to the installation of septic systems in the County.

(g) *Same - Reinstatement.*

- (1) A person whose license has been suspended or revoked may apply in writing any time to the Board for reinstatement of the license.
- (2) On satisfactory proof of the correction of all previous violations, the person shall be entitled to have the license reinstated.

CONSTRUCTION REGULATION - PLUMBING AND HEALTH

12-304. Special Registration.

(a) ***Registration required; exception.***

(1) A person may not install any appliance, water conditioner, pump or make a propane gas connection without a County registration.

(2) This section does not apply to a person holding a County master plumber license or to a homeowner who installs an appliance other than a gas appliance in or on the homeowner's property.

(b) ***Application.***

A person desiring a registration under this section shall apply to the Board.

(c) ***Same - requirements.***

(1) An application for a registration must be accompanied by:

(i) A current State of Maryland master well driller's license, a State of Maryland water conditioner installer's license, State of Maryland gas fitter's license, or State of Maryland pump installer's license.

(ii) A certificate of insurance in form and amount as prescribed by the Board.

(d) ***Issuance; term.***

A registration issued under this section shall be valid for two years.

(e) ***Registration refusal or revocation.***

The Board may refuse to issue a registration or may revoke a registration if:

(1) it is shown that the applicant or registrant is unable or unwilling to properly perform the work; or

(2) action is taken on the registrant's certificate of insurance.

12-305. Business entities.

A firm or corporation may engage in the plumbing business in the County if:

(1) there is a licensed master plumber associated with or employed by the firm or corporation; and

(2) the master plumber regularly manages and supervises all plumbing installations.

Subtitle 4. Plumbing Work; Miscellaneous Provisions**12-401. Required permit.**

Unless a required sanitary construction permit is first obtained from the Board, a person may not:

- (1) begin the erection or construction of a new building;
- (2) begin the construction of a major addition or alteration to an existing building that will affect the water supply, sewage disposal, plumbing system or gas system in the building; or
- (3) install any new plumbing fixture, gas fixture or appliance connected with the water or sewerage system, sewer, or addition to a present sewer.
- (4) Significantly alter any existing plumbing or gas system.

12-402. Sanitary construction permit - application.**(a) *In general.***

An applicant for a sanitary construction permit shall complete an application form obtainable at the Queen Anne's County Health Department or Plumbing Board.

(b) *Information required.*

The applicant is required to include on the form:

- (1) the location and description of the property, including , if applicable, the name of the subdivision, lot number, size of lot, and nature and size of building or extent of addition or alteration to an existing building;
- (2) the method of water supply and sewage disposal; and
- (3) the number and kind of plumbing fixtures and appliances connected with the water or sewerage system.

(c) *Same - Accompanying information.*

The application shall be accompanied by a rough drawing showing the size, shape and general location of the owner's property, the location of the existing or proposed building on the property, and the water supply and sewage disposal system in existence and proposed.

CONSTRUCTION REGULATION - PLUMBING AND HEALTH

12-403. Same - Processing.

(a) *In general.*

After an application has been submitted, it shall be delivered to the County Health Department for processing and approval.

(b) *Health approval.*

The County Health Department may not approve an application for a permit if:

(1) it is evident to the Department that the sanitary requirements cannot or will not be complied with by the owner of the property; or

(2) the site and soil evaluation tests show that an on-site waste disposal system will not be satisfactory.

12-404. Appliance installation permit.

(a) *In general.*

(1) A person may not install an appliance in the County that affects or connects with a water supply, sewerage disposal, plumbing system or gas system unless the person first obtains a permit from the Board.

(2) No person (other than a homeowner who installs an appliance which does not include a propane gas connection for their own use) may obtain an appliance installation permit unless the person is a licensed master plumber or has a master well driller's license, a pump installer's license or a state gas fitters or water conditioner installer's license and is registered under Section 12-304 of this Title. *

(3) All water heaters shall be installed by a licensed Master plumber.

(4) This subsection does not apply to the replacement of an old appliance with a new model or with a similar appliance, provided the replacement does not involve a propane gas connection.

(5) An appliance installation permit shall not authorize any holder thereof, other than a Master Plumber, to perform plumbing work.

(b) *Application.*

(1) An applicant for a permit shall complete an application form obtainable from the Board.

(2) The applicant is required to provide:

(i) the location of the property;

- (ii) the name of the owner of the property;
- (iii) the name and number of appliances; and
- (iv) a drawing showing:
 - 1. The existing water supply and sewer;
 - 2. The number of appliances and fixtures already installed;
 - 3. How the appliance will be connected to the present water and sewer system or gas system.

and

(C) Sewer and water alteration.

If the County Health Department or plumbing inspector determines that a substantial alteration or addition to the sewer or water system is necessary, the property owner, or his agent must obtain other required permits from the County Health Department or Plumbing Board and the work must be performed in a manner that the County Health Department approves.

(D) Inspection.

On installation of the appliance, the plumbing inspector shall inspect the installation under the same regulations as other plumbing installations.

12-405. Code conformance.

(a) In general.

All plumbing work done in the County in and about or in connection with any building, including work involved in installing appliances, must conform to:

(1) the plumbing code approved by the State Board of Plumbing; and

(2) the regulations of the Department of Health and Mental Hygiene or Department of Environment.

(b) Indoor fixtures.

Indoor plumbing fixtures must be installed under the supervision of a Master plumber holding a Queen Anne's County plumber license.

(c) Septic work.

Unless the work is being done by the property owner, licensed septic system installer, or as otherwise authorized under this subtitle, installation of approved septic tanks, mound systems, seepage pits, or tile fields must be done under the supervision of a master plumber holding a Queen Anne's County master plumber license or a person holding a septic system contractor's license.

CONSTRUCTION REGULATION - PLUMBING AND HEALTH

12-406. Piping work.

(a) *Piping.*

Any piping beyond a cold water pressure tank must be done under the supervision of a master plumber holding a Queen Anne's County master plumber license.

(b) *Well work.*

If installation of piping necessitates any work on a well, an appropriate permit must be obtained from the Board or County Health Department and the work must be inspected by the plumbing inspector or Health Department before the work is covered.

12-407. Maintenance work.

(a) *In general.*

Subject to subsection (b) of this section, a person employed as a maintenance man in a cannery, oyster house, orange juice plant, milk plant, or similar operation may do maintenance work on the machinery of the company and may routinely service the plumbing system of the plant without being licensed.

(b) *License required.*

If maintenance work described in subsection (a) of this section requires any new plumbing fixture, new sewer, or addition to an existing sewer handling human waste, the work must be done by a plumber holding a Queen Anne's County plumber license, and shall be governed by the same regulations as other plumbing installations.

12-408. Backflow Prevention.

(a) *In general.*

(1) Except as provided herein, only a licensed Master Plumber or Journeyman Plumber successfully completing a State of Maryland approved Backflow and Cross Connection Course in both classroom and practical shall be allowed to install and test backflow prevention devices in Queen Anne's County.

(2) Except as provided herein, a Master Plumber shall issue any certification required in connection with the installation and testing of back flow prevention devices.

(3) Incorporated Municipalities, including the Queen Anne's County Sanitary District may install, test, certify, and maintain backflow preventors on their property or right of ways.

12-501. Administrative appeals.

Any person aggrieved by a decision of the Board may appeal to the Circuit Court for Queen Anne's County.

12-502. Criminal penalties.**(a) In general.**

Any person who violates any provision of this title shall be guilty of a misdemeanor.

(b) Penalty.

(1) A person convicted under subsection (a) of this section is subject to a fine of not more than one thousand dollars (1,000) for each offense.

(2) Each day a violation continues constitutes a separate offense.

COUNTY ORDINANCE NO. 01-03

A BILL ENTITLED

AN ACT CONCERNING the Repeal and Readoption with Amendments of Sections 11-101, 11-201, 11-202, 11-204, 11-301, 11-304, 11-402, 11-502, 11-601 and 11-602 of Title 11 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) entitled "Construction Regulation - Electrical Examiners".

FOR THE PURPOSE of defining certain terms; providing for the licensing and examination of Limited Electricians; making certain stylistic changes; increasing the potential fines for violating the provisions thereof and generally updating and revising the provisions of Title 11 of the Public Local Laws of Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 11-101, 11-201, 11-202, 11-204, 11-301, 11-304, 11-402 and 11-502 Title 11 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) entitled "Construction Regulation - Electrical Examiners" be and are hereby repealed and readopted to read as set forth on the attached.

SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

Introduced By: Marlene Davis

Date: 5-15-01

Public Hearing Held: 10:00 Am 6-12-01

Vote: 3 Yea _____ Nay _____

Date: 6-19-01

Effective date Aug 4, 2001

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CLERK, CIRCUIT COURT

01DEC-3 PM 2:57

QUEEN ANNE'S COUNTY

TITLE 11. CONSTRUCTION REGULATION - ELECTRICAL EXAMINERS

Subtitle 1. Definitions; Scope of Title

11-101. Definitions.

(a) *In general.*

In this title the following words have the meanings indicated.

(b) *Board.*

"Board" means the Board of Electrical Examiners of Queen Anne's County.

(c) *Limited Electrician.*

"Limited Electrician" means a person who limits their electrical work to the installation of the maintenance and control wiring in no more than two (2) of the following categories of electrically operated equipment, system, or devices:

- (a) Heating, ventilation, and air conditioning equipment, low voltage only.
- (b) Refrigeration equipment, low voltage only.
- (c) Display signs, low voltage only, Neon excluded.
- (d) Fire alarm or detection systems, low voltage only.
- (e) Communications, data, sound and television, low voltage only.

(d) *Low voltage.*

"Low voltage" means any voltage lower than 90 volts.

(e) *Master Electrician.*

"Master Electrician" means a person:

- (1) whose services are unlimited in the electrical trade; and
- (2) who has the experience, knowledge, and skill to install, repair, alter, and add to electrical wiring, fixtures, appliances, raceways, conduits, or any part of them that generates, transmits, transforms, or utilizes electrical energy in any form for light, heat, power or communication in a manner that complies with all plans, specifications, codes, laws and regulations applicable, including electrical installation and systems within plants and substations.

*Drafter's Note: Subsection (a) of this section is standard language added to a definitional section.
Subsection (b) of this section is new language added to explicitly defined "Board".*

Subsection (c) of this section is derived from the Public Local Laws of Queen Anne's County, 1983 ed., §5-201. Although "master electrician" was formerly defined for a single subtitle, it is redefined to apply throughout this title for accuracy.

The only changes are stylistic.

Defined terms: See §§2-101 and 11-101

Subtitle 2. Board of Electrical Examiners

11-201. Board of Electrical Examiners.

(a) Established.

(1) The County Commissioners shall appoint a Board of Electrical Examiners of Queen Anne's County.

(2) The purpose of the Board is to examine the qualifications and capabilities of persons who are engaged, or desire to engage, in business as master or limited electrician.

(b) Membership; qualifications.

(1) The Board shall consist of three members.

(2) Each member of the Board shall be a competent master electrician of Queen Anne's County.

(3) Members of the Board shall be selected from a list of names recommended to the County Commissioners by the Queen Anne's County Board of Electrical Examiners.

(4) Each member appointed to the Board shall be a resident of the County and over the age of 21 years.

(c) Oath.

Before taking office, each member of the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(d) Tenure; vacancies.

(1) The term of a member of the Board is three years and the terms are staggered as required by the terms provided for members of the Board on June 1, 1985.

(2) If a vacancy occurs for any cause during the term of a Board member, the County Commissioners shall fill the vacancy from a list of at least two names recommended by the Queen Anne's County Board of Electrical Examiners.

(e) Removal.

The County Commissioners may remove any member of the Board for incompetency or improper conduct if satisfactory evidence is presented to the County Commissioners of such condition.

Drafter's Note: This section is derived from the Public Local Laws of Queen Anne's County, 1983 ed., § 5-101 and, as it related to the Constitutional oath, § 5-102.

In subsection (a) of this section, the former phrase "in which event the provisions of this subtitle shall then become effective" is deleted as obsolete.

Subsection (c) of this section is revised to cite the relevant Constitutional provision and to conform to similar provisions in this Code.

The only other changes are stylistic.

Defined terms. See §§ 2-101 and 11-101.

11-202. Officers; by-laws.

(a) Officers.

The Board may elect a Chairman from among its members and such other officers as it deems necessary.

(b) By-laws.

The Board may adopt rules and by-laws for the transaction of the business of the Board as it considers expedient and proper.

Drafter's Note: This section is derived from the second sentence of the Public Local Laws of Queen Anne's County, 1983 ed., § 5-102.

The only changes are stylistic.

Defined terms: See §§ 2-101 and 11-101.

11-204. Regulations.

(a) In general.

(1) The Board shall adopt regulations for:

(i) the examination of master and limited electricians;
and

(ii) the placing, installing, and operation of electrical wiring, appliances, apparatus, or construction in, upon, and about buildings in the County.

(2) The regulations shall provide for the giving of timely notice of meetings to those who have applied for a license.

(b) Legal effect.

Regulations adopted under this section shall have the same force and effect as if contained herein.

Drafter's Note: This section is derived from the Public Local Laws of Queen Anne's County, 1983 ed., § 5-104, as it related to regulations of the Board.

In subsections (a) and (b) of this section, the former reference to "rules" are deleted in light of the word "regulations".

The only other changes are stylistic.

Defined terms: See §§ 2-101 and 11-101.

Subtitle 3. Master and Limited Electricians - Licensing Procedures

11-301. Electrician licenses.

(a) Application - In general.

(1) An individual who desires to be employed as a master or limited electrician in Queen Anne's County shall apply to the Board for the license examination.

(2) The Board shall provide the individual with the appropriate forms.

(b) Required experience for Master Electrician's License.

(1) An applicant for the master electrician's license examination must have been regularly and principally employed or engaged in electrical construction, maintenance, installation, and repair of all types of electrical equipment and apparatus for not less than seven years preceding the date of the application under the direction and supervision of a master electrician.

(2) For three of the seven years the applicant must have been actively in charge of electrical installation work.

(3) The Board may credit up to three years of formal course study or professional training in electrical installation if, in the opinion of the Board, the study or training provided comparable experience and training otherwise attainable under the supervision of a master electrician.

(c) Application procedure.

(1) Each application for the license examination shall be in writing on the forms provided by the Board and shall be accompanied by a fee set by the County Commissioners.

(2) An applicant shall file an application with the Board at least 45 days before the examination date.

(3) Following receipt of the application and the fee the Board may investigate the qualifications of the applicant, including the education and experience required by subsection (b) of this section.

(4) The Board shall notify the applicant of eligibility for examination at least 15 days before the examination.

(5) Any applicant who fails to appear for a scheduled examination and still desires to take the examination shall file a new application and pay a new fee. The Board may waive this requirement for good cause.

(d) Examination.

(1) The Board shall hold license examinations quarterly on dates designated by the Board.

(2) The license examination shall require knowledge of all applicable codes or other rules, laws, or principles of electrical installations.

(3) The questions shall be obtained from a list of questions submitted by the Maryland Uniform Electrical Licensing Examination Committee, Inc.

(e) Passing Grade.

(1) Each applicant shall take and pass the objective written examination to determine their fitness for a master or limited electrician license.

(2) The passing grade for the examination shall be 70%.

(3) The notice of the examination shall specify the passing grade.

(f) Licensure.

(1) Within 45 days after the examination, the Board shall inform the applicant, in writing, whether or not the applicant passed the application.

(2) If the applicant passed, the Board shall issue a license, subject to compliance by the applicant with the requirements of § 11-304 of this subtitle.

(3) The license shall be issued only in the personal name of the licensee or to a licensee as a qualified agent assigned to a single person, firm or corporation by which the licensee is principally employed.

(g) Appeals.

(1) If the Board rejects an applicant's application for an electrician's license, the applicant may appeal to a Board of Arbitration.

(2) The Board of Arbitration shall consist of three members; one person selected by the applicant; one person selected by the Board; and a third person selected by the two persons named to the Board of Arbitration by the applicant and Board, respectively.

(3) The decision of the majority of the Board of Arbitration shall be final and binding on all parties to the appeal.

(4) The members of the Board of Arbitration shall be paid \$25 each, the total of which shall be deposited with the Board by the applicant.

(5) If the Board of Arbitration affirms the decision of the Board, the money deposited shall be used to pay the Board of Arbitration members.

(6) If the Board's decision is reversed the Board of Arbitration members shall be paid \$25 each by the County, and the deposit shall be returned to the applicant.

(7) The applicant shall still be responsible for the application fee.

Drafter's Note: This section is derived from the Public Local Law of Queen Anne's County, 1983 ed., § 5-202(a) through (g) as amended by Ch. 49, Acts of the General Assembly, 1990.

In subsection (g)(6) of this section, the reference to payment by "the County" is substituted for the former reference to the "Treasurer of Queen Anne's County" to reflect the abolishment of the Treasurer's position by County Ordinance 92-09.

The only other changes are stylistic.

Defined terms: See 2-101 and 11-101.

11-304. Insurance requirements.

(a) In general.

A person may not be licensed as a master or limited electrician under this subtitle unless the person carries general liability insurance in an amount of at least \$300,000 and property damage insurance in an amount of at least \$100,000.

(b) Proof.

An applicant for the issuance or renewal of a license shall furnish the Board with proof that the insurance has been obtained before the Board shall issue or renew the license.

(c) Notice of cancellation.

Within ten days of the cancellation date, a person licensed as an electrician shall forward to the Board any notice of cancellation of the master electrician's general liability insurance.

Drafter's Note: This section is derived from the Public Local Laws of Queen Anne's County, 1983 ed., § 5-202(j).

The only changes are stylistic.

Defined terms: See §§ 2-101 and 11-101.

Subtitle 4. Licenses

11-402. Display of license.

A person granted a license shall be issued a card and they shall carry it on their person at all times while engaged in any work under said license.

Drafter's Note: This section is derived from the Public Local Laws of Queen Anne's County, 1983 ed., § 5-304.

The only changes are stylistic.

Defined terms: See §§ 2-101 and 11-101.

Subtitle 5. Miscellaneous Provisions

11-502. Wiring; cut-in certificates.

(a) Electrical hookups.

An electric light or power company may not attach its power lines or an electric meter to any consumer's property within the County:

(1) unless:

(i) the building was wired before June 1, 1959; or

(ii) the electrical work has been installed by a master electrician licensed under this title; and

(2) until a temporary or permanent meter cut-in certificate has been issued by an inspection agency or a department designated by the County Commissioners.

(b) Meter cut-in certificate.

(1) The designated agency or department shall issue a meter cut-in certificate.

(2) The certificate shall be sent to the power or electric company furnishing the electricity for the consumer's property.

(c) Special permits.

Notwithstanding subsection (a) of this section, the Board may issue a special permit for an attachment to a contractor needing electricity during construction, and the electric light or power company may provide service upon presentation of the special permit.

Drafter's Note: This section is derived from the Public Local Laws of Queen Anne's County, 1983 ed., § 5-401.

In the introductory language of subsection (a) of this section, the former implementation date, "[a]fter June 1, 1959" is deleted as obsolete.

In subsection (a)(1)(ii) of this section, the word "electrical" is added to modify "work" for clarity. Similarly, in subsection (c) of this section, the introductory phrase, "[n]otwithstanding subsection (a) of this section," is added for clarity.

The only other changes are stylistic.

Defined terms: See 2-101 and 11-101.

Subtitle 6. Prohibited Acts; Penalties

11-601. Prohibited activities.

Any person who practices or engages, or continues in the work of a master or limited electrician without having complied with all the provisions of this title and any person not licensed as a master or limited electrician, who does or performs any such work except under the direction of a master or limited electrician, and any person having been licensed as a master or limited electrician but fails to renew the license, and does or performs any such work, or who violates any of the provisions of this title, shall be guilty of a misdemeanor.

Drafter's Note: This section is derived from the Public Local Laws of Queen Anne's County, 1983 ed., § 5-501, as it related to prohibited activities.

The only changes are stylistic.

Defined terms: See §§ 2-101 and 11-101.

11-602. Penalties.

(a) In general.

A person convicted under § 11-601 of this subtitle is subject to a fine of not less than \$250 but not exceeding \$1,000 or to imprisonment not exceeding 90 days or both.

(b) Annulment of license.

Any conviction under this subtitle shall automatically annul a license issued to the person convicted.

Drafter's Note: This section is derived from the Public Local Laws of Queen Anne's County, 1983 ed., § 5-501, as it related to penalties.

In subsection (a) of this section, the former phrase, "in the discretion of the court" is deleted as implicit.

In subsection (b) of this section, the reference to "automatically annul [a license]" is substituted for the former reference "ipso facto revoke and annul" for brevity.

The only other changes are stylistic.

Defined terms: See §§ 2-101 and 11-101.

Drafter's Note to title: Former § 5-602 of the Public Local Laws of Queen Anne's County, 1983 ed., which was a severability provision, is deleted as unnecessary in light of § 3-107 of this Code. Throughout this title, numerous stylistic changes are made for clarity or for consistency with other titles of this Code. However, no substantive changes are intended.

COUNTY ORDINANCE NO. 01-04

A BILL ENTITLED

AN ACT concerning the Repeal and Re-Adoption with amendments of the Public Local Laws of Queen Anne's County, *ENVIRONMENTAL PROTECTION*, Title 14, Subpart 2, and Chesapeake Bay Critical Area Act 1996 Official Chesapeake Bay Critical Area Overlay Map Number 58A.

FOR THE PURPOSE OF utilizing Critical Area Growth Allocation to amend part of Parcel 58, Block 15 located on said 1996 Official Chesapeake Bay Critical Area Overlay Map 58A to designate approximately 5.0103 acres of said Parcel from Limited Development Area (LDA) to Intense Development Area (IDA).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that the Public Local Laws of Queen Anne's County, *ENVIRONMENTAL PROTECTION*, Section 14-171, Subpart 2 and Chesapeake Bay Critical Area Act 1996 Official Chesapeake Bay Critical Area Overlay Map Number 58A are hereby repealed and the attached Map Number 58A be and is hereby adopted as the 1996 Official Chesapeake Bay Critical Area Overlay Map Number 58A for Queen Anne's County, Maryland.

SECTION II

BE IT FURTHER ENACTED that this Act will take effect on the forty-sixth (46th) day following its passage.

Introduced By: Maureen Davis
Date of Introduction: 9-18-01
Public Hearing Held: Oct 9, 2001 9:30
Vote: 3 Yea _____ Nay _____
Date of Vote: 10-16-01
Effective 11-30-01

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QUEEN ANNE'S COUNTY

STORMWATER MANAGEMENT ORDINANCE
Table of Contents

Page

Part I - Definitions and Provisions-----

- 14-401. Definitions
- 14-402. Purpose and Authority
- 14-403. Coordination/Enforcement by Department of Public Works
- 14-404. Incorporation by Reference

Part II - Applicability-----

- 14-407. Scope
- 14-408. Exemptions
- 14-409. Waivers/Watershed Management Plans
- 14-410. Standard Stormwater Management Plan
- 14-411. Redevelopment
- 14-412. Variance

Part III - Stormwater Management Criteria-----

- 14-414. Minimum Control Requirements
- 14-415. Stormwater Management Measures
- 14-416. Specific Design Criteria

Part IV - Stormwater Management Plans-----

- 14-419. Review and Approval of Stormwater Management Plans
- 14-420. Contents of the Stormwater Management Plan
- 14-421. Preparation of the Stormwater Management Plan

Part V - Permits-----

- 14-424. Permit Requirement
- 14-425. Fees
- 14-426. Permit Suspension and Revocation
- 14-427. Permit Conditions

Part VI - Security -----

- 14-430. Security Requirements from Developer

Part VII - Inspection -----

- 14-433. Inspection Schedule and Reports
- 14-434. Inspection Requirements During Construction

Part VIII - Maintenance-----

- 14-437. Inspection for Preventative Maintenance
- 14-438. Maintenance Agreement
- 14-439. Maintenance Responsibility

Part IX - Appeals-----

- 14-442. Appeals

Part X - Severability-----

- 14-445. Severability

Part XI - Penalties-----

- 14-448. Penalties

Part XII - Effective Date-----

- 14-449. Effective Date

ENVIRONMENTAL PROTECTION

Subtitle 4. Stormwater Management

Part I. Definitions and General Provisions

14-401. Definitions.

(a) *In general.*

For the purpose of this Subtitle, the following definitions describe the meaning of the terms used in this Subtitle.

(b) *Administration.*

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

(c) *Adverse Impact.*

"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:

(1) are or may potentially be harmful or injurious to human health, welfare, safety or property, or to biological productivity, diversity, or stability; or

(2) unreasonably interferes with the enjoyment of life or property, including outdoor recreation.

(d) *Agricultural Land Management Activities.*

"Agricultural land management activities" 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.

(e) *Applicant.*

"Applicant" means any person, firm, or governmental agency that executes the necessary forms to procure:

RECEIVED (1) official approval of a project; or
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01 DEC -3 PH 2: 58

QUEEN ANNE'S COUNTY

(2) a permit to carry out construction of a project.

(f) *Aquifer.*

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

(g) *Best Management Practice (BMP).*

"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.

(h) *Channel Protection Storage Volume (CP_v).*

(1) "Channel Protection Storage Volume (CP_v)" means the volume used to design structural management practices to control stream channel erosion.

(2) Methods for calculating the channel protection storage volume are specified in the 2000 Maryland Stormwater Design Manual, Volumes I & II.

(i) *Clearing.*

(1) "Clearing" means the removal of trees and brush from the land.

(2) "Clearing" shall not include the ordinary mowing of grass.

(j) *Critical Area.*

"Critical Area" means all waters of and lands under the Chesapeake Bay and its tributaries to the head of tide, all state and private tidal wetlands, and all land and water areas within one thousand (1,000) feet of the landward boundary of heads of tides and state or private tidal wetlands, as modified pursuant to Natural Resources Article §8-1807.

(k) *Department.*

"Department" means the Queen Anne's County Department of Public Works.

(l) *Design Manual.*

"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.

(m) ***Detention Structure.***

"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.

(n) ***Develop Land.***

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

(o) ***Direct Discharge.***

"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.

(p) ***Drainage Area.***

"Drainage area" means that area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.

(q) ***Easement.***

"Easement" means a grant or reservation by the owner of land for the use of such land by others:

- (1) for a specific purpose or purposes, and
- (2) which must be included in the conveyance of land affected by such easement.

(r) ***Exemption.***

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

(s) ***Extended Detention.***

(1) "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.

(2) Methods for designing extended detention BMPs are specified in the Design Manual.

(t) ***Extreme Flood Volume (Q_p)***.

"Extreme flood volume (Q_p)" 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.

(u) ***Flow Attenuation***.

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

(v) ***Grading***.

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

(w) ***In-Fill Development***.

"In-fill Development" means development that occurs on vacant lands within areas of existing development that does not require the subdivision of land.

(x) ***Infiltration***.

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

(y) ***Off-Site Stormwater Management***.

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

(z) ***On-Site Stormwater Management***.

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

(aa) ***Overbank Flood Protection Volume (Q_p)***.

(1) "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.

(2) Methods for calculating the overbank flood protection volume are specified in the Design Manual.

(bb) **Recharge Volume (RE_v).**

(1) "Recharge volume (RE_v)" means that portion of the water quality volume used to maintain groundwater recharge rates at development sites.

(2) Methods for calculating the recharge volume are specified in the Design Manual.

(cc) **Redevelopment.**

"Redevelopment" means any construction, alteration, or improvement exceeding 5,000-square feet of land disturbance performed on sites where existing land use is commercial, industrial, institutional or multifamily residential.

(dd) **Retention Structure.**

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

(ee) **Retrofitting.**

"Retrofitting" means:

- (1) the construction of a structural BMP in a previously developed area,
- (2) the modification of an existing structural BMP, or
- (3) the implementation of a nonstructural practice to improve water quality over current conditions.

(ff) **Sediment.**

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

(gg) **Site.**

"Site" means:

- (1) for "new development" any tract, lot or parcel of land or combination of tracts, lots or parcels of land, which are
 - (i) in one ownership, or
 - (ii) are contiguous and in diverse ownership where development is to be

performed as part of a unit, subdivision, or project.

(2) 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 Department of Public Works.

(hh) ***Stabilization.***

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

(ii) ***Standard Stormwater Management Plans.***

"Standard Stormwater Management Plans" means a plan, developed by the Department, for use by an applicant for development of a single-family residential lot to meet the intent of the Ordinance through non-structural practices.

(jj) ***Stormwater Management.***

"Stormwater management" means:

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

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

(kk) ***Stormwater Management Plan.***

"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.

(ll) ***Stripping.***

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

(mm) ***Variance.***

"Variance" means the modification of the minimum stormwater management requirements for specific circumstances such that strict adherence to the requirements would:

(1) result in unnecessary hardship; and

(2) not fulfill the intent of the Ordinance.

(nn) ***Waiver.***

"Waiver" means the relinquishment from stormwater management requirements by the Department for a specific development on a case-by-case review basis.

(1) "Qualitative stormwater management waiver" includes;

- (i) water quality volume and
- (ii) recharge volume design parameters.

(2) "Quantitative stormwater management waiver" includes;

- (i) channel protection storage volume;
- (ii) overbank flood protection volume, and
- (iii) extreme flood volume design parameter.

(oo) ***Watercourse.***

"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.

(pp) ***Watershed.***

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

(qq) ***Watershed Management Plan***

"Watershed Management Plan" means a plan, prepared by the Department and approved by the Administration, developed to identify and address specific concerns of a watershed.

(rr) ***Water Quality Volume (WQ_v).***

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

14-402. Purpose and Authority**(a) Purpose.**

The purpose of this Ordinance is to protect, maintain and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with increased stormwater runoff. Proper management of stormwater runoff will;

- (1) minimize damage to public and private property,
- (2) reduce the effects of development on land,
- (3) control stream channel erosion, reduce local flooding, and
- (4) maintain after development, as nearly as possible, the pre-development runoff characteristics.

(b) Authority.

The provisions of this Subtitle are adopted under the authority of Title 4, Subtitle 2 of the Environment Article of Annotated Code of Maryland.

(c) Applicability.

The application of this Ordinance and provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other restrictions or requirements imposed by State or Federal law.

14-403. Coordination/Enforcement by Department of Public Works.

The Queen Anne County Department of Public Works shall be responsible for the coordination and enforcement of the provisions of this Ordinance.

14-404. Incorporation by Reference.

For the purpose of this Subtitle, 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 by reference by Queen Anne County Department of Public Works 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).

14-405. Reserved.

14-406. Reserved.

PART II. Applicability

14-407. Scope.

No person shall develop any land for residential, commercial, industrial, or institutional uses in Queen Anne's County, without having provided stormwater management measures that control or manage runoff from such developments.

(a) The stormwater management measures must be:

- (1) designed to be consistent with the Design Manual and;
- (2) constructed according to an approved plan.

14-408. Exemptions.

The following development activities are exempt from the provisions of this Subtitle and the requirements of providing stormwater management:

- (a) Agricultural land management activities and related structures;
- (b) Additions or modifications to existing single family detached residential structure if they comply with (c) below;
- (c) Development outside of the Critical Area that does not disturb over 5,000 square feet of land area; and
- (d) Land development activities that the Administration determines will be regulated under specific State laws, which provide for managing stormwater runoff.

14-409. Waivers/Watershed Management Plans.

(a) *In general.*

Stormwater management quantitative control waivers shall be granted only to those projects within areas where watershed management plans have been developed consistent with (f) of this section.

(b) *Waivers granted.*

If watershed management plans consistent with (f) of this section have not been

developed, then stormwater management quantitative control waivers may be granted to projects:

- (1) That have direct discharges to tidally influenced receiving waters;
- (2) That do not increase the post-development peak discharge for the 2-year storm event by more than 10 percent according to the Design Manual; or
- (3) When the Department determines that circumstances exist that prevent the reasonable implementation of quantity control practices.

(c) *Application of Waivers.*

Stormwater management qualitative control waivers may be granted to:

- (1) In-fill development projects where stormwater management implementation is not feasible;
- (2) Redevelopment projects if the requirements of Section 14-411 of this Subtitle are satisfied; or
- (3) Sites where the Department determines that circumstances exist that prevent the reasonable implementation of quality control practices.

(d) *Requirements.*

Waivers granted must:

- (1) Be on a case-by-case basis;
 - (2) Consider the cumulative effects of the Department waiver policy; and
 - (3) Reasonably ensure the development will not adversely impact stream quality.
- (e) If the Department has established an overall watershed management plan for a specific watershed, then the Department may develop quantitative waiver and redevelopment provisions that differ from the provisions of Part II of this Subtitle.

(f) *Watershed management plan.*

A watershed management plan developed for the purpose of implementing different stormwater management policies for waivers and redevelopment shall:

- (1) Include detailed hydrologic and hydraulic analyses to determine hydrograph timing;

- (2) Evaluate both quantity and quality management;
- (3) Include cumulative impact assessment of watershed development;
- (4) Identify existing flooding and receiving stream channel conditions;
- (5) Be conducted at a reasonable scale;
- (6) Specify where on-site or off-site quantitative and qualitative stormwater management practices are to be implemented;
- (7) Be consistent with the General Performance Standards for Stormwater Management in Maryland found in Section 1.2 of the Design Manual; and
- (8) Be approved by the Administration.

(g) *Written waiver requests.*

The Department may grant a waiver of quantitative stormwater management requirements for individual developments in areas where watershed management plans have been developed provided that a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed development. A separate written waiver request shall be required in accordance with the provisions of this section if there are subsequent additions, extensions, or modifications to a development receiving a waiver.

14-410. Standard Stormwater Management Plan.

In accordance with this Subtitle, no person unless exempted shall develop any land for residential use without having provided stormwater management measures to control or manage runoff from such development. In order to simplify this process, the Department shall promulgate a Standard Stormwater Management Plan to address both quantitative and qualitative control through non-structural practices for residential development that disturbs over 5,000 square feet.

(a) The Standard Stormwater Management Plan may be used as follows:

(1) Any existing single-family residential lot may use the Standard Stormwater Management Plan to address qualitative and quantitative control requirements outlined in this Subtitle.

(2) Any single family residential lot created via the subdivision process after October 30, 2001 which does not involve the creation of any new public or private road, may use the Standard Stormwater Management Plan to address stormwater management qualitative and quantitative control requirements.

14-411. Redevelopment.**(a) Generally.**

The recharge, channel protection storage volume, and overbank flood protection volume requirements specified in the Design Manual do not apply to redevelopment projects unless specified by the Department.

(b) Impervious areas.

All redevelopment projects shall reduce the existing site impervious areas by at least 20 percent. Where site conditions prevent the reduction of impervious area, then stormwater management practices shall be implemented to provide qualitative control for at least 20 percent of the site's impervious area. When a combination of impervious area reduction and stormwater practice implementation is used, the combined area shall equal or exceed 20 percent of the site.

(c) Alternatives.

Where conditions prevent impervious area reduction or on-site stormwater management, practical alternatives may be considered, including but not limited to:

- (1) Off-site BMP implementation for a drainage area comparable in size and percent imperviousness to that of the project;
- (2) Watershed or stream restoration;
- (3) Retrofitting; or
- (4) Other practices approved by the Department; or
- (5) Fees.

14-412. Variance.**(a) Variances.**

(1) The Queen Anne County Department of Public Works Director may grant a written variance from any requirement of Part II, Stormwater Management Criteria, of this Subtitle if there are exceptional circumstances applicable to the site such that strict adherence will:

- (i) result in unnecessary hardship and;
- (ii) not fulfill the intent of the Ordinance.

(2) Economic hardship is not to be considered.

(b) *Requesting variances.*

A written request for variance shall be provided to the Department and shall state the specific variances sought and reasons for their granting.

(c) *Granting variances.*

The Department shall not grant a variance unless and until sufficient justification is provided by the person developing the land.

14-413. **Reserved.**

PART III. Stormwater Management Criteria

14-414. **Minimum Control Requirements.**

(a) *Requirements.*

The minimum control requirements established in this section and the Design Manual are as follows:

(1) Queen Anne's County and incorporated municipalities shall require that the recharge volume, water quality volume, and overbank flood protection volume for the 2-year frequency storm event be used to design BMP's according to the Design Manual;

(2) Channel protection storage volume, as detailed in the Design Manual, is not required, unless deemed necessary by the Department; and

(3) The Department may require more than the minimum control requirements specified in this Ordinance if hydrologic or topographic conditions warrant or if flooding, stream channel erosion, or if water quality problems exist upstream or downstream from a proposed project.

(b) 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.

14-415. **Stormwater Management Measures.**

The structural and nonstructural stormwater management measures established in this Ordinance shall be used, either alone or in a combination, in developing a stormwater

management plan.

(a) Structural Stormwater Management Measures.

(1) The following structural stormwater management practices shall be designed according to the Design Manual to satisfy the applicable minimum control requirements established in Section 14-414 of this Subtitle.

- (i) Stormwater management ponds;
- (ii) Stormwater management wetlands;
- (iii) Stormwater management infiltration;
- (iv) Stormwater management filtering systems; and
- (v) Stormwater management open channel systems.

(2) The performance criteria specified in the Design Manual with regard to general feasibility, conveyance, pretreatment, treatment and geometry, environment and landscaping, and maintenance shall be considered when selecting structural stormwater management practices.

(3) Structural stormwater management practices shall be selected to accommodate the unique hydrologic or geologic regions of the County.

(b) Nonstructural Stormwater Management Measures.

(1) The following nonstructural stormwater management practices shall be applied according to the Design Manual to minimize increases in new development runoff:

- (i) Natural area conservation;
- (ii) Disconnection of rooftop runoff;
- (iii) Disconnection of non-rooftop runoff;
- (iv) Sheet flow to buffers;
- (v) Grass channels; and
- (vi) Environmentally sensitive development.

(2) The use of nonstructural stormwater management practices shall be encouraged to minimize the reliance on structural BMP's.

(3) The minimum control requirements listed in Section 14-414 of this Subtitle may be reduced when nonstructural stormwater management practices are incorporated into site designs according to the Design Manual.

(4) The use of nonstructural stormwater management practices may not conflict with existing State or local laws, ordinances, regulations, or policies.

(5) Nonstructural stormwater management practices used to reduce the minimum control requirements must be recorded in the land records of Queen Anne's County and remain unaltered by subsequent property owners. Prior approval from the Department shall be obtained before nonstructural stormwater practices are altered.

(c) Alternative structural and nonstructural stormwater management practices may be used for new development water quality control if they meet the performance criteria established in the Design Manual and are approved by the Administration. Practices used for redevelopment projects shall be approved by the Department.

(d) For the purposes of modifying the minimum control requirements or design criteria, the owner/developer shall submit to the Department an 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 streamflow. The point of investigation is to be established with the concurrence of the Department, downstream of the first downstream tributary whose drainage area equals or exceeds the contributing area to the project or stormwater management facility.

14-416. Specific Design Criteria.

The basic design criteria, methodologies, and construction specifications, subject to the approval of the Department and the WMA, shall be those of the Design Manual.

14-417. Reserved.

14-418. Reserved.

PART IV. Stormwater Management Plans.

14-419. Review and Approval of Stormwater Management Plans.

(a) *In general.*

For any proposed development, the developer shall submit a stormwater management plan or waiver application to the Department for review and approval, unless otherwise exempted.

(1) 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.

(2) The Department shall review the plan to determine compliance with the requirements of this Ordinance prior to approval.

(3) The plan shall serve as the basis for all subsequent construction.

(b) Approval.

Notification of approval or reasons for disapproval or modification shall be given to the applicant after submission of the completed stormwater plan.

(1) For County reviews the time frame will be in accordance with the schedule in effect at the time of the submittal and for Municipal reviews within 30 days of the submittal to the Department.

(2) If a decision is not made in a timely manner the applicant shall be informed of the status of the review process and the anticipated completion date.

(3) The stormwater management plan shall not be considered approved without the inclusion of the signature and date of signature of the Department on the plan.

14-420. Contents of the Stormwater Management Plan.

(a) In general.

The developer is responsible for submitting a stormwater management plan that meets the design requirements of this Ordinance.

(1) The plan shall be accompanied by a report that includes sufficient information to evaluate:

(i) the environmental characteristics of affected areas

(ii) the potential impacts of the proposed development on water resources,
and;

(iii) the effectiveness and acceptability of measures proposed for managing stormwater runoff.

(2) The developer or builder shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan.

(3) If a stormwater management plan involves direction of some or all runoff off of the site, it is the responsibility of the developer to obtain from adjacent property owners any easements or necessary property interests concerning flowage of water.

(4) Approval of a stormwater management plan does not create or affect any right to direct runoff onto adjacent property without that property owner's permission.

(b) Support Information.

The minimum information submitted for support of a stormwater management plan or application for a waiver shall be in a bound report and contain:

(1) Signature and seal as outlined in Section 14-421(a) of this Title Preparation of the Stormwater Management Plan

(2) A narrative description of the project;

(3) Geotechnical investigations including soil maps, borings, site specific recommendations, and any additional information necessary for the proposed stormwater management design;

(4) Descriptions of all water courses, impoundments, and wetlands on or adjacent to the site or into which stormwater directly flows;

(5) Hydrologic computations, including drainage area maps depicting pre development and post development runoff flow path segmentation and land use;

(6) Hydraulic computations;

(7) Structural computations;

(8) Unified sizing criteria volume computations according to the Design Manual;
and

(9) Any information required by the Department.

(c) Construction drawings.

Construction drawings submitted for stormwater management plan approval shall include the following:

(1) A vicinity map;

(2) Topography survey showing existing and proposed contours, including the area necessary to determine downstream analysis for proposed stormwater management facilities,

including benchmark information based on NAD87 vertical datum;

(3) Any proposed improvements including location of buildings or other structures, impervious surfaces, storm drainage facilities, and all grading;

(4) The location of existing structures and utilities;

(5) Any easements and rights-of-way;

(6) The delineation, if applicable, of the 100-year floodplain and any on-site wetlands;

(7) Structural and construction details for all components of the proposed drainage system or systems, and stormwater management facilities;

(8) All necessary construction specifications;

(9) A sequence of construction;

(10) Data for total site area, disturbed area, new impervious area, and total impervious area;

(11) A table showing the unified sizing criteria volumes required in the Design Manual;

(12) A table of materials to be used for stormwater management facility planting;

(13) All soil boring logs and locations;

(14) A maintenance schedule;

(15) Certification by the owner/developer that all stormwater management construction will be done according to this plan;

(16) An as-built certification signature block to be executed by the owner/developer after project completion; and

(17) Any information required by the Department.

14-421. Preparation of the Stormwater Management Plan.

(a) Requirements.

The design of stormwater management plans shall be prepared and sealed 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) *Special Requirements.*

If a stormwater BMP requires either a dam safety permit from the Administration or small pond approval from the Queen Anne Soil Conservation District (SCD), the Department shall require that the design and plans be prepared by a professional engineer licensed in the State.

14-422. **Reserved.**

14-423. **Reserved.**

PART V. Permits.

14-424. Permit Requirement.

(a) Approval or waiver of stormwater management plan required. A grading or building permit may not be issued for any parcel or lot unless a stormwater management plan has been approved or waived by the Department as meeting all the requirements of this Ordinance.

(b) *Other requirements.*

Where appropriate, a building permit may not be issued without:

(1) Recorded easements for the stormwater management facility and easements to provide adequate access for inspection and maintenance from a public right-of-way;

(2) A recorded stormwater management maintenance agreement; and

(3) A performance bond and an inspection fee.

(4) Permission from adjacent property owners as necessary.

14-425. Fees.

Fees for plan review, permits and inspections shall be as set out in the Queen Anne's County Development Review Fee Schedule as adopted by the County Commissioners.

14-426. Permit Suspension and Revocation.

Any grading or building permit issued by the Department 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 Department.

14-427. Permit Conditions.

In granting the plan approval, the Department may impose such conditions that may be deemed necessary to ensure compliance with the provisions of this Ordinance and the preservation of the public health and safety.

14-428. Reserved.

14-429. Reserved.

PART VI. Security

14-430. Security Requirements from Developer.

(a) *Security requirements from developer.*

The Department shall require from the developer a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the Department prior to the issuance of any building and/or grading permit for the construction of a development requiring a stormwater management facility.

(1) The amount of the security shall not be less than the total estimated construction cost of the stormwater management facility and in an amount as established in the Queen Anne's County Development Review Fee Schedule as adopted by the County Commissioners.

(2) The security required in this section shall include:

(i) provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan,

(ii) compliance with all of the provisions of this Ordinance and other applicable laws and regulations, and

(iii) any time limitations.

(b) ***Release of the security.***

The security shall not be fully released without:

(i) a final inspection of the completed work by the Department,

(ii) submission of "as-built" plans, and

(iii) certification of completion by the Department that the stormwater management facilities comply with the approved plan and the provisions of this Ordinance.

(2) A procedure may be used to release parts of the security held by the Department after various stages of construction have been completed and accepted by the Department.

(3) The procedures used for partially releasing securities must be specified by the Department in writing prior to stormwater management plan approval.

14-431. **Reserved.**

14-432. **Reserved.**

PART VII. Inspection.

14-433. Inspection, Schedule and Reports.

(a) ***Developer must notify the Department of Public Works.***

The developer shall notify the Department of Public Works.

(i) at least 48 hours before commencing any work in conjunction with the stormwater management plan and;

(ii) upon completion of the project when a final inspection will be conducted.

(b) ***Inspections.***

(1) Inspections shall be conducted by the Department, its authorized representative, or certified by a professional engineer licensed in the State.

(2) Written inspection reports shall be made of the periodic inspections necessary during construction of stormwater management systems to ensure compliance with the approved plans.

(c) *Written inspection reports.*

Written inspection reports shall include:

- (1) The date and location of the inspection;
- (2) Whether construction was in compliance with the approved stormwater management plan;
- (3) Any variations from the approved construction specifications; and
- (4) Any violations that exist.

(d) *Violations.*

- (1) The owner/developer and on-site personnel shall be notified in writing when violations are observed.
- (2) Written notification shall describe the nature of the violation and the required corrective action.

(e) *Inspection required to proceed.*

No work shall proceed until the Department inspects and approves the work previously completed and furnishes the developer with the results of the inspection reports as soon as possible after completion of each required inspection.

14-434. Inspection requirements during construction.

(a) *In general.*

At a minimum, regular inspections shall be made and documented at the following specified stages of construction:

- (1) For Ponds:
 - (i) Upon completion of excavation to sub-foundation and when required, installation of structural supports or reinforcement for structures, including but not limited to:
 - (1) Core trenches for structural embankments;
 - (2) Inlet and outlet structures, anti-seep collars or diaphragms, and watertight connectors on pipes; and
 - (3) Trenches for enclosed storm drainage facilities;

and catch basins;

- (ii) During placement of structural fill, concrete, and installation of piping
- (iii) During backfill of foundations and trenches;
- (iv) During embankment construction; and
- (v) Upon completion of final grading and establishment of permanent stabilization.

(2) Wetlands - at the stages specified for pond construction in Section 14-434(a) of this Subtitle, during and after wetland reservoir area planting, and during the second growing season to verify a vegetation survival rate of at least 50 percent.

(3) For infiltration trenches:

- (i) During excavation to subgrade;
- (ii) During placement and backfill of underdrain systems and observation wells;
- (iii) During placement of geotextiles and all filter media;
- (iv) During construction of appurtenant conveyance systems such as diversion structures, pre-filters and filters, inlets, outlets, and flow distribution structures; and
- (v) Upon completion of final grading and establishment of permanent stabilization;

(4) For infiltration basins - at the stages specified for pond construction in Section 14-434(a) of this Subtitle and during placement and backfill of underdrain systems.

(5) For filtering systems:

- (i) During excavation to subgrade;
- (ii) During placement and backfill of underdrain systems;
- (iii) During placement of geotextiles and all filter media;
- (iv) During construction of appurtenant conveyance systems such as flow diversion structures, pre-filters and filters, inlets, outlets, orifices, and flow distribution structures; and
- (v) Upon completion of final grading and establishment of permanent

stabilization.

(6) For open channel systems:

- (i) During excavation to subgrade;
- (ii) During placement and backfill of underdrain systems for dry swales;
- (iii) During installation of diaphragms, check dams, or weirs; and
- (iv) Upon completion of final grading and establishment of permanent

stabilization.

(7) For nonstructural practices - upon completion of final grading, the establishment of permanent stabilization, and before issuance of use and occupancy approval.

(b) *Actions for Violations.*

The Department may, for enforcement purposes, use any one or a combination of the following actions:

- (1) A notice of violation shall be issued specifying the need for a violation to be corrected if stormwater management plan noncompliance is identified;
- (2) A stop work order shall be issued for the site by the Department if a violation persists;
- (3) Bonds or securities may be withheld or the case may be referred for legal action if reasonable efforts to correct the violation have not been undertaken; or
- (4) 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 Ordinance.

(c) *Enforcement*

Any step in the enforcement process may be taken at any time, depending on the severity of the violation.

(d) *As-built Plan Certification.*

Once construction is complete, as-built plan certification shall be submitted 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.

(1) At a minimum, as-built certification shall include a set of drawings comparing the approved stormwater management plan with what was constructed.

(2) The Department may require additional information.

(e) Notice of Construction.

The Department shall submit notice of construction to the Administration on a form supplied by the Administration for each stormwater management practice within 45 days of construction completion. If BMPs requiring SCD approval are constructed, notice of construction completion shall also be submitted to the appropriate SCD.

14-435. Reserved.

14-436. Reserved.

PART VIII. Maintenance

14-437. Inspection for Preventative Maintenance.

(a) Preventative Maintenance.

The Department shall ensure that preventative maintenance is performed by inspecting all stormwater management systems.

(1) Inspection shall occur during the first year of operation and at least once every 3 years thereafter.

(2) In addition, a maintenance agreement between the owner and the Department shall be executed for privately owned stormwater management systems as described in Section 14-438 of this Subtitle.

(b) Inspection reports required.

Inspection reports shall be maintained by the Department for all stormwater management systems.

(c) Contents of inspection reports.

Inspection reports for stormwater management systems shall include the following:

(1) The date of inspection;

(2) Name of inspector;

(3) The condition of:

- (i) Vegetation or filter media;
- (ii) Fences or other safety devices;
- (iii) Spillways, valves, or other control structures;
- (iv) Embankments, slopes, and safety benches;
- (v) Reservoir or treatment areas;
- (vi) Inlet and outlet channels or structures;
- (vii) Underground drainage;
- (viii) Sediment and debris accumulation in storage and forebay areas;
- (ix) Any nonstructural practices to the extent practicable; and
- (x) Any other item that could affect the proper function of the stormwater management system.

(4) Description of needed maintenance.

(d) *Correcting deficiencies.*

(1) 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 and the owner, to correct the deficiencies.

(2) The Department shall then conduct a subsequent inspection to ensure completion of the repairs.

(e) *Enforcement procedures if repairs not complete.*

If repairs are not undertaken or are not found to be done properly, then enforcement procedures following Part VIII of this Subtitle shall be followed by the Department.

(f) *Immediate danger.*

If, after an inspection by the Department, the condition of a stormwater management facility presents an immediate danger to the public health or safety, because of an unsafe condition or improper maintenance, the Department shall take such action as may be necessary to

protect the public and make the facility safe. Any cost incurred by Queen Anne's County or the local municipality shall be assessed against the owner(s), as provided in Part VIII of this Subtitle.

14-438. Maintenance Agreement.

(a) *Maintenance Agreement for Non-Structural Stormwater Management Facility.*

(1) Prior to the issuance of any residential building permit for which non-structural stormwater management is required, the Department shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by a non-structural stormwater management facility.

(2) Such agreement shall provide for access to the facility at reasonable times for regular inspections by the Department or its authorized representative to ensure that the facility is maintained in proper working condition to meet design standards.

(b) *Maintenance Agreement for Structural Stormwater Management Facility.*

(1) Prior to the issuance of final site plan or subdivision approval for which structural stormwater management is required, the Department shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by a private structural stormwater management facility.

(2) Such agreement shall provide for access to the facility at reasonable times for regular inspections by the Department or its authorized representative to ensure that the facility is maintained in proper working condition to meet design standards.

(c) *Recording the agreement.*

The agreement shall be recorded by the Department in the land records of Queen Anne's County or local municipality.

(d) *Further provisions.*

(1) The agreement shall also provide that, if after notice by the Department 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 may perform all necessary work to place the facility in proper working condition.

(2) The owner(s) of the facility shall be assessed the cost of the work and any penalties.

(3) Such assessment shall constitute a lien against the property. The lien may be levied, collected and enforced in the same manner as real property taxes imposed by the County.

The lien will have the same priority and bear the same interest and penalties as real property taxes.

14-439. Maintenance Responsibility.

(a) *Repairs, restoration and maintenance.*

(1) The owner of the property on which work has been done pursuant to this Ordinance for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all graded surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices.

(2) Such repairs or restoration and maintenance shall be in accordance with approved plans.

(b) *Maintenance schedule.*

(1) A maintenance schedule shall be developed for the life of any stormwater management facility and shall state

(i) the maintenance to be completed,

(ii) the time period for completion, and who shall perform the maintenance.

(2) This maintenance schedule shall be printed on the approved stormwater management plan.

14-440. Reserved.

14-441. Reserved.

PART IX. Appeals

14-442. Appeals

(a) *Right to Appeal.*

Any person aggrieved by the action of any official charged with the enforcement of this Ordinance, as the result of:

(1) the disapproval of a properly filed application for a permit,

(2) issuance of a written notice of violation, or

(3) an alleged failure to properly enforce the Ordinance in regard to a specific application, shall have the right to appeal to the Queen Anne's County Board of Appeals.

(b) *Filing appeal.*

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 and shall state clearly the grounds on which the appeal is based.

(c) *Procedure.*

The Board of Appeals shall proceed in accordance with Title 10, Subtitle 2 of the State Government Article of the Annotated Code of Maryland.

14-443. Reserved.

14-444. Reserved.

PART X. Severability

14-445. Severability.

If any portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall not affect the validity of the remaining portions of this Ordinance. It is the intent of the Queen Anne County Department of Public Works that this Ordinance shall stand, even if a section, subsection, sentence, clause, phrase, or portion may be found invalid.

14-446. Reserved.

14-447. Reserved.

PART XI. Penalties.

14-448. Penalties.

(a) *Violation of subtitle; penalties.*

Any person convicted of violating the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to:

- (1) a fine of not more than One Thousand Dollars (\$1,000.00) or
- (2) imprisonment not exceeding 1 year, or

(3) both for each violation with costs imposed in the discretion of the court.

(b) *Each day a separate offense.*

Each day that a violation continues shall be a separate offense.

(c) *Other actions.*

In addition, the Department may institute injunctive, mandamus or other appropriate action or proceedings of law to correct violations of this Ordinance.

(d) *Courts.*

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.

PART XII. Effective Date.

14-449. Effective date.

(a) Stormwater management plans approved prior to the effective date of this Ordinance remain valid if:

- (1) a grading permit is issued within 1 year of effective date of ordinance
- (2) and construction is completed prior to grading permit expiration.

COUNTY' ORDINANCE NO. 01-07

A BILL ENTITLED

AN ACT concerning the Repeal and Re-Adoption with amendments of the Public Local Laws of Queen Anne's County, ENVIRONMENTAL PROTECTION, Title 14, Subpart 2, and Chesapeake Bay Critical Area Act 1996 Official Chesapeake Bay Critical Area Overlay Map Number 57.

FOR THE PURPOSE OF amending part of Parcel 155, Block 10 located on said 1996 Official Chesapeake Bay Critical Area Overlay Map 57 to designate approximately 2.124 acres of said Parcel from Limited Development Area (LDA) to Intense Development Area (IDA).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that the Public Local Laws of Queen Anne's County, ENVIRONMENTAL PROTECTION, Section 14-117, Title 14, Subpart 2 and Chesapeake Bay Critical Area Act 1996 Official Chesapeake Bay Critical Area Overlay Map Number 57 is hereby repealed and the attached Map Number 57 be and is hereby adopted as the 1996 Official Chesapeake Bay Critical Area Overlay Map Number 57 for Queen Anne's County, Maryland.

SECTION II

BE IT FURTHER ENACTED that this Act will take effect on the forty-sixth (46) day following its passage.

INTRODUCED BY: Marlene Davis

DATED: _____

PUBLIC HEARING HELD: 1-8-01 9:30

VOTE: 3 YEA _____ NAY _____

DATE: 1-15-02

3-2-02

FILED

MARCH 10/2002

CIRCUIT COURT
QUEEN ANNE'S CO.

RESOLUTION NO. 01-07

WHEREAS, on August 7, 2000 Maryland General Land Co. LLC ("the Petitioner") filed a Petition for Map Amendment requesting the redesignation of 1.51 acres of land from a Chesapeake Bay Critical Area land use classification of Limited Development Area (LDA) to Intense Development Area (IDA);

AND WHEREAS, on August 15, 2001 an Amended Petition was filed requesting a total of 2.124 acres of land be redesignated from LDA to IDA;

AND WHEREAS, on September 13, 2001 the Queen Anne's County Planning Commission did favorably recommend the Amended Petition and made certain findings which findings are adopted herein by reference.

AND WHEREAS the Planning Commission's favorable recommendation was conditioned on the following:

- (1) The buildings constructed on the property must substantially reflect the renderings presented and a full-color rendering of the site must be submitted.
- (2) No outside display or storage will be permitted on the site; and
- (3) Lighting must avoid glare and spillover onto adjoining properties and roadways.

AND WHEREAS, on October 2, 2001 the County Commissioners gave conceptual approval to the Petition and forwarded the same to the Chesapeake Bay Critical Area Commission.

AND WHEREAS, on November 7, 2001 the Chesapeake Bay Critical Area Commission concurred with the determination of Chairman North that the request for growth allocation qualifies as a refinement to the Queen Anne's County Critical Area program and his approval of this refinement.

AND WHEREAS, the County Commissioners introduced County Ordinance No. 01-07 to amend Parcel 155, Block 10 on Official Chesapeake Bay Critical Area Overlap Map No. 57 and held a public hearing on January 8, 2002 after advertising the same in accordance with law;

NOW THEREFORE, BE IT RESOLVED that the County Commissioners make the following findings of fact, supported by substantial evidence in the record as referred to herein:

A. The request made by Petitioner is consistent with the Queen Anne's County Comprehensive Plan and the Chester Community Plan as well as the Queen Anne's County Critical Area Program:

(i) The property is located in the Chester Growth Area.

(ii) The property was rezoned Town Center as part of the adopted Growth Area Plan to accommodate higher density, mixed-use, non-residential development and redevelopment.

(iii) The Town Center zoning designation is inconsistent with the LDA impervious coverage limitations.

(iv) The critical area portion of the property is pre-mapped for Growth Allocation.

(v) The property is located between Route 50/301 and Route 18, two major transportation corridors in the County, which is an appropriate location for more intense commercial uses.

(vi) The property is located on the outer limits of the critical area. Granting of growth allocation will not impact the shore buffer or any habitat protection areas or the character of any existing waterfront.

(vii) The original parcel of land (prior to 1985) had been previously improved with a restaurant, parking lot and gravel driveway.

(viii) The property will be served by the existing public sewer system. The property has been designated as S-1 in the Master Water and Sewer Plan.

B. The project is consistent with the purposes set forth in Section 8-1800 et seq. of the Natural Resources Article of the Annotated Code of Maryland.

C. The County Commissioners have carefully considered the testimony and exhibits presented at the hearing, and the recommendations of the Queen Anne's County Planning Commission and the Chesapeake Bay Critical Area Commission.

WITNESS the hands and seals of the County Commissioners of Queen Anne's County this 15th day of January, 2002.

ATTEST:

THE COUNTY COMMISSIONERS OF
QUEEN ANNE'S COUNTY

George M. O'Donnell
George M. O'Donnell

Margie A. Nouch

Marlene F. Davis
Marlene F. Davis

John T. McQueeney, Jr.
John T. McQueeney, Jr.

AMENDMENT TO
COUNTY ORDINANCE NO. 01-09

A BILL AMENDING

AN ACT CONCERNING the Repeal and Readoption with Amendments of Sections 27-412 and 27-509 of Title 27 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) entitled "Human Resources".

FOR THE PURPOSE of making said Bill emergency legislation effective immediately upon adoption.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section II pending County Ordinance No. 01-09 be amended to read as follows:

"SECTION II

BE IT FURTHER ENACTED that the County Commissioners of Queen Anne's County do determine and declare this to be an emergency bill affecting the public health, safety and welfare of the County and the same shall take effect from the date of passage."

Introduced by: Commissioner Davis

Date of Introduction: 1-15-02

Vote: 3 Yea _____ Nay _____

Date: 1-15-02

1-15-02

Filed 3/10/02

COUNTY ORDINANCE NO. 01-09

A BILL ENTITLED

AN ACT CONCERNING the Repeal and Readoption with Amendments of Sections 27-412 and 27-509 of Title 27 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) entitled "Human Resources".

FOR THE PURPOSE of expanding job performance evaluation categories; and providing the amount of salary increases for job performance and job performance incentives for the Classified and Professional/Executive Services in Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 27-412 and 27-509 of Title 27 of the Code of Public Local Laws of Queen Anne's County be and are hereby repealed and readopted to read as follows:

27-412. Performance salary advance/incentive award within the grades.

.....

(b) Job performance salary increases ...

(1) ...

(2) ...

(3) Amount of job performance increase.

(i) A two-percent increase shall be awarded for an acceptable job performance evaluation.

(ii) A three-percent increase shall be awarded for an above average job performance evaluation.

(iii) A four-percent increase shall be awarded for a commendable job performance evaluation.

(iv) A five-percent increase shall be awarded for a superior job performance evaluation.

(v) A six-percent increase shall be awarded for an outstanding job performance evaluation.

(c) Job performance incentive awards ...

(1) ...

(2) ...

(3) Amount of incentive award.

(i) A two-percent incentive award shall be granted for an acceptable job performance evaluation.

(ii) A three-percent award shall be granted for an above average job performance evaluation.

(iii) A four-percent award shall be granted for a commendable job performance evaluation.

(iv) A five-percent award shall be granted for a superior job performance evaluation.

(v) A six-percent award shall be granted for an outstanding job performance evaluation.

27-509. Performance salary advance/incentive award within the grades.

(a) ...

(b) ...

(c) Determination of amount of annual pay increase.

(1) ...

(2) Employees shall receive an annual performance evaluation conducted by their appointing authority on or within one month prior to their anniversary date.

(i) If an employee's performance is rated as acceptable, a salary increase of 2% of the employee's rate of pay shall take effect in the pay period immediately following the date of evaluation.

(ii) If an employee's performance is rated as above average, a salary increase of 3% shall take effect as provided above.

(iii) If an employee's performance is rated as commendable a salary increase of 4% shall take effect as provided above.

(iv) If an employee's performance is rated

as superior a salary increase of 5% shall take effect as above provided.

(v) If an employee's performance is rated as outstanding, a salary increase of 6% shall take effect as above provided.

(vi) In the event that an employee's performance is evaluated as unsatisfactory, no salary increase shall be provided.

1. The appointing authority shall reevaluate the employee's performance within three months of the initial evaluation or the date of the final decision to award no salary increase, whichever is later.

2. If the second performance evaluation is also unsatisfactory, the appointing authority may, upon the approval of the County Administrator, reduce the employee's salary by no more than 10% or terminate the employee.

(d) Job performance incentive awards ...

(1) ...

(2) ...

(3) Amount of incentive award.

(i) A two-percent incentive award shall be granted for an acceptable job performance evaluation.

(ii) A three-percent incentive award shall be granted for an above average job performance evaluation.

(iii) A four-percent incentive award shall be granted for a commendable job performance evaluation.

(iv) A five-percent incentive award shall be granted for a superior job performance evaluation; and

(v) A six-percent incentive award shall be granted for an outstanding job performance evaluation.

SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

Introduced By: Margie Houck

Date: 12-18-01

Public Hearing Held: 1-15-02 11:00 am

Vote: 3 Yea Nay

Date: 1-15-02

1-15-02

COUNTY ORDINANCE NO. 01-10

A BILL ENTITLED

AN ACT CONCERNING the Repeal and Readoption with Amendments of Sections 4-201, Subtitle 2 of Title 4 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) entitled "County Clerk".

FOR THE PURPOSE of redesignating the County Clerk and Deputy County Clerk as Executive Assistant and Deputy Executive Assistant respectively.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Subtitle 2, Section 4-201 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) entitled "County Clerk" be and is hereby repealed and readopted to read as set forth on the attached.

SECTION II

BE IT FURTHER ENACTED that any reference in the Code of Public Local Laws of Queen Anne's County (1996 Ed.) to the Clerk to the County Commissioners or the Deputy Clerk to the County Commissioners shall be interpreted to refer to the Executive Assistant or Deputy Executive Assistant in Section 4-201 as amended.

SECTION III

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

Introduced By: Marlene Davis

Date: 12-17-01

Public Hearing Held: 1-15-02 11:15am

Vote: 3 Yea _____ Nay

Date: 1-15-02

3-2-02

Filed 3/10/02

Subtitle 2. Executive Assistant.

4-201. Executive Assistant; Deputy Executive Assistant.

(a) *Appointment.*

(1) The County Commissioners shall appoint an Executive Assistant and may appoint a Deputy Executive Assistant.

(2) The Executive Assistant and Deputy Executive Assistant serve at the pleasure of the County Commissioners.

(b) *Bond.*

(1) Before taking office, the Executive Assistant and Deputy Executive Assistant shall give a bond to the State of Maryland for the faithful performance of the duties of office and an honest accounting of money that the Executive Assistant or Deputy Executive Assistant may possess in an official capacity.

(2) The County Commissioners shall set the amount of the bond and determine through what sureties the bond shall be obtained.

(3) The cost of the bond shall be paid by the County.

(4) The bonds of the Executive Assistant and Deputy Executive Assistant shall be recorded in the office of the Clerk of the Circuit Court for Queen Anne's County.

(c) *Oath of office.*

(1) Before taking office, the Executive Assistant and Deputy Executive Assistant shall take the oath required by Article I, § 9 of the Maryland Constitution before the President of the Board of County Commissioners.

(2) The taking of the oath shall be recorded in the minutes of the County Commissioners.

(d) *Duties - Executive Assistant.*

The Executive Assistant shall:

(1) attend each meeting of the County Commissioners;

(2) keep minutes of each meeting in a well bound book reserved for the minutes; and

(3) perform other duties as required by law or by order of the County Commissioners.

(e) *Duties - Deputy Executive Assistant.*

The Deputy Executive Assistant shall:

(1) have the powers and duties of the Executive Assistant whenever the Executive Assistant is unable to perform the powers and duties of office due to absence or sickness or for any other reason; and

(2) perform other duties as required by order of the County Commissioners.

(f) *Compensation.*

The Executive Assistant and Deputy Executive Assistant are entitled to the compensation set by the County Commissioners.

COUNTY ORDINANCE NO. 02-04

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CLERK, CIRCUIT COURT

02 MAY 21 PM 3:20

A BILL ENACTED

QUEEN ANNE'S COUNTY

AN ACT concerning the Repeal and Re-Adoption with amendments of the Local Public Laws of Queen Anne's County, Title 14 *ENVIRONMENTAL PROTECTION*, Subtitle 1. Chesapeake Bay Critical Area Act 1996 Official Chesapeake Bay Overlay Map Number 56.

FOR THE PURPOSE OF amending and redesignating the Critical Area designation of 25.73 acres of the lands of Charles T. Breeding and Janet E. Yost (Breeding), shown and designated as Parcel 20 on 1996 Official Chesapeake Bay Critical Area Overlay Map # 56, from Resource Conservation Area (RCA) to Intensely Developed Area (IDA)

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that the Local Public Laws of Queen Anne's County, Title 14 *ENVIRONMENTAL PROTECTION*, Subtitle 1. Chesapeake Bay Critical Area Act 1996 Official Chesapeake Bay Overlay Map Number 56 is hereby repealed and the attached map number 56 be and is hereby adopted as the 1996 official Chesapeake Bay Critical Area Overlay Map Number 56 for Queen Anne's County Maryland.

SECTION II

BE IT FURTHER ENACTED that this Act will take effect on the forty-sixth day following its passage.

INTRODUCED BY: Marlene Davis

DATED: 4-2-02

PUBLIC HEARING HELD: 4-16-02 11:00

VOTE: 3 YEA _____ NAY

DATE: 5-7-02

COUNTY ORDINANCE NO 02-04A

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02 MAY 21 PM 3: 20

AMENDMENT TO A BILL ENTITLED

QUEEN ANNE'S COUNTY

AN ACT concerning the Repeal and Re-Adoption with amendments of the Local Public Laws of Queen Anne's County, Title 14 *ENVIRONMENTAL PROTECTION*, Subtitle 1. Chesapeake Bay Critical Area Act 1996 Official Chesapeake Bay Overlay Map Number 56.

FOR THE PURPOSE OF Amending and redesignating the Critical Area designation of 25.73 acres of the lands of Charles T. Breeding and Janet E. Yost (Breeding), shown and designated as Parcel 20 on 1996 Official Chesapeake Bay Critical Area Overlay Map Number 56, from Resource Conservation Area (RCA) to Intensely Developed Area (IDA) through the use of "growth allocation" and further providing for the recapture of the 25.73 of the "growth allocation" in the event certain conditions are not met.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that the Local public Laws of Queen Anne's County, Title 14 *ENVIRONMENTAL PROTECTION*, Subtitle 1. Chesapeake Bay Critical Area Act 1996 Official Chesapeake Bay Overlay map Number 56 is hereby repealed and the attached Map Number 56 be and is hereby adopted as the 1996 official Chesapeake Bay Critical Area Overlay Map Number 56 for Queen Anne's County Maryland.

SECTION II

BE IT FURTHER ENACTED that the attached Map Number 56 be considered null and void and of no force and effect to the end that Map Number 56 existing on the effective date of this Act will be substituted in its place and stead, in the event that (a) final site plan or subdivision approved for a 285 dwelling unit community as shown on the Growth Allocation Plan attached here to is not approved by the Queen Anne's County Planning Commission within one (1) year of the effective date of this Act and (b) the site plan or subdivision approved does not provide for each of the following:

- A. A reduction in or elimination of development within the 300' shore buffer to reduce the acreage for which growth allocation is sought.
- B. A development proposal that includes a mix of housing types.
- C. A proposal to dedicate a public right-of-way and/or construct a public road across the applicant's property from Route 8 to the Thompson Creek Service Road to assist in relieving traffic congestion on Route 8 near its intersection with US Route 50/301.
- D. The maintenance of height limitations in the approach/departure glide path for the Bay Bridge Airport and the possible dedication of land to the County to perpetually

protect the glide path from development.

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E. An enforceable agreement or re-zoning proposal by which none of Ellendale Farms, LLC's lands to the north of the glide path and west of the proposed connector road will be used for residential development at any time.

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CLERK, CIRCUIT COURT

F. A financial contribution for community, recreational or cultural facilities.

G. Design features, covenants, and fiscal impact studies demonstrating that the development proposal satisfies the eight (8) recommendations issued on May 10, 2001, by the Queen Anne's County Planning Commission following its review of the Growth Allocation Petition.

SECTION III

BE IT FURTHER ENACTED that this Act will take effect on the forty-sixth day following its passage.

MOTION TO AMEND BY: _____

INTRODUCED BY: Marlene Davis

VOTE: 3 **YEA** _____ **NAY** _____

DATE: 5-7-02

DATED: 5-7-02

PUBLIC HEARING HELD

~~**VOTE:** _____ **YEA** _____ **NAY** _____~~

~~**DATE:** _____~~

COUNTY ORDINANCE NO. 02-05 RECEIVED
CLERK, CIRCUIT COURT

A BILL ENTITLED

02 MAY 21 PM 3:21

QUEEN ANNE'S COUNTY

AN ACT CONCERNING the Repeal and Readoption of Title 10 of the Code of Public Local Laws of Queen Anne's County, Maryland (1996 Ed.) Entitled "Construction Codes".

FOR THE PURPOSE of updating, revising and supplementing the minimum regulations governing design, construction, alteration, enlargement, repair, demolition, removal, maintenance and use of all buildings and structures in Queen Anne's County by repealing and readopting with amendments, Title 10 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.); declaring the same to be an emergency bill affecting the public health, safety and welfare of the County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Title 10 of the Code of Public Local Laws of Queen Anne's County, Maryland, "Construction Codes" be and is hereby repealed and readopted to read as set forth on the attached.

SECTION II

BE IT FURTHER ENACTED that this Act shall be deemed an emergency bill affecting the public health, safety and welfare of Queen Anne's County and shall take effect immediately following its adoption.

INTRODUCED BY: Marlene DavisDATED: 4-16-02PUBLIC HEARING HELD: 4-30-02 9:30VOTE: 3 YEA _____ NAY _____DATE: 5-7-02

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02 MAY 21 PM 3: 21

TITLE 10. CONSTRUCTION CODES

- 10-101. Adoption
10-102. Building Code -
Amendments
10-103. One and Two Family
Dwelling Code-
Amendments
10-104. Penalties

QUEEN ANNE'S COUNTY

10-101. Adoption.

Except as otherwise amended by this title, the following codes are hereby adopted as the Building Code for Queen Anne's County as if the Codes were set out in full in this title:

(1) The Maryland Building Performance Standards as set forth in the Code of Maryland Regulations 05.02.07 which incorporates the International Building Code, 2000 Edition and the International Residential Code for One and Two Family Dwellings, 2000 Edition.

(2) International Mechanical Code 2000 Edition published by the International Code Council, Inc.

(3) International Energy Conservation Code 2000 Edition published by the International Code Council, Inc.

(4) The Life Safety Code 2000 Edition published by the National Fire Protection Association.

(5) The National Electrical Code 2002 Edition and as amended.

(6) 2000 National Standard Plumbing Code Illustrated, (National Association of Plumbing-Heating-Cooling Contractors). 2001 Supplement to the 2000 National Plumbing Code (National Association of Plumbing-Heating-Cooling Contractors). 1999 Edition, National Fuel Code, ANSI, 2223.1 NFPA54, Board Modifications to the Code.

(7) The Maryland State Accessibility Code, Code of Md. Regulations 05.02.02.

10-102. Building Code - Amendments.

The provisions of the International Building Code, 2000 Edition as incorporated in COMAR 05.02.07 are modified, deleted, substituted, or added to as follows:

RECEIVED
CLERK, CIRCUIT COURT(1) *In general.*

(a) The term "Code official" as used in this Code means the Zoning Administrator of the Department of Planning and Zoning.

(b) Where the name of the jurisdiction is to be indicated in any section of this Code, insert "Queen Anne's County, Maryland".

(c) The term "Department of building inspection" as used in this Code means the Department of Planning and Zoning.

Chapter 1. Administration

(2) 101.4 *Referenced Codes.*

Amend Section 101.4 by deleting subsection 101.4.1, 101.4.4., 101.4.5. and 101.4.6. Renumbr subsections 101.4.3. and 101.4.7. as subsection 101.4.1. and 101.4.2.

(3) 101.2.1. *Appendices.*

Delete all appendices except Appendix F.

(4) 102.1 *Exemptions - Farm Buildings:* At the end of subsection 102.1, add the following: The provisions of this Code shall not apply to the construction, alteration, addition, repair, removal, demolition, use, location or maintenance of farm buildings. This provision does not exempt the owner from obtaining required electrical or plumbing permits nor from complying with all other applicable local, State and federal regulations, laws and ordinances.

(3) 105.1.1. *Annual Permit.*

Delete entirely.

(4) 105.1.2. *Annual Permit Records.*

Delete entirely.

(5) 105.2. *Work Exempt from Permit.*

Amend paragraph 1 under "Building" to read: 1 story detached accessory structure used as tool and storage sheds, playhouse and similar uses, provided its floor area is less than 200 square feet.

(6) 105.2. *Work Exempt from Permit.*

Add new #14 under "Building: Farm Building however this

provision does not exempt the owner of a farm building from obtaining the required electrical or plumbing permits, nor from complying with all other applicable local, State and Federal regulations, laws and ordinances."

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(7) 106.1.1. - 106.3.4.2. *Construction Documents.* QUEEN ANNE'S COUNTY

Delete entirely and amend as follows: Renumber 106.4. and 106.5. as 106.2. and 106.3.

Add new Subsection 106.1.1. to read as follows:

106.1.1. *Information on Construction documents.*

The application for the building permit shall be accompanied by plans and specifications as follows:

1. Detached one and two family dwellings:

2 sets of drawings drawn to scale with sufficient clarity and detail to show the nature and character of the work to be performed, including, but not limited to:

a. Floor plans each floor level, 2 elevations and typical cross section:

b. 4 Copies of plot plans or 2 copies of formal approved site plan as required by Queen Anne's County Zoning Ordinance, if applicable;

2. Detached one and two family dwellings - alterations, small additions, miscellaneous structures:

2 sets of drawings as in 1. above, however, the Code official may waive the requirements for plan submittal for alterations, 1 story additions less than 600 square feet total area and miscellaneous structures accessory to one and two family dwellings, provided that the application for such additions and accessory structures shall be accompanied by 4 copies of the plot plan and 2 copies of the formally approved site plan when required by the Queen Anne's County Zoning Ordinance.

3. New buildings, additions and alterations to buildings other than detached one and two family dwellings:

3 complete sets of architectural, structural, mechanical (heating, ventilation, air conditioning-HVAC) plumbing and electrical plans, drawn to scale with sufficient clarity and detail to show the nature and character of work to be performed. The plans shall be prepared in compliance with this Code, and shall have the seal and signature of a Maryland state professional engineer or architect affixed to each and every sheet of all sets at least one of which shall bear the original

(not reproduced) seal and signature.

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(8) 107.3. *Temporary Power.*

02 MAY 21 PM 3: 21

Amend to read as follows: The building official is authorized to give permission to temporarily supply and use power in part of an electrical installation before such installation has been fully completed and the final certification of completion has been issued.

QUEEN ANNE'S COUNTY

(9) 108.6. *Refunds.*

Delete subsection 108.6. and substitute the following:

When an unissued permit has been denied by the building official or withdrawn by property owner or agent, a 50% refund is due on building codes and zoning fee paid. No refund will be given on issued permits.

(10) 108.7. *Inspection Fees.*

Add a new subsection 108.7. to read as follows:

108.7. *Reinspection Fees.*

A reinspection fee may be charged for each reinspection if the work has to be reinspected because:

1. The work was not ready for inspection at the pre-arranged time for inspection;
2. The inspector did not have access to the work at the pre-arranged time for inspection; or
3. The inspector discovers a flagrant noncompliance during a requested inspection.

(11) 109.3. *Required Inspections.*

Delete subsections 109.3.2., 109.3.3. and 109.3.5. Renumber subsections 109.3.4., 109.3.6., 109.3.7., 109.3.8., 109.3.9. and 109.3.10. as subsections 109.3.3., 109.3.4., 109.3.5., 109.3.6., 109.3.7. and 109.3.8.

(12) 109.3.2. *Foundation Inspection.*

Add new subsection to read as follows Foundation inspection shall be made when the foundation is complete with all required anchors, vents and termite shield installed.

(13) 109.3.9. *Coordination of Inspections.*

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inspections shall be made and coordinated with the other trades,
building, electrical, plumbing and HVAC. 02 MAY 21 PM 3:21

(14) 109.5. *Inspection Request.* QUEEN ANNE'S COUNTY

Amend section to include the following at the end of the first sentence:

"twenty-four (24) hours before said work is completed."

(15) 109.7. *Withholding of Inspection and Permit.*

Add a new subsection to read as follows: If the Code Official finds that a contractor, developer, or owner has violated the provisions of the Code, this title or rules or regulations which implement this title in connection with the construction, maintenance, alteration, or repair of any building, structures, equipment or land within Queen Anne's county, the Building Official, after written notice to the violator, and a hearing on the allegations, may refuse to grant further inspections or further permits of any kind to the contractor, developer, or owner until all violations have been corrected and all fees have been paid.

(16) 114.2.1. *Stop Work Order, Posting.*

Add a new subsection to read as follows: The posting of a stop work order at the job site shall constitute adequate notification by the Code Official.

Chapter 2. Definitions.

(17) 202.

Add the following definition: FARM BUILDING A structure utilized to store farm implements, hay, feed, grain, or other agricultural or horticultural products or to house poultry, livestock, or other farm animals. Such structure shall not include habitable or occupiable spaces, spaces in which agricultural products are processed, treated, or packaged; nor shall an agricultural building be a place of occupancy by the general public.

Chapter 9. Fire Protection Systems.

(18) 903.2.2.

Delete subsection and substitute the following: An automatic sprinkler system shall be provided throughout all buildings in use group "E" in accordance with subsection 903.3.1.1. Exception: where each classroom has at least one

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exterior door at ground level.

(19) 903.2.7. Automatic Sprinkler System Group R-1

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Delete Exception #1 entirely.

QUEEN ANNE'S COUNTY

(20) 903.2.8. Automatic Sprinkler System Group R-2 and R-3.

Amend title as above. Delete subsection and add the following: An automatic sprinkler system shall be provided throughout all buildings with an occupancy in Use Group R-2 and R-3.

(21) 904.3.1. Electrical Wiring.

Delete reference to ICC Electrical Code and insert: National Electrical Code (NFPA70) most recent edition.

(22) 910.2.1. Groups F-1 and S-1 and M.

Amend title as above and amend subsection to add use group M and the following exception: Buildings of use group classification "M" with a story height of less than 20 feet shall be exempt from the smoke venting requirements of this subtitle.

Chapter 16.

1607.9. Reduction in Live Loads.

Add new subsection 1607.9.1.5. to read as follows:
1607.9.1.5. Exceptions. Live load reductions allowed by Section 1607.9 shall not apply to roofs.

1607.11.2. Minimum Roof Live Loads.

Add new paragraph to existing subsection as follows: Roofs shall be designed for a minimum live load of 30 pounds per square foot or designed for the minimum snow load, whichever is greater.

Chapter 18.

1805.2.1. Frost Protection.

Amend subsection 1805.2.1. to read as follows: Except where erected upon solid rock or otherwise protected from frost, foundation walls, piers, and other permanent supports of buildings or structures 200 square feet or larger in area or 10 feet in height shall extend below the front line of 24" below finished grade, and spread footings of adequate size shall be

provided where necessary to properly distribute the load within the allowable load bearing value of soil. Alternatively, such structures shall be supported on piles where solid earth or rock is not available. Footings shall not bear on frozen soils unless frozen condition is of a permanent nature.

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Chapter 33.

3306.10. Accessibility During Construction Operations.

Add new section titled as above to read as follows: During construction operations the contractor shall maintain at all times a vehicular roadway that will permit the unimpeded movement of emergency vehicles from the improved street to within 200 feet of the most remote building under construction on the site. The vehicular access roadway surface shall be either crusher run, stone base, blacktop or other suitable compacted surface material approved by the Department.

10-103. One and Two Family Dwelling Code - Amendments.

The provisions of the International Residential Code for 1 and 2 family dwellings 2000 Edition as incorporated in COMAR 05.02.07 are modified, deleted, substituted, or added to as follows:

1. Chapter 1. Administrative.

Chapter 1 of the International Residential Code for 1 or 2 family dwellings is hereby deleted in its entirety and replaced with Chapter 1 of the International Building Code 2000 Edition as amended herein.

2. Section R - 301.2

Climatic and Geographic criteria shall be amended so that Table #R301.2(f) shall read as follows:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIARECEIVED
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SUBJECT TO DAMAGE FROM: QUEEN ANNE'S COUNTY

ROOF SNOW LOAD	WIND SPEED (c) (MPH)	SEISMIC DESIGN CATEGORY (d)	WEATHERING (a)	FROST LINE DEPTH (b)	TERMITE	DECAY	WINTER DESIGN TEMP (d)	FLOOD HAZARDS (e)
30	90	B	Severe	24"	Moderate/ Heavy	Slight to Moderate	17°	3/21/92

FOR SI: 1 pound per square foot = 0.0479 kN/m.0 , 1 mile per hour = 1.609 km/h.

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in Figure R403.1(1).

c. Wind exposure category shall be determined on a site specific basis in accordance with Section R301.2.1.4.

d. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½ percent values for winter from Appendix D of the *International Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.

e. (a) The date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.

10-104. Penalties.

(a) Civil Penalties.

(1) Any person who shall erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this Title, or cause the same

to be done, in conflict with or in violation of any of the provision of this Title, shall be guilty of a civil violation and subject to an original present fine, not to exceed \$500.00

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(2) Each day on which a violation continues constitutes a separate violation.

(b) *Collection of Civil Penalties.*

(1) The procedures, duties and provisions of Section 18-1-288 of the Code of Public Local Laws of Queen Anne's County respective collection of civil zoning violations shall apply to civil violations issued hereunder.

ORDINANCE 02-03

02 JUN 27 PM 7:32

AN ORDINANCE ADOPTING DEVELOPMENT IMPACT FEE AMOUNTS AND THE PROCEDURES FOR THE IMPOSITION, CALCULATION, COLLECTION, EXPENDITURE AND ADMINISTRATION OF DEVELOPMENT IMPACT FEES TO BE IMPOSED ON NEW DEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

PREAMBLE

WHEREAS, pursuant to Article 25B, §13D, Annotated Code of Maryland, the Board of County Commissioners of Queen Anne's County, Maryland (the "County Commissioners") has been authorized to fix, impose and provide for the collection of development impact fees to finance, in whole or in part, the capital costs of additional or expanded public works, improvements, and facilities required to accommodate new construction or development; and

WHEREAS, the County Commissioners have studied the necessity for and implications of the adoption of development impact fees for various public facilities and has retained Tischler & Associates, Inc. and, by subcontract, Freilich, Leitner & Carlisle (hereinafter, together, the "Consultants") to prepare a development impact fees report to evaluate existing development impact fees and consider additional development impact fees, and Tischler & Associates, Inc. has prepared an Development Impact Fees Report, dated September 21, 2001 (the "Development Impact Fees Report"); and

WHEREAS, the Development Impact Fees Report has been presented to, and reviewed by, the Board of County Commissioners, which has determined (1) that impact fees are necessary to offset the costs associated with meeting future public facility and service demands pursuant to the projections set forth in the report; (2) that impact fees bear a reasonable relationship to the burden imposed upon the County to provide public facilities and services to new residents, employees, and businesses; and impact fees provide a benefit to such new residents, employees, and businesses reasonably related to the impact fee assessed; (3) that an "essential nexus" exists between the projected new development and the need for additional facilities and services to be funded via impact fees, and between the impact fee and the benefits that accrue to new development paying the impact fee; and (4) that the amount of the impact fees is "roughly proportional" to the pro rata share of the additional facilities and services needed to serve new residential and non-residential development, while maintaining the existing level of service (LOS) standard currently provided to existing County residents, employees, and businesses; and

WHEREAS, the County Commissioners have adopted the Queen Anne's County Comprehensive Plan; and

March 12, 2002

1

WHEREAS, the Development Impact Fees Report has determined that Queen Anne's County, Maryland (the "County") is projected to grow from a population of approximately 43,600 persons in the year 2001 to a population of 62,600 in the year 2020 (with intermediate population projections of 47,500 in the year 2005; of 52,400 in the year 2010; and of 57,500 in the year 2015); and

WHEREAS, the number of housing units is projected to increase commensurately from approximately 17,939 in the year 2001 to approximately 27,551 in the year 2020; and

WHEREAS, retail, commercial, office and other non-residential building space which also increases demand on public facilities is also projected to increase substantially from approximately 5.53 million square feet in the year 2001 to more than 8.48 million square feet in the year 2020; and

WHEREAS, the number of jobs at non-residential locations in Queen Anne's County is projected to increase from almost 11,382 in the year 2001 to more than 17,476 in the year 2020; and

WHEREAS, the average annual costs for volunteer fire companies in the County to maintain the level of service currently provided to existing residents will be approximately \$4.9 million for fire stations and approximately \$16 million for fire apparatus; and

WHEREAS, the total estimated growth-related cost of meeting the public school project costs, based on the facilities, level of service (LOS) standards, costs, and development projections cited in the Development Impact Fee Report is \$5.53 million for the replacement cost of Board of Education support buildings, and approximately \$875,000 for Board of Education vehicles and equipment; and

WHEREAS, residential units which are restricted to occupancy by senior citizens and in which permanent residential occupancy by minors under the age of 18 is prohibited may have little or no potential for generating students and, thus, may have no impact warranting the imposition of public school development impact fees; and

WHEREAS, pursuant to Article 23A, §8C, Annotated Code of Maryland, the incorporated municipalities within the County are required to assist the County in the collection of public school development impact fees; and

WHEREAS, a portion of the costs of public schools is paid by the State of Maryland, so that the County provides 72% of the project costs for schools; and

WHEREAS, the total estimated growth-related cost of meeting demand, based on facilities, current level of service (LOS) standards, costs, and development projections is approximately \$163 per new resident for community parks and approximately \$68 per new resident for buildings and vehicles necessary to provide community park services for new development; and

March 12, 2002

2

WHEREAS, the County annually develops a Capital Improvements Program to project the public facility demands that will be imposed upon the County by this growth rate; and

WHEREAS, the Consultants have reviewed and have relied upon the Queen Anne's County Comprehensive Plan and the County's Capital Improvements Program; and

WHEREAS, based on the population, housing unit, and land use projections as well as the public facility needs associated with the projected level of growth, the County Commissioners have determined that development impact fees are an appropriate and necessary technique, to be used in conjunction with other available public facility financing techniques, to ensure that adequate public facilities are provided for new growth; and

WHEREAS, the County Commissioners have determined that development impact fees will be necessary for community parks, and fire protection, and that the existing development impact fee for public schools should be modified; and

WHEREAS, the types of facilities and associated costs that may be included in this development impact fee include, but are not necessarily limited to, buildings, facilities, vehicles, equipment, apparatus, and land acquisition; and

WHEREAS, Tischler & Associates, Inc. additionally reviewed the existing demand for community parks, fire protection, and public schools, including, where appropriate, buildings, facilities, vehicles, equipment, apparatus, and land acquisition; the existing inventory of same; and the method of financing same; and

WHEREAS, the Consultants have relied upon the County for the costs of equipment, facilities, buildings, and land acquisition for public facilities to be funded by impact fees; and

WHEREAS, the current inventory of buildings, facilities, vehicles, equipment, apparatus, and land acquisition was used to establish appropriate level of service standards; and

WHEREAS, the County Commissioners have found and determined that development impact fees for different public facilities will have certain common characteristics and that the County will, therefore, benefit from the adoption and use of a uniform procedure for the imposition, calculation, collection, expenditure, and administration of all of the adopted development impact fees; and

WHEREAS, the use of uniform procedures, to the extent possible, will be more efficient and expedient for both the County and applicants for building permits than separate procedures for each development impact fee; and

March 12, 2002

3

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WHEREAS, the use of uniform procedures will simplify the implementation and administration of development impact fees; and

WHEREAS, the use of uniform procedures will best ensure that development impact fees are "earmarked" and expended for the public facilities for which they were imposed and collected; and

WHEREAS, all monies collected from development impact fees shall be deposited in interest-bearing accounts which clearly identify the category, account, fund, and public facility for which such fee was imposed; and

WHEREAS, each such category, fund, or account shall be accounted for separately; provided, however, that the determination as to whether the accounting requirement shall be by category, account, or fund shall be within the discretion of the County; and

WHEREAS, any interest or other income earned on monies deposited in said interest-bearing accounts shall be credited to the applicable account; and

WHEREAS, the County Commissioners have determined or will determine, for each development impact fee, that the payment of the development impact fee and its expenditure for needed public facilities will result in a benefit to the development on which it is imposed; and

WHEREAS, the overall well-being of the County depends on continued economic viability and growth within the region; and

WHEREAS, reduced development impact fees for non-residential development will ensure the County's economic viability and growth in the region; and

WHEREAS, future non-residential growth should be directed towards existing designated growth areas and incorporated towns within the County; and

WHEREAS, reduced development impact fees within designated growth areas and incorporated towns will discourage urban sprawl and the inefficient use of lands and public facilities, and will advance the agricultural preservation objectives set forth in the Comprehensive Plan; and

WHEREAS, the continued viability of the County's agricultural sector is critical to the local economy and the overall well-being of the County;

WHEREAS, the County Commissioners have determined that exemption from the provisions of this ordinance of non-residential development on a farm and farm employee dwellings will encourage and protect the economy and agricultural areas of the County, consistent with the County Comprehensive Plan;

March 12, 2002

doc.#51435/90676.018

4

LIBER

4 PAGE 147

WHEREAS, the provision of affordable and low-income housing is necessary in order to protect the public health, safety, and welfare of the County;

WHEREAS, the County Commissioners have determined that exemption from the requirements of this ordinance of certain subsidized housing will encourage the provision of adequate affordable and low-income housing in the County;

WHEREAS, the County Commissioners have developed and adopted a schedule of development impact fees for each category of public facility by land use classification; and

WHEREAS, the County Commissioners have provided a credit mechanism in cases where the proposed new development dedicates public sites and/or capital improvements for which development impact fees are also being imposed and in cases where the new development will otherwise pay for a portion of such new development through principal payments of bonds issued for the same purpose; and

WHEREAS, the County Commissioners have determined that, for certain public facilities, the County should be divided into development impact fee subareas so that the collection of development impact fees for such facilities is more narrowly tied to the locations in which such development impact fee is expended; and

WHEREAS, the County Commissioners have determined that the development impact fee amounts bear a reasonable relationship to the burden imposed upon the County to provide the additional capital improvement expenditures for such public facilities to serve the new development at the appropriate level of service (LOS) standard; and

WHEREAS, the County Commissioners have developed fee calculation methodologies which will be imposed in an equitable and non-discriminatory manner; and

WHEREAS, the County Commissioners held a duly advertised public hearing on this ordinance on _____ at which time the public had an opportunity to comment;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of County Commissioners of Queen Anne's County, Maryland as follows:

SECTION 1: THE QUEEN ANNE'S COUNTY CODE, TITLE 18, SUBTITLE 3, DEVELOPMENT IMPACT FEES ORDINANCE ENACTED BY THE BOARD OF COUNTY COMMISSIONERS ON JUNE 18, 1991, AS SUBSEQUENTLY AMENDED, IS HEREBY RESCINDED IN ITS ENTIRETY AS OF THE EFFECTIVE DATE OF THE NEW SUBTITLE 3 "DEVELOPMENT IMPACT FEES " AS SET FORTH HEREIN.

March 12, 2002

5

doc.#51435/90676.018

SECTION 2: A NEW SUBTITLE 3 OF TITLE 18 OF THE QUEEN ANNE'S COUNTY CODE IS HEREBY ENACTED TO ADD THE FOLLOWING NEW SECTION ESTABLISHING DEVELOPMENT IMPACT FEES AND SETTING FORTH FEE AMOUNTS AND THE PROCEDURES FOR THE IMPOSITION, CALCULATION, COLLECTION, EXPENDITURE AND ADMINISTRATION OF DEVELOPMENT IMPACT FEES.

Subtitle 3. Development impact fees

18-301. Definitions.

(a) In general.

Unless otherwise defined in this section, terms shall have the meaning set forth in §18-1-001 of Title 18. In case of a conflict, terms defined in this subtitle shall have the meaning defined in this §18-301.

(b) Applicant.

“Applicant” means an individual, corporation, or other legal entity that applies for a building permit or zoning certificate in the County or a municipal corporation.

(c) Appropriation or to appropriate.

“Appropriation” or “to appropriate” means an action by the County Commissioners to identify specific public facilities for which development impact fee funds may be used. Appropriation shall include, but is not limited to:

(1) inclusion of a public facility in the adopted capital budget or capital improvement program;

(2) execution of a contract or other legal encumbrance for construction of a public facility using impact fee funds in whole or in part; and

(3) actual expenditure of impact fee funds through payments made from an impact fee account or subaccount.

(d) Building permit.

“Building permit” means a permit, or other final approval required as a condition precedent to the construction, extension, conversion, alteration, or reconstruction of a structure required under:

(1) §18-1-198 of this title; or

(2) the applicable zoning ordinance of a municipal corporation.

(e) **Capital budget.**

“Capital budget” means the budget adopted by the County Commissioners from time to time, for the purpose of identifying and financing needed capital improvements.

(f) **Capital improvements.**

(1) “Capital improvements” means land acquisition, site development, site-related improvements, purchase of equipment, or construction of structures necessary for the expansion or construction of public facilities in the County.

(2) “Capital improvements” includes all related costs.

(g) **Capital improvements program.**

“Capital improvements program” means the schedule of capital improvements to be undertaken by the County as determined from time to time by the County Commissioners or as set forth in the capital budget.

(h) **Commercial use.**

“Commercial use” means any development for commercial use of a site as defined under:

- (1) Subtitle 1 of this title; or
- (2) the applicable zoning ordinance of a municipal corporation.

(i) **Community parks impact fee.**

“Community parks impact fee” means a development impact fee imposed only on new residential development to fund the proportionate share of the costs of community parks county-wide; including community park land and improvements; and support buildings, vehicles, and equipment.

(j) **Credit agreement.**

“Credit agreement” means an agreement made pursuant to this subtitle, which provides for a credit of certain required development impact fees in exchange for the provision of dedicated lands or the construction of facilities consistent with the County capital improvement program.

March 12, 2002

7

doc.#51435/90676.018

(k) **Department.**

"Department" means the Queen Anne's County Department of Planning and Zoning.

(l) **Development impact fee or impact fee.**

"Development impact fee" or "impact fee" means a fee levied as a condition of issuance of a building permit or zoning certificate, and which is intended to fund capital improvements and public facilities needed to serve new growth and development activity in the County and municipal corporations

(m) **Exemption.**

"Exemption" means a waiver, either in whole or in part, in the amount of impact fees assessed against new development pursuant to the terms of this subtitle, and based on the criteria set forth in §18-305(d).

(n) **Finance Director.**

"Finance Director" means the Finance Director of the Queen Anne's County Finance Office.

(o) **Fire protection impact fee.**

"Fire protection impact fee" means a development impact fee imposed on new residential and non-residential development to fund the proportionate share of the costs of land acquisition for new fire stations; fire protection facilities, including construction, furniture, fixtures, equipment, and technology; and fire and emergency protection vehicles, equipment, and apparatus.

(p) **Floor area.**

"Floor area" means the sum of the gross area for each floor of a building's stories measured from the exterior limits of the faces of the structure, and includes:

- (1) habitable basement floor area; and
- (2) if the attic meets the Queen Anne's County Building Code standards for habitable floor area, attic floor area.

(q) **Impact fee subareas.**

"Impact fee subarea" means a geographically defined area in the County that has been designated by the County Commissioners as an area in which new development will

create the need for specified capital improvements to be funded in part or in whole by development impact fees.

(r) **Impact fee subarea map.**

“Impact fee subarea map” means the map of impact fee subareas adopted by the County Commissioners in which development impact fees for specified capital improvements are imposed.

(s) **Industrial use.**

“Industrial use” means any development for industrial use of a site as defined under:

- (1) Subtitle 1 of this title; or
- (2) the applicable zoning ordinance of a municipal corporation.

(t) **Institutional use.**

“Institutional use” means any development for institutional use of a site as defined under:

- (1) Subtitle 1 of this title; or
- (2) the applicable zoning ordinance of a municipal corporation.

(u) **Mixed-use development.**

“Mixed-use development” means a new development consisting of both residential and non-residential uses, or one (1) or more different types of non-residential use, on the same site or part of the same new development.

(v) **Municipal corporation.**

“Municipal corporation” means the towns of Barclay, Centreville, Church Hill, Millington, Queenstown, Queen Anne, Sudlersville, and Templeville.

(w) **New development.**

“New development” means any development or development activity for which a building permit or zoning certificate is issued after the effective date of this subtitle, and which either increases the number of dwelling units or which increases total non-residential floor area.

March 12, 2002

9

doc.#51435/90676.018

(x) **Nonresidential development.**

“Nonresidential development” means any development for agricultural, commercial, industrial, or institutional use.

(y) **Planning Director.**

“Planning Director” means the Planning Director of the Queen Anne’s County Department of Planning and Zoning.

(z) **Public facilities.**

“Public facilities” means public improvements, facilities, or services necessitated by new development, including, but not limited to water resources, transportation, law enforcement facilities, public works, fire protection facilities, emergency service facilities, medical services, County facilities, water facilities, sewer facilities, flood control and drainage, solid waste disposal, open space, parks, utilities, and public schools.

(aa) **Public facilities expenditures.**

“Public facilities expenditures” means funds appropriated in connection with the planning, design, engineering, and construction of public facilities; planning, legal, appraisal, and other costs related to the acquisition of land, financing, and development costs; the costs of compliance with purchasing procedures and applicable administrative and legal requirements; and all other costs necessary or incident to provision of the public facility.

(bb) **Public schools impact fee.**

“Public schools impact fee” means a development impact fee imposed on residential development to fund the proportionate share of the costs of public schools; including land acquisition, buildings, equipment, and relocatable classrooms; and support buildings, vehicles, and major capital equipment.

(cc) **Residential development.**

“Residential development” means any development for residential use, including commercial apartments.

(dd) **Residential use.**

“Residential use” means any development for residential use of a site as defined under:

- (1) Subtitle 1 of this title; or

(2) the applicable zoning ordinance of a municipal corporation.

(ee) **Site.**

“Site” means the land on which development takes place.

(ff) **Site-related improvement.**

“Site-related improvement” means off-site capital improvements or facilities made necessary by new development; including but not limited to roadway construction, upgrades, or improvements, and traffic control devices or measures.

(gg) **Zoning certificate.**

“Zoning certificate” means a permit:

(1) for the use or occupancy of a structure where a building permit is not required but the development of the structure will produce additional dwelling units or will increase non-residential floor area; and

(2) that is required under:

(i) §18-1-204 of this title; or

(ii) the applicable zoning ordinance of a municipal corporation.

18-302. Purpose of subtitle.

The purpose of this subtitle is to promote the health, safety, and general welfare of the residents of the County and its municipal corporations, by:

(a) establishing uniform procedures for the imposition, calculation, collection, expenditure, and administration of development impact fees imposed on new development;

(b) requiring all new residential and nonresidential development to contribute its fair and proportionate share towards the costs of capital improvements reasonably necessitated by such new development;

(c) providing a means of financing public facilities needed to accommodate new development in a safe and timely manner;

(d) ensuring that the new development paying development impact fees reasonably benefits from the appropriation of impact fee funds to public facilities provided to accommodate such new development;

March 12, 2002

11

doc.#51435/90676.018

(e) implementing the Queen Anne's County Comprehensive Plan and capital budget by ensuring that adequate public facilities are available in a timely and well-planned manner; and

(f) ensuring that all applicable legal standards and criteria are properly incorporated in these procedures.

18-303. Effect on other subtitles.

(a) This subtitle may not be construed to alter, amend, or modify any provision of Subtitle 1 of this title. The provisions of Subtitle 1 of this title shall be operative and remain in full force and effect notwithstanding any contrary provisions, definitions, or intentions that are or may be expressed or implied in this subtitle.

(b) The payment of development impact fees shall not entitle the applicant to a building permit or zoning certificate unless all other applicable land use, zoning, planning, adequate public facilities, forest resource, platting, subdivision, and other related requirements, standards, and conditions have been met. Such other requirements, standards, and conditions are independent of the requirement for payment of a development impact fee.

(c) This subtitle, including the specific development impact fee ordinances for particular public facilities, shall not affect, in any manner, the permissible use of property, density or intensity of development, design and improvement standards, or other applicable standards or requirements of the land development regulations of the County or any municipal corporation.

18-304. Establishment of impact fee subareas.

An impact fee subarea is established for the purpose of ensuring that the collection of certain development impact fees is more directly tied to the expenditure of such fees, as set forth in the specific development impact fees ordinance, under this subtitle. The impact fee subarea map is incorporated as part of this subtitle by reference. The County Commissioners may amend the boundaries of the impact fee subareas at such times as may be deemed necessary to carry out the purposes and intent of this subtitle and to comply with all applicable legal requirements for use of development impact fees.

18-305. Applicability of development impact fees.

(a) *Affected area.*

This subtitle shall apply to all new development within the County, including new development that takes place within the boundaries of any municipal corporation. Development impact fees for particular public facilities may apply to less than the entire County, as indicated herein.

(b) *Type of development affected.*

Except where specifically exempt by the provisions of this subtitle, this subtitle shall apply to all new development.

(c) *Type of development not affected.*

(1) No development impact fee shall be imposed on development for which a building permit or zoning certificate has been issued prior to the effective date of this subtitle.

(2) No development impact fee shall be imposed on any new residential development that does not add a new dwelling unit; nor shall a development impact fee be imposed for alteration or expansion of an existing dwelling unit where no additional dwelling unit is created.

(3) No development impact fee shall be imposed on the alteration of existing non-residential uses where there is no increase in the non-residential floor area.

(4) No development impact fee shall be imposed on developments that are the subject of a valid development rights and responsibilities agreement containing provisions in conflict with this subtitle, but only to the extent of the conflict or inconsistency.

(5) No development impact fee shall be imposed on the development of public facilities by the State of Maryland, the County, any municipal corporation, or the Federal government.

(d) *Exempt development.*

In accordance with the procedures set forth in §18-314, the following land use types may be exempt, either in whole or in part, from the requirements of this subtitle as follows:

(1) No development impact fees shall be imposed on nonresidential development on a farm.

(2) No development impact fees shall be imposed upon any applicant for a building permit for residential housing units that are subsidized by any municipal corporation, County, State, or the federal government and are intended for low-income owners or tenants.

(3) No development impact fees shall be imposed on farm employee dwellings that:

(i) are proposed within an AG zoning district; and

March 12, 2002

13

doc.#51435/90676.018

(ii) are either subject to a MALPF easement or are located in a MALPF district.

(4) No public school impact fee shall be imposed on age-restricted adult or senior citizen housing, provided that each unit of housing shall contain a deed restriction recorded against the property, in form satisfactory to the County Attorney, which deed restriction shall provide that:

(i) the housing unit is restricted to occupancy by older persons, in compliance with the terms and provisions of the Federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. § 3607;

(ii) no person under the age of eighteen (18) years shall reside within any such housing unit; and

(iii) the deed restriction shall provide that in the event the above restrictions are ever modified or violated, the owner of the property at the time the restrictions are modified or violated shall pay to the County the then-current Public School Impact Fee.

(5) Development impact fees imposed on non-residential development within a designated growth area or incorporated town shall be imposed in an amount that is fifty percent (50%) below that required pursuant to §18-316 of this subtitle.

(6) Development impact fees imposed on non-residential development outside of a designated growth area or incorporated town shall be imposed in an amount that is twenty-five percent (25%) below that required pursuant to §18-316 of this subtitle.

(e) *Development impact fee subarea.*

Impact fees for certain public facilities shall be collected and spent within a defined geographical area. The impact fee subareas are shown on the impact fee subarea map as incorporated by §18-304 of this subtitle.

(f) *Municipal corporations.*

Development impact fees on new development within municipal corporations shall be collected by the County prior to issuance of a building permit or zoning certificate as required by this subtitle. No municipal corporation shall issue a building permit or zoning certificate until the applicant demonstrates that all impact fees required by this subtitle have been paid to the County.

18-306. Annual review and adjustments.**(a) Annual review.**

(1) At least once every year not later than July 1st of each year, beginning July 1, 2003, and prior to County Commissioners' adoption of the Annual Budget and capital improvements program, the Finance Director, or designee, shall coordinate the preparation and submission of an Annual Report to the County Commissioners on the subject of development impact fees.

(2) The Annual Report may include any or all of the following:

(i) recommendations for amendments, if appropriate, to these procedures or to specific ordinances adopting development impact fees for particular public facilities;

(ii) proposed changes to the Queen Anne's County capital improvements program, including the identification of additional public facility projects anticipated to be funded wholly or partially with development impact fees;

(iii) proposed changes to the boundaries of impact fee subareas;

(iv) proposed changes to development impact fee schedules as set forth in the ordinances imposing and setting development impact fees for particular public facilities;

(v) proposed changes to any development impact fee calculation methodology; and

(vi) any other data, analysis, or recommendations as the Finance Director, or designee, may deem appropriate, or as may be requested by the County Commissioners.

(3) The Finance Director shall submit the Annual Report to the County Commissioners, which shall receive the Annual Report and which may take such actions as it deems appropriate, including, but not limited to, requesting additional data or analyses and holding public workshops and public hearings.

(b) Annual adjustment.

(1) On July 1, 2003, and on July 1st of each year thereafter in which this subtitle is in effect, the amount of any development impact fee may be automatically adjusted to account for inflationary increases in the cost of providing public facilities utilizing the most recent 20-city annual national average data from the Engineering News Record Construction Cost Index.

March 12, 2002

15

doc.#51435/90676.018

(2) The Finance Director shall make the automatic annual adjustment unless the County Commissioners have, in their Annual Review, determined an alternate adjustment.

(c) Nothing herein shall prevent the County Commissioners from electing to retain existing development impact fees or from electing to waive the inflation adjustment for any given fiscal year.

18-307. Imposition and enforcement of development impact fees.

(a) *In general.*

A building permit or zoning certificate shall not be issued by the County or a municipal corporation for a new development until the development impact fees required under this subtitle have been calculated and paid. The amount of the development impact fee due is the amount of the fee in effect on the date of issuance of the building permit or zoning certificate.

(b) *Lien.*

In the event new development is undertaken without the payment of all applicable development impact fees, the development impact fees shall:

- (1) be a lien against the site of development;
- (2) be levied, collected, and enforced in the same manner as real property taxes imposed by the County; and
- (3) have the same priority and bear the same interest and penalties as real property taxes.

(c) *Actions to recover.*

In the event a development impact fee is not paid as required by this subtitle, the County Attorney may institute an action to recover the fee and enjoin the use of the property until the fee is paid. The person who fails so to pay shall be responsible for the costs of such suit, including reasonable attorney's fees

18-308. Calculation of development impact fees - Fee schedule.

(a) *In General.*

An applicant shall be notified by the County or by the municipal corporation within which new development is located of the applicable development impact fee requirements at the time of application for a building permit or zoning certificate. At such time, the development impact fees shall be calculated by the Planning Director, or

March 12, 2002

16

designee, and shall be paid by the applicant prior to the issuance of a building permit or zoning certificate.

(b) *Calculation.*

(1) Upon receipt of an application for a building permit or zoning certificate, the Planning Director, or designee, shall determine:

(i) whether the proposed new development constitutes a residential or non-residential use;

(ii) the specific type of residential or non-residential development, if applicable;

(iii) if residential, the number of new dwelling units;

(iv) if non-residential, the number of additional square feet of floor area (rounded up to the nearest square foot) and the proposed use; and whether the proposed use is in the same type of non-residential development as the prior use; and

(v) if applicable, the development impact fee subarea or subareas in which the new development is located.

(2) For proposed new development for which no specific land use type is listed in §18-316, the Planning Director shall apply the land use type that is most similar to the proposed new development in terms of impact on public facilities, based on the predominant characteristics of the proposed new development.

(3) The calculation of development impact fees due from a mixed-use development shall be based upon the development impact fee for each public facility generated by each land use type in the mixed-use development.

(4) The calculation of development impact fees due from a phased new development shall be based upon the development impact fees due for each specific land use within the phase of development for which building permits or zoning certificates are requested.

(5) After making these determinations, the Planning Director, or designee, shall calculate the applicable development impact fee by multiplying the demand added by the new development, measured by either the number of new dwelling units or new floor area, by the amount of the applicable development impact fee per unit of development, and incorporating any applicable credit made pursuant to §18-310 of this subtitle.

March 12, 2002

17

doc.#51435/90676.018

18-309. Site specific analysis.

(a) If the type of land use proposed for new development is not expressly listed in the particular development impact fee ordinance and schedule, the Planning Director, or designee, shall:

(1) identify the most similar land use type listed and calculate the development impact fee based on that land use; or

(2) identify the broader land use category within which the specified land use would apply and calculate the development impact fee based on that land use category; or

(3) at the option of the applicant, determine the basis used to calculate the fee pursuant to an independent impact analysis for development impact fee calculation. This option shall be requested by the applicant on a form provided by the County for such purpose. If this option is chosen, the following shall apply:

(i) The applicant shall be responsible, at its sole expense, for preparing the independent impact analysis, which shall be reviewed for approval by the Planning Director prior to payment of the fee.

(ii) The independent impact analysis shall measure the impact that the proposed development will have on the particular public facility for which the impact fee is being assessed, and shall be based on the same methodologies used in the development of this subtitle, and shall be in accordance with standard methodologies for the evaluation of impacts upon public facilities created by new development; and shall be performed by a person or firm with sufficient professional training and experience in the preparation of such analyses.

(iii) After review of the independent impact analysis submitted by the applicant, the Planning Director shall accept or reject the analysis and provide written notice to the applicant of its decision within twenty (20) working days. If the independent impact analysis is rejected, the written notice shall provide an explanation of the insufficiencies of the analysis.

(4) If the proposed development site is located within a municipal corporation, the Planning Director shall consult with the Planning Director of the municipal corporation prior to making a final decision.

(5) Pursuant to either the analysis of the Planning Director, or designee, or the independent impact analysis submitted by the applicant and accepted by the Planning Director, the Planning Director shall calculate the development impact fee accordingly.

(b) The Planning Director's decision under this section shall constitute a final administrative decision from which an appeal as provided in §18-315 of this subtitle may be filed.

18-310. Development impact fee credits.

(a) *Applicability.*

(1) The Planning Director shall grant a credit against any development impact fee imposed by this subtitle upon any new development where the applicant has entered into a credit agreement with the County Commissioners to construct capital improvements or dedicate land, which:

(i) are consistent with and implement the County capital improvements program,

(ii) are funded by development impact fee revenue,

(iii) are of the same category of public facility impacted by the proposed new development, and

(iv) will be constructed or dedicated in accordance with the timing schedule set forth in the capital improvement program.

(2) No credit shall exceed development impact fees imposed by this subtitle for the proposed new development.

(b) *Procedure.*

(1) The determination of the credit shall be undertaken through the submission of a proposed credit agreement to the Planning Director or designee, which agreement shall include the following:

(i) A proposed plan of specific capital improvements, specifically outlining the capital improvements that will be constructed in lieu of the required development impact fee and the time by which the capital improvements will be constructed; and

(ii) The projected costs for the suggested capital improvements, which shall be based on local information for similar capital improvements, along with a construction timetable for the completion thereof. Such estimated costs shall include the cost of construction, labor and materials, lands, easements and rights, surveys, plans and specifications, engineering and legal services, and all other expenses necessary or incident to determining the feasibility of such construction.

March 12, 2002

19

doc.#51435/90676.018

(2) The proposed plan and cost estimates shall be prepared by a person or persons qualified in the provision of the particular capital improvement, impact analysis, and economics.

(3) If the development site or the land or dedication of any structure for credit is located within a municipal corporation, the Planning Director of the municipal corporation shall be consulted regarding the proposed conveyance or dedication.

(4) Within twenty (20) working days of the submission of the proposed credit agreement, the Planning Director, or designee, shall determine if the proposed agreement is complete. If it is determined that the proposed credit agreement is not complete, the Planning Director, or designee, shall send a written statement to the applicant outlining the deficiencies and no further action shall be taken until all deficiencies have been corrected.

(5) Once the Planning Director or designee determines the proposed credit agreement is complete, within twenty (20) working days, the Planning Director shall approve the agreement if it is determined that the proposed capital improvements are consistent with and implement the capital improvement program, as it applies to the specific category of capital improvement. If, within this time period, the Planning Director determines that either the suggested capital improvements are not consistent with or do not implement the capital improvement program, or that the proposed costs are not acceptable, the Planning Director, or designee, shall propose changes to the agreement that are consistent with this section.

(6) If the Planning Director approves the proposed credit agreement, or if the changes proposed by the Planning Director, or designee, are acceptable to the applicant, the credit agreement shall be prepared and forwarded to the County Commissioners for final approval and execution.

(7) Upon execution of the credit agreement, the balance of development impact fees due, if any, shall be paid in accordance with this subtitle and any land dedicated pursuant to the credit agreement shall be conveyed in fee simple to the County Commissioners free and clear of all leases and encumbrances.

(8) In the event the credit agreement contemplates the dedication of structures, the person required to pay development impact fees shall execute such easements and other instruments as may be necessary to authorize the County Commissioners to use the structures for public purposes.

(9) Any person may appeal the Planning Director's decision to approve or deny a proposed credit agreement under this section, by filing an appeal in accordance with §18-315 of this subtitle.

March 12, 2002

20

doc.#51435/90676.018

LIBER

4 PAGE 163

(c) *Circumstances when credit not available.*

Credit may not be given for conveyance of land or construction of facilities required as part of the Planning Commission approval of the project, or any conveyance or construction otherwise required for development under any other provision of State or County law.

(d) *Timing of conveyance.*

Any land awarded credit under this section shall be conveyed no later than the time at which development impact fees are required to be paid. The portion of the development impact fee represented by a credit for construction shall be deemed paid when the construction is completed and accepted by the County for maintenance or when adequate security for the completion of the construction has been provided.

18-311. Administration of development impact fees.

(a) *Collection.*

(1) The Planning Director, or designee, shall collect all applicable development impact fees at the time of issuance of a building permit or zoning certificate unless:

(i) the applicant is determined to be entitled to a full credit, pursuant to §18-310 of this subtitle; or

(ii) the applicant has been determined to be not subject to the payment of a development impact fee; or

(iii) the applicant has filed an appeal and has posted with the County a letter of credit in the amount of the development impact fee, as calculated by the Planning Director, or designee. Such letter of credit must first be approved by the County Attorney and Finance Director.

(2) The person required to pay development impact fees shall provide the Department with an accounting of the amount of development impact fees required under this subtitle for each category of public facility.

(b) *Development impact fee accounts.*

A development impact fee account shall be established by the County Commissioners for each category of public facilities for which development impact fees are imposed. Such account shall clearly identify the category, account, or fund for which the development impact fee has been imposed. Subaccounts may be established for individual impact fee subareas. All development impact fees collected by the County or a municipal corporation shall be deposited in the appropriate development impact fee

March 12, 2002

21

account or subaccount, which shall be interest bearing. All interest earned on funds deposited to such account shall be credited to and considered funds of the account. The funds of each such account shall be capable of being accounted for separately from all other County funds, over time. The County shall establish and implement necessary accounting controls to ensure that the development impact fee funds are properly deposited, accounted for, and appropriated in accordance with this subtitle, and any other applicable legal requirements.

(c) ***Duties of Finance Director.***

(1) The Finance Director shall maintain and keep accurate financial records for each of the development impact fee accounts that:

- (i) show the source and disbursement of all revenues; and
- (ii) account for all fees received.

(2) The Finance Director shall make its financial records available for public inspection at reasonable times and under reasonable circumstances.

18-312. Appropriation of development impact fees.

(a) ***In General.***

Development impact fee funds may be appropriated for public facilities, for public facility expenditures, and for the payment of principal, interest, and other financing costs on contracts, bonds, notes, or other obligations issued by or on behalf of the County or other applicable local governmental entities to finance such public facilities and public facility expenditures. All appropriations from development impact fee accounts shall be detailed in a budget adopted by the County Commissioners.

(b) ***Restrictions on appropriations.***

Development impact fees shall be appropriated only:

(1) for the particular category of public facilities for which they were imposed, calculated, and collected. Development impact fees shall not be appropriated for funding any expenditure that would be classified in an accounting as a maintenance or repair expense or for operational or personnel expenses associated with the provision of a public facility;

(2) where applicable, within the impact fee subarea where collected, unless the development impact fee funds will be appropriated for a public facility necessitated by or serving the new development as provided in subsection (c) below; and

(3) within six (6) years of the beginning of the fiscal year immediately succeeding the date of collection, unless the development impact fee funds will be appropriated in accordance with subsection (d) below.

(c) *Appropriation of development impact fee funds outside of subarea where collected.*

Notwithstanding §18-312(b)(2) above, where the County is divided into impact fee subareas for the payment and expenditure of a particular development impact fee, development impact fee funds may be appropriated for a public facility located outside of the subarea where collected only if the demand for the public facility is generated in whole or in part by the new development or if the public facility will actually serve the new development. However, development impact fees may only be appropriated for a public facility located outside of the subarea where collected, if the benefits to property owners not paying the fee are incidental.

(d) *Appropriation of development impact fee funds beyond six (6) years of collection.*

Notwithstanding §18-312(b)(3) above, development impact fee funds may be appropriated beyond six (6) years from the beginning of the fiscal year immediately succeeding the date of collection if the appropriation is for a public facility or capital improvement that requires more than six (6) years to plan, design, and construct, and the demand for the public facility is generated in whole or in part by the new development; or if the public facility will actually serve the new development; or where the capital improvements program prepared by the County for a particular category of public facility has used a longer time frame. The County shall document such appropriations.

18-313. Refund of development impact fees.

(a) *Expiration or revocation of building permit or zoning certificate.*

An applicant who has paid a development impact fee for a new development for which the necessary building permit or zoning certificate has expired or for which the building permit or zoning certificate has been revoked prior to construction shall be eligible to apply for a refund of development impact fees.

(b) *Failure of county to use or appropriate development impact fee funds within time limit.*

The current property owner may apply for a refund of development impact fees paid by an applicant if the County has failed to use or appropriate the development impact fees collected from the applicant within the time limit established in §18-312(b)(3), unless such funds are used or appropriated in accordance with §18-312(d) above.

March 12, 2002

23

(c) *Abandonment of development after initiation of construction.*

An applicant who has paid a development impact fee for a new development for which a building permit or zoning certificate has been issued and pursuant to which construction has been initiated, but which construction is abandoned prior to completion and issuance of a certificate of occupancy, shall not be eligible for a refund unless the uncompleted building is completely demolished.

(d) *Administrative fee.*

A 2% administrative fee, not to exceed \$500, shall be deducted from the amount of any refund granted and shall be retained by the County to defray the administrative expenses associated with the processing of a refund application.

(e) *Procedure and submittal requirements.*

(1) Applications for a refund shall be made on a form provided by the County for such purposes and shall include all information required below. Upon receipt of a complete application for a refund, the Planning Director, or designee, shall review the application and documentary evidence submitted by the applicant as well as such other information and evidence as may be deemed relevant, and make a determination as to whether a refund is due. Refunds by direct payment shall be made following an affirmative determination by the Planning Director, or designee. No interest shall be paid by the County in calculating the amount of a refund.

(2) Applications for refunds due to abandonment of a new development prior to completion or due to expiration or revocation of a building permit or zoning certificate shall be made within sixty (60) days following expiration or revocation of the building permit or zoning certificate, or within sixty (60) days following the issuance of a valid County-issued demolition permit. The applicant shall submit:

(i) evidence of the amount of the development impact fees paid by public facilities category and receipts evidencing such payments; and

(ii) documentation evidencing the expiration or revocation of the building permit or zoning certificate prior to construction, or the approval of demolition of the structure pursuant to a valid County-issued demolition permit.

(3) Applications for refunds due to the failure of the County to appropriate development impact fees collected from the applicant within the time limits established in §18-312(b)(3), shall be made by the current property owner on forms provided by the County and shall be made within 180 days of the expiration of such time limit. If a portion of the impact fees collected during a fiscal year have been expended or encumbered before the end of the sixth year following collection, the designated County office shall distribute refunds to the eligible property owner on a pro rata basis. The refund applicant shall submit:

March 12, 2002

24

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4 PAGE 167

(i) evidence that the refund applicant is the property owner or the designated agent of the property owner;

(ii) the amount of the development impact fees paid by public facility category and receipts evidencing such payments; and

(iii) documentation of the County's failure to appropriate development impact fee funds for relevant public facilities within the time limits established in §18-312(b)(3).

(f) *Forfeiture of fees.*

Failure to apply for a refund within the deadlines set forth in this section shall constitute a forfeiture of any fees available for refund to the property owner or applicant.

(g) *Method of refund payment.*

The County may, at its option, make refunds of development impact fees by direct payment, by offsetting such refunds against other development impact fees due for the same category of public facilities for new development on the same property, or by other means subject to agreement with the property owner or applicant.

(h) *Appeal.*

The decision of the Planning Director shall be a final administrative decision from which an appeal as provided in §18-315 of this subtitle may be taken.

18-314. Exemptions of development impact fees.

(a) *Application for exemption.*

Pursuant to §18-305(d), applications for exemptions to the provisions of this subtitle shall be filed with the Planning Director on forms provided by the County.

(b) *Review of an application for exemption.*

Upon receipt of a complete application for exemption, the Planning Director shall determine whether the proposed new development qualifies for an exemption pursuant to the provisions of §18-305(d). In determining whether an exemption is appropriate, the Planning Director shall consider only whether the proposed new development constitutes one of the land uses described in §18-305(d), and whether covenants, easements, and other required documentation, in a form satisfactory to the County Attorney, have been submitted where necessary to demonstrate conformance with §18-305(d).

March 12, 2002

25

doc.#51435/90676.018

(c) *Notification to appropriate departments.*

If the Planning Director determines that the proposed development qualifies for an exemption, the Planning Director shall notify the Building Official of the amount of the impact fee, if any, that should be imposed on the new development prior to issuance of a building permit or zoning certificate, and shall notify the Finance Director that the exemption has been approved and that a funding source other than development impact fees or other development exactions shall be used to fund public facilities in accordance with the adopted capital improvements program.

(d) *Effect of grant of exemption.*

If the County Commissioners grant an exemption of development impact fees otherwise due, the Finance Director shall transmit funds equal in amount to those exempted, from a source other than impact fees into the appropriate development impact fee account no later than the beginning of the fiscal year following the calendar year in which the exemption was granted.

18-315. Appeals.

An appeal may be taken by any person aggrieved by a final decision of a County Official or the County Commissioners. Appeals from decisions of a County Official shall be to the County Board of Appeals and shall be filed and administered in accordance with the provisions of 18-1-179 of this title. Appeals from decisions of the County Commissioners shall be to the Circuit Court for Queen Anne's County.

18-316. Amount of impact fees.

As required by this subtitle 3, residential and non-residential development impact fees shall be paid in the amounts set forth in (a) and (b) below, or as amended pursuant to section 18-306.

(a) *Residential impact fees.*

Residential new development shall be subject to the following development impact fees.

Land Use by Type	Capital Improvement by Type			TOTAL
	Public Schools (per d.u.)	Community Parks (per d.u.)	Fire Protection (per d.u.)	
Single Family Detached ¹	\$4,730	\$616	\$1,014	\$6,360
Residential other than Single Family Detached	\$2,569	\$503	\$828	\$3,900

¹ Includes mobile homes

March 12, 2002

26

doc.#51435/90676.018

LIBER

4 PAGE 169

(b) *Non-residential impact fess.*

Non-residential new development shall be subject to the following development impact fees.

Land Use by Type	Capital Improvement by Type			TOTAL (per s.f.)
	Public School	Community Parks/ Boat Landings	Fire Protection (per SF)	
Comm/Shop. Ctr.				
50,000 SF or less	N/A	N/A	\$1.08	\$1.08
50,001-100,000 SF	N/A	N/A	\$0.95	\$0.95
100,001-200,000 SF	N/A	N/A	\$0.84	\$0.84
200,001 SF or greater	N/A	N/A	\$0.76	\$0.76
Office				
25,000 SF or less	N/A	N/A	\$1.53	\$1.53
25,001-50,000 SF	N/A	N/A	\$1.44	\$1.44
50,001-100,000 SF	N/A	N/A	\$1.35	\$1.35
100,001 or greater	N/A	N/A	\$1.27	\$1.27
Business Park	N/A	N/A	\$1.20	\$1.20
Light Industrial	N/A	N/A	\$0.87	\$0.87
Warehousing	N/A	N/A	\$0.48	\$0.48
Institutional	N/A	N/A	\$0.30	\$0.30

18-317. Public school impact fee - Service area.

The applicable service area for imposition of a Public School Impact Fee is the entire County, including all municipal corporations.

18-318. Same - Amount of impact fee.

All new residential development in the service area shall be subject to the payment of a Public School Impact Fee payable at the time of issuance of a building permit or zoning certificate by the County or a municipal corporation, pursuant to section 18-316 of this subtitle, or as amended pursuant to §18-306.

18-319. Community parks impact fee - Service area.

The applicable service area for imposition of a Community Parks Impact Fee is the entire County, including municipal corporations.

18-320. Same - Amount of impact fee.

All new residential development in the service area shall be subject to the payment of a Community Parks Impact Fee payable at the time of issuance of a building permit or

March 12, 2002

27

doc.#51435/90676.018

zoning certificate by the County or a municipal corporation, pursuant to section 18-316 of this subtitle, or as amended pursuant to §18-306.

18-321. Fire protection impact fee - Service area.

(a) The applicable service areas for imposition of a Fire Protection Impact Fee is the entire County, including all municipal corporations.

(b) The Fire Protection Impact Fee shall be collected and applied in accordance with the Impact Fee Subarea Map.

18-322. Same - Amount of impact fee.

All future residential and non-residential development in the service area shall be subject to the payment of a Fire Protection Impact Fee at the time of issuance of the building permit or zoning certificate by the County or a municipal corporation, pursuant to section 18-316 of this subtitle, or as amended pursuant to §18-306.

SECTION 3. ADOPTION OF IMPACT FEE SUBAREA MAP.

The Impact Fee Subarea Map, a copy of which is attached hereto as Exhibit A, is hereby adopted.

SECTION 4. CONFLICT.

To the extent of any conflict between other County ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing County ordinance, resolution or regulation, other than as provided in SECTION 1 hereof.

SECTION 5. SEPARABILITY.

1. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance which shall continue in full force and effect.
2. If the application of any provision of this Ordinance to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the Board of County Commissioners is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such

March 12, 2002

28

doc.#51435/90676.018

LIBER

4 PAGE 171

decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

SECTION 6. EFFECTIVE DATE.

This ordinance shall be effective on the 46th day following its adoption by the County Commissioners, and impact fees shall be paid as required by section 18-316 of Subtitle 3, except as follows:

1. For new developments that have not received site plan or final subdivision approval as of the date of adoption of this Ordinance, or which do not require site plan or final subdivision approval, impact fees shall be assessed at amounts equal to fifty percent (50%) of those set forth in section 18-316 of Subtitle 3, for a period of six (6) months following the adoption of this Ordinance. However, if an applicant pays reduced impact fees pursuant to this section, and actual development does not begin within six (6) months of the issuance of the building permit or zoning certificate, then the applicant must pay the difference between the amount paid prior to the issuance of the building permit or zoning certificate and the amount required under §18-316 of Subtitle 3, prior to the issuance of a certificate of occupancy.
2. For new developments that have received site plan or final subdivision approval, where required, within the eighteen (18) months prior to the adoption of this Ordinance, but which have not received a building permit as of the date of adoption of this Ordinance, impact fees shall be assessed at amounts equal to fifty percent (50%) of those set forth in section 18-316 of Subtitle 3, for a period of eighteen (18) months following the adoption of this Ordinance. However, if an applicant pays reduced impact fees pursuant to this section and actual development does not begin within six (6) months of the issuance of the building permit or zoning certificate, then the applicant must pay the difference between the amount paid prior to the issuance of the building permit or zoning certificate and the amount required under §18-316 of Subtitle 3, prior to the issuance of a certificate of occupancy.

Introduced by: Marlene Davis

Date of Introduction: 3-19-02

Public Hearing Scheduled for: 5-7-02 9:30

Public Hearing held: 5-7-02 - 930

March 12, 2002

29

Vote: 3 Yea _____ Nay

Date: 6-4-02

The undersigned hereby certifies that this Ordinance was Approved and Adopted by the Board of County Commissioners of Queen Anne's County, Maryland, on the 6 day of June, 2002.

Margie A. Houck
Margie A. Houck, Clerk

March 12, 2002

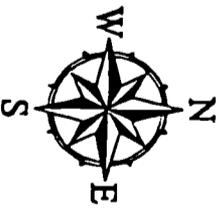
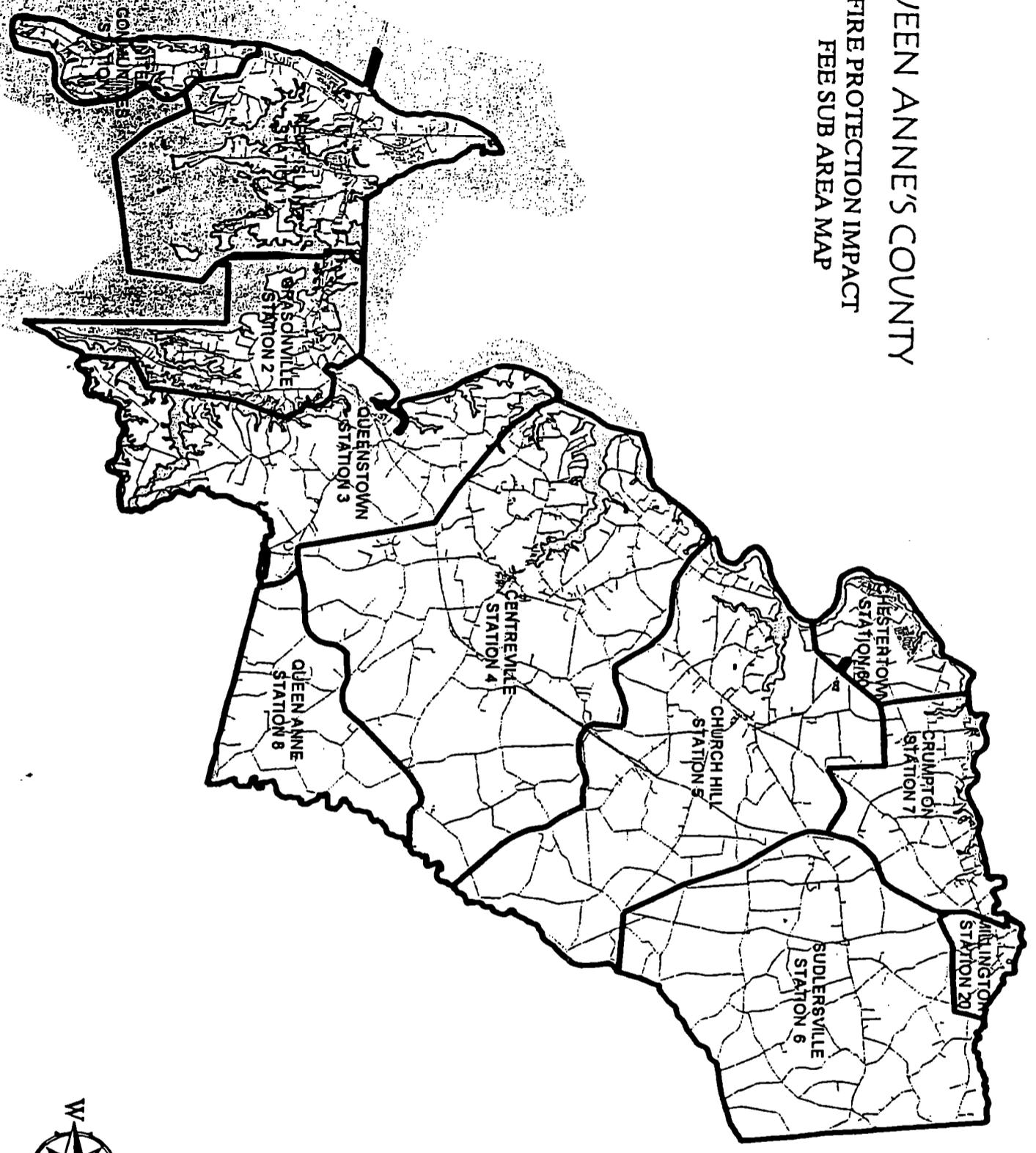
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LIBER

4 PAGE 173

QUEEN ANNES COUNTY
FIRE PROTECTION IMPACT
FEE SUB AREA MAP



SCALE 1" = 4.25 MILES
SOURCE: QUEEN ANNES COUNTY PLANNING & ZONING

RECEIVED
CLERK, CIRCUIT COURT

ORDINANCE NO. 02-03A

02 JUN 27 PM 7:32

AN AMENDMENT TO COUNTY ORDINANCE NO. 02-03 QUEEN ANNE'S COUNTY

A BILL ENTITLED

AN ACT AMENDING pending County Ordinance No. 02-03, An Act Adopting Development Impact Fee Amounts and Procedures for the Imposition, Calculation, Collection, Expenditure and Administration of Development Impact Fees to be Imposed on New Development; and Providing for an Effective Date.

FOR THE PURPOSE of amending pending County Ordinance No. 02-03 to delete proposed impact fees for parks and extending the time for phase-in of new impact fees.

NOW THEREFORE BE IT ENACTED BY the County Commissioners of Queen Anne's County that pending County Ordinance No. 02-03 be amended to read as set forth on the attached.

AND BE IT FURTHER ENACTED that this Amendment shall be effective immediately.

Introduced by: Commissioner Marlene Davis

Date of Introduction: 6-3-02

Vote: 3 Yea Nay

Date: 6-3-02

ORDINANCE _____

**AN ORDINANCE ADOPTING DEVELOPMENT
IMPACT FEE AMOUNTS AND THE PROCEDURES
FOR THE IMPOSITION, CALCULATION,
COLLECTION, EXPENDITURE AND
ADMINISTRATION OF DEVELOPMENT IMPACT
FEES TO BE IMPOSED ON NEW DEVELOPMENT;
AND PROVIDING FOR AN EFFECTIVE DATE.**

PREAMBLE

WHEREAS, pursuant to Article 25B, §13D, Annotated Code of Maryland, the Board of County Commissioners of Queen Anne's County, Maryland (the "County Commissioners") has been authorized to fix, impose and provide for the collection of development impact fees to finance, in whole or in part, the capital costs of additional or expanded public works, improvements, and facilities required to accommodate new construction or development; and

WHEREAS, the County Commissioners have studied the necessity for and implications of the adoption of development impact fees for various public facilities and has retained Tischler & Associates, Inc. and, by subcontract, Freilich, Leitner & Carlisle (hereinafter, together, the "Consultants") to prepare a development impact fees report to evaluate existing development impact fees and consider additional development impact fees, and Tischler & Associates, Inc. has prepared an Development Impact Fees Report, dated September 21, 2002 (the "Development Impact Fees Report"); and

WHEREAS, the Development Impact Fees Report has been presented to, and reviewed by, the Board of County Commissioners, which has determined (1) that impact fees are necessary to offset the costs associated with meeting future public facility and service demands pursuant to the projections set forth in the report; (2) that impact fees bear a reasonable relationship to the burden imposed upon the County to provide public facilities and services to new residents, employees, and businesses; and impact fees provide a benefit to such new residents, employees, and businesses reasonably related to the impact fee assessed; (3) that an "essential nexus" exists between the projected new development and the need for additional facilities and services to be funded via impact fees, and between the impact fee and the benefits that accrue to new development paying the impact fee; and (4) that the amount of the impact fees is "roughly proportional" to the pro rata share of the additional facilities and services needed to serve new residential and non-residential development, while maintaining the existing level of service (LOS) standard currently provided to existing County residents, employees, and businesses; and

WHEREAS, the County Commissioners have adopted the Queen Anne's County Comprehensive Plan; and

May 23, 2002

1

doc.#53881/90676.018

WHEREAS, the Development Impact Fees Report has determined that Queen Anne's County, Maryland (the "county") is projected to grow from a population of approximately 43,600 persons in the year 2001 to a population of 62,600 in the year 2020 (with intermediate population projections of 47,500 in the year 2005; of 52,400 in the year 2010; and of 57,500 in the year 2015); and

WHEREAS, the number of housing units is projected to increase commensurately from approximately 17,939 in the year 2001 to approximately 27,551 in the year 2020; and

WHEREAS, retail, commercial, office and other non-residential building space which also increases demand on public facilities is also projected to increase substantially from approximately 5.53 million square feet in the year 2001 to more than 8.48 million square feet in the year 2020; and

WHEREAS, the number of jobs at non-residential locations in Queen Anne's County is projected to increase from almost 11,382 in the year 2001 to more than 17,476 in the year 2020; and

WHEREAS, the average annual costs for volunteer fire companies in the County to maintain the level of service currently provided to existing residents will be approximately \$4.9 million for fire stations and approximately \$16 million for fire apparatus; and

WHEREAS, the total estimated growth-related cost of meeting the public school project costs, based on the facilities, level of service (LOS) standards, costs, and development projections cited in the Development Impact Fee Report is \$5.53 million for the replacement cost of Board of Education support buildings, and approximately \$875,000 for Board of Education vehicles and equipment; and

WHEREAS, residential units which are restricted to occupancy by senior citizens and in which permanent residential occupancy by minors under the age of 18 is prohibited may have little or no potential for generating students and, thus, may have no impact warranting the imposition of public school development impact fees; and

WHEREAS, pursuant to Article 23A, §8C, Annotated Code of Maryland, the incorporated municipalities within the County are required to assist the County in the collection of public school development impact fees; and

WHEREAS, a portion of the costs of public schools is paid by the State of Maryland, so that the County provides 72% of the project costs for schools; and

WHEREAS, the County annually develops a Capital Improvements Program to project the public facility demands that will be imposed upon the County by this growth rate; and

WHEREAS, the Consultants have reviewed and have relied upon the Queen Anne's County Comprehensive Plan and the County's Capital Improvements Program; and

May 23, 2002

2

WHEREAS, based on the population, housing unit, and land use projections as well as the public facility needs associated with the projected level of growth, the County Commissioners have determined that development impact fees are an appropriate and necessary technique, to be used in conjunction with other available public facility financing techniques, to ensure that adequate public facilities are provided for new growth; and

WHEREAS, the County Commissioners have determined that development impact fees will be necessary for fire protection and that the existing development impact fee for public schools should be modified; and

WHEREAS, the types of facilities and associated costs that may be included in this development impact fee include, but are not necessarily limited to, buildings, facilities, vehicles, equipment, apparatus, and land acquisition; and

WHEREAS, Tischler & Associates, Inc. additionally reviewed the existing demand for fire protection and public schools, including, where appropriate, buildings, facilities, vehicles, equipment, apparatus, and land acquisition; the existing inventory of same; and the method of financing same; and

WHEREAS, the Consultants have relied upon the County for the costs of equipment, facilities, buildings, and land acquisition for public facilities to be funded by impact fees; and

WHEREAS, the current inventory of buildings, facilities, vehicles, equipment, apparatus, and land acquisition was used to establish appropriate level of service standards; and

WHEREAS, the County Commissioners have found and determined that development impact fees for different public facilities will have certain common characteristics and that the County will, therefore, benefit from the adoption and use of a uniform procedure for the imposition, calculation, collection, expenditure, and administration of all of the adopted development impact fees; and

WHEREAS, the use of uniform procedures, to the extent possible, will be more efficient and expedient for both the County and applicants for building permits than separate procedures for each development impact fee; and

WHEREAS, the use of uniform procedures will simplify the implementation and administration of development impact fees; and

WHEREAS, the use of uniform procedures will best ensure that development impact fees are "earmarked" and expended for the public facilities for which they were imposed and collected; and

May 23, 2002

3

WHEREAS, all monies collected from development impact fees shall be deposited in interest-bearing accounts which clearly identify the category, account, fund, and public facility for which such fee was imposed; and

WHEREAS, each such category, fund, or account shall be accounted for separately; provided, however, that the determination as to whether the accounting requirement shall be by category, account, or fund shall be within the discretion of the County; and

WHEREAS, any interest or other income earned on monies deposited in said interest-bearing accounts shall be credited to the applicable account; and

WHEREAS, the County Commissioners have determined or will determine, for each development impact fee, that the payment of the development impact fee and its expenditure for needed public facilities will result in a benefit to the development on which it is imposed; and

WHEREAS, the overall well-being of the County depends on continued economic viability and growth within the region; and

WHEREAS, reduced development impact fees for non-residential development will ensure the County's economic viability and growth in the region; and

WHEREAS, future non-residential growth should be directed towards existing designated growth areas and incorporated towns within the County; and

WHEREAS, reduced development impact fees within designated growth areas and incorporated towns will discourage urban sprawl and the inefficient use of lands and public facilities, and will advance the agricultural preservation objectives set forth in the Comprehensive Plan; and

WHEREAS, the continued viability of the County's agricultural sector is critical to the local economy and the overall well-being of the County;

WHEREAS, the County Commissioners have determined that exemption from the provisions of this ordinance of non-residential development on a farm and farm employee dwellings will encourage and protect the economy and agricultural areas of the County, consistent with the County Comprehensive Plan;

WHEREAS, the provision of affordable and low-income housing is necessary in order to protect the public health, safety, and welfare of the County;

WHEREAS, the County Commissioners have determined that exemption from the requirements of this ordinance of certain subsidized housing will encourage the provision of adequate affordable and low-income housing in the County;

May 23, 2002

4

doc.#53881/90676.018

LIBER

4 PAGE 179

WHEREAS, the County Commissioners have developed and adopted a schedule of development impact fees for each category of public facility by land use classification; and

WHEREAS, the County Commissioners have provided a credit mechanism in cases where the proposed new development dedicates public sites and/or capital improvements for which development impact fees are also being imposed and in cases where the new development will otherwise pay for a portion of such new development through principal payments of bonds issued for the same purpose; and

WHEREAS, the County Commissioners have determined that, for certain public facilities, the County should be divided into development impact fee subareas so that the collection of development impact fees for such facilities is more narrowly tied to the locations in which such development impact fee is expended; and

WHEREAS, the County Commissioners have determined that the development impact fee amounts bear a reasonable relationship to the burden imposed upon the County to provide the additional capital improvement expenditures for such public facilities to serve the new development at the appropriate level of service (LOS) standard; and

WHEREAS, the County Commissioners have developed fee calculation methodologies which will be imposed in an equitable and non-discriminatory manner; and

WHEREAS, the County Commissioners held a duly advertised public hearing on this ordinance on May 7, 2002 9:30am at which time the public had an opportunity to comment;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of County Commissioners of Queen Anne's County, Maryland as follows:

SECTION 1: THE QUEEN ANNE'S COUNTY CODE, TITLE 18, SUBTITLE 3, DEVELOPMENT IMPACT FEES ORDINANCE ENACTED BY THE BOARD OF COUNTY COMMISSIONERS ON JUNE 18, 1991, AS SUBSEQUENTLY AMENDED, IS HEREBY RESCINDED IN ITS ENTIRETY AS OF THE EFFECTIVE DATE OF THE NEW SUBTITLE 3 "DEVELOPMENT IMPACT FEES" AS SET FORTH HEREIN.

May 23, 2002

5

doc.#53881/90676.018

SECTION 2: A NEW SUBTITLE 3 OF TITLE 18 OF THE QUEEN ANNE'S COUNTY CODE IS HEREBY ENACTED TO ADD THE FOLLOWING NEW SECTION ESTABLISHING DEVELOPMENT IMPACT FEES AND SETTING FORTH FEE AMOUNTS AND THE PROCEDURES FOR THE IMPOSITION, CALCULATION, COLLECTION, EXPENDITURE AND ADMINISTRATION OF DEVELOPMENT IMPACT FEES.

Subtitle 3. Development impact fees

18-301. Definitions.

(a) In general.

Unless otherwise defined in this section, terms shall have the meaning set forth in §18-1-001 of Title 18. In case of a conflict, terms defined in this subtitle shall have the meaning defined in this §18-301.

(b) Applicant.

"Applicant" means an individual, corporation, or other legal entity that applies for a building permit or zoning certificate in the County or a municipal corporation.

(c) Appropriation or to appropriate.

"Appropriation" or "to appropriate" means an action by the County Commissioners to identify specific public facilities for which development impact fee funds may be used. Appropriation shall include, but is not limited to:

(1) inclusion of a public facility in the adopted capital budget or capital improvement program;

(2) execution of a contract or other legal encumbrance for construction of a public facility using impact fee funds in whole or in part; and

(3) actual expenditure of impact fee funds through payments made from an impact fee account or subaccount.

(d) Building permit.

"Building permit" means a permit, or other final approval required as a condition precedent to the construction, extension, conversion, alteration, or reconstruction of a structure required under:

(1) §18-1-198 of this title; or

May 23, 2002

6

doc.#53881/90676.018

(2) the applicable zoning ordinance of a municipal corporation.

(e) **Capital budget.**

"Capital budget" means the budget adopted by the County Commissioners from time to time, for the purpose of identifying and financing needed capital improvements.

(f) **Capital improvements.**

(1) "Capital improvements" means land acquisition, site development, site-related improvements, purchase of equipment, or construction of structures necessary for the expansion or construction of public facilities in the County.

(2) "Capital improvements" includes all related costs.

(g) **Capital improvements program.**

"Capital improvements program" means the schedule of capital improvements to be undertaken by the County as determined from time to time by the County Commissioners or as set forth in the capital budget.

(h) **Commercial use.**

"Commercial use" means any development for commercial use of a site as defined under:

(1) Subtitle 1 of this title; or

(2) the applicable zoning ordinance of a municipal corporation.

(i) **Credit agreement.**

"Credit agreement" means an agreement made pursuant to this subtitle, which provides for a credit of certain required development impact fees in exchange for the provision of dedicated lands or the construction of facilities consistent with the County capital improvement program.

(j) **Department.**

"Department" means the Queen Anne's County Department of Planning and Zoning.

May 23, 2002

doc.#53881/90676.018

(k) **Development impact fee or impact fee.**

"Development impact fee" or "impact fee" means a fee levied as a condition of issuance of a building permit or zoning certificate, and which is intended to fund capital improvements and public facilities needed to serve new growth and development activity in the County and municipal corporations

(l) **Exemption.**

"Exemption" means a waiver, either in whole or in part, in the amount of impact fees assessed against new development pursuant to the terms of this subtitle, and based on the criteria set forth in §18-305(d).

(m) **Finance Director.**

"Finance Director" means the Finance Director of the Queen Anne's County Finance Office.

(n) **Fire protection impact fee.**

"Fire protection impact fee" means a development impact fee imposed on new residential and non-residential development to fund the proportionate share of the costs of land acquisition for new fire stations; fire protection facilities, including construction, furniture, fixtures, equipment, and technology; and fire and emergency protection vehicles, equipment, and apparatus.

(o) **Floor area.**

"Floor area" means the sum of the gross area for each floor of a building's stories measured from the exterior limits of the faces of the structure, and includes:

- (1) habitable basement floor area; and
- (2) if the attic meets the Queen Anne's County Building Code standards for habitable floor area, attic floor area.

(p) **Impact fee subareas.**

"Impact fee subarea" means a geographically defined area in the County that has been designated by the County Commissioners as an area in which new development will create the need for specified capital improvements to be funded in part or in whole by development impact fees.

(q) **Impact fee subarea map.**

"Impact fee subarea map" means the map of impact fee subareas adopted by the County Commissioners in which development impact fees for specified capital improvements are imposed.

(r) **Industrial use.**

"Industrial use" means any development for industrial use of a site as defined under:

(1) Subtitle 1 of this title; or

(2) the applicable zoning ordinance of a municipal corporation.

(s) **Institutional use.**

"Institutional use" means any development for institutional use of a site as defined under:

(1) Subtitle 1 of this title; or

(2) the applicable zoning ordinance of a municipal corporation.

(t) **Mixed-use development.**

"Mixed-use development" means a new development consisting of both residential and non-residential uses, or one (1) or more different types of non-residential use, on the same site or part of the same new development.

(u) **Municipal corporation.**

"Municipal corporation" means the towns of Barclay, Centreville, Church Hill, Millington, Queenstown, Queen Anne, Sudlersville, and Templeville.

(v) **New development.**

"New development" means any development or development activity for which a building permit or zoning certificate is issued after the effective date of this subtitle, and which either increases the number of dwelling units or which increases total non-residential floor area.

(w) **Nonresidential development.**

"Nonresidential development" means any development for agricultural, commercial, industrial, or institutional use.

May 23, 2002

doc.#53881/90676.018

(x) **Planning Director.**

“Planning Director” means the Planning Director of the Queen Anne’s County Department of Planning and Zoning.

(y) **Public facilities.**

“Public facilities” means public improvements, facilities, or services necessitated by new development, including, but not limited to water resources, transportation, law enforcement facilities, public works, fire protection facilities, emergency service facilities, medical services, County facilities, water facilities, sewer facilities, flood control and drainage, solid waste disposal, open space, parks, utilities, and public schools.

(z) **Public facilities expenditures.**

“Public facilities expenditures” means funds appropriated in connection with the planning, design, engineering, and construction of public facilities; planning, legal, appraisal, and other costs related to the acquisition of land, financing, and development costs; the costs of compliance with purchasing procedures and applicable administrative and legal requirements; and all other costs necessary or incident to provision of the public facility.

(aa) **Public schools impact fee.**

“Public schools impact fee” means a development impact fee imposed on residential development to fund the proportionate share of the costs of public schools; including land acquisition, buildings, equipment, and relocatable classrooms; and support buildings, vehicles, and major capital equipment.

(bb) **Residential development.**

“Residential development” means any development for residential use, including commercial apartments.

(cc) **Residential use.**

“Residential use” means any development for residential use of a site as defined under:

- (1) Subtitle 1 of this title; or
- (2) the applicable zoning ordinance of a municipal corporation.

(dd) **Site.**

“Site” means the land on which development takes place.

(ee) **Site-related improvement.**

"Site-related improvement" means off-site capital improvements or facilities made necessary by new development; including but not limited to roadway construction, upgrades, or improvements, and traffic control devices or measures.

(ff) **Zoning certificate.**

"Zoning certificate" means a permit:

(1) for the use or occupancy of a structure where a building permit is not required but the development of the structure will produce additional dwelling units or will increase non-residential floor area; and

(2) that is required under:

(i) §18-1-204 of this title; or

(ii) the applicable zoning ordinance of a municipal corporation.

18-302.

Purpose of subtitle.

The purpose of this subtitle is to promote the health, safety, and general welfare of the residents of the County and its municipal corporations, by:

(a) establishing uniform procedures for the imposition, calculation, collection, expenditure, and administration of development impact fees imposed on new development;

(b) requiring all new residential and nonresidential development to contribute its fair and proportionate share towards the costs of capital improvements reasonably necessitated by such new development;

(c) providing a means of financing public facilities needed to accommodate new development in a safe and timely manner;

(d) ensuring that the new development paying development impact fees reasonably benefits from the appropriation of impact fee funds to public facilities provided to accommodate such new development;

(e) implementing the Queen Anne's County Comprehensive Plan and capital budget by ensuring that adequate public facilities are available in a timely and well-planned manner; and

(f) ensuring that all applicable legal standards and criteria are properly incorporated in these procedures.

May 23, 2002

18-303. Effect on other subtitles.

(a) This subtitle may not be construed to alter, amend, or modify any provision of Subtitle 1 of this title. The provisions of Subtitle 1 of this title shall be operative and remain in full force and effect notwithstanding any contrary provisions, definitions, or intentions that are or may be expressed or implied in this subtitle.

(b) The payment of development impact fees shall not entitle the applicant to a building permit or zoning certificate unless all other applicable land use, zoning, planning, adequate public facilities, forest resource, platting, subdivision, and other related requirements, standards, and conditions have been met. Such other requirements, standards, and conditions are independent of the requirement for payment of a development impact fee.

(c) This subtitle, including the specific development impact fee ordinances for particular public facilities, shall not affect, in any manner, the permissible use of property, density or intensity of development, design and improvement standards, or other applicable standards or requirements of the land development regulations of the County or any municipal corporation.

18-304. Establishment of impact fee subareas.

An impact fee subarea is established for the purpose of ensuring that the collection of certain development impact fees is more directly tied to the expenditure of such fees, as set forth in the specific development impact fees ordinance, under this subtitle. The impact fee subarea map is incorporated as part of this subtitle by reference. The County Commissioners may amend the boundaries of the impact fee subareas at such times as may be deemed necessary to carry out the purposes and intent of this subtitle and to comply with all applicable legal requirements for use of development impact fees.

18-305. Applicability of development impact fees.

(a) *Affected area.*

This subtitle shall apply to all new development within the County, including new development that takes place within the boundaries of any municipal corporation. Development impact fees for particular public facilities may apply to less than the entire County, as indicated herein.

(b) *Type of development affected.*

Except where specifically exempt by the provisions of this subtitle, this subtitle shall apply to all new development.

(c) *Type of development not affected.*

(1) No development impact fee shall be imposed on development for which a building permit or zoning certificate has been issued prior to the effective date of this subtitle.

(2) No development impact fee shall be imposed on any new residential development that does not add a new dwelling unit; nor shall a development impact fee be imposed for alteration or expansion of an existing dwelling unit where no additional dwelling unit is created.

(3) No development impact fee shall be imposed on the alteration of existing non-residential uses where there is no increase in the non-residential floor area.

(4) No development impact fee shall be imposed on developments that are the subject of a valid development rights and responsibilities agreement containing provisions in conflict with this subtitle, but only to the extent of the conflict or inconsistency.

(5) No development impact fee shall be imposed on the development of public facilities by the State of Maryland, the County, any municipal corporation, or the Federal government.

(d) *Exempt development.*

In accordance with the procedures set forth in §18-314, the following land use types may be exempt, either in whole or in part, from the requirements of this subtitle as follows:

(1) No development impact fees shall be imposed on nonresidential development on a farm.

(2) No development impact fees shall be imposed upon any applicant for a building permit for residential housing units that are subsidized by any municipal corporation, County, State, or the federal government and are intended for low-income owners or tenants.

(3) No development impact fees shall be imposed on farm employee dwellings that:

(i) are proposed within an AG zoning district; and

(ii) are either subject to a MALPF easement or are located in a MALPF district.

(4) No public school impact fee shall be imposed on age-restricted adult or senior citizen housing, provided that each unit of housing shall contain a deed restriction

May 23, 2002

13

doc.#53881/90676.018

recorded against the property, in form satisfactory to the County Attorney, which deed restriction shall provide that:

(i) the housing unit is restricted to occupancy by older persons, in compliance with the terms and provisions of the Federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. ' 3607;

(ii) no person under the age of eighteen (18) years shall reside within any such housing unit; and

(iii) the deed restriction shall provide that in the event the above restrictions are ever modified or violated, the owner of the property at the time the restrictions are modified or violated shall pay to the County the then-current Public School Impact Fee.

(5) Development impact fees imposed on non-residential development within a designated growth area or incorporated town shall be imposed in an amount that is fifty percent (50%) below that required pursuant to §18-316 of this subtitle.

(6) Development impact fees imposed on non-residential development outside of a designated growth area or incorporated town shall be imposed in an amount that is twenty-five percent (25%) below that required pursuant to §18-316 of this subtitle.

(e) *Development impact fee subarea.*

Impact fees for certain public facilities shall be collected and spent within a defined geographical area. The impact fee subareas are shown on the impact fee subarea map as incorporated by §18-304 of this subtitle.

(f) *Municipal corporations.*

Development impact fees on new development within municipal corporations shall be collected by the County prior to issuance of a building permit or zoning certificate as required by this subtitle. No municipal corporation shall issue a building permit or zoning certificate until the applicant demonstrates that all impact fees required by this subtitle have been paid to the County.

18-306. Annual review and adjustments.**(a) Annual review.**

(1) At least once every year not later than July 1st of each year, beginning July 1, 2003, and prior to County Commissioners= adoption of the Annual Budget and capital improvements program, the Finance Director, or designee, shall coordinate the preparation and submission of an Annual Report to the County Commissioners on the subject of development impact fees.

(2) The Annual Report may include any or all of the following:

(i) recommendations for amendments, if appropriate, to these procedures or to specific ordinances adopting development impact fees for particular public facilities;

(ii) proposed changes to the Queen Anne's County capital improvements program, including the identification of additional public facility projects anticipated to be funded wholly or partially with development impact fees;

(iii) proposed changes to the boundaries of impact fee subareas;

(iv) proposed changes to development impact fee schedules as set forth in the ordinances imposing and setting development impact fees for particular public facilities;

(v) proposed changes to any development impact fee calculation methodology; and

(vi) any other data, analysis, or recommendations as the Finance Director, or designee, may deem appropriate, or as may be requested by the County Commissioners.

(3) The Finance Director shall submit the Annual Report to the County Commissioners, which shall receive the Annual Report and which may take such actions as it deems appropriate, including, but not limited to, requesting additional data or analyses and holding public workshops and public hearings.

(b) Annual adjustment.

(1) On July 1, 2003, and on July 1st of each year thereafter in which this subtitle is in effect, the amount of any development impact fee may be automatically adjusted to account for inflationary increases in the cost of providing public facilities utilizing the most recent 20-city annual national average data from the Engineering News Record Construction Cost Index.

May 23, 2002

15

(2) The Finance Director shall make the automatic annual adjustment unless the County Commissioners have, in their Annual Review, determined an alternate adjustment.

(c) Nothing herein shall prevent the County Commissioners from electing to retain existing development impact fees or from electing to waive the inflation adjustment for any given fiscal year.

18-307. Imposition and enforcement of development impact fees.

(a) *In general.*

A building permit or zoning certificate shall not be issued by the County or a municipal corporation for a new development until the development impact fees required under this subtitle have been calculated and paid. The amount of the development impact fee due is the amount of the fee in effect on the date of issuance of the building permit or zoning certificate.

(b) *Lien.*

In the event new development is undertaken without the payment of all applicable development impact fees, the development impact fees shall:

- (1) be a lien against the site of development;
- (2) be levied, collected, and enforced in the same manner as real property taxes imposed by the County; and
- (3) have the same priority and bear the same interest and penalties as real property taxes.

(c) *Actions to recover.*

In the event a development impact fee is not paid as required by this subtitle, the County Attorney may institute an action to recover the fee and enjoin the use of the property until the fee is paid. The person who fails so to pay shall be responsible for the costs of such suit, including reasonable attorney's fees

18-308. Calculation of development impact fees - Fee schedule.

(a) *In General.*

An applicant shall be notified by the County or by the municipal corporation within which new development is located of the applicable development impact fee requirements at the time of application for a building permit or zoning certificate. At such time, the development impact fees shall be calculated by the Planning Director, or

designee, and shall be paid by the applicant prior to the issuance of a building permit or zoning certificate.

(b) *Calculation.*

(1) Upon receipt of an application for a building permit or zoning certificate, the Planning Director, or designee, shall determine:

(i) whether the proposed new development constitutes a residential or non-residential use;

(ii) the specific type of residential or non-residential development, if applicable;

(iii) if residential, the number of new dwelling units;

(iv) if non-residential, the number of additional square feet of floor area (rounded up to the nearest square foot) and the proposed use; and whether the proposed use is in the same type of non-residential development as the prior use; and

(v) if applicable, the development impact fee subarea or subareas in which the new development is located.

(2) For proposed new development for which no specific land use type is listed in §18-316, the Planning Director shall apply the land use type that is most similar to the proposed new development in terms of impact on public facilities, based on the predominant characteristics of the proposed new development.

(3) The calculation of development impact fees due from a mixed-use development shall be based upon the development impact fee for each public facility generated by each land use type in the mixed-use development.

(4) The calculation of development impact fees due from a phased new development shall be based upon the development impact fees due for each specific land use within the phase of development for which building permits or zoning certificates are requested.

(5) After making these determinations, the Planning Director, or designee, shall calculate the applicable development impact fee by multiplying the demand added by the new development, measured by either the number of new dwelling units or new floor area, by the amount of the applicable development impact fee per unit of development, and incorporating any applicable credit made pursuant to §18-310 of this subtitle.

May 23, 2002

17

doc.#53881/90676.018

18-309. Site specific analysis.

(a) If the type of land use proposed for new development is not expressly listed in the particular development impact fee ordinance and schedule, the Planning Director, or designee, shall:

(1) identify the most similar land use type listed and calculate the development impact fee based on that land use; or

(2) identify the broader land use category within which the specified land use would apply and calculate the development impact fee based on that land use category; or

(3) at the option of the applicant, determine the basis used to calculate the fee pursuant to an independent impact analysis for development impact fee calculation. This option shall be requested by the applicant on a form provided by the County for such purpose. If this option is chosen, the following shall apply:

(i) The applicant shall be responsible, at its sole expense, for preparing the independent impact analysis, which shall be reviewed for approval by the Planning Director prior to payment of the fee.

(ii) The independent impact analysis shall measure the impact that the proposed development will have on the particular public facility for which the impact fee is being assessed, and shall be based on the same methodologies used in the development of this subtitle, and shall be in accordance with standard methodologies for the evaluation of impacts upon public facilities created by new development; and shall be performed by a person or firm with sufficient professional training and experience in the preparation of such analyses.

(iii) After review of the independent impact analysis submitted by the applicant, the Planning Director shall accept or reject the analysis and provide written notice to the applicant of its decision within twenty (20) working days. If the independent impact analysis is rejected, the written notice shall provide an explanation of the insufficiencies of the analysis.

(4) If the proposed development site is located within a municipal corporation, the Planning Director shall consult with the Planning Director of the municipal corporation prior to making a final decision.

(5) Pursuant to either the analysis of the Planning Director, or designee, or the independent impact analysis submitted by the applicant and accepted by the Planning Director, the Planning Director shall calculate the development impact fee accordingly.

(b) The Planning Director's decision under this section shall constitute a final administrative decision from which an appeal as provided in §18-315 of this subtitle may be filed.

18-310. Development impact fee credits.

(a) *Applicability.*

(1) The Planning Director shall grant a credit against any development impact fee imposed by this subtitle upon any new development where the applicant has entered into a credit agreement with the County Commissioners to construct capital improvements or dedicate land, which:

(i) are consistent with and implement the County capital improvements program,

(ii) are funded by development impact fee revenue,

(iii) are of the same category of public facility impacted by the proposed new development, and

(iv) will be constructed or dedicated in accordance with the timing schedule set forth in the capital improvement program.

(2) No credit shall exceed development impact fees imposed by this subtitle for the proposed new development.

(b) *Procedure.*

(1) The determination of the credit shall be undertaken through the submission of a proposed credit agreement to the Planning Director or designee, which agreement shall include the following:

(i) A proposed plan of specific capital improvements, specifically outlining the capital improvements that will be constructed in lieu of the required development impact fee and the time by which the capital improvements will be constructed; and

(ii) The projected costs for the suggested capital improvements, which shall be based on local information for similar capital improvements, along with a construction timetable for the completion thereof. Such estimated costs shall include the cost of construction, labor and materials, lands, easements and rights, surveys, plans and specifications, engineering and legal services, and all other expenses necessary or incident to determining the feasibility of such construction.

May 23, 2002

19

doc.#53881/90676.018

(2) The proposed plan and cost estimates shall be prepared by a person or persons qualified in the provision of the particular capital improvement, impact analysis, and economics.

(3) If the development site or the land or dedication of any structure for credit is located within a municipal corporation, the Planning Director of the municipal corporation shall be consulted regarding the proposed conveyance or dedication.

(4) Within twenty (20) working days of the submission of the proposed credit agreement, the Planning Director, or designee, shall determine if the proposed agreement is complete. If it is determined that the proposed credit agreement is not complete, the Planning Director, or designee, shall send a written statement to the applicant outlining the deficiencies and no further action shall be taken until all deficiencies have been corrected.

(5) Once the Planning Director or designee determines the proposed credit agreement is complete, within twenty (20) working days, the Planning Director shall approve the agreement if it is determined that the proposed capital improvements are consistent with and implement the capital improvement program, as it applies to the specific category of capital improvement. If, within this time period, the Planning Director determines that either the suggested capital improvements are not consistent with or do not implement the capital improvement program, or that the proposed costs are not acceptable, the Planning Director, or designee, shall propose changes to the agreement that are consistent with this section.

(6) If the Planning Director approves the proposed credit agreement, or if the changes proposed by the Planning Director, or designee, are acceptable to the applicant, the credit agreement shall be prepared and forwarded to the County Commissioners for final approval and execution.

(7) Upon execution of the credit agreement, the balance of development impact fees due, if any, shall be paid in accordance with this subtitle and any land dedicated pursuant to the credit agreement shall be conveyed in fee simple to the County Commissioners free and clear of all leases and encumbrances.

(8) In the event the credit agreement contemplates the dedication of structures, the person required to pay development impact fees shall execute such easements and other instruments as may be necessary to authorize the County Commissioners to use the structures for public purposes.

(9) Any person may appeal the Planning Director's decision to approve or deny a proposed credit agreement under this section, by filing an appeal in accordance with §18-315 of this subtitle.

(c) *Circumstances when credit not available.*

Credit may not be given for conveyance of land or construction of facilities required as part of the Planning Commission approval of the project, or any conveyance or construction otherwise required for development under any other provision of State or County law.

(d) *Timing of conveyance.*

Any land awarded credit under this section shall be conveyed no later than the time at which development impact fees are required to be paid. The portion of the development impact fee represented by a credit for construction shall be deemed paid when the construction is completed and accepted by the County for maintenance or when adequate security for the completion of the construction has been provided.

18-311. Administration of development impact fees.(a) *Collection.*

(1) The Planning Director, or designee, shall collect all applicable development impact fees at the time of issuance of a building permit or zoning certificate unless:

(i) the applicant is determined to be entitled to a full credit, pursuant to §18-310 of this subtitle; or

(ii) the applicant has been determined to be not subject to the payment of a development impact fee; or

(iii) the applicant has filed an appeal and has posted with the County a letter of credit in the amount of the development impact fee, as calculated by the Planning Director, or designee. Such letter of credit must first be approved by the County Attorney and Finance Director.

(2) The person required to pay development impact fees shall provide the Department with an accounting of the amount of development impact fees required under this subtitle for each category of public facility.

(b) *Development impact fee accounts.*

A development impact fee account shall be established by the County Commissioners for each category of public facilities for which development impact fees are imposed. Such account shall clearly identify the category, account, or fund for which the development impact fee has been imposed. Subaccounts may be established for individual impact fee subareas. All development impact fees collected by the County or a municipal corporation shall be deposited in the appropriate development impact fee

May 23, 2002

21

account or subaccount, which shall be interest bearing. All interest earned on funds deposited to such account shall be credited to and considered funds of the account. The funds of each such account shall be capable of being accounted for separately from all other County funds, over time. The County shall establish and implement necessary accounting controls to ensure that the development impact fee funds are properly deposited, accounted for, and appropriated in accordance with this subtitle, and any other applicable legal requirements.

(c) *Duties of Finance Director.*

(1) The Finance Director shall maintain and keep accurate financial records for each of the development impact fee accounts that:

- (i) show the source and disbursement of all revenues; and
- (ii) account for all fees received.

(2) The Finance Director shall make its financial records available for public inspection at reasonable times and under reasonable circumstances.

18-312. Appropriation of development impact fees.

(a) *In General.*

Development impact fee funds may be appropriated for public facilities, for public facility expenditures, and for the payment of principal, interest, and other financing costs on contracts, bonds, notes, or other obligations issued by or on behalf of the County or other applicable local governmental entities to finance such public facilities and public facility expenditures. All appropriations from development impact fee accounts shall be detailed in a budget adopted by the County Commissioners.

(b) *Restrictions on appropriations.*

Development impact fees shall be appropriated only:

(1) for the particular category of public facilities for which they were imposed, calculated, and collected. Development impact fees shall not be appropriated for funding any expenditure that would be classified in an accounting as a maintenance or repair expense or for operational or personnel expenses associated with the provision of a public facility;

(2) where applicable, within the impact fee subarea where collected, unless the development impact fee funds will be appropriated for a public facility necessitated by or serving the new development as provided in subsection (c) below; and

(3) within six (6) years of the beginning of the fiscal year immediately succeeding the date of collection, unless the development impact fee funds will be appropriated in accordance with subsection (d) below.

(c) *Appropriation of development impact fee funds outside of subarea where collected.*

Notwithstanding §18-312(b)(2) above, where the County is divided into impact fee subareas for the payment and expenditure of a particular development impact fee, development impact fee funds may be appropriated for a public facility located outside of the subarea where collected only if the demand for the public facility is generated in whole or in part by the new development or if the public facility will actually serve the new development. However, development impact fees may only be appropriated for a public facility located outside of the subarea where collected, if the benefits to property owners not paying the fee are incidental.

(d) *Appropriation of development impact fee funds beyond six (6) years of collection.*

Notwithstanding §18-312(b)(3) above, development impact fee funds may be appropriated beyond six (6) years from the beginning of the fiscal year immediately succeeding the date of collection if the appropriation is for a public facility or capital improvement that requires more than six (6) years to plan, design, and construct, and the demand for the public facility is generated in whole or in part by the new development; or if the public facility will actually serve the new development; or where the capital improvements program prepared by the County for a particular category of public facility has used a longer time frame. The County shall document such appropriations.

18-313. Refund of development impact fees.

(a) *Expiration or revocation of building permit or zoning certificate.*

An applicant who has paid a development impact fee for a new development for which the necessary building permit or zoning certificate has expired or, for which the building permit or zoning certificate has been revoked prior to construction shall be eligible to apply for a refund of development impact fees.

(b) *Failure of county to use or appropriate development impact fee funds within time limit.*

The current property owner may apply for a refund of development impact fees paid by an applicant if the County has failed to use or appropriate the development impact fees collected from the applicant within the time limit established in §18-312(b)(3), unless such funds are used or appropriated in accordance with §18-312(d) above.

May 23, 2002

23

doc.#53881/90676.018

(c) *Abandonment of development after initiation of construction.*

An applicant who has paid a development impact fee for a new development for which a building permit or zoning certificate has been issued and pursuant to which construction has been initiated, but which construction is abandoned prior to completion and issuance of a certificate of occupancy, shall not be eligible for a refund unless the uncompleted building is completely demolished.

(d) *Administrative fee.*

A 2% administrative fee, not to exceed \$500, shall be deducted from the amount of any refund granted and shall be retained by the County to defray the administrative expenses associated with the processing of a refund application.

(e) *Procedure and submittal requirements.*

(1) Applications for a refund shall be made on a form provided by the County for such purposes and shall include all information required below. Upon receipt of a complete application for a refund, the Planning Director, or designee, shall review the application and documentary evidence submitted by the applicant as well as such other information and evidence as may be deemed relevant, and make a determination as to whether a refund is due. Refunds by direct payment shall be made following an affirmative determination by the Planning Director, or designee. No interest shall be paid by the County in calculating the amount of a refund.

(2) Applications for refunds due to abandonment of a new development prior to completion or due to expiration or revocation of a building permit or zoning certificate shall be made within sixty (60) days following expiration or revocation of the building permit or zoning certificate, or within sixty (60) days following the issuance of a valid County-issued demolition permit. The applicant shall submit:

(i) evidence of the amount of the development impact fees paid by public facilities category and receipts evidencing such payments; and

(ii) documentation evidencing the expiration or revocation of the building permit or zoning certificate prior to construction, or the approval of demolition of the structure pursuant to a valid County-issued demolition permit.

(3) Applications for refunds due to the failure of the County to appropriate development impact fees collected from the applicant within the time limits established in §18-312(b)(3), shall be made by the current property owner on forms provided by the County and shall be made within 180 days of the expiration of such time limit. If a portion of the impact fees collected during a fiscal year have been expended or encumbered before the end of the sixth year following collection, the designated County office shall distribute refunds to the eligible property owner on a pro rata basis. The refund applicant shall submit:

May 23, 2002

24

(i) evidence that the refund applicant is the property owner or the designated agent of the property owner;

(ii) the amount of the development impact fees paid by public facility category and receipts evidencing such payments; and

(iii) documentation of the County's failure to appropriate development impact fee funds for relevant public facilities within the time limits established in §18-312(b)(3).

(f) *Forfeiture of fees.*

Failure to apply for a refund within the deadlines set forth in this section shall constitute a forfeiture of any fees available for refund to the property owner or applicant.

(g) *Method of refund payment.*

The County may, at its option, make refunds of development impact fees by direct payment, by offsetting such refunds against other development impact fees due for the same category of public facilities for new development on the same property, or by other means subject to agreement with the property owner or applicant.

(h) *Appeal.*

The decision of the Planning Director shall be a final administrative decision from which an appeal as provided in §18-315 of this subtitle may be taken.

18-314. Exemptions of development impact fees.

(a) *Application for exemption.*

Pursuant to §18-305(d), applications for exemptions to the provisions of this subtitle shall be filed with the Planning Director on forms provided by the County.

(b) *Review of an application for exemption.*

Upon receipt of a complete application for exemption, the Planning Director shall determine whether the proposed new development qualifies for an exemption pursuant to the provisions of §18-305(d). In determining whether an exemption is appropriate, the Planning Director shall consider only whether the proposed new development constitutes one of the land uses described in §18-305(d), and whether covenants, easements, and other required documentation, in a form satisfactory to the County Attorney, have been submitted where necessary to demonstrate conformance with §18-305(d).

(c) *Notification to appropriate departments.*

If the Planning Director determines that the proposed development qualifies for an exemption, the Planning Director shall notify the Building Official of the amount of the impact fee, if any, that should be imposed on the new development prior to issuance of a building permit or zoning certificate, and shall notify the Finance Director that the exemption has been approved and that a funding source other than development impact fees or other development exactions shall be used to fund public facilities in accordance with the adopted capital improvements program.

(d) *Effect of grant of exemption.*

If the County Commissioners grant an exemption of development impact fees otherwise due, the Finance Director shall transmit funds equal in amount to those exempted, from a source other than impact fees into the appropriate development impact fee account no later than the beginning of the fiscal year following the calendar year in which the exemption was granted.

18-315. Appeals.

An appeal may be taken by any person aggrieved by a final decision of a County Official or the County Commissioners. Appeals from decisions of a County Official shall be to the County Board of Appeals and shall be filed and administered in accordance with the provisions of 18-1-179 of this title. Appeals from decisions of the County Commissioners shall be to the Circuit Court for Queen Anne's County.

18-316. Amount of impact fees.

As required by this subtitle 3, residential and non-residential development impact fees shall be paid in the amounts set forth in (a) and (b) below, or as amended pursuant to section 18-306.

(a) *Residential impact fees.*

Residential new development shall be subject to the following development impact fees.

Land Use by Type	Capital Improvement by Type		TOTAL (per d.u.)
	Public Schools (per d.u.)	Fire Protection (per d.u.)	
Single Family Detached	\$4,730	\$1,014	\$5,744
Residential other than Single Family Detached ¹	\$2,569	\$828	\$3,397

¹ Includes mobile homes

(b) *Non-residential impact fees.*

Non-residential new development shall be subject to the following development impact fees.

Land Use by Type	Capital Improvement by Type		
	Public School	Fire Protection (per SF)	TOTAL (per s.f.)
Comm/Shop. Ctr.			
50,000 SF or less	N/A	\$1.08	\$1.08
50,001-100,000 SF	N/A	\$0.95	\$0.95
100,001-200,000 SF	N/A	\$0.84	\$0.84
200,001 SF or greater	N/A	\$0.76	\$0.76
Office			
25,000 SF or less	N/A	\$1.53	\$1.53
25,001-50,000 SF	N/A	\$1.44	\$1.44
50,001-100,000 SF	N/A	\$1.35	\$1.35
100,001 or greater	N/A	\$1.27	\$1.27
Business Park	N/A	\$1.20	\$1.20
Light Industrial	N/A	\$0.87	\$0.87
Warehousing	N/A	\$0.48	\$0.48
Institutional	N/A	\$0.30	\$0.30

18-317. Public school impact fee - Service area.

The applicable service area for imposition of a Public School Impact Fee is the entire County, including all municipal corporations.

18-318. Same - Amount of impact fee.

All new residential development in the service area shall be subject to the payment of a Public School Impact Fee payable at the time of issuance of a building permit or zoning certificate by the County or a municipal corporation, pursuant to section 18-316 of this subtitle, or as amended pursuant to §18-306.

18-319. Fire protection impact fee - Service area.

(a) The applicable service areas for imposition of a Fire Protection Impact Fee is the entire County, including all municipal corporations.

(b) The Fire Protection Impact Fee shall be collected and applied in accordance with the Impact Fee Subarea Map.

18-320. Same - Amount of impact fee.

May 23, 2002

doc.#53881/90676.018

All future residential and non-residential development in the service area shall be subject to the payment of a Fire Protection Impact Fee at the time of issuance of the building permit or zoning certificate by the County or a municipal corporation, pursuant to section 18-316 of this subtitle, or as amended pursuant to §18-306.

SECTION 3. ADOPTION OF IMPACT FEE SUBAREA MAP.

The Impact Fee Subarea Map, a copy of which is attached hereto as Exhibit A, is hereby adopted.

SECTION 4. CONFLICT.

To the extent of any conflict between other County ordinances and this Ordinance, this Ordinance shall be deemed to be controlling; provided, however, that this Ordinance is not intended to amend or repeal any existing County ordinance, resolution or regulation, other than as provided in SECTION 1 hereof.

SECTION 5. SEPARABILITY.

1. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance which shall continue in full force and effect.
2. If the application of any provision of this Ordinance to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the Board of County Commissioners is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

SECTION 6. EFFECTIVE DATE.

This ordinance shall be effective on the 46th day following its adoption by the County Commissioners, and impact fees shall be paid as required by section 18-316 of Subtitle 3, except as follows:

May 23, 2002

28

doc.#53881/90676.018

1. For new developments that have not received site plan or final subdivision approval as of the date of adoption of this Ordinance, or which do not require site plan or final subdivision approval, impact fees shall be assessed at amounts equal to fifty percent (50%) of those set forth in section 18-316 of Subtitle 3, for a period of six (6) months following the termination of the effectiveness of Resolution 02-31, including any time extensions adopted by subsequent action of the County Commissioners. However, if an applicant pays reduced impact fees pursuant to this section, and actual development does not begin within six (6) months of the issuance of the building permit or zoning certificate, then the applicant must pay the difference between the amount paid prior to the issuance of the building permit or zoning certificate and the amount required under §18-316 of Subtitle 3, prior to the issuance of a certificate of occupancy.

2. For new developments that have received site plan or final subdivision approval, where required, within the eighteen (18) months prior to the adoption of this Ordinance, but which have not received a building permit as of the date of adoption of this Ordinance, impact fees shall be assessed at amounts equal to fifty percent (50%) of those set forth in section 18-316 of Subtitle 3, for a period of eighteen (18) months following termination of the effectiveness of Resolution 02-31, including any time extensions adopted by subsequent action of the County Commissioners. However, if an applicant pays reduced impact fees pursuant to this section and actual development does not begin within six (6) months of the issuance of the building permit or zoning certificate, then the applicant must pay the difference between the amount paid prior to the issuance of the building permit or zoning certificate and the amount required under §18-316 of Subtitle 3, prior to the issuance of a certificate of occupancy.

Introduced by: Marlene Davis
 Date of Introduction: 6-4-02
 Public Hearing Scheduled for: -
 Public Hearing held: -
 Vote: 3 Yea - Nay
 Date: 6-4-02

The undersigned hereby certifies that this Ordinance was Approved and Adopted by the Board of County Commissioners of Queen Anne's County, Maryland, on the 4 day of June, 2002.

Margie A. Houck
 Margie A. Houck, Clerk

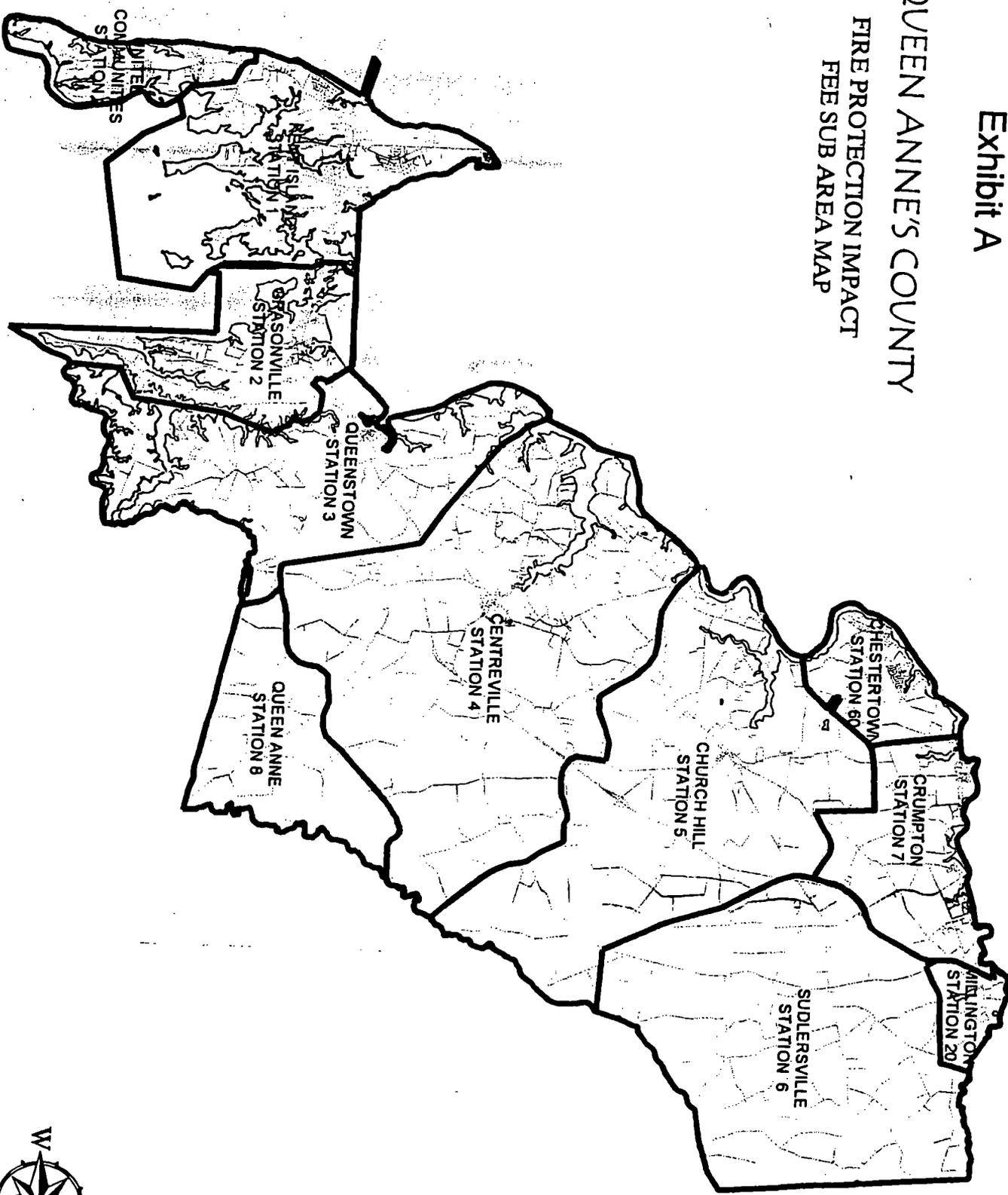
May 23, 2002

29

Exhibit A

QUEEN ANNE'S COUNTY

FIRE PROTECTION IMPACT
FEE SUB AREA MAP



SCALE 1" = 4.25 MILES
SOURCE: QUEEN ANNE'S COUNTY PLANNING & ZONING

IMPACT FEE SUMMARY CHART

Land Use By Type	Public Schools	Fire Stations & Apparatus	Total	Growth Areas (50% reduction)	Outside Growth Areas (25% reduction)
Residential	Per Housing				
Single Family detached	\$4,730	\$1,014	\$5,744		
All other residential	\$2,569	\$828	\$3,397		
Nonresidential	Per Square Ft				
Com/Shop Ctr 50,000 sf or less		\$1.08	\$1.08	\$0.54	\$0.81
Com/Shop Ctr 50,001-100,000 sf		\$0.95	\$0.95	\$0.48	\$0.71
Com/Shop Ctr 100,0001-200,000 sf		\$0.84	\$0.84	\$0.42	\$0.63
Com/Shop Ctr over 200,000 sf		\$0.76	\$0.76	\$0.38	\$0.57
Office 25,000 sf or less		\$1.53	\$1.53	\$0.77	\$1.15
Office 25,001-50,000 sf		\$1.44	\$1.44	\$0.72	\$1.08
Office 50,001-100,000 sf		\$1.35	\$1.35	\$0.68	\$1.01
Office over 100,000 sf		\$1.27	\$1.27	\$0.64	\$0.95
Business Park		\$1.20	\$1.20	\$0.60	\$0.90
Light Industrial		\$0.87	\$1.87	\$0.44	\$0.65
Warehousing		\$0.48	\$0.48	\$0.24	\$0.36

COUNTY ORDINANCE NO. 02-01

A BILL ENTITLED

AN ACT CONCERNING the Repeal and Readoption with Amendments of Section 14-177 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) entitled "Growth Allocation Petition Procedures".

FOR THE PURPOSE of revising the procedures for processing requests for growth allocation in Queen Anne's County; providing for a public hearing prior to conceptual approval or disapproval; providing for final legislative action by the County Commissioners following Critical Area Commission review and approval; providing for further Planning Commission review of any proposed approval which substantially departs from the original growth allocation petition; and generally revising the Queen Anne's County Growth Allocation Petition procedures to conform with the Natural Resources Article of the Annotated Code of Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that Section 14-177 of the Code of Public Local Laws of Queen Anne's County be and is hereby repealed and readopted to read as set forth on Exhibit A attached hereto.

SECTION II

AND BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

Introduced By: Marlene Davis

Date: 3-5-02

Public Hearing Held: ~~4-2-02~~ ^{Cancelled} ~~9:30~~

Vote: 3 Yea Nay

Date: 7-2-02

Effective date 8-17-06

Cancelled
~~5-28-02 10:00~~
~~6-25-02 9:30~~

RECEIVED
CLERK, CIRCUIT COURT

02 JUL 11 PM 3:00

QUEEN ANNE'S COUNTY

LIBER

4 PAGE 207

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ADDED TEXT IN SHADED FORMAT

14-177. Growth allocation petition procedures.

(a) *Initiation.*

A request for growth allocation petition may be initiated by a petition of the property owner filed with the County Commissioners. All petitions for growth allocation filed by property owners shall be accompanied by the information required in §18-1-297 of the Queen Anne's County Code and a fee prescribed by the County Commissioners.

(b) *Planning Commission – Referral, investigation and recommendation.*

All growth allocation petitions shall be referred to the Planning Commission for investigation and recommendation. The Planning Commission shall first hold a public hearing at which parties of interest and citizens shall have an opportunity to be heard. At least 14 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county. In addition, the Planning Commission shall post notice of its public hearing on the property for which growth allocation is requested and, to the extent possible based on the best information, notify all property owners immediately contiguous to the property of the hearing date, time and place.

(c) *Planning Commission report and recommendation.*

The Planning Commission shall forward its report and recommendations to the County Commissioners within 60 days of referral, unless an extension of time is granted by the County Commissioners. The recommendations of the Planning Commission shall include discussion of the matters required to be considered by the County Commissioners.

(d) *County Commissioner conceptual approval.*

~~At their regularly scheduled meeting the County Commissioners shall evaluate the growth allocation petition on the basis of the report and recommendations of the Planning Commission and either conceptually approve or disapprove the growth allocation petition.~~

(1) Within 90 days of receiving the report and recommendations of the Planning Commission, the County Commissioners shall hold a public hearing and either conceptually approve or disapprove the proposed growth allocation petition. Such hearing shall allow parties of interest and citizens an opportunity to be heard. At least 14 days prior to said hearing, notice of same, with date, time and place, shall be published in a newspaper of general circulation in the County.

(2) In addition to other matters pertinent to the growth allocation petition, the County Commissioners shall give specific consideration to the following matters:

(i) The purposes set forth in §8-1800 et seq. of the Natural Resources Article of the Annotated Code of Maryland, the Queen Anne's County Critical Area Program, the Comprehensive Plan and the Queen Anne's County Code;

(ii) The recommendations of the Planning Commission;

(iii) The relation of the growth allocation petition to the Queen Anne's County Critical Area Program, the Comprehensive Plan, Growth Sub-Area Plans; and

(iv) The testimony and other evidence presented at the public hearing.

(e) *Critical Area Commission approval.*

All growth allocation petitions that receive conceptual approval by the County Commissioners will be forwarded to the Critical Area Commission for review and approval. ~~If the growth allocation petition is approved by the Critical Area Commission, it shall proceed to the County Commission for final approval. No award of Growth Allocation shall become effective until after the County Commissioners have taken final legislative action on the petition.~~

(f) *Final approval by the County Commissioners.*

(1) — ~~After receiving notification from the Critical Area Commission that a growth allocation petition has been approved pursuant to the provisions of §8-1809 of the Natural Resources Article of the Annotated Code of Maryland, the County Commissioners shall hold a public hearing on the growth allocation petition which shall not be more than 90 days after notification of approval by the Critical Area Commission. Such hearing shall allow parties of interest and citizens an opportunity to be heard. At least 14 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county.~~

(2) — In addition to other matters pertinent to the growth allocation petition, the County Commissioners shall give specific consideration to the following matters:

-3-

(i) ~~The purposes set forth in §8-1800 et seq. of the Natural Resources Article of the Annotated Code of Maryland, the Queen Anne's County Critical Area Program, the Comprehensive Plan and the Queen Anne's County Code;~~

(ii) ~~The recommendations of the Planning Commission;~~

(iii) ~~The relation of the growth allocation petition to the Queen Anne's County Critical Area Program, the Comprehensive Plan, Growth Sub-Area Plans; and~~

(iv) ~~The testimony and other evidence presented at the public hearing.~~

(1) Within 120 days of receiving notification from the Critical Area Commission that the proposed growth allocation petition has been conditionally approved pursuant to the provisions of §8-1809 of the Natural Resources Article of the Annotated Code of Maryland, the County Commissioners, shall introduce legislation and take final legislative action on the proposed growth allocation.

~~(3)~~ **(2)** If the Planning Commission has recommended approval of a growth allocation petition and the County Commissioners propose to approve a **an award of** growth allocation petition which **substantially** changes or departs from those recommendations, the proposal of the County Commissioners shall be referred to the Planning Commission, in writing, for its further recommendations and to the Critical Area Commission for review and approval **prior to any final legislative action**. If such recommendations are not received by the County Commissioners within 90 days after the proposal has been transmitted to the Planning Commission and ~~accepted by the Critical Area Commission~~, the **County** Commissioners may proceed to take final action without such recommendations.

~~(4)~~ If the County Commissioners propose to approve a growth allocation petition which is substantially different from the proposed growth allocation petition and the recommendations of the Planning Commission as described in the published notice, a new public hearing shall be held. Notice of such hearing shall include notice of the amended growth allocation petition as proposed by the County Commissioners and any recommendations of the Planning Commission, including those made after any referral required by §14-177(f)(3).

-4-

~~(5)~~(3) A growth allocation petition shall not be effective until after it is approved by the Critical Area Commission and not until 45 days after approval by the County Commissioners.

(g) *Map amendment.*

The Official Critical Area Map(s) will be amended to reflect the new development area designation when the approved growth allocation petition becomes effective.

(h) *Use of approved growth allocation.*

(1) Successful projects granted growth allocation will be submitted for final site plan or preliminary and final subdivision approval as per requirements of the Queen Anne's County Code.

(2) If all construction associated with a nonresidential project which was awarded growth allocation has not been substantially completed within 24 months of site plan approval, then the growth allocation award shall be null and void. If road dedication to the county has not been completed for a residential project within 36 months of final subdivision or site plan approval, then the growth allocation award shall become null and void. Further, the award shall be recaptured by the county unless an extension is granted by the County Commissioners. Extensions cannot be granted for more than one year at any one time.

COUNTY ORDINANCE NO. 03-03

A BILL ENTITLED

AN ACT concerning the Re-Adoption of Subtitle 16 of Title 27 of the Code of Public Local Laws of Queen Anne's County.

FOR THE PURPOSE of readopting a Code of Ethics as part of the Human Resources Title of the Code of Public Local Laws; establishing standards of conduct for public officials and employees and providing that the provisions of such Code of Ethics shall be supplemental to the Queen Anne's County Ethics Ordinance (Title 8 of the Code of Public Local Laws of Queen Anne's County).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that a new Subtitle 16 of Title 27 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be and is hereby adopted to read as set forth on the attached.

SECTION II

BE IT FURTHER ENACTED that this Act will take effect on the forty-sixth day following its passage.

Introduced By: Gene Ransom

Date: 3-18-03

Public Hearing Held: April 1, 2003 7:30

Vote: 5 Yea _____ Nay

Date: 4-29-03

I:\39-kr\COUNTY\Legislative Bills\Bill for Ethics Ordinance.wpd

115/03

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03 MAY 23 AM 8:41
QUEEN ANNE'S COUNTY

QUEEN ANNE'S COUNTY CODE

Subtitle 16. Code of Ethics

27-1601. Standards of conduct for public officials and employees.

(a) It is the obligation of every public official and employee to support the Constitution of the United States and the Constitution of the State of Maryland.

(b) The laws of the nation, state and municipality shall be impartially administered. No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen except by due process of law.

(c) Every citizen shall receive a fair and impartial hearing on any matter coming before county officials. No public official or employee shall make any promise or pledge to any person concerning any matter to be heard before a public official or employee except upon fair, impartial and final hearing thereof.

(d) The conduct of public business shall be free of any hidden personal or financial interest of any public official or employee. No public officials or employees shall advocate in any public meeting or private discussion any matter in which they have a personal or financial interest except upon full and timely disclosure of the interest.

(e) It is the obligation of every public official and employee to faithfully discharge the duties of office. Public officials shall make full and timely disclosure of any personal or financial interest which they have in any matter of public business to be transacted before them.

(f) The conduct of public business shall be free of any influence arising from gifts, favors or special privileges. It is the obligation of every public official and employee to refuse personal gifts, favors or special privileges in every instance where such public official or employee reasonably believes such gift, favor or special privilege would not have been extended but for the position of such public official or employee, or where there exists a reasonable belief that the giver's interests are likely to be affected by the actions of the public official or employee, or where the gift is or may reasonably be considered to be designed to influence the actions of the public official or employee.

(g) No public officials or employees shall seek personal or financial advantage by means of their public office, appointment or employment.

(h) The use of public trust for private gain is inimical to good government. No public official or employee shall use confidential or advance information obtained by virtue of public office, appointment or employment for personal or financial advantage.

(i) It is the obligation of every public official and employee to carry out the lawful orders and policies of the County Commissioners. No public official or

HUMAN RESOURCES

employee shall knowingly take any action inconsistent with the lawful orders or policies established by the County Commissioners. No public official or employee shall knowingly take any action which would be detrimental to the best interests of the county.

27-1602. Supplemental to Ethics Ordinance.

These provisions are supplemental to the Queen Anne's County Ethics Ordinance and are not intended to substitute and/or abrogate any requirements of such ordinance.²

COUNTY ORDINANCE NO. 03-04

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QUEEN ANNE'S COUNTY

A BILL ENTITLED

AN ACT CONCERNING a Credit against Queen Anne's County Property Taxes for Certain Conservation Lands.

FOR THE PURPOSE of adopting a program to grant credits against Queen Anne's County property taxes for certain conservation lands as authorized by § 9-220 of the Tax-Property Article of the Annotated Code of Maryland by adding a new Section 5-206 to the Code of Public Local Laws of Queen Anne's County (1996 ed).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that a new Section 5-206 be added to Title 5 of the Code of Public Local Laws of Queen Anne's County (1996 ed), to read as follows:

"§ 5-206. Real property tax credit - Conservation land.

(a) Definitions. -

(1) In this section the following words have the meanings indicated.

(2) "Conservation land" means real property that is:

(i) subject to a perpetual conservation easement donated to a land trust or the Maryland Environmental Trust on or after July 1, 1991;

(ii) 1. acquired by a land trust on or after July 1, 1991;

2. owned in fee by that land trust; and

3. subject to a letter of intent, agreement, or option agreement for the resale of the property to a government agency;

(3) "Land trust" means a qualified conservation organization as defined in § 3-2A-01 of the Natural Resources Article.

(b) There is a tax credit from County real property taxes levied on conservation land that is used:

(1) to assist in the preservation of a natural area:

(2) for the environmental education of the public;

(3) generally to promote conservation; or

(4) for the maintenance of:

(i) a natural area for public use; or

(ii) a sanctuary for wildlife.

(c) Amount of credit. In accordance with the provisions of Section 9-220 of the Tax-Property Article of the Annotated Code of Maryland, as amended, an owner of qualified conservation land shall received a tax credit of a maximum of \$500.00 against the real property tax imposed by the county on qualified conservation land and improvements thereon.

(d) An application for the tax credit crated by this section shall be filed on or before June 1 immediately before the taxable year for which the tax credit is sought. If the application is filed after June 1, the credit shall be disallowed that year but shall be treated as an application for a tax credit for the next succeeding taxable year.

(e) An application for the tax credit shall be:

(1) submitted to the Director on forms the Office of Finance Requires;

(2) accompanied by proof that the property meets the definition of "conservation land" and other requirements se forth in this section; and

(3) under oath, containing a declaration preceding the signature of the applicant to the effect that it is made under the penalties of perjury provided for by § 1-201 of the Tax-Property Article of the Annotated Code of Maryland.

(f) The Office of Planning and Zoning shall:

(1) review each application for a tax credit; and

(2) certify that the property qualifies for the credit.

(g) The tax credit shall be calculated and credited based on the total taxable assessment on conservation land, not including improvements.

(h) The tax credit shall be granted annually for so long as the property meets the definition of "conservation land" and meets the other requirements of this section. If the perpetual conservation easement on the real property is terminated, or if the land trust sells the real property to a person other than a

government agency, the property owner shall be liable for:

(1) all property taxes that the property owner should have been liable for if the property tax credit had not been granted under this section; and

(2) interest on those taxes computed at an annual rate of 6% per annum.

SECTION II

BE IT FURTHER ENACTED that this Act will take effect on the forty-sixth day following its passage.

INTRODUCED BY: Gene Ransom

DATED: 3-18-03

PUBLIC HEARING HELD: April 1, 2003 7:35

VOTE: 5 YEA _____ NAY

DATE: 4-29-03

COUNTY ORDINANCE NO. 03-05

A BILL ENTITLED

AN ACT CONCERNING the Repeal of Section 4-106 of Title 4 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

FOR THE PURPOSE of repealing the provision for special elections to fill certain vacancies in the office of County Commissioners of Queen Anne's County.

By repealing '4-106 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 4-106 of the Code of Public Local Laws be and is hereby repealed.

SECTION II

BE IT FURTHER ENACTED that this Act will take effect on the forty-sixth day following its passage.

INTRODUCED BY: Ben Cussell

DATED: 3-18-03

PUBLIC HEARING HELD: 4-8-03 7:30

VOTE: _____ YEA _____ NAY

DATE: 4/29/03

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QUEEN ANNE'S COUNTY

COUNTY ORDINANCE NO. 03-07

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03 MAY 23 AM 8:41

A BILL ENTITLED

AN ACT CONCERNING the Expansion of the Board of Electrical Examiners of Queen Anne's County to Five (5) Members; Providing for their Qualifications and Terms.

FOR THE PURPOSE of expanding the Board of Electrical Examiners of Queen Anne's County to five (5) members; providing that each member shall serve a term of five (5) years; providing for staggered terms; and making stylistic changes to the existing Code;

BY repealing and reenacting with amendments Section 11-201 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 11-201 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be and is hereby repealed and reenacted to read as follows:

CONSTRUCTION REGULATION - ELECTRICAL EXAMINERS

Subtitle 2. Board of Electrical Examiners

11-201 Board of Electrical Examiners.

(a) Established.

(1) The County Commissioners shall appoint a Board of Electrical Examiners of Queen Anne's County.

(2) The purpose of the Board is to examine the qualifications and capabilities of persons who are engaged, or desire to engage, in business as master or limited electrician and to perform such other functions as may be contemplated under this Title.

(b) Membership; qualifications.

(1) The Board shall consist of five members.

(2) Three members of the Board shall be competent master electricians of Queen Anne's County.

(3) Two members of the Board shall be individuals associated with the building trade but not necessarily master electricians.

(4) Each member appointed to the Board shall be a resident of the county and over the age of 21 years.

(c) *Oath.*

Before taking office, each member of the Board shall take the oath required by Article I, §9, of the Maryland Constitution.

(d) *Tenure; vacancies.*

(1) The term of a member of the Board is five years. The terms shall be staggered.

(2) If a vacancy occurs for any cause during the term of a Board member, the County Commissioners shall fill the vacancy from a list of at least two names recommended by the Queen Anne's Board of Electrical Examiners.

(e) *Removal.*

The County Commissioners may remove any member of the Board for incompetency or improper conduct.

SECTION II

BE IT FURTHER ENACTED that the three members of the Board serving on the effective date of this Ordinance shall complete their existing three year terms. Following adoption of this Ordinance the County Commissioners of Queen Anne's County shall appoint two new members of the Board of Electrical Examiners of Queen Anne's County, one of whom shall serve an initial term of four years and one of whom shall serve a term of five years. After the terms of the existing members and the initial terms of the new members, all members shall serve for a term of five years.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth day following its passage.

Introduced By: COMMISSIONER NIEDOMANSKI

Date: 4-1-03

Public Hearing Held: APRIL 22, 2003 8 PM

Vote: 5 Yea _____ Nay

Date: 4-29-03

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03 MAY 23 AM 8:41
QUEEN ANNE'S COUNTY

BILL NO. 03-08

A BILL ENTITLED

"PUBLIC FACILITIES
BOND AUTHORIZATION OF 2003"

A PUBLIC LOCAL LAW TO AUTHORIZE AND EMPOWER QUEEN ANNE'S COUNTY, MARYLAND, FROM TIME TO TIME, TO BORROW NOT MORE THAN EIGHTEEN MILLION ONE HUNDRED THOUSAND DOLLARS (\$18,100,000) FOR THE PUBLIC PURPOSE OF FINANCING OR REFINANCING CERTAIN PUBLIC FACILITIES, ALL AS MORE PARTICULARLY DESCRIBED HEREIN, AND TO EVIDENCE SUCH BORROWING BY THE ISSUANCE AND SALE AT PUBLIC OR PRIVATE SALE, UPON ITS FULL FAITH AND CREDIT, OF ONE OR MORE SERIES OF ITS GENERAL OBLIGATION BONDS IN LIKE PAR AMOUNT; EMPOWERING AND DIRECTING THE COUNTY TO ADOPT A RESOLUTION IN ACCORDANCE WITH SECTION 15(4) OF ARTICLE 25B OF THE ANNOTATED CODE OF MARYLAND (2001 REPLACEMENT VOLUME AND 2002 SUPPLEMENT) PRIOR TO ISSUING ALL OR ANY PART OF THE BONDS; EMPOWERING AND DIRECTING THE COUNTY TO LEVY AD VALOREM TAXES IN RATE AND AMOUNT SUFFICIENT TO PROVIDE FUNDS FOR THE PAYMENT OF THE MATURING PRINCIPAL OF AND INTEREST ON THE BONDS AND PLEDGING THE COUNTY'S FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER; EXEMPTING THE BONDS FROM THE PROVISIONS OF SECTIONS 9 TO 11, INCLUSIVE, OF ARTICLE 31 OF THE ANNOTATED CODE OF MARYLAND (1997 REPLACEMENT VOLUME AND 2002 SUPPLEMENT); AUTHORIZING THE ISSUANCE

OF REFUNDING BONDS; AND RELATING GENERALLY TO THE ISSUANCE AND SALE OF SUCH BONDS.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY:

Section 1. Queen Anne's County, Maryland (the "County") is hereby authorized and empowered to borrow money and incur indebtedness for the public purposes described in Section 2 hereof, at one time or from time to time, in an aggregate principal amount not exceeding EIGHTEEN MILLION ONE HUNDRED THOUSAND DOLLARS (\$18,100,000), and to evidence such borrowing by the issuance and sale, at public or private sale, upon its full faith and credit, of its general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

Section 2. The net proceeds from the sale of the bonds authorized to be issued hereunder shall be used and applied for financing or refinancing, in whole or in part, the following projects (which shall include design, engineering, planning, fiscal, and legal expenses related thereto whether or not specifically stated, and which may represent the County's share or contribution to the financing or refinancing of such projects):

- (i) construction, furnishing, and equipping the Matapeake Elementary School;
- (ii) construction, furnishing, and equipping of renovations to the Centreville Elementary School;
- (iii) construction, furnishing, and equipping of renovations to the Judy Center;
- (iv) acquisition of park land;

(v) construction, furnishing, equipping and renovations to Public Housing Authority projects; and

(vi) renovation, furnishing, equipping and renovations to the Administration Building of the Chesapeake College.

Section 3. Prior to issuing all or any part of the bonds authorized to be issued hereunder, the Board of County Commissioners of Queen Anne's County shall adopt a resolution containing all of the provisions required under Sec 15(4) of Article 25B of the Annotated Code of Maryland (2001 Replacement Volume and 2002 Supplement). The resolution may also contain such other provisions as the Board of County Commissioners may deem appropriate. The resolution may be adopted by the Board of County Commissioners at any time after the enactment of this public local law and the appropriate officers of the County may take any action deemed appropriate to effect the timely issuance and sale of the bonds pursuant to the resolution at any time after the enactment of this public local law, provided only that the resolution may not become finally effective until the effective date of this public local law. The bonds may be sold on any date or dates after the effective date of this public local law.

Section 4. For the purpose of satisfying the debt service requirements on the bonds, the County shall levy for each and every fiscal year during which any of the bonds may be outstanding ad valorem taxes upon all real and tangible personal property within its boundaries subject to assessment for unlimited County taxation in rate and amount sufficient to provide for the prompt payment of the principal of and the interest on the bonds maturing in each fiscal year; and, in the event the proceeds from the collection of the taxes so levied in any such fiscal year may prove inadequate for such purpose, additional taxes shall be levied in the subsequent fiscal year to make up any deficiency.

The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the prompt payment of the maturing principal of and interest on the bonds as and when the same respectively mature, and to the levy and collection of the taxes hereinabove described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the bonds. The County hereby covenants with each holder of any of the bonds to take any action that may be appropriate from time to time during the period that any of the bonds remain outstanding and unpaid to provide the funds necessary to make the principal and interest payments due thereon and further covenants and agrees to levy and collect the taxes hereinabove described.

Section 5. The bonds authorized to be issued hereunder are hereby specifically exempted from the provisions of Sections 9 to 11, inclusive, of Article 31 of the Annotated Code of Maryland (1997 Replacement Volume and 2002 Supplement).

Section 6. The County is hereby authorized pursuant to 14 to 21, inclusive, of Article 25B of the Annotated Code of Maryland (2001 Replacement Volume and 2002 Supplement) and Section 24 of Article 31 of the Annotated Code of Maryland (1997 Replacement Volume and 2002 Supplement) (the "Refunding Act") to issue its bonds ("Refunding Bonds") for the purpose of refunding any bonds issued hereunder. References to the bonds in Sections 2 through 5, inclusive, above, shall include the Refunding Bonds, unless the context requires otherwise. The Refunding Bonds may be issued at one time or from time to time, for one or more public purposes specified for the issuance of refunding bonds in the Refunding Act, and sold at public or private sale, as may be further provided in the resolution of the Board of County Commissioners of Queen Anne's County adopted pursuant to Section 3 hereof. The aggregate principal amount of Refunding Bonds shall not exceed 120% of the principal amount of the

bonds being refunded. The validity of any such Refunding Bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded.

Section 7. This public local law shall take effect forty-five days after it is enacted.

COUNTY COMMISSIONERS OF
QUEEN ANNE'S COUNTY, MARYLAND

Benjamin F. Cassell, Jr., President

Gene M. Ransom, III, Vice President

Joseph Cupani, Commissioner

Michael S. Koval, Commissioner

Rodney Niedomanski, Commissioner

Commissioner Cupani 4/15/03
Date of hearing 4-22-03 8:10 p.m.
Enacted on _____, 2003

4 in favor

Mike Koval opposed
4-29-03

RECEIVED
CLERK, CIRCUIT COURT

03 MAY 23 AM 8:41

QUEEN ANNE'S COUNTY

BILL NO. 03-09

A BILL ENTITLED

"REFUNDING BOND AUTHORIZATION"

A PUBLIC LOCAL LAW TO AUTHORIZE AND EMPOWER QUEEN ANNE'S COUNTY, MARYLAND FROM TIME TO TIME, TO BORROW NOT MORE THAN THIRTY FIVE MILLION SIX HUNDRED SIXTY FOUR THOUSAND DOLLARS (\$35,664,000) FOR THE PUBLIC PURPOSE OF REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE COUNTY, ALL AS MORE PARTICULARLY DESCRIBED HEREIN, AND TO EVIDENCE SUCH BORROWING BY THE ISSUANCE AND SALE AT PUBLIC OR PRIVATE SALE, UPON ITS FULL FAITH AND CREDIT, OF ONE OR MORE SERIES OF ITS GENERAL OBLIGATION BONDS IN LIKE PAR AMOUNT; EMPOWERING AND DIRECTING THE COUNTY TO ADOPT A RESOLUTION IN ACCORDANCE WITH SECTION 15(4) OF ARTICLE 25B OF THE ANNOTATED CODE OF MARYLAND (2001 REPLACEMENT VOLUME AND 2002 SUPPLEMENT) PRIOR TO ISSUING ALL OR ANY PART OF THE BONDS; EMPOWERING AND DIRECTING THE COUNTY TO LEVY AD VALOREM TAXES IN RATE AND AMOUNT SUFFICIENT TO PROVIDE FUNDS FOR THE PAYMENT OF THE MATURING PRINCIPAL OF AND INTEREST ON THE BONDS AND PLEDGING THE COUNTY'S FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER; EXEMPTING THE BONDS FROM THE PROVISIONS OF SECTIONS 9 TO 11, INCLUSIVE, OF ARTICLE 31 OF THE ANNOTATED CODE OF MARYLAND (1997 REPLACEMENT VOLUME AND 2002 SUPPLEMENT); AND RELATING GENERALLY TO THE ISSUANCE AND SALE OF SUCH BONDS.

RECITALS

Pursuant to the authority granted by Sections 14 to 21, inclusive, of Article 25B of the Annotated Code of Maryland (the "Enabling Act") and in accordance with a public local law (Bill No. 97-03) enacted by the Board on February 18, 1997 and a resolution adopted by the Board on April 8, 1997, the County has heretofore issued its Queen Anne's County Public Facilities Bonds of 1997, dated May 15, 1997 (the "1997 Bonds") and pursuant to the authority granted by the Enabling Act and in accordance with a public local law (Bill No. 98-18) enacted by the Board on January 19, 1999, a public local law (Bill No. 00-03) enacted by the Board on April 18, 2000, and a resolution adopted by the Board on July 11, 2000, the County has heretofore issued its Queen Anne's County School and Public Facilities Bonds of 2000, dated July 15, 2000 (the "2000 Bonds").

Pursuant to the Enabling Act and Section 24 of Article 31 of the Annotated Code of Maryland (1997 Replacement Volume and 2002 Supplement) (the "Refunding Act") the County is authorized to issue refunding bonds for the purposes specified in the Refunding Act.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY:

Section 1. Queen Anne's County, Maryland (the "County") is hereby authorized and empowered to borrow money and incur indebtedness for the public purposes described in Section 2 hereof, at one time or from time to time, in an aggregate amount not to exceed THIRTY FIVE MILLION SIX HUNDRED SIXTY FOUR THOUSAND DOLLARS (\$35,664,000) and to evidence such borrowing by the issuance and sale, at public or private sale, upon its full faith and credit, of its general obligation bonds in like par amount, which may be

issued at one time or from time to time, in one or more groups or series, as the County may determine.

Section 2. The net proceeds from the sale of the bonds authorized to be issued hereunder shall be used and applied for the purpose of purchasing, or depositing with a escrow deposit agent to purchase direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America in such amounts and maturing at stated fixed prices as to principal and interest at such times as will be sufficient to effect the refunding of (i) all or a portion of the callable maturities of the 1997 Bonds (i.e. the 1997 Bonds stated to mature on and after November 15, 2008), or (ii) all or a portion of the callable maturities of the 2000 Bonds (i.e. the 2000 Bonds stated to mature on and after January 15, 2011) or (iii) some combination of all or portions of the callable maturities of both the 1997 Bonds or the 2000 Bonds, as the Board may determine and specify by a resolution adopted pursuant hereto. The proceeds of the Bonds shall be applied to the payment of the principal of, redemption premium, if any, and interest on the bonds being refunded and may be applied to the payment of other costs authorized to be paid pursuant to the Refunding Act.

Section 3. Prior to issuing all or any part of the bonds authorized to be issued hereunder, the Board of County Commissioners of Queen Anne's County shall adopt a resolution containing all of the provisions required under Sec 15(4) of Article 25B of the Annotated Code of Maryland (2001 Replacement Volume and 2002 Supplement). The resolution may also contain such other provisions as the Board of County Commissioners may deem appropriate. The resolution may be adopted by the Board of County Commissioners at any time after the enactment of this public local law and the appropriate officers of the County may take any action deemed appropriate to effect the timely issuance and sale of the bonds pursuant to the resolution at any time after the

enactment of this public local law, provided only that the resolution may not become finally effective until the effective date of this public local law. The bonds may be sold on any date or dates after the effective date of this public local law.

Section 4. For the purpose of satisfying the debt service requirements on the bonds, the County shall levy for each and every fiscal year during which any of the bonds may be outstanding ad valorem taxes upon all real and tangible personal property within its boundaries subject to assessment for unlimited County taxation in rate and amount sufficient to provide for the prompt payment of the principal of and the interest on the bonds maturing in each fiscal year, and, in the event the proceeds from the collection of the taxes so levied in any such fiscal year may prove inadequate for such purpose, additional taxes shall be levied in the subsequent fiscal year to make up any deficiency.

The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the prompt payment of the maturing principal of and interest on the bonds as and when the same respectively mature, and to the levy and collection of the taxes hereinabove described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the bonds. The County hereby covenants with each holder of any of the bonds to take any action that may be appropriate from time to time during the period that any of the bonds remain outstanding and unpaid to provide the funds necessary to make the principal and interest payments due thereon and further covenants and agrees to levy and collect the taxes hereinabove described.

Section 5. The bonds authorized to be issued hereunder are hereby specifically exempted from the provisions of Sections 9 to 11, inclusive, of Article 31 of the Annotated Code of Maryland (1997 Replacement Volume and 2002 Supplement).

Section 6. The County is hereby authorized pursuant to the Enabling Act and the Refunding Act to issue its bonds ("Refunding Bonds") for the purpose of refunding any bonds issued hereunder. References to the bonds in Sections 2 through 5, inclusive, above, shall include the Refunding Bonds, unless the context requires otherwise. Refunding Bonds may be issued at one time or from time to time, for one or more public purposes specified for the issuance of refunding bonds in the Refunding Act, and sold at public or private sale, as may be further provided in the resolution of the Board of County Commissioners of Queen Anne's County adopted pursuant to Section 3 hereof. The aggregate principal amount of Refunding Bonds shall not exceed 120% of the principal amount of the bonds being refunded. The validity of any such Refunding Bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded.

Section 7. This public local law shall take effect forty-five days after it is enacted.

COUNTY COMMISSIONERS OF
QUEEN ANNE'S COUNTY, MARYLAND

Benjamin F. Cassell, Jr., President

Gene M. Ransom, III, Vice President

Joseph Cupani, Commissioner

Michael S. Koval, Commissioner

Rodney Nedomanski, Commissioner

Commissioner Cupani 4-15-03
Date 8:15 p.m.

Enacted on _____, 2003

4 in favor
Mike Koval opposed
4-29-03

COUNTY ORDINANCE NO. 03-10

A BILL ENTITLED

AN ACT CONCERNING The Expansion of the Queen Anne's County Ethics Commission to Five (5) Members.

FOR THE PURPOSE of expanding the Queen Anne's County Ethics Commission to five (5) members; providing for staggered five year terms for such members; providing for counsel for the commission;

By repealing and reenacting Section 8-202 and 8-203 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that Sections 8-202 and 8-203 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be and are hereby repealed and reenacted to read as follows:

8-202. Membership and Terms.

(a) Membership.

The Commission shall consist of five (5) members appointed by the County Commissioners.

(b) Terms.

The County Commissioners shall appoint one (1) member to serve a one (1) year term, one (1) member to serve a two (2) year term, one (1) member to serve a three (3) year term, one (1) member to serve a four (4) year term and one (1) member to serve a five (5) year term. Thereafter all members shall serve a term of five (5) years.

8-203. Counsel.

The Commission shall be advised by an attorney appointed by the County Commissioners.

Received
May 23, 2003

SECTION II

BE IT FURTHER ENACTED that this Act will take effect on the forty-sixth day following its passage.

Introduced By: Commissioner Koval

Date: 4/15/03

Public Hearing Held: 4-22-03 8:30pm

Vote: 5 Yea _____ Nay

Date: 4-24-03

I:\39-kr\COUNTY\Legislative Bills\Ethics ordinance expanding number.wpd

COUNTY ORDINANCE NO. 03-12

A BILL ENTITLED

AN ACT CONCERNING Authorization of Property Tax Refunds for Disabled Veterans.

FOR THE PURPOSE of authorizing a refund of up to three years property taxes for qualified disabled veterans or their surviving spouse pursuant to the Tax-Property Article of the Annotated Code of Maryland, §7-208, by enacting a new Section 5-206 to the Code of Public Local Laws of Queen Anne's County, (1996 Ed.);

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that a new Section 5-206 be added to the Code of Public Local Laws of Queen Anne's County (1996 Ed.) to read as follows:

5-206. Property tax refunds.

(a) Definitions.

All terms used in this Section shall have the meanings given in Section 7-208 of the Tax-Property Article of the Annotated Code of Maryland.

(b) Refunds.

(1) In the taxable years in which an exemption under Section 7-208 of the Tax Property Article of the Annotated Code of Maryland was authorized but not granted a refund of county property tax and municipal corporation property tax is authorized:

(i) to a disabled veteran or a surviving spouse for county property tax paid;

(ii) to a disabled veteran for any municipal corporation property tax paid.

(2) No refund shall be authorized for any taxes paid more than three years prior to the date of refund.

RECEIVED
CLERK, CIRCUIT COURT
03 MAY 23 AM 8:42
QUEEN ANNE'S COUNTY

SECTION II

BE IT FURTHER ENACTED that this Act will take effect on the forty-sixth day following its passage.

INTRODUCED BY: RENNO

DATED: 4-29-03

PUBLIC HEARING HELD: 5-6-03 8:15

VOTE: _____ YEA _____ NAY

DATE: 5/6/03 Passed

I:\39-kr\COUNTY\Legislative Bills\Refunds for Disabled Veterans Bill.wpd

COUNTY ORDINANCE NO. 03-13

A BILL ENTITLED

AN ACT CONCERNING An Amendment to the Human Resources Ordinance (Title 27) of the Code of Public Local Laws of Queen Anne's County ("the Code") to Permit the County Commissioners of Queen Anne's County to Fund Part, All or None of the Job Performance Salary Increases and Job Performance Incentive Awards Provided For In Section 27-412 and 27-509 of the Code.

FOR THE PURPOSE of providing authority for the County Commissioners of Queen Anne's County to fund in whole or in part or to decline to fund job performance salary increases and job performance incentive awards for Queen Anne's County employees by amending Section 27-412(d) and adding a new Section 27-509(e) to the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 27-412(d) of Code of Public Local Laws of Queen Anne's County (1996 Ed.) be and is hereby repealed and readopted to read as follows:

27-412. Performance salary advance/incentive award within the grades.

(d) *Budget funds for performance pay increases.* The County Administrator shall each year include funds in the budget requests to the County Commissioners for providing performance pay increases. The County Commissioners may fund all, part or none of such performance pay increases. In the event the County Commissioners shall decide to fund either a portion or none of such performance pay increases then, notwithstanding any other provisions of this Title, the amount of such performance pay increases including salary increases and incentive awards shall abate accordingly.

SECTION II

BE IT FURTHER ENACTED that a new Section 17-509(e) be added to the Code of Public Local Laws of Queen Anne's County (1996 Ed.) to read as follows:

RECEIVED
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03 MAY 23 AM 8:42
QUEEN ANNE'S COUNTY

27-509. Performance salary advance/incentive award within the grades.

(e) Budget funds for performance pay increases. The County Administrator shall each year include funds in the budget requests to the County Commissioners for providing performance pay increases. The County Commissioners may fund all, part or none of such performance pay increases. In the event the County Commissioners shall decide to fund either a portion or none of such performance pay increases then, notwithstanding any other provisions of this Title, the amount of such performance pay increases including salary increases and incentive awards shall abate accordingly.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Mike Koval

DATE: 4-29-03

PUBLIC HEARING HELD: 5-6-03 8:20

VOTE: _____ Yea _____ Nay

DATE OF ADOPTION: 5/6/03

COUNTY ORDINANCE NO. 03-15

RECEIVED
CLERK: CIRCUIT COURT
03 SEP 23 AM 8:10
QUEEN ANNE'S COUNTY

A BILL ENTITLED

AN ACT CONCERNING the Establishment of a Date for Tax Sales
In Queen Anne's County;

FOR THE PURPOSE of establishing by local law the date for
tax sale proceedings in Queen Anne's County.

By adopting a new Section 5-102 of the Code of Public Local
Laws of Queen Anne's County, Maryland (1996 Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S
COUNTY, MARYLAND that a new Section 5-102 be added to Title 5
entitled County Finance of the Code of Public Local Laws of Queen
Anne's County, to read as follows:

5-102. Tax Sales.

(a) Date

Tax Sales under the provisions of
the Tax-Property Article of the Annotated
Code of Maryland shall be conducted on the
third Tuesday of May in each year and shall
be continued from day to day until completed.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective
on the forty-sixth day following its passage.

INTRODUCED BY: Joe Cupani

DATE: 8-5-04

PUBLIC HEARING HELD: August 26, 2003

6:15pm

VOTE: 5 Yea _____ Nay _____

DATE OF ADOPTION: 9-2-03

Effective 10/18/03

COUNTY ORDINANCE NO. 03-16

A BILL ENTITLED

AN ACT CONCERNING the Regulation of Dirt Bikes, Minibikes and similar vehicles in Queen Anne's County;

FOR THE PURPOSE of prohibiting the operation of dirt bikes, minibikes and similar vehicles in certain areas of Queen Anne's County including public lands, public roads and private property without the permission of the property owner and providing penalties for violations of these provisions;

BY ADOPTING a new Subtitle 3 to Title 13 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that a new Subtitle 3 of Title 13 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be and is hereby adopted to read as follows:

SUBTITLE 3.

DIRT BIKES, UNREGISTERED MOTORCYCLES AND SIMILAR VEHICLES

13-301. Definitions.

(a) *In general.*

In this subtitle, the following words have the meaning indicated.

(b) *Dirt bike.*

(1) "Dirt bike" means any motorcycle or similar vehicle that is not registered under the Maryland Vehicle Law.

(2) "Dirt bike" includes:

(i) a minibike;

(ii) an all-terrain vehicle of either the 3- or 4- wheel variety; and

(iii) any other motorcycle or similar vehicle that is not eligible for registration under the

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CLERK. CIRCUIT COURT

03 SEP 23 AM 10:31

QUEEN ANNE'S COUNTY

Maryland Vehicle Law.

(c) *Minibike.*

"Minibike" means a motor vehicle that:

- (1) has a saddle for the use of the rider;
- (2) is designed to travel on not more than 3 wheels in contact with the ground;
- (3) is not eligible for registration under the Maryland Vehicle Law; and
- (4) has:
 - (i) a 10-inch (254 mm) or less nominal wheel-rim diameter;
 - (ii) 40 inches or less wheel base;
 - (iii) 25 inches or less seat height, measured at the lowest point on the top of the seat cushion without rider; or
 - (iv) a propelling engine with piston displacement of 50 cc or less.

(d) *Motorcycle or similar vehicle.*

(1) "Motorcycle or similar vehicle" means a motor vehicle that is designed to travel on not more than 3 wheels in contact with ground.

(2) "Motorcycle or similar vehicle" includes:

- (i) a minibike;
- (ii) a motor scooter; and
- (iii) a bicycle with motor attached.

(e) *Unregistered motorcycle or similar vehicle.*

"Unregistered motorcycle or similar vehicle" means a

motorcycle or similar vehicle that:

- (1) is eligible for registration under the Maryland Vehicle Law; but
- (2) is not in fact registered.

13-302. Exclusions from subtitle.

(a) *In general.*

This subtitle does not apply to any of the following while being used for their designed purposes:

- (1) tractors;
- (2) snowblowers;
- (3) lawn mowers;
- (4) wheel chairs; or
- (5) golf carts.

(b) *Government and Farm vehicles.*

This subtitle does not apply to any vehicle owned and operated by an agency or instrumentality of Federal, State, City, or other local government or to any vehicle while being utilized in farming or agricultural activity.

13-303. Prohibited conduct - riding or driving.

No person may drive or ride any dirt bike or any unregistered motorcycle or similar vehicle on any public property that is located in Queen Anne's County including any public roads located in Queen Anne's County nor may any person drive or ride any dirt bike or any unregistered motorcycle or similar vehicle on private property without the permission of the owner of such property.

13-304. Prohibited conduct - parents and guardians.

No parent or guardian of a minor may knowingly permit the minor to violate any provision of § 13-303 of this subtitle.

13-305. Penalties.

Any person who violates any provision of this Subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine or not more than \$500.00 for each offense. Any person convicted of a second or subsequent violation of this subtitle shall be subject to a fine of not more than \$1,000.00, imprisonment for not more than 90 days or both fine and imprisonment.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Ben Cussell

DATE: 8-5-04

PUBLIC HEARING HELD: August 26, 2003 6:30

VOTE: 5 Yea _____ Nay

DATE OF ADOPTION: 9-2-03

I:\39-kr\COUNTY\Legislative Bills\Ordinance for dirt bikes.wpd

THIS ACT WILL NOT APPLY TO VOLUNTEER
FIRE PERSONNEL WHILE IN ROUTE TO OR
FROM OR IN EXECUTION OF THEIR ASSIGNED DUTIES.

Effective
10/18/03



*Queen
Anne's
County*

County Commissioners:

Benjamin F. Cassell, Jr. - At Large
Joseph F. Cupani - District 1
R.O. "Nemo" Niedomanski - District 2
Gene Ransom III - District 3
Michael S. Koval - District 4

BOARD OF COUNTY COMMISSIONERS

The Liberty Building
107 North Liberty Street
Centerville, Maryland 21617

Telephone: (410) 758-4098
Fax: (410) 758-1170
TDD: (410) 758-2126
e-mail: qacc@qac.org

County Administrator: Paul W. Comfort, Esq.
Executive Assistant to County Commissioners: Margie A. Houck
County Attorney: Patrick Thompson

June 19, 2003

The Honorable Scott MacGlashan
Clerk of Court
100 Courthouse Square
Centerville, Maryland 21617

Dear Mr. MacGlashan:

Enclosed please find County Ordinance No. 03-11 adopted by the Queen Anne's County Commissioners on June 17, 2003.

If you should have any questions, please do not hesitate to call.

Sincerely,

QUEEN ANNE'S COUNTY
BOARD OF COUNTY COMMISSIONERS

Margie A. Houck

Margie A. Houck
Executive Assistant to Commissioners

RECEIVED
CLERK, CIRCUIT COURT
03 JUN 20 PM 6:51
QUEEN ANNE'S COUNTY

A BILL ENTITLED

AN ACT CONCERNING An Amendment to Title 18 of the Code of Public Local Laws of Queen Anne's County to Allow Certain Limited Light Commercial Uses and Services in the SI (Suburban Industrial) and LIHS (Light Industrial Highway Service) Districts;

FOR THE PURPOSE of permitting certain additional light commercial activities and uses in the SI (Suburban Industrial) and LIHS (Light Industrial Highway Service) Districts in Queen Anne's County by adding a new Section 18-1-031(d)(11) to the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that a new Section 18-1-031(d)(11) be added to the Code of Public Local Laws of Queen Anne's County (1996 Ed.) to read as follows:

18-1-031. Commercial Uses.

. . .

(d) SI/LIHS Commercial Uses.

(11) Limited Light Commercial uses and services with the primary purpose of supporting existing businesses/employees in a light industrial, business or professional complex including retail sales, banks, barbershops and hair dressers, dry cleaner outlets, fitness centers, and coffee shops or other non-fast food restaurants such as cafeterias or delis.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Jane Ransom
DATE: 4-29-03
PUBLIC HEARING HELD: 6-17-03 at 7:15
VOTE: 4 Yea Nay
DATE OF ADOPTION: 6/17/03

COUNTY ORDINANCE NO. 03-18

A BILL ENTITLED

AN ACT CONCERNING Donation of Sick Leave; Authorizing the County Administrator to Approve Requests for Donation of Sick Leave.

FOR THE PURPOSE of amending Section 27-804 of the Code of Public Local Laws of Queen Anne's County to authorize the County Administrator to approve requests for donation of sick leave.

By repealing and readopting Section 27-804(b)(11) of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 27-804(b)(11) of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be and is hereby repealed and readopted to read as follows:

27-804. Forms of Leave

(b) Sick leave.

(11) Donation of sick leave. An employee may, with the permission of the County Administrator, donate sick leave to another member of the classified or professional and executive service. The County reserves the right to refuse the donation of sick leave without the showing of a specific, documented, immediate need. Any unused donated sick leave may be returned to the donor in accordance with policies and procedures adopted by the Department of Human Resources.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Commissioners Cupani

DATE: 9-2-03

PUBLIC HEARING HELD: 9/16/03

VOTE: _____ Yea _____ Nay

DATE OF ADOPTION: Oct 7, 2003

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CLERK, CIRCUIT COURT
03 NOV -5 PM 2:51
QUEEN ANNE'S COUNTY

RECEIVED
CLERK, CIRCUIT COURT COUNTY, ORDINANCE NO. 03-19

ADOPTED 10/28/03

QUEEN ANNE'S COUNTY Amendments to the Queen Anne's County Fuel Gas Code;

FOR THE PURPOSE of adopting certain amendments respecting set-backs and other regulations of LP-Gas systems;

BY ADDING a new Section 10-104 to the Code of Public Local Laws of Queen Anne's County (1996 Ed.) and renumbering existing Section 10-104 to 10-105.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that a new Section 10-104 be added to Title 10 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) to read as follows:

10-104. National Fuel Gas Code Amendments.

The provisions of the 1999 Edition, National Fuel Code, ANSI, 2223.1 NFPA 54 ("the County Fuel Code") are modified and added to as follows:

(a) Additions

Section 3.2 and Appendix 1 of the 2001 Edition of the Liquidified Petroleum Gas Code, NFPA 58 are added to, incorporated in and made a part of the County Fuel Code.

SECTION II

BE IT FURTHER ENACTED that existing Section 10-104 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be renumbered and redesignated as Section 10-105.

SECTION III

BE IT FURTHER ENACTED that the Act shall take effect on the forty-sixth day following its adoption.

INTRODUCED BY: Cassell

DATE: _____

PUBLIC HEARING HELD: 10/28/03 745

VOTE: 5 Yea _____ Nay _____

DATE OF ADOPTION: 11-4-03

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2003 DEC 23 PM 3:41

QUEEN ANNE'S COUNTY

COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND

COUNTY ORDINANCE 03-20

CABLE TELEVISION FRANCHISING

AN ACT concerning

Title 29 of the Code of Public Local Laws
of Queen Anne's County, Maryland

Cable Television Franchising

FOR THE PURPOSE of setting forth regulations, terms and conditions under which cable television operators may use and occupy the public rights-of-way of Queen Anne's County, Maryland; establishing a framework under which cable television systems shall be constructed, operated, maintained and regulated when utilizing the public rights-of-way; authorizing the granting of one or more non-exclusive franchises for cable services within Queen Anne's County; establishing operational and customer services standards for cable television system operators; providing procedures for cable television franchise application, modification and renewal; establishing a cable television system franchise fee and application fee; providing that the title of this legislative bill shall be deemed a fair summary; and generally relating to the construction, regulation, operation and maintenance of cable television systems in Queen Anne's County.

WHEREAS, the County Commissioners of Queen Anne's County (the "County" or the "County Commissioners") finds that the development of Cable Television Systems within Queen Anne's County has the potential of having great benefit and impact upon the residents of Queen Anne's County; and

WHEREAS, because of the complex and rapidly changing technology associated with cable television and related services, the County Commissioners further find that the public convenience, safety and general welfare can best be served by establishing regulatory powers which should be vested in the County or such persons as the County shall designate; and

WHEREAS, the County owns and maintains a system of streets and public rights-of-way throughout Queen Anne's County, and the County has the authority to regulate the occupation and use of such streets and public rights-of-way to the maximum extent permitted under applicable law, including, but not limited to, the Federal Telecommunications Act of 1996; and

WHEREAS, the County desires to structure and implement a fair and orderly process for the grant of Franchises (and renewals of such franchises) to occupy and use the public rights-of-way to provide cable television services in Queen Anne's County, including the negotiation of franchise provisions to protect the public interest; and

WHEREAS, the County has determined that the grant of franchises to use and occupy the public rights-of-way for the provision of cable services would promote the health, safety and welfare of the public, stimulate commerce and otherwise serve the public interest; and

WHEREAS, the County has determined that it is in the best interest of and consistent with convenience and necessity of Queen Anne's County to grant franchises to persons desiring to use the public rights-of-way and provide cable services through a cable system within the territorial boundaries of Queen Anne's County subject to the terms and conditions herein, and as may be further provided for in a franchise agreement for cable services; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the County Commissioners of Queen Anne's County, Maryland that:

SECTION 1. A new Title 29 of the Code of Public Local Laws of Queen Anne's County be adopted and added, as follows:

Title 29. CABLE TELEVISION

Subtitle 1. Title and Purpose

29-101. Title and Purpose.

This Title shall be known and may be cited as the "Queen Anne's County Cable Television Franchise Act" (hereinafter "Title"). The purposes of this Title are (i) to establish the terms and conditions under which a cable television or open video system occupying the Public Rights-of-Way must operate within Queen Anne's County, Maryland (which may hereinafter be referred to as "County", "Franchising Authority", or "Grantor"); (ii) to provide for the payment of a franchise fee to the County for use of Public Rights-of-Way and the costs associated with administering and regulating the system; and (iii) to enhance the County's authority to grant a Cable Television System Franchise while managing the Public Rights-of-Way.

Subtitle 2. Definitions

29-201. Definitions.

For the purpose of this Title and any Franchise Agreement entered into hereunder, the following terms, phrases, words and their derivations shall have the meaning given herein. Words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. All capitalized terms used in the definition of any other term shall have their meaning as otherwise defined in this 29-201. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

(a) **"Access Manager"** means any entity, including a non-profit community access corporation, designated by the County to perform any or all of the following functions:

(1) Manage any necessary scheduling or allocation of any PEG or institutional network Channel capacity; and/or

(2) Program any PEG Channel on the County's behalf.

(b) **"Affiliate"** means each Person who falls into one or more of the following categories:

(1) Each Person having a Controlling Interest in a Grantee;

(2) Each Person in which a Grantee has a Controlling Interest; or

(3) Each Person, directly or indirectly, Controlling, Controlled by, or under common Control with, a Grantee; provided that "Affiliate" shall in no event mean any creditor or a Grantee solely by virtue of its status as a creditor and which is not otherwise an Affiliate by reason of owning a Controlling Interest in, being owned by, or being under common ownership, common management, or common control with, a Grantee.

(c) **"Agreement"** or **"Franchise Agreement"** means a binding contract granting a Franchise pursuant to this Title, and any amendments, exhibits or appendices thereto, containing the specific provisions of the Franchise granted, including references, specifications, requirements and other related matters.

(d) **"Basic Service"** or **"Basic Cable Television Service"** means any service tier, which includes the retransmission or delivery of local television broadcast signals, origination channels and public, educational and governmental access Channels, covered by a regular monthly charge paid by all Subscribers to a particular service tier. In the event that the definition of Basic Cable Television Service is amended by an act of the United States Congress, under the Cable Act or otherwise, or by the FCC, then the definition under this section shall be amended to conform thereto.

(e) **"Cable Act"** means the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, and as may be amended from time to time.

(f) **"Cable Television System"** or **"Cable System"** or **"System"** means a facility consisting of a set of closed transmission paths and associated signal generation, reception, transmission and control equipment that is designed to provide cable television service which includes video programming and which is provided to multiple Subscribers within Queen Anne's County, but such term does not include:

County Ordinance ____

- (1) A facility that serves only to retransmit the television signals of one or more television broadcast stations;
- (2) A facility that serves Subscribers without using any Public Rights-of-Way;
- (3) A facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Cable Act, except that such facility shall be considered a Cable System if such facility is used in the transmission of video programming directly to Subscribers, unless the extent of such use is solely to provide interactive on-demand services; or
- (4) Any facilities of any electric utility used solely for operating its electric utility system.

A reference to a Cable System in this Title refers to any part of such System, including, without limitation, Converters. The foregoing definition of "Cable System" shall not be deemed to circumscribe or limit the authority of the County to regulate or Franchise the activities of any other communications system or provider of communications services to the full extent permitted by law.

(g) "Cable Service" means:

- (1) The one-way transmission to Subscribers of video programming or other programming services; and
- (2) Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

(h) "Channel" or "Cable Channel" means a portion of the electromagnetic frequency spectrum that is used in a Cable System and which is capable of delivering a television Channel (as defined by the FCC).

(i) "Control" and/or "Controlling Interest" shall mean actual working control or ownership of a System in whatever manner exercised. A rebuttable presumption of the existence of Control or a Controlling Interest shall arise from the beneficial ownership, directly or indirectly, by any Person or entity (except underwriters during the period in which they are offering securities to the public) of twenty-five percent or more of a Cable System or a Franchise under which the System is operated. A change in the Control or Controlling Interest of any entity which has Control or a Controlling Interest in a Grantee shall constitute a change in the Control or Controlling Interest of the System under the same criteria. Control or Controlling Interest as used herein may be held simultaneously by more than one Person or entity

(j) "Converter" means an electronic device which converts signals to a frequency not susceptible to interference within the television receiver of a Subscriber, and by an appropriate Channel selector also permits a Subscriber to view more than twelve (12) Channels delivered by a System at designated Converter dial locations.

- (k) **"County Administrator"** means the administrative head of the County, or his designee.
- (l) **"County"** means the County Commissioners of Queen Anne's County, Maryland, and any agency or department thereof. The County may also be referenced as "Franchising Authority" or "Grantor".
- (m) **"Franchise"** means a non-exclusive authorization, or renewal thereof, evidenced by a written Franchise Agreement, granted pursuant to this Title and applicable law, to construct, operate and maintain a Cable System within the Public Rights-of-Way to provide Cable Service within all or a specified area of Queen Anne's County. The term "Franchise" includes the Franchise Agreement. Any such authorization, in whatever form granted, shall not mean or include any license or permit required for the privilege of transacting and carrying on a business within Queen Anne's County as required by State or local law, ordinances, or regulations, or for attaching devices to poles or other structures, whether owned by the County or a private entity, or for excavating or performing other work in or along the Public Rights-of-Way.
- (n) **"Franchise Area"** means the geographic area within Queen Anne's County that a Grantee is authorized to serve by its Franchise.
- (o) **"Franchise Fee"** means the fee imposed by the County pursuant to 29-311 of this Title. The term "Franchise Fee" does not include:
- (1) any tax, fee or assessment of general applicability (including any such tax, fee, or assessment imposed on both utilities and cable operators);
 - (2) capital costs that are required by a Franchise Agreement to be incurred by the cable operator for public, educational or governmental access facilities, or
 - (3) requirements or charges incidental to the awarding or enforcing of a Franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties, or liquidated damages.
- (p) **"FCC"** means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.
- (q) **"Grantee"** means a Person or entity to whom or which a Franchise is granted by the County pursuant to this Title, along with the lawful successors or assigns of such Person or entity.
- (r) **"Gross Revenue"** means any and all revenues or consideration of any kind or nature that constitutes revenue within generally accepted accounting principles (including without limitation, cash, and credits,) actually received by a Grantee or by any other operator that is an operator of a Cable System, from the provision of Cable Service over the Cable System within the Franchise Area. Gross Revenues include, by way of illustration and not limitation,

monthly fees charged to Subscribers for any basic, optional, premium, per-Channel, per-program service, or other Cable Service; Installation, disconnection, reconnection and change-in-service fees; leased access Channel fees; late fees; revenues from rentals or sales of Converters or other equipment; advertising revenues; and revenues from home shopping. Gross Revenues shall include revenues received by an entity other than a Grantee that operates the Cable System where necessary to prevent evasion or avoidance of the obligation under this Title or a Franchise to pay the Franchise Fee. Gross Revenues shall not include:

(1) To the extent consistent with generally accepted accounting principles, actual bad-debt write-offs; or

(2) Any taxes on services furnished by a Grantee which are imposed directly on any Subscriber or User by the State of Maryland, the County or other governmental unit and which are collected by the Grantee on behalf of said governmental unit. A Franchise Fee is not such a tax.

Gross Revenue includes an allocated portion of all revenue derived by Grantee from local advertising, home shopping, or other similar services. The allocation shall be based on the number of Subscribers in the Franchise Area divided by the total number of Subscribers on the System. Gross Revenues shall include any revenue received by Grantee through any means which has the effect of avoiding the payment of Franchise Fees to the Franchise Authority which it is lawfully entitled to receive under the terms of this Title.

(s) **"Initial Grantee"** means a Grantee who has not previously been granted a Franchise by the County.

(t) **"Initial Service Area"** means all areas in Queen Anne's County that will receive Cable Service initially, as set forth in any Franchise Agreement.

(u) **"Installation"** means the connection of the System to Subscribers' terminals, and the provision of Cable Service.

(v) **"Normal Business Hours"**, as applied to a Grantee, shall mean those hours during which similar businesses in Queen Anne's County are open to serve customers. In all cases, Normal Business Hours shall include some evening hours at least one (1) night per week, and some weekend hours.

(w) **"Normal Operating Conditions"** shall mean those service conditions which are within the control of a Grantee. Those conditions which are not within the control of a Grantee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Conditions which are ordinarily within the control of the Grantee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the Cable System.

(x) **"Outage"** shall mean the complete loss of picture, sound or both on multiple Channels from a common problem which affects multiple customers on the System.

(y) **"PEG" or "Public, Educational or Government Access Facilities"** means:

and (1) Channel capacity designated for public, educational or governmental use;

(2) Facilities and equipment for the use of such Channel capacity.

(z) **"Person"** shall mean any natural person or any partnership, association, joint stock company, joint venture, domestic or foreign corporation, stock or non-stock corporation, limited liability company, professional limited liability company, or organization of any kind, or any lawful successor thereto or transferee thereof. Such term does not include the County.

(aa) **"Public Rights-of-Way" or "Street"** means the surface of and all rights-of-way and the space above and below any public Street, road highway, freeway, lane, path, public way or place, sidewalk, alley, court, boulevard, parkway, drive or easement now or hereafter held by the County for the purpose of public travel and shall include other similar easements or rights-of-way as shall be now held or hereafter held by the County which shall, within their proper use and meaning, entitle a Grantee to the use thereof for the purposes of installing poles, wires, cable, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to a Cable System.

(bb) **"Service Interruption"** shall mean the loss of either picture or sound or both, on one or more Channels, affecting at least one (1) Subscriber on the System.

(cc) **"State"** means the State of Maryland.

(dd) **"Subscriber"** shall mean any Person lawfully receiving Cable Service provided by a Grantee by means of or in connection with the Cable System and who pays the charges therefore, except such Persons or entities authorized to received Cable Service without charge as provided for in a Franchise Agreement.

(ee) **"User"** means a Person utilizing a Cable Television System Channel for purposes of production or transmission of material to Subscribers, as contrasted with receipt thereof in a Subscriber capacity.

Subtitle 3. Franchise Required

29-301. Cable Television Franchise Required.

It shall be unlawful for any Person to construct, install or operate a Cable Television System in Queen Anne's County within any Public Right-of-Way without a properly granted Franchise issued pursuant to the provisions of this Title.

29-302. Rights and Privileges of Grantee.

Any Franchise granted by the County shall grant to a Grantee the non-exclusive right and privilege to erect, construct, operate and maintain in, upon, and along, across, above, over and under the Public Rights-of-Way, now in existence and as may be created or established during a Franchise term; any poles, wires, cable, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation of a Cable System to provide Cable Service within a Franchise Area. A Franchise granted by the County does not expressly or implicitly authorize a Grantee to provide service to, or install a Cable System on, private property without the owner's consent (except for use of compatible easements pursuant to the Cable Act, or to use publicly or privately owned conduits or any other public property without a separate agreement with the owners thereof).

29-303. Agreement and Incorporation of Application by Reference.

(a) Upon adoption of any Franchise Agreement and execution thereof by a Grantee, the Grantee agrees to be bound by all the terms and conditions contained in this Title and any amendments thereto, unless otherwise provided in the Franchise Agreement.

(b) Any Grantee also agrees to provide all services specifically set forth in its application, if any, and to provide Cable Service within the confines of its Franchise Area; and by its acceptance of a Franchise, a Grantee specifically grants and agrees that its application is thereby incorporated by reference and made a part of the Franchise. In the event of a conflict between the application and the provisions of this Title, that provision which provides the greatest benefit to the County, in the opinion of the County, shall prevail.

29-304. Franchise Area.

Any Franchise to provide Cable Service shall be valid within all the unincorporated territorial limits of Queen Anne's County, Maryland, unless otherwise specified in the Franchise Agreement.

29-305. Duration and Acceptance of Franchise.

(a) A Franchise and the rights, privileges and authority granted shall take effect and be in force as set forth in the Franchise Agreement and shall continue in force and effect for a term of no longer than ten (10) years. Such Franchise shall be non-exclusive and revocable.

(b) Within fifteen (15) days after the County's decision to grant a Franchise the intended Grantee shall file with the County its unconditional acceptance of the Franchise and its promise to comply with and abide by all its provisions, terms and conditions.

29-306. Franchise Renewal.

Franchise renewals shall be conducted in accordance with applicable law including, but not necessarily limited to, the Cable Act, as amended. Grantor and Grantee, by mutual consent, may enter into renewal negotiations at any time during the term of the Franchise.

29-307. Police Powers.

(a) In accepting a Franchise, a Grantee shall acknowledge that its rights there under are subject to the police powers of the County to adopt and enforce general public local laws pursuant to applicable law and necessary to the health, safety and welfare of the public. Grantee shall agree to comply with all applicable laws, ordinances, policies, codes, rules and regulations enacted or adopted by the County pursuant to such power.

(b) Any conflict between the provisions of this Title and any other present or future lawful exercise of the County's police powers shall be resolved in favor of the latter, except that any such exercise that is not of general application in Queen Anne's County, or applies exclusively to the Grantee or Cable Television Systems, which contain provisions inconsistent with the Grantee's Franchise Agreement, shall prevail only if upon such exercise the County finds an emergency exists constituting a danger to health, safety, property or general welfare or such exercise is mandated by law.

(c) In the event that the State or federal government discontinues preemption in any area of cable communications over which it currently exercises jurisdiction in such manner as to expand rather than limit municipal regulatory authority, the County may, if it so elects, adopt rules and regulations in these areas to the extent permitted by law.

29-308. County Use of Grantee Facilities.

The County shall have the right, during the term of a Franchise, to install and maintain free of charge upon the poles of a Grantee any wire or pole fixtures that do not unreasonably interfere with the Cable Television System operations of the Grantee. The County shall indemnify and hold harmless, to the extent permitted by law, the Grantee from any claim that might arise due to or as a result of such usage.

29-309. Initial Grantee Costs.

Costs to be borne by an Initial Grantee shall include, but shall not be limited to, any reasonable charges incidental to the awarding or enforcing of an Initial Grantee's Franchise, all costs of publications of notices prior to any public meeting provided for pursuant to this Title, and any costs not covered by application fees but incurred by the County in its study, preparation of proposal documents, evaluation of all applications, and examinations of the applicants'

qualifications. Any payments made to the County pursuant to this section shall not be considered Franchise Fees.

29-310. Franchise Application, Application Fee and Review Process.

(a) Any Person desiring (i) an initial Franchise for a Cable Television System, (ii) the renewal of a Franchise, or (iii) a modification of a Franchise shall file a written application with the County. The application shall be in such form, and under such terms and conditions, as determined by the County.

(b) To be acceptable for filing, a signed original of the application shall be submitted together with ten (10) copies. The application must be accompanied by any required application filing fee, conform to any applicable request for proposals ("RFP"), and contain all required information. All applications shall include the names and addresses of Persons authorized to act on behalf of all applicants with respect to the application.

(c) All applications accepted for filing shall be made available by the County for public inspection.

(d) A Person may apply for an initial Franchise or a Franchise renewal by submitting an application containing the information required in 29-310(e). Upon receipt of such an application, the County may either: evaluate the application pursuant to 29-310(d)(3), conducting such investigations as it deems necessary; or issue a request for proposals ("RFP"), after conducting, if necessary, a proceeding to identify the future Cable-related needs and interests of the community. Any such RFP shall be mailed to the Person requesting its issuance and made available to any other interested Person. The RFP may contain a proposed Franchise Agreement.

(1) An applicant shall respond to a RFP by filing an application within the time directed by the County, providing the information and material set forth in 29-310(e). Each applicant shall follow the procedures, instructions, and requirements set forth in the RFP. Any applicant that has already filed materials pursuant to 29-310(d)(2) herein need not re-file the same materials with its RFP response, but must amplify its applications to include any additional or different materials required by the RFP. The County or its designee may seek additional information from any applicant and establish deadlines for the submission of such information.

(2) Notwithstanding the provisions of this section, a Person may apply for an initial Franchise by submitting an unsolicited application containing the information required in 29-310(E) and requesting an evaluation of that application pursuant to 29-310(d)(3). Prior to evaluating that application, the County may conduct such investigations as are necessary to determine whether the application satisfies the standards set forth in 29-310(d)(3) and may seek additional applications.

(3) In evaluating an application for a Franchise or a renewal thereof, the County shall consider, among other things, the following factors:

(i) The extent to which the applicant has substantially complied with the applicable law and the material terms of any existing Franchise for the County;

(ii) Whether the quality of the applicant's service under any existing Franchise in Queen Anne's County, including signal quality, response to customer complaints, billing practices, but without regard to the mix and quality of Cable Services or other services provided over the System, has been reasonable in light of the needs and interests of the communities served;

(iii) Whether the applicant has the financial, technical, and legal qualifications to provide Cable Service;

(iv) Whether the application satisfies any minimum requirements established by the County and is otherwise reasonable to meet the future Cable-related needs and interests of the community, taking into account the cost of meeting such needs and interests;

(v) Whether, to the extent not considered under 29-310(d)(3)(iv), the applicant will provide adequate PEG access Channel capacity, facilities, or financial support.

(vi) Whether issuance of a Franchise is warranted in the public interest considering the immediate and future effect on the Public Rights-of-Way and private property that would be used by the Cable System, including the extent to which Installation or maintenance as planned would require replacement of property or involve disruption of property, public services, or use of the Public Rights-of-Way; the effect of granting a Franchise on the ability of Cable to meet the Cable-related needs and interests of the community; and the comparative superiority or inferiority of competing applications;

(vii) What effects a grant of the Franchise may have on competition in the delivery of Cable Service in Queen Anne's County.

(4) If the County finds that it is in the public interest to issue or renew a Franchise considering the factors set forth in this section, and subject to the applicant's entry into an appropriate Franchise Agreement, it shall proceed with the grant or renewal of Franchise. If the County denies a Franchise or renewal thereof after consideration of the factors set forth in this section, it will issue a written decision explaining the denial. The County also may grant or deny a request for a Franchise or renewal thereof based on its review of an application without further proceedings and may reject any application that is incomplete or fails to respond to an RFP. This Title is not intended and shall not be interpreted to grant any applicant or existing Franchisee standing to challenge the issuance of a Franchise to another Person.

(5) Prior to rendering a final decision whether or not to issue or renew a Franchise pursuant to this section, (i) the County shall provide public notice of the Franchise application; (ii) the County may hold one or more public hearings or implement other procedures under which comments from the public and/or the applicant on an application may be received; and (iii) in the event of a renewal application where the Franchise may not be renewed, the

County Ordinance _____

County shall provide a preliminary assessment to the Franchisee seeking renewal and shall afford that applicant an opportunity to respond to the preliminary assessment.

(e) An RFP for the grant of an initial Franchise shall require, and any such application shall contain, at a minimum, the following information:

(1) Name and address of the applicant and identification of the ownership and Control of the applicant, including: the names and addresses of the ten (10) largest holders of an ownership interest in the applicant and Affiliates of the applicant, and all Persons with five (5) percent or more ownership interest in the applicant and its Affiliates; the Persons who Control the applicant and its Affiliates; and all officers and directors of the applicant and its Affiliates.

(2) A demonstration of the applicant's technical ability to construct and/or operate the proposed Cable System, including identification of key personnel.

(3) A demonstration of the applicant's legal qualifications to construct and/or operate the proposed Cable System.

(4) A statement prepared by a certified public accountant regarding the applicant's financial ability to complete the construction and operation of the Cable System proposed.

(5) A description of the applicant's prior experience in Cable System ownership, construction, and operation, and identification of communities in which the applicant or any of its principals have, or have had, a Cable Franchise or any interest therein.

(6) Identification of the area of Queen Anne's County to be served by the proposed Cable System, including a description of the proposed Franchise Area's boundaries.

(7) A detailed description of the physical facilities proposed, including Channel capacity, technical design, performance characteristics, headend, and access facilities.

(8) Where applicable, a description of the construction of the proposed system, including an estimate of plant mileage and its location; the proposed construction schedule; a description, where appropriate, of how services will be converted from existing facilities to new facilities; and information on the availability of space in conduits including, where appropriate, an estimate of the cost of any necessary rearrangement of existing facilities.

(9) The proposed rate structure, including projected charges for each service, Installation, Converters, and all other proposed equipment or service.

(10) A demonstration of how the applicant will reasonably meet the future Cable-related needs and interests of the community, including descriptions of how the applicant will meet the needs described in any recent community needs assessment conducted by or for the County, and how the applicant will provide adequate PEG access Channel capacity, facilities, or financial support to meet the community's needs and interests.

(11) Pro forma financial projection for the proposed Franchise term, including a statement of projected income, and a schedule of planned capital additions, with all significant assumptions explained in notes or supporting schedules.

(12) If the applicant proposes to provide Cable Service to an area already served by an existing Cable Franchisee, the identification of the area where the overbuild would occur and the ability of the Public Rights-of-Way and other property that would be used by the applicant to accommodate an additional system.

(13) Any other information that may be reasonably necessary to demonstrate compliance with the requirements of this Title.

(14) Any additional information that the County may request of the applicant that is relevant to the County's consideration of the application.

(15) An affidavit or declaration of the applicant or authorized officer certifying the truth and accuracy of the information in the application, acknowledging the enforceability of application commitments, and certifying that the application meets all federal and State law requirements.

(16) The County may, at its discretion and upon request of an applicant, waive in writing the provision of any of the information required by this section.

(f) An application for modification of a Franchise Agreement shall include, at minimum, the following information:

(1) The specific modification requested;

(2) The justification for the requested modification, including the impact of the requested modification on Subscribers and others, and the financial impact on the applicant if the modification is approved or disapproved, demonstrated through, *inter alia*, submission of financial pro formas;

(3) A statement whether the modification is sought pursuant to §625 of the Cable Act, and, if so, a demonstration that the requested modification meets the standards set forth therein;

(4) Any other information that the applicant believes is necessary for the County to make an informed determination on the application for modification; and

(5) An affidavit or declaration of the applicant or authorized officer certifying the truth and accuracy of the information in the application, and certifying that the application is consistent with all federal and State law requirements.

(g) An applicant shall be notified of any public hearings held in connection with the evaluation of its application and shall be given an opportunity to be heard.

(h) **Filing Fees.** A nonrefundable application fee of Three-Thousand Dollars (\$3,000) shall accompany any initial Franchise application. A nonrefundable application fee of One-Thousand Dollars (\$1,000) shall accompany any renewal application or modification application, unless otherwise stipulated by the County. In addition, the County may require an applicant to reimburse the County for its reasonable out-of-pocket expenses in considering the application, including consultants' fees. Payments made by a Grantee hereunder shall not be deemed to be Franchise Fees within the meaning of the Cable Act, and such payment shall not be deemed to be involuntary payment chargeable against, or part of, the compensation to be paid to the County by Grantee pursuant to 29-311 of this Title and applicable provisions of a Franchise Agreement. The purpose of the application fees is to cover costs incidental to processing and evaluating the application or enforcement of the Franchise.

29-311. Franchise Fee.

(a) For the reason that the Streets and Public Rights-of-Way of the County to be used by a Grantee in the operation of its Cable System within the boundaries of Queen Anne's County are valuable public properties acquired and maintained by the County at great expense to its taxpayers, and that the grant of a Franchise to a Grantee is a valuable right without which a Grantee would be required to invest substantial capital in right-of-way costs and acquisitions, the Grantee shall pay to the County an amount equal to five percent (5%) of the Grantee's Gross Revenue, unless otherwise provided for in the Franchise Agreement. If the statutory five percent (5%) limitation on Franchise fees is raised or the federal statute deletes the Franchise Fee limitation entirely, then the Franchise fee may be subject to renegotiation.

(b) This payment shall be in addition to any other tax, fee or assessment of general applicability or payment owed to the County by a Grantee.

(c) The Franchise Fee and any other costs or penalties assessed shall be payable quarterly on a calendar year basis to the County and a Grantee shall file a complete and accurate verified statement of all Gross Revenues within forty-five (45) days after the quarter as established between the County and the Grantee.

(d) The County shall have the right, no more frequently than biannually, to inspect a Grantee's income records and the right to audit and to recompute any amounts determined to be payable under this Title upon thirty (30) days prior notice to the Grantee. Any additional amount due to the County as a result of the audit shall be paid within thirty (30) days following written notice to the Grantee by the County, which notice shall include a copy of the audit report. Unless required by law, the County shall not disclose to any third party (other than its financial advisors in their capacity as such) any financial information or other information that would reasonably be regarded as confidential that the County gains access to in connection with the provisions of this subsection. A Grantee's income records, when made available to the County, shall not include Subscriber specific information.

(e) If any Franchise Fee payment or recomputed amount, cost or penalty, is not made on or before the applicable dates heretofore specified, interest shall be charged daily from such date at the legal maximum rate charged by the United States Internal Revenue Service for late tax payments and a Grantee shall reimburse the County for any reasonable additional expenses and costs incurred by the County by reason of the delinquent payment(s).

Subtitle 4. Notices

29-401. Notices.

All notices from a Grantee to the County pursuant to this Title shall be to the County Administrator's office. Every Grantee shall maintain with the County, throughout the term of a Franchise, an address for service of notices by mail. A Grantee shall maintain a central office to address any issues relating to operating under this Title.

29-402. Public Notice.

Minimum public notice of any public meeting relating to a Franchise shall be made as prescribed by the County.

Subtitle 5. Sureties and Insurance

29-501. Letter of Credit/Security Deposit.

(a) Within fifteen (15) days after the award of a Franchise, a Grantee shall deposit with the County an irrevocable letter of credit from a financial institution, a security deposit, or a surety bond, in form and amounts as set forth in the Franchise Agreement. The County Attorney shall approve the form and content of such letter of credit, security deposit, or surety bond. These instruments shall be used to insure the faithful performance of a Grantee of all provisions of this Title and the Franchise; and compliance with all orders, permits and directions of any agency, commission, board, department, division, or office of the County having jurisdiction over its acts or defaults under this Title and the Franchise, and the payment by a Grantee of any claims, liens, and taxes due the County which arise by reason of the construction, operation or maintenance of a Cable System.

(b) The letter of credit, security deposit, or surety bond shall be maintained at the amount set forth in the Franchise Agreement for the entire term of a Franchise, even if amounts have to be withdrawn pursuant to this Title or the Franchise Agreement.

(c) If a Grantee fails to pay to the County any compensation within the time fixed under this Title or in the Franchise Agreement; or fails to repay the County within thirty (30) days, any damages, costs or expenses which the County is compelled to pay by reason of any act or default of the Grantee in connection with this Title or a Franchise, or fails, after thirty (30) days notice of such failure by the County to comply with any material provision of this Title or the Franchise which the County reasonably determines can be remedied by demand on the letter of credit, security deposit, or surety bond, the County may immediately request payment of the

amount thereof, with interest and any penalties, from the letter of credit, surety bond or security deposit. Upon such request for payment, the County shall notify the Grantee of the amount and date thereof.

(d) The rights reserved to the County with respect to the letter of credit, security deposit or surety bond are in addition to all other rights of the County, whether reserved by this Title or authorized by law, and no action, proceeding or exercise of a right with respect to such letter of credit, surety bond or security deposit shall affect any other right the County may have.

(e) A letter of credit shall contain the following endorsement: "It is hereby understood and agreed that this letter of credit, security deposit or surety bond may not be canceled by the surety, nor the intention not to renew be stated by the surety, until thirty (30) days after receipt by the County Commissioners of Queen Anne's County, by registered mail, of a written notice of such intention to cancel or not to renew." Upon receipt of the thirty (30) day notice, this shall be construed as a default granting the County the right to call on the surety for either the security deposit, letter of credit or surety bond, unless a Grantee obtains a substitute letter of credit, security deposit or surety bond.

(f) The County may at any time during the term of the Franchise, waive their requirement that the Grantee maintain a letter of credit, surety bond or security deposit. The invitation to waive the requirement can be initiated by the County or a Grantee.

29-502. Performance Bond.

(a) Within thirty (30) days after the award of a Franchise to an Initial Grantee, such Grantee shall file with the County a performance bond in the amount of not less than fifty (50) percent of costs to install the System contained in the new application in favor of the County. This bond shall be maintained throughout the construction period and until such time as determined by the County, unless otherwise specified in a Franchise Agreement.

(b) If a Grantee fails to comply with any law, ordinance or resolution governing a Franchise, or fails to well and truly observe, fulfill and perform each term and condition of the Franchise, as it relates to the conditions relative to the construction or upgrade of a Cable System, there shall be recoverable jointly and severally, from the principal and surety of the bond, any damages or loss suffered by the County as a result including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the Grantee plus a reasonable allowance for attorneys' fees, including the County's legal staff, and costs, up to the full amount of the bond.

(c) The County shall upon completion of construction of the Initial Service Area, waive or reduce the requirement of a Grantee to maintain the bond. However, the County may require a performance bond to be posted by the Grantee for any construction subsequent to the completion of the Initial Service Areas, in a reasonable amount and upon such terms as determined jointly by the County and Grantee.

(d) The bond shall contain the following endorsement: "It is hereby understood and agreed that this bond may not be canceled by the surety, nor the intention not to renew be stated by the surety, until thirty (30) days after receipt by the County Commissioners of Queen Anne's County, by registered mail, of a written notice of such intent to cancel and not to renew." Upon receipt of a thirty (30) day notice, this shall be construed as default granting the County the right to call in the bond.

(e) The County may, at any time during the term of a Franchise, waive the requirement that the Grantee maintain a performance bond. The invitation to waive the requirement can be initiated by the County or Grantee.

29-503. Insurance.

A Grantee shall carry insurance in such forms and in such companies as specified in the Franchise Agreement.

29-504. Hold Harmless.

(a) The County shall not at any time be liable for injury or damage occurring to any Person or property from any cause whatsoever arising out of the construction, maintenance, repair, use, operation, condition or dismantling of a Grantee's Cable System or due, in whole or in part, to the act or omission of any Person other than the County or those Persons for which the County is legally liable as a matter of law.

(b) Grantee, under any Franchise operated pursuant to this Title, shall agree to indemnify, hold harmless, release and defend the County, its officers, boards, commissions, agents and employees from and against any and all lawsuits, claims, causes of action, actions, liability, demands, damages, disability, losses, expenses, including reasonable attorneys' fees and costs or liabilities of any nature that may be asserted by any Person resulting or in any manner arising from the action or inaction of the Grantee in constructing, operating, maintaining, repairing or removing the Cable System, in carrying on Grantee's business or operations in the County or in exercising or failing to exercise any right or privilege granted by the Franchise. This indemnity shall apply, without limitation, to any action or cause of action for invasion of privacy, defamation, antitrust, errors and omissions, theft, fire, violation or infringement of any copyright, trademark, trade names, service mark or patent, or any other right of any Person, firm or corporation, whether or not any act or omission complained of is authorized, allowed or prohibited by this Title or any Franchise Agreement, but shall not include any claim or action arising, in whole or in part, out of the actions or omissions of County officers, employees or agents or related to any County programming or other access programming for which the Grantee is not legally responsible.

(c) The County shall promptly notify Grantee of any claims subject to indemnification by Grantee and shall cooperate with all reasonable requests by Grantee for information, documents, testimony or other assistance appropriate to a resolution of such claims. Grantee shall have full responsibility for and control of any action or undertaking directed at the resolution of such claims.

County Ordinance _____

Subtitle 6. Service

29-601. Rights of Individuals.

(a) A Grantee shall not deny service, deny access, or otherwise discriminate against Subscribers, Channel Users, or general citizens on the basis of race, color, religion, national origin, disability or gender. A Grantee shall comply at all times with all other applicable federal, State and local laws and regulations and all executive and administrative orders relating to nondiscrimination which are hereby incorporated and made part of this Title by reference.

(b) A Grantee shall strictly adhere to the equal employment opportunity requirements of the FCC, and State and local regulations, as amended from time to time.

(c) A Grantee shall, at all times, comply with the privacy requirements of State and federal law.

(d) A Grantee is required to make all Cable Television System services available to all residential dwellings throughout the Franchise Area which meet the minimum housing density requirements set forth herein and/or in the Franchise Agreement.

29-602. Service Availability and Record Request.

A Grantee shall provide Cable Service throughout its entire Franchise Area pursuant to the provisions of this Title and its Franchise Agreement, and shall keep a record for at least three (3) years of all requests for service received by the Grantee. Upon reasonable notice, this record shall be available for inspection by the County at the local office of the Grantee during Normal Business Hours.

Subtitle 7. Construction and Operation

29-701. System Construction.

(a) New Construction Timetable. The System construction timetable in an Initial Service Area shall be established in the Franchise Agreement.

(b) Line Extensions. Unless otherwise provided for in the Franchise Agreement:

(1) In areas of the Franchise not included in the Initial Service Areas, a Grantee shall be required to extend its System pursuant to the following requirements:

(i) No customer shall be refused service arbitrarily. Grantee is hereby authorized to extend the Cable System as necessary within the County. To expedite the process of extending the Cable System into a new subdivision, the County will forward to a Grantee an approved engineering plan of each project. Subject to the density requirements (twenty-five dwelling units per Street mile as measured from the existing System and twenty-five dwelling

units per Street mile within the new subdivision), the Grantee shall commence the design and construction process upon receipt of the final engineering plan. Upon notification from the County that the first home in the project has been approved for a building permit, a Grantee shall have a maximum of three (3) months to complete the construction/activation process within the project phase; provided, however, that the three (3) month period shall be reasonably extended to accommodate delays caused by circumstances beyond the control of the Grantee.

(ii) A Grantee must extend and make Cable Service available to every dwelling unit in all unserved, developing areas having at least twenty-five (25) dwelling units per street mile, as measured from the existing System, and shall extend its System following established utility easements.

(iii) A Grantee must extend and make Cable Service available to any isolated resident outside the Initial Service Area requesting connection at the standard connection charge, if the connection from the existing cable plant to the isolated resident would require no more than a standard one hundred fifty (150) foot drop line, unless an alternative standard is provided for in the Franchise Agreement.

(2) Early Extension. In areas not meeting the requirements for mandatory extension of service, a Grantee shall provide, upon the request of a potential Subscriber desiring service, an estimate of the costs required to extend service to the Subscriber. The Grantee shall then extend service upon request of the potential Subscriber. A Grantee may require advance payment. The amount paid by Subscribers for early extensions may be non-refundable.

(3) New Development Underground. In cases of new construction or property development where utilities are to be placed underground, the developer or property owner shall give a Grantee reasonable notice, but not less than thirty (30) days' notice, of such construction or development, and of the particular date on which open trenching will be available for the Grantee's installation of conduit, pedestals and/or vaults, and laterals to be provided at the Grantee's expense. A Grantee may also provide specifications as needed for trenching. Costs of trenching and easements required to bring service to the development shall be borne by the developer or property owner; except that if a Grantee fails to install its conduit, pedestals and/or vaults, and laterals within five (5) working days of the date the trenches are available, as designated in the notice given by the developer or property owner, then should the trenches be closed after the five (5) day period, the cost of new trenching is to be borne by the Grantee.

(c) Special Agreements. Nothing herein shall be construed to prevent a Grantee from serving areas not covered under this section upon agreement with developers, property owners, or residents provided that Franchise Fees are paid to the County on those Gross Revenues.

(1) A Grantee, in its application, may propose a line extension policy which will result in serving more residents of Queen Anne's County than as required in this section, in which case the Grantee's "Line Extension Policy" shall be incorporated into a Franchise Agreement, and will be binding on the Grantee.

County Ordinance ____

(2) A violation of this section shall be considered a breach of the terms of this Title for which the provisions of 29-909 or 29-914 shall apply, as determined by the County.

29-702. Construction and Technical Standards.

(a) Compliance with construction and technical standards. A Grantee shall construct, install, operate and maintain its System in a manner consistent with all laws, ordinances, construction standards, governmental requirements, and FCC technical standards, as the same may be amended from time to time. In addition, a Grantee shall provide the County, upon request, with a written report of the results of the Grantee's periodic proof of performance tests conducted pursuant to FCC standards and requirements.

(b) Additional Specifications:

(1) Construction, Installation and maintenance of a Cable Television System shall be performed in an orderly and workmanlike manner. All cables and wires shall be installed, where possible, parallel with electric and telephone lines. Multiple cable configurations shall be arranged in parallel and bundled with due respect for engineering considerations.

(2) A Grantee shall at all times comply with applicable provisions of the following:

(i) National Electrical Safety Code (National Bureau of Standards); National Electric Code (National Bureau of Fire Underwriters); Bell System Code of Pole Line Construction; and

(ii) FCC or other federal, State and local regulations.

(3) In any event, a System shall not endanger or interfere with the safety of persons or property in a Franchise Area or other areas where a Grantee may have equipment located.

(4) Any antenna structure used in the System shall comply with construction, marking, and lighting of antenna structure, required by the United States Department of Transportation.

(5) All working facilities and conditions used during construction, Installation and maintenance of the Cable Television System shall comply with the applicable standards of the Occupational Safety and Health Administration.

(6) RF leakage shall be checked at reception locations for emergency radio services to prove no interference signal combinations are possible. Stray radiation shall be measured adjacent to any proposed aeronautical navigation radio sites to prove no interference to airborne navigational reception in the normal flight patterns. FCC rules and regulations shall govern.

(7) A Grantee shall maintain equipment capable of providing standby power for headend and transport System for a minimum of two (2) hours, unless otherwise provided for in the Franchise Agreement.

(8) In all areas of Queen Anne's County where the cables, wires, and other like facilities of public utilities are placed underground, a Grantee shall place its cables, wires, or other like facilities underground. When all other public utilities relocate their facilities from pole to underground, a Grantee must concurrently do so.

(c) Repeated and verified failure to maintain specified technical standards shall constitute a material Franchise violation.

29-703. Use of Public Rights-of-Way.

(a) For the purpose of operating and maintaining a Cable System in the Franchise Area, the Grantee may erect, install, construct, repair, replace, reconstruct and retain in, on, over, under, upon, across and along the Streets and public ways within the Franchise Area such wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, pedestals, attachments and other property and equipment as are necessary to the operation of the Cable System; provided, however, that the Grantee complies with all design, construction, safety, and performance provisions contained in this Title, the Franchise Agreement, and other applicable local ordinances.

(b) **Interference with Persons and Improvements.** A Grantee's System, poles, wires and appurtenances shall be located, erected and maintained so that none of its facilities shall endanger or interfere with the lives of persons or interfere with the rights or reasonable convenience of property owners who adjoin any of the Streets and public ways, or interfere with any improvements the County may deem proper to make, or unnecessarily hinder or obstruct the free use of the Streets, alleys, bridges, easements or public property.

(c) Before commencing construction in, above, over, under, across, through or in any way connected with the Streets, public ways or public places of Queen Anne's County (other than such public areas not under the County's control), the Grantee shall obtain all required permits which Grantee reasonably can foresee to be necessary in the reasonable future (at the fees regularly charged therefore), including but not limited to the written approval of the County, which approval shall not be unreasonably withheld or delayed. The County may designate the location, manner and time of any construction within the roads and rights-of-way over which the County has jurisdiction.

(d) **Restoration to Prior Condition.** In case of any disturbance of pavement, sidewalk, landscaping, driveway or other surfacing, including the surface of Streets and alleys, caused by Grantee or any Person acting on its behalf, a Grantee shall, at its own cost and expense and in a manner and within a timeframe approved by the County, replace and restore all paving, sidewalk, driveway, landscaping, or surface disturbed, to a condition comparable to that before the work was commenced and in accordance with standards for such work set by the County.

(e) Grantee or any other Person acting on its behalf shall not open or otherwise disturb the surface of any Street, sidewalk, driveway, public way or other public place for any purpose whatsoever without (i) obtaining approval to do so in the manner prescribed in paragraphs (C) and (D) of this section, and (ii) obtaining all required Street opening or other permits. Grantee shall be fully responsible for the actions and activities of its agents, employees and sub-contractors. Grantee shall immediately respond to and rectify any complaint resulting from an activity of any sub-contractor, agent, or employee.

(f) A Grantee shall restore any Street it has disturbed, and shall, at its own cost and expense, restore and replace any other property disturbed, damaged or in any way injured by or on account of its activities, to a condition comparable to the condition that said property was in immediately prior to the disturbance, damage or injury.

(g) A Grantee shall, at its own cost and expense, protect, support, temporarily disconnect, relocate in the same Street or other public place, or remove from said Street or other public place, any of its property when required to do so by the County because of: Street or other public excavation; construction; repair; regarding or grading; traffic conditions; installation of sewers, drains, or water pipes; County-owned power or signal lines; tracks; vacation or relocation of Streets or any other type of structure or improvement of a public agency; or any other type of improvement necessary for the public health, safety or welfare.

(h) Grantee shall have the authority to trim trees on public property at its own expense as may be necessary to protect its wire and facilities, subject to the direction of the County or other appropriate governmental authority.

(i) **Erection, Removal and Common Uses of Poles:**

(1) No poles or other wire-holding structures shall be erected by a Grantee without prior approval of the County with regard to location, height, types, and any other pertinent aspect. However, no location of any pole or wire-holding structure of a Grantee shall be a vested interest and such poles or structures shall be removed or modified by the Grantee at its own expense whenever the County determines that the public convenience would be enhanced thereby.

(2) Where poles or other wire-holding structures already existing for use in serving the County are available for use by a Grantee, but Grantee does not make arrangements for such use or an agreement thereof cannot be reached, the County may require the Grantee to use such poles and structures if it determines that the public convenience would be enhanced thereby, the use of such poles and structures is technically feasible; and the terms of the use available to the Grantee are just and reasonable.

(3) In the absence of any governing federal or State statute, where a public utility serving the County desires to make use of the poles or other wire-holding structures of a Grantee, but agreement thereof with the Grantee cannot be reached, the County may require the Grantee to permit such use for such consideration and upon such terms as the County shall

determine to be just and reasonable, if the County determines that the use would enhance the public convenience and would not unduly interfere with the Grantee's operations.

(j) **Relocation of the Facilities.** If at any time during the term of a Franchise the County shall lawfully elect to alter or change the grade of any Street, alley or other public ways and shall require all of the respective public utilities impacted by such alteration to remove or relocate their facilities, a Grantee, upon reasonable notice by the County, shall remove or relocate as necessary its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense unless the utilities are compensated, in which case the Grantee shall be similarly compensated.

(k) **Cooperation with Building Movers.** A Grantee shall, on the request of any Person holding a building or moving permit issued by the County, temporarily raise or lower its wires to permit the moving of buildings. The Person making the request shall pay the expense of such temporary removal, raising or lowering of wires, and a Grantee shall have the authority to require such payment in advance. A Grantee shall be given not less than seven (7) days advance notice to arrange for such temporary wire changes.

(l) The operations and activities of a Grantee that impact Streets, sidewalks and other public ways are further subject to the provisions of Title 23 of the County Code, and any conflict between the provisions of this Title and Title 23 shall be resolved in favor of the best interests of the County.

29-704. Operational Standards.

(a) A Grantee shall put, keep and maintain all parts of a Cable System in good condition throughout the term of a Franchise.

(b) Upon the reasonable request for service by any Person located within a Grantee's Franchise Area, the Grantee shall, within sixty (60) days, furnish the requested service to such person within the terms of the Line Extension Policy. A request for service shall be unreasonable for the purpose of this subsection if no trunk line installation capable of servicing that Person's block has as yet been installed.

(c) A Grantee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum System use.

(d) A Grantee shall not allow its Cable System or other operations to interfere with television reception of Subscribers or Persons not served by the Grantee, nor shall a System interfere with, obstruct or hinder in any manner the operation of the various utilities serving the residents within the confines of Queen Anne's County, nor shall other utilities interfere with a Grantee's System.

(e) A Grantee shall have knowledgeable, qualified Grantee representatives available to respond to customer telephone inquiries twenty-four (24) hours per day and seven (7) days per

week. A staffed answering service, or an automated response system, shall be considered a qualified Grantee representative during evening and weekend hours.

(f) Under Normal Operating Conditions, telephone answer time, including wait time and the time required to transfer the call, shall not exceed thirty (30) seconds. This standard shall be met no less than ninety percent (90%) of the time as measured on a quarterly basis.

(g) Under Normal Operating Conditions, a customer will receive a busy signal less than three percent (3%) of the total time that the Grantee's office is open for business. This standard shall be met no less than ninety percent (90%) of the time as measured on a quarterly basis.

(h) Standard Installations will be performed within seven (7) business days after an order has been placed. A standard Installation is one that is within one hundred fifty (150) feet of an existing System.

(i) Excluding those situations which are beyond its control, a Grantee will respond to any Service Interruption promptly and in no event later than twenty-four (24) hours from the time the interruption becomes known. All other regular service requests will be responded to the next business day after notification of the service problem. The appointment window alternatives for Installations, service calls and other Installation activities will be: "morning;" or "afternoon;" not to exceed a four (4) hour "window" during Normal Business Hours for a System, or at a time that is mutually acceptable to a Grantee and a customer. A Grantee will schedule supplemental hours during which appointments can be scheduled based on the needs of the community. If at any time an installer or technician is running late, an attempt to contact the customer will be made and the appointment rescheduled as necessary at a time that is convenient to the customer.

(j) Unless otherwise provided for in the Franchise Agreement, a customer service center(s) and bill payment location(s) will be open for walk-in customer transactions a minimum of eight (8) hours a day Monday through Friday unless there is a need to modify those hours because of the location or customers served. A Grantee may, in its sole discretion, establish supplemental hours on weekdays and weekends if it would fit the needs of the community.

(k) In the event of an Outage of Subscriber Cable Service, the following shall apply after proper notification to Grantee:

(1) For Outages of over six (6) hours and up to seven (7) days, the Grantee shall provide, at a Subscriber's written request, a credit of one-thirtieth (1/30) of one month's fees for affected services for each twenty-four (24) hour period service is interrupted for six (6) or more hours for any single Subscriber, with the exception of Subscribers disconnected because of non-payment or excessive signal leakage or circumstances beyond Grantee's reasonable control. For Outages lasting six (6) hours or less, the credit extended to a Subscriber shall be prorated on an hour for hour basis.

(2) For Outages of seven (7) days or more in one month which have been properly reported to Grantee and which are within the reasonable control of Grantee, the Grantee shall provide, at a Subscriber's written request, a full month's credit for affected services for affected Subscribers.

(l) A Grantee will provide written information in each of the following areas at the time of Installation and at any future time upon the request of the customer:

- (1) Product and services offered.
- (2) Prices and Cable Service options.
- (3) Installation and service policies.
- (4) How to use the Cable Services.

(m) Bills will be clear, concise and understandable, with all services itemized consistent with the federal law.

(n) Credits will be issued promptly, but no later than a customer's next billing cycle following the resolution of the request and the return of equipment to a Grantee if service has been terminated.

(o) Unless otherwise specified by FCC regulations, customers and the County will be notified a minimum of thirty (30) days in advance of any rate or programming Channel change, provided that the change is within the control of a Grantee.

(p) A Grantee shall maintain and operate its Cable System in accordance with the rules and regulations as are incorporated herein or may be promulgated by the FCC, the United States Congress, or the State.

(q) A Grantee shall continue, through the term of a Franchise, to maintain the technical standards and quality of service specified in this Title. Should the County find, by resolution, that a Grantee has failed to maintain these technical standards and quality of service, Grantee shall be required to implement a plan for resolution.

(r) A Grantee shall keep a record of monthly service calls which will indicate the nature of each service complaint received in the last twenty-four (24) months, the date and time it was received, the disposition of said complaint, and the time and date thereof. Upon reasonable notice, such records shall be made available to the County for inspection.

(s) All personnel of a Grantee contacting Subscribers or potential Subscribers outside the office of Grantee must be clearly identified as associated with the Grantee.

(t) The provisions of 29-914 notwithstanding, in the event a Grantee fails to arrive for Installations and/or service calls within the scheduled four (4) hour time frame set forth in

this Title under Normal Operating Conditions less than ninety percent (90%) of the time as measured on a quarterly basis, then the County may impose a monetary penalty upon the Grantee. The amount of such monetary penalty shall be established by resolution of the County Commissioners. Prior to imposition of the penalty, the County shall notify the Grantee in writing of the alleged default. Upon receipt of the notice, the Grantee shall have a sixty (60) day period in which to correct the default or it may elect to pay such penalty, in which event the act or omission giving rise to the penalty shall not be the basis for any other sanction by the County. In the alternative, a Grantee shall have the right to request a hearing affording due process before the Board of County Commissioners to determine whether the penalty should be imposed, and the imposition of any such penalty shall be stayed pending the final outcome of such proceeding.

(u) A Grantee shall not terminate residential service for non-payment of a delinquent account unless the Grantee provides initial notice of the delinquency and impending termination at least ten (10) days prior to the proposed termination. Such notice of delinquency shall be mailed, postage prepaid, to the Subscriber to whom the service is billed. This notice shall not be sent until the twenty-eighth (28th) day after the initial bill for service was mailed to the Subscriber. The notice of delinquency and impending termination may be part of a billing statement. This section does not apply to Subscribers disconnected due to NSF (Not Sufficient Funds) checks.

(v) Refund checks shall be issued by a Grantee within thirty (30) days following a Subscriber's valid request.

29-705. Continuity of Service Mandatory.

(a) It shall be the right of all Subscribers to continue receiving service insofar as their financial and other obligations to a Grantee are honored. If a Grantee elects to rebuild, modify or sell its System, or the County gives notice of intent to terminate or fails to renew a Franchise, the Grantee shall act so as to ensure that all Subscribers receive continuous, uninterrupted service regardless of the circumstances.

(b) If there is a change of Franchise, or if a new operator acquires the System, a Grantee shall cooperate with the County, new franchisee or operator in maintaining continuity of service to all Subscribers. During this transition period, which shall not exceed twelve (12) months, a Grantee shall be entitled to the revenues for any period during which it operates the System, and shall be entitled to reasonable costs for its services until it no longer operates the System.

(c) Unless otherwise provided for in the Franchise Agreement, if a Grantee fails to operate a System for fourteen (14) consecutive days without prior approval of the County or without just cause, the County may, at its option, operate the System or designate an operator until such time as the Grantee restores service under conditions acceptable to the County or a permanent operator is selected. If the County is required to fulfill this obligation for a Grantee, the Grantee shall reimburse the County for all reasonable costs or damages in excess of revenues from the System received by the County that are the result of the Grantee's failure to perform.

29-706. Required Services and Facilities.

(a) A Cable Television System shall have facilities as set forth in the applicable Franchise Agreement.

(b) Such Cable System shall maintain a plant having the technical capacity for "Two-Way" communications, unless otherwise provided in the Franchise Agreement.

(c) At the County's request, a Grantee shall maintain the following:

(1) At least one specially designated, noncommercial public access Channel available on a first-come, nondiscriminatory basis;

(2) At least one specially-designated Channel for use by local educational authorities; and

(3) At least one specially designated Channel for local government uses;

(4) Provided, however, that the uses specified in this section may be combined on one or more Channels until such time as the County demonstrates sufficient need for additional Channels pursuant to a demonstrable programming demand provided for in the Franchise Agreement. Financial and technical support, replacement and maintenance of equipment of this facility shall be separately incorporated into the Franchise Agreement.

(5) An institutional network (I-Net) of cable, optical, electrical, or electronic equipment, used for the purpose of transmitting two-way telecommunications signals interconnecting designated entities if set forth in a Franchise Agreement and mutually agreed to by a Grantee and the County. The County and the Grantee may agree that such an institutional network may be provided by utilizing capacity on the Subscriber System.

(d) A Grantee shall incorporate into its Cable Television System sufficient capacity that will permit the County, in times of emergency, to override, by remote Control, the audio of all Channels simultaneously which the Grantee may lawfully override. A Grantee shall provide emergency alert capacity pursuant to FCC rules. A Grantee shall cooperate with the County in the use and operation of the emergency alert override system.

(e) A Grantee may be required to interconnect its System with other contiguous Cable Television Systems for the purpose of sharing PEG access programming. Such interconnection shall be made within a reasonable time limit to be established by the County.

(1) Interconnection Procedure: Upon receiving the directive of the County to interconnect, a Grantee shall immediately initiate negotiations with the other affected System or Systems in order to complete the interconnection link.

(2) Relief: A Grantee may be granted reasonable extensions of time to interconnect or the County may rescind its order to interconnect upon petition by the Grantee to the County. The County shall grant the request if it finds that the Grantee has negotiated in good faith and has failed to obtain an approval from the operator or franchising authority of the System to be interconnected, or the cost of the interconnection would cause an unreasonable or unacceptable increase in Subscriber rates.

(3) Cooperation Required: A Grantee shall cooperate with any interconnection corporation, regional interconnection authority or County, State and federal regulatory agency which may be hereafter established for the purpose of regulating, financing, or otherwise providing for the interconnection of Cable Systems beyond the boundaries of Queen Anne's County.

(4) The full cost of an interconnection link shall be borne by the County, if the interconnection is being made at the direction of the County. However, the full cost of this link shall be borne by the participating Persons, in the event that the interconnection is being made for any reason other than at the direction of the County.

Subtitle 8. Complaints

29-801. Complaint Procedure.

(a) The County Administrator, or his designee, is designated as having primary responsibility for the continuing administration of a Franchise and implementation of complaint procedures.

(b) Unless otherwise provided in the Franchise Agreement, a Grantee shall maintain, during the term of a Franchise and any renewal thereof, a central office for the purpose of receiving and resolving all complaints regarding the quality of service, equipment malfunctions, and similar matters. The office must be reachable by a local, toll-free telephone call. A Grantee will use its good faith efforts to arrange for one or more payment locations in a central location where customers can pay bills or conduct other business activities.

(c) As Subscribers are connected or reconnected to a Grantee's Cable System, the Grantee shall, by appropriate means, such as a card or brochure, furnish information concerning the procedures for making inquiries or complaints, including the address and local telephone number of customer service.

(d) To the extent permitted by applicable law, the County shall have the right and authority to require a Grantee to test, analyze and report on the performance of its System, provided that the County shall not require a Grantee to test the System as a whole, or any specific part thereof, more than once during any calendar year, unless a test shows that the System or such a specific part fails to meet relevant performance specifications. A Grantee shall fully cooperate with the County in performing such testing and shall prepare results and a report, if requested, within forty-five (45) days after notice.

- (1) Such report shall include the following information:
- (i) The nature of the complaint or problem which precipitated the tests;
 - (ii) What System component was tested;
 - (iii) The equipment used and procedures employed in testing;
 - (iv) The method, if any, in which such complaint or problem was resolved; and
 - (v) Any other information pertinent to the tests and analysis which may be required.
- (2) A Grantee's periodic proof of performance tests conducted pursuant to FCC standards and requirements may satisfy a test or report required by County under this subsection.
- (3) The County may require an independent review of a performance test, with the independent reviewer selected by the County to review the Cable System in cooperation with the Grantee. Should such a test prove that the Grantee failed to meet a technical standard, the Grantee shall bear the cost of such independent observer. If the test should prove that the Grantee met the technical standards, the County shall bear the cost of such test.

Subtitle 9. Miscellaneous

29-901. Grantee Rules and Regulations.

A Grantee shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Grantee to exercise its rights and perform its obligations under a Franchise, and to assure an uninterrupted service to each and all of its customers; provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions of this Title or applicable State and federal laws, rules and regulations.

29-902. Transfer of Ownership or Control.

(a) Except as may be provided in a Franchise Agreement, a Franchise or a franchised Cable System shall not be assigned or transferred, either in whole or in part, or leased, sublet or mortgaged in any manner, nor shall title thereto, either legal or equitable, or any right, interest or property therein, or Control over such Franchise or System, pass to or vest in any Person without the prior written consent of the County. A Grantee may, however, transfer or assign a Franchise to any Affiliate (as defined in 29-201) or to a wholly owned subsidiary of the Grantee (or its parent corporation) and such subsidiary may transfer or assign the Franchise back to the Grantee without such consent, providing that such transfer or assignment is without any release of

County Ordinance ____

liability or responsibility of the Grantee for any purpose, including Franchise renewal. The proposed assignee must *inter alia* show financial responsibility as determined by the County and must agree to comply with all provisions of the Franchise. The County shall have one hundred twenty (120) days to act upon any request for approval of such a sale or transfer submitted in writing that contains or is accompanied by the information required by FCC regulations and the County. The County shall be deemed to have consented to a proposed transfer or assignment if its refusal to consent is not communicated in writing to the Grantee within one hundred twenty (120) days following receipt of written notice and aforementioned information, unless the requesting party and the County agree to an extension of time.

(b) A Grantee shall promptly notify the County of any actual or proposed change in, or transfer of, or acquisition by any other party of, Control of the Grantee. Every assignment or transfer of a Grantee as specified in 29-902(a) shall make a Franchise subject to revocation unless and until the County shall have consented thereto, which consent will not be unreasonably withheld. For the purpose of determining whether it shall consent to such change, transfer or acquisition of Control, the County may inquire into the qualifications of the prospective Controlling party and such other legal, technical and financial matters as the County deems pertinent to its approval, and a Grantee shall assist the County in such inquiry.

(c) The consent or approval of the County to any transfer of a Grantee shall not constitute a waiver or release of the rights of the County in and to the Streets, and any transfer by its terms, shall be expressly subordinate to the terms and conditions of this Title and the Franchise Agreement.

(d) In the absence of extraordinary circumstances, the County shall have the discretion to disapprove any transfer or assignment of an initial Franchise prior to substantial completion of construction of the proposed System.

(e) In no event shall a transfer of ownership or Control be approved without the successor in interest becoming a signatory to the applicable Franchise Agreement.

29-903. Availability of Books and Records.

(a) A Grantee shall fully cooperate in making available at reasonable times, and the County shall have the right to inspect, where reasonably necessary to the enforcement of a Franchise, books, records, maps, plans and other like materials of the Grantee applicable to the Cable System, at any time during Normal Business Hours; provided where volume and convenience necessitate, a Grantee may require inspection to take place on the Grantee's premises.

(b) The following records and/or reports are to be made available to the County upon thirty (30) days prior written request.

- (1) An annual review or progress report submitted by a Grantee to the County;
- (2) Periodic preventive maintenance reports;

(3) Any copies of FCC Form 396-C (or successor form) or any supplemental forms related to equal opportunity or fair contracting policies;

(4) Subscriber inquiry/complaint resolution date; and

(5) Periodic construction update reports, including where appropriate the submission of strand maps.

29-904. Other Petitions and Applications.

Copies of all petitions, applications, communications and reports either submitted by a Grantee to the FCC, Securities and Exchange Commission, or any other federal or State regulatory commission or agency having jurisdiction in respect to any matters affecting Cable Television operations authorized pursuant to the Franchise, or received from such agencies, shall be provided to the County upon request.

29-905. Fiscal Reports.

A Grantee shall file annually with the County, no later than one hundred twenty (120) days after the end of the Grantee's fiscal year, a copy of a Gross Revenues statement certified by an officer of the Grantee.

29-906. Removal of Cable Television System.

At the expiration of the term for which a Franchise is granted or if any renewal request is denied, or upon the termination of a Franchise as provided herein, a Grantee shall forthwith, upon reasonable notice by the County, remove at its own expense all designated portions of its Cable Television System from all Streets and public property within the County. If a Grantee fails to do so within twelve (12) months of notice, the County may perform the work at the Grantee's expense. Upon such notice of removal, a bond shall be furnished by a Grantee in an amount sufficient to cover this expense.

29-907. Rules and Regulations.

In addition to the inherent powers of the County to regulate and control a Cable Television Franchise, and those powers expressly reserved by the County or agreed to and provided for in a Franchise Agreement, the right and power is hereby reserved by the County to promulgate such additional regulations as it shall find necessary in the exercise of its lawful powers and furtherance of the terms and conditions of this Title provided, however, that such rules, regulations, terms or conditions shall not be in conflict with any Franchise Agreement granted hereunder or applicable State and federal laws, rules and regulation.

29-908. Performance Evaluation Sessions.

(a) The County and a Grantee may hold scheduled performance evaluation sessions within thirty (30) days of the third (3rd) and sixth (6th) anniversary dates of the Grantee's award

County Ordinance ____

or renewal of the Franchise and as may be required by federal and State law. All such evaluation sessions shall be open to the public.

(b) Special evaluation sessions may be held at any time during the term of a Franchise at the request of the County or the Grantee.

(c) All scheduled performance evaluation sessions shall be open to the public and announced in a newspaper of general circulation in accordance with legal notice. A Grantee may be required by the County to notify its Subscribers of all such evaluation sessions by announcements on at least one (1) Channel of its System during a specified timeframe preceding each session.

(d) Topics which may be discussed at any scheduled or special evaluation session may include, but not be limited to, Franchise Fee, penalties; application of new technologies; System performance; customer complaints, privacy; amendments to this Title; judicial and FCC rulings; line extension policies; and Grantee or County rules.

(e) Members of the general public may add topics either by working through the County or the Grantee or by presenting a petition to the County Commissioners outlining the topic or topics sought to be discussed at the evaluation session.

29-909. Forfeiture and Termination.

(a) In addition to all other rights and powers retained by the County under a Franchise or otherwise, the County reserves the right to forfeit and terminate a Franchise and all rights and privileges of a Grantee hereunder in the event of a substantial breach of the terms and conditions of this Title or a Franchise Agreement. A substantial breach by a Grantee shall include, but shall not be limited to, the following:

(1) Violation of any material provision of a Franchise or this Title, or any material rule, order, regulation or determination of the County made pursuant to a Franchise or this Title.

(2) Attempt to evade any material provision of a Franchise or practice any fraud or deceit upon the County or the Grantee's Subscribers or customers;

(3) Failure to begin or complete System construction or System extension as provided under 29-701;

(4) Failure to provide the services promised in the Grantee's application, if any, as incorporated in a Franchise Agreement;

(5) Failure to restore service after ninety-six (96) consecutive hours of an Outage or Service Interruption, except when approval of such Outage or Service Interruption is obtained from the County; or

(6) Material and intentional misrepresentation of fact in the application for or negotiation of a Franchise.

(b) The foregoing shall not constitute a major breach if the violation occurs but is without fault of a Grantee or occurs as a result of circumstances beyond its control. A Grantee shall not be excused by mere economic hardship or by misfeasance or malfeasance of its directors, officers or employees.

(c) The County shall make a written demand that a Grantee comply with any such provision, rule, order or determination under or pursuant to this Title or a Franchise Agreement. If the violation by a Grantee continues for a period of thirty (30) days following such written demand, without written or other proof acceptable to the County that the corrective action has been taken or is being actively and expeditiously pursued, the County may place the issue of termination of a Franchise before the Board of County Commissioners. The County shall cause to be served upon a Grantee, at least twenty (20) days prior to the date of such meeting, a written notice of intent to request such termination and the time and place of the meeting. Public notice shall be given of the meeting and the issue(s) which the Board of County Commissioners are to consider.

(d) The Board of County Commissioners shall hear and consider the issue(s) and shall hear any Person interested therein and shall determine in its discretion whether or not any violation by a Grantee has occurred.

(e) If the Board of County Commissioners determines the violation by a Grantee was the fault of the Grantee and within its control, the Board of County Commissioners may, by resolution, declare that the Franchise of the Grantee be terminated unless there is compliance within such period as the Board of County Commissioners may fix, such period shall not be less than sixty (60) days, provided no opportunity for compliance need be granted for fraud or misrepresentation.

29-910. Foreclosure.

(a) A Franchise may be deemed revoked one hundred twenty (120) calendar days after an assignment for the benefit of creditors or the appointment of a receiver or trustee to take over the business of a Franchisee, whether in a receivership, reorganization, bankruptcy assignment for the benefit of creditors, or other action or proceeding. Provided, however, that a Franchise may be reinstated at the County's sole discretion if, within that one hundred twenty (120) day period:

(1) Such assignment, receivership or trusteeship has been vacated; or

(2) Such assignee, receiver, or trustee has fully complied with the terms and conditions of this Title and the applicable Franchise Agreement and has executed an agreement, approved by a court of competent jurisdiction, under which it assumes and agrees to be bound by the terms and conditions of this Title and the applicable Franchise Agreement, and such other conditions as may be established or as are required by applicable law.

(b) Notwithstanding the foregoing, in the event of foreclosure or other judicial sale of any of the facilities, equipment, or property or a Franchisee, the County may revoke the Franchise, following a public hearing before the Board of County Commissioners, by serving notice on the Grantee and the successful bidder, in which event the Franchise and all rights and privileges of the Franchise will be revoked and will terminate thirty (30) calendar days after serving such notice, unless:

(1) The County has approved the transfer of the Franchise to the successful bidder; and

(2) The successful bidder has covenanted and agreed with the County to assume and be bound by the terms and conditions of the Franchise Agreement and this Title, and such other conditions as may be established or as are required pursuant to this Title or a Franchise Agreement.

29-911. Right of Acquisition by the County.

(a) Federal regulations pursuant to the Cable Act shall apply to the right of acquisition by the County. In the event that the relevant federal regulations are repealed, the guidelines specified in paragraph (B) of this section shall apply.

(b) Upon the expiration of the term of a Franchise and denial of any renewal or upon any other termination thereof as provided in this Title, the County at its election shall have the right to purchase and take over a System upon resolution by the County Commissioners. In such event, the System shall be purchased: (i) at a price equal to the fair market value, determined on the basis of the Cable System's value as a going concern but with no value allocated to the Franchise itself, or (ii) at a price determined in accordance with the Franchise Agreement if the Franchise Agreement contains provisions applicable to such an acquisition. The County must begin exercise of its option to purchase the System within sixty (60) days of the denial of Franchise renewal. Nothing shall prohibit a Grantee, in the event of the election of the County to purchase a System, from requesting a court of competent jurisdiction to set a reasonable bond of the County to secure the purchase price, which is to be immediately available funds at the time of purchase.

29-912. Compliance with State and Federal Laws.

(a) Notwithstanding any other provisions of this Title to the contrary, a Grantee shall at all times comply with all laws and regulations of the local, State and federal government or any administrative agencies thereof; provided, however, if any such State or federal law or regulation shall require the Grantee to perform any service, or shall permit a Grantee to perform any service, or shall prohibit the Grantee from performing any service, in conflict with the terms of this Title or of any law or regulation of the County, then as soon as possible following knowledge thereof, the Grantee shall notify the County of the point of conflict believed to exist between such regulation or law and the laws or regulations of the County or this Title.

(b) If the County determines that a material provision of this Title is affected by any subsequent action of the State or federal government, the County shall modify any of the provisions herein to comply with such State or federal law or regulation to such reasonable extent as may be necessary to carry out the full intent and purpose of this Title and the Franchise Agreement, and to preserve the benefit of the bargain for each party.

29-913. Landlord/Tenant.

(a) Interference with Cable Service is prohibited. Neither the owner of any multiple unit residential dwelling nor his agent or representative shall interfere with the right of any tenant or lawful resident thereof to receive Cable Service, Cable Installation or maintenance from a Grantee regulated by and lawfully operating under a valid and existing Franchise issued by the County.

(b) Gratuities and payments to permit service are prohibited. Neither the owner of any multiple unit residential dwelling nor his agent or representative shall ask, demand or receive any payment, service or gratuity in any form as a condition for permitting or cooperating with the Installation of a Cable Service to the dwelling unit occupied by a tenant or resident requesting Cable Service.

(c) Penalties and charges to tenants for service are prohibited. Neither the owner of any multiple unit residential dwelling nor his agent or representative shall penalize, charge or surcharge a tenant or resident or forfeit or threaten to forfeit any right of such tenant or resident, or discriminate in any way against such tenant or resident who requests or receives Cable Service from a Grantee operating under a valid and existing Franchise issued by the County.

(d) Reselling service is prohibited. No Person shall resell, without the expressed, written consent of the County, any Cable Service, program or signal transmitted by a Grantee under a Franchise issued by the County.

(e) Protection of property is permitted. Nothing in this Title shall prohibit a Person or the County from requiring that Cable Television System facilities conform to laws and regulations and reasonable conditions necessary to protect safety, functioning, appearance and value of premises or the convenience and safety of persons or property.

(f) Except as provided by State or federal law, nothing in this Title shall prohibit a Person from requesting a Grantee to indemnify the owner, or his agents or representatives for damages or from liability for damages caused by the Installation, operation, maintenance or removal of Cable System facilities.

29-914. Penalties.

(a) In the event the County believes that a Grantee has not complied with the provisions of the Title or a Franchise Agreement, the County, by action of the County Administrator, shall notify the Grantee in writing by personal delivery or registered or certified

mail, specifying the nature of the alleged noncompliance or default and demanding correction within a reasonable time.

(b) A Grantee shall have thirty (30) days from the receipt of the County's notice described in 29-914(a):

- (1) To respond to the County, contesting the assertion of the noncompliance or default, or
- (2) To cure such noncompliance or default, or
- (3) In the event that, by nature of the noncompliance or default, such noncompliance or default cannot be cured within the thirty (30) day period, initiate reasonable steps to remedy such noncompliance or default and notify the County of the steps being taken and the projected date that they will be completed.

(c) In the event Grantee (i) fails to respond to the County's notice described in paragraph (a) of this section, (ii) fails correct a violation within the time prescribed and diligently remedy such violation thereafter, or (iii) responds contesting the alleged noncompliance, the Grantee shall then be given a written notice of not less than twenty (20) days of a public hearing to be held before the Board of County Commissioners. Said notice shall specify the violation(s) alleged. At the public hearing, the Board of County Commissioners shall hear and consider all relevant evidence, and thereafter render findings and its decision.

(d) In the event the Board of County Commissioners finds that Grantee has corrected the violation, or has diligently commenced correction of such violation after notice thereof from Grantor and is diligently proceeding to fully remedy such violation, or that no material violation has occurred, the proceedings shall terminate and no penalty or other sanction shall be imposed. In determining whether a violation is material Grantor shall take into consideration the reliability of the evidence of the violation, the nature of the violation and the damage, if any, caused to the Grantor thereby, whether the violation was chronic, and any justifying or mitigating circumstances and such other matters as the Grantor may deem appropriate.

(e) If the County determines after the due process hearing prescribed in paragraph (c) that the Grantee is in noncompliance and that noncompliance is not cured within the times set forth in paragraph (b) of this section, or in the event that the alleged noncompliance or default is not remedied within the thirty (30) days or the date projected pursuant to paragraph (B) of this section, the violation shall be deemed a civil infraction and a penalty of up to Five Hundred Dollars (\$500.00) per day for each day that a violation occurs may be assessable by the County against a Grantee in addition to any amounts otherwise due, and may be chargeable to the Grantee's surety bond, letter of credit, performance bond or security deposit. In the alternative, the County may seek legal or equitable relief from any court of competent jurisdiction.

(f) Unless otherwise provided in this Title, a Grantee shall pay any penalty assessed in accordance with this Title within thirty (30) days after receipt of notice from the County of such penalty.

(g) To the extent that penalties are applied to a Grantee under this section, a Grantee shall not be subject to additional liquidated damages payable to the County for the same violation.

(h) Pending litigation or any appeal to any regulatory body or court having jurisdiction over a Grantee shall not excuse the Grantee from the performance of its obligations under this Title or its Franchise Agreement unless a stay is obtained. Failure of the Grantee to perform such obligations because of pending litigation or petition, in the absence of a stay issued by a forum of competent jurisdiction, may result in forfeiture or revocation pursuant to the provisions of this Title and/or its Franchise Agreement.

29-915. Rate Regulation.

The County reserves the right to regulate rates for Basic Cable Service and any other services offered over the Cable System, to the extent permitted by federal or State law. The Grantee shall be subject to the rate regulation provisions provided for herein, and those of the FCC. The County shall follow the rules relating to Cable rate regulation promulgated by the FCC.

29-916. Severability.

If any provision of this Title is held by any court or by any State or federal agency of competent jurisdiction to be invalid as conflicting with any federal or State law, rule or regulation now or hereinafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such law, rule or regulation, such provision shall be considered a separate, distinct, and independent part of this Title, and such holding shall not affect the validity and enforceability of all other provisions hereof.

29-917. County's Right of Intervention.

A Grantee shall not oppose intervention by the County in any suit or proceeding to which the Grantee is a party in connection with a Franchise hereunder.

SECTION 2. The title of this legislative bill, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this public local law for publication and all other purposes.

SECTION 3. The existing Queen Anne's County Cable Television Ordinance adopted August 24, 1982 be and is hereby REPEALED.

SECTION 4. This ordinance shall take effect forty-five (45) days after it is enacted.

ENACTED THIS _____ DAY OF _____, 2003.

County Ordinance ____

INTRODUCED BY: Ben Cassell

DATED: 10-21-03

PUBLIC HEARING HELD: 11-4-03

VOTE: 5 YEA _____ NAY _____

DATE: 11-18-03

RECEIVED
CLERK OF CIRCUIT COURT
COUNTY ORDINANCE NO. 03-21

2003 DEC 24 AM 8:27

A BILL ENTITLED ~~QUEEN ANNE'S COUNTY~~

A BILL CONCERNING the adoption of a brownsfield property tax credit.

FOR THE PURPOSE of granting property tax credits as authorized by Section 9-229 of the Tax-Property Article of The Annotated Code of Maryland to qualified brownsfields sites pursuant to the Brownsfields Revitalization Incentive Program established under §5-1408 of Article 83A of the Annotated Code of Maryland beginning July 1, 2004; by adding a new Section 5-208 to the Code of Public Local Laws of Queen Anne's County (1996 Ed.) and renumbering a Section of Title 5 of the Code previously adopted.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that a new Section 5-208 entitled "Brownsfield Property Tax Credit" be added to the Code of Public Local Laws of Queen Anne's County, (1996 Ed.) as follows:

5-208. Brownsfield Property Tax Credit.

(a) Pursuant to the authorization contained in Section 9-229, Tax Property Article, Annotated Code of Maryland, Queen Anne's County elects to participate in the Brownsfield Revitalization Incentive Program established under §5-1408 of Article 83A, Annotated Code of Maryland, and to provide a brownsfield property tax credit for the taxable year beginning July 1, 2004.

(b) There is a Queen Anne's County brownsfield property tax credit against the tax on real property of a qualified brownsfield site as defined in Subsection 5-1401(o), Article 83A, Annotated Code of Maryland, in an amount equal to 50% of the property tax attributable to the increase in the assessment of the qualified brownsfield site, including improvements added to the site during the credit period, over the assessment of the qualified brownsfield site before the voluntary cleanup or corrective action plan.

(c) The credit shall apply in the each of the 5 taxable years immediately following the first revaluation of the property after completion of a voluntary cleanup or corrective action plan of a qualified brownsfield site.

(d) The credit is subject to the requirements and limitations set forth in Section 9-229 of the Tax-Property Article, Annotated Code of Maryland.

(e) Pursuant to the requirement contained in Subsection 9-229(c)(2), Tax Property Article, Annotated Code of Maryland, for each year of the credit period, Queen Anne's County shall contribute to the Maryland Economic Development Assistance Fund established under Section 5-1404, Article 83A, Annotated Code of Maryland, an amount equal to 30% of the property tax attributable to the increase in the assessment of the qualified brownsfield site during the credit period, over the assessment of the qualified brownsfield site before the voluntary cleanup or corrective action plan.

SECTION II

BE IT FURTHER ENACTED that Section 5-206. Property Tax Credits adopted by County Ordinance 03-12 shall be and is hereby renumbered to Section 5-207 of the Code of Public Local Laws of Queen Anne's County to immediately precede Section 5-208 as set forth above.

SECTION III

AND BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

INTRODUCED BY: Ben Cassell

DATED: 11-4-03

PUBLIC HEARING HELD: Dec 2 8pm

VOTE: 5 YEA NAY

DATE: 12/16/03

I:\39-br\COUNTY\Legislative Bills\Brownsfield Tax credit ordinance.vpd

COUNTY ORDINANCE NO. 04-09RECEIVED
CIRCUIT COURT

2004 JUN 22 PM 1:25

A BILL ENTITLED

QUEEN ANNE'S COUNTY

AN ACT CONCERNING the Adoption of a new Subtitle 3 of Title 21 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) to be entitled "Department of Emergency Services";

FOR THE PURPOSE of formally establishing the Department of Emergency Services; providing for an Emergency Service Advisory Council; providing for their general powers, duties, membership and terms; providing that the County Commissioners shall provide funding for the Department; and providing for certain responsibilities of the Department.

BY enacting a new Subtitle 3 of Title 21 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that a new Subtitle 3 of Title 21 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be and is hereby adopted to read as follows:

SUBTITLE 3. Department of Emergency Services

21-301. Definitions.

As used in this subtitle the following words have the meanings indicated:

"County" means the County Commissioners of Queen Anne's County.

"Council" means the Emergency Services Advisory Council.

"Department" means the Department of Emergency Services.

21-302. Department Authorized

The Department of Emergency Services shall consist of persons appointed by the County Commissioners as may be necessary. The appointments of such persons will be made solely on the basis of their qualifications. The

Department shall be responsible for the administration, coordination, and functioning of emergency related services, emergency medical services, emergency management, communication, and other emergency services that may be assigned or be required by law, and the coordination of fire prevention and suppression and rescue services.

21-303. Emergency Services Advisory Council Authorized

(a) The County shall appoint an Emergency Services Advisory Council with the powers and duties specified in this subtitle.

1. General Powers and Duties

(i) Advise the Department on matters of policy regarding the provision of emergency services within Queen Anne's County;

(ii) Advise the Department regarding equipment, standard operating procedures, protocols, medications and emergency services personnel education and training requirements;

(iii) Assist the Department regarding emergency services public information and education;

(iv) Submit to the Department an annual report on the status of emergency services in the County;

(v) Perform other appropriate functions requested by the Department or the County.

2. Membership

(i) The Director, Department of Emergency Services will serve as Executive Director, non voting, to the Council and provide necessary staff support.

(ii) The County will appoint eleven (11) voting members to the Council. Voting Membership will include representatives as follows: Fire Chiefs Association (2), Volunteer EMS Provider (1), Volunteer Ambulance Committee (1), Volunteer Firefighter (1), Queen Anne's County Department of Health (1), Queen

Anne's County Sheriff's Office (1), Maryland State Police, (1) Centreville Police Department (1) EMS System Operating Medical Director, ~~MEMSC Regional Administrator (1)~~ Consumer (1).

(iii) Non Voting membership shall include a member of each of the following: Queen Anne's County Department of Emergency Services- EMS Division, Queen Anne's County Department of Emergency Services-Communication Division, Queen Anne's County Department of Emergency Services, Emergency Management Division and the Department of Emergency Services-Fire Division.

3. Terms

Initial appointments to the Council shall be staggered in the discretion of the County. Thereafter all Council members shall service terms of two (2) years or until their successor is appointed.

4. Procedures

The Council may establish procedures and rules to facilitate carrying out the mission of the Council.

5. Committees

The Council may establish such standing and Ad Hoc committees so as they may deem necessary. Committee Chairs must be members in good standing of the Council, but Standing and Ad Hoc committee members are not required to be members of the Council.

21-304. Budget

The County shall provide in each annual budget, sums of money necessary to fund the Department and such programs for emergency medical services, rescue services, communication, fire prevention and suppression, emergency management, and, and other emergency related services as the County Commissioners may deem appropriate.

21-305. Emergency Management

The Department is responsible for emergency management within the County in accordance with Article 16A, Section 7 of the Annotated Code of Maryland, the Superfund Amendments and Reauthorization Act of 1986 (SARA), the Emergency Planning and Community Right-to-Know Act of 1986 (EPSCRA) and other applicable Federal, State or local laws.

21-306. Emergency Medical Services

The Department is responsible for emergency medical services within the County in accordance with the Code of Maryland Regulations (COMAR) Title 30 - Maryland Institute for Emergency Medical Services Systems (MIEMSS).

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Commissines Ranson

DATE: 5-4-04

PUBLIC HEARING HELD: 6-1-04 8:00

VOTE: _____ Yea _____ Nay

DATE OF ADOPTION: _____

I:\39-kr\COUNTY\Legislative Bills\Ordinance of Emergency Services.wpd

RECEIVED
CLERK CIRCUIT COURT

COUNTY ORDINANCE NO. 04-10

2004 JUL 14 PM 12:51
A BILL ENTITLED
QUEEN ANNE'S COUNTY

AN ACT CONCERNING an Amendment to the National Electric Code Exempting Smoke Detectors from the Requirement of Wiring into Arc Fault Protected Circuits in Queen Anne's County;

FOR THE PURPOSE of exempting smoke detectors from the provisions of the National Electric Code, 2002 Edition requiring arc fault protected circuits.

BY adding a new Section 10-104 to the Code of Public Local Laws of Queen Anne's County (1996 Ed.) and renumbering existing Section 10-104 to Section 10-106.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that a new Section 10-104 to Title 10 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be and is hereby adopted to read as follows:

10-104. National Electric Code Amendments.

The provisions of the National Electric Code are modified and amended so as to exempt smoke detectors from any requirement or requirements for wiring into an arc fault circuit interrupter specifically including the provisions of Section 210.12(B) of the National Electric Code (2002 Ed.).

SECTION II

BE IT FURTHER ENACTED that existing Section 10-105 of Title 10 of the Code of Public Local Laws of Queen Anne's County be renumbered to Section 10-106. Penalties.

SECTION III

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Ben Cassell

DATE: 6-1-04

PUBLIC HEARING HELD: 6-29-04

VOTE: 5 Yea _____ Nay

DATE OF ADOPTION: 7-6-04

I:\19-kr\COUNTY\Legislative Bills\Smoke Detector. ordinance.wpd

effective 6/1/04

RECEIVED
CLERK'S CIRCUIT COURT

COUNTY ORDINANCE NO. 04-01

2004 SEP 21 AM 9:11
SENTITLED

QUEEN ANNE'S COUNTY

AN ACT CONCERNING County Commissioner Membership on the Queen Anne's County Planning Commission.

FOR THE PURPOSE of providing that a County Commissioner may serve as an ex-officio member of the Queen Anne's County Planning Commission for a period up to the Commissioner's term of office.

BY AMENDING Section 18-1-109(c) of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-109(c) of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be amended to read as follows:

18-1-109. Planning Commission.

(c) Membership.

(1) The Commission shall consist of seven (7) members.

(2) Members shall be appointed and vacancies shall be filled by the County Commissioners in the manner provided in Article 66B of the Annotated Code of Maryland.

(3) One (1) member of the County Commissioners may serve as an ex-officio member of the Planning Commission for a period up to a period concurrent with the Commissioner's term of office.

SECTION II

BE IT FURTHER ENACTED that this Act will take effect on the forty-sixth day following its enactment.

INTRODUCED BY: Ben Cussell

DATED: 2-3-04

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 YEA _____ NAY _____

DATE: 9-7-04

RECEIVED
CLERK, CIRCUIT COURT

AMENDMENT NO. 1

2004 SEP 21 AM 9:14 TO COUNTY ORDINANCE NO. 04-04

QUEEN ANNE'S COUNTY
AN AMENDMENT TO
A BILL ENTITLED

AN ACT CONCERNING the establishment of zoning districts in which assisted living programs shall be permitted under Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.);

FOR THE PURPOSE OF AMENDING pending County Ordinance 04-04 to provide that assisted living programs may serve up to 16 residents; allowing assisted living programs in certain additional zoning districts; and making stylistic changes to pending County Ordinance 04-04.

BY AMENDING Appendix A - Glossary of Title 18 and adding amendments to Sections 18-1-28, 18-1-31, 18-1-32 and 18-1-33 of Title 18.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that pending County Ordinance 04-04 be amended to read as set forth on the attached.

INTRODUCED BY: Gene Russon

DATE OF INTRODUCTION: 9-7-04

VOTE: 5 Yea _____ Nay _____

DATE OF VOTE: 9-7-04

I:\39-kr\COUNTY\Legislative Bills\Amendment 0404

COUNTY ORDINANCE NO. 04-04

AN ACT CONCERNING the establishment of zoning districts in which assisted living programs shall be permitted under Title 18 of the Code Of Public Local Laws of Queen Anne's County (1996 Ed.);

FOR THE PURPOSE of defining "assisted living programs" and adding provisions for such programs in selected zoning districts, and generally dealing with, establishing and regulating assisted living programs in Title 18.

SECTION I

BE IT ENACTED BY THE COUNT COMMISSIONERS OF QUEEN ANNE'S COUNTY that Title 18, Appendix A (25) of the Public Local Laws of Queen Anne's County be amended to include a definition of "Assisted living programs" as follows:

(25) Assisted living program

"Assisted living program" means a residential or facility-based program that meets the requirements of Section 19-801, Health-General Article, Annotated Code of Maryland, as amended from time to time.

SECTION II

BE IT FURTHER ENACTED that definitions in Title 18, Appendix A following the definition of "Assisted living programs" be renumbered accordingly.

SECTION III

BE IT FURTHER ENACTED that Title 18, Appendix A (152) - "Institutional residential use" of the Public Local Laws of Queen Anne's County be amended to include "assisted living programs" within the definition of "Institutional residential use".

SECTION IV

BE IT FURTHER ENACTED that Section 18-1-14(b)(13), Section 18-1-15(b)(10), Section 18-1-16(b)(5), Section 18-1-17(b)(5), Section 18-1-18(b)(4), Section 18-1-19(b)(5), and Section 18-1-25(b)(17) are each amended as follows: "Institutional residential (serving 5 or fewer residents), except for assisted living programs which may serve up to 20 residents."

SECTION V

BE IT FURTHER ENACTED that, upon introduction, this proposed Ordinance be referred to the Queen Anne's County Planning Commission for review and recommendation.

SECTION VI

BE IT FURTHER ENACTED that this Act shall take effect on the forth-sixth day following its passage.

INTRODUCED BY: Gene Ransom

DATE: 2-17-04

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea — Nay

DATE OF ADOPTION: 9-7-04

AMENDMENT NO. 1
TO COUNTY ORDINANCE NO. 04-05

AN AMENDMENT TO
A BILL ENTITLED

AN ACT CONCERNING the adoption of set back provisions for the storage of anhydrous ammonium under Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

FOR THE PURPOSE of amending pending County Ordinance 04-05 to provide consistent setbacks for all size anhydrous ammonium storage containers.

BY AMENDING the proposed new Section 18-1-58(10) to Title 18.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that pending County Ordinance 04-05 be amended to read as set forth on the attached.

INTRODUCED BY: Ben Cussell

DATE OF INTRODUCTION: 9-7-04

VOTE: 4 Yea 1 Nay *June Ransom opposed*

DATE OF VOTE: 9-7-04

3

COUNTY ORDINANCE NO. 04-08

AN ACT CONCERNING the adoption of set back provisions for the storage of anhydrous ammonium under Title 18 of the Code Of Public Local Laws of Queen Anne's County (1996 Ed.);

FOR THE PURPOSE of adding provisions to §18-1-58 of Title 18 establishing minimum set backs for the storage of anhydrous ammonium in those zoning district such use is permitted.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that a new §18-1-58(10) be added to Title 18 of the Public Local Laws of Queen Anne's County to read as follows:

(10) Anhydrous Ammonium Storage

- (i) Storage containers with nominal capacity of between 500 and 2,000 gallons shall be at least 25 feet from all property lines, 150 feet from all residential uses and institutional or commercial uses to which members of the public are invited, and 100 feet from all public rights of way.
- (ii) Storage containers with nominal capacity of between 2,000 and 30,000 gallons shall be at least 50 feet from all property lines, 300 feet from all residential uses and institutional or commercial uses to which members of the public are invited, and 100 feet from all public rights of way.
- (iii) Storage containers with nominal capacity of between 30,000 and 100,000 gallons shall be at least 50 feet from all property lines, 450 feet from all residential uses and institutional or commercial uses to which members of the public are invited, and 100 feet from all public rights of way.
- (iv) Storage containers with nominal capacity in excess of 100,000 gallons shall be at least 50 feet from all property lines, 600 feet from all residential uses and institutional or commercial uses to which members of the public are invited, and 100 feet from all public rights of way.
- (v) No such container shall be located within 750 feet of any hospital or bus stop.

SECTION II

BE IT FURTHER ENACTED that, upon introduction, this proposed Ordinance be referred to the Queen Anne's County Planning Commission for review and recommendation.

SECTION III

BE IT FURTHER ENACTED that this Act shall take effect on the forth-sixth day following its passage.

INTRODUCED BY: Ben Cascell

DATE: 2-17-04

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea — Nay

DATE OF ADOPTION: 9-7-04

RECEIVED
CLERK, CIRCUIT COURT

2004 SEP 21 AM 9:14

AMENDMENT NO. 1
TO COUNTY ORDINANCE NO. 04-06

QUEEN ANNE'S COUNTY
AN AMENDMENT TO
A BILL ENTITLED

AN ACT CONCERNING a change to Title 18 of the Code of Public
Local Laws of Queen Anne's County (1996 Ed.).

FOR THE PURPOSE of amending pending County Ordinance 04-06
to delete the word "mature" from the proposed amendment to
Section 18-1-63(1) of Title 18.

BY AMENDING the proposed change to Section 18-1-63(1) of
Title 18.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S
COUNTY, MARYLAND that pending County Ordinance 04-06 be amended
to read as set forth on the attached.

INTRODUCED BY: Gene Ransom

DATE OF INTRODUCTION: 9-7-04

VOTE: 5 Yea _____ Nay _____

DATE OF VOTE: 9-7-04

I:\39-kr\COUNTY\Legislative Bills\Amendment 0406

COUNTY ORDINANCE NO. 04-06

AN ACT CONCERNING a change to Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.);

FOR THE PURPOSE of adding provisions requiring vegetative improvements to stream buffers when development activity occurs on adjacent land.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that Title 18, Section 18-1-63(1) of the Public Local Laws of Queen Anne's County be repealed and re-enacted as follows:

(1) Except as allowed by Subsections (2) and (3) below, no development activities are permitted upon designated streams or within designated stream buffers. Stream buffers, except to the extent disturbance is allowed by Subsections (2) and (3) below, that are unvegetated at the time new development or redevelopment activities are approved on land on which such a buffer exists, shall be vegetated with mature native vegetation.

SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

INTRODUCED BY: Gene Ransom

DATE: 3-2-04

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 YEA NAY

DATE OF ADOPTION: 9-7-04

RECEIVED
CLERK, CIRCUIT COURT

2004 SEP 21 AM 9:14

QUEEN ANNE'S COUNTY
AN AMENDMENT TO
A BILL ENTITLED

AMENDMENT NO. 1
TO COUNTY ORDINANCE NO. 04-07

AN ACT CONCERNING a change to Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

FOR THE PURPOSE of amending pending County Ordinance 04-07 to allow effluent disposal uses designed to serve single family residential dwellings in stream buffers and to clarify the prohibition on animal feedlot operations in the stream buffer.

BY AMENDING the proposed new Section 18-1-63(4) and to correct the numbering of the new Section to 18-1-63(5).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that pending County Ordinance 04-07 be amended so that the proposed amendment to Section 18-1-63 read as set forth on the attached.

INTRODUCED BY: Gene Ransom

DATE OF INTRODUCTION: 9-7-04

VOTE: 4 Yea _____ Nay

DATE OF VOTE: 9-7-04

Gene Ransom Abstained

I:\39-kr\COUNTY\Legislative Bills\Amendment 0407

COUNTY ORDINANCE NO. 04-07

AN ACT CONCERNING a change to Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.);

FOR THE PURPOSE of adding provisions establishing set backs from stream buffers for certain enumerated uses.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that Title 18, Section 18-1-63 of the Public Local Laws of Queen Anne's County be amended to add a new Subsection (4) as follows:

(4) Fuel storage in excess of 300 gallons; landfills; effluent disposal uses; fuel, chemical, or asphalt manufacturing or distribution facilities, confined animal feedlot operations; and all heavy industrial uses shall be located at least 300' from all stream buffers.

SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

INTRODUCED BY: Gene Ransom

DATE: 3-2-04

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 YEA _____ NAY _____

DATE OF ADOPTION: 9-7-04

RECEIVED
CLERK. CIRCUIT COURT AMENDMENT NO. 1
2004 SEP 21 AM 9:14 TO COUNTY ORDINANCE NO. 04-08

QUEEN ANNE'S COUNTY
AN AMENDMENT TO
A BILL ENTITLED

AN ACT CONCERNING a change to Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

FOR THE PURPOSE of correcting a typographical error in pending County Ordinance No. 04-08.

BY AMENDING the proposed new Subsection 18-1-186(d) (3) to Title 18.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that pending County Ordinance 04-08 be amended so that proposed new Section 18-1-186(d) (3) reads as set forth on the attached.

INTRODUCED BY: Gene Ransom

DATE OF INTRODUCTION: 9-7-04

VOTE: 5 Yea Nay

DATE OF VOTE: 9-7-04

I:\39-kr\COUNTY\Legislative Bills\Amendment No 1

COUNTY ORDINANCE NO. 04-08

AN ACT CONCERNING a change to Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.);

FOR THE PURPOSE of adding provisions requiring that all final subdivision plats clearly identify limitations on the use of stream buffers.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY that Title 18, Section 18-1-186(d) of the Public Local Laws of Queen Anne's County be amended to add a new Subsection (3) as follows:

(3) Stream buffers shall be labeled on the plat and the plat shall bear a note stating: "There shall be no clearing, grading, construction, or disturbance of vegetation with the stream buffer except as approved by the Department of Planning and Zoning."

SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth day following its passage.

INTRODUCED BY: Gene Ransom

DATE: 3-02-04

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 YEA _____ NAY _____

DATE OF ADOPTION: 9-7-04

RECEIVED
CLERK, CIRCUIT COURT

COUNTY ORDINANCE NO. 04-11

A2011 SEP 21 AM 9:14
BID ENTITLED

QUEEN ANNE'S COUNTY

AN ACT CONCERNING the Definition of Adaptive Reuse under Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) and Providing for Specific Standards for Adaptive Reuse as a Bed-and-Breakfast or Country Inn;

FOR THE PURPOSE of clarifying and defining the term "adaptive reuse of an existing building" and providing that a structure must be at least ten (10) years old before it can be approved as an adaptive reuse of an existing building as a bed-and-breakfast or country inn.

BY ADDING a definition of "adaptive reuse of an existing building" to Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) and BY AMENDING Section 18-1-95(g) of Title 18.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that a new Paragraph (a) (2) to APPENDIX A - GLOSSARY be added to Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) to read as follows:

APPENDIX A - GLOSSARY

(a) *In general.*

In Title 18, the following words have the meanings indicated.

(2) *Adaptive reuse of an existing building*

"Adaptive reuse of an existing building" means the modification of a building to make it suitable for a use for which it was not originally constructed. An adaptive reuse shall not increase the floor area of the existing building by more than twenty-five percent (25%).

SECTION II

BE IT FURTHER ENACTED that Paragraphs (a) (2) et seq. of the Glossary to Title 18 be renumbered to (a) (3), et seq.

SECTION III

BE IT FURTHER ENACTED that Section 18-1-95(g) of Title 18 be repealed and reenacted to read as follows:

§18-1-95 Additional Standards for Specified Conditional Uses.

(g) Bed-and-breakfasts and country inns.

(1) A bed-and-breakfast or country inn may be approved as an adaptive reuse of an existing building provided that the structure is at least 10 years old.

SECTION IV

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Gene Ransm

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea — Nay

DATE OF ADOPTION: 9-7-04

COUNTY ORDINANCE NO. 04-12

A BILL ENTITLED

AN ACT CONCERNING Calculation of Denisty/Intensity Requirements in Large Lot Subdivisions under Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.);

FOR THE PURPOSE of clarifying that total site area is to be used in calculating density/intensity requirements for Large Lot subdivisions under Title 18 of the Code of Public Local Laws;

BY AMENDING Sections 18-1-14(d), 18-1-15(d), 18-1-16(d), 18-1-17(d), 18-1-18(D), 18-1-19(d), 18-1-25(d), 18-1-28(d), 18-1-31(d), 18-1-32(d) and 18-1-33(d) of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 18-1-14, 18-1-15, 18-1-16, 18-1-17, 18-1-18, 18-1-19, 18-1-25, 18-1-28, 18-1-31, 18-1-32 and 18-1-33 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be amended to read as follows:

§18-1-14 Agricultural (AG) district.

(d) Density/Intensity requirements.

(1) Maximum Residential Density.

(ii) Large-lot subd. Equal to total site area divided by minimum large lot area.

§18-1-15 Countryside (CS) district.

(d) Density/Intensity requirements.

(i) Maximum Residential Density.

3. Large-lot subd. Equal to total site area divided by minimum large lot area

§18-1-16 Estate (E) district.

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CLERK, CIRCUIT COURT

2004 SEP 21 AM 9:14

QUEEN ANNE'S COUNTY

(d) Density/Intensity requirements.

(1) Maximum Residential Density.

- (iii) Large-lot subd. Equal to total site area
divided by minimum large lot
area

§18-1-17 Suburban Estate (SE) District.

(d) Density/Intensity requirements.

(1) Maximum Residential Density.

- (iv) Large-lot subd. Equal to total site area
divided by minimum large lot
area

§18-1-18 Suburban Residential (SR) District.

(d) Density/Intensity requirements.

(1) Maximum Residential Density.

- (iv) Large-lot subd. Equal to total site area
divided by minimum large lot
area

§18-1-19 Neighborhood Conservation (NC) District.

(d) Density/Intensity requirements.

(1) Maximum Residential Density.

- (i) All housing types Equal to total site area
divided by minimum large lot
area

§18-1-25 Village Center (VC) District.

(d) Density/Intensity requirements.

(1) Maximum Residential Density.

- (iv) Large-lot subd. Equal to total site area
divided by minimum large lot
area.

§18-1-28 Town Center (TC) District.

(d) Development Standards.

(2) Residential development standards.

(i) Density/Intensity requirements.

- iv. Large-lot subd. Equal to total site area
divided by minimum large lot
area

§18-1-31 Stevensville Historic Village Center (SHVC) District.

(d) Development standards.

(2) Residential development standards.

(i) Density/Intensity requirements.

- iii. Large-lot subd. Equal to total site area
divided by minimum large lot
area

§18-1-32 Grasonville Neighborhood Commercial (GNC) District.

(d) Development Standards.

(2) Residential development standards.

(i) Density/Intensity requirements.

1. Maximum Residential Density.

- iii. Large-lot subd. Equal to total site area
divided by minimum large
lot area

§18-1-33 Grasonville Village Commercial (GVC) District.

(d) Development standards.

(2) Residential development standards.

(i) Density/Intensity requirements.

- iii. Large-lot subd. Equal to total site area
divided by minimum large lot
area

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Dene Hanson

DATE: 6-1

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea - Nay

DATE OF ADOPTION: 9-7-04

RECEIVED
CLERK, CIRCUIT COURT
COUNTY ORDINANCE NO. 04-13

2004 SEP 21 AM 9:14
A BILL ENTITLED

QUEEN ANNE'S COUNTY
AN ACT CONCERNING the Specific Inclusion of Large-lot
Subdivisions as a Permitted Use in Certain Zoning Districts under
Title 18 of the Code of Public Local Laws of Queen Anne's County
(1996 Ed.);

FOR THE PURPOSE of providing for Large-lot subdivision as a
permitted use in certain zoning districts in Queen Anne's County;

BY AMENDING Sections 18-1-15, 18-1-16, 18-1-17, 18-1-18,
18-1-19, 18-1-25, 18-1-28, 18-1-31, 18-1-32 and 18-1-33 of Title
18 of the Code of Public Local Laws of Queen Anne's County (1996
Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S
COUNTY, MARYLAND Sections 18-1-15, 18-1-16, 18-1-17, 18-1-18,
18-1-19, 18-1-25, 18-1-28, 18-1-31, 18-1-32 and 18-1-33 be
amended adding Large-lot subdivision as a permitted use, such
Sections to read as follows:

§18-1-15 Countryside (CS) district.

- (b) Permitted uses.
(12) Large-lot subdivision.

§18-1-16 Estate (E) district.

- (b) Permitted uses.
(6) Large-lot subdivision.

§18-1-17 Suburban Estate (SE) District.

- (b) Permitted uses.
(6) Large-lot subdivision.

§18-1-18 Suburban Residential (SR) District.

- (b) Permitted uses.
(5) Large-lot subdivision.

§18-1-19 Neighborhood Conservation (NC) District.

(b) Permitted uses.

(6) Large-lot subdivision.

§18-1-25 Village Center (VC) District.

(b) Permitted uses.

(17) Large-lot subdivision.

§18-1-28 Town Center (TC) District.

(c) Uses

(1) Permitted uses.

(xxiv) Large-lot subdivision.

§18-1-31 Stevensville Historic Village Center (SHVC) District.

(c) Uses

(1) Permitted uses.

The following uses are permitted within the SHVC district:

(xxiii) Large-lot subdivision.

18-1-32 Grasonville Neighborhood Commercial (GNC) District.

(c) Uses

(1) Permitted uses.

The following uses are permitted within the GNC district:

(xi) Large-lot subdivision.

18-1-33 Grasonville Village Commercial (GVC) District.

(c) Uses

(1) Permitted uses.

The following uses are permitted within the GVC district:

(xxiii) Large-lot subdivision.

SECTION II

BE IT FURTHER ENACTED that the sub-sections following each of these new sub-sections be and are hereby renumbered to follow in consecutive order.

SECTION III

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Gene Kunson

DATE: 6-15-04

PUBLIC HEARING HELD: 8-15-04

VOTE: 5 Yea — Nay

DATE OF ADOPTION: 9-7-04

I:\39-kr\COUNTY\Legislative Bills\County Ordinance 04-12.wpd

RECEIVED
CLERK, CIRCUIT COURT
COUNTY ORDINANCE NO. 04-14

2004 SEP 21 AM 9:14
A BILL ENTITLED

QUEEN ANNE'S COUNTY
AN ACT CONCERNING Effluent Disposal in the Neighborhood Conservation (NC) District under Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.);

FOR THE PURPOSE of providing that effluent disposal is a permitted use in the Neighborhood Conservation (NC) District under the Queen Anne's County Zoning Ordinance;

BE AMENDING Section 18-1-19 (b) and (c) of Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 18-1-19(b) and (c) of Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be repealed and reenacted to read as follows:

§18-1-19 Neighborhood Conservation (NC) District.

(b) Permitted uses.

- (1) Agriculture: allowed only on farms that are five (5) acres or more in size; and permitted agricultural activities in this district shall be limited . . .
- (2) Effluent disposal.
- (3) Family day-care center.

(c) Conditional uses.

- (1) Aquaculture with more than two (2) ponds created by extraction or any single pond greater than five (5) acres in size created by extraction, on any single lot.
- (2) Bed-and-breakfast.
- (3) Commercial forestry.
- (4) Commercial stables.
- (5) Fraternal organizations.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Gene Ransom

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 4 Yea 1 Nay

DATE OF ADOPTION: 9-7-04

Gene Ransom opposed

RECEIVED
CLERK, CIRCUIT COURT OF QUEEN ANNE'S COUNTY
ORDINANCE NO. 04-15

A BILL ENACTED SEP 21 AM 9:14

QUEEN ANNE'S COUNTY
AN ACT CONCERNING the Exclusion of Private Airports from the "Big Box" Exemptions Approvable By Conditional Use in the Suburban Commercial (SC) District Under the Queen Anne's County Zoning Ordinance, Title 18 of the Code of Public Local Laws of Queen's Anne's County (1996 Ed.);

FOR THE PURPOSE of deleting private airports from the list of conditional uses approvable by the Board of Appeals as an exemption from the gross floor area limitations of §18-1-21(d) (3) of Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

BY AMENDING Section 18-1-21(d) (3) (xiv) of Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-21(d) (3) (xiv) of Title 18 of the Public Local Laws of Queen Anne's County (1996 Ed.) be deleted, said Section to read hereafter as follows:

§18-1-21 Suburban Commercial (SC) District.

(d) Density/Intensity requirements.

(3) No individual use and/or tenant space in a structure shall occupy more than 65,000 square feet of gross floor area, except for the following uses:

(xiv) And where approved by conditional use granted from the Board of Appeals:

1. Light Industrial, where incidental retail stores do not exceed 25,000 square feet of gross floor area;
2. Marinas.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Sue Ransom

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea — Nay

DATE OF ADOPTION: 9-7-04

I:\39-kr\COUNTY\Legislative Bills\County Ordinance 04-15.wpd

RECEIVED
CLERK, CIRCUIT COURT
COUNTY ORDINANCE NO. 04-16

2004 SEP 21 AM 9:14
A BILL ENTITLED

QUEEN ANNE'S COUNTY

AN ACT CONCERNING Setbacks of All Principal Structures from Tidal and Non-Tidal Waters and Wetlands under Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) (hereafter "the Code");

FOR THE PURPOSE of applying setbacks from tidal and non-tidal waters and wetlands to all principal residential structures in the Waterfront Village Center (WVC) District under the Queen Anne's County Zoning Ordinance, Title 18 of the Code;

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-26(e)(2) of Title 18 of the Code be repealed and reenacted to read as follows:

§18-1-26 Waterfront Village Center (WVC) District.

(e) Residential development standards.

(2) Bulk standards.

(i) No principal residential structure may be located less than one hundred (100) feet from any tidal waters or wetland or less than twenty-five (25) feet from any non-tidal waters or wetland.

(ii) Multi-family development in the WVC zoning district must comply with the bulk and dimensional standards set forth in § 18-1-36 of this Title.

(iii) Single-family development in the WVC zoning district must comply with the following bulk and dimensional standards.

1. Minimum setbacks.

- i. Front 35 ft.
- ii. Side 50 ft.
- iii. Rear 50 ft.

2. Maximum building height 35 ft.

3. Minimum lot width 130 ft.

4. Minimum lot frontage 35 ft.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Gene Kansom

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea _____ Nay

DATE OF ADOPTION: 9-7-04

I:\39-kr\COUNTY\Legislative Bills\County Ordinance 04-16.wpd

RECEIVED
CLERK OF COUNTY BOARD OF INFINANCE NO. 04-17

288 SEP 21 AM 9:14
A BILL ENTITLED

QUEEN ANNE'S COUNTY
AN ACT CONCERNING Adoption of a Maximum Height Limitation for Telecommunications Facilities in the Chester Master-Planned Development (CMPD) District under Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of imposing a 55' building height limitation on telecommunications facilities in the Chester Master-Planned Development (CMPD) District under the Queen Anne's County Zoning Ordinance, Title 18 of the Code;

BY AMENDING Section 18-1-27(e)(7) of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY MARYLAND that Section 18-1-27(e)(7) of the Code be repealed and reenacted to read as follows:

§18-1-27 Chester Master - Planned Development (CMPD) District

(e) Development Standards.

(7) Design standards.

Building setbacks, lot sizes, impervious coverage, height, landscaping, buffer yard, and lighting shall be determined by the Planning Commission for each individual development in the CMPD district; except that no telecommunications facility shall exceed fifty-five (55) feet in building height. In determining these standards the Planning Commission shall consider such factors as the proposed intensity of the development, use mix, the layout of buildings, roads, and walkways, environmental protection considerations, the architectural and landscaping features incorporated into the development, bufferyards between uses and along property lines and compatibility with existing or anticipated development on surrounding lands. The purpose of this standard is to provide design flexibility, consistent with public health and safety, to the developer who subdivides property and constructs buildings in accordance with a unified and coherent plan of development.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Gene Ransom

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: 9-7-04

I:\39-kr\COUNTY\Legislative Bills\County Ordinance 04-17.wpd

RECEIVED
CLERK COUNTY ORDINANCE NO. 04-18

2004 SEP 21 AM 9:14
A BILL ENTITLED

QUEEN ANNE'S COUNTY
AN ACT CONCERNING Landscaping Requirements in the Town
Center (TC) District;

FOR THE PURPOSE of providing landscaping requirements to the
Town Center (TC) District under Title 18 of the Code of Public
Local Laws of Queen Anne's County (1996 Ed.) (hereafter "the
Code");

BY ADDING a new subsection (g) to Section 18-1-28 of the
Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S
COUNTY, MARYLAND that a new Subsection 18-1-28(g) be added to
Section 18-1-28 of the Code to read as follows:

§18-1-28 Town Center (TC) District.

(g) Landscaping requirements

- (1) The number of plantings required in the TC District shall be consistent with the number of plantings required in the UC District.
- (2) The location of required plantings can be adjusted to accomplish the TC Design Guidelines.
- (3) To accomplish the Design Guidelines additional landscaping may be necessary.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Gene Ransom

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea - Nay

DATE OF ADOPTION: 9-7-04

I:\39-kr\COUNTY\Legislative Bills\County Ordinance 04-18.wpd

RECEIVED
CLERK, CIRCUIT COURT COUNTY ORDINANCE NO. 04-19

A BILL ENACTED AM 9:14

QUEEN ANNE'S COUNTY
AN ACT CONCERNING the Removal of Mini-Warehouses as a Permitted Use in the Town Center (TC) District under Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of prohibiting Mini-Warehouses in the Town Center (TC) District of the Queen Anne's County Zoning Ordinance, Title 18 of the Code;

BY AMENDING Section 18-1-28(c)(1)(xli)5. of Title 18 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-28(c)(1)(xli) of Title 18 of the Code be repealed and readopted to read as follows:

18-1-28 Town Center (TC) District.

(c) Uses.

(1) Permitted uses.

(xli) All Light industrial uses except:

1. Bulk materials or machinery;
2. Food processing and packing;
3. Fuel oil storage and sales;
4. Materials sales or storage yards; and
5. Mini warehouses.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Gene Hanson

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 4 Yea 1 Nay

DATE OF ADOPTION: 9-7-04

I:\39-kr\COUNTY\Legislative Bills\County Ordinance 04-19.wpd

Mike Koval opposed

RECEIVED
COUNTY ORDINANCE NO. 04-20

A BILL ENTITLED 2004 SEP 21 AM 9:14

QUEEN ANNE'S COUNTY
 AN ACT CONCERNING Minimum Standards for Apartment Planned Residential Developments and Multiplex Planned Residential Development under the Queen Anne's County Zoning Ordinance, Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of providing a front yard setback for Multiplex planned residential development and making consistent the standards for Apartment and Multiplex planned residential developments under Title 18 of the Code;

BY AMENDING the tables of Minimum Standards in Sections 18-1-36(e) and (g) of Title 18 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Subsections 18-1-36(e) and 18-1-36(g) of Section 18-1-36 of Title 18 of the Code be repealed and reenacted to read as follows:

§18-1-36 Planned Residential Development Standards.

(e) Apartment planned residential development.

The apartment planned residential development technique proposes multi dwelling unit buildings that share common access to units and yards. Apartments shall contain three (3) or more units in a building. The following table specifies the minimum standards for apartment buildings.

MINIMUM STANDARDS

A. Minimum Landscape Surface Area/DU	1,800 sq. ft.
B. Minimum Front Yard	25 ft.
C. Minimum Side Yard	25 ft.
D. Minimum Rear Yard	15 ft.
E. Minimum Spacing Between Buildings	30 ft.

F. Off-Street Parking Spaces	1.5 spaces for one bedroom unit
G. Off-Street Parking Spaces	2 spaces for two or more bedroom units
H. Maximum Building Height	45 ft.

(g) Multiplex planned residential development.

The multiplex planned residential development technique proposes multiple-family units in a condominium regime. Each unit may take direct access to a private yard or access point, or units may share yards and access. The units may be arranged in a variety of configurations, including back to back, side to side, or vertically; however, no more than eight units shall be attached in any single building. The following table specifies the minimum standards for a multiplex planned residential development.

MINIMUM STANDARDS

A. Minimum Landscape Area Per Building	1,800 sq. ft.
B. Minimum Front Yard	25 ft.
C. Minimum Side Yard	25 ft.
D. Minimum Rear Yard	15 ft.
E. Maximum Building Height	45 ft.
F. Off-Street Parking Spaces	1.5 spaces for one bedroom unit
G. Off-Street Parking Spaces	2 spaces/for two or more bedroom units
H. Minimum Spacing Between Buildings	30 ft.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Gene Hanson

DATE: _____

PUBLIC HEARING HELD: _____

VOTE: 5 Yea _____ Nay

DATE OF ADOPTION: 9-7-04

RECEIVED
CLEC COUNTY ORDINANCE NO. 04-22

A BILL ENTITLED 2004 SEP 21 AM 9:14

QUEEN ANNE'S COUNTY
AN ACT CONCERNING the Inclusion of Guest Residences in the Provisions Relating to Accessory Apartments under Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of including accessory guest residences in the provisions relating to accessory apartments allowed as an accessory residential use under the Queen Anne's County Zoning Ordinance, Title 18 of the Code;

BY AMENDING Section 18-1-48 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-48 of Title 18 of the Code be repealed and reenacted to read as follows:

§18-1-48 Accessory Apartments.

One (1) accessory guest residence/apartment is allowed as an accessory residential use per single-family lot, and shall not be included when calculating total allowable number of units, provided that:

- (1) It is located within the principal dwelling structure or within an approved residential accessory structure;
- (2) It does not exceed 1,500 square feet in total floor area;
- (3) Where not on public sewer, is approved by the Queen Anne's County Health Department; and
- (4) The owner of the principal dwelling unit must reside on the property.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Gene Rasmussen

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea - Nay

DATE OF ADOPTION: 9-7-04

COUNTY ORDINANCE NO. 04-23

A BILL ENTITLED

AN ACT CONCERNING the Outdoor Storage of Certain Vehicles Under the Queen Anne's County Zoning Ordinance, Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of prohibiting the outdoor storage of more than one (1) untagged vehicle on any residentially improved or residentially zoned lot under Title 18 of the Code;

BY AMENDING Section 18-1-58(8) of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-58(8) of Title 18 of the Code be repealed and reenacted to read as follows:

§18-1-58 Miscellaneous.

(8) No more than one (1) untagged vehicle may be stored outdoors on any residentially improved or residentially zoned lot.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Gene Hanson

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: 9-7-04

I:\kr\LEGISLATIVE Bills\County Ordinance 04-23.wpd

RECEIVED
CLERK, CIRCUIT COURT
2004 SEP 21 AM 9:18
QUEEN ANNE'S COUNTY

RECEIVED
 COUNTY ORDINANCE NO. 04-24
 CLERK'S CIRCUIT COURT

A BILL ENTITLED

2004 SEP 21 AM 9:14

AN ACT CONCERNING ON-SITE LANDSCAPING STANDARDS IN THE Suburban Industrial Business Employment (SIBE), the Airport Development (AD), the Stevensville Historic Village Center (SHVC), the Grasonville Neighborhood Commercial (GNC) and the Grasonville Village Commercial (GVC) Districts under the Queen Anne's County Zoning Ordinance, Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of providing on-site landscaping standards in certain zoning districts not currently subject to such standards;

BY AMENDING the Table of Standards For On-Site Landscaping in Section 18-1-71(a) of Title 18 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that the Table of Standards for On-Site Landscaping contained in Section 18-1-71(a) of the Code be repealed and reenacted to read as follows:

§18-1-71 Landscaping standards on-site.

TABLE OF STANDARDS FOR ON-SITE LANDSCAPING

DISTRICT AND USE	NUMBER OF PLANT UNITS (per acre of required open space or landscape surface area)
AGRICULTURAL (AG) agriculture agricultural support all other nonresidential	none 2/acre 2/acre
COUNTRYSIDE (CS) agriculture multi-family all other nonresidential	none 4/acre 4/acre
ESTATE (E) multi-family all other nonresidential	4/acre 2/acre
NEIGHBORHOOD CONSERVATION (NC)	4/acre
SUBURBAN ESTATE (SE)	

multi-family	4/acre
all other non-residential	2/acre
SUBURBAN RESIDENTIAL (SR)	
multi-family	4/acre
manufactured home community	4/acre
institutional	5/acre
all other nonresidential	5/acre
SUBURBAN COMMERCIAL (SC)	5/acre
SUBURBAN INDUSTRIAL (SI)	5/acre
SUBURBAN INDUSTRIAL BUSINESS EMPLOYMENT (SIBE)	5/acre
AIRPORT DEVELOPMENT (AD)	5/acre
URBAN RESIDENTIAL (UR)	
multi-family	None*
manufactured home community	6/acre
all other nonresidential	6/acre
URBAN COMMERCIAL (UC)	4/acre
VILLAGE CENTER (VC)	none*
STEVENSVILLE HISTORIC VILLAGE CENTER (SHVC)	none*
GRASONVILLE NEIGHBORHOOD COMMERCIAL (GNC)	none*
GRASONVILLE VILLAGE COMMERCIAL (GVC)	none*
LIGHT INDUSTRIAL HIGHWAY SERVICE (LIHS)	6/acre (75% located in front and side yards)
* May be conditioned to meet the unique needs of the immediate area as part of the approval process.	

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Gene Kansom

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: 9-7-04

RECEIVED
CLERK COUNTY ORDINANCE NO. 04-25

A BILL ENTITLED 2004 SEP 21 AM 9:14

QUEEN ANNE'S COUNTY

AN ACT CONCERNING Required Buffer Yards, Street Buffers and Buffer Yard Standards in and Adjoining Certain Zoning Districts under the Queen Anne's County Zoning Ordinance, Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of providing buffer yard requirements and standards including street buffers in and adjacent to the Grasonville Village Center (GVC), Grasonville Neighborhood Commerical (GNC), Stevensville Historic Village Center (SHVC) and Suburban Industrial Business Employment (SIBE) Districts in Queen Anne's County under Title 18 of the Code.

BY AMENDING the tables contained in Section 18-1-76(a) of Title 18 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that the tables contained in Section 18-1-76(a) of Title 18 of the Code are hereby repealed and reenacted to read as follows:

§18-1-76 Table of Required Buffer Yards and Street Buffers.

(a) General buffer yard and street buffer requirements.

The letters in the tables below establish buffer yard requirements and standards along adjacent zoning districts and streets, unless otherwise set forth in paragraphs (b) - (e) of this Subpart. For example, a "B" buffer yard is described in the "Table of Buffer Yard Standards" as being fifteen (15) feet wide and containing two (2) plant units, as described in § 18-1-70, per one hundred fifty (150) lineal feet.

DISTRICT BOUNDARY BUFFERS

Adjacent Zoning District

Developing Property Zoning District	AG, CS	E	SE, SR, NC	UR, VC, GVC, GNC, SHVC	SC	SI, UC, TC, SIBE	LIHS
AG, CS	--	--	--	--	--	--	--
E	A	--	B	C	D	E	E
SR, SE	--	A	--	A	D	E	E
UR, VC, GVC, GNC, SHVC	B	C	B	--	C	D	D
SC	D	D	D	C	--	A	A
SI, UC, SIBE	D	E	E	D	A	--	--
LIHS	L	L	L	L	L	L	--
NC	B	B	--	B	A	A	A

STREET BUFFERS

Developing Property Zoning District	Arterial Street	Collector Street	Local Residential Street	Other Street
0	--	--	--	--
CS	S	A	--	--
E, SE, SR	D	C	S	S
UR	D	C	C	C
VC, GVC, GNC, SHVC	B	S	B	S
SC	B	S	B	S
SI, SIBE	D	C	E	S
UC, TC	B	B	D	S
LIHS	L	L	L	L
NC	C	C	C	C

TABLE OF BUFFER YARD STANDARDS

Buffer yard	Number of plant units per 150 lineal feet	Buffer yard Width
A	1	15 feet
B	2	15 feet
C	3	20 feet
D	4	20 feet
E	5	20 feet
S	2	10 feet from edge of street r.o.w.
L	8	40 feet

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Gene Hanson

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: 9-7-04

I:\39-kr\COUNTY\Legislative Bills\County Ordinance 04-25.wpd

RECEIVED
 COUNTY ORDINANCE NO. 04-26
 CLERK OF CIRCUIT COURT

A BILL ENTITLED

2004 SEP 21 AM 9:15

AN ACT CONCERNING SIGN STANDARDS IN THE TC, GVC, SHVC, GNC and SIBE DISTRICTS UNDER THE QUEEN ANNE'S COUNTY ZONING ORDINANCE, TITLE 18 OF THE CODE OF PUBLIC LOCAL LAWS OF QUEEN ANNE'S COUNTY (1996 Ed.) ("THE CODE");

FOR THE PURPOSE OF PROVIDING SIGN PERFORMANCE STANDARDS FOR PERMANENT FREESTANDING WALL AND PROJECTING SIGNS IN THE TOWN CENTER (TC), SUBURBAN INDUSTRIAL BUSINESS EMPLOYMENT (SIBE), GRASONVILLE VILLAGE COMMERCIAL (GVC), STEVENSVILLE HISTORIC VILLAGE CENTER (SHVC) AND GRASONVILLE NEIGHBORHOOD COMMERCIAL (GNC) DISTRICTS UNDER TITLE 18 OF THE CODE.

BY AMENDING SECTION 18-1-81(a)(10) OF TITLE 18 OF THE CODE.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND THAT SECTION 18-1-81(a)(10) OF TITLE 18 OF THE CODE BE HEREBY REPEALED AND REENACTED TO READ AS FOLLOWS:

§18-1-81 General Requirements

(a) . . .

(10) Sign performance standards for permanent freestanding, wall, and projecting signs.

(i) The number of freestanding signs allowed is as follows.

1. In the UC, TC, SC, SI, SIBE, LIHS, VC, GVC, SHVC, and GNC districts, a nonresidential development site (single or multiple use site) is allowed one (1) freestanding sign or, if the site has more than five hundred (500) feet of road frontage on a single road or has frontage on two or more adjoining roads, two (2) freestanding signs. If a site has adjoining frontage on multiple roads, only one (1) freestanding sign is allowed on each frontage unless that frontage exceeds five hundred (500) feet. In no case shall a development site have more than two (2) freestanding signs with a total combined freestanding sign surface area exceeding that which is allowed under this Subtitle.

2. In the AG, CS, E, SE, SR, UR, and NC districts, a

legally permitted nonresidential development site (single or multiple use site) is allowed one freestanding sign.

(ii) The freestanding sign surface area is as follows.

1. In the UC, TC, SC, SI, SIBE, LIHS, VC, GVC, SHVC, and GNC districts, the total maximum freestanding sign surface area for a nonresidential development site (single or multiple use site) shall be determined in accordance with the following table.

Development Site	Maximum Freestanding Sign Surface Area
0 - 24,999 sq. ft. gfa or 0 - 299 ft. linear road frontage	150 sq. ft.
25,000 - 49,999 sq. ft. gfa or 300 - 499 ft. linear road frontage	200 sq. ft.
50,000 sq. ft. gfa or 500 or more ft. linear road frontage	250 sq. ft.
gfa = gross floor area	

2. In the AG, CS, E, SE, SR, UR, and NC districts, a legally permitted nonresidential development site (single or multiple use site) is allowed a maximum of thirty-five (35) square feet of total freestanding sign surface area.

(iii) Freestanding sign height, setback, and base restrictions are as follows.

1. In the UC, TC, SC, SI, SIBE, LIHS, VC, GVC, SHVC, and GNC districts, the maximum height of a freestanding sign shall be determined in accordance with the following table.

Distance of Sign to Nearest Property Line	Maximum Height
At property line - 24 feet	20 ft.

25 - 49 ft. setback	25 ft.
50 ft. setback or larger	30 ft.

2. In the AG, CS, E, SE, SR, and NC districts, the maximum height of a freestanding sign is ten (10) feet.
3. No portion of a freestanding sign may extend beyond a property line of the development site onto another property or public right-of-way.
4. All freestanding signs shall have an architectural base or a landscaped area consisting of low shrubs, ornamental grasses, or similar vegetation at the base of the sign that is at least as long as the sign face area and a minimum of four (4) feet in width. A freestanding sign support may not consist of bare poles or posts entering the ground.

(iv) Wall or projecting sign surface area restrictions are as follows.

1. A nonresidential development (single or multiple use site) is allowed a maximum wall or projecting sign surface area per use. The maximum total area can be used solely for wall signs, solely for projecting signs, or for a combination of wall and projecting signs.
2. In the case of a nonresidential development site with multiple uses on a parcel of record, wall or projecting sign permits may be issued in the name of the parcel owner or the owner's agent rather than in the name of individual businesses requesting a particular sign. The property owner or agent may proportionately allocate total wall or projecting sign area among various uses or tenants. The County is not responsible for enforcing any provisions of an owner's allocation formula, lease arrangements, or other private contractual restrictions.
3. In the UC, TC, SC, SI, SIBE, LIHS, VC, GVC, SHVC, or GNC districts, total maximum wall or projecting sign surface area per nonresidential use shall be determined in accordance with the following table.

Gross Floor Area of Individual Uses	Maximum Wall or Projecting Sign surface area
-------------------------------------	--

0 - 24,999 sq. ft.	60 sq. ft.
25,000 - 49,999 sq. ft.	80 sq. ft.
50,000 or larger sq. ft.	100 sq. ft.

4. In cases where a property owner or agent has devised and submitted an allocation formula for a multiple use development site, wall or projecting sign area for a specific use may exceed that allowed in the above table provided that the overall total wall or projecting sign surface area for the entire multiple use development is not exceeded.

(v) In the AG, CS, E, SE, SR, UR, and NC districts, a legally permitted nonresidential development site is allowed twenty (20) square feet of wall or projecting sign area per use.

(vi) As long as total wall or projecting sign surface area is not exceeded, there is no limit on the total number of wall or projecting signs.

(vii) A property owner may increase total wall or projecting sign surface area by transferring up to 25% of the development site's total freestanding sign surface area to wall signage if a reduced size freestanding sign is used. If no freestanding sign is used, a property owner may transfer up to 50% of the development site's total freestanding sign surface area to wall signage.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Jane Ransom

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: 9-7-04

RECEIVED
CLERK OF CIRCUIT COURT
COUNTY ORDINANCE NO. 04-27

A BILL ENTITLED 2004 SEP 21 AM 9:15

QUEEN ANNE'S COUNTY
AN ACT CONCERNING the Correction of Typographical and Numbering Errors in the Queen Anne's County Zoning Ordinance and Subdivision Regulations, Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of correcting a typographical error in Section 18-1-95(e) in Title 18 of the Code, correcting a numbering sequence in Section 18-1-205(d) of Title 18 of the Code and correcting the Short Title of Subtitle 1 contained in Section 18-1-223 of Title 18 of the Code.

BY AMENDING Sections 18-1-95(e), 18-1-205(d), (e) and (f) and 18-1-223 of Title 18 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-95(e)(2) of Title 18 of the Code be repealed and reenacted to read as follows:

§18-1-95 Additional Standards for Specified Conditional Uses.

(e) Major extraction, Major and minor dredge disposal, and organic fertilizer storage and transfer operations.

(2) All applications for a zoning permit for all industrial or agricultural support proposals requiring conditional use approval shall, in addition to what is otherwise required for a conditional use permit, be presented to the Planning Commission during a public hearing. The Planning Commission shall forward its report and recommendations to the Board of Appeals within sixty (60) days of the Planning Commission's review. The Board of Appeals shall not render its decision until the Planning Commission recommendations have been received and reviewed.

SECTION II

BE IT FURTHER ENACTED that Section 18-1-205(d) and (e) of Title 18 of the Code be repealed and that new Sections 18-1-205 (d), (e) and (f) be enacted to read as follows:

§18-1-205 Same - Contents of Instruments

(d) Description of restrictions.

The instrument shall contain covenants that fully define the manner and rights of use of any land that is made subject to a covenant.

(e) Nature and scope of covenants.

The instrument shall contain express provisions that:

- (1) Each covenantor has been fully compensated for any restrictions or other covenants that restrict or otherwise affect any land to which a covenant relates;
- (2) All covenants are made by the covenantor for the covenantor and the covenantor's heirs, successors, personal representatives, and assigns.
- (3) All covenants are binding upon each covenantor and the covenantor's heirs, successors, personal representatives, and assigns;
- (4) All covenants run with and bind all land within the subject area;
- (5) All covenants are enforceable by the county commissioners or any department, agency, or other public body empowered by law or ordinance to enforce the zoning laws of Queen Anne's County;
- (6) A covenant may not be amended or changed in any manner without prior written approval of the planning commission or other agency or person duly authorized by the county to approve the change or amendment; and
- (7) Any open space restrictions established by the instrument shall be null and void and of no force and effect following:
 - (i) annexation of the open space by a municipal corporation within Queen Anne's County; and
 - (ii) final approval by the municipal corporation of a subdivision or site plan that would permit uses other than those uses authorized in the instrument; and
 - (iii) the execution of a release in recordable

form by the County Commissioners releasing the land from the force and effect of the instrument. The execution of such release shall be in the sole and exclusive discretion of the County Commissioners.

(f) Additional provisions.

SECTION III

BE IT FURTHER ENACTED that Section 18-1-223 be repealed and reenacted to read as follows:

§18-1-223 Short Title

This Subtitle shall be known as and may be referred to as the 2004 Queen Anne's County Zoning Ordinance and Subdivisions Regulations.

SECTION IV

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Gene Hanson

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: 9-7-04

RECEIVED
CLERK COUNTY COURT
ORDINANCE NO. 04-28

A BILL ENTITLED 2004 SEP 21 AM 9:15

QUEEN ANNE'S COUNTY
AN ACT CONCERNING the Clarification and Correction of Standards Applicable to Noncontiguous Development under Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of clarifying the standards applicable to noncontiguous development under Title 18 of the Code and to delete references to calculations no longer utilized under Title 18 of the Code;

BY AMENDING Sections 18-1-98(a), (b) and (e) of Title 18 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 18-1-98 (a), (b) and (e) be repealed and reenacted to read as follows:

§18-1-98 Application and Standards

(a) Development plan.

A landowner or group of landowners whose lots are in the same zoning district, but are not contiguous may file a development plan under Part VII of this Subtitle in the same manner as the owner of a single lot. The decision to use the noncontiguous development technique must be made at the time of the initial major subdivision application.

(b) Open space.

(1) The open space ratio of the appropriate district, shall apply to all land within the overall development plan, rather than separately to the developed parcel and noncontiguous parcel.

...

(e) Resource protection land.

Natural resources shall be protected at the required percentage on the developed parcel and noncontiguous parcels.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: County Commissioners

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: 9-7-04

RECEIVED
CLERK COUNTY ORDINANCE NO. 04-29

A BILL ENTITLED 2004 SEP 21 AM 9:15

AN ACT CONCERNING ^{QUEEN ANNE'S COUNTY} the Use of the 1966 Soils Survey for the Classification of Woodlands in the Provisions Regarding Noncontiguous Development and Transferable Development Rights in Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of providing for the use of the 1966 Soils Survey to classify woodlands for certain standards related to Noncontiguous Development and Transferable Development Rights under Title 18 of the Code.

BY AMENDING Sections 18-1-98(f) and 18-1-101(a)(4) of Title 18 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-98(f) (2) of Title 18 of the Code be repealed and reenacted to read as follows:

§18-1-98 Application and Standards.

(f) Noncontiguous parcel.

(2) Meets the following soils criteria as per the 1966 Soils Survey of Queen Anne's County:

- (i) At least 50% of the land shall classify as Class I, II or III soils; or
- (ii) If the land is wooded, 50% of the land is classified as woodland Groups 1 or 2; or
- (iii) If there is an insufficient percentage of Class I, II or III soils alone and there is an insufficient percentage of Woodland Groups 1 or 2 soils alone, the land must have a combination of the classifications that meets or exceeds 60%.

SECTION II

BE IT FURTHER ENACTED that Section 18-1-101(a) (4) of Title 18 of the Code be repealed and reenacted to read as follows:

§18-1-101 Effect of Transfer.

(a) After development rights have been transferred by an original instrument of transfer, the transferor parcel:

(4) A transferor parcel must be at least twenty-four (24) acres or one-half (1/2) of the size of the lot of record, whichever is less and meet the following soils criteria as per the 1966 Soils Survey of Queen Anne's County;

- (i) At least 50% of the land shall classify as Class I, II or III soils; or
- (ii) If the land is wooded, 50% of the land is classified as woodland Groups 1 or 2; or
- (iii) If there is an insufficient percentage of Class I, II or III soils alone and there is an insufficient percentage of Woodland Groups 1 or 2 soils alone, the land must have a combination of the classifications that meets or exceeds 60%.
- (iv) Plats of TDR parcels must provide the location of all existing buildings.

SECTION III

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Gene Runson

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: 9-7-04

RECEIVED
CLERK, CIRCUIT COURT

ORDINANCE NO. 04-30
SEP 21 AM 9:15

QUEEN ANNE'S COUNTY
A BILL ENTITLED
AN ACT CONCERNING the Clarification of the Circumstances under which the Queen Anne's County Board of Appeals may issue a Variance under Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of clarifying the circumstances under which the Board of Appeals may issue a variance;

BY AMENDING Section 18-1-121(b) of Title 18 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-121(b) of Title 18 of the Code be repealed and reenacted to read as follows:

§18-1-121 Limitations with Respect to Variance.

(b) Circumstances.

A variance may not be granted unless the Board specifically finds that:

- (1) Literal enforcement of this Subtitle would result in unnecessary hardship or practical difficulty as the result of specified conditions;
- (2) Those conditions are peculiar to the property involved;
- (3) Those conditions are not the result of any action taken by the appellant;
- (4) The variance will not be contrary to the public interest; and
- (5) Evaluation of alternatives proves the variance is required.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Gene Ransom

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea - Nay

DATE OF ADOPTION: 9-7-04

RECEIVED
CLERK OF COUNTY ORDINANCE NO. 04-33

2004 SEP 21 AM 9:15
A BILL ENTITLED

QUEEN ANNE'S COUNTY
AN ACT CONCERNING the Revision of Maximum Fines for Civil Zoning Violations under Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of revising the maximum fine payable on a civil zoning violation to \$500.00 to conform with Article 66B of the Annotated Code of Maryland;

BY AMENDING Section 18-1-212 of Title 18 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-212 of Title 18 of the Code be repealed and reenacted to read as follows:

§18-1-212 Civil zoning violations.

(a) Civil penalties.

(1) A person who commits or assists in the commission of any act enumerated in Subsection (c) (2) of this Section is guilty of a civil zoning violation and subject to an original preset fine, not to exceed \$500, as set forth in parentheses in that subparagraph.

(2) Each day on which the violation continues constitutes a separate violation.

(b) Additional penalties.

A person who does not pay the original preset fine within the time specified in the original citation issued in accordance with § 18-1-213 of this Subtitle, or fails to file a timely notice of intention to stand trial and does not pay the original preset fine within fifteen (15) days from the date of formal notice of the violation, shall pay an additional fine equal to twice the amount of the original preset fine.

(c) Enumeration of violations.

(1) In this Subsection "building permit" means a building permit required under Subpart 3 of this Part.

(2) The following acts constitute a civil zoning violation:

- (i) An act for which a building permit is required, that is done without having made application for such permit as required by this Subtitle (\$500);
- (ii) An act for which a building permit is required, that is done after such permit has been issued but has expired by the terms of this Subtitle (\$500);
- (iii) An act done on a lot with respect to which a building permit has been issued, that violates or exceeds the authority conferred by that permit (\$500);
- (iv) An act that involves the use or occupation of any property for which a building permit has been issued, prior to the time when it has been finally inspected and approved by the Planning Director as required by this Subtitle (\$500);
- (v) An act that violates any express covenant or condition of any approval given by the Planning Commission, the Board, or the Planning Director under this Subtitle or any prior ordinance relating to issuance of building permits, zoning permits, occupancy permits, conditional use approval, site plan and subdivision approval, and all applicable performance standards required in this Subtitle (\$500);
- (vi) An act that constitutes a continuance of a nonconforming use or structure after the time when this Subtitle requires that such use be terminated or discontinued (\$500);
- (vii) An act that constitutes the changing, moving, enlarging, expanding, extending, or modifying of any nonconforming use or structure in a manner not authorized by this Subtitle (\$500);
- (viii) An act for which a conditional use permit is required, including but not limited to any forestry use requiring a conditional use permit, that is done without having made application for or obtaining such permit as required by this Subtitle (\$500);
- (ix) An act for which a zoning certificate is required (including for signs and banners), that is done without having made application for such permit or that violates or exceeds the authority conferred by that permit (\$500);

and

(x) Any act not referred to in this paragraph that involves the use of property in any manner that is prohibited by this Subtitle (\$500).

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Gene Ransom

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 3 Yea 2 Nay

DATE OF ADOPTION: 9-7-04

I:\39-kr\COUNTY\Legislative Bills\County Ordinance 04-33.wpd

Gene Ransom }
Mike Koval } opposed

RECEIVED
CLERK COUNTY COMMISSIONERS
ORDINANCE NO. 04-34

A BILL ENTITLED 2004 SEP 21 AM 9:15

QUEEN ANNE'S COUNTY
AN ACT CONCERNING Amendments to the Queen Anne's County Forest Conservation Act, Subtitle 2 of Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of adding a definition of "100-year floodplain", exempting minor site plans from the Forest Conservation Act under certain circumstances and establishing standards and requirements for commercial forestry or clear-cutting under Subtitle 2 of Title 18 of the Code;

BY AMENDING Sections 18-2-1(b), 18-2-4(b), 18-2-16(b) and (d), 18-2-19(a) (2) and 18-2-23(b) and (c) of Subtitle 2 of Title 18 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that a new Subsection (43) be added to Section 18-2-1(b) of the Code to read as follows:

§18-2-1 Definitions.

(b) Additional Definitions

(43) 100-year floodplain

"100-year floodplain" means an area along or adjacent to a stream or body of water, except tidal waters, that is capable of storing or conveying floodwaters during a 100-year frequency storm event or a 100-year flood.

And that the subsections following (43) be renumbered accordingly.

SECTION II

BE IT FURTHER ENACTED that Section 18-2-4(b) (13) of Title 18 be repealed and reenacted to read as follows:

§18-2-4 Application of Subtitle

(b) Exemptions.

The regulations set forth in this Subtitle do not apply to the following:

(13) Any minor site plan or minor subdivision that:

- (i) Does not result in the cutting, clearing, or grading of more than 40,000 square feet of forest;
- (ii) Does not result in the cutting, clearing, or grading of a forest that is subject to the requirements of a previous forest conservation plan approved under this Subtitle; and
- (iii) Meets minimum afforestation threshold requirements and protects the minimum afforestation threshold requirements through protective signage and long-term protective agreements.

SECTION III

BE IT FURTHER ENACTED that Sections 18-2-16(b) (2) (iv) and (d) (2) (iv) be repealed and reenacted to read as follows:

§18-2-16 Payments by Credits Into an Approved Forest Mitigation Bank.

(b) Establishing forest mitigation bank on vacant land.

(2) The forest mitigation bank shall:

- (iv) Commercial forestry will require Planning Commission review and approval with a formal recommendation from the County Forestry Board and/or a Department of Natural Resource Forester.

(d) Establishing forest mitigation banks on existing forested properties.

(2) The forest mitigation bank shall:

(iv) Commercial forestry will require Planning Commission review and approval with a formal recommendation from the County Forestry Board and/or a Department of Natural Resource Forester.

SECTION IV

BE IT FURTHER ENACTED that Section 18-2-19(a) (2) (i) (1) and (2) be repealed and reenacted to read as follows:

§18-2-19 Protective Agreements.

(a) In general

(2) Protective agreements include:

(i) Forester conservation and management agreements.

(1) Long-term protective agreements associated with a subdivision or site plan shall only permit the harvesting of the protected existing or proposed forest which is protected under the agreement as outlined in a timber harvest plan which has been prepared by a licensed, professional forester and approved by a Department of Natural Resources Forester and/or the County Forestry Board, as appropriate.

(2) Commercial forestry on existing or proposed forest that is protected under a long term protected agreement and located in deed restricted open space will require Planning Commission review and approval with a formal recommendation from the County Forestry Board and/or the Department of Natural Resources Forester. The proposed commercial harvest shall be outlined in a timber harvest plan that has been prepared by a licensed professional forester and approved by a Department of Natural Resources Forester

and/or the County Forestry Board, as appropriate.

SECTION V

BE IT FURTHER ENACTED that Section 18-2-23(b) be repealed and new Sections 18-2-23(b), (c) and (d) to Title 18 of the Code be enacted to read as follows:

§18-2-23 Commercial Timber Harvests.

(b) Same -- Procedure

A person may harvest timber on forested, reforested, or afforested areas protected under an approved forest conservation plan, provided that the harvest:

(1) Is consistent with the intent of an approved forest management plan, forest conservation and management agreement, or other long-term protective agreement;

(2) Is consistent with the intent and requirements of the approved FCP;

(3) Is subject to a timber harvest plan that:

(i) Is prepared by a licensed professional forester; and

(ii) Remains in effect for two (2) years.

(c) Long Term Protective Agreements and Deed Restricted Open Space

Commercial forestry on existing or proposed forest that is protected under a long term protective agreement and located in deed restricted open space will require Planning Commission review and approval with a formal recommendation from the County Forestry Board and/or a Department of Natural Resource Forester. The proposed commercial harvest shall be outlined in a timber harvest plan that has

been prepared by a licensed professional forester and approved by a Department of Natural Resources Forester and/or the County Forestry Board, as appropriate.

(d) Long Term Protective Agreements in Association with Approved Subdivisions or Site Plans

Commercial forestry on existing or proposed forest that is protected under a long term protective agreement in association with an approved subdivision or site plan will require Planning Commission review and approval with a formal recommendation from the County Forestry Board and/or a Department of Natural Resource Forester. The proposed commercial harvest shall be outlined in a timber harvest plan that has been prepared by a licensed professional forester and approved by a Department of Natural Resources Forester and/or the County Forestry Board, as appropriate.

SECTION VI

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Aime Ransom

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: 9-7-04

RECEIVED
CLERK, COUNTY ORDINANCE NO. 04-35

A BILL ENTITLED 2004 SEP 21 AM 9:15

QUEEN ANNE'S COUNTY
AN ACT CONCERNING the Adoption of a new Queen Anne's County
Sectional Zoning Map No. 58A.

FOR THE PURPOSE of correcting the scale and dimensions of
the official Queen Anne's County Zoning Map No. 58A.

BY REPEALING existing official Queen Anne's County Zoning
Map No. 58A and adopting the new Sectional Zoning Map No. 58A as
one of the official zoning maps for Queen Anne's County.

SECTION I

Official Queen Anne's County Zoning Map No. 58A be and is
hereby repealed and the attached new Queen Anne's County
Sectional Zoning Map No. 58A be and is hereby adopted as one of
the official zoning maps for Queen Anne's County, Maryland.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective
on the forty-sixth day following its passage.

INTRODUCED BY: Jene Ransom

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: 9-7-04

RECEIVED
CLERK, COUNTY ORDINANCE NO. 04-36

A BILL ENTITLED 2004 SEP 21 AM 9:15

QUEEN ANNE'S COUNTY
AN ACT CONCERNING the Time to Appeal to Board of Appeals
under Title 18 of the Code of Public Local Laws of Queen Anne's
County (1996 Ed.) ("the Code");

FOR THE PURPOSE of providing that an appeal to the Queen
Anne's County Board of Appeals shall be filed within 30 days of
the decision appealed from unless the thirtieth day is a
Saturday, Sunday or legal holiday in which case the time for
appeal shall be extended to the next day which is not a Saturday,
Sunday or legal holiday.

BY AMENDING Section 18-1-119(b)(2) of Title 18 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S
COUNTY, MARYLAND that Section 18-1-119(b)(2) of Title 18 of the
Code is repealed and reenacted to read as follows:

18-1-119 Appeals.

...

(b) Time for Appeal.

(2) Unless otherwise prescribed by
the rules, appeal shall be taken within 30
days after the date of the formal written
decision from which the appeal is taken,
provided that if the thirtieth day is a
Saturday, Sunday or legal holiday, the time
for appeal shall run until the end of the
next day that is not a Saturday, Sunday or
legal holiday.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Gene Runston

DATE: _____

PUBLIC HEARING HELD: 8-17-04

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: 9-7-04

I:\19-kr\COUNTY\Legislative Bills\County Ordinance 04-36.wpd

RECEIVED
CLERK OF CIRCUIT COURT

AMENDMENT NO. 1

2004 NOV -9 AM 10:33 COUNTY ORDINANCE NO. 04-21

AN AMENDMENT TO COUNTY
A BILL ENTITLED*original
From
District*

AN ACT CONCERNING Lot Coverage in the AG and CS Districts and Height Restrictions on Accessory Structures on Residential Lots under the Queen Anne's County Zoning Ordinance, Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of amending pending County Ordinance No. 04-21 to allow accessory structures on certain lots in the AC and CS zoning districts to cover an area up to 200% of the area covered by the principal building, not to exceed 5,000 square fee.

BY AMENDING pending County Ordinance No. 04-21 to read as follows:

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-45(c) and (d) of Title 18 of the Code be repealed and reenacted to read as follows:

§18-1-45 Residential Accessory Structures.

(c) Area restrictions.

- (1) Except in the AG and CS districts, all buildings on a residential lot of between two (2) and five (5) acres, other than the principal building, may not cover an area of the lot greater than 80% of the area covered by the existing principal building.
- (2) In all districts, all buildings on a residential lot of less than two (2) acres, other than the principal building, may not cover an area of the lot greater than 60% of the area covered by the existing principal building.
- (3) In the AG and CS zoning districts on lots between two (2) and five (5) acres, all buildings on the lot, other than the principal building may not cover an area of the lot greater than 120% 200% of the area covered by the principal building; and the total square footage of all

accessory structures shall not exceed 5,000 square feet.

(d) Height restrictions.

1. A building on a residential lot less than 2 (two) acres may not exceed 20 (twenty) feet in height.
2. A building on a residential lot greater than 2 (two) acres and less than 5 (five) acres may not exceed the greater of 20 (twenty) in height or the height of the principal building. *feet*

SECTION II

BE IT FURTHER ENACTED that this Amendment shall be effective immediately upon its adoption.

AMENDMENT INTRODUCED BY: ben Cassell

DATE: 10/19/04

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION OF AMENDMENT: 10/19/04

I:\39-kr\COUNTY\Legislative Bills\County Ordinance 04-21.wpd

RECEIVED
CLERK, CIRCUIT COURT

2004 NOV -9 AM 10:33

COUNTY ORDINANCE NO. 04-21A BILL, ENTITLED
QUEEN ANNE'S COUNTY

AN ACT CONCERNING Lot Coverage in the AG and CS Districts and Height Restrictions on Accessory Structures on Residential Lots under the Queen Anne's County Zoning Ordinance, Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of providing Lot coverage restrictions on lots of 5 acres or less in the AG and CS Districts and height restrictions on accessory structures on residential lots of less than five (5) acres under Title 18 of the Code;

BY AMENDING Section 18-1-45(c) and (d) of Title 18.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-45(c) and (d) of Title 18 of the Code be repealed and reenacted to read as follows:

§18-1-45 Residential Accessory Structures.

(c) Area restrictions.

- (1) Except in the AG and CS districts, all buildings on a residential lot of between two (2) and five (5) acres, other than the principal building, may not cover an area of the lot greater than 80% of the area covered by the existing principal building.
- (2) In all districts, all buildings on a residential lot of less than two (2) acres, other than the principal building, may not cover an area of the lot greater than 60% of the area covered by the existing principal building.
- (3) In the AG and CS zoning districts on lots between two (2) and five (5) acres, all buildings on the lot, other than the principal building may not cover an area of the lot greater than 120% of the area covered by the principal building.

(d) Height restrictions.

1. A building on a residential lot less than 2 (two) acres may not exceed 20 (twenty) feet in height.
2. A building on a residential lot greater than 2 (two) acres and less than 5 (five) acres may not exceed the greater of 20 (twenty) in height or the height of the principal building.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Dene Ranson

DATE: 6-15-04

PUBLIC HEARING HELD: w/Title 18 hearing in August 17, 2004

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: 10/19/04

RECEIVED
CLERK, CIRCUIT COURTCOUNTY ORDINANCE NO. 04-39

2004 NOV -9 AM 10:37

A BILL ENTITLED

QUEEN ANNE'S COUNTY

AN ACT CONCERNING the Expansion of the Queen Anne's County Plumbing Board to Seven (7) Members;

FOR THE PURPOSE of expanding the Queen Anne's County Plumbing Board to Seven Members; providing for their terms; providing that two of the Members shall hold a current Maryland HVACR license; providing for their terms; and making certain grammatical corrections;

BY AMENDING Section 12-2.B. and C. of the Code of Public Local Laws of Queen Anne's County, 1996 Edition.

SECTION I

BE IT ENACTED that Section 12-2.B. and C. of the Code of Public Local Laws of Queen Anne's County, 1996 Edition be amended to read as follows:

§12-2. County Plumbing Board.

...

B. Membership; qualifications.

(1) The Board shall consist of seven members who are residents of Queen Anne's County.

(2) The Board shall consist of:

(a) A representative of the Master Plumbers Association of Queen Anne's County;

(b) A person holding a master plumber license in the County who is recommended by, but need not be a member of, the Master Plumbers Association of Queen Anne's County;

(c) A person employed in the building or construction industry and who is not a plumber; and

(d) Two persons not connected with plumbing or the building trade.

(e) Two persons who hold a current Maryland HVACR contractors license.

C. Term.

(1) Initially, the Commissioners shall appoint:

(a) Two members for one-year terms;

(b) Two members for two-year terms;

(c) One member for a three-year term;

(d) Upon expansion of the Board to seven members, the two new members shall be appointed to a one-year term and a two-year term respectively.

(2) Thereafter, members shall be appointed for three-year terms and shall serve until their successors are duly appointed.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Niedomanski

DATE: 9-7-04

PUBLIC HEARING HELD: 10-5-04 7:15pm

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: 10/19/04

I:\39-kr\COUNTY\Legislative Bills\Ordinance re seven bd members.wpd

COUNTY ORDINANCE NO.

04-41

RECEIVED
CIRCUIT COURT

2004 NOV 16 PM 12:13

AN EMERGENCY BILL ENTITLED

QUEEN ANNE'S COUNTY

AN ACT CONCERNING the amendment of certain provisions of Chapter 14 (Floodplain Management District) of the Code of Public Local Laws of Queen Anne's County, (2004 Ed.) regarding the installation of gas distribution lines and liquid propane containers in the floodplain;

FOR THE PURPOSE of repealing and re-enacting with changes Chapter 14, Subsection 3-60.C and Subsection 3-56.C

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that Subsection 3-60.C of Chapter 14 of the Code of Public Local Laws of Queen Anne's County (2004 Ed.) be and is hereby repealed and shall read as follows:

C.

(1) Gas Distribution Lines - Underground gas distribution lines and appurtenances shall be installed in accordance with National Fire Protection Association (NFPA) Code 54 Chapter 3, and shall be installed with 18-inches of cover; the cover shall be permitted to be reduced to 12-inches if external damage to the pipe is not likely to result. If a minimum of 12-inches of cover cannot be maintained, the pipe shall be installed in a conduit or bridged (shielded). Aboveground gas distribution lines shall be in accordance with NFPA Code 54 Chapter 3, Sub-section 3.2, and be securely supported and located where it will be protected from physical damage.

(2) Liquid Propane Containers - Liquid gas propane containers shall be installed in accordance with NFPA 58 Chapter 6, Sub-Section 6, and shall be securely anchored to prevent floatation due to possible high flood water around aboveground or mounted containers, or high water table for those underground and partially underground.

SECTION II

AND BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that Subsection 3-56.C of Chapter 14 of the Code of Public Local Laws of Queen Anne's County (2004 Ed.) be and is hereby repealed and shall read as follows:

C. Materials. Except as provided in 14:3-60.C, a person may not store below the flood protection elevation any materials that:

- (1) Are buoyant, flammable, explosive, or hazardous to health; or
- (2) At times of flooding, may be injurious to human, animal, or plant life.

SECTION III

BE IT FURTHER ENACTED that this Bill is determined and declared to affect the public health, safety and welfare of Queen Anne's County and shall be an emergency bill effective from the date of passage.

Introduced By: Nemo
Date: 10/19/04
Public Hearing Held: 11/9/04 8:15 PM
Vote: 5 Yea 0 Nay
Date: 11/9/04

COUNTY ORDINANCE NO. 04-43RECEIVED
CIRCUIT COURT

2004 NOV 16 PM 12:13

A BILL ENTITLED

QUEEN ANNE'S COUNTY

AN ACT CONCERNING Typographical Errors in County Ordinance
No. 04-21.

FOR THE PURPOSE of correcting typographical errors in County Ordinance 04-21, adopted on October 19, 2004 by the County Commissioners of Queen Anne's County; Maryland.

BY AMENDING Sections 18-1-45(c) and (d) of Chapter 18 of the Code of Public Local Laws of Queen Anne's County, Maryland (1996 Ed.);

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-45(c) and (d) of Title 18 of the Code be repealed and reenacted to read as follows:

§18-1-45 Residential Accessory Structures.

(c) Area restrictions.

- (1) Except in the AG and CS districts, all buildings on a residential lot of between two (2) and five (5) acres, other than the principal building, may not cover an area of the lot greater than 80% of the area covered by the existing principal building.
- (2) In all districts, all buildings on a residential lot of less than two (2) acres, other than the principal building, may not cover an area of the lot greater than 60% of the area covered by the existing principal building.
- (3) In the AG and CS zoning districts on lots between two (2) and five (5) acres, all buildings on the lot, other than the principal building may not cover an area of the lot greater than 200% of the area covered by the principal building; and the total square footage of all accessory structures shall not exceed 5,000 square feet.

(d) Height restrictions.

1. A building on a residential lot less than 2 (two) acres

may not exceed 20 (twenty) feet in height.

2. A building on a residential lot greater than 2 (two) acres and less than 5 (five) acres may not exceed the greater of 20 (twenty) feet in height or the height of the principal building.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Ben Cassell

DATE: 11-2-04

PUBLIC HEARING HELD: 11-9-04 9:00pm

VOTE: _____ Yea _____ Nay

DATE OF ADOPTION: 11-9-04

I:\39-kr\COUNTY\Legislative Bills\County correcting Ordinance 04-21.wpd

COUNTY ORDINANCE NO. 04-44

A BILL ENTITLED

AN ACT CONCERNING Revisions to Chapter 22 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

FOR THE PURPOSE of revising and updating Chapter 22 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.); revising the name "Recreation and Parks" to "Parks and Recreation"; providing for a Code of Conduct Review Board; providing for its membership, powers and duties; revising and updating the provisions regarding use of County land and recreational facilities and providing civil penalties for violation of such regulations; and generally revising and updating Chapter 22 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

By repealing and readopting with amendments, Chapter 22 of the Code of Public Local Laws.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Chapter 22 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be and is hereby repealed and reenacted to read as set forth on the attached.

SECTION II

BE IT FURTHER ENACTED that this Bill shall take effect on the forty-sixth day following its passage.

INTRODUCED BY: Joe Cupani
DATED: 11-16-04
PUBLIC HEARING HELD: 12-7-04 6:30
VOTE: 5 YEA NAY
DATE: 12-21-04

RECEIVED
CLERK OF CIRCUIT COURT
2005 JAN -7 PM 3:37
QUEEN ANNE'S COUNTY

**CHAPTER 22
PARKS AND RECREATION**

**ARTICLE I
Board of Parks and Recreation**

- §22-1. Definitions.
- §22-2. Board authorized.
- §22-3. Membership; tenure; vacancies
- §22-4. Officers.
- §22-5. Meetings; compensation.
- §22-6. Annual report; budget.
- §22-7. Employees.
- §22-8. General powers and duties.
- §22-9. Acquisition of property.
- §22-10. Program of public recreation.
- §22-11. Control of property.
- §22-12. Committees.
- §22-13. Cooperation with other agencies.

**ARTICLE II
Beaches, Parks and Recreation Areas**

- §22-14. License required.
- §22-15. Requirements for license.
- §22-16. Regulations.

**ARTICLE III
Use of County Parks**

- §22-17. Definitions.
- §22-18. Code of Conduct Review Board
- §22-19. Use of County Land and Recreational Facilities
- §22-20. General Conduct and Personal Behavior
- §22-21. Regulation of recreational Activities
- §22-22. Animal Control provisions
- §22-23. Regulation of Traffic.
- §22-24. Fees.
- §22-25. Enforcement.
- §22-26. Civil infractions.
- §22-27. Restitution.
- §22-28. Same – Citations.
- §22-29. Failure to pay or stand trial.
- §22-30. Adjudications.
- §22-31. Court costs & fines

ARTICLE I
Advisory Board of Parks and Recreation
[Adopted as § 12-101 of the 1983 Public Local Laws of Queen Anne's County]

§ 22-1. Definitions.

In this article, the following terms shall have the meanings indicated:

BOARD -- The Advisory Board of Recreation and Parks.

§ 22-2. Board authorized.

The County Commissioners may establish an Advisory Board of Parks and Recreation with the powers and duties specified in this article.

§ 22-3. Membership; tenure; vacancies. [Amended by Bill No. 95-02]

A. Composition; appointment of members.

- (1) The Board consists of nine members appointed by the County Commissioners.
- (2) Of the nine members of the Board:
 - (a) One shall be first recommended by the County Board of Education from its membership or otherwise; and
 - (b) One shall be a County Commissioner.
- (3) In the appointment of Board members, the County Commissioners shall give due regard to population and geography.

B. Tenure; vacancies.

- (1) Except for the County Commissioner member, the term of a member is four years and begins on January 1.
- (2) The County Commissioner member serves for the member's elected term of office as a County Commissioner.
- (3) At the end of a term, a member continues to serve until a successor is appointed.

- (4) Vacancies, except those at the expiration of a term, shall be filled in the same manner as the original appointments.
- (5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

§ 22-4. Officers.

- A. Chairman and Vice Chairman. Each year, the Board shall select a Chairman and Vice Chairman from the Board's membership.
- B. Secretary and Treasurer. The Board shall select a Secretary and Treasurer who may or may not be members of the Board.
- C. Bond. The Board may require the Treasurer to give bond in the amount that the Board determines.

§ 22-5. Meetings; compensation. [Amended by Bill No. 95-02]

- A. Meetings. The Board shall hold the regular and special meetings that the Board considers necessary.
- B. Compensation prohibited. All members of the Board serve without compensation but may be reimbursed for reasonable travel expenses associated with serving on the Board.

§ 22-6. Annual report; budget.

- A. Annual report. The Board shall submit to the County Commissioners an annual report of the Board's activities, together with recommendations for further activities and development of the County recreation programs.
- B. Budget. The Board shall recommend to the County Commissioners an annual budget, under the requirements of law, itemizing the appropriations necessary for the performance of the Board's functions and duties.

§ 22-7. Employees.

- A. In general. The County Commissioners may employ the personnel that the County Commissioners consider necessary to administer properly the functions of the Department of Parks and Recreation.
- B. Director of Recreation and Parks.

(1) If the County Commissioners employ a Director of Parks and Recreation, the person shall have the training, experience, and capacity to initiate and maintain a program of public recreation under the person's general supervision.

(2) The Director of Parks and Recreation serves at the pleasure of the County Commissioners.

C. Salaries. The County Commissioners shall fix the salaries of all personnel.

§ 22-8. General powers and duties.

- A. Questions of general policy. The Board shall advise the County Commissioners on all questions of general policy relating to parks and public recreation in the County.
- B. Regulations. The Board may adopt any regulation necessary to carry out this Chapter or to protect the property under its control.
- C. Expenditure of funds. The Board may supervise the expenditure of funds and may recommend to the County Commissioners appropriate fees for use of County facilities.
- D. Appointment of advisory committees. The Board may appoint advisory committees or panels to assist in the exercise of the Board's powers and duties.

§ 22-9. Acquisition of property.

- A. In general. With the approval of the County Commissioners, the Board may accept real and personal property of all kinds suitable for recreational purposes and public parks.
- B. Appropriation of money. The County Commissioners may appropriate in the annual County budget the sums that may be necessary:
- (1) To purchase land, construct improvements, and defray expenses for the maintenance of recreation and park areas under the control of the Board; and
- (2) For the support of recreation and park programs.
- C. Manner of acquisition. With the approval of the County Commissioners, the Board may acquire property by purchase, condemnation, grant, bequest, devise, or lease of the fee or any lesser interest, development, rights, assignment, covenant, or other contractual right necessary for recreation and parks programs.
- D. Disposition of property. With the approval of the County Commissioners, the Board may sell or in any manner dispose of recreation or park properties.

§ 22-10. Program of public recreation.

- A. Adoption of program. Subject to budgetary policies and appropriations of the County Commissioners, the Board may initiate, adopt, direct, or cause to be conducted or directed a comprehensive program of public recreation in schools, parks, or other lands or buildings, either publicly or privately owned.
- B. Development, operation, and maintenance of facilities. The Board may develop, equip, operate, and maintain any facilities made available to the Board.
- C. Issuance of permits. The Board may issue permits for the use of any facilities under the control of the Department of Parks and Recreation.

§ 22-11. Control of property.

- A. Agreements. The control of any land, buildings, or other acceptable facilities shall be in accordance with agreements reached between the Board and the person who has jurisdiction over the property.
- B. Power not limited. The power conferred by this section does not limit the power of the County Commissioners, the Board of Education, any governmental agency, or any person to refuse to allow or to limit the use of any ground, building, or facility under their control, ownership, or jurisdiction.

§ 22-12. Committees. [Amended by Bill No. 95-02]

- A. Authorized. With the approval of a majority of the members of the Board, the Chairman of the Board may annually appoint committees to collect data and study and make recommendations to the Board on recreation and park issues of particular concern to the Board.
- B. Reports. A committee may submit reports to the County Planning Commission when the committee's work or observations relate to planning and zoning.
- C. Appropriations. The County Commissioners may appropriate public funds to implement and support the powers and duties under this section.

§ 22-13. Cooperation with other agencies.

The County Commissioners, by and through the Board, may join or cooperate with the federal government, the State of Maryland, any municipality, or other governmental agency in providing, establishing, conducting, and maintaining recreation centers, playgrounds, parks, and other recreation facilities and activities.

ARTICLE II
Beaches, Parks, and Recreation Areas
[Adopted as § 1-501 of the 1983 Public Local Laws of Queen Anne's County]

§ 22-14. License required.

A person may not operate a bathing beach, amusement park, or recreation area in the County, outside the limits of any incorporated municipality, unless the person first obtains a license from the County Commissioners.

§ 22-15. Requirements for license.

- A. Determined by County Commissioners. The County Commissioners shall determine:
- (1) The terms for issuance of a license; and
 - (2) The fee for a license.
- B. Factors for consideration. In making the determination under Subsection A of this section, the County Commissioners shall take into consideration the effect of the issuance of any license on the public health, welfare, or morals of the County.

§ 22-16. Regulations.

The County Commissioners may adopt regulations that are necessary to:

- A. Carry out this article; and
- B. Effectively regulate the beaches, parks, and recreation areas in the County.

ARTICLE III
Use of County Parks
[Adopted effective 6-22-1996 by Ord. No. 96-05]

§ 22-17. Definitions.

In this article, the following words have the meanings indicated:

DEPARTMENT -- The Queen Anne's County Department of Parks and Recreation.

DESIGNEE -- Those persons or agencies designated under § 22-25 of this article with responsibility for enforcement of this article.

DIRECTOR – “Director” means the Director of the Department.

CODE OF CONDUCT REVIEW BOARD – “Code of Conduct Review Board” is a board comprised of selected league representatives for the purpose of promoting, supporting and enforcing appropriate athletic conduct and behavior.

SPORTS CODE OF CONDUCT – “Sports Code of Conduct” refers to appropriate athletic conduct and behavior as determined and adopted from time to time by the Code of Conduct Review Board.

§22-18. Code of Conduct Review Board.

- (a) **“Review Board” Defined**
In this subtitle, “Review Board” means the Code of Conduct Review Board.
- (b) **Review Board Authorized**
The Department may establish the Code of Conduct Review Board with the powers and duties specified in this subtitle.
- (c) **Membership Composition; Appointment of Members**
The Queen Anne’s County Code of Conduct Review Board will consist of the president (or a designated board member) of each county youth league, the Athletic Director of the Board of Education of Queen Anne’s County and a representative from the Department of Parks & Recreation.
- (d) **Tenure**
Each league board member will serve a term of one year or until their successor is appointed. The start of each member’s term will coincide with respective league elections.
- (e) **Meetings**
The Board will hold quarterly meetings. Special meetings will be convened at such times as at least three (3) members request a meeting. Board members shall be given a minimum of five (5) days notice for any special meeting. The primary purpose of special meetings will be to render decisions relating to code of conduct violations.
- (f) **General Powers and Duties**
The Code of Conduct Review Board has the authority to suspend or expel leagues, players, coaches and spectators from Queen Anne’s County Parks and Recreation Facilities for violations of the Sports Code of Conduct.

§22-19. Use of County land and recreational facilities.**(a) Admittance.**

Park property and park and recreation programs are open to use by all members of the public regardless of race, sex, national origin, color or creed.

(b) Hours of operation.

- (1) The Department will establish hours of operation for park property under its jurisdiction and will post accordingly.
- (2) Any park property may be closed by the Director to the public entirely or for certain uses and such closings shall be posted in advance for public notice.

(c) Permits.

The Department may issue permits for use of county parks and facilities upon such rules and regulations as may be approved by the County Commissioners of Queen Anne's County.

§22-20. General conduct and personal behavior.**(a) Posting notices**

Attaching or posting of notices, signs or any other objects on park property is prohibited except by permit. (*Class e offence*)

(b) Audio devices and noise

No person may play an audio device or create excessive noise so as to disturb the peace. (*Class e offence*)

(c) Fireworks and explosives.

No person may possess and discharge any fireworks or other explosive pyrotechnics on park property without the expressed written permission of the Director. (*Class b offence*)

(d) Littering, dumping and storage (see definitions of garbage, refuse and rubbish under Q.A.C. Code, Title 19 Nuisance Regulations, Subtitle 1. Definitions)

- (1) Garbage must be properly disposed of in trash receptacles. (*Class e offence*)
- (2) Any discharge of waste materials on the lands or waters of County parks is prohibited. (*Class b offence*)
- (3) Dumping of household or commercial trash and refuse is prohibited on any County property whether or not said dumping occurs in a trash receptacle. (*Class b offence*)
- (4) No person may store material of any description on Park property except by written authorization from the Director. (*Class e offence*)
- (5) Glass containers are prohibited. (*Class e offence*)

(e) *Destruction of park property*

Injury, defacement, disturbance or destruction of any building, sign, equipment, tree, flower, fern, shrub, rock, plant or mineral in a County Park is prohibited. (*Class c offence*)

(f) *Wildlife*

The intentional disturbance, harassment or injury of any animal or animal habitat is prohibited. (*Class c offence*)

(g) *Vegetation*

- (1) Planting of vegetation or causing vegetation to be planted on park property is prohibited except by permit. (*Class e offence*)
- (2) Removal of any vegetation from parklands is prohibited (*Class d offence*)

(h) *Metal detectors, digging.*

Patrons are prohibited from using metal detectors and/or digging into the surface of park property except by permit. (*Class e offence*)

(i) *Gambling.*

Gambling, games of chance and fortune telling are prohibited in County Parks. (*Class e offence*)

(j) *Alcohol*

- (1) Consumption of alcoholic beverages is strictly prohibited except by permit approved by the Director. (*Class d offence*)

(2) The sale of alcoholic beverages is strictly prohibited without a permit and proper liquor license (*Class d offence*).

(k) *Projectiles*

No person may throw or launch projectile objects in such a way as to annoy, interfere, impede or endanger another park patron. (*Class e offence*)

(l) *Breach of peace*

No person may perform, engage in, instigate and/or encourage a contention or fight, or assault a person. Every legal order of a park official must be properly obeyed. (*Class c offence*)

(m) *Indecent conduct.*

- (1) Urinating or defecating on park property other than in the places officially provided is prohibited. (*Class c offence*)
- (2) No person shall engage in any sexual or indecent act on park property. (*Class c offence*)

(n) *Powered model airplanes and rockets.*

No powered model airplanes or rockets shall be flown or launched from any park area except on officially designated areas and by permit. (*Class d offence*)

(o) *Erecting structures.*

The enclosure of any area or erection of any structures on park property is prohibited unless authorized by permit. (*Class e offence*)

(p) *Automobile service.*

No person may service any automobile on park property, except waxing. Prohibited activities include washing, repairing or performing other work, except in case of an emergency. (*Class e offence*)

(q) *Weapons.*

No person shall carry, possess or discharge a bow and arrow, dart, firearm, knife with blade of more than three (3) inches in length, or other dangerous weapon on park property except where permitted in designated areas. This provision does not

apply to firearms carried by law enforcement officers and persons with legal permits. (*Class b offence*)

§22-21. Regulation of recreational activities.

The following activities are restricted to designated areas:

(a) *Aeronautical activities*

Aeronautical activities are permitted pursuant to airport regulations. Airplanes, helium/hot air balloons, hang gliders, parachutes, ultra-light planes, or any other person operated aircraft shall not be flown or launched from any County property except in officially designated areas by permit. (*Class e offence*)

(b) *Athletics/Leagues.*

- (1) Persons reserving an athletic field are entitled to exclusive use of such areas on the dates and between the hours specified by permit. They, and all other users are prohibited from playing on the fields if the grounds are wet or otherwise unsuitable for play. (*Class e offence*)
- (2) Any athletic field that is not reserved shall be available on a first-come, first-served basis.

(c) *Bicycling.*

- (1) Bicycle riding is permitted only on roads or on other trails designated for that purpose. (*Class e offence*)
- (2) Bicycle riding is subject to the following requirements (*Class e offences*):
 - i. Bicycles must yield to pedestrians along the trail.
 - ii. Bicycles shall not be operated at a speed greater than reasonable and prudent for existing conditions. The maximum speed limit on the trails is fifteen (15) miles per hour.
 - iii. Bicycle trail users shall dismount prior to crossing intersecting roadways.
 - iv. Bicycles and hikers shall keep right except to pass and bicyclists must alert other trail users before passing.

(d) *Boating. (violation of below regulations constitute a Class e offence)*

- (1) No boat or other watercraft is allowed on lakes, or ponds, on County property except by permit.

- (2) Operators and occupants of permitted watercraft will comply with all local, State and Federal regulations governing the use and operation of said watercraft.
- (3) Operators and occupants of permitted watercraft will comply with any special regulation promulgated by the Director and posted near watercraft launch sites.

(e) *Fires. (violation of below regulations constitute a Class e offence)*

- (1) Fires are permitted only on public campgrounds and picnic areas, and are restricted to established fireplaces constructed for this purpose, and/or privately owned grills or stoves.
- (2) Before leaving the site, persons who have made fires shall wet hot coals until they are thoroughly soaked and cold.
- (3) Building of fires may be prohibited or limited by the Director when a fire hazard exists. Lighted matches, cigars, cigarettes or other burning objects shall be properly extinguished prior to being discarded.
- (4) Ground fires are prohibited.

(f) *Fishing.*

Fishing is permitted only in designated areas and in compliance with Maryland State Angler's license requirements. (*Class e offence*)

(g) *Golf.*

Golf practice is not permitted except at golf courses. (*Class e offence*)

(h) *Horseback riding.*

Horses are permitted only in designated areas and trails. (*Class e offence*)

(i) *Hunting, trapping.*

- (1) Hunting and trapping are permitted only for scientific and animal control purposes.
- (2) Hunting is permitted only in areas designated for hunting and upon compliance with Federal and/or Maryland State licensing requirements. (*Class d offence*)
- (3) No person may hunt or trap without required permit issued from the Department.

(j) *Picnicking.*

Picnicking may be prohibited in areas identified as inappropriate by the Director. Unrestricted picnic areas are operated on a "first come, first served" basis. (*Class e offence*)

(k) *Roller skating, in-line skating, skateboarding.*

- (1) Roller skating and skateboarding are permitted only in areas designated for such use and are prohibited in areas designated for basketball and tennis. (*Class e offence*)
- (2) Skateboarding is prohibited on all paved trails. (*Class e offence*)

(l) *Swimming, water sports*

- (1) Bathing and swimming are permitted only in places and at times designated by the Department of Parks and Recreation. (*Class e offence*)
- (2) Bathers must be properly clad in a bathing suit or appropriate swimming attire. (*Class e offence*)

(m) *Winter sports.*

Ice-skating, sledding, skiing, and snow mobiling or tobogganing are permitted on park property only where authorized by posted notice and only in accordance with special regulations on the posted notice. (*Class e offence*)

(n) *Camping.*

Camping is authorized by permit only in designated areas and within specific periods as indicated on the permit. (*Class e offence*)

(o) *Motorized vehicle.*

Use of any unauthorized motorized vehicle on park property is prohibited. This includes but is not limited to ATVs, minibikes, motorscooters, and dirtbikes. (*1st offence Class c, 2nd offence Class b, 3rd offence Class a*)

§22-22. Animal control provisions.

All animals must be controlled in accordance with the Queen Anne's County Department of Parks and Recreation *Rules and Regulations* and abide by all provisions as set forth within the Queen Anne's County *Animal Control Ordinance* (Chapter 9 of the Code of Public Local Laws of Queen Anne's County)

Pets are strictly prohibited from Romancoke Pier, Conquest Preserve, Matapeake Pier or Terrapin Nature Area. (*Class e offence*)

(a) *Non-domesticated animals.*

Grazing of animals is not allowed on County parklands without special permission. (*Class e offence*)

(b) *Domesticated animals.*

- (1) All pets, except for seeing-eye dogs, are prohibited from bathing, picnic or other areas that are specifically restricted and posted. (*Class e offence*)
- (2) All animals must be controlled by a leash or other similar restraining device at all times. (*Class e offence*)
- (3) No animal is permitted on parkland except where posted (*Class e offence*)
- (4) The owner or custodian of an animal may not allow their animal or any animal under their care to defecate on public property, unless the owner or custodian of the animal immediately thereafter removes and disposes of any and all waste in a sanitary manner. (*Class e offence*)
- (5) At no time may an animal injure, molest or intimidate another individual or animal; chase vehicles or bicycles. (*Class b offence*)

§22-23. Regulation of traffic.

(a) *Enforcement*

Traffic and parking in County parks is under direction of the Department of Parks and Recreation. All posted signs and the instructions of park officials must be obeyed. (*Class e offence*)

(b) *Speed limit*

No person shall operate any motorized vehicle in excess of fifteen miles per hour unless speed limit is otherwise posted or directed. (*Class e offence*)

(c) *Permissible roadways.*

No person shall operate any motorized vehicle on park property other than a road or street on which public access is permitted. (*Class b offence*)

(d) *Large truck, buses.*

Trucks over one ton, buses and tractor trailers shall not be operated on park property except by special permit. (*Class e offence*)

(e) *Parking regulations.*

(1) No persons may stop, stand or park a motor vehicle on park property:
(*Class e offence*)

- (i.) in front of a public driveway;
- (ii.) within an intersection;
- (iii.) within twenty (20) feet of, or so as to obstruct, a crosswalk; or within twenty (20) feet of an intersection;
- (iv.) on a bridge;
- (v.) any place an official sign prohibits, or regulates, stopping, standing, parking, or the manner of parking in general;
- (vi.) on the traveled portion of a roadway or public driveway;
- (vii.) on, or obstructing the entrance to, any bicycle path, hiker path, bridle path or access road;
- (viii.) so as to obstruct another vehicle or traffic;
- (ix.) so as to occupy more than one parking space or across painted parking lines;
- (x.) during those hours when park property is not open to the public.
- (xi.) on any grass area, unless specifically allowed, or so as to injure any tree, shrub, plant, or vegetation;
- (xii.) in a fire lane;
- (xiii.) on park property other than that designated for vehicular parking;
- (xiv.) within fifteen (15) feet of a fire hydrant;
- (xv.) within thirty (30) feet of the approach to any traffic control device located at the side of a roadway or at an intersection.

(2) Any vehicle, which receives a permit to park adjacent to any roadway must be removed from the traveled portion of the roadway and parked in the direction of authorized traffic movement, with left wheels parallel to and within thirty-six (36) inches of the right edge or boundary of the roadway. (*Class e offence*)

§22-24. Fees

Park users shall pay the fixed charges for permit or use as established by the Department.

§22-25. Enforcement

(a) *Enforcement authority.*

The provisions of this article shall be enforced by the Director, Park Superintendent, Chief of Recreation and Public Landings Supervisor. In

addition these provisions may be enforced by Department of Natural Resources , Queen Anne County Sheriff, Maryland State Police and any local law enforcement agencies or agencies designated by the County Commissioners.

(b) *Interference with enforcement efforts.*

It shall be a violation of this subtitle to interfere with the designee in the performance of the designee's duties.

§22-26. Civil infractions

(a) *In general*

Violation of this subtitle shall be a civil infraction.

(b) *Fine; obligation to correct.*

(1) Any person found in violation of any provision of this subtitle shall be punishable by a fine not to exceed five hundred dollars (\$500).

(2) Each day during which a violation continues may be deemed a separate offense.

(c) *Amount of Fine:*

Unless another amount for a specific violation has been established by law or regulation, the pre-set civil fine shall be in the minimum amount shown below:

Class of Offense	Minimum Fine		Minimum Suspension	Maximum Suspension
a	\$ 500.00		1 year	Permanent
b	\$ 250.00		4 months	1 year
c	\$ 100.00		1 month	3 months
d	\$ 50.00		1 week	1 month
e	\$ 50.00		1 day	1 week

(d) *Suspension from Park Facility*

Director has the authority to suspend in addition to fines. In addition to the fines, the Director may suspend park privileges as set forth above.

§22-27. Restitution

In addition to or in lieu of enforcing the provisions of this subtitle, the Department of Parks and Recreation may seek and obtain restitution from any individual for costs incurred by the Department in restoring, repairing, replacing, removing encroachments or otherwise mitigating the loss of or damage to any natural resources or other park land property destroyed, defaced, damaged, altered or removed by the individual.

§22-28. Same – Citations

(a) *Form*

Citations shall be in the form designated and promulgated by Queen Anne's County Department of Parks and Recreation Parks and approved by the District Court of Maryland

(b) *Payment of fine.*

Citations shall be payable within 20 calendar days of receipt of the citation. The pre set fine will be the minimum amounts as set forth in 22-26(c).

(c) *Right to stand trial*

- (1) A person receiving a citation for civil infraction may elect to stand trial for the offense by notifying the Queen Anne's County Finance Department of the person's intention to stand trial.
- (2) The notice of intent to stand trial shall be given in writing within 10 calendar days of receipt of the citation.
- (3) On receipt of the notice of intent to stand trial, the County Finance Department shall forward to the District Court of Queen Anne's County a copy of the citation and the notice of intent to stand trial.
- (4) The District Court shall schedule the case for trial and notify the defendant of the trial date.

(d) *Fines remitted to County.*

(1) All penalties, fines, and forfeitures collected by the District Court for violations of this subtitle shall be remitted to the Finance Office of Queen Anne's County.

(2) Fines shall be payable to Queen Anne's County Parks and Recreation Department or Finance Office.

§22-29. Failure to pay or stand trial.*(a) Notice*

If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation, and fails to file a notice of intention to stand trial, formal notice of the violation shall be sent to the person's last known address.

(b) Additional fine; failure to respond.

A person who receives a citation may request adjudication of the case through District Court. The District Court shall schedule the case for trial and summon the defendant to appear.

§22-30. Adjudications.

In any proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions under Article 25B, § 13C of the Annotated Code of Maryland.

§22-31. Court costs and Fines.

If the person is found by the District Court to have committed a violation of this article, the person shall be liable for the costs of the proceedings in the District Court and shall be subject to a fine not to exceed five hundred dollars (\$500.00).

AMENDMENT TO
COUNTY ORDINANCE NO. 04-44 - 1

AN AMENDMENT TO A BILL ENTITLED

AN ACT CONCERNING Revisions to Chapter 22 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

FOR THE PURPOSE OF AMENDING PENDING COUNTY ORDINANCE NO. 04-44 by clarifying the responsibilities of the Advisory Board of Parks and Recreation; providing such Board the authority to establish fees and charges for use of properties, programs and activities supervised or controlled by the Department of Parks and Recreation; renumbering certain Sections of Chapter 22 of the Code of Public Local Laws revising the provisions regarding pets and domesticate animals; providing that the County Commissioner Member of the Advisory Board may serve for the length of their term; and clarifying the provisions on gambling and consumption or sale of alcoholic beverages.

BY AMENDING Sections 22-3, 22-6, 22-8, 22-10, 22-11 and 22-21 of pending County Ordinance No. 04-44; DELETING Section 22-9 thereof and renumbering Sections 22-10 through 22-28.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that pending County Ordinance No. 04-44 be amended as set forth on the attached.

SECTION II

This Amendment to County Ordinance No. 04-44 shall be effective immediately upon adoption.

INTRODUCED BY: Ben Cussell

DATE: 12/21/04

PUBLIC HEARING HELD: _____

VOTE: 5 Yea _____ Nay

DATE OF ADOPTION: 12-21-04

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**CHAPTER 22
PARKS AND RECREATION**

**ARTICLE I
Board of Parks and Recreation**

- §22-1. Definitions.
- §22-2. Board authorized.
- §22-3. Membership; tenure; vacancies
- §22-4. Officers.
- §22-5. Meetings; compensation.
- §22-6. Annual report; budget.
- §22-7. Employees.
- §22-8. General powers and duties.
- §22-9. Acquisition of property.
- §22-10. Program of public recreation.
- §22-11. Control of property.
- §22-12. Committees.
- §22-13. Cooperation with other agencies.

**ARTICLE II
Beaches, Parks and Recreation Areas**

- §22-14. License required.
- §22-15. Requirements for license.
- §22-16. Regulations.

**ARTICLE III
Use of County Parks**

- §22-17. Definitions.
 - §22-18. Code of Conduct Review Board
 - §22-19. Use of County Land and Recreational Facilities
 - §22-20. General Conduct and Personal Behavior
 - §22-21. Regulation of recreational Activities
 - §22-22. Animal Control provisions
 - §22-23. Regulation of Traffic.
 - §22-24. Fees.
 - §22-25. Enforcement.
 - §22-26. Civil infractions.
 - §22-27. Restitution.
 - §22-28. Same – Citations.
 - §22-29. Failure to pay or stand trial.
 - §22-30. Adjudications.
 - §22-31. Court costs & fines
-

ARTICLE I
Advisory Board of Parks and Recreation
[Adopted as § 12-101 of the 1983 Public Local Laws of Queen Anne's County]

§ 22-1. Definitions.

In this article, the following terms shall have the meanings indicated:

BOARD -- The Advisory Board of Recreation and Parks.

§ 22-2. Board authorized.

The County Commissioners may establish an Advisory Board of Parks and Recreation with the powers and duties specified in this article.

§ 22-3. Membership; tenure; vacancies. [Amended by Bill No. 95-02]

A. Composition; appointment of members.

- (1) The Board consists of nine members appointed by the County Commissioners.
- (2) Of the nine members of the Board:
 - (a) One shall be first recommended by the County Board of Education from its membership or otherwise; and
 - (b) One shall be a County Commissioner.
- (3) In the appointment of Board members, the County Commissioners shall give due regard to population and geography.

B. Tenure; vacancies.

- (1) Except for the County Commissioner member, the term of a member is four years and begins on January 1.
- (2) The County Commissioner member may serves for the member's elected term of office as a County Commissioner.
- (3) At the end of a term, a member continues to serve until a successor is appointed.

- (4) Vacancies, except those at the expiration of a term, shall be filled in the same manner as the original appointments.
- (5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

§ 22-4. Officers.

- A. Chairman and Vice Chairman. Each year, the Board shall select a Chairman and Vice Chairman from the Board's membership.
- B. Secretary and Treasurer. The Board shall select a Secretary and Treasurer who may or may not be members of the Board.
- C. Bond. The Board may require the Treasurer to give bond in the amount that the Board determines.

§ 22-5. Meetings; compensation. [Amended by Bill No. 95-02]

- A. Meetings. The Board shall hold the regular and special meetings that the Board considers necessary.
- B. Compensation prohibited. All members of the Board serve without compensation but may be reimbursed for reasonable travel expenses associated with serving on the Board.

§ 22-6. Annual report; budget.

- A. Annual report. The Board shall submit to the County Commissioners ~~an annual a~~ regular report of the Board's activities, ~~together with recommendations for~~ and may recommend further activities and development of the County Parks and Recreation programs.
- B. Budget. The Board shall ~~recommend to the County Commissioners an~~ review the Department of Parks and Recreation's annual budget submission and make recommendations to the County Commissioners, under the requirements of law, itemizing the appropriations necessary for the performance of the ~~Board's~~ Department's functions and duties.

§ 22-7. Employees.

- A. In general. The County Commissioners may employ the personnel that the County Commissioners consider necessary to administer properly the functions of the Department of Parks and Recreation.

B. Director of Recreation and Parks.

(1) If the County Commissioners employ a Director of Parks and Recreation, the person shall have the training, experience, and capacity to initiate and maintain a program of public recreation under the person's general supervision.

(2) The Director of Parks and Recreation serves at the pleasure of the County Commissioners.

C. Salaries: The County Commissioners shall fix the salaries of all personnel.

§ 22-8. General powers and duties.

A. Questions of general policy. The Board shall advise the Department of Parks and Recreation and the County Commissioners on all questions of general policy relating to parks and public recreation in the County. The Board shall furthermore advise the Department of Parks and Recreation as to matters of general policy and direction, and, when appropriate, bring matters of public interest to the attention of the Department and the County Administration. The Department shall endeavor to work cooperatively with the Board whenever possible and in case of dispute, the matter shall be addressed to the County Administrator or Commissioners for settlement.

B. Regulations. The Board may adopt any regulation necessary to carry out this Chapter or to protect the property under its control.

C. Expenditure of funds. ~~The Board may supervise the expenditure of funds and may recommend to the County Commissioners appropriate fees for use of County facilities.~~ The Board shall be charged with the responsibility of setting fees and charges for all those properties, programs and activities supervised or controlled by the Department of Parks and Recreation, and these assessments shall be reviewed no less than annually by the Board, subject only to the authority of the County Commissioners to amend or revise such fees and charges in their discretion.

D. Appointment of advisory committees. The Board may appoint advisory committees or panels to assist in the exercise of the Board's powers and duties.

§ 22-9. Acquisition of property.

A. ~~In general. With the approval of the County Commissioners, the Board may accept real and personal property of all kinds suitable for recreational purposes and public parks.~~

B. ~~Appropriation of money. The County Commissioners may appropriate in the annual County budget the sums that may be necessary.~~

~~(1) To purchase land, construct improvements, and defray expenses for the maintenance of recreation and park areas under the control of the Board; and~~

~~(2) For the support of recreation and park programs.~~

~~C. Manner of acquisition. With the approval of the County Commissioners, the Board may acquire property by purchase, condemnation, grant, bequest, devise, or lease of the fee or any lesser interest, development, rights, assignment, covenant, or other contractual right necessary for recreation and parks programs.~~

~~D. Disposition of property. With the approval of the County Commissioners, the Board may sell or in any manner dispose of recreation or park properties.~~

§ 22-10. 22-9. Program of public recreation.

A. Adoption of program. Subject to budgetary policies and appropriations of the County Commissioners, the Board may ~~initiate, adopt, direct,~~ recommend or cause to be conducted or directed a comprehensive program of public recreation in schools, parks, or other lands or buildings, either publicly or privately owned.

B. ~~Development, operation, and maintenance of facilities. The Board may develop, equip, operate, and maintain any facilities made available to the Board.~~
The Board may advise as to the development, operation and maintenance of County Parks and Recreation facilities, subject to Section 22-8 above.

C. Issuance of permits. The ~~Board~~ Department may issue permits for the use of any facilities under the control of the Department of Parks and Recreation.

§ 22-11. 22.10. Control of property.

A. Agreements. The control of any land, buildings, or other acceptable facilities shall be in accordance with agreements reached between the ~~Board~~ Department and the person who has jurisdiction over the property.

B. Power not limited. The power conferred by this section does not limit the power of the County Commissioners, the Board of Education, any governmental agency, or any person to refuse to allow or to limit the use of any ground, building, or facility under their control, ownership, or jurisdiction.

§ 22-12. 22-11. Committees. [Amended by Bill No. 95-02]

A. Authorized. With the approval of a majority of the members of the Board, the Chairman of the Board may annually appoint committees to collect data and study and make recommendations to the Board on recreation and park issues of particular concern to the Board.

- B. Reports. A committee may submit reports to the County Planning Commission when the committee's work or observations relate to planning and zoning.
- C. Appropriations. The County Commissioners may appropriate public funds to implement and support the powers and duties under this section.

§ ~~22-13~~. 22-12. Cooperation with other agencies.

The County Commissioners, by and through the Board, may join or cooperate with the federal government, the State of Maryland, any municipality, or other governmental agency in providing, establishing, conducting, and maintaining recreation centers, playgrounds, parks, and other recreation facilities and activities.

ARTICLE II

Beaches, Parks, and Recreation Areas

[Adopted as § 1-501 of the 1983 Public Local Laws of Queen Anne's County]

§ ~~22-14~~. 22-13. License required.

A person may not operate a bathing beach, amusement park, or recreation area in the County, outside the limits of any incorporated municipality, unless the person first obtains a license from the County Commissioners.

§ ~~22-15~~. 22-14. Requirements for license.

- A. Determined by County Commissioners. The County Commissioners shall determine:
 - (1) The terms for issuance of a license; and
 - (2) The fee for a license.
- B. Factors for consideration. In making the determination under Subsection A of this section, the County Commissioners shall take into consideration the effect of the issuance of any license on the public health, welfare, or morals of the County.

§ ~~22-16~~. 22-15. Regulations.

The County Commissioners may adopt regulations that are necessary to:

- A. Carry out this article; and
- B. Effectively regulate the beaches, parks, and recreation areas in the County.

ARTICLE III
Use of County Parks
[Adopted effective 6-22-1996 by Ord. No. 96-05]

§ ~~22-17~~. 22-16. **Definitions.**

In this article, the following words have the meanings indicated:

DEPARTMENT -- The Queen Anne's County Department of Parks and Recreation.

DESIGNEE -- Those persons or agencies designated under § 22-25 of this article with responsibility for enforcement of this article.

DIRECTOR -- "Director" means the Director of the Department.

CODE OF CONDUCT REVIEW BOARD -- "Code of Conduct Review Board" is a board comprised of selected league representatives for the purpose of promoting, supporting and enforcing appropriate athletic conduct and behavior.

SPORTS CODE OF CONDUCT -- "Sports Code of Conduct" refers to appropriate athletic conduct and behavior as determined and adopted from time to time by the Code of Conduct Review Board.

§ ~~22-18~~. 22-17. **Code of Conduct Review Board.**

- (a) **"Review Board" Defined**
In this subtitle, "Review Board" means the Code of Conduct Review Board.
- (b) **Review Board Authorized**
The Department may establish the Code of Conduct Review Board with the powers and duties specified in this subtitle.
- (c) **Membership Composition; Appointment of Members**
The Queen Anne's County Code of Conduct Review Board will consist of the president (or a designated board member) of each county youth league, the Athletic Director of the Board of Education of Queen Anne's County and a representative from the Department of Parks & Recreation.
- (d) **Tenure**
Each league board member will serve a term of one year or until their successor is appointed. The start of each member's term will coincide with respective league elections.

(e) **Meetings**

The Board will hold quarterly meetings. Special meetings will be convened at such times as at least three (3) members request a meeting. Board members shall be given a minimum of five (5) days notice for any special meeting. The primary purpose of special meetings will be to render decisions relating to code of conduct violations.

(f) **General Powers and Duties**

The Code of Conduct Review Board has the authority to suspend or expel leagues, players, coaches and spectators from Queen Anne's County Parks and Recreation Facilities for violations of the Sports Code of Conduct.

§ 22-19. 22-18. Use of County land and recreational facilities.

(a) *Admittance.*

Park property and park and recreation programs are open to use by all members of the public regardless of race, sex, national origin, color or creed.

(b) *Hours of operation.*

- (1) The Department will establish hours of operation for park property under its jurisdiction and will post accordingly.
- (2) Any park property may be closed by the Director to the public entirely or for certain uses and such closings shall be posted in advance for public notice.

(c) *Permits.*

The Department may issue permits for use of county parks and facilities upon such rules and regulations as may be approved by the County Commissioners of Queen Anne's County.

§ 22-20. 22-19. General conduct and personal behavior.

(a) *Posting notices*

Attaching or posting of notices, signs or any other objects on park property is prohibited except by permit. (*Class e offence*)

(b) *Audio devices and noise*

No person may play an audio device or create excessive noise so as to disturb the peace. (*Class e offence*)

(c) *Fireworks and explosives.*

No person may possess and discharge any fireworks or other explosive pyrotechnics on park property without the expressed written permission of the Director. (*Class b offence*)

(d) *Littering, dumping and storage (see definitions of garbage, refuse and rubbish under Q.A.C. Code, Title 19 Nuisance Regulations, Subtitle 1. Definitions)*

- (1) Garbage must be properly disposed of in trash receptacles. (*Class e offence*)
- (2) Any discharge of waste materials on the lands or waters of County parks is prohibited. (*Class b offence*)
- (3) Dumping of household or commercial trash and refuse is prohibited on any County property whether or not said dumping occurs in a trash receptacle. (*Class b offence*)
- (4) No person may store material of any description on Park property except by written authorization from the Director. (*Class e offence*)
- (5) Glass containers are prohibited. (*Class e offence*)

(e) *Destruction of park property*

Injury, defacement, disturbance or destruction of any building, sign, equipment, tree, flower, fern, shrub, rock, plant or mineral in a County Park is prohibited. (*Class c offence*)

(f) *Wildlife*

The intentional disturbance, harassment or injury of any animal or animal habitat is prohibited. (*Class c offence*)

(g) *Vegetation*

- (1) Planting of vegetation or causing vegetation to be planted on park property is prohibited except by permit. (*Class e offence*)
- (2) Removal of any vegetation from parklands is prohibited (*Class d offence*)

(h) *Metal detectors, digging.*

Patrons are prohibited from using metal detectors and/or digging into the surface of park property except by permit. (*Class e offence*)

(i) *Gambling.*

Gambling, games of chance and fortune telling are prohibited in County Parks, except with the specific permission and a permit issued by the Director. (*Class e offence*)

(j) *Alcohol*

- (1) Consumption of alcoholic beverages is strictly prohibited except ~~by permit approved by the Director.~~ with the specific permission of and a permit issued by the Director. (*Class d offence*)
- (2) The sale of alcoholic beverages is strictly prohibited without a permit and permission of the Director and proper liquor license (*Class d offence*).

(k) *Projectiles*

No person may throw or launch projectile objects in such a way as to annoy, interfere, impede or endanger another park patron. (*Class e offence*)

(l) *Breach of peace*

No person may perform, engage in, instigate and/or encourage a contention or fight, or assault a person. Every legal order of a park official must be properly obeyed. (*Class c offence*)

(m) *Indecent conduct.*

- (1) Urinating or defecating on park property other than in the places officially provided is prohibited. (*Class c offence*)
- (2) No person shall engage in any sexual or indecent act on park property. (*Class c offence*)

(n) *Powered model airplanes and rockets.*

No powered model airplanes or rockets shall be flown or launched from any park area except on officially designated areas and by permit. (*Class d offence*)

(o) *Erecting structures.*

The enclosure of any area or erection of any structures on park property is prohibited unless authorized by permit. (*Class e offence*)

(p) *Automobile service.*

No person may service any automobile on park property, except waxing. Prohibited activities include washing, repairing or performing other work, except in case of an emergency. (*Class e offence*)

(q) *Weapons.*

No person shall carry, possess or discharge a bow and arrow, dart, firearm, knife with blade of more than three (3) inches in length, or other dangerous weapon on park property except where permitted in designated areas. This provision does not apply to firearms carried by law enforcement officers and persons with legal permits. (*Class b offence*)

§ 22-21. 22-20. Regulation of recreational activities.

~~The following activities are restricted to designated areas:~~

The following regulations apply to all property under the supervision or control of the Department:

(a) *Aeronautical activities*

Aeronautical activities are permitted pursuant to airport regulations. Airplanes, helium/hot air balloons, hang gliders, parachutes, ultra-light planes, or any other person operated aircraft shall not be flown or launched from any County property except in officially designated areas by permit. (*Class e offence*)

(b) *Athletics/Leagues.*

- (1) Persons reserving an athletic field are entitled to exclusive use of such areas on the dates and between the hours specified by permit. They, and all other users are prohibited from playing on the fields if the grounds are wet or otherwise unsuitable for play. (*Class e offence*)
- (2) Any athletic field that is not reserved shall be available on a first-come, first-served basis.

(c) *Bicycling.*

- (1) Bicycle riding is permitted only on roads or on other trails designated for that purpose. (*Class e offence*)
- (2) Bicycle riding is subject to the following requirements (*Class e offences*):
 - i. Bicycles must yield to pedestrians along the trail.
 - ii. Bicycles shall not be operated at a speed greater than reasonable and prudent for existing conditions. The maximum speed limit on the trails is fifteen (15) miles per hour.
 - iii. Bicycle trail users shall dismount prior to crossing intersecting roadways.
 - iv. Bicycles and hikers shall keep right except to pass and bicyclists must alert other trail users before passing.

(d) *Boating. (violation of below regulations constitute a Class e offence)*

- (1) No boat or other watercraft is allowed on lakes, or ponds, on County property except by permit.
- (2) Operators and occupants of permitted watercraft will comply with all local, State and Federal regulations governing the use and operation of said watercraft.
- (3) Operators and occupants of permitted watercraft will comply with any special regulation promulgated by the Director and posted near watercraft launch sites.

(e) *Fires. (violation of below regulations constitute a Class e offence)*

- (1) Fires are permitted only on public campgrounds and picnic areas, and are restricted to established fireplaces constructed for this purpose, and/or privately owned grills or stoves.
- (2) Before leaving the site, persons who have made fires shall wet hot coals until they are thoroughly soaked and cold.
- (3) Building of fires may be prohibited or limited by the Director when a fire hazard exists. Lighted matches, cigars, cigarettes or other burning objects shall be properly extinguished prior to being discarded.
- (4) Ground fires are prohibited.

(f) *Fishing.*

Fishing is permitted only in designated areas and in compliance with Maryland State Angler's license requirements. *(Class e offence)*

(g) *Golf.*

Golf practice is not permitted except at golf courses. *(Class e offence)*

(h) *Horseback riding.*

Horses are permitted only in designated areas and trails. *(Class e offence)*

(i) *Hunting, trapping.*

- (1) Hunting and trapping are permitted only for scientific and animal control purposes.
- (2) Hunting is permitted only in areas designated for hunting and upon compliance with Federal and/or Maryland State licensing requirements. *(Class d offence)*

- (3) No person may hunt or trap without required permit issued from the Department.

(j) *Picnicking.*

Picnicking may be prohibited in areas identified as inappropriate by the Director. Unrestricted picnic areas are operated on a "first come, first served" basis. (*Class e offence*)

(k) *Roller skating, in-line skating, skateboarding.*

- (1) Roller skating and skateboarding are permitted only in areas designated for such use and are prohibited in areas designated for basketball and tennis. (*Class e offence*)
(2) Skateboarding is prohibited on all paved trails. (*Class e offence*)

(l) *Swimming, water sports*

- (1) Bathing and swimming are permitted only in places and at times designated by the Department of Parks and Recreation. (*Class e offence*)
(2) Bathers must be properly clad in a bathing suit or appropriate swimming attire. (*Class e offence*)

(m) *Winter sports.*

Ice-skating, sledding, skiing, and snow mobiling or tobogganing are permitted on park property only where authorized by posted notice and only in accordance with special regulations on the posted notice. (*Class e offence*)

(n) *Camping.*

Camping is authorized by permit only in designated areas and within specific periods as indicated on the permit. (*Class e offence*)

(o) *Motorized vehicle.*

Use of any unauthorized motorized vehicle on park property is prohibited. This includes but is not limited to ATVs, minibikes, motorscooters, and dirtbikes. (*1st offence Class c, 2nd offence Class b, 3rd offence Class a*)

§ 22-22. 22-21. Animal control provisions.

All animals must be controlled in accordance with the Queen Anne's County Department of Parks and Recreation *Rules and Regulations* and abide by all provisions as set forth

within the Queen Anne's County *Animal Control Ordinance* (Chapter 9 of the Code of Public Local Laws of Queen Anne's County)

Pets are strictly prohibited from Romancoke Pier, Conquest Preserve and Matapeake Pier or Terrapin Nature Area. (Class e offence)

(a) *Non- domesticated animals.*

Grazing of animals is not allowed on County parklands without special permission. (Class e offence)

(b) *Domesticated animals.*

- (1) All pets, except for seeing-eye dogs, are prohibited from bathing, picnic or other areas that are specifically restricted and posted. (Class e offence)
- (2) All animals must be controlled by a leash or other similar restraining device at all times. (Class e offence)
- ~~(3) No animal is permitted on parkland except where posted (Class e offence)~~
- (3) The owner or custodian of an animal may not allow their animal or any animal under their care to defecate on public property, unless the owner or custodian of the animal immediately thereafter removes and disposes of any and all waste in a sanitary manner. (Class e offence)
- (4) At no time may an animal injure, molest or intimidate another individual or animal; chase vehicles or bicycles. (Class b offence)

§ ~~22-23.~~ 22-22. Regulation of traffic.

(a) *Enforcement*

Traffic and parking in County parks is under direction of the Department of Parks and Recreation. All posted signs and the instructions of park officials must be obeyed. (Class e offence)

(b) *Speed limit*

No person shall operate any motorized vehicle in excess of fifteen miles per hour unless speed limit is otherwise posted or directed. (Class e offence)

(c) *Permissible roadways.*

No person shall operate any motorized vehicle on park property other than a road or street on which public access is permitted. (Class b offence)

(d) *Large truck, buses.*

Trucks over one ton, buses and tractor trailers shall not be operated on park property except by special permit. (*Class e offence*)

(e) *Parking regulations.*

(1) No persons may stop, stand or park a motor vehicle on park property:
(*Class e offence*)

- (i.) in front of a public driveway;
- (ii.) within an intersection;
- (iii.) within twenty (20) feet of, or so as to obstruct, a crosswalk; or within twenty (20) feet of an intersection;
- (iv.) on a bridge;
- (v.) any place an official sign prohibits, or regulates, stopping, standing, parking, or the manner of parking in general;
- (vi.) on the traveled portion of a roadway or public driveway;
- (vii.) on, or obstructing the entrance to, any bicycle path, hiker path, bridle path or access road;
- (viii.) so as to obstruct another vehicle or traffic;
- (ix.) so as to occupy more than one parking space or across painted parking lines;
- (x.) during those hours when park property is not open to the public.
- (xi.) on any grass area, unless specifically allowed, or so as to injure any tree, shrub, plant, or vegetation;
- (xii.) in a fire lane;
- (xiii.) on park property other than that designated for vehicular parking;
- (xiv.) within fifteen (15) feet of a fire hydrant;
- (xv.) within thirty (30) feet of the approach to any traffic control device located at the side of a roadway or at an intersection.

(2) Any vehicle, which receives a permit to park adjacent to any roadway must be removed from the traveled portion of the roadway and parked in the direction of authorized traffic movement, with left wheels parallel to and within thirty-six (36) inches of the right edge or boundary of the roadway. (*Class e offence*)

§ ~~22-24.~~ 22-23. Fees

Park users shall pay the fixed charges for permit or use as established by the Department.

§ ~~22-25.~~ 22-24. Enforcement

(a) *Enforcement authority.*

The provisions of this article shall be enforced by the Director, Deputy Director, Park Superintendent, Chief of Recreation and Public Landings Supervisor. In addition these provisions may be enforced by Department of Natural Resources , Queen Anne County Sheriff, Maryland State Police and any local law enforcement agencies or agencies designated by the County Commissioners.

(b) *Interference with enforcement efforts.*

It shall be a violation of this subtitle to interfere with the designee in the performance of the designee's duties.

§ 22-26. 22-25. Civil infractions

(a) *In general*

Violation of this subtitle shall be a civil infraction.

(b) *Fine; obligation to correct.*

(1) Any person found in violation of any provision of this subtitle shall be punishable by a fine not to exceed five hundred dollars (\$500).

(2) Each day during which a violation continues may be deemed a separate offense.

(c) *Amount of Fine:*

Unless another amount for a specific violation has been established by law or regulation, the pre-set civil fine shall be in the minimum amount shown below:

Class of Offense	Minimum Fine		Minimum Suspension	Maximum Suspension
a	\$ 500.00		1 year	Permanent
b	\$ 250.00		4 months	1 year
c	\$ 100.00		1 month	3 months
d	\$ 50.00		1 week	1 month
e	\$ 50.00		1 day	1 week

(d) *Suspension from Park Facility*

Director has the authority to suspend in addition to fines. In addition to the fines, the Director may suspend park privileges as set forth above.

§ ~~22-27~~. 22-26. **Restitution**

In addition to or in lieu of enforcing the provisions of this subtitle, the Department of Parks and Recreation may seek and obtain restitution from any individual for costs incurred by the Department in restoring, repairing, replacing, removing encroachments or otherwise mitigating the loss of or damage to any natural resources or other park land property destroyed, defaced, damaged, altered or removed by the individual.

§ ~~22-28~~. 22-27. **Same – Citations**

(a) *Form*

Citations shall be in the form designated and promulgated by Queen Anne's County Department of Parks and Recreation Parks and approved by the District Court of Maryland

(b) *Payment of fine.*

Citations shall be payable within 20 calendar days of receipt of the citation. The pre set fine will be the minimum amounts as set forth in 22-26(c).

(c) *Right to stand trial*

- (1) A person receiving a citation for civil infraction may elect to stand trial for the offense by notifying the Queen Anne's County Finance Department of the person's intention to stand trial.
- (2) The notice of intent to stand trial shall be given in writing within 10 calendar days of receipt of the citation.
- (3) On receipt of the notice of intent to stand trial, the County Finance Department shall forward to the District Court of Queen Anne's County a copy of the citation and the notice of intent to stand trial.
- (4) The District Court shall schedule the case for trial and notify the defendant of the trial date.

(d) *Fines remitted to County.*

(1) All penalties, fines, and forfeitures collected by the District Court for violations of this subtitle shall be remitted to the Finance Office of Queen Anne's County.

- (2) Fines shall be payable to Queen Anne's County Parks and Recreation Department or Finance Office.

§ ~~22-29~~. 22-28. **Failure to pay or stand trial.**

(a) *Notice*

If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation, and fails to file a notice of intention to stand trial, formal notice of the violation shall be sent to the person's last known address.

(b) *Additional fine; failure to respond.*

A person who receives a citation may request adjudication of the case through District Court. The District Court shall schedule the case for trial and summon the defendant to appear.

§ ~~22-30~~. 22-29. **Adjudications.**

In any proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions under Article 25B, § 13C of the Annotated Code of Maryland.

§ ~~22-31~~. 22-30. **Court costs and Fines.**

If the person is found by the District Court to have committed a violation of this article, the person shall be liable for the costs of the proceedings in the District Court and shall be subject to a fine not to exceed five hundred dollars (\$500.00).

B

LAW OFFICES

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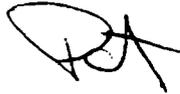
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Ms. Margie Houck
County Commissioners Office
107 N Liberty Street
Centreville, Maryland 21617

Dear Margie:

Enclosed is the latest and I believe final version of an Amendment to pending County Ordinance 04-44. The Commissioners can introduce and vote on this Amendment at their next legislative session.

Very truly yours,



Patrick E. Thompson

PET/kjr
Enclosure
cc: Steve Davis (w/enc.)

COUNTY ORDINANCE NO. 04-45

A BILL ENTITLED

AN ACT CONCERNING Revisions to Chapter 20 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.).

FOR THE PURPOSE of revising and updating Chapter 20 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.); revising and updating the regulations regarding use of public landings in Queen Anne's County, providing for annual and one-day permits for use of public landings; providing that fees for permits may be set by the County Commissioners by resolution; making violations of this Chapter subject to a civil citation; and generally revising and updating Chapter 20 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.);

BY repealing and readopting with amendments Chapter 20 of the Code of Public Local Laws.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Chapter 20 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) be and is hereby repealed and reenacted to read as set forth on the attached.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Joe Cupani

DATE: 11-16-04

PUBLIC HEARING HELD: 12-7-04 6:40

VOTE: 5 Yea _____ Nay

DATE OF ADOPTION: 12/7/04

RECEIVED
CLERK OF DISTRICT COURT
2005 JAN -7 PM 3:37
QUEEN ANNE'S COUNTY

CHAPTER 20. PUBLIC LANDINGS: BOATS

Article I. Definitions

- 20-1. Definitions
20-2. Prior regulations repealed

Article II. Permits

- 20-3. Permit required.

20-4. Regulations for issuance of permits

20-5. Display of permits and stickers

Article III. Regulation of Public Landings

- 20-6. Use of Landings
20-7. Hours of use.
20-8. Parking
20-9. Use of bulkheads

- 20-10. Littering and disposal of residential or commercial waste or refuse prohibited.
20-11. Discharge of firearms prohibited.
20-12. Fishing and Crabbing.

Article IV. Boat Slips

- 20-13. Slip rentals.
20-14. Lease Agreement.
20-15. Docking at county slip.
20-16. Sunken Vessels.

Article V. Abandoned Boats.

- 20-17. Possession and disposal; notice.
20-18. Claim

Article VI. Enforcement; Penalties

- 20-19. Citations and fines.
20-20. Failure to pay or stand trial

Article I. Definitions.

20-1. Definitions.

A. *In general.*

In this title the following words have the meanings indicated.

B. *Annual permit.*

“Annual Permit” means a permit that is valid for the calendar year, running from January 1 on one year to the following December 31.

C. *One-day permit.*

“One-day permit” means a permit that is valid for a single calendar day.

D. *Permit.*

(1) “Permit” means a public landing use permit issued by the County Department of Recreation and Parks.

(2) “Permit” includes a one-day permit and an annual permit.

QUEEN ANNE'S COUNTY CODE

20-2. Prior regulations repealed.

All prior regulations regarding the use and enjoyment of public landings in the County are repealed.

Article II. Permits

20-3. Permit required.

Unless a person has a permit, the person may not:

- A. Use a public landing for launching a vessel or removing a vessel from the water;
- B. Park a vehicle or trailer in any area of a public landing, regardless of the size or type of vehicle; or
- C. Otherwise use the County public landing facilities.

20-4. Regulations for issuance of permits.

The County Department of Parks and Recreation may adopt regulations for the issuance of permits under this subtitle, including requirements for proof of residence, property ownership, and identification. The County Commissioners by Resolution may establish and from time to time modify the fees to be charged for permits issued under this Chapter.

20-5. Display of permits and stickers.

A. *In general.*

Permits shall be evidenced by a sticker issued by the County Department of Parks and Recreation and displayed in accordance with this section.

B. *One-day permit.*

The one day permit is valid only when displayed on the inside of the vehicle windshield facing out.

C. *Annual permit.*

The annual permit is valid only if it is displayed either on:

PUBLIC LANDINGS; BOATS

1. A boat trailer approximately one foot from the trailer hitch on the left side; or
2. The left rear bumper of the vehicle utilizing the public landing.

Article III. Regulation of Public Landings**20-6. Use of Landings**

Launching of a trailered vessel or jet ski at a landing with no launching ramp is prohibited.

20-7. Hours of use.**A. *In general.***

A person may use a public landing 24 hours a day unless otherwise posted by the Department of Parks and Recreation.

B. *Overnight camping.*

A person may not camp overnight in a public landing.

20-8. Parking.

A. Vehicles and trailers shall be parked in designated areas only.

B. A person shall not park a vehicle such that it blocks the ramp or otherwise interferes with the normal function of a launching ramp.

20-9. Use of bulkheads.**A. *Loading and unloading.***

A person shall not park a vehicle at a bulkhead except for loading and unloading.

B. *Docking prohibited without permission.*

A person may not dock any vessel at a bulkhead without the written permission of the County Department of Parks and Recreation, except in the case of extreme weather conditions.

20-10. Littering and disposal of residential or commercial waste or refuse prohibited.

QUEEN ANNE'S COUNTY CODE

A. *Littering prohibited.*

A person may not litter at a public landing, pier or marina.

B. *Disposal of residential or commercial waste prohibited.*

A person may not dispose of residential or commercial waste or refuse at a public landing, pier or marina.

20-11. Discharging of firearms prohibited.

A person may not discharge a firearm at a public landing or a public marina.

20-12. Fishing and crabbing.

A person may fish or crab at a public landing, except in areas that are posted "No Fishing" or "No Crabbing".

Article IV. Boat Slips.

20-13. Slip rentals.

A person who owns a currently Maryland registered or Coast Guard documented boat may rent a County boat slip under the provisions of this subtitle.

20-14. Lease Agreement

- A. The slip lease agreement term shall be for one calendar year beginning at a time to be determined by the Department.
- B. The rights of the lease agreement are not transferable.
- C. Subleasing of the slip is not allowed.

20-15. Docking at County slips.

Except for a vessel owned and registered by the slip renter, a vessel may not dock at a County slip without written permission from the Department of Parks and Recreation.

20-16. Sunken Vessel

Any vessel that sinks in a County slip must be raised within 10 days or the County will have it removed and the cost assessed to the last registered owner of the vessel.

PUBLIC LANDINGS; BOATS

Article V. Abandoned Boats

20-17. Possession and disposal; notice.

A. *Possession and disposal.*

The County Commissioners may take possession of and sell or otherwise dispose of any boat or ship that is apparently abandoned in the County.

B. *Notice.*

Before taking action under subsection (a) of this section, the County Commissioners shall:

- (1) notify the last known owner; or
- (2) if there is no known owner, have a notice printed in one newspaper of general circulation in the County for three consecutive weeks.

20-18. Claim.

A. *In general.*

Any person claiming a legal interest in any boat or ship sold by the County under this subtitle may file a claim within three years after the sale for compensation for loss of the interest to be paid from the proceeds of the sale less any expense of the County in taking possession, keeping, and disposing of the vessel.

B. *Award of compensation.*

If the County Commissioners find that the claim is legitimate, they shall award appropriate compensation.

C. *Action in Circuit Court.*

If the claim of a person is rejected by the County Commissioners, the person may bring an action in the Circuit Court of the County to establish the claim of the person.

QUEEN ANNE'S COUNTY CODE

Article VI. Enforcement; Penalties

20-19. Citations and fines.

A. *Civil penalties.*

- (1) A person who commits or assists in the commission of any act which constitutes a violation of any provision of this title is guilty of a civil violation and subject to a fine, not to exceed \$500.
- (2) Each day on which the violation continues constitutes a separate violation.

B. *Collection.*

The procedure for the issuance of citations, collection of fines and trial with respect to disputed or unsatisfied citations shall be that prescribed in Article 25B, § 13C. of the Annotated Code of Maryland.

C. *Issuance of citations.*

- (1) The Director of the Department of Parks and Recreation, or an employee or volunteer of the Department of Parks and Recreation as designated by resolution of the County Commissioners, may issue an original citation and deliver it to a person believed to be committing a civil violation.
- (2) The resolution shall specify a time period, not exceeding one year, that a volunteer can issue citations.
- (3) A copy of each original citation shall be given to the County Finance Department.
- (4) Each citation shall contain a pre-set fine as established by resolution of the County Commissioners.

D. *Enforcement.*

The County Finance Department is the department with the duty of enforcing this Chapter, with respect to:

- (1) Receiving and filing a copy of each original citation and any fines or notices of intention to stand trial;
- (2) Notifying the District Court of any notice of intention to stand trial or any request for adjudication when a fine is not paid after formal notice thereof has been given.

The County Department of Parks and Recreation is the department with the duty of enforcing this title, with respect to:

PUBLIC LANDINGS; BOATS

- (3) Mailing formal notices of the violation to persons who do not give notice of intention to stand trial or pay the established fine within the time set forth in the citation;

E. ***Prosecution.***

The County Attorney is authorized to prosecute any civil violation.

20-20. Failure to pay or stand trial, notice.

If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation, and fails to file a notice of intention to stand trial, formal notice of the violation shall be sent to the person's last known address.

RECEIVED
CIRCUIT COURT
COUNTY ORDINANCE NO. 04-31

2005 JAN 27 PM 3:55
A BILL ENTITLED

QUEEN ANNE'S COUNTY
AN ACT CONCERNING Revisions to the Provisions of the Queen Anne's County Zoning Ordinance, Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code") Relating to Required Improvements in connection with Major and Minor Subdivisions;

FOR THE PURPOSE of revising the provisions for reimbursement of all or a portion of the costs incurred for required improvements in connection with Major and Minor Subdivisions in light of the deletion of a provision for Developer Rights and Responsibilities Agreements under Title 18 of the Code;

BY AMENDING Section 18-1-172(b) (6) of Title 18 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-172(b) (6) of Title 18 of the Code be repealed and reenacted to read as follows:

§18-1-172 Major and Minor Subdivisions—Required Improvements.

(b) Minimum improvements.

(6) Should any improvement provided pursuant to this subsection be used by other property owners, the applicant for subdivision approval may seek approval for the reimbursement of all or a portion of the costs incurred, pursuant to an approved Public Works Agreement.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Bene Rensson

DATE: 6-15-04

PUBLIC HEARING HELD: 1/4/05

VOTE: 5 Yea Nay

DATE OF ADOPTION: 1/18/05

I:\39-kr\COUNTY\Legislative Bills\County Ordinance 04-31.wpd

Effective 3/5/05

RECEIVED
CLERK OF DISTRICT COURT
COUNTY ORDINANCE NO. 04-32
2005 JAN 27 PM 3:55

A BILL ENTITLED
QUEEN ANNE'S COUNTY

AN ACT CONCERNING Requiring Submission of a CAD drawing on Computer Disk in Connection with Final Plat Approval of a Subdivision under Title 18 of the Code of Public Local Laws of Queen Anne's County (1996 Ed.) ("the Code");

FOR THE PURPOSE of adding a requirement for submission of a CAD drawing on computer disk, if available, to the filing requirements in connection with final subdivision plat approval under Title 18 of the Code.

BY AMENDING Section 18-1-186 (a) (1) of Title 18 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18-1-186(a) (1) of Title 18 of the Code be repealed and reenacted to read as follows:

§18-1-186 Final Plat Approval - Submission of Final Plats.

(a) Filing.

- (1) The applicant shall file with the Planning Director three Mylar and seven (7) paper copies of the final plat(s) and a CAD drawing on computer disk of the approved property lines, if available.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Comm Gene Ransom

DATE: 6-15-04

PUBLIC HEARING HELD: 1/4/05

VOTE: 5 Yea _____ Nay _____

DATE OF ADOPTION: 1/18/05

effective
2/5/05

RECEIVED
CIRCUIT COURT
COUNTY ORDINANCE NO. 0447

A BILL ~~ENTITLED~~ ^{2005 JAN 27 PM 3:55}

QUEEN ANNE'S COUNTY
AN ACT CONCERNING Correction of a Typographical Error in §18:1-76 of the Code of Public Local Laws of Queen Anne's County, Maryland (1996 Ed.) ("the Code").

FOR THE PURPOSE of correcting a typographical error in the Table of Street Buffers contained in §18:1-76 of the Code.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that the Table of Street Buffers contained in §18:1-76 of the Code be amended to read as follows:

§18:1-76 Table of required buffer yards and street buffers.

...

Developing Property Zoning District	STREET BUFFERS			
	Arterial Street	Collector Street	Local Residential Street	Other Street
⊕ AG	-	-	-	-
CS	S	A	-	-
E, SE, SR	D	C	S	S
UR	D	C	C	C
VC, GVC, GNC, SHVC	B	S	B	S
SC	B	S	B	S
SI, SIBE	D	C	E	S
UC, TC	B	B	D	S
LIHS	L	L	L	L
NC	C	C	C	C

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall be effective on the forty-sixth day following its passage.

INTRODUCED BY: Gene Ransom

DATED: 12-7-04

PUBLIC HEARING HELD: 1/4/05

VOTE: 5 YEA NAY

DATE: 1/18/05

I:\39-kr\COUNTY\2004 Legislative Bills\Table of Buffers Bill.wpd

RECEIVED
CIRCUIT COURT COUNTY ORDINANCE NO. 04-49

2005 JAN 27 PM 3:55
A BILL ENTITLED

QUEEN ANNE'S COUNTY
AN ACT CONCERNING Revisions to Sections 18:1-19 D. (2) (a) and E. (2) (a) (1) of Chapter 18 of the Code of Public Local Laws of Queen Anne's County, Maryland (1996 Ed.) ("the Code") to clarify the Floor Area Ratio and Impervious Surface Ratio of Institutional Uses in the Neighborhood Conservation (NC) Zoning District.

FOR THE PURPOSE of clarifying that the Floor Area Ratio and Impervious Surface Ratios provided in the affected sections apply to all institutional and all institutional residential uses.

BY AMENDING Sections 18:1-19 D. (2) (a) and E. (2) (a) (1) of the Code.

SECTION I

BE IT ENACTED that Sections 18:1-19D. (2) (a) and E. (2) (a) (1) of the Code be amended to read as follows:

§18:1-19. Neighborhood Conservation (NC) District

...
D. Density/intensity requirements

...
(2) Maximum nonresidential floor area ratio.
(a) Institutional/residential: .30

E. Dimensional and bulk requirements

...
(2) Nonresidential uses.
(a) Maximum impervious surface ratio.
(1) Institutional/residential .50
...

SECTION II

BE IT FURTHER ENACTED that this Bill shall take effect on the forty-sixth day following its passage.

INTRODUCED BY: Gene M. Pansom III

DATED: 12-07-04

PUBLIC HEARING HELD: _____

VOTE: 5 YEA _____ NAY

DATE: 1/18/05

I:\39-kr\COUNTY\2004 Legislative Bills\Neighborhood Conservation Bill.wpd

effective 3/15/05