

(a) (2) The county shall maintain every storm drainage system and part of every system that had been constructed by WSSC or the county or accepted for maintenance by WSSC or the county as of July 1, 1987 and which is located in a street, alley, public way, or public space. ON OR AFTER JULY 1, 1990, THE CITY OF TAKOMA PARK SHALL MAINTAIN EVERY STORM DRAINAGE SYSTEM AND PART OF EVERY SYSTEM THAT HAD BEEN CONSTRUCTED BY WSSC OR ACCEPTED FOR MAINTENANCE BY WSSC WITHIN THE CITY OF TAKOMA PARK BEFORE JULY 1, 1990, AND WHICH IS LOCATED IN A STREET, ALLEY, PUBLIC WAY, OR PUBLIC SPACE.

(b) (1) In the county's OR THE CITY'S review and approval of the requirements for storm drainage or stormwater management, the county OR CITY may require the owner of any land to be developed:

(i) To provide right-of-way or easement areas or on-site stormwater management facilities; and

(ii) To agree to construct the necessary facilities or to provide for the construction by posting a bond in an amount sufficient to construct the stormwater management facilities that the county OR CITY considers necessary.

(2) (i) If the county OR THE CITY decides to construct stormwater management facilities to serve more than 1 development or if the county OR THE CITY agrees to enter into an agreement to allow the owner or developer to construct a stormwater management system, the county OR THE CITY may enter into an agreement with the developers of new developments for payment by the developers of a fee in lieu of on-site stormwater management facilities.

(ii) The fee in lieu of on-site stormwater management facilities shall be based on an equitable pro rata share of the net cost of the facilities after deducting any State or federal grants applied to the construction of the facilities.

(3) (i) The county OR THE CITY may require the owner's bond or the contribution of a pro rata share of the net cost for the construction of facilities in adjacent or nearby land in the same drainage area which the county OR CITY may determine will be required because of the development of the owner's land.

(ii) Easements and rights-of-way required by the county OR THE CITY shall have the restrictions that the county OR CITY may require as to:

1. Grading; and

2. A prohibition against the location of structures, fences, or plantings on the easement area.

(4) (i) The Maryland-National Capital Park and Planning Commission may not approve any plat for subdivision of land until it ascertains from the county [or], the City of Bowie, OR THE CITY OF TAKOMA PARK, whichever is appropriate,