

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2013, Legislative Day No. 6

Bill No. 20-13

Mr. Tom Quirk, Chairman
By Request of County Executive

By the County Council, March 18, 2013

A BILL
ENTITLED

AN ACT concerning

Stormwater Remediation Fee

FOR the purpose of establishing a Stormwater Remediation Fee as required by Chapter 151 of the Laws of Maryland of 2012; establishing certain rates for Fiscal Year 2014; providing that the County Executive shall annually issue an Executive Order implementing the purposes of this Act, which shall establish the rate of the fee for subsequent years; establishing a procedure for the annual review by the County Council of all rates in subsequent years; requiring the Executive Order to contain an exemption for certain hardships; requiring the Executive Order to contain policies for reducing the fees under certain circumstances; specifying a certain credit; providing that the Director of Budget and Finance shall collect the fee in the same manner as real property taxes; providing

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

certain notices; providing that uncollected fees shall be a lien on real property; providing that the fee shall be deposited in the Stormwater Management Fund; providing for the allowed uses of the fees; providing that a property owner may appeal a fee to the County Administrative Officer or the County Administrative Officer's designee and to the Board of Appeals; requiring ~~the Director of Budget and Finance to issue a certain report~~ certain reports to be submitted to the County Council; and generally relating to the establishment of a Stormwater Remediation Fee.

By repealing and reenacting, with amendments

Sections 10-13-102, 10-13-103, and 10-13-104(b)
Article 10. Finance
Baltimore County Code, 2003

By repealing and reenacting, without amendments

Section 10-13-101
Article 10. Finance
Baltimore County Code, 2003

By adding

Sections 34-4-101 through 34-4-105
Article 34. Water and Sewers
Title 4. Watershed Protection and Restoration Program
Baltimore County Code, 2003

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County shall read as follows:

3 Article 10. Finance.

4 § 10-13-101.

5 There is a non-lapsing Stormwater Management Fund.

6 § 10-13-102.

7 (A) The purpose of the Fund is to:

8 (1) Mitigate potential adverse water quality impacts from development or
9 redevelopment outside the Chesapeake Bay Critical Areas;

10 (2) Improve the water quality of stormwater runoff naturally occurring into the
11 Chesapeake Bay and its tributaries; [and]

12 (3) Fund the implementation of water quality protection or restoration
13 projects, including funding for capital projects administered under the county's waterway
14 improvement [program] PROGRAM;

15 (4) FUND CAPITAL IMPROVEMENTS FOR STORMWATER
16 MANAGEMENT, INCLUDING STREAM AND WETLAND
17 RESTORATION PROJECTS;

1 (5) FUND THE OPERATION AND MAINTENANCE OF STORMWATER
2 MANAGEMENT SYSTEMS AND FACILITIES;

3 (6) FUND PUBLIC EDUCATION AND OUTREACH RELATING TO
4 STORMWATER MANAGEMENT OR STREAM AND WETLAND
5 RESTORATION;

6 (7) FUND STORMWATER MANAGEMENT PLANNING, INCLUDING:
7 (I) MAPPING AND ASSESSMENT OF IMPERVIOUS SURFACES;

8 AND

9 (II) MONITORING, INSPECTION, AND ENFORCEMENT
10 ACTIVITIES TO CARRY OUT THE PURPOSES OF THE FUND; AND

11 (8) FUND GRANTS TO NONPROFIT ORGANIZATIONS FOR UP TO
12 100% OF A PROJECT'S COSTS FOR WATERSHED RESTORATION
13 AND REHABILITATION PROJECTS RELATING TO:

14 (I) PLANNING, DESIGN, AND CONSTRUCTION OF STORMWATER
15 MANAGEMENT PRACTICES;

16 (II) STREAM AND WETLAND RESTORATION; AND

17 (III) PUBLIC EDUCATION AND OUTREACH RELATED TO
18 STORMWATER MANAGEMENT OR STREAM AND WETLAND RESTORATION.

19 (B) STORMWATER REMEDIATION FEES COLLECTED UNDER ARTICLE 34,
20 TITLE 4 OF THE CODE:

1 (1) MAY NOT BE USED TO FUND REVIEW OF STORMWATER
2 MANAGEMENT PLANS AND PERMIT APPLICATIONS FOR NEW DEVELOPMENT;
3 AND

4 (2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, MAY BE USED
5 ONLY FOR THE PURPOSES DESIGNATED IN SUBSECTION (A)(4) THROUGH (8) OF
6 THIS SECTION.

7 (C) THE PURPOSES OF THE FUND INCLUDE THE PAYMENT OR
8 REIMBURSEMENT OF DEBT SERVICE ON BONDS, NOTES, OR OTHER OBLIGATIONS
9 ISSUED TO FINANCE CAPITAL PROJECTS AND IMPROVEMENTS DESCRIBED IN
10 THIS SECTION.

11 § 10-13-103.

12 (a) The Fund shall be financed from:

13 (1) Any and all fees collected under the provisions of Article 33, Title 4 of the
14 Code

15 (2) STORMWATER REMEDIATION FEES COLLECTED UNDER
16 ARTICLE 34, TITLE 4 OF THE CODE; and

17 [(2)] (3) Any other funds designated and provided by the county.

18 (b) Monies provided to the fund shall be treated as a grant to the Fund.

1 (c) The Fund shall be charged for the REASONABLE expenses of administering the
2 provisions of this title.

3 § 10-13-104.

4 (b) The Director of Budget and Finance shall collect the [fee] FEES and shall
5 maintain records in accordance with generally accepted accounting principles.

6 Article 34. Water and Sewers

7 TITLE 4. WATERSHED PROTECTION AND RESTORATION PROGRAM.

8 34-4-101.

9 THIS TITLE DOES NOT APPLY TO PROPERTY OWNED BY THE STATE, A UNIT
10 OF STATE GOVERNMENT, INCLUDING A COUNTY OR BALTIMORE CITY,
11 BALTIMORE COUNTY, OR A VOLUNTEER FIRE DEPARTMENT THAT IS A MEMBER
12 OF THE BALTIMORE COUNTY VOLUNTEER FIREMEN'S ASSOCIATION.

13 34-4-102.

14 (A) THERE IS AN ANNUAL STORMWATER REMEDIATION FEE AS REQUIRED
15 BY § 4-202.1 OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF
16 MARYLAND.

1 (B) SUBJECT TO § 34-4-103 OF THIS TITLE, EVERY PERSON OWNING REAL
2 PROPERTY WITH IMPERVIOUS SURFACE SHALL PAY AN ANNUAL STORMWATER
3 REMEDIATION FEE.

4 (C) (1) A PROPERTY OWNER MAY APPEAL A STORMWATER REMEDIATION
5 FEE IMPOSED UNDER THIS TITLE TO THE COUNTY ADMINISTRATIVE OFFICER OR
6 THE COUNTY ADMINISTRATIVE OFFICER'S DESIGNEE WITHIN 30 DAYS AFTER
7 THE PROPERTY OWNER RECEIVES A BILL FOR THE STORMWATER REMEDIATION
8 FEE.

9 (2) THE DECISION OF THE COUNTY ADMINISTRATIVE OFFICER OR
10 THE COUNTY ADMINISTRATIVE OFFICER'S DESIGNEE MAY BE APPEALED DE
11 NOVO TO THE BOARD OF APPEALS WITHIN 30 DAYS AFTER THE FINAL DECISION.

12 34-4-103.

13 (A) EACH YEAR, THE COUNTY EXECUTIVE SHALL ISSUE AN EXECUTIVE
14 ORDER CARRYING OUT THE PROVISIONS OF THIS TITLE.

15 (B)(1) THE EXECUTIVE ORDER SHALL ESTABLISH THE RATE OR RATES OF
16 THE FEE FOR EACH CLASSIFICATION OR SUBCLASSIFICATION OF REAL PROPERTY
17 SUBJECT TO THIS TITLE. ~~SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION;~~

18 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE
19 EXECUTIVE ORDER SHALL CONTAIN THE FOLLOWING CLASSIFICATIONS:

1 (I) RESIDENTIAL, NOT CONDOMINIUM OR COOPERATIVE
2 OWNERSHIP, WHICH SHALL INCLUDE:

- 3 1. SINGLE-FAMILY DETACHED; AND
- 4 2. SINGLE-FAMILY ATTACHED, INCLUDING DUPLEX,
5 SEMI-DETACHED OR TOWNHOUSE;

6 (II) RESIDENTIAL, CONDOMINIUM OR COOPERATIVE
7 OWNERSHIP, WHICH SHALL INCLUDE:

- 8 1. SINGLE-FAMILY DETACHED; AND
- 9 2. SINGLE-FAMILY ATTACHED, INCLUDING DUPLEX,
10 SEMI-DETACHED OR TOWNHOUSE;
- 11 3. GARDEN STYLE;
- 12 4. MID-RISE; AND
- 13 5. HIGH RISE;

14 (III) RESIDENTIAL, ~~VACANT~~ UNIMPROVED;

15 (IV) AGRICULTURAL, NONRESIDENTIAL;

16 (V) AGRICULTURAL, SINGLE-FAMILY DETACHED;

17 (VI) NON-RESIDENTIAL, NON-INSTITUTIONAL, INCLUDING:

- 18 1. COMMERCIAL PROPERTIES SUCH AS OFFICE
19 BUILDINGS, HOTELS, AND RETAIL ESTABLISHMENTS;

- 1 2. INDUSTRIAL PROPERTIES SUCH AS WAREHOUSES
- 2 AND FACTORIES;
- 3 3. MARITIME USES;
- 4 4. RECREATIONAL PROPERTIES; AND
- 5 5. APARTMENT COMPLEXES; AND

6 (VII) NON-RESIDENTIAL, INSTITUTIONAL, WHICH IS REAL
7 PROPERTY OWNED BY A NON-PROFIT ENTITY.

8 (3) THE EXECUTIVE ORDER MAY FURTHER AMEND, DEFINE OR
9 PLACE INTO FURTHER SUBCLASSIFICATIONS THE CLASSIFICATIONS PROVIDED IN
10 THIS SUBSECTION.

11 (C)(1) THE COUNTY EXECUTIVE SHALL ANNUALLY REVIEW THE RATE OR
12 RATES OF ALL FEES FOR THE PROGRAM AND SHALL REPORT ANY
13 RECOMMENDED RATE CHANGES TO THE COUNTY COUNCIL.

14 (2) THE REPORT SHALL BE SUBMITTED TO EACH MEMBER OF THE COUNTY
15 COUNCIL AND TO THE COUNCIL SECRETARY AND SHALL INDICATE THE
16 PROPOSED RATE CHANGE AND THE REASON FOR THE CHANGE. THE PROPOSED
17 CHANGE SHALL TAKE EFFECT 45 DAYS AFTER NOTIFICATION TO THE COUNCIL
18 UNLESS, WITHIN THE 45-DAY PERIOD, A MAJORITY OF THE COUNCIL OBJECTS TO
19 THE PROPOSED CHANGE. IF THE COUNCIL OBJECTS TO A PROPOSED CHANGE,
20 ANY PROPOSED CHANGE REQUIRES LEGISLATIVE APPROVAL.

1 ~~(C)~~ (D) THE EXECUTIVE ORDER SHALL INCLUDE THE APPEAL PROCEDURE
2 AS REQUIRED UNDER § 34-4-102 OF THIS TITLE.

3 ~~(D)~~ (E) THE EXECUTIVE ORDER SHALL INCLUDE A PROGRAM TO EXEMPT
4 FROM THE REQUIREMENTS OF THIS TITLE A PROPERTY OWNER ABLE TO
5 DEMONSTRATE SUBSTANTIAL FINANCIAL HARDSHIP AS A RESULT OF THE
6 STORMWATER REMEDIATION FEE.

7 ~~(E)~~ (F)(1) THE EXECUTIVE ORDER SHALL INCLUDE POLICIES AND
8 PROCEDURES TO REDUCE ANY PORTION OF A FEE ESTABLISHED UNDER THIS
9 TITLE TO ACCOUNT FOR ON-SITE AND OFF-SITE SYSTEMS, FACILITIES, SERVICES,
10 OR ACTIVITIES THAT REDUCE THE QUANTITY OR IMPROVE THE QUALITY OF
11 STORMWATER DISCHARGED FROM THE PROPERTY.

12 (2) THE EXECUTIVE ORDER SHALL INCLUDE:

13 (1) GUIDELINES FOR DETERMINING WHICH ON-SITE SYSTEMS,
14 FACILITIES, SERVICES, OR ACTIVITIES MAY BE THE BASIS FOR A FEE REDUCTION,
15 INCLUDING GUIDELINES:

16 1. RELATING TO PROPERTIES WITH EXISTING
17 ADVANCED STORMWATER BEST MANAGEMENT PRACTICES;

18 2. RELATING TO AGRICULTURAL ACTIVITIES OR
19 FACILITIES THAT ARE OTHERWISE EXEMPTED FROM STORMWATER
20 MANAGEMENT REQUIREMENTS; ~~AND~~

1 3. THAT PROVIDE A CREDIT TO MARINAS IN GOOD
2 STANDING WITH THE MARYLAND DEPARTMENT OF NATURAL RESOURCES
3 CLEAN MARINA INITIATIVE; AND

4 3: 4. THAT ACCOUNT FOR THE COSTS OF, AND THE
5 LEVEL OF TREATMENT PROVIDED BY, STORMWATER MANAGEMENT FACILITIES
6 THAT ARE FUNDED AND MAINTAINED BY A PROPERTY OWNER;

7 (II) THE METHOD FOR CALCULATING THE AMOUNT OF A FEE
8 REDUCTION; AND

9 (III) SUBJECT TO § 4-202.1(F)(3) OF THE ENVIRONMENT ARTICLE
10 OF THE ANNOTATED CODE OF MARYLAND, PROCEDURES FOR MONITORING AND
11 VERIFYING THE EFFECTIVENESS OF THE ON-SITE SYSTEMS, FACILITIES,
12 SERVICES, OR ACTIVITIES IN REDUCING THE QUANTITY OR IMPROVING THE
13 QUALITY OF STORMWATER DISCHARGED FROM THE PROPERTY.

14 34-4-104.

15 (A) (1) THE DIRECTOR OF BUDGET AND FINANCE SHALL COLLECT THE
16 STORMWATER REMEDIATION FEE IN THE MANNER PROVIDED FOR THE
17 COLLECTION OF REAL PROPERTY TAXES, AND SHALL BE LISTED AS A SEPARATE
18 ITEM ON THE REAL PROPERTY TAX BILL.

19 (2) THE REAL PROPERTY TAX BILL SHALL INCLUDE A FOOTNOTE ON
20 EACH BILL THAT INDICATES THAT THE IMPOSITION OF A STORMWATER

1 REMEDICATION FEE IS MANDATED BY STATE LAW.

2 (B) ANY UNPAID FEE SHALL BE CONSIDERED A LIEN ON THE PROPERTY TO
3 WHICH THE FEE APPLIES.

4 (C) A FEE ESTABLISHED UNDER THIS TITLE SHALL BE CONSIDERED
5 SEPARATE FROM ANY FEES COLLECTED UNDER ARTICLE 33, TITLE 4 OF THE
6 CODE.

7 (D)(1) THE DIRECTOR SHALL DEPOSIT THE FEES COLLECTED INTO THE
8 STORMWATER MANAGEMENT FUND ESTABLISHED UNDER ARTICLE 10, TITLE 13
9 OF THE CODE.

10 (2) FEES DEPOSITED INTO THE STORMWATER MANAGEMENT FUND
11 UNDER THIS TITLE MAY NOT REVERT TO OR BE TRANSFERRED TO THE GENERAL
12 FUND OF THE COUNTY.

13 34-4-105.

14 (A) BEGINNING ON JULY 1, 2014 AND EVERY 2 YEARS THEREAFTER, THE
15 DIRECTOR OF BUDGET AND FINANCE SHALL POST ON THE COUNTY'S INTERNET
16 WEBSITE A REPORT ON:

17 (1) THE NUMBER OF PROPERTIES SUBJECT TO THE STORMWATER
18 REMEDIATION FEE;

1 (2) THE AMOUNT OF MONEY DEPOSITED INTO THE STORMWATER
2 MANAGEMENT FUND OVER THE PREVIOUS 2 FISCAL YEARS; AND

3 (3) THE PERCENTAGE OF FUNDS IN THE STORMWATER MANAGEMENT
4 FUND SPENT ON EACH OF THE PURPOSES PROVIDED IN § 10-13-102(A)(4) THROUGH
5 (8) OF THE CODE.

6 (B) BEGINNING ON JULY 1, 2014 AND EVERY YEAR THEREAFTER, THE COUNTY
7 ADMINISTRATIVE OFFICER SHALL SUBMIT A REPORT TO THE COUNTY COUNCIL
8 THAT INCLUDES:

9 (1) THE MOST RECENT INFORMATION REPORTED TO THE STATE
10 REGARDING THE EFFECTS OF THE PROGRAM'S ACTIVITIES ON REDUCING WATER
11 POLLUTION;

12 (2) THE NUMBER OF ALL CREDITS AWARDED DURING THE FISCAL YEAR,
13 AND THEIR ASSOCIATED DOLLAR VALUE;

14 (3) THE NUMBER OF APPEALS FILED DURING THE FISCAL YEAR, THE
15 NATURE OF EACH APPEAL, AND THE DISPOSITION OF EACH APPEAL;

16 (4) THE NUMBER OF PROPERTIES, BY PROPERTY CLASSIFICATION, SUBJECT
17 TO THE STORMWATER REMEDIATION FEE;

18 (5) THE NUMBER OF HARDSHIP APPLICATIONS FILED, BY PROPERTY
19 CLASSIFICATION, AND THE DISPOSITION OF EACH;

20 (6) THE NUMBER OF APPLICATIONS FILED TO REDUCE ANY PORTION OF A
21 FEE, BY PROPERTY CLASSIFICATION, AND THE DISPOSITION OF EACH;

1 (7) THE AMOUNT OF FUNDS SPENT ON EACH OF THE PURPOSES PROVIDED
2 IN §10-13-102(A)(4) THROUGH (8), BY COUNCILMANIC DISTRICT AND TYPE OF
3 PROJECT;

4 (8) PROGRAM COSTS AND REVENUES, BY SOURCE;

5 (9) THE RESULTS OF THE COUNTY’S MONITORING AND VERIFICATION
6 UNDER SECTION 4-202.1(F)(3) OF THE ENVIRONMENT ARTICLE OF THE
7 ANNOTATED CODE OF MARYLAND; AND

8 (10) PLANS FOR ENCOURAGING HOMEOWNERS AND OTHER PROPERTY
9 OWNERS TO ADOPT BEST PRACTICES FOR STORMWATER MANAGEMENT,
10 INCLUDING ANY PLANS TO IMPLEMENT GRANT OR LOAN PROGRAMS FOR
11 PROPERTY OWNERS TO UNDERTAKE PRIVATE STORMWATER MANAGEMENT
12 PROJECTS.

13 SECTION 2. AND BE IT FURTHER ENACTED, that the Stormwater Remediation Fee
14 adopted under Article 34, Title 4 of the Baltimore County Code, 2003 shall be first imposed on
15 property owners with the real property tax bill that will be issued for first payment after July 1,
16 2013.

17 SECTION 3. AND BE IT FURTHER ENACTED, that notwithstanding the authorization
18 contained in Section 34-4-103(B)(1), the rates for Fiscal Year 2014 for each classification of real
19 property shall be as follows:

1	<u>Single-family detached</u>	-	<u>\$39</u>
2	<u>Single-family attached</u>	-	<u>\$21 per dwelling unit</u>
3	<u>Residential, condominium or cooperative ownership</u>	-	<u>\$32 per dwelling unit</u>
4	<u>Residential, unimproved</u>	-	<u>\$0</u>
5	<u>Agricultural, non-residential</u>	-	<u>\$0</u>
6	<u>Agricultural, single-family</u>	-	<u>\$39</u>
7	<u>Non-residential, non-institutional</u>	-	<u>\$69 per ERU</u>
8	<u>Non-residential, institutional</u>	-	<u>\$20 per ERU</u>

9 “ERU” OR “EQUIVALENT RESIDENTIAL UNIT” MEANS THE STATISTICAL
10 MEAN OF THE TOTAL PLANIMETRIC IMPERIVOUS SURFACE OF DEVELOPED
11 SINGLE-FAMILY DETACHED RESIDENCES INSIDE THE URDL THAT SERVES AS THE
12 BASE UNIT OF ASSESSMENT FOR THE STORMWATER REMEDIATION FEE.

13 SECTION 3: 4. AND BE IT FURTHER ENACTED, that this Act having passed by the
14 affirmative vote of five members of the County Council shall take effect on April 29, 2013.