

HOUSE BILL 668

M3, L1, L6

11r1040
CF SB 552

By: **Delegates Carr, Barve, Hucker, and Mizeur**

Introduced and read first time: February 9, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Local Stormwater Charges – State Property**

3 FOR the purpose of repealing an exemption from certain taxes, user charges, and
4 utility fees relating to stormwater for property owned by the State or a unit of
5 State government; providing that property owned by the State or a unit of State
6 government is subject to a certain stormwater charge imposed by the governing
7 body of the county or municipality within which the property is located;
8 providing an exception to an exemption from the application of a certain
9 provision of law relating to stormwater charges for State construction activities;
10 making stylistic changes; repealing obsolete language; and generally relating to
11 stormwater charges.

12 BY repealing and reenacting, with amendments,
13 Article 24 – Political Subdivisions – Miscellaneous Provisions
14 Section 24–406
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2010 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Environment
19 Section 4–204 and 4–205
20 Annotated Code of Maryland
21 (2007 Replacement Volume and 2010 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

25 24–406.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Property owned by [the State or a unit of State government,] a county, a
2 municipality, or a regularly organized volunteer fire department that is used for public
3 purposes shall be exempt from the taxes, user charges, and utility fees imposed under
4 this subtitle.

5 (b) Property that is not within a stormwater management district or is not
6 otherwise provided direct or indirect stormwater management services in a
7 stormwater management district may not have a tax imposed by the county until the
8 county acquires, extends, or begins to provide stormwater management services,
9 facilities, or programs to the property.

10 Article – Environment

11 4–204.

12 (a) **(1)** [After July 1, 1984, unless] **UNLESS** exempted, a person may not
13 develop any land for residential, commercial, industrial, or institutional use without
14 submitting a stormwater management plan to the county or municipality that has
15 jurisdiction, and obtaining approval of the plan from the county or municipality.

16 **(2)** A grading or building permit may not be issued for a property
17 unless a stormwater management plan has been approved that is consistent with this
18 subtitle.

19 (b) The developer shall certify that all land clearing, construction,
20 development, and drainage will be done according to the plan.

21 (c) Each county or municipality may provide by ordinance for the review and
22 approval of stormwater management plans by the local soil conservation district.

23 (d) **(1)** Each governing body of a county or municipality may adopt a
24 system of charges to fund the implementation of stormwater management programs,
25 including the following:

26 (i) Reviewing stormwater management plans;

27 (ii) Inspection and enforcement activities;

28 (iii) Watershed planning;

29 (iv) Planning, design, land acquisition, and construction of
30 stormwater management systems and structures;

31 (v) Retrofitting developed areas for pollution control;

32 (vi) Water quality monitoring and water quality programs;

1 (vii) Operation and maintenance of facilities; and

2 (viii) Program development of these activities.

3 (2) The charges shall take effect upon enactment by the local
4 governing body.

5 (3) **PROPERTY OWNED BY THE STATE OR A UNIT OF STATE**
6 **GOVERNMENT IS SUBJECT TO A CHARGE THAT IS ADOPTED BY THE GOVERNING**
7 **BODY OF THE COUNTY OR MUNICIPALITY WITHIN WHICH THE PROPERTY IS**
8 **LOCATED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

9 (4) The charges may be collected in the same manner as county and
10 municipal property taxes, have the same priority, and bear the same interest and
11 penalties.

12 4-205.

13 (a) **[The] EXCEPT AS PROVIDED IN § 4-204(D) OF THIS SUBTITLE, THE**
14 **provisions of § 4-204 of this subtitle do not apply to the construction activities of State**
15 **or federal agencies.**

16 (b) **[After July 1, 1984, a] A State or federal agency may not undertake any**
17 **land clearing, soil movement, or construction activity involving soil movement unless**
18 **the agency has submitted and obtained approval of a stormwater management plan**
19 **from the Department.**

20 (c) (1) On the request of a county or municipality, the Department of the
21 Environment shall require that a State or federal agency submit a stormwater
22 management plan to the requesting jurisdiction for review and comment, which review
23 and comment shall be completed, returned, and received by the State or federal agency
24 within 21 calendar days of receipt of the plan.

25 (2) The Department shall require that the State or federal agency
26 include the local jurisdictions' comments that are received within the time period
27 required under paragraph (1) of this subsection as part of its stormwater management
28 plan which is submitted for approval to the Department.

29 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
30 **October 1, 2011.**