

HOUSE BILL 529

M3, L1, L6

2lr1217

By: **Delegates Carr, Bobo, Cane, Hucker, McMillan, Niemann, Reznik, Sophocleus, and Stocksdale**

Introduced and read first time: February 3, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of providing a certain exception to an exemption from certain taxes,
4 user charges, and utility fees relating to stormwater management for property
5 owned by the State or a unit of State government; providing, with certain
6 exceptions and under certain conditions, that property owned by the State or a
7 unit of State government is subject to a certain stormwater management charge
8 imposed by the governing body of the county or municipality within which the
9 property is located; providing an exception to an exemption from the application
10 of a certain provision of law relating to stormwater management charges for
11 State construction activities; prohibiting, with a certain exception, a certain
12 permitted jurisdiction from imposing a certain charge on a property that is
13 located wholly within another permitted jurisdiction; providing for a certain
14 allocation of charges when a property is located in more than one permitted
15 jurisdiction; defining a certain term; making stylistic changes; repealing
16 obsolete language; and generally relating to stormwater management charges.

17 BY repealing and reenacting, with amendments,
18 Article 24 – Political Subdivisions – Miscellaneous Provisions
19 Section 24–406
20 Annotated Code of Maryland
21 (2011 Replacement Volume)

22 BY repealing and reenacting, with amendments,
23 Article – Environment
24 Section 4–204 and 4–205
25 Annotated Code of Maryland
26 (2007 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

4 24–406.

5 (a) [Property] **EXCEPT AS PROVIDED UNDER § 4–204 OF THE**
6 **ENVIRONMENT ARTICLE, PROPERTY** owned by the State or a unit of State
7 government, a county, a municipality, or a regularly organized volunteer fire
8 department that is used for public purposes shall be exempt from the taxes, user
9 charges, and utility fees imposed under this subtitle.

10 (b) Property that is not within a stormwater management district or is not
11 otherwise provided direct or indirect stormwater management services in a
12 stormwater management district may not have a tax imposed by the county until the
13 county acquires, extends, or begins to provide stormwater management services,
14 facilities, or programs to the property.

15 **Article – Environment**

16 4–204.

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

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

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

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

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

31 (i) Reviewing stormwater management plans;

32 (ii) Inspection and enforcement activities;

33 (iii) Watershed planning;

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

3 (v) Retrofitting developed areas for pollution control;

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

5 (vii) Operation and maintenance of facilities; and

6 (viii) Program development of these activities.

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

9 (3) **EXCEPT AS PROVIDED IN PARAGRAPHS (4) AND (5) OF THIS**
10 **SUBSECTION, PROPERTY OWNED BY THE STATE OR A UNIT OF STATE**
11 **GOVERNMENT IS SUBJECT TO A CHARGE THAT IS ADOPTED BY THE GOVERNING**
12 **BODY OF THE COUNTY OR MUNICIPALITY WITHIN WHICH THE PROPERTY IS**
13 **LOCATED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:**

14 (I) **THE CHARGE IS PROPORTIONATE TO THE SHARE OF**
15 **STORMWATER MANAGEMENT SERVICES RELATED TO THE PROPERTY AND**
16 **PROVIDED BY THE COUNTY OR MUNICIPALITY; AND**

17 (II) **THE COUNTY OR MUNICIPALITY HAS ESTABLISHED A**
18 **SYSTEM OF CREDITS OR EXEMPTIONS TO ADJUST THE CHARGE TO ACCOUNT**
19 **FOR THE COSTS OF OTHER STORMWATER MANAGEMENT ACTIVITIES THAT ARE**
20 **RELATED TO THE PROPERTY AND FUNDED BY THE PROPERTY OWNER.**

21 (4) **THE REQUIREMENT SET FORTH IN PARAGRAPH (3) OF THIS**
22 **SUBSECTION DOES NOT APPLY TO PROPERTY OWNED BY THE DEPARTMENT OF**
23 **TRANSPORTATION, INCLUDING ROADS.**

24 (5) (I) **IN THIS PARAGRAPH, “PERMITTED JURISDICTION”**
25 **MEANS A COUNTY OR MUNICIPALITY THAT HOLDS A MUNICIPAL SEPARATE**
26 **STORM SEWER SYSTEM PERMIT.**

27 (II) **A PERMITTED JURISDICTION MAY NOT IMPOSE A**
28 **CHARGE UNDER THIS SUBSECTION ON A PROPERTY THAT IS LOCATED WHOLLY**
29 **WITHIN ANOTHER PERMITTED JURISDICTION UNLESS THE PERMITTED**
30 **JURISDICTION IMPOSING THE CHARGE ACTUALLY PROVIDES STORMWATER**
31 **SERVICES TO THE PROPERTY.**

1 **(III) WHEN A PROPERTY IS LOCATED IN MORE THAN ONE**
2 **PERMITTED JURISDICTION, UNLESS THE AFFECTED PERMITTED JURISDICTIONS**
3 **AGREE ON A DIFFERENT METHOD OF ALLOCATION, EACH PERMITTED**
4 **JURISDICTION MAY COLLECT A CHARGE THAT IS BASED ONLY ON THE AMOUNT**
5 **OF IMPERVIOUS SURFACE ON THE PORTION OF THE PROPERTY LOCATED**
6 **WITHIN THE PERMITTED JURISDICTION.**

7 **[(3)] (6)** The charges may be collected in the same manner as county
8 and municipal property taxes, have the same priority, and bear the same interest and
9 penalties.

10 4-205.

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

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

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

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

27 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
28 **October 1, 2012.**