

# HOUSE BILL 508

M3, L6

3lr0303  
CF 3lr5005

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By: **Delegates Carr, Hucker, Niemann, and Reznik**

Introduced and read first time: January 30, 2013

Assigned to: Environmental Matters

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## 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; prohibiting, with a certain exception, a certain permitted  
10 jurisdiction from imposing a certain charge on a property that is located wholly  
11 within another permitted jurisdiction; providing for a certain allocation of  
12 charges when a property is located in more than one permitted jurisdiction;  
13 providing an exception to an exemption from the application of a certain  
14 provision of law relating to stormwater management charges for State  
15 construction activities; defining a certain term; making stylistic changes;  
16 repealing obsolete language; and generally relating to stormwater management  
17 charges.

18 BY repealing and reenacting, with amendments,  
19 Article 24 – Political Subdivisions – Miscellaneous Provisions  
20 Section 24–406  
21 Annotated Code of Maryland  
22 (2011 Replacement Volume and 2012 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article – Environment  
25 Section 4–204 and 4–205  
26 Annotated Code of Maryland  
27 (2007 Replacement Volume and 2012 Supplement)

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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, AND THE LEVEL OF TREATMENT PROVIDED BY,  
20 STORMWATER MANAGEMENT FACILITIES THAT ARE FUNDED AND MAINTAINED  
21 BY A PROPERTY OWNER.

22 (4) THE REQUIREMENT SET FORTH IN PARAGRAPH (3) OF THIS  
23 SUBSECTION DOES NOT APPLY TO PROPERTY OWNED BY:

24 (I) THE UNIVERSITY SYSTEM OF MARYLAND; OR

25 (II) THE DEPARTMENT OF TRANSPORTATION, INCLUDING  
26 ROADS.

27 (5) (I) IN THIS PARAGRAPH, "PERMITTED JURISDICTION"  
28 MEANS A COUNTY OR MUNICIPALITY THAT HOLDS A MUNICIPAL SEPARATE  
29 STORM SEWER SYSTEM PERMIT.

30 (II) A PERMITTED JURISDICTION MAY NOT IMPOSE A  
31 CHARGE UNDER THIS SUBSECTION ON A PROPERTY THAT IS LOCATED WHOLLY

1 WITHIN ANOTHER PERMITTED JURISDICTION UNLESS THE PERMITTED  
2 JURISDICTION IMPOSING THE CHARGE ACTUALLY PROVIDES STORMWATER  
3 SERVICES TO THE PROPERTY.

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

10 [(3)] (6) The charges may be collected in the same manner as county  
11 and municipal property taxes, have the same priority, and bear the same interest and  
12 penalties.

13 4-205.

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

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

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

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2013.