

HOUSE BILL 1108

M3

6lr2855
CF 6lr3158

By: **Delegates Gilchrist, Barkley, Barve, Fraser-Hidalgo, Kramer, Krimm, Platt,
and S. Robinson**

Introduced and read first time: February 11, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Municipal Stormwater Charges – Property Subject to Charges**

3 FOR the purpose of providing a certain exception to an exemption from certain taxes, user
4 charges, and utility fees relating to stormwater for property owned by a county;
5 providing that property owned by the State or a unit of State government, a county,
6 a college or university, or a local school system is subject to certain stormwater
7 charges imposed by the governing body of the municipality within which the property
8 is located under certain circumstances; making a stylistic change; repealing obsolete
9 language; and generally relating to municipal stormwater charges.

10 BY repealing and reenacting, with amendments,

11 Article – Local Government

12 Section 21–626

13 Annotated Code of Maryland

14 (2013 Volume and 2015 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article – Environment

17 Section 4–204(a) and (d)

18 Annotated Code of Maryland

19 (2013 Replacement Volume and 2015 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

21 That the Laws of Maryland read as follows:

22 **Article – Local Government**

23 21–626.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) [Property] **EXCEPT AS PROVIDED UNDER § 4-204 OF THE ENVIRONMENT**
2 **ARTICLE, PROPERTY** owned by the State or a unit of State government, a county, a
3 municipality, or a regularly organized volunteer fire department that is used for public
4 purposes is exempt from the taxes, user charges, and utility fees imposed under this part.

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

9 **Article – Environment**

10 4-204.

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

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

17 (d) (1) Each governing body of a county or municipality may adopt a system of
18 charges to fund the implementation of stormwater management programs, including the
19 following:

20 (i) Reviewing stormwater management plans;

21 (ii) Inspection and enforcement activities;

22 (iii) Watershed planning;

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

25 (v) Retrofitting developed areas for pollution control;

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

27 (vii) Operation and maintenance of facilities; and

28 (viii) Program development of these activities.

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

1 **(3) PROPERTY OWNED BY THE STATE OR A UNIT OF STATE**
2 **GOVERNMENT, A COUNTY, A COLLEGE OR UNIVERSITY, OR A LOCAL SCHOOL SYSTEM**
3 **IS SUBJECT TO CHARGES ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION BY**
4 **THE LOCAL GOVERNING BODY OF A MUNICIPALITY WITHIN WHICH THE PROPERTY IS**
5 **LOCATED IF:**

6 **(I) THE MUNICIPALITY HAS ESTABLISHED A DEDICATED**
7 **STORMWATER MANAGEMENT FUND; AND**

8 **(II) PROPERTY OWNED BY THE MUNICIPALITY IS SUBJECT TO**
9 **THE CHARGES.**

10 **[(3)] (4)** The charges may be collected in the same manner as county and
11 municipal property taxes, have the same priority, and bear the same interest and penalties.

12 **[(4)] (5)** The charges shall be assessed in a manner consistent with §
13 4-202.1(e)(3) and (f) of this subtitle.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2016.