

SENATE BILL 672

M3

9lr2468

By: **Senators Raskin, Frosh, Harrington, King, Madaleno, Muse, Pinsky, and Rosapepe**

Introduced and read first time: February 6, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Stormwater Management – Stormwater User Charge**

3 FOR the purpose of requiring each county or municipality to establish a stormwater
4 user charge; establishing the purpose of a stormwater user charge; requiring a
5 county or municipality to collect a stormwater user charge and use it to fund
6 certain stormwater management activities; requiring a county or municipality
7 to set the amount of a residential stormwater user charge in a certain manner;
8 requiring a county or municipality to set the amount of a commercial
9 stormwater user charge in a certain manner; defining a certain term; and
10 generally relating to a stormwater user charge and stormwater management.

11 BY repealing and reenacting, with amendments,
12 Article – Environment
13 Section 4–202
14 Annotated Code of Maryland
15 (2007 Replacement Volume and 2008 Supplement)

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

18 **Article – Environment**

19 4–202.

20 (A) (1) By July 1, 1984, each county and municipality shall adopt
21 ordinances necessary to implement a stormwater management program.

22 (2) These stormwater management programs shall be consistent with
23 flood management plans, if any, developed under Title 5, Subtitle 8 of this article for a
24 particular watershed, shall meet the requirements established by the Department

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 under § 4-203 of this subtitle, and shall be consistent with the purposes of this
2 subtitle.

3 (B) (1) EACH COUNTY AND MUNICIPALITY SHALL ESTABLISH A
4 STORMWATER USER CHARGE IN ACCORDANCE WITH THIS SECTION.

5 (2) THE PURPOSE OF A STORMWATER USER CHARGE IS TO
6 GENERATE SUFFICIENT REVENUE TO ALLOW A COUNTY OR MUNICIPALITY TO
7 FUND ALL OF THE STORMWATER MANAGEMENT ACTIVITIES THAT ARE
8 CONDUCTED WITHIN A COUNTY OR MUNICIPALITY.

9 (C) A COUNTY OR MUNICIPALITY SHALL COLLECT A STORMWATER USER
10 CHARGE AND USE IT TO FUND THE FOLLOWING:

11 (1) STORMWATER MANAGEMENT PLANNING;

12 (2) STORMWATER MANAGEMENT PERMITTING, INSPECTION, AND
13 ENFORCEMENT ACTIVITIES;

14 (3) GRANT PROGRAMS ESTABLISHED FOR THE PURPOSE OF
15 ENCOURAGING THE USE OF STORMWATER ABATEMENT PRACTICES, INCLUDING
16 THE USE OF GREEN ROOFS, RAIN BARRELS, AND PERVIOUS PAVERS;

17 (4) OPERATION AND MAINTENANCE OF STORMWATER
18 MANAGEMENT SYSTEMS AND FACILITIES;

19 (5) ADMINISTRATIVE ACTIVITIES RELATED TO STORMWATER
20 MANAGEMENT PROGRAMS AND ACTIVITIES;

21 (6) CAPITAL IMPROVEMENTS FOR STORMWATER MANAGEMENT;
22 AND

23 (7) ANY OTHER STORMWATER MANAGEMENT ACTIVITY THAT A
24 COUNTY OR MUNICIPALITY IS REQUIRED TO CONDUCT IN ACCORDANCE WITH
25 THIS SUBTITLE.

26 (D) A COUNTY OR MUNICIPALITY SHALL SET A RESIDENTIAL
27 STORMWATER USER CHARGE IN AN AMOUNT THAT IS THE SAME FOR ALL
28 RESIDENTIAL PROPERTY OWNERS WITHIN A COUNTY OR MUNICIPALITY.

29 (E) (1) IN THIS SUBSECTION, "IMPERVIOUS SURFACE" INCLUDES:

30 (I) STRUCTURES, BUILDINGS, DWELLING UNITS, ROADS,
31 PARKING LOTS, AND DRIVEWAYS; AND

1 **(II) AREAS THAT ARE COVERED WITH GRAVEL, STONE,**
2 **SHELL, IMPERMEABLE DECKING OR PAVERS, OR ANY OTHER IMPERVIOUS**
3 **MATERIAL.**

4 **(2) A COUNTY OR MUNICIPALITY SHALL SET A COMMERCIAL**
5 **STORMWATER USER CHARGE IN AN AMOUNT THAT IS:**

6 **(I) BASED ON THE AMOUNT OF IMPERVIOUS SURFACE ON**
7 **THE COMMERCIAL PROPERTY; AND**

8 **(II) GREATER THAN THE RESIDENTIAL STORMWATER USER**
9 **CHARGE SET UNDER SUBSECTION (D) OF THIS SECTION.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2009.