

SENATE BILL 672

M3

9lr2468
CF HB 1457

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 2009

CHAPTER _____

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; prohibiting a county or
10 municipality from assessing a stormwater user charge on certain State-owned
11 property; defining a certain term; and generally relating to a stormwater user
12 charge and stormwater management.

13 BY repealing and reenacting, with amendments,
14 Article – Environment
15 Section 4–202
16 Annotated Code of Maryland
17 (2007 Replacement Volume and 2008 Supplement)

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

20 **Article – Environment**

21 4–202.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 (2) These stormwater management programs shall be consistent with
4 flood management plans, if any, developed under Title 5, Subtitle 8 of this article for a
5 particular watershed, shall meet the requirements established by the Department
6 under § 4-203 of this subtitle, and shall be consistent with the purposes of this
7 subtitle.

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

10 (2) **THE PURPOSE OF A STORMWATER USER CHARGE IS TO**
11 **GENERATE SUFFICIENT REVENUE TO ALLOW A COUNTY OR MUNICIPALITY TO**
12 **FUND ALL OF THE STORMWATER MANAGEMENT ACTIVITIES THAT ARE**
13 **CONDUCTED WITHIN A COUNTY OR MUNICIPALITY.**

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

16 (1) **STORMWATER MANAGEMENT PLANNING;**

17 (2) **STORMWATER MANAGEMENT PERMITTING, INSPECTION, AND**
18 **ENFORCEMENT ACTIVITIES;**

19 (3) **GRANT PROGRAMS ESTABLISHED FOR THE PURPOSE OF**
20 **ENCOURAGING THE USE OF STORMWATER ABATEMENT PRACTICES, INCLUDING**
21 **THE USE OF GREEN ROOFS, RAIN BARRELS, AND PERVIOUS PAVERS;**

22 (4) **OPERATION AND MAINTENANCE OF STORMWATER**
23 **MANAGEMENT SYSTEMS AND FACILITIES;**

24 (5) **ADMINISTRATIVE ACTIVITIES RELATED TO STORMWATER**
25 **MANAGEMENT PROGRAMS AND ACTIVITIES;**

26 (6) **CAPITAL IMPROVEMENTS FOR STORMWATER MANAGEMENT;**
27 **AND**

28 (7) **ANY OTHER STORMWATER MANAGEMENT ACTIVITY THAT A**
29 **COUNTY OR MUNICIPALITY IS REQUIRED TO CONDUCT IN ACCORDANCE WITH**
30 **THIS SUBTITLE.**

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

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

5 (I) STRUCTURES, BUILDINGS, DWELLING UNITS, ROADS,
6 PARKING LOTS, AND DRIVEWAYS; AND

7 (II) AREAS THAT ARE COVERED WITH GRAVEL, STONE,
8 SHELL, IMPERMEABLE DECKING OR PAVERS, OR ANY OTHER IMPERVIOUS
9 MATERIAL.

10 (2) A COUNTY OR MUNICIPALITY SHALL SET A COMMERCIAL
11 STORMWATER USER CHARGE IN AN AMOUNT THAT IS:

12 (I) BASED ON THE AMOUNT OF IMPERVIOUS SURFACE ON
13 THE COMMERCIAL PROPERTY; AND

14 (II) GREATER THAN THE RESIDENTIAL STORMWATER USER
15 CHARGE SET UNDER SUBSECTION (D) OF THIS SECTION.

16 (F) A COUNTY OR MUNICIPALITY MAY NOT ASSESS A STORMWATER
17 USER CHARGE UNDER THIS SECTION ON ANY PROPERTY, INCLUDING
18 IMPERVIOUS SURFACE, THAT IS OWNED BY THE STATE.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.