

# HOUSE BILL 1409

M3

EMERGENCY BILL

0lr2965  
CF 0lr3107

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By: **Delegate G. Clagett**

Introduced and read first time: February 19, 2010

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Stormwater Management – Development Projects – Special Taxing Districts**

3 FOR the purpose of authorizing a person to submit a certain stormwater management  
4 plan that complies with certain laws and regulations in effect on a certain date  
5 if the development project is located within a special taxing district that meets  
6 certain requirements; making this Act an emergency measure; and generally  
7 relating to stormwater management in special taxing districts.

8 BY repealing and reenacting, with amendments,  
9 Article – Environment  
10 Section 4–204  
11 Annotated Code of Maryland  
12 (2007 Replacement Volume and 2009 Supplement)

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

15 **Article – Environment**

16 4–204.

17 (a) **(1)** [After July 1, 1984, unless exempted] **UNLESS OTHERWISE**  
18 **EXEMPTED FROM THE REQUIREMENTS OF THIS SECTION AND SUBJECT TO**  
19 **SUBSECTION (B) OF THIS SECTION**, a person may not develop any land for  
20 residential, commercial, industrial, or institutional use without [submitting]:

21 **(I)** **SUBMITTING** a stormwater management plan to the county  
22 or municipality that has jurisdiction[.]; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                    **(II)**    ~~[obtaining]~~   **OBTAINING** approval of the plan from the  
2 county or municipality.

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

6                    **(B)**    **(1)**    **IN THIS SUBSECTION, “SPECIAL TAXING DISTRICT” INCLUDES**  
7 **AN AREA WHERE PROPERTY OWNERS ARE SUBJECT TO A TAX OR FEE BY A**  
8 **COMMUNITY DEVELOPMENT AUTHORITY.**

9                    **(2)**    **A PERSON MAY SUBMIT A STORMWATER MANAGEMENT PLAN**  
10 **IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION THAT COMPLIES WITH**  
11 **THE LAWS AND REGULATIONS IN EFFECT ON MAY 3, 2009, FOR A DEVELOPMENT**  
12 **PROJECT LOCATED WITHIN A SPECIAL TAXING DISTRICT IF THE SPECIAL**  
13 **TAXING DISTRICT:**

14                    **(I)**    **IS APPROVED BY A LOCAL JURISDICTION AND**  
15 **RECORDED IN THE LAND RECORDS OF THE LOCAL JURISDICTION BEFORE MAY**  
16 **4, 2015; OR**

17                    **(II)**    **ISSUES THE MAXIMUM PRINCIPAL AMOUNT OF BONDS**  
18 **THE SPECIAL TAXING DISTRICT IS AUTHORIZED TO ISSUE BY THE LOCAL**  
19 **JURISDICTION BEFORE MAY 4, 2015.**

20                    ~~[(b)]~~ **(C)**    The developer shall certify that all land clearing, construction,  
21 development, and drainage will be done according to the plan.

22                    ~~[(c)]~~ **(D)**    Each county or municipality may provide by ordinance for the  
23 review and approval of stormwater management plans by the local soil conservation  
24 district.

25                    ~~[(d)]~~ **(E)**    **(1)**    Each governing body of a county or municipality may adopt  
26 a system of charges to fund the implementation of stormwater management programs,  
27 including the following:

28                                    (i)    Reviewing stormwater management plans;

29                                    (ii)    Inspection and enforcement activities;

30                                    (iii)    Watershed planning;

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

- (v) Retrofitting developed areas for pollution control;
- (vi) Water quality monitoring and water quality programs;
- (vii) Operation and maintenance of facilities; and
- (viii) Program development of these activities.

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.