

# HOUSE BILL 529

M3, L1, L6

2lr1217

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By: **Delegates Carr, Bobo, Cane, Hucker, McMillan, Niemann, Reznik, Sophocleus, and Stocksdale**

Introduced and read first time: February 3, 2012

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2012

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## CHAPTER \_\_\_\_\_

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

20 BY repealing and reenacting, with amendments,  
21 Article 24 – Political Subdivisions – Miscellaneous Provisions  
22 Section 24-406  
23 Annotated Code of Maryland

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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 (2011 Replacement Volume)

2 BY repealing and reenacting, with amendments,  
3 Article – Environment  
4 Section 4–204 and 4–205  
5 Annotated Code of Maryland  
6 (2007 Replacement Volume and 2011 Supplement)

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

9 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

10 24–406.

11 (a) **[Property] EXCEPT AS PROVIDED UNDER § 4–204 OF THE**  
12 **ENVIRONMENT ARTICLE, PROPERTY** owned by the State or a unit of State  
13 government, a county, a municipality, or a regularly organized volunteer fire  
14 department that is used for public purposes shall be exempt from the taxes, user  
15 charges, and utility fees imposed under this subtitle.

16 (b) Property that is not within a stormwater management district or is not  
17 otherwise provided direct or indirect stormwater management services in a  
18 stormwater management district may not have a tax imposed by the county until the  
19 county acquires, extends, or begins to provide stormwater management services,  
20 facilities, or programs to the property.

21 **Article – Environment**

22 4–204.

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

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

30 (b) The developer shall certify that all land clearing, construction,  
31 development, and drainage will be done according to the plan.

32 (c) Each county or municipality may provide by ordinance for the review and  
33 approval of stormwater management plans by the local soil conservation district.

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

4 (i) Reviewing stormwater management plans;

5 (ii) Inspection and enforcement activities;

6 (iii) Watershed planning;

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

9 (v) Retrofitting developed areas for pollution control;

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

11 (vii) Operation and maintenance of facilities; and

12 (viii) Program development of these activities.

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

15 **(3) EXCEPT AS PROVIDED IN PARAGRAPHS (4) AND (5) OF THIS**  
16 **SUBSECTION, PROPERTY OWNED BY THE STATE OR A UNIT OF STATE**  
17 **GOVERNMENT IS SUBJECT TO A CHARGE THAT IS ADOPTED BY THE GOVERNING**  
18 **BODY OF THE COUNTY OR MUNICIPALITY WITHIN WHICH THE PROPERTY IS**  
19 **LOCATED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:**

20 **(I) THE CHARGE IS PROPORTIONATE TO THE SHARE OF**  
21 **STORMWATER MANAGEMENT SERVICES RELATED TO THE PROPERTY AND**  
22 **PROVIDED BY THE COUNTY OR MUNICIPALITY; AND**

23 **(II) THE COUNTY OR MUNICIPALITY HAS ESTABLISHED A**  
24 **SYSTEM OF CREDITS OR EXEMPTIONS TO ADJUST THE CHARGE TO ACCOUNT**  
25 **FOR THE COSTS OF ~~OTHER STORMWATER MANAGEMENT ACTIVITIES THAT ARE~~**  
26 **~~RELATED TO THE PROPERTY AND FUNDED BY THE,~~ AND THE LEVEL OF**  
27 **TREATMENT PROVIDED BY, STORMWATER MANAGEMENT FACILITIES THAT ARE**  
28 **FUNDED AND MAINTAINED BY A PROPERTY OWNER.**

29 **(4) THE REQUIREMENT SET FORTH IN PARAGRAPH (3) OF THIS**  
30 **SUBSECTION ~~DOES:~~**

1                   **(I) APPLIES TO PROPERTY OWNED BY THE UNIVERSITY**  
2 **SYSTEM OF MARYLAND ON OR AFTER OCTOBER 1, 2014; AND**

3                   **(II) DOES NOT APPLY TO PROPERTY OWNED BY THE**  
4 **DEPARTMENT OF TRANSPORTATION, INCLUDING ROADS.**

5                   **(5) (I) IN THIS PARAGRAPH, “PERMITTED JURISDICTION”**  
6 **MEANS A COUNTY OR MUNICIPALITY THAT HOLDS A MUNICIPAL SEPARATE**  
7 **STORM SEWER SYSTEM PERMIT.**

8                   **(II) A PERMITTED JURISDICTION MAY NOT IMPOSE A**  
9 **CHARGE UNDER THIS SUBSECTION ON A PROPERTY THAT IS LOCATED WHOLLY**  
10 **WITHIN ANOTHER PERMITTED JURISDICTION UNLESS THE PERMITTED**  
11 **JURISDICTION IMPOSING THE CHARGE ACTUALLY PROVIDES STORMWATER**  
12 **SERVICES TO THE PROPERTY.**

13                   **(III) WHEN A PROPERTY IS LOCATED IN MORE THAN ONE**  
14 **PERMITTED JURISDICTION, UNLESS THE AFFECTED PERMITTED JURISDICTIONS**  
15 **AGREE ON A DIFFERENT METHOD OF ALLOCATION, EACH PERMITTED**  
16 **JURISDICTION MAY COLLECT A CHARGE THAT IS BASED ONLY ON THE AMOUNT**  
17 **OF IMPERVIOUS SURFACE ON THE PORTION OF THE PROPERTY LOCATED**  
18 **WITHIN THE PERMITTED JURISDICTION.**

19                   **[(3)] (6)** The charges may be collected in the same manner as county  
20 and municipal property taxes, have the same priority, and bear the same interest and  
21 penalties.

22 4–205.

23                   (a) **[The] EXCEPT AS PROVIDED IN § 4–204(D) OF THIS SUBTITLE, THE**  
24 **provisions of § 4–204 of this subtitle do not apply to the construction activities of State**  
25 **or federal agencies.**

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

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

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

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.