

SENATE BILL 1084

M3, L2

4lr3272

By: **Baltimore County Senators**

Introduced and read first time: February 26, 2014

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Stormwater Remediation Fee – Application and**
3 **Limitation**

4 FOR the purpose of requiring that certain property owned by Baltimore County be
5 charged a certain stormwater remediation fee under certain circumstances;
6 prohibiting a certain stormwater remediation fee charged to a commercial
7 property in Baltimore County from exceeding a certain percentage of the county
8 property tax assessed on the property; prohibiting a certain stormwater
9 remediation fee charged to a residential property in Baltimore County from
10 being increased above a certain amount; and generally relating to stormwater
11 remediation fees in Baltimore County.

12 BY repealing and reenacting, without amendments,
13 Article – Environment
14 Section 4–202.1(a), (b), (c), and (d)
15 Annotated Code of Maryland
16 (2013 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Article – Environment
19 Section 4–202.1(e)
20 Annotated Code of Maryland
21 (2013 Replacement Volume)

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

24 **Article – Environment**

25 4–202.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) Except as provided in paragraph (2) of this subsection, this section
2 applies to a county or municipality that is subject to a national pollutant discharge
3 elimination system Phase I municipal separate storm sewer system permit.

4 (2) This section does not apply to a county or municipality that, on or
5 before July 1, 2012, has enacted and implemented a system of charges under § 4–204
6 of this subtitle for the purpose of funding a watershed protection and restoration
7 program, or similar program, in a manner consistent with the requirements of this
8 section.

9 (b) On or before July 1, 2013, a county or municipality shall adopt and
10 implement local laws or ordinances necessary to establish a watershed protection and
11 restoration program.

12 (c) A watershed protection and restoration program established under this
13 section shall include:

14 (1) A stormwater remediation fee; and

15 (2) A local watershed protection and restoration fund.

16 (d) (1) A county or municipality shall maintain or administer a local
17 watershed protection and restoration fund in accordance with this section.

18 (2) The purpose of a local watershed protection and restoration fund is
19 to provide financial assistance for the implementation of local stormwater
20 management plans through stormwater management practices and stream and
21 wetland restoration activities.

22 (e) (1) Except as provided in paragraph (2) of this subsection and
23 subsection (f) of this section, a county or municipality shall establish and annually
24 collect a stormwater remediation fee from owners of property located within the
25 county or municipality in accordance with this section.

26 (2) (I) **[Property] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II)**
27 **OF THIS PARAGRAPH, PROPERTY** owned by the State, a unit of State government, a
28 county, a municipality, or a regularly organized volunteer fire department that is used
29 for public purposes may not be charged a stormwater remediation fee under this
30 section.

31 (II) **PROPERTY OWNED BY BALTIMORE COUNTY SHALL BE**
32 **CHARGED A STORMWATER REMEDIATION FEE UNDER THIS SECTION THAT MAY**
33 **NOT EXCEED 50% OF THE COUNTY PROPERTY TAX ASSESSED ON THE PROPERTY**
34 **UNLESS THE BALTIMORE COUNTY BOARD OF EDUCATION HOLDS THE**
35 **PROPERTY IN TRUST FOR THE BENEFIT OF A SCHOOL, THE SCHOOL SYSTEM, OR**
36 **A COMMUNITY COLLEGE.**

1 (3) (i) A county or municipality shall set a stormwater remediation
2 fee for property in an amount that is based on the share of stormwater management
3 services related to the property and provided by the county or municipality.

4 (ii) A county or municipality may set a stormwater remediation
5 fee under this paragraph based on:

6 1. A flat rate;

7 2. An amount that is graduated, based on the amount of
8 impervious surface on each property; or

9 3. Another method of calculation selected by the county
10 or municipality.

11 **(4) IN BALTIMORE COUNTY, A STORMWATER REMEDIATION FEE**
12 **CHARGED TO:**

13 **(I) A COMMERCIAL PROPERTY UNDER THIS SECTION MAY**
14 **NOT EXCEED 50% OF THE COUNTY PROPERTY TAX ASSESSED ON THE**
15 **PROPERTY; AND**

16 **(II) A RESIDENTIAL PROPERTY UNDER THIS SECTION MAY**
17 **NOT BE INCREASED ABOVE THE STORMWATER REMEDIATION FEE CHARGED BY**
18 **BALTIMORE COUNTY AS OF JANUARY 1, 2014.**

19 **[(4)] (5)** A stormwater remediation fee established under this section
20 is separate from any charges that a county or municipality establishes related to
21 stormwater management for new developments under § 4–204 of this subtitle,
22 including fees for permitting, review of stormwater management plans, inspections, or
23 monitoring.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 2014.