

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2013, Legislative Day No. 6

Bill No. 20-13

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Mr. Tom Quirk, Chairman  
By Request of County Executive

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By the County Council, March 18, 2013

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A BILL  
ENTITLED

AN ACT concerning

Stormwater Remediation Fee

FOR the purpose of establishing a Stormwater Remediation Fee as required by Chapter 151 of the Laws of Maryland of 2012; establishing certain rates for Fiscal Year 2014; providing that the County Executive shall annually issue an Executive Order implementing the purposes of this Act, which shall establish the rate of the fee for subsequent years; establishing a procedure for the annual review by the County Council of all rates in subsequent years; requiring the Executive Order to contain an exemption for certain hardships; requiring the Executive Order to contain policies for reducing the fees under certain circumstances; specifying a certain credit; providing that the Director of Budget and Finance shall collect the fee in the same manner as real property taxes; providing

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EXPLANATION:      CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
                          [Brackets] indicate matter stricken from existing law.  
                          ~~Strike out~~ indicates matter stricken from bill.  
                          Underlining indicates amendments to bill.

certain notices; providing that uncollected fees shall be a lien on real property; providing that the fee shall be deposited in the Stormwater Management Fund; providing for the allowed uses of the fees; providing that a property owner may appeal a fee to the County Administrative Officer or the County Administrative Officer's designee and to the Board of Appeals; requiring ~~the Director of Budget and Finance to issue a certain report~~ certain reports to be submitted to the County Council; and generally relating to the establishment of a Stormwater Remediation Fee.

By repealing and reenacting, with amendments

Sections 10-13-102, 10-13-103, and 10-13-104(b)  
Article 10. Finance  
Baltimore County Code, 2003

By repealing and reenacting, without amendments

Section 10-13-101  
Article 10. Finance  
Baltimore County Code, 2003

By adding

Sections 34-4-101 through 34-4-105  
Article 34. Water and Sewers  
Title 4. Watershed Protection and Restoration Program  
Baltimore County Code, 2003

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2 COUNTY, MARYLAND, that the Laws of Baltimore County shall read as follows:

3 Article 10. Finance.

4 § 10-13-101.

5 There is a non-lapsing Stormwater Management Fund.

6 § 10-13-102.

7 (A) The purpose of the Fund is to:

8 (1) Mitigate potential adverse water quality impacts from development or  
9 redevelopment outside the Chesapeake Bay Critical Areas;

10 (2) Improve the water quality of stormwater runoff naturally occurring into the  
11 Chesapeake Bay and its tributaries; [and]

12 (3) Fund the implementation of water quality protection or restoration  
13 projects, including funding for capital projects administered under the county's waterway  
14 improvement [program] PROGRAM;

15 (4) FUND CAPITAL IMPROVEMENTS FOR STORMWATER  
16 MANAGEMENT, INCLUDING STREAM AND WETLAND  
17 RESTORATION PROJECTS;

1 (5) FUND THE OPERATION AND MAINTENANCE OF STORMWATER  
2 MANAGEMENT SYSTEMS AND FACILITIES;

3 (6) FUND PUBLIC EDUCATION AND OUTREACH RELATING TO  
4 STORMWATER MANAGEMENT OR STREAM AND WETLAND  
5 RESTORATION;

6 (7) FUND STORMWATER MANAGEMENT PLANNING, INCLUDING:  
7 (I) MAPPING AND ASSESSMENT OF IMPERVIOUS SURFACES;

8 AND

9 (II) MONITORING, INSPECTION, AND ENFORCEMENT  
10 ACTIVITIES TO CARRY OUT THE PURPOSES OF THE FUND; AND

11 (8) FUND GRANTS TO NONPROFIT ORGANIZATIONS FOR UP TO  
12 100% OF A PROJECT'S COSTS FOR WATERSHED RESTORATION  
13 AND REHABILITATION PROJECTS RELATING TO:

14 (I) PLANNING, DESIGN, AND CONSTRUCTION OF STORMWATER  
15 MANAGEMENT PRACTICES;

16 (II) STREAM AND WETLAND RESTORATION; AND

17 (III) PUBLIC EDUCATION AND OUTREACH RELATED TO  
18 STORMWATER MANAGEMENT OR STREAM AND WETLAND RESTORATION.

19 (B) STORMWATER REMEDIATION FEES COLLECTED UNDER ARTICLE 34,  
20 TITLE 4 OF THE CODE:

1 (1) MAY NOT BE USED TO FUND REVIEW OF STORMWATER  
2 MANAGEMENT PLANS AND PERMIT APPLICATIONS FOR NEW DEVELOPMENT;  
3 AND

4 (2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, MAY BE USED  
5 ONLY FOR THE PURPOSES DESIGNATED IN SUBSECTION (A)(4) THROUGH (8) OF  
6 THIS SECTION.

7 (C) THE PURPOSES OF THE FUND INCLUDE THE PAYMENT OR  
8 REIMBURSEMENT OF DEBT SERVICE ON BONDS, NOTES, OR OTHER OBLIGATIONS  
9 ISSUED TO FINANCE CAPITAL PROJECTS AND IMPROVEMENTS DESCRIBED IN  
10 THIS SECTION.

11 § 10-13-103.

12 (a) The Fund shall be financed from:

13 (1) Any and all fees collected under the provisions of Article 33, Title 4 of the  
14 Code

15 (2) STORMWATER REMEDIATION FEES COLLECTED UNDER  
16 ARTICLE 34, TITLE 4 OF THE CODE; and

17 [(2)] (3) Any other funds designated and provided by the county.

18 (b) Monies provided to the fund shall be treated as a grant to the Fund.

1 (c) The Fund shall be charged for the REASONABLE expenses of administering the  
2 provisions of this title.

3 § 10-13-104.

4 (b) The Director of Budget and Finance shall collect the [fee] FEES and shall  
5 maintain records in accordance with generally accepted accounting principles.

6 Article 34. Water and Sewers

7 TITLE 4. WATERSHED PROTECTION AND RESTORATION PROGRAM.

8 34-4-101.

9 THIS TITLE DOES NOT APPLY TO PROPERTY OWNED BY THE STATE, A UNIT  
10 OF STATE GOVERNMENT, INCLUDING A COUNTY OR BALTIMORE CITY,  
11 BALTIMORE COUNTY, OR A VOLUNTEER FIRE DEPARTMENT THAT IS A MEMBER  
12 OF THE BALTIMORE COUNTY VOLUNTEER FIREMEN'S ASSOCIATION.

13 34-4-102.

14 (A) THERE IS AN ANNUAL STORMWATER REMEDIATION FEE AS REQUIRED  
15 BY § 4-202.1 OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF  
16 MARYLAND.

1 (B) SUBJECT TO § 34-4-103 OF THIS TITLE, EVERY PERSON OWNING REAL  
2 PROPERTY WITH IMPERVIOUS SURFACE SHALL PAY AN ANNUAL STORMWATER  
3 REMEDIATION FEE.

4 (C) (1) A PROPERTY OWNER MAY APPEAL A STORMWATER REMEDIATION  
5 FEE IMPOSED UNDER THIS TITLE TO THE COUNTY ADMINISTRATIVE OFFICER OR  
6 THE COUNTY ADMINISTRATIVE OFFICER'S DESIGNEE WITHIN 30 DAYS AFTER  
7 THE PROPERTY OWNER RECEIVES A BILL FOR THE STORMWATER REMEDIATION  
8 FEE.

9 (2) THE DECISION OF THE COUNTY ADMINISTRATIVE OFFICER OR  
10 THE COUNTY ADMINISTRATIVE OFFICER'S DESIGNEE MAY BE APPEALED DE  
11 NOVO TO THE BOARD OF APPEALS WITHIN 30 DAYS AFTER THE FINAL DECISION.

12 34-4-103.

13 (A) EACH YEAR, THE COUNTY EXECUTIVE SHALL ISSUE AN EXECUTIVE  
14 ORDER CARRYING OUT THE PROVISIONS OF THIS TITLE.

15 (B)(1) THE EXECUTIVE ORDER SHALL ESTABLISH THE RATE OR RATES OF  
16 THE FEE FOR EACH CLASSIFICATION OR SUBCLASSIFICATION OF REAL PROPERTY  
17 SUBJECT TO THIS TITLE. ~~SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,~~

18 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE  
19 EXECUTIVE ORDER SHALL CONTAIN THE FOLLOWING CLASSIFICATIONS:

1 (I) RESIDENTIAL, NOT CONDOMINIUM OR COOPERATIVE  
2 OWNERSHIP, WHICH SHALL INCLUDE:

- 3 1. SINGLE-FAMILY DETACHED; AND
- 4 2. SINGLE-FAMILY ATTACHED, INCLUDING DUPLEX,  
5 SEMI-DETACHED OR TOWNHOUSE;

6 (II) RESIDENTIAL, CONDOMINIUM OR COOPERATIVE  
7 OWNERSHIP, WHICH SHALL INCLUDE:

- 8 1. SINGLE-FAMILY DETACHED; AND
- 9 2. SINGLE-FAMILY ATTACHED, INCLUDING DUPLEX,  
10 SEMI-DETACHED OR TOWNHOUSE;
- 11 3. GARDEN STYLE;
- 12 4. MID-RISE; AND
- 13 5. HIGH RISE;

14 (III) RESIDENTIAL, ~~VACANT~~ UNIMPROVED;

15 (IV) AGRICULTURAL, NONRESIDENTIAL;

16 (V) AGRICULTURAL, SINGLE-FAMILY DETACHED;

17 (VI) NON-RESIDENTIAL, NON-INSTITUTIONAL, INCLUDING:

- 18 1. COMMERCIAL PROPERTIES SUCH AS OFFICE  
19 BUILDINGS, HOTELS, AND RETAIL ESTABLISHMENTS;





1           ~~(C)~~ (D) THE EXECUTIVE ORDER SHALL INCLUDE THE APPEAL PROCEDURE  
2 AS REQUIRED UNDER § 34-4-102 OF THIS TITLE.

3           ~~(D)~~ (E) THE EXECUTIVE ORDER SHALL INCLUDE A PROGRAM TO EXEMPT  
4 FROM THE REQUIREMENTS OF THIS TITLE A PROPERTY OWNER ABLE TO  
5 DEMONSTRATE SUBSTANTIAL FINANCIAL HARDSHIP AS A RESULT OF THE  
6 STORMWATER REMEDIATION FEE.

7           ~~(E)~~ (F)(1) THE EXECUTIVE ORDER SHALL INCLUDE POLICIES AND  
8 PROCEDURES TO REDUCE ANY PORTION OF A FEE ESTABLISHED UNDER THIS  
9 TITLE TO ACCOUNT FOR ON-SITE AND OFF-SITE SYSTEMS, FACILITIES, SERVICES,  
10 OR ACTIVITIES THAT REDUCE THE QUANTITY OR IMPROVE THE QUALITY OF  
11 STORMWATER DISCHARGED FROM THE PROPERTY.

12                   (2) THE EXECUTIVE ORDER SHALL INCLUDE:

13                           (1) GUIDELINES FOR DETERMINING WHICH ON-SITE SYSTEMS,  
14 FACILITIES, SERVICES, OR ACTIVITIES MAY BE THE BASIS FOR A FEE REDUCTION,  
15 INCLUDING GUIDELINES:

16                                   1. RELATING TO PROPERTIES WITH EXISTING  
17 ADVANCED STORMWATER BEST MANAGEMENT PRACTICES;

18                                   2. RELATING TO AGRICULTURAL ACTIVITIES OR  
19 FACILITIES THAT ARE OTHERWISE EXEMPTED FROM STORMWATER  
20 MANAGEMENT REQUIREMENTS; ~~AND~~

1                                    3. THAT PROVIDE A CREDIT TO MARINAS IN GOOD  
2 STANDING WITH THE MARYLAND DEPARTMENT OF NATURAL RESOURCES  
3 CLEAN MARINA INITIATIVE; AND

4                                    3: 4. THAT ACCOUNT FOR THE COSTS OF, AND THE  
5 LEVEL OF TREATMENT PROVIDED BY, STORMWATER MANAGEMENT FACILITIES  
6 THAT ARE FUNDED AND MAINTAINED BY A PROPERTY OWNER;

7                                    (II) THE METHOD FOR CALCULATING THE AMOUNT OF A FEE  
8 REDUCTION; AND

9                                    (III) SUBJECT TO § 4-202.1(F)(3) OF THE ENVIRONMENT ARTICLE  
10 OF THE ANNOTATED CODE OF MARYLAND, PROCEDURES FOR MONITORING AND  
11 VERIFYING THE EFFECTIVENESS OF THE ON-SITE SYSTEMS, FACILITIES,  
12 SERVICES, OR ACTIVITIES IN REDUCING THE QUANTITY OR IMPROVING THE  
13 QUALITY OF STORMWATER DISCHARGED FROM THE PROPERTY.

14 34-4-104.

15                                    (A) (1) THE DIRECTOR OF BUDGET AND FINANCE SHALL COLLECT THE  
16 STORMWATER REMEDIATION FEE IN THE MANNER PROVIDED FOR THE  
17 COLLECTION OF REAL PROPERTY TAXES, AND SHALL BE LISTED AS A SEPARATE  
18 ITEM ON THE REAL PROPERTY TAX BILL.

19                                    (2) THE REAL PROPERTY TAX BILL SHALL INCLUDE A FOOTNOTE ON  
20 EACH BILL THAT INDICATES THAT THE IMPOSITION OF A STORMWATER

1 REMEDATION FEE IS MANDATED BY STATE LAW.

2 (B) ANY UNPAID FEE SHALL BE CONSIDERED A LIEN ON THE PROPERTY TO  
3 WHICH THE FEE APPLIES.

4 (C) A FEE ESTABLISHED UNDER THIS TITLE SHALL BE CONSIDERED  
5 SEPARATE FROM ANY FEES COLLECTED UNDER ARTICLE 33, TITLE 4 OF THE  
6 CODE.

7 (D)(1) THE DIRECTOR SHALL DEPOSIT THE FEES COLLECTED INTO THE  
8 STORMWATER MANAGEMENT FUND ESTABLISHED UNDER ARTICLE 10, TITLE 13  
9 OF THE CODE.

10 (2) FEES DEPOSITED INTO THE STORMWATER MANAGEMENT FUND  
11 UNDER THIS TITLE MAY NOT REVERT TO OR BE TRANSFERRED TO THE GENERAL  
12 FUND OF THE COUNTY.

13 34-4-105.

14 (A) BEGINNING ON JULY 1, 2014 AND EVERY 2 YEARS THEREAFTER, THE  
15 DIRECTOR OF BUDGET AND FINANCE SHALL POST ON THE COUNTY'S INTERNET  
16 WEBSITE A REPORT ON:

17 (1) THE NUMBER OF PROPERTIES SUBJECT TO THE STORMWATER  
18 REMEDIATION FEE;

1 (2) THE AMOUNT OF MONEY DEPOSITED INTO THE STORMWATER  
2 MANAGEMENT FUND OVER THE PREVIOUS 2 FISCAL YEARS; AND

3 (3) THE PERCENTAGE OF FUNDS IN THE STORMWATER MANAGEMENT  
4 FUND SPENT ON EACH OF THE PURPOSES PROVIDED IN § 10-13-102(A)(4) THROUGH  
5 (8) OF THE CODE.

6 (B) BEGINNING ON JULY 1, 2014 AND EVERY YEAR THEREAFTER, THE COUNTY  
7 ADMINISTRATIVE OFFICER SHALL SUBMIT A REPORT TO THE COUNTY COUNCIL  
8 THAT INCLUDES:

9 (1) THE MOST RECENT INFORMATION REPORTED TO THE STATE  
10 REGARDING THE EFFECTS OF THE PROGRAM'S ACTIVITIES ON REDUCING WATER  
11 POLLUTION;

12 (2) THE NUMBER OF ALL CREDITS AWARDED DURING THE FISCAL YEAR,  
13 AND THEIR ASSOCIATED DOLLAR VALUE;

14 (3) THE NUMBER OF APPEALS FILED DURING THE FISCAL YEAR, THE  
15 NATURE OF EACH APPEAL, AND THE DISPOSITION OF EACH APPEAL;

16 (4) THE NUMBER OF PROPERTIES, BY PROPERTY CLASSIFICATION, SUBJECT  
17 TO THE STORMWATER REMEDIATION FEE;

18 (5) THE NUMBER OF HARDSHIP APPLICATIONS FILED, BY PROPERTY  
19 CLASSIFICATION, AND THE DISPOSITION OF EACH;

20 (6) THE NUMBER OF APPLICATIONS FILED TO REDUCE ANY PORTION OF A  
21 FEE, BY PROPERTY CLASSIFICATION, AND THE DISPOSITION OF EACH;

1           (7) THE AMOUNT OF FUNDS SPENT ON EACH OF THE PURPOSES PROVIDED  
2 IN §10-13-102(A)(4) THROUGH (8), BY COUNCILMANIC DISTRICT AND TYPE OF  
3 PROJECT;

4           (8) PROGRAM COSTS AND REVENUES, BY SOURCE;

5           (9) THE RESULTS OF THE COUNTY’S MONITORING AND VERIFICATION  
6 UNDER SECTION 4-202.1(F)(3) OF THE ENVIRONMENT ARTICLE OF THE  
7 ANNOTATED CODE OF MARYLAND; AND

8           (10) PLANS FOR ENCOURAGING HOMEOWNERS AND OTHER PROPERTY  
9 OWNERS TO ADOPT BEST PRACTICES FOR STORMWATER MANAGEMENT,  
10 INCLUDING ANY PLANS TO IMPLEMENT GRANT OR LOAN PROGRAMS FOR  
11 PROPERTY OWNERS TO UNDERTAKE PRIVATE STORMWATER MANAGEMENT  
12 PROJECTS.

13           SECTION 2. AND BE IT FURTHER ENACTED, that the Stormwater Remediation Fee  
14 adopted under Article 34, Title 4 of the Baltimore County Code, 2003 shall be first imposed on  
15 property owners with the real property tax bill that will be issued for first payment after July 1,  
16 2013.

17           SECTION 3. AND BE IT FURTHER ENACTED, that notwithstanding the authorization  
18 contained in Section 34-4-103(B)(1), the rates for Fiscal Year 2014 for each classification of real  
19 property shall be as follows:

|   |  |   |                               |
|---|--|---|-------------------------------|
| 1 | <u>Single-family detached</u>                            | - | <u>\$39</u>                   |
| 2 | <u>Single-family attached</u>                            | - | <u>\$21 per dwelling unit</u> |
| 3 | <u>Residential, condominium or cooperative ownership</u> | - | <u>\$32 per dwelling unit</u> |
| 4 | <u>Residential, unimproved</u>                           | - | <u>\$0</u>                    |
| 5 | <u>Agricultural, non-residential</u>                     | - | <u>\$0</u>                    |
| 6 | <u>Agricultural, single-family</u>                       | - | <u>\$39</u>                   |
| 7 | <u>Non-residential, non-institutional</u>                | - | <u>\$69 per ERU</u>           |
| 8 | <u>Non-residential, institutional</u>                    | - | <u>\$20 per ERU</u>           |

9           “ERU” OR “EQUIVALENT RESIDENTIAL UNIT” MEANS THE STATISTICAL  
10 MEAN OF THE TOTAL PLANIMETRIC IMPERIVOUS SURFACE OF DEVELOPED  
11 SINGLE-FAMILY DETACHED RESIDENCES INSIDE THE URDL THAT SERVES AS THE  
12 BASE UNIT OF ASSESSMENT FOR THE STORMWATER REMEDIATION FEE.

13           SECTION 3: 4. AND BE IT FURTHER ENACTED, that this Act having passed by the  
14 affirmative vote of five members of the County Council shall take effect on April 29, 2013.