

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2013 Legislative Session

Legislative Day No. 8

Bill No. 37 -2013

Introduced by: Greg Fox

AN ACT establishing a Watershed Protection and Restoration Fee for certain religious institutions, noncollegiate educational institutions, community service partners, and properties outside the planned service area for water and sewerage; and generally relating to the Watershed Protection and Restoration Program in Howard County.

Introduced and read first time _____, 2013. Ordered posted and hearing scheduled.

By order _____
Sheila Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2013.

By order _____
Sheila Tolliver, Administrator

This Bill was read the third time on _____, 2013 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Sheila Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2013 at ___ a.m./p.m.

By order _____
Sheila Tolliver, Administrator

Approved/Vetoed by the County Executive _____, 2013

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the
2 Howard County Code is amended as follows:

3

4 By amending:

5 Title 20 “Taxes, charges and fees”

6 Subtitle 11 “Watershed Protection and Restoration”

7 Section 20.1103 “Watershed Protection and Restoration Fee”

8

9 **Title 20. Taxes, Charges and Fees.**

10 **Subtitle 11. Watershed Protection and Restoration.**

11

12 **Section 20.1103. Watershed Protection and Restoration Fee.**

13 (a) The County shall charge and a property owner shall pay an annual Watershed
14 Protection and Restoration Fee.

15 (b) ~~[[The]]~~ (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) THROUGH (5) OF THIS
16 SUBSECTION, THE fee shall be based on the amount of impervious area on a property that
17 exists annually as of March 1.

18 (2) THE STORMWATER REMEDIATION FEE SHALL BE ONE DOLLAR FOR
19 NONRESIDENTIAL PROPERTY THAT IS OWNED BY AN ENTITY THAT IS EXEMPT FROM
20 PROPERTY TAX UNDER § 7-204 OF THE TAX-PROPERTY ARTICLE OF THE MARYLAND CODE.

21 (3) THE STORMWATER REMEDIATION FEE SHALL BE ONE DOLLAR FOR
22 NONRESIDENTIAL PROPERTY THAT IS OWNED BY A PRIVATE NONCOLLEGIATE EDUCATIONAL
23 INSTITUTION, AS THAT TERM IS USED UNDER THE EDUCATION ARTICLE OF THE MARYLAND
24 CODE, THAT IS EXEMPT FROM PROPERTY TAX UNDER SECTION 7-202 OF THE TAX-
25 PROPERTY ARTICLE OF THE MARYLAND CODE.

26 (4) THE STORMWATER REMEDIATION FEE SHALL BE ONE DOLLAR FOR A PROPERTY
27 THAT IS OWNED BY AN ENTITY THAT IS RECEIVING A COMMUNITY SERVICE PARTNERSHIP
28 GRANT FROM HOWARD COUNTY.

29 (5) THE STORMWATER REMEDIATION FEE FOR PROPERTIES OUTSIDE THE PLANNED
30 SERVICE AREA FOR WATER AND SEWERAGE SHALL BE:

31 (i) \$50 FOR RESIDENTIAL PROPERTIES; AND

1 (II) \$100 FOR NON-RESIDENTIAL PROPERTIES.

2
3 (c) *Setting the Impervious Unit Rate.* [[The]] SUBJECT TO SUBSECTION (B) OF THIS
4 SECTION, THE County Council shall adopt by resolution a schedule of impervious unit
5 rates.

6 (d) *Method of Calculation.* The fee shall be calculated as follows:

- 7 (1) Determine the impervious surface measurement in square feet for the
8 property, rounded to the nearest whole impervious unit.
9 (2) Multiply the property's impervious units by the Impervious Unit Rate.

10 (e) *Determining what constitutes impervious area.* The County shall determine the
11 impervious surface measurement for a property based on:

- 12 (1) Analysis of aerial photography;
13 (2) Measurement from approved engineering drawings including, without
14 limitation, as-built drawings or site plans;
15 (3) Field surveys signed and sealed by a Professional Engineer or Professional
16 Land Surveyor licensed in the State of Maryland; or
17 (4) Inspections conducted by the Department.

18 (f) *Common Areas.* Common areas owned by a community association or other common
19 ownership shall be charged based on the total impervious surface measurement of the
20 common areas as calculated in the manner prescribed in subsection (d) of this Section.

21 The fee shall be either:

- 22 (1) Billed directly to the community association or manager of property in
23 common ownership; or
24 (2) If there is no community association or manager of property in common
25 ownership, the fee shall be divided by the number of owners within the
26 community association or number of common area owners and added to
27 the fee for each owner's individual property.

28 (g) *Agricultural properties.* If a property has an agricultural use assessment as determined
29 by the State Department of Assessments and taxation, the fee shall be based on:

- 30 (1) The impervious surface measurement only for residential structures and
31 appurtenances located on the property, if the property has a fully

1 implemented Soil Conservation and Water Quality Plan that has been
2 approved by the Soil Conservation District; or

3 (2) The impervious surface measurement calculated for the entire property, if
4 the property has not implemented a Soil Conservation and Water Quality
5 Plan approved by the Soil Conservation District.

6

7 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County,
8 *Maryland, that fee set by this Act shall be applied for Fiscal Year 2014 and thereafter*
9 *and may be implemented by credits, refunds, or other methods as the Department of*
10 *Finance determines.*

11

12 ***Section 3. And Be It Further Enacted*** by the County Council of Howard County,
13 *Maryland, that this Act shall become effective 61 days after its enactment.*