A STUDY OF THE

MONTGOMERY COUNTY

DEPARTMENT OF PERMITTING SERVICES

Office of Legislative Oversight
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EXECUTIVE SUMMARY

Since its creation in 1996, the Department of Permitting Services (DPS) has made substantial progress toward meeting the goals identified by the County Executive and County Council for the new Department. The major goals were to:

- Streamline the permitting process to improve productivity;
- Provide faster, friendlier, more consistent customer service;
- Provide substantially fee-supported operations;
- Provide consistent, predictable code enforcement activities; and
- Maintain and ensure compliance with the County's regulatory standards.

There is ample good news to report in terms of positive changes made by DPS. Three years of reliable survey data show that permit applicants are generally favorable about their overall experiences with DPS. The processing time for many permits has been reduced. Permit applicants also give positive ratings to DPS employees on attributes such as friendliness, professionalism, and teamwork.

On the fiscal front, the Department has achieved the goal of becoming a fee-supported operation. Today, the DPS Enterprise Fund is in sound financial shape, and DPS has already made substantial repayments to the General Fund. However, it should not be missed that some permit applicants identify increased fees as an area of concern.

The major strategies identified as critical to accomplishing the goals of the Department (i.e., office space renovation, improved technology, staff reorganization) are now mostly in place. In addition, interviews with County staff evidence there are many ways that DPS staff have forged constructive working relationships with other departments.

The less positive news to report concerns: service delivery and coordination problems in several key DPS functions; residual negative attitudes held by some DPS employees about their work environment; and the absence of a strategic plan. In addition, because of delays in implementation, it is too soon to draw conclusions about the impact of the office space renovation, staffing reorganization, and technology improvements on DPS' goals such as productivity, customer service, and consistency.

OLO makes action recommendations to the Council concerning: the DPS sunset clause; how to accomplish service delivery improvements in selected DPS functions; and how to approach ongoing Council monitoring of DPS' activities and performance. In sum:

OLO recommends the Council repeal the DPS sunset provision. OLO recommends this action for multiple reasons. The rationale for establishing a "one-stop shop" for County permitting functions continues to exist. DPS has made substantial progress toward meeting the goals identified by the Executive and the Council for the new department. Removing the sunset provision may also improve service delivery because the continued uncertainty created by the sunset clause has taken a negative toll on employee morale.

Finally, and perhaps most significantly from the Council's perspective, repealing DPS' sunset provision does not preclude the Council from continuing to press for improvements in specific program areas, or from exercising continued oversight of DPS performance.

OLO recommends the Council take a three-step approach to improving service delivery in selected DPS functions. First, credit the County Government for what is going well. Second, identify and prioritize what needs improvement. Third, ask the Chief Administrative Officer (CAO) to develop a performance improvement plan and report back by a specified date.

The first step enables the Council to place its requests for performance improvements within an appropriate context, that is, by first acknowledging the "good news" before pressing for additional improvements. OLO identifies the following three DPS functions as most in need of betterment:

- Responding to complaints about alleged zoning code violations;
- Enforcement of County and State standards for sediment control and stormwater management; and
- Reviewing plans and conducting inspections related to compliance with fire code safety standards.

The CAO's involvement in developing a performance plan is critical because of the inter-departmental nature of these issues. The Council should negotiate a date for the CAO's response that enables the Council to consider any fiscal aspects as part of the Council's final FY 03 operating budget action.

OLO recommends the Council also ask the Chief Administrative Officer to develop a strategic plan for DPS. The strategic plan should include target goals for future service delivery, a business plan, and a proposal for ongoing performance assessment and continuous improvement. Such a written document can provide the basis for a continued and constructive dialogue between the Council and Executive Branch about DPS' goals and ongoing performance.

OLO thanks Executive Branch staff for their high level of cooperation throughout the study period. An essential component of this OLO study was also to learn how individuals who interact with DPS rate the delivery of specific DPS services. OLO appreciates the substantial time taken by individual County residents either to respond to a telephone survey, attend a focus group discussion, or sit down with OLO staff in an individual interview.

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CHAPTER 1: AUTHORITY, SCOPE, AND ORGANIZATION

1.1 Origin, Scope, and Organization of Report

The purpose of this Office of Legislative Oversight (OLO) report is to provide data and analysis relevant to the Council's decision whether to extend, repeal, or otherwise amend the July 1, 2002 legislative sunset provision attached to the Department of Permitting Services.

The Department of Permitting Services was established by law in 1996. On July 2, 1996, the County Council approved Emergency Bill 20-96 to create a new Department of Permitting Services (DPS). The County Executive proposed establishing DPS as the "one-stop shop" for County functions related to regulating construction and land development activities.

Emergency Bill 20-96 created the new Department of Permitting Services by consolidating and restructuring programs from four existing departments.[1] The Council and County Executive concurred that the goals of the new Department were to:

- Streamline the permitting process to improve productivity;
- Provide faster, friendlier, more consistent service;
- Provide substantially fee-supported operations;
- Provide consistent, predictable code enforcement activities; and
- Maintain and ensure compliance with the County's regulatory standards.

The County Executive proposed a multi-year strategy to facilitate the success of the new Department. Key components of the Executive's plans were to reorganize staff, renovate office space, upgrade the computer system, and establish a DPS-Enterprise Fund.

By law, the Department sunsets on July 1, 2002. As enacted by the Council, the legislation to establish the Department of Permitting Services included the following sunset provision for the new department:

> Sunset. On July 1, 1998, any function transferred by this Act to the Department of Permitting Services reverts to the Department that administered that function before this Act took effect. (Emergency Bill 20-96; codified in County Code Section 2-42B)

In addition, the Council asked the Office of Legislative Oversight (OLO) to evaluate implementation of the reorganization before the sunset date.

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[1] See page 5 for a list of programs transferred to the new DPS.

During the past five years, the Council has twice extended (by law) the DPS sunset date. In June 1998, the Council extended the sunset date to July 1, 2001. In June 2001, the Council further extended the sunset date to July 1, 2002. During this same time period, the Council has reviewed a number of different reports on various aspects of the DPS reorganization.

Scope and Organization. The purpose of this final OLO report on the Department of Permitting Services is to provide data and analysis relevant to the Council's decision whether to extend, repeal, or otherwise amend the July 1, 2002 legislative sunset provision attached to DPS.[2] Toward this end, it is organized as follows:

- Chapter 2, **Legislative History**, summarizes the issues discussed by the Council at the time DPS was established.

- Chapter 3, **Status Reports**, reviews the status of the strategies approved to facilitate success of the new Department, i.e. the staffing reorganization, establishment of the Enterprise Fund, office space renovation, and automation project.

- Chapter 4, **Customer and Employee Perceptions**, reports customer and employee perceptions of DPS' performance. Specifically, the chapter examines survey research data, observations of focus groups, and feedback from additional meetings with members of the community.

- Chapter 5, **Workload and Productivity Trends**, reviews the workload and productivity trends of DPS.

- Chapter 6, **Coordination,** assesses the linkages established between DPS and the following departments/agencies: the Department of Environmental Protection, Maryland Department of the Environment, Department of Fire and Rescue Services, Department of Housing and Community Development, Department of Public Works and Transportation, and the Office of the County Attorney.

- Chapter 7, **Complaint Handling,** reviews how DPS handles complaints from members of the public concerning sediment control, zoning, or other land use activities.

- Chapter 8, **Findings**, summarizes OLO's findings.

- Chapter 9, **Recommendations**, outlines OLO's recommendations.

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[2] The scope of OLO's assignment did not include a technical audit of DPS' work or a comprehensive financial audit of the DPS Enterprise Fund.

1.2 Authority

Council Resolution 14-965, *FY 2002 Work Program of the Office of Legislative Oversight*, adopted July 24, 2001.

1.3 Methodology

OLO staff compiled information for this study through extensive interviews, observations, data analysis, and document reviews. OLO's resources included:

- Department of Permitting Services' documents including budget and performance data, and personal observations of departmental operations;

- Individual and group interviews with employees of the Department of Permitting Services and staff from other departments, including the Department of Environmental Protection, Department of Housing and Community Affairs, Department of Fire and Rescue Services, Department of Public Works and Transportation, Office of Management and Budget, Department of Finance, Office of the County Attorney, and Office of the County Council;

- Three years of data from surveys with DPS' permit applicants and DPS employees, and findings from focus groups with various stakeholders conducted by an independent consultant;

- Focus groups (conducted in the fall of 2001) with individuals who have registered complaints in recent years with DPS concerning either sediment control or an illegal land use;

- Discussions with representatives from the Advisory Boards of the Regional Services Centers, and individual interviews with other members of the community; and

- Legislative files of the County Council, staff memoranda, and previous reports.

1.4 Acknowledgements

OLO appreciates the high level of cooperation received from County Government staff. OLO especially thanks the Director and many staff members of the Department of Permitting Services, who took the time to answer our many questions and share insights into program operations. OLO also thanks representatives from the Department of Fire and Rescue Services, Department of Environmental Protection, Office of Management and Budget, Department of Housing and Community Affairs, Regional Services Centers, Department of Public Works and Transportation, Department of Finance, and Office of the County Attorney.

An essential component of this OLO study was to learn how individuals who interact with the Department of Permitting Services perceive the reorganization in general and the delivery of specific DPS services. OLO greatly appreciates the substantial time taken by individual County residents either to respond to a telephone survey, attend a focus group discussion, or sit down with OLO staff in an individual interview. OLO also owes tremendous thanks to management consultant Doug Katz from Wasserman/Katz for conducting our series of focus group discussions.

CHAPTER 2: LEGISLATIVE HISTORY

2.1 The County Executive's Proposal

In November 1995, the County Executive presented the Council with a plan to establish a new Department of Permitting Services. In sum, the Executive's stated goal was to improve the development process in Montgomery County by creating a "one-stop shop" for County functions related to regulating construction and land development activities.

The Executive's proposal to establish DPS cited the following specific benefits of the reorganization:

- Physical integration of the functions of government to provide a new "one-stop shop";
- A customer focused permitting process to better respond to the needs of customers;
- Administrative consolidation of all permitting functions into a single unit with up-to-date technology;
- Consistency and predictability in code enforcement;
- Improved productivity through streamlining, recognizing that one-time expenditures for technology may be required; and
- Seamlessness between agencies in the permitting process.[3]

Table 1 (page 5) lists the programs proposed for consolidation into the new Department of Permitting Services. The proposed restructuring involved moving more than ten programs from four departments: the Department of Environmental Protection, Department of Health and Human Services, Department of Fire and Rescue Services, and Department of Public Works and Transportation.

[3] The County Executive's Restructuring Proposal Brochure, November 2, 1995.

To facilitate the success of the new Department, the Executive proposed implementing the following changes:

- Expand the computer system proposed for the DEP's Permitting Section to the entire DPS;
- Reconfigure office space at 255 Rockville Pike (formally 250 Hungerford Drive) to better suit permitting operations;
- Develop a caseworker concept to make staff members accountable for a given project;
- Establish a second non-merit position in the new Department (in addition to the Director) to be responsible for accountability and customer service; and
- Establish an Enterprise Fund for the Department.

The Executive's proposal to establish the new Department of Permitting Services was submitted to the Council in the form of proposed legislation in March 1996.

TABLE 1: LIST OF PROGRAMS PROPOSED FOR TRANSFER TO NEW DEPARTMENT OF PERMITTING SERVICES

County Government Department	Programs Proposed for Partial or Complete Transfer
Department of Environmental Protection	Building Permits and Licenses Building Plan Review Construction Codes Enforcement Sediment Control Stormwater Management* Floodplain Management* Land Use/Zoning Code Compliance
Department of Health and Human Services	Well & Septic Review and Inspection
Department of Fire and Rescue Services	Fire Code Plan Review**
Department of Public Works and Transportation	Subdivision Development Review and Inspection***

*The Department of Environmental Protection retained responsibility to ensure that stormwater management facilities, no longer under an active DPS permit, are maintained and function properly.
** The Department of Fire and Rescue Services retained responsibility for inspection and ongoing enforcement of fire safety standards.
*** DPWT retained the lead on all transportation policy issues, and for providing plan review comments on proposed subdivision plans, up through and including the preliminary plan phase.

2.2 Issues Discussed during Council Review of Emergency Bill 20-96

On May 14, 1996, the Council formally introduced Emergency Bill 20-96 to establish the new DPS. Between May and July 1996, the Council held a series of public hearings, Transportation and Environment Committee worksessions, and full Council worksessions on Emergency Bill 20-96.

During these meetings, Councilmembers spoke to the need for co-location, casework management, computer linking and streamlining of the development and permitting processes. Councilmembers also emphasized the need for the new department to maintain effective code enforcement. Councilmembers expressed particular concerns that the County's water quality standards and neighborhood code enforcement levels be sustained. Issues discussed included:

- The importance of maintaining the integrity of the sediment control and stormwater management regulatory functions;
- The value of a non-merit customer service position; and
- The potential implications of establishing an Enterprise Fund to support the new department.

During the Council's consideration of Emergency Bill 20-96, the Chief Administrative Officer (CAO) testified that the DPS mission could be kept in balance so the development process would be improved without undermining the County's statutory enforcement obligations. The CAO stated that regulatory standards would be maintained by creating lines of communication between DPS and affected policy agencies to ensure that codes, design criteria, scientific protocols and other standards were not compromised.

The CAO indicated that the emphasis on customer service would be realized in terms of process improvements, automation enhancements and the implementation of a caseworker concept. The caseworker concept was described as involving teams of multi-skilled individuals who would use new technologies to decentralize, expand and enhance client services. The CAO also suggested that a substantially fee-supported operation would encourage employees to take a more assertive approach toward providing optimal customer service.

The Council's Amended Version of Emergency Bill 20-96. On July 2, 1996, the Council approved an amended version of Emergency Bill 20-96. The three major changes made by the Council to the Executive's initial proposal were to:

- Delete the proposed non-merit position of Chief of Client and Management Services,
- Provide the Director of DEP with the authority to suspend or revoke any permit or approval issued by the Director of DPS (as required by County Code Chapter 19, Erosion, Sediment Control and Stormwater Management) if the Director of DEP finds that the water resources of the County have not been protected; and
- Add a sunset provision that returned permitting authority to the originating department as of July 1, 1998.

At the time the legislation was enacted, the Council also asked the Office of Legislative Oversight to evaluate implementation of the reorganization before the sunset date.

2.3 Extension of the Sunset Clause - 1998 and 2001

As enacted in July 1996, Emergency Bill 20-96 included a July 1, 1998 sunset date for the permitting authority transferred to the newly created Department of Permitting Services. During the past five years, the Council has twice amended the effective date of the sunset clause:

- In June 1998, the Council passed Emergency Bill 4-98 to extend the sunset date to July 1, 2001; and

- In June 2001, the Council passed Emergency Bill 15-01 to extend the sunset date to July 1, 2002.

The legislative record indicates that the Council extended the sunset date in order to provide the Executive Branch with additional time to implement changes associated with the original reorganization plan, e.g., installation of the new automation system, reconfiguration of the DPS office space, staff reorganization.

Since 1996, the Council has requested and reviewed a number of reports from OLO and others directly related to DPS. The titles and dates of these reports are listed on the following page.[4]

[4] Copies of these reports can be obtained from the Office of Legislative Oversight.

Date	Report Title (Source)
October 1997	A Proposed Design for OLO's Evaluation of the Department of Permitting Services (OLO Memorandum Report)
May 1998	Interim Report on the Evaluation of the Department of Permitting Services (OLO Report)
January 1999	Baseline Performance Measures to Monitor the Reorganization of the Department of Permitting Services (OLO Report)
April 1999	Report on Core Staffing Analysis (DPS Working Group)
December 1999	A Comparative Study of Housing and Zoning Code Enforcement Programs (OLO Report)
July 2000	Briefing on the Department of Permitting Services Automation System Project (OLO Memorandum Report)
November 2000	Assessment of the Department of Permitting Services Automation System – Independent Consulting Associates (ICA)

CHAPTER 3: STATUS REPORTS

The County Executive proposed a multi-year strategy to facilitate the success of the new Department of Permitting Services. This chapter provides status reports in four key areas:

- DPS' staffing reorganization;
- Establishment of the DPS-Enterprise Fund;
- Renovation of DPS' office space; and
- Upgrade of DPS' automation.

3.1 Staffing Reorganization

The Department of Permitting Services phased-in a major staffing reorganization over a five-year period. The County launched staffing and personnel changes in 1996 and completed the reorganization process in July 2001.

The stated goal of the DPS staffing reorganization was to change the Department's structure from a "tall organization" to a "flat organization." (See Exhibit A, page 15, for a summary of what management theory means by tall vs. flat organizations.) In order to pursue this vision, DPS adopted a reorganization plan designed to:

- Align work activities into fewer organizational divisions;
- Compress job classifications into a smaller number of generic classes;
- Eliminate two layers of middle management;
- Increase the span of control of managers;
- Introduce the Casework Management concept, and
- Delegate greater decision-making authority to front-line employees.

This section outlines DPS' new organizational structure and describes the changes in staffing since 1996.

Office of the Director and three divisions. The new Department of Permitting Services structure aligns work activities into the Office of the Director and three divisions: Casework Management, Building Construction, and Land Development. Table 2 (page 10) contains a summary of program responsibilities for each major unit. Table 3 (page 11) shows which division has primary review responsibility for each of the 34 permits and 12 licenses issued by the Department. Appendix A (©1-4) contains current organization charts for the Department.

In addition, Chapter 17 and Chapter 59F of the Montgomery County Code assign DPS responsibility for supporting two quasi-judicial boards: the Board of Electrical Examiners and the Sign Review Board:

The Board of Electrical Examiners advises the DPS Director on the issuance of licenses for electricians, and develops, administers, and grades examinations for these licenses. The Board consists of five members appointed by the County Executive and confirmed by the Council. Staff in the Office of the Director provide support for the Board of Electrical Examiners.

The Sign Review Board reviews applications for sign permits and makes recommendations to the DPS Director as to whether a proposed sign complies with legal requirements. The Board also grants variances where strict application of the sign regulations would result in "peculiar and unusual difficulties to, or exceptional or undue hardship upon the owner of the property or owner of such a sign".[1]

The Sign Review Board consists of three members appointed by the County Executive and confirmed by the Council. Staff in the Casework Management Division provide support for the Sign Review Board.

TABLE 2: PROGRAM RESPONSIBILITIES BY DIVISION

Division	Major Program Responsibilities
Office of the Director	Provides policy development and leadership for Department.
	Performs general administration functions, e.g., budget, procurement, human resources, and automation management.
Casework Management	Provides general public information.
	Coordinates the intake, processing and issuance of permits and licenses.
	Enforces zoning code by reviewing permit applications for zoning compliance and conducting field inspections.
	Receives and investigates citizen complaints related to land use and zoning.
Building Construction	Conducts plan reviews, on-site inspections and issues approvals related to residential and commercial building permits, including application of building, electrical, mechanical, fire safety, energy conservation, and accessibility codes.
Land Development	Conducts plan reviews, on-site inspections and issues approvals related to stormwater management, sediment control, floodplain management, well and septic system approvals, stormdrain design, and work in the public right-of-way.

[1] The language in quotes comes directly from DPS' Permitting Manual, page 1.

TABLE 3: PERMITS AND LICENSES ISSUED BY DPS LISTED BY DIVISION(S) WITH PRIMARY RESPONSIBILITY FOR REVIEW

Building Construction Division	
Commercial Building Permit	Historic Area Work Permit
Demolition or Move Permit	Residential Building Permit
Electrical Permit	Retaining Wall Permit
Fire Alarm Permit	Sprinkler Permit
Fire Protection Systems Permit	Use and Occupancy Permit
Land Development Division	
Builder Sediment Control Permit	Sediment Control Permit-SLDA
Driveway Permit	Sediment Control Permit-Engineered
Floodplain District Permit	Sewage Disposal System Permit
Forest Harvest Activities Permit	Sewage Sludge Utilization Permit
Public Right of Way Permit	Storm Drain Permit
Revocable Permit	Utility Permit
Roadway Grading Permit	Well Location/Construction Permit
Roadway Occupancy Permit	
Building Construction Division *and* Land Development Division	
Fence Permit	Paving Permit
Casework Management Division	
Permits	**Licenses**
Limited Duration Sign Permit	Benefit Performance License
Limited Duration Sign Installation	Building Contractors
Sign Installer License Permit	Door-to-Door Vendors
Sign Permit	Electrician Licenses
Special Use Permit	Electrical Business (Contractors) License
	Journeyman Electrician License
	Master Electrician License
	Regular Route Vendors
	Site Specific Vendor
	Scavenger License
	Sign License
	Vendor License (Itinerant)

Workyears by Division. Table 4 (below) shows the number of FY 02 workyears by Division. The approved budget allocates 183.6 workyears among the Office of the Director and the three divisions as follows:

- 6% (11.5 workyears) in the Office of the Director;
- 28% (52.2 workyears) in the Casework Management Division;
- 34% (61.8 workyears) in the Building Construction Division; and
- 32% (58.1 workyears) in the Land Development Division.

Ratio of Supervisory to Non-Supervisory WYs. Table 4 also shows the number of supervisory and non-supervisory workyears in each major unit, and calculates the ratio of supervisory to non-supervisory workyears. This ratio is sometimes referred to as the "span of control" in an organization.

TABLE 4: FY 02 WORKYEARS AND RATIO OF SUPERVISORY TO NON-SUPERVISORY WORKYEARS BY DIVISION

Organizational Unit	FY 02 Workyears Approved in FY 02 budget	Number of Supervisory Workyears	Number of Non-Supervisory Workyears	Ratio of Supervisory to Non-Supervisory Workyears
Office of the Director	11.5	3	8.5	1 to 2.8
Casework Management Division	52.2	5	47.2	1 to 9.4
Building Construction Division	61.8	5	56.8	1 to 11.4
Land Development Division	58.1	6	52.1	1 to 8.7
Department Total	183.6	19	164.6	1 to 8.7

Table 5 (page 13) compares the number of supervisory and non-supervisory workyears in DPS in 1996 (before the restructuring) and in 2001 (after the restructuring). The data indicate that the number of supervisory positions was reduced and the number of non-supervisory positions increased.

TABLE 5: RATIO OF SUPERVISORY TO NON-SUPERVISORY WORKYEARS 1996 VS. 2001

Year	Number of Supervisory Workyears	Number of Non-Supervisory Workyears	Ratio of Supervisory to Non-Supervisory Workyears
FY 1996	24	155	1 to 6.46
FY 2002	19	165	1 to 8.68
Percent Change from 1996-2001	- 21%	+ 6.5%	-34%

New Job Classifications. DPS' staffing reorganization included a new management structure and the compression of job classes. As a result of the restructuring:

- 13 Permitting Services Manager positions replaced 23 second and third-level supervisory positions;
- A new classification structure reduced the number of separate job classes in the Department from 24 to four;[2] and
- The number of non-supervisory workyears in the Department increased from 155 to 165.

An internal Executive Branch memorandum, dated December 1999, described the purposes of these changes as providing for " . . . appropriate compensation levels for DPS classifications and career migration among classes." The changes also were intended to resolve redundant and inequitable job classifications that were carried over when DPS was created. The changes increased both managerial span-of-control and employee decision-making responsibility, with the goal of improving service delivery by reducing the layers of approval.

Table 6 (page 14) cross-references the previous job classes that the DPS reorganization compressed into four new occupational classes with the following responsibilities:

- *Permit Technicians* perform casework management tasks related to the intake and issuance of permits and support tasks such as answering telephones, greeting visitors, and researching information requests.

- *Permitting Services Inspectors* perform and document inspections and assessments of construction projects and land-use complaints.

[2] Environmental Health Specialists retained their classification.

- *Permitting Services Specialists* possess engineering and technical knowledge, skills and abilities necessary to perform the most complex reviews of engineering and scientific documents to determine their technical and procedural soundness and code compliance.

- *Permitting Services Managers* directly supervise staff involved in reviewing plans, issuing permits and inspection construction. Permitting Services Managers are also responsible for monitoring customer feedback to determine employee and programmatic effectiveness.

TABLE 6: OVERVIEW OF THE PRIMARY JOB CLASS COMPRESSIONS

New Classifications (Grades)	Date New Classification Established	Previous Job Classes Compressed into New Classification (Grade)
Permit Technician I, II, and III (Grades 15,17,19)	January, 1997	Executive Administrative Aide (Grade 17) Office Services Manager (Grade 15) Principal Administrative Aide (Grade 13) Administrative Aide (Grade 12) Program Specialist II (Grade 21) Engineering. Tech. I & II (Grades 17&18) Engineer Aide (Grade 10)
Permitting Services Inspector I, II, and III (Grades 19,21,23)	March, 2001	Investigator I-III (Grades 20, 23, 25) Construction Code. Field Supervisor (Grade 23) Highway Construction Field Supervisor (Grade 23) Construction Standards Specialist I-II (Gr. 19 & 21) Construction Codes Representative I- III (Gr. 16 &-18) Highway Construction Inspector I-III (Grade 18- 22)
Permitting Services Specialist I, II, and III (Grades 21,24,26)	March, 2001	Senior Engineer (Grade 26) Senior Planning Specialist (Grade 25) Engineer I-III (Grades 18, 21, 24) Planning. Specialist III (Grade 23) Construction Plans Analyst I-III (Grades 18, 21, 23) Water Resources Analyst I-III (Grades 18, 21, 23) Construction Codes Field Supervisor (Grade 23) Engineering Tech. II (Grade 18)
Permitting Services Manager (Grade 29)	October, 2000	Environmental Protection Manager (Grade 27) Program Manager II (Grade 25) Senior Engineer

Exhibit A

MANAGEMENT THEORY: TALL VS. FLAT ORGANIZATIONS

Organizational management theory distinguishes between "tall" and "flat" organizational structures:

- **Tall organizations** have a hierarchical structure with multiple management layers and dispersed decision-making authority.

- **Flat organizations** have fewer management layers and delegate greater decision-making authority to front-line employees.

In the mid 1990s, many private businesses flattened their organizational structure, moving decision-making authority down the hierarchy into units that provide services directly to customers. The intent was to allow faster, more customer-oriented decision-making. Many public sector agencies have also embarked on flattening their organizational structure to facilitate improved customer service.

The management literature cites the following potential advantages of flat organizations:[3]

- Lower management costs;
- Greater employee satisfaction;
- More skill development opportunities for employees;
- Management more focused on planning and goals;
- Less duplication of tasks, roles and responsibilities;
- Less micro-management and faster decision-making;
- Clearer communication between the top and bottom layers of an organization;
- Less paperwork because of fewer reporting requirements;
- Less management support staff; and
- Fewer planning/coordination meetings.

The management literature, however, also cautions that establishing a new organizational structure can create significant employee anxiety and low morale. The literature suggests that explaining the goals and processes of a reorganization in a clear and timely fashion can help minimize this problem.

[3] City of Seattle – City Auditor Report – January 1996

3.2 The Department of Permitting Services Enterprise Fund

Overview. One of the stated goals for the new Department of Permitting Services was to become a substantially fee-supported operation. To accomplish this, the County Executive proposed and the Council approved establishing a Department of Permitting Services-Enterprise Fund (DPS-EF).

In general, the public sector uses enterprise funds to account for functions that are financed and operated in a manner similar to a private business. Enterprise funds usually have one or more sources of revenue other than general tax dollars, e.g., fees, charges for services, investment income. In Montgomery County, enterprise funds are established either by law or through administrative action, i.e., through the budget and appropriations process.

When an enterprise fund is established by law, the law typically identifies the purpose of the fund and the expected revenue sources, and sets parameters on how the money in the fund will be spent. Examples of enterprise funds established in the County Code are the Solid Waste Disposal Fund and the various Parking District funds.

When an enterprise fund is established administratively, the money in the fund is not legally restricted and spending from the fund is determined through the annual appropriations process. Examples of enterprise funds established administratively are the Landlord-Tenant Affairs Fund and the Liquor Control Fund.

On May 22, 1996, the County Council approved the Executive's recommendation to appropriate $11.4 million in General Fund revenue to the Department of Permitting Services-Enterprise Fund. This action administratively established the DPS-Enterprise Fund as part of the County's FY 97 Operating Budget. Decisions on how the DPS-Enterprise Funds are allocated have been made through the annual budget process. The Department of Finance, the Office of Management and Budget, and DPS share management responsibilities for the DPS-Enterprise Fund.

Department of Permitting Services-Enterprise Fund - Cost Recovery. When the DPS-EF was established, it was understood that General Fund support would be necessary in the form of start-up funding, on-going subsidies for waived fees, and large one-time projects e.g., building renovation. In addition, the Council agreed that the DPS-EF would repay the General Fund in future years as the fund balance allowed.

Table 7 (page 17) details the DPS-EF annual revenues, expenditures, and net fund balance since FY 97. The data show that:

- The DPS-EF started to show a positive fund balance in FY 99, and has continued to generate net income each year since FY 99;
- The operating revenue and expenses of the Enterprise Fund have steadily increased since FY 97; and
- The projected decrease in net income for FY 02 budget is due primarily to a $6 million transfer back to the General Fund (this is further explained below).

The DPS-EF's reserve balance (calculated as the end of year reserves as a percent of all fund resources) has been recorded as positive since FY 99. The percent has ranged significantly from 23.5% in FY 99 to almost 40% in FY 2000. The reserve balance is projected to be 20.4% at the end of FY 2002.

TABLE 7: DEPARTMENT OF PERMITTING SERVICES ENTERPRISE FUND OPERATING REVENUE AND EXPENDITURES, FY 97- FY 02
$ in 000's*

	FY 97 Actual	FY 98 Actual	FY 99 Actual	FY 00 Actual	FY 01 Actual	FY 02 Approved Budget
Beginning Enterprise Fund Balance	$0	($2,045)	($616)	$4,243	$9,153	$10,628
Operating Revenues	$9,668	$11,028	$17,764	$18,694	$19,172	$19,112
Net Interfund Transfers	$0	$1,970	$914	$1,019	($1,140)	($7,602)
Total Resources Available	$9,668	$10,953	$18,062	$23,956	$27,185	$22,138
Total Resources Expended	$11,713	$11,568	$13,819	$14,804	$17,160	$17,612
Net Income/(Loss) [1]	($2,045)	($616)	$4,243	$9,153	$11,647	$4,526
Percent Cost Recovery [2]	82.5%	94.7%	130.7%	161.8%	158.4%	125.7%
End-of-year Reserves as a Percent of Total Resources [3]	0	0	23.5%	38.2%	36.9%	20.4%

Source – OMB, Dept of Finance, and OLO, 2001

*Amounts shown in parentheses indicate a negative balance.
1. Net Income/Loss = Total Resources - Total Resources Expended
2. Percent Cost Recovery = Total Resources/Total Resources Expended x 100
3. End-of-year Reserves as a % of Resources = Net Income/Total Resources x 100

Tables 8 (below) and 9 (page 19) show the amount of General Fund support appropriated to the DPS-EF and repayments to the General Fund since FY 97. Table 8 shows the totals and cumulative amounts for each year. Table 9 itemizes what General Funds were provided for between FY 97- FY01. The data show that:

- A cumulative amount of $11.2 million in General Fund support was provided to the DPS-EF between FY 97 and FY 01.
- The DPS-EF started repayments to the General Fund in FY 01 with the amount of $600,000. The FY 02 budget assumes a repayment of another $6 million.
- At the end of FY 02, the DPS-EF will still owe $4.6 million to the General Fund.

TABLE 8: DPS-ENTERPRISE FUND
SCHEDULE OF GENERAL FUND SUPPORT AND REIMBURSEMENTS
$ IN 000'S

	FY 97 Actual	FY 98 Actual	FY 99 Actual	FY 00 Actual	FY 01 Actual	FY 02 Approved Budget
General Fund Support to DPS-EF	$2,316	$4,213	$2,019	$2,184	$494	None
General Fund Reimburse ment from DPS-EF	None	None	None	None	$600	$6,000
End-of-year Fiscal Balance*	$2,316	$6,529	$8,548	$10,732	$10,626	$4,626

Source: OMB and OLO, 2001

* Amount of money owed to the General Fund.

TABLE 9: BREAKDOWN OF GENERAL FUND PAYMENTS TO DPS-ENTERPRISE FUND
$ IN 000'S*

Item	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02	Totals
Rent	$809	$833	$780	$960	$494	0	$3,876
Building Renovation	$199	$1,876	0	0	0	0	$2,075
Overhead [1]	$1,308	$4	($210)	($26)	0	0	$1,076
- Actual overhead costs	$1,308	$1,504	$1,290	$1,347	$1,625	$2,336	$9,410
- Overhead charges paid by DPS	0	$1,500	$1,500	$1,373	$1,625	$2,336	$8,334
Other[2]	0	$1,500	$1,450	$1,250	0	0	$4,200
Total General Fund support	$2,316	$4,213	$2,019	$2,184	$494	0	$11,227
Payback from DPS-EF to GF	0	0	0	0	$600	$6,000	$6,600
Outstanding Balance							**$4,627**

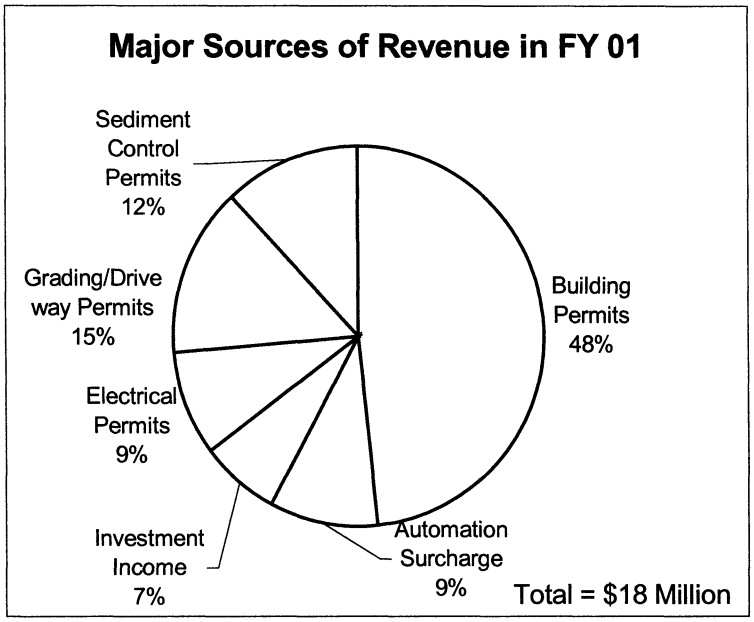
Source: OMB and OLO, 2001

1. DPS' overhead charges were forgiven in FY 97.
2. "Other" is the amount needed to make up the difference between revenue and expenditures.

DPS-EF Sources of Revenue. The DPS-EF collects revenue primarily from license fees, permit fees, and other charges. By law, the Executive promulgates the fees and charges in the form of an Executive Regulation. Appendix B (©5-40) contains a current schedule of permit and license fees.

The pie chart on the following page illustrates the DPS-EF's major sources of revenue in FY 01. The top six sources of revenue were: building permits, grading/driveway permits, sediment control permits, electrical permits, automation surcharge, and investment income. Together, the $18 million collected from these six sources accounted for almost 95% of all of the DPS-EF revenue.

Exhibit B



Source: OLO

Since FY 97, DPS has increased existing fee levels and also established new fees in order to move toward the goal of substantially fee supported operations Appendix C (©41-44) lists the fees and the percent changes in fees since 1996. Specifically:

- The Department increased building permit fees in FY 96 and FY 98. As a result, FY 02 building permit fees are approximately 26% higher than they were in FY 95. The maximum building permit fee cap is $110,000.

- The Department phased in increased sediment control and stormwater management fees for a total increase of approximately 65% since FY 96.

- The Department established new fees for a number of activities, including well and septic plan review and inspection activities, the vendor licensing program, for the benefit performance program, the scavenger program and the zoning and sign permit program.

- The Department introduced a new 10% automation surcharge in FY 98 to help pay for the installation of the new computer system.

- The Department established a new overtime offset charge in FY 97.

Because revenues are not collected in discrete programmatic areas, the Department is able to accurately track its general sources of revenue but is unable to identify the costs of providing its specific services. For example, the department is unable to identify the cost of issuing a building or sediment control permit. Departmental costs tend to be allocated across each division based on the number of workyears and estimated operating expenses.

Fee scenarios.[4] DPS provided fee scenarios for two common types of construction projects:

- Scenario 1 shows the fees charged by the Department to construct a $13.5 million (excluding land value), six story office building in Germantown; the fees charged total approximately $245,000.

- Scenario 2 shows the fees charged by the Department to construct a typical house in the Germantown area; the fees charged total approximately $5,500.

Scenario 1. Exhibit C (page 22) details the permit fees charged to an actual office building under construction in Germantown. The building lies within a two-million-square-feet business park. The sediment-control and stormwater management fees cover not only this building, but the entire office park. The six-story office building is constructed of protected steel and has a floor area of approximately 200,000 square feet.

The building owner chose to seek separate permits for the building shell and core (foundation, above-grade structure and exitways) and tenant improvements and paid an overtime fee for expedited review of the shell and core permit. Splitting the permits is a typical strategy for buildings of this size; it allows construction to begin while interior architectural plans are being developed. Similarly, the owner sought a use-and-occupancy certificate for the building shell and core and then individual occupancy certificates for each floor to allow for staggered occupancy.

[4] DPS is in the process of compiling fee data from surrounding jurisdictions. This comparative information should be available for the Council by January 2002.

Exhibit C
COMMERCIAL CONSTRUCTION SCENARIO

Sediment Control Permit*		**Fire Protection System Permit**	
Rough Grading Fee	$ 45,266.00	Filing Fee	$ 100.00
SWM Filing Fee	$ 670.00	Plan Review Fee	$ 1,570.00
Automation Fee	$ 67.00	Automation Fee	$ 167.00
SWM Engineered Plan Fee	$ 9,748.25	Inspection Fee	$ 1,465.00
Automation Fee	$ 974.83	TOTAL	$ 3,302.00
Revision Fee	$ 780.00		
Automation Fee	$ 78.00	**Fire Alarm Permit**	
Revision Filing Fee	$ 670.00	Filing Fee	$ 100.00
Automation Fee	$ 67.00	Plan Review Fee	$ 1,300.00
Revised SC & SWM	$ 780.00	Automation Fee	$ 140.00
Automation Fee	$ 78.00	Inspection Fee	$ 700.00
TOTAL	$ 59,179.08	TOTAL	$ 2,240.00
Public Right of Way		**Use and Occupancy**	
Permit Fee	$ 525.00	Shell and Core Fee	$ 2,091.02
Automation Fee	$ 52.50	Automation Fee	$ 209.10
TOTAL	$ 577.50	1st Floor Tenant Fee	$ 482.31
		Automation Fee	$ 48.23
Building Permit		2nd Floor Tenant Fee	$ 482.62
Shell and Core Filing Fee	$ 250.00	Automation Fee	$ 48.26
Automation Fee	$ 25.00	3rd Floor Tenant Fee	$ 481.79
Shell and Core Permit Fee	$109,750.00	Automation Fee	$ 48.18
Automation Fee	$ 10,975.00	4th Floor Tenant Fee	$ 475.93
Shell and Core Overtime Fee	$ 27,437.50	Automation Fee	$ 47.59
Automation Fee	$ 2,743.75	5th Floor Tenant Fee	$ 475.29
Tenant Fit-out Filing Fee	$ 250.00	Automation Fee	$ 47.53
Automation Fee	$ 25.00	6th Floor Tenant Fee	$ 469.03
Tenant Fit-out Permit Fee	$ 14,400.00	Automation Fee	$ 46.90
Automation Fee	$ 1,440.00	TOTAL	$ 5,453.78
TOTAL	$167,296.25		
		Permit Fees	$227,121.74
Electrical Permit		Automation Fees	$ 17,969.07
New Installation Flat Fee	$ 6,300.00	**GRAND TOTAL**	$245,090.81
Automation Fee	$ 630.00		
Fixture Fee	$ 92.00		
Rough Wiring Fee	$ 10.00		
Automation Fee	$ 10.20		
TOTAL	$ 7,042.20		

Source: DPS, October 2001

*Sediment Control Permit fees are not just for the building. The fees cover the entire 2 million square feet commercial development.

Scenario 2. Exhibit D (below) lists the fees that apply to a typical house being constructed in Germantown. Assumptions are the house is less then 5,000 square feet in area and the land disturbance would not exceed 30,000 square feet.

Exhibit D
RESIDENTIAL CONSTRUCTION SCENARIO

Sediment Control Permit		
Small land disturbance (30,000 S.F. max.)		$ 900.00
Automation Fee		$ 90.00
Public Right of Way		
Driveway		$ 172.50
Automation Fee		$ 17.25
Well Permit		$ 80.00
Septic Permit		
Water Table Test		$ 200.00
Automation Fee		$ 20.00
Percolation Test		$ 250.00
Automation Fee		$ 25.00
Septic Permit		$ 450.00
Automation Fee		$ 45.00
Building Permit		
House less then 5,000 S.F.		$ 700.00
Automation Fee		$ 70.00
Electrical Permit		
200 amp service		$ 150.00
Automation Fee		$ 15.00
Impact Tax		
Germantown		$2,492.00
	Permit Fees	$2,902.50
	Automation Fees	$ 282.25
	Impact Tax	$2,492.00
TOTAL		$5,676.75

Source: DPS, October 2001

3.3 Office Space Renovations

Another strategy proposed to facilitate the success of the new Department of Permitting Services was to renovate the Department's office space. In particular, the County Executive maintained that an office reconfiguration was essential in order to implement the "one-stop permitting shop" and casework management concepts.

On June 24, 1997, the Council approved a supplemental appropriation to the FY 97 Operating Budget for building renovations to 255 Rockville Pike.[5] The proposed renovation included a complete reconfiguration of DPS' office space to:

- Eliminate the maze of corridors and offices;
- Construct an "easy to find" centralized customer service area;
- Co-locate all departmental staff adjacent to the customer service area; and
- Increase the public corridor space.

Appendix D (©45) contains a conceptual diagram of the Department's current floor layout.

Work on the renovations started in October 1998 and was completed in February 2001. The renovation project cost almost $1.9 million. Although the General Fund initially funded the project, the DPS-Enterprise Fund is reimbursing the General Fund for the costs of the renovation.

In sum, the renovations have allowed all of DPS staff and functions to co-exist in one central location. There are three customer service kiosks located in the entry area. At the first kiosk, DPS staff:

- Answer all general customer questions;
- Enter all building application details into the computer system;
- Advise customers on the County's permitting process; and
- Coordinate meetings between Permit Technicians and customers.

At the second kiosk, DPS staff review commercial fast track and residential walk through building applications for compliance with the County's Zoning Ordinance. At the third kiosk, DPS staff review commercial fast track and residential walk through building applications for compliance with BOCA and other building standards. The Divisions of Land Development and Building Construction are next to the centrally located Division of Casework Management.

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[5] The Department of Permitting Services is located at 255 Rockville Pike (formerly 250 Hungerford Dr), across the street from the Rockville Metro station. DPS occupies the second floor of the building with the Fire Code Enforcement section of the DFRS and the Licensure and Regulation program of the DHHS. The Treasury Division of the Finance Department and the Department of Environmental Protection are located on the first floor.

The renovated DPS' offices include meeting rooms, computer training facilities, and a lunchroom. Staff have individual work stations, and are equipped with either desk phones and desk top computers (for office staff) or laptop computers and cell phones (for field staff). There appears to be a general consensus among most DPS employees that the current office design provides a comfortable, aesthetically pleasing, and improved working environment.

3.4 Automation Project

Another key strategy for improving customer service in the new Department of Permitting Services was a proposal to fully automate permitting functions and related activities. This involved replacing a mainframe system that had been in place since the early 1980's.

Project Overview. In July 1998, the County entered into a $7.3 million fixed price contract with Advanced Information Network Systems, Inc. (AINS) to develop and install an automated permit and licensing system. Table 10 outlines the major elements in each of the four proposed phases of the project. The table also shows the start date in the contract and the actual start date for each phase.

TABLE 10: AUTOMATION PROJECT IMPLEMENTATION

Phase	Select Features and Benefits	Start Date in Contract	Actual Start Date
Phase 1: Core System	• Replacement of main frame permit system with new client/server system	July 27, 1998	Sept. 7, 1998
Phase 2: Fax, IVR, GIS	• Integration & linkage of GIS to permit system • Implementation of interactive voice response capabilities • Fax-back/fax-on-demand services	Oct. 1, 1999	Oct. 1, 1999
Phase 3: Document Management System	• Electronic plan filing • Electronic plan distribution for interagency reviews • On-line plan reviews	Oct. 1,1999	Oct. 1, 1999
Phase 4 Remote online Functionality	• Remote mobile data interface • Complete conversion of historical graphic data	Jan. 1, 2001	Oct. 1, 1999

Source: DPS/OLO October, 2001

Automation Project Funding. In FY 98, the County Executive recommended and the Council approved adding a 10 percent automation surcharge to all DPS permit fees. Over time, this surcharge is expected to cover the entire cost of the automation project. As an interim source of funding, the Executive secured a five-year financing agreement from IBM for approximately $3 million at an effective interest rate of 4.45% per year.[6]

Table 11 (below) shows the amount of revenue collected through the automation surcharge in FY 99, FY 00, and FY 01, and the estimated revenue collection for FY 02. As of the end of FY 02, the Department expects to have collected a cumulative amount of $6.1 million from the automation surcharge. This will equal about 86% of the original $7.3 million project cost.

TABLE 11: AUTOMATION SURCHARGE AMOUNTS
$ IN 000'S

	FY 99 Actual	FY 99 Actual	FY 01 Actual	FY 02 Estimated	Cumulative Amount ($)
Initial Project Cost	$7,300				
Automation surcharge revenue collected during fiscal year	$1,297	$1,598	$1,697	$1,596	$6,118
Balance remaining at end of fiscal year	$6,003	$4,405	$2,708	$1,112	$1,112

Source: DPS/OMB October, 2001

Project Update. Tables 12, 13, 14, and 15 (pages 27-28) summarize the status of each phase of the automation project as of October 2001. Phase 1 of the project was completed in September 2000. The IVR component of Phase 2 has presented some difficulties, but is scheduled for release in November 2001. DPS is in the process of imaging its documents and reports that approximately one million of the 1.1 million total documents have been scanned.

DPS anticipates that Phases 3 and 4 will be completed by September 2002. While public access to the permit system was accelerated and delivered ahead of schedule (July 2000), Phase 4 has been protracted due to changes to the "e-payment" vendor's software which affected the Internet-electronic-applications-and-plan-submission components of the system.

[6] Department of Finance documents indicate that the balance of the loan is likely to be paid during late November, 2001.

The computer contract has been extended one year to September 2002, at no cost to the County. This extension allows for the additional time needed to complete Phase 4 and the imaging component and to provide for ongoing systems support.

TABLE 12: PHASE 1 UPDATE AS OF OCTOBER 2001

Phase 1	Component	% Complete
	Installation of hardware and loaded software	100%
	Installation of Microsoft NT server	100%
	Purchase computers	100%
	Load permitting software	100%
	Parent-child function	100%
	Fee calculations	100%

Source: DPS/OLO October, 2001

TABLE 13: PHASE 2 UPDATE AS OF OCTOBER 2001

Phase 2	Component	% Complete
	Interactive Voice Response	80%
	GIS application	100%
	Fax/fax back/fax on demand	80%

Source: DPS/OLO October, 2001

TABLE 14: PHASE 3 UPDATE AS OF OCTOBER 2001

Phase 3	Component	% Complete
	CD – ROM Jukebox	100%
	Digital photography	100%
	Electronic plans submittal	100%
	Plans imaging	95%
	Concurrent plan review	100%
	Electronic plan raster to vector conversion	Now no longer required
	Computer aided design	100%
	Access to on line codes	100%

Source: DPS/OLO October, 2001

TABLE 15: PHASE 4 UPDATE AS OF OCTOBER 2001

Phase 4	Component	% Complete
	Internet access to check permit status	100%
	Online inspection requests	100%
	Remote systems access	100%
	Public access to system	100%
	E-mail	100%
	Data extract & download	100%
	Fee reports to Finance	100%
	Kiosk	100%
	Electronic application via the web	50%
	Electronic plan submission via the web	50%
	Field inspection	100%

Source: DPS/OLO October, 2001

Automation System Evaluations. During FY 01, in response to questions raised by the County Council, the Office of Legislative Oversight (OLO) and an independent consultant reviewed the progress of the DPS automation project. In July 2000, OLO reviewed extensive project documentation and prepared a series of summary tables that compared the current status of the project to the parameters in the contract.

In July 2000, because of continuing concerns about the automation project, the Council engaged an independent consultant to: (1) conduct an evaluation of the DPS computer system; and (2) provide an overall assessment of how well the automation system will address DPS productivity, efficiency, and customer service needs.

The consultant conducted an extensive series of interviews to assess the perceptions of system stakeholders. The interviews included DPS employees, the computer contractor, permitting service customers, and external agencies. The consultant also conducted independent tests to validate the perceptions derived from the interviews.

In a written report to the Council in November 2000, the consultant reached the following conclusions:

- **DPS did a thorough needs analysis and the resulting Request for Proposal (RFP) identified the major internal and external user requirements.** The consultant found the RFP for the new automation system to be well written, detailed and thorough. The consultant found evidence that user input was solicited in developing the RFP, and concluded that the RFP identified most of the internal and external user requirements.

- **The project technology should meet DPS' needs.** The consultant reported the proposed system components are stable and proven technologies. The consultant identified the equipment for the field employees as the one outstanding issue that needed to be resolved. Specifically, the consultant found widespread belief among inspectors that the laptops are not suitable and stated that project management was researching alternatives. *(DPS reports that laptops are now equipped with wireless modems, which has improved field to main office communications.)*

- **Implementation problems have occurred, but there are appropriate project management methods and procedures in place.** The consultant reported that the project got off to a "rocky start" and there have been "ongoing glitches", both of which are to be expected with implementation of a large system. Although the consultant concluded that DPS is doing an adequate job of managing the project, the consultant stated that there appeared to be communications problems within DPS because many employees were not aware of the internal procedures to document and correct bugs. The consultant also found the training was scheduled too far in advance and many employees would like additional training. (*DPS has introduced a computer users group which provides a forum for communication between management and staff to resolve issues associated with system performance*).

- **The automation system will adequately address DPS productivity, efficiency and customer service needs.** The consultant reported the core system is fully operational and that DPS has project management techniques in place to identify and resolve problems. The consultant stated that all four external users (Department of Housing and Community Affairs, Department of Environmental Protection, Maryland National Capital Park and Planning Commission and Tax Assessment) are highly pleased with the DPS system. The only open issue is the question about the functionality of laptops for use in the field.

The consultant reported that none of the DPS clients interviewed had any negative perceptions of the new system. The consultant found diverse opinions about the automation project and the system among DPS employees. In general, routine users find the system very productive while occasional users find it a hindrance.

CHAPTER 4: CUSTOMER AND EMPLOYEE PERCEPTIONS

This chapter reviews customer and employee perceptions of the Department of Permitting Services. Section 4.1 presents the views of DPS customers obtained through telephone surveys, focus groups, and other meetings. Section 4.2 presents the results of on-line written surveys of DPS employees.

4.1 Perceptions of DPS' Customers

Feedback from DPS' customers is available from four sources:

- Three years of statistically reliable telephone surveys of permit applicants who completed projects requiring a building, electrical, sediment control, well, or septic permit.

- Four focus groups conducted between December 1998 and June 2001 with representatives from the building and development industry (including the Fire Protection Industry), civic associations, and local environmental groups.

- An additional, three focus groups conducted in September and October 2001 by a professional facilitator under contract to the Office of Legislative Oversight. Two of the focus groups consisted of individuals who had raised concerns to Councilmembers about the performance of DPS, and one of the focus groups consisted of a random sample of individuals who had registered land use complaints with DPS during the past 12 months.

- Meetings between OLO staff and representatives from the County's Regional Services Centers Advisory Boards, conducted during September and October 2001.

4.1.a Telephone Opinion Surveys

Methodology. In 1998, DPS retained Market Research Group, an independent research consulting firm, to develop and conduct a telephone survey with a random sample of DPS permit applicants. The stated purpose of the survey was to obtain customer feedback to aid in the enhancement and refinement of DPS' services. Surveys, identical in scope and content, were repeated in 1999 and 2000.

DPS has retained a consultant to conduct a fourth round of the telephone surveys of permit applicants. DPS expects that these survey results will be available in January 2002. (See memo from the Chief Administrative Officer in Chapter 10, Executive Branch Comments.)

For each year of the survey, Market Research Group conducted telephone surveys with a random sample of individuals who had completed projects requiring a building, electrical, sediment control, well and/or septic permit. The survey population was limited to these permit types because these were the only permit types easily available for random automated sampling.

The sample size was 452 respondents in 1998, 450 respondents in 1999, and 451 respondents in 2000. For statistical purposes, sampling errors were rated at +/- 4.7 percentage points at the 95% confidence level.

In all three years, about one-third of the survey respondents were contractors. The second largest group represented was homeowners. Table 16 (below) lists the categories and numbers of permit applicants surveyed each year.

TABLE 16: SURVEY RESPONDENTS BY CATEGORY

Respondent Category	Fall 1998 Survey %	Fall 1999 Survey %	Fall 2000 Survey %
Contractor	31	36	35
Property owner	29	25	22
Homeowner	21	19	23
Architect	10	11	11
Engineer, public agency representative, developer and others	9	9	9
Total	100%	100%	100%

In a variety of areas, the survey asked respondents to rate their level of satisfaction on a five-point scale. A score of five represented a high level of satisfaction, a score of one represented a low level of satisfaction, and a score of three represented a neutral rating. The results displayed in this chapter are grouped into three category ratings: positive, neutral or negative.

Survey Results

Overall, a solid majority of permit applicants registered positive perceptions of the Department's performance during the three survey years. Approximately half of those surveyed indicated their experience met their expectations, and approximately one-third indicated it exceeded their expectations. When comparing results among the three survey years, there was no statistically significant differences in how permit applicants rated their overall experience with DPS.

This section highlights some of the key survey findings. Additional survey results are available upon request.[1]

Overall experience. Two-thirds of permit applicants reported their overall experience with DPS was positive. As Table 17 shows, the highest ratings were in 1998, where 73% of permit applicants rated their overall experience as *excellent* or *somewhat good*. Although it increased a few points between 1998 and 1999/2000, the percent of permit applicants who rated their overall experience as *somewhat poor* or *poor* remained below 15% in all three years.

TABLE 17: PERMIT APPLICANTS' RATING OF OVERALL EXPERIENCE

How do you rate your overall experience with DPS?	Fall 1998 %	Fall 1999 %	Fall 2000 %	Fall 2001 %*
- *Excellent or somewhat good*	73	67	66	
- *Neither good nor bad*	19	20	20	
- *Somewhat poor or poor*	9	13	14	
Total	100%	100%	100%	

*Data for Fall 01 will be provided by DPS in early 2002.
Source: OLO and The Market Research Group.

When asked how their overall experience with Montgomery County compared with their expectations, half of the respondents in the fall of 2000 said that it was about the same as they expected. A third said it was either *much better* or *somewhat better* than expected, and 16% said it was either *somewhat* or *much worse* than expected.

Comparisons to other jurisdictions. Permit applicants were asked to compare Montgomery County's permitting process with the process in other jurisdictions. As shown in Table 18 (page 34), permit applicants consistently evaluated Montgomery County's permitting process as "much better" or somewhat better" than the process in other places. This rating was reported by permit applicants with and without actual experience in other jurisdictions. There was little change in these ratings between 1998 and 2000.

Length of processing time. When asked to rate the time it took to complete the permitting process from first contact with DPS until final inspection, about half of the respondents in the fall of 2000 said it was *excellent* or *somewhat good*. The other half of the respondent were split between a neutral and more unfavorable rating. As Table 19 (page 34) shows, the percent of positive ratings on this question fluctuated during the three years with the highest percent ratings (64%) in the fall of 1998 and the lowest percent ratings (49%) in the fall of 1999.

[1] Readers interested in more detailed survey results should contact the Office of Legislative Oversight.

Interactions with DPS Staff. Table 20 (page 35) summarizes how survey respondents rated DPS staff on characteristics such as friendliness, helpfulness, overall professionalism, knowledge, and availability. The results show that nearly seven out of ten respondents rated DPS staff favorably (*excellent* or *somewhat good*) on most variables, and that these positive ratings showed up consistently in all three survey years.

The staff received particularly strong positive ratings on their "overall professionalism", and somewhat lower ratings on "overall availability." Although the ratings of DPS staff over the three years remained relatively steady, the most positive ratings declined between one and six percentage points between 1998 and 2000.

Logistics and Fees. Permit applicants were also asked a series of questions about the logistics of the permitting process, i.e., ease of access, comfort of waiting facilities, use of technology. The responses summarized in Table 21 (page 36) show that in the fall of 2000, about six out of ten permit applicants gave favorable ratings on the ease of accessing and using the permitting office; permit, and on the use of technology to facilitate the process. Only about half gave positive ratings on the comfort of the waiting facilities. It is important to note that the survey data available do not yet reflect permit applicants' experience in the renovated DPS office facility; nor does it reflect experience with the more recent technology improvements.

Table 21 (page 36) also summarizes how permit applicants rated the reasonableness of fees. Across the three survey years, respondents remained split among positive, neutral, and negative ratings. Specifically, in the fall of 2000, 36% of permit applicants said the fees were *excellent* or *somewhat good*; 35% said the fees were *neither good not bad*, and 29% said the fees were *somewhat poor* or *bad*. There were no significant changes in the responses since 1998.

General opinion of the permitting process. Finally, the survey sought the general opinion of the permit applicants about the permitting process itself. About half of the permit applicants reported that they thought the process was either "extremely important, efficient, and well run" or "important and fairly efficient." A third reported it was "what you would expect from government", and the rest (14-18%) registered negative views, e.g., a necessary evil, unnecessary, and/or inefficient. There were no major fluctuations in these opinions during the three-year period.

TABLE 18: COMPARISONS WITH OTHER JURISDICTIONS

How do you think Montgomery County's permitting process compares with other jurisdictions?	Fall 1998 %	Fall 1999 %	Fall 2000 %	Fall 2001 %*
(a) Permit applicants with experience elsewhere				
- Much better or somewhat better	50	52	51	
- About the same	26	26	27	
- Somewhat worse or worse	25	22	23	
Total	100%	100%	100%	
(b) Permit applicants without experience elsewhere				
- Much better or somewhat better	48	57	50	
- About the same	33	30	33	
- Somewhat worse or worse	18	14	18	
Total	100%	100%	100%	

Source: OLO and The Market Research Group.

*Data for Fall 01 will be provided by DPS in early 2002.

TABLE 19: LENGTH OF TIME TO COMPLETE PERMITTING PROCESS

How do you rate the time to complete the permitting process from first contact with DPS until final inspection?	Fall 1998 %	Fall 1999 %	Fall 2000 %	Fall 2001 %*
- Excellent or somewhat good	64	49	55	
- Neither good nor bad	18	25	20	
- Somewhat poor or poor	18	26	25	
Total	100%	100%	100%	

Source: OLO and The Market Research Group.

*Data for Fall 01 will be provided by DPS in early 2002.

TABLE 20: INTERACTIONS WITH DPS STAFF

How do you rate the friendliness of the staff throughout the permitting process?	Fall 1998 %	Fall 1999 %	Fall 2000 %	Fall 2001 %*
- Excellent or somewhat good	80	73	79	
- Neither good nor bad	15	21	15	
- Somewhat poor or bad	5	6	7	
Total	100%	100%	100%	
How do you rate the overall helpfulness of the DPS staff?				
- Excellent or somewhat good	80	75	76	
- Neither good nor bad	14	17	14	
- Somewhat poor or bad	6	9	9	
Total	100%	100%	100%	
How do you rate the overall professionalism of DPS staff?				
- Excellent or somewhat good	84	80	81	
- Neither good nor bad	13	14	13	
- Somewhat poor or bad	4	7	6	
Total	100%	100%	100%	
How do you rate the overall knowledge of DPS staff?				
- Excellent or somewhat good	81	79	76	
- Neither good nor bad	15	18	17	
- Somewhat poor or bad	4	4	7	
Total	100%	100%	100%	
How do you rate the overall availability of staff?				
- Excellent or somewhat good	63	61	57	
- Neither good nor bad	26	26	26	
- Somewhat poor or bad	11	13	18	
Total	100%	100%	100%	
How do you rate the ability of staff to articulate and explain the permitting process?				
- Excellent or somewhat good	75	67	70	
- Neither good nor bad	16	22	21	
- Somewhat poor or bad	9	11	10	
Total	100%	100%	100%	

Source: OLO and The Market Research Group.
*Data for Fall 01 will be provided by DPS in early 2002.

TABLE 21: PERMIT APPLICANTS' RATINGS ON: EASE OF ACCESS, OFFICE SPACE, USE OF TECHNOLOGY, FEES

How do you rate the ease of accessing and using the Permitting Office?	**Fall 1998 %**	**Fall 1999 %**	**Fall 2000 %**	**Fall 2001 %***
- Excellent or somewhat good	72	65	62	
- Neither good nor bad	20	22	21	
-Somewhat poor or bad	9	13	18	
Total	100%	100%	100%	
How do you rate the comfort of the waiting facilities?				
- Excellent or somewhat good	66	59	49	
- Neither good nor bad	28	33	35	
- Somewhat poor or bad	6	8	16	
Total	100%	100%	100%	
How do you rate the use of technology to facilitate the permitting process?				
- Excellent or somewhat good	55	46	58	
- Neither good nor bad	28	29	21	
- Somewhat poor or bad	17	25	21	
Total	100%	100%	100%	
How do you rate the reasonableness of the fees?				
- Excellent or somewhat good	37	39	36	
- Neither good nor bad	36	32	35	
- Somewhat poor or bad	27	29	29	
Total	100%	100%	100%	

Source: OLO and The Market Research Group.
*Data for Fall 01 will be provided by DPS in early 2002.

TABLE 22: PERMIT APPLICANTS' OPINION OF THE PERMITTING PROCESS

Which of the following.....Best describes your opinion of the permitting process?	Fall 1998 %	Fall 1999 %	Fall 2000 %	Fall 2001 %*
- *Extremely important, efficient and well run*	13	9	12	
- *Important process and fairly efficient*	39	39	36	
- *What you would expect from government*	34	34	34	
- *Necessary evil plagued by inefficiency*	11	16	15	
- *Unnecessary and inefficient*	3	2	3	
Total	100%	100%	100%	

Source: OLO and The Market Research Group.
*Data for Fall 01 will be provided by DPS in early 2002.

4.1.b Focus Groups Conducted by Wasserman/Katz

The Office of Legislative Oversight engaged a professional facilitator, Mr. Doug Katz of Wasserman/Katz, to conduct three focus group discussions in September and October 2001. Appendix E (©46-51) contains Mr. Katz' report on the focus groups in its entirety. This section describes the approach taken to convening the focus groups, and summarizes the themes identified by focus group participants.

The focus groups were convened to supplement the results of the telephone surveys, which had been designed to solicit feedback from permit applicants. In particular, the legislative record indicates that community members have voiced concerns directly to the Council about the effectiveness of DPS code enforcement activities, and the telephone surveys did not include interviews with individuals who had contacted DPS about an alleged land use or land development code violation.

Participants and Method

Group (1) Civic Association Representatives Ten civic association representatives were invited and 11 participated; two of nine participants brought colleagues. For this focus group, OLO reached out to individuals who had raised specific concerns about DPS' performance to Councilmembers.

Group (2) Randomly Selected Complainants For this second group, OLO mailed invitations to individual complainants, whose names were randomly selected from DPS' land use complaint log. In all, 55 invitations were mailed and six individuals attended.

Group (3) Environmentalists. Ten representatives of local community environmental groups were invited to attend the third focus group discussion. Four of the ten invitees attended.

Each focus group was conducted on a weekday evening from 7-8:30 PM. The facilitator asked each group to discuss two basic questions:

- In your experience, what is the Department of Permitting Services doing well and what is the Department not doing as well as it should?
- What measures would you recommend to improve the Department's services and operations?

Note: A fourth focus group was scheduled for individuals who had been the subject of a land use investigation carried out by DPS during the past year. Of the approximately 80 randomly selected individuals invited, only two indicated that they would attend. As a result, OLO decided to conduct one-on-one interviews with these two individuals and canceled the fourth focus group session.

Caveats and Themes

Mr. Katz's report appropriately places a caveat on the observations and recommendations made by the focus group participants. As he writes, the number of participants was relatively small, and there is no way to know the extent to which the perceptions of the participants accurately represent the views of larger numbers not in attendance.

However, Mr. Katz also observes that the findings can still be examined to identify common themes across the groups. It is the common themes identified in Mr. Katz's report that OLO will present and discuss in this section.

In sum, Mr. Katz observes that while individual participants in each group commended the DPS for various attributes or accomplishments, the preponderance of reported experiences and observations was negative, and the groups found many areas in need of improvement. As Mr. Katz also points out, this outcome is not "entirely surprising," given the populations invited to participate, the self-selection involved in who attended, and the small group sizes.[2]

The common themes identified at the focus groups fell into four categories: definition of the customer; structure and placement of enforcement functions; enforcement philosophy and consistency; and service to the public.

Definition of the customer. The shared perception across the focus groups was that DPS did not value their so-called "non-permit customers." In particular, individuals with land use complaints or environmental concerns felt that DPS considered their needs secondary to the needs of customers wishing to obtain a permit. Participants were of the opinion that because DPS receives its funding largely through permit fees, the Department places more emphasis on facilitating development rather than protecting communities and the environment.

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[2] Wasserman/Katz – The Department of Permitting Services – A Citizen Focus Group Evaluation, October 2001.

Participants cited DPS' mission statement (refer below) as an example of the Department's commitment to its "permit type" customers.

> The mission of the DPS is to provide the highest quality of public service while ensuring compliance with Montgomery County's development and construction standards.[3]

Participants recommended reconsideration of DPS' self-supporting, fee based revenue arrangement, especially for code enforcement related activities. Participants also recommended broadening DPS' definition of customer to explicitly include everyone who deals with the Department, and not just permit applicants.

Structure and placement of the enforcement function. Many participants felt that the goals of land use enforcement are being thwarted by the current organizational design.[4] The participants offered the following options as a solution:

- Move the zoning code enforcement function to the Department of Housing and Community Affairs.
- Move the sediment control, storm water management and erosion control functions back to the Department of Environmental Protection.
- Create a new Office of Zoning Enforcement to give the function maximum exposure and significance.
- Establish an "Enforcement Czar" or equivalent senior position to elevate the visibility of enforcement functions within DPS.
- Decrease the number of DPS managers and increase the number of inspectors/field staff.
- Increase the frequency and quality of coordination between DPS and other departments, especially, for problem properties that require sustained attention or broad action.

Enforcement philosophy and consistency. Many focus group participants felt that DPS' department's enforcement philosophy is too lenient and many participants cited examples of inconsistent code interpretation. Suggestions for improvement included:

- Enforcement of outstanding violations and shutting down illegal activity, until such time as a permit is issued.
- Discontinue the practice of facilitating individuals through the permitting process.
- Introduce an "escalating sanction system" for repeat land use violations.
- Encourage the practice of self-enforcement by increasing the severity of penalties for first-time violators.
- Increase the number and training of field inspectors.
- Refer enforcement issues in need of highly specialized expertise to experts in DEP, DHCA, or a contract organization.

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[3] *The Guide to Permitting Services,* published by the Department of Permitting Services.
[4] Wasserman/Katz – The Department of Permitting Services – A Citizen Focus Group Evaluation, October 2001.

Service to the Public. The final theme to emerge from the focus group sessions was criticism of DPS' complaint investigation and handling processes and staff attitudes. The participants proffered the following recommendations:

- Implement DHCA's model for complaint intake and tracking.
- Improve both service and signage at DPS front desk to make it clear who complainants should consult.
- Improve responsiveness to complaints in general.
- Reduce length of follow-up times on complaint investigation. For example, establish a policy of responding to a complainant within one business day, conducting an on-site inspection within five business days, and regularly communicating with complainants throughout the investigation process.
- Recruit a "department Ombudsman" to facilitate and accelerate services to individual complainants.
- To increase awareness and the dissemination of information.
- Create a "reference room" that allows citizens to do research on land use issues.
- Place better information about the department and the complaint handling process on the DPS website.
- Issue an educational booklet about DPS services that is modeled after the County's recycling booklet.

In sum, Mr. Katz's report suggests that these themes and perceived problems hinge around the Department's organizational mission being indifferent to communities, the environment, and field issues that are not revenue generating.

4.1.c Focus Groups Conducted by Market Research Group

Between December 1998 and June 2001, the Market Research Group (MRG) conducted four focus groups for the Department of Permitting Services. Representatives from the building and development Industry (including the Fire Protection Industry), civic associations, and local environmental groups were invited to participate in the focus group discussions. The stated objectives of the focus groups were to:

- Learn stakeholders' satisfaction/dissatisfaction with DPS;
- Learn what role DPS plays among different stakeholders;
- Determine if stakeholders perceive that DPS is fulfilling its mission or mandate;
- Learn stakeholders perceptions of key issues identified through previous research, such as: procedures and interaction; balancing development and quality of life issues; enforcement; special exceptions; inspections; and complaint procedures and resolutions; and
- Identify stakeholders' vision of the "ideal" DPS. [5]

[5] Source: Market Research Group – Proposed outline for focus groups, 1998.

The remainder of this section describes the approach taken to convening MRG's focus groups, and summarizes the views shared by participants.

Participants and Method

The Market Research Group convened focus groups in December 1998, June 2000, May 2001, and June 2001. DPS invited participants from three categories of stakeholders: the building and development industry (which included representatives from firms engaged in fire protection), local environmental groups, and civic associations. The number of participants in each focus group ranged between five and ten. MRG conducted the focus groups on weekday evenings between 7-9 PM.

The nature of these focus groups requires a caveat on the meaning of their results. The number of participants was small, and there is no way to know the extent to which the sentiments of the participants accurately reflect the views of larger numbers not in attendance. However, the comments offered by participants are still valid for what they do represent, especially in terms of observations made by these individuals about DPS activities over time.

Building and Development Industry Comments

At the first focus group held in December 1998, the shared perception across representatives from the building and development industry was that DPS was "heading in the right direction." However, participants also voiced their opinion that DPS needed to further streamline the permitting process and standardize its procedures. They also believed that DPS' computer system was outdated and inefficient.

At the focus group held in June 2000, representatives from the building and development industry had more positive things to say about DPS, although concerns were still voiced about the Department's responsiveness with respect to plan review. Several attendees raised concerns about the separation of the fire plan reviewers (in DPS) from the fire code inspectors (in DFRS). The concerns mainly centered on an inconsistent application and interpretation of the Fire Code.

In the two focus groups held earlier this year (May & June 2001), representatives from the building industry stated that DPS has grown more proactive in providing customer service. Attendees observed that the permitting process was more consistent and customer friendly. DPS also received positive comments from attendees for integrating the permitting functions, with the specific observation that the building renovations had improved the process.

The 2001 focus groups elicited some concern from building industry representatives that the staffing reorganization had resulted in a loss of institutional knowledge. In addition, participants from the Fire Protection Industry voiced their continuing concern about the separation of fire plan reviews and fire code inspectors. Again, the recommendation was made to return the fire plan review staff to DFRS.

Civic Association Comments

At the focus group held in June 2000, the civic association representatives voiced mixed feelings about DPS. Participants had generally negative perceptions of the Department's responsiveness to land use complaints. One participant, however, credited DPS' management for trying to initiate a change in staff attitude and improve the quality of enforcement.

At the June 2000 and May 2001focus groups, the comments offered by civic association representatives remained generally negative towards the Department's complaint handling and investigation procedures. The perceptions were similar to the themes identified by the Katz/Wasserman focus groups that were held this past fall. (See page 38 and Appendix E ©46).

Local Environmental Groups Comments

A representative from a local environmental group participated in only one of the four focus group (the one held in June 2000). At this focus group, this representative identified several problems with DPS' sediment control enforcement program. The problems identified included: ineffective complaint handling procedures, insufficient inspection staff, and a general lack of enforcement of sediment control standards. These perceptions were also similar to the themes identified by the Katz/Wasserman Focus Groups (see page 38 and Appendix E ©46).

4.1.d Meetings with Regional Services Centers' Advisory Board Members

During September and October 2001, OLO staff met and/or talked on the telephone with representatives from the County's Regional Services Centers Advisory Boards. The purpose of these meetings was to explain the background and purpose of OLO's evaluation of the DPS, and solicit feedback on the Department's performance.

Comments received were wide and varied. Some Advisory Board members had limited or no direct experience with DPS. Other members had extensive experience with the Department, and based upon their experience, either praised or criticized the Department's performance.

One member lauded the County's initiative to establish a "one-stop permitting shop," and affirmed that consistent interpretations of codes and standards are critical to the development and building industry. He therefore, supported the consolidation of plan review and enforcement functions into one department.

Almost all representatives that had interacted with the Department had several suggestions for improvement. These are summarized as follows:

- Make it easier for citizens to access the Department and connect with the right staff member;
- Increase the number and accessibility of field inspectors;
- Reduce the fees;
- Publicize the capabilities of DPS' new computer system;
- Reduce the period of time currently involved with the enforcement process;
- Consider increasing the authority of zoning investigators so they can have "cease and desist" powers;
- Stop the institutional memory loss;
- Charge DEP and DFRS with greater oversight of DPS activities;
- Revamp legislation on issues such as home occupation.

There was nearly unanimous agreement on the need to improve responsiveness during the complaint handling and investigation process. Representatives were asked to define specific performance targets for handling and investigating complaints. Common performance times suggested were:

- Acknowledgement of receipt of complaint by the close of the next business day;
- Site inspections to be carried out within five business days; and
- Provide regular feedback to the complainant on the status of the complaint throughout the investigation process.

4.2 Results of On-Line Surveys of DPS Employees

In 1998, DPS retained Market Research Group, an independent research consulting firm, to develop and conduct an on-line written survey with DPS employees. Surveys, identical in scope and content, were repeated in the fall of 1999 and 2000.

The survey asked employees to respond to questions about job satisfaction, perceptions of DPS as an employer, and perceptions of DPS' customers. Employees were asked to rate themselves on their interactions with customers. Employees were also asked many of the same questions that were posed to permit applicants, e.g., their opinion of the permitting process and how Montgomery County's permitting process compares to the process in other jurisdictions.

The Department has retained a consultant to conduct the fourth year of the same on-line survey. DPS expects that the survey results will be available in January 2002. (See memo from the Chief Administrative Officer in Chapter 10, Executive Branch Comments.)

Survey Respondents. All DPS employees were invited to respond on-line in each of the three years. Table 23 (below) shows the number of respondents and return rate for each year. 80% of employees participated in the 1998 survey. The participation rate dropped to 56% in 1999, and to 48% in 2000.

TABLE 23: NUMBER/PERCENT OF DPS EMPLOYEES WHO PARTICIPATED IN THE SURVEY

Survey Year	Number of Employee Respondents	Participation Rate Calculated as number of respondents as percent of all DPS employees.
1998	143	80%
1999	101	56%
2000	87	48%

Source: OLO and The Market Research Group.

Employees who participated in the survey represented a range of job classifications. Table 24 (below) summarizes the participants by job classification for each of the three years. The distribution in the sample was similar in each of the three years. In 2000, the mean (average) number of years that respondents had worked for the County was 8 years and the median was 11 years.

TABLE 24: DPS PARTICIPANTS BY JOB CLASSIFICATION

Job Classification of Survey Respondents	Percent in Fall 1998 Survey %	Percent in Fall 1999 Survey %	Percent in Fall 2000 Survey %
Plan Reviewer	26	31	30
Manager/Supervisor	18	16	22
Inspector	20	28	18
Permit Technician	23	17	16
Staff Person	5	6	5
Other	7	2	5
Clerical Support	1	1	5
Total	100%	100%	100%

Source: OLO and The Market Research Group.

Highlights of Employee Survey. The survey data indicate that the attitudes of DPS employees about their work environment and the performance of the Department continued to be mixed during the three years. This section presents a sampling of the results. The complete results are available upon request.

Perceived Success of DPS Reorganization. Staff impressions of the DPS reorganization are diverse. Approximately one-third of the responding employees in 1998 and 2000 were of the opinion that the reorganization was successful. In 1999 and 2000, slightly more considered the reorganization unsuccessful. In the fall of 2000, about one-third of the respondents remained unsure. (See Table 25 below.)

TABLE 25: RELATIVE SUCCESS OF REORGANIZATION

How would you rate the successful of DPS' reorganization up to this point?	Fall 1998 %	Fall 1999 %	Fall 2000 %	Fall 2001 %*
Employee Responses:				
- *Very successful or successful*	30	17	31	
- *Not sure*	42	44	34	
- *Very Unsuccessful or unsuccessful*	28	39	35	
Total	100%	100%	100%	

Source: OLO and The Market Research Group.
*Data for Fall 01 will be provided by DPS in early 2002.

Job Fulfillment. The fall 2000 survey of DPS employees showed that of the responding employees, more than half rated their jobs *fulfilling* or *very fulfilling*. Almost one-quarter indicated that they found their job *very unfulfilling*. The remaining employees (18-26%) indicated they found their job neither *fulfilling nor unfulfilling*. (See Table 26.) In the fall of 2000, the survey respondents who considered their jobs fulfilling were more likely to be managers/supervisors or secretaries than plan reviewers. There were no statistically significant differences between the FY 99 and FY 00 responses.

TABLE 26: JOB FULFILLMENT

How fulfilling do you find your job at DPS?	Fall 1998 %	Fall 1999 %	Fall 2000 %	Fall 2001 %*
Employee Responses:				
- *Very fulfilling or fulfilling*	59	53	55	
- *Neither fulfilling nor unfulfilling*	18	26	21	
- *Very unfulfilling*	23	21	24	
Total	100%	100%	100%	

Source: OLO and The Market Research Group.
*Data for Fall 01 will be provided by DPS in early 2002.

Fairness of Workplace Environment. In the fall of 2000, about half of all respondents considered the DPS workplace environment fair or very fair. Two out of ten respondents remained unsure, and a third rated the job/workplace environment either unfair or very unfair. In general, employees seemed to be more positive about their work environment in 2000 compared to 1998 and 1999. (See Table 27 page 46.)

TABLE 27: FAIRNESS OF THE DPS JOB/WORKPLACE ENVIRONMENT

How fair do you find the job/workplace environment at DPS?	Fall 1998 %	Fall 1999 %	Fall 2000 %	Fall 2001 %*
Employee Responses:				
- *Fair or very fair*	44	44	52	
- *Not sure*	13	17	18	
- *Unfair or very unfair*	44	40	30	
Total	100%	100%	100%	

Source: OLO and The Market Research Group.
*Data for Fall 01 will be provided by DPS in early 2002.

Effectiveness of Management/Staff Communication. DPS employees were asked to rate the effectiveness of communication between management and staff. In the fall of 1998, 54% of the responding employees thought the communication between staff and management was *ineffective* or *very ineffective*. The percent of respondents who held this view increased slightly in the fall of 1999 to 57%, but decreased in the fall of 2000 to 46%. During this time, the percent of employees who responded that management and employee communication was *effective* fluctuated, but in the other direction. Specifically, the percent rating communication as *effective* went from 29% in 1998 down to 18% in 1999 and back up to 29% in 2000. (See Table 28 below.)

TABLE 28: EFFECTIVENESS OF MANAGEMENT/EMPLOYEE COMMUNICATION

How would you rate the effectiveness of management/employee communication at DPS?	Fall 1998 %	Fall 1999 %	Fall 2000 %	Fall 2001 %*
Employee Responses:				
- *Very effective or effective*	29	18	29	
- *Neither effective nor ineffective*	17	25	25	
- *Ineffective or very ineffective*	54	57	46	
Total	100%	100%	100%	

Source: OLO and The Market Research Group.
*Data for Fall 01 will be provided by DPS in early 2002.

Self-Assessment of Customers' Experience. The table below show DPS employees responses to questions concerning their own assessment of the customers' overall experience with DPS, and how the County's permitting process compares to that in other jurisdictions. It is notable that in some cases, DPS employees anticipated more negative responses than were actually provided. For example, in the fall of 2000, only 39% of DPS employees thought that customers would rate their overall experience with DPS as either *excellent* or *somewhat good*. This is significantly lower than the 66% of the permit applicants surveyed who actually rated their overall experience with DPS in these positive categories.

On the other hand, when asked how the County's permitting process compares with other jurisdictions, 60% of DPS employees indicated in the fall of 2000 that they believed it was *much better* or *somewhat better*, while only 50% of permit applicants gave the County's permitting process such a positive review.

TABLE 29: CUSTOMER EXPERIENCE – STAFF ASSESSMENT

Q: How do you think customers would rate their overall experience with DPS?	**Fall 1998 %**	**Fall 1999 %**	**Fall 2000 %**	**Fall 2001 %***
Employee responses				
- Excellent or somewhat good	31	33	39	
- Neither good nor bad	49	50	45	
- Somewhat poor or poor	20	17	16	
Total	100%	100%	100%	
Q: How does Montgomery County's permitting process compare with others?				
Employees responses				
- Much better or somewhat better	56	45	60	
- About the same	37	37	30	
- Somewhat worse or worse	7	18	10	
Total	100%	100%	100%	

Source: OLO and The Market Research Group.
*Data for Fall 01 will be provided by DPS in early 2002.

Self-Assessment of Performance. Table 30 (page 48) summarizes how DPS employees responded to a set of questions that asked them to rate their own performance. Many of the questions paralleled those posed to permit applicants.

Employees believe they are doing a good job. High percentages of employees (80-90%) score themselves as friendly, polite, helpful, professional, respectful toward customers, efficient, timely, flexible, good at problem solving, able to explain technical issues well. 70% or more rate themselves high on teamwork and knowledge levels, 70% rate themselves positively on consistency with other employees.

TABLE 30: DPS EMPLOYEES' SELF- ASSESSMENT

How do you rate your own performance regarding friendliness in dealing with customers?	Fall 1998 %	Fall 1999 %	Fall 2000 %	Fall 2001 %*
- Excellent or somewhat good	91.5	89.1	88.5	
- Neither good nor bad	7.7	9.9	10.3	
- Somewhat poor or bad	. 8	1.0	1.2	
Total	100%	100%	100%	
How do you rate your own performance regarding helpfulness in dealing with customers?				
- Excellent or somewhat good	90.1	97.0	94.3	
- Neither good nor bad	3.5	3.0	3.4	
- Somewhat poor or bad	6.4	---	2.3	
Total	100%	100%	100%	
How do you rate your own performance regarding professionalism in dealing with customers?				
- Excellent or somewhat good	92.3	93.1	95.4	
- Neither good nor bad	7.7	6.9	2.3	
- Somewhat poor or bad	---	---	2.3	
Total	100%	100%	100%	
How do you rate your own performance regarding knowledge about DPS processes and services?				
- Excellent or somewhat good	69.0	69.3	66.6	
- Neither good nor bad	23.9	23.7	28.7	
- Somewhat poor or bad	7.1	7.0	4.7	
Total	100%	100%	100%	
How do you rate your own performance regarding efficiency in dealing with customers?				
- Excellent or somewhat good	86.6	87.1	85.1	
- Neither good nor bad	11.3	10.9	10.3	
- Somewhat poor or bad	2.1	2.0	4.6	
Total	100%	100%	100%	
How do you rate your own performance regarding ability of staff to explain technical issues to customers?				
- Excellent or somewhat good	83.1	82.2	81.6	
- Neither good nor bad	13.4	16.8	16.1	
- Somewhat poor or bad	3.5	1.0	2.3	
Total	100%	100%	100%	

Source: OLO and The Market Research Group.
*Data for Fall 01 will be provided by DPS in early 2002.

CHAPTER 5: WORKLOAD AND PRODUCTIVITY DATA

This chapter presents data on DPS' activities, and reviews DPS' workload and productivity trends since FY 93. Many of the tables update information provided to the Council in the Office of Legislative Oversight's 1998 report *Interim Report on the Evaluation of the Department of Permitting Services*.

In sum, the data show that the County has experienced unprecedented building construction activity in recent years. During this time, the Department of Permitting Services achieved a greater number of outputs with little change in the number of inputs. The data also indicate that average project completion times (as measured by the time elapsed from the date of application to the date of final inspection) vary significantly.

To be fairly interpreted, data on DPS' workload and productivity data must be read with the knowledge that many variables affect review and processing time, and that only some variables are within DPS' control. For example, a customer's construction schedule depends on the timing of the project's financing, labor availability, and weather conditions, as well as the time it takes for DPS to review plans and conduct inspections. In other words, while DPS' practice is to inspect a construction site within one-business day of an inspection request, when the inspection request is made depends upon when the customer is ready.

5.1 Workload Indicators (Outputs)

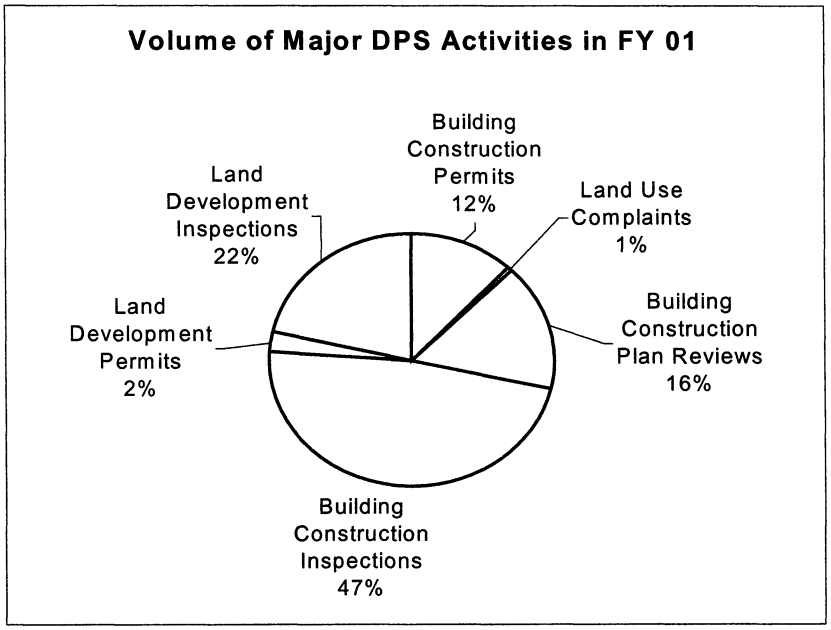
Outputs or workload indicators are the products of an organization's key processes. The major outputs for DPS are: the number of permits and licenses issued; plan reviews and inspections conducted; and complaints investigated.

Exhibit E (page 50) shows the volume of activity in each of these areas for FY 01. The breakdown of the almost 185,000 activities of DPS during FY 01 were as follows:

- Building construction inspections (47%);
- Land development inspections (22%);
- Building construction plan reviews (16%);
- Building permit issuances (12%);
- Land development permit issuances (2%); and
- Land Use complaints received (1%).

Caveat on Interpreting Output Data. The data presented in this section represent the volume of different types of activities performed by the department each year. The data do not measure performance quality or the efficiency of individual activities. Furthermore, the data do not represent the amount of time taken to carry out a task. In other words, activity data count only the sheer number of tasks performed. Readers should not mistakenly presume that the percentage breakdowns represent the amount of staff time spent to perform the different activities.

Exhibit E



N= 184,752
Source: OLO/DPS October, 2001.

Table 31 (page 51) shows changes in outputs for the nine-year period from FY 93 to FY 01. The data for years FY 93 - FY 96 represent workload numbers during the four years before DPS was established, and the data for years FY 97 - FY 01 represent data since DPS was established. The data show that:

- The almost 184,752 outputs in FY 01 represented a 12% increase from the 165,067 outputs in FY 97 (the first year of the new DPS).
- The number of Land Use Complaints has decreased annually since FY 97.
- The most notable changes in workload volume occurred between FY 99 and FY 00. Between these two years, the number of Construction Plan Reviews increased almost 200%; the number of Land Development Inspections more than doubled; and the number of Building Construction Inspections declined more than 30%.

TABLE 31: VOLUME OF ACTIVITIES FY93 TO FY97

	Before Reorganization							Since Reorganization	
Workload Measures	**FY 93**	**FY 94**	**FY 95**	**FY 96**	**FY 97**	**FY 98**	**FY 99**	**FY 00**	**FY 01**
Building Construction Permits	21,726	21,449	22,482	21,179	23,302	25,166	25,477	22,537	21,825
Zoning Complaints	1,177	1,356	1,338	1,388	1,466	1420	1,380	1,256	1,093
Building Construction Plan Reviews	13,380	11,859	11,878	11,526	10,576	10,698	10,379	28,864	30,133
Building Construction Inspections	106,258	103, 234	103,706	100,007	109,692	112,720	123,389	84,532	87,692
Land Development Permits	3,962	3,685	3,817	4,529	3,555	3,578	4,112	4,158	4,282
Land Development Inspections	14,018	17,272	17,514	17,248	16,476	16,474	15,823	34,047	39,727
Total	**160,521**	**158,855**	**160,735**	**155,877**	**165,067**	**170,056**	**180,560**	**173,394**	**184,752**

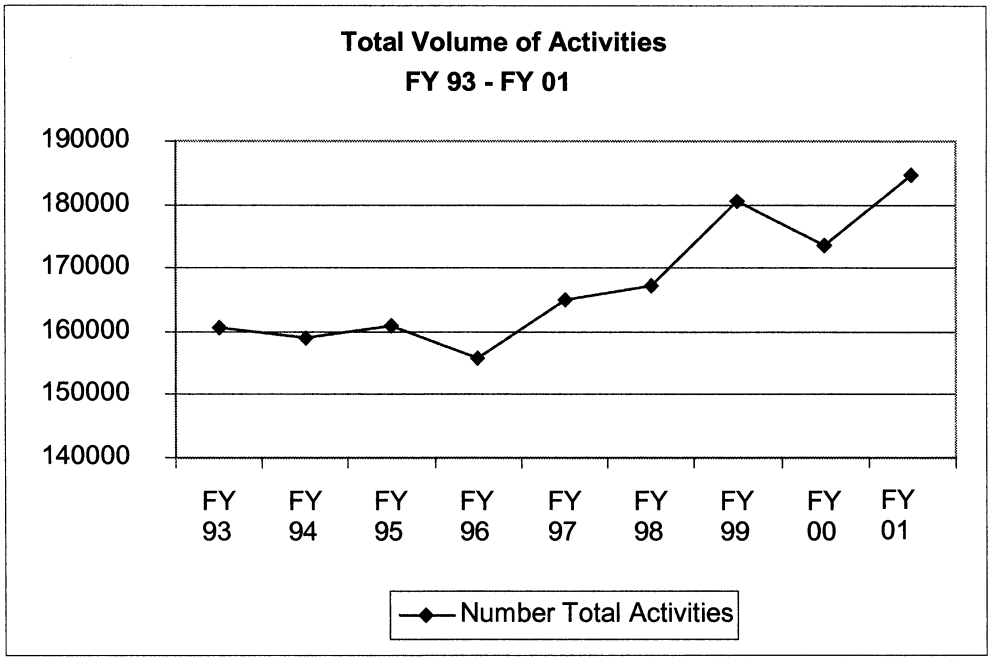
Source DPS/OLO 2001.

Trends in Workload Activities Since FY 93

The following seven line graphs (Exhibits F-M) illustrate the trends in the major DPS activities for the nine-years since FY 93.

Exhibit F graphs the total volume of activities. Overall, the data evidence an upward trend in the total number of activities since FY 96. The single decline between FY 99 and FY 00 was reversed upward again in FY 01.

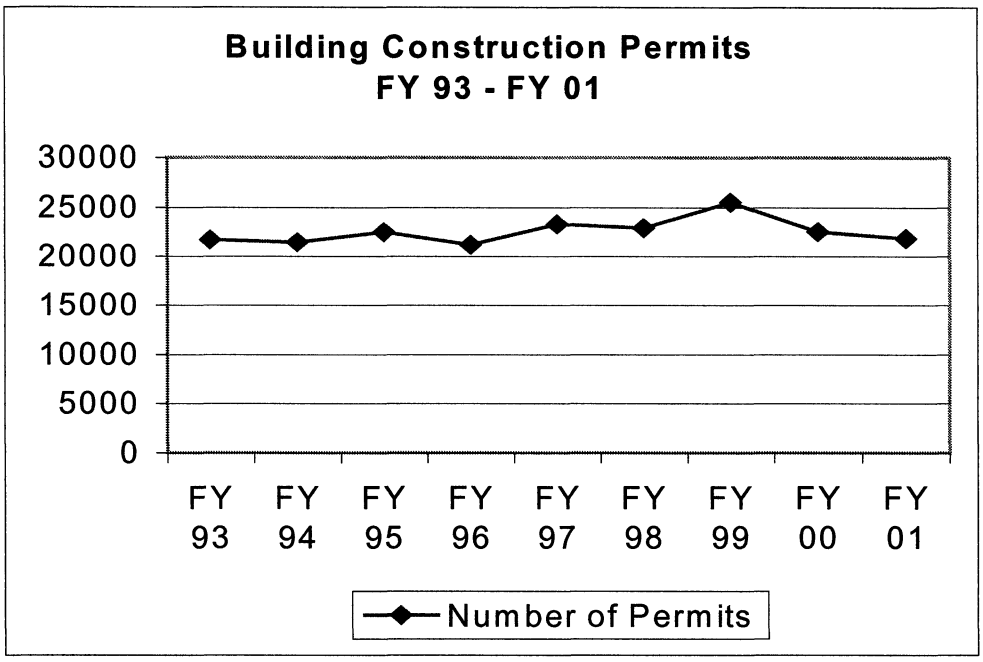
Exhibit F



Source: OLO/DPS October, 2001

Exhibit G graphs the number of building construction permits. The data show that the volume of building permits ranged between 20,000 to 25,000 per year.

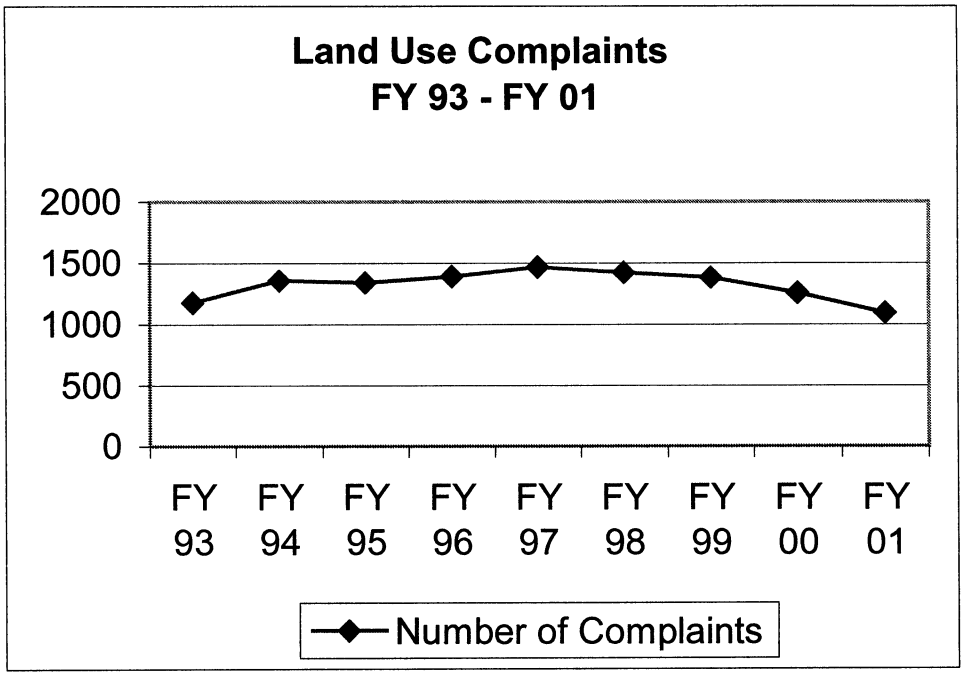
Exhibit G



Source: OLO/DPS October, 2001

Exhibit H graphs the number of land use complaints received. Since FY 93, the number of complaints each year has ranged between a low of 1,093 (FY 01) to a high of 1,466 (FY 97). Note: The number of land use complaints received is not the same as the number of land use investigations conducted. For more information relating to DPS' complaint handling, see Chapter 7.

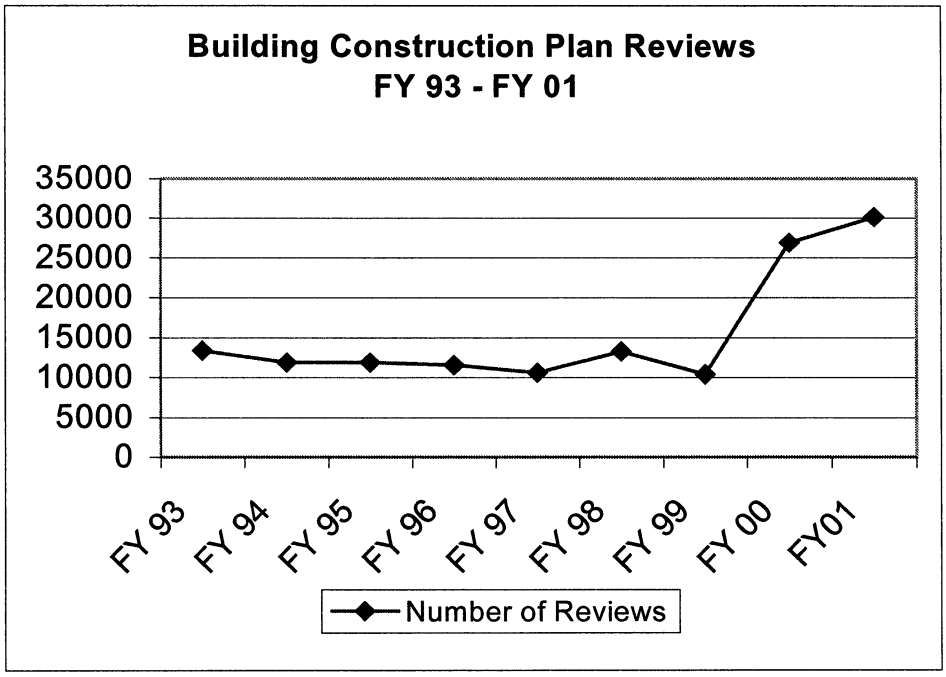
Exhibit H



Source: OLO/DPS October, 2001

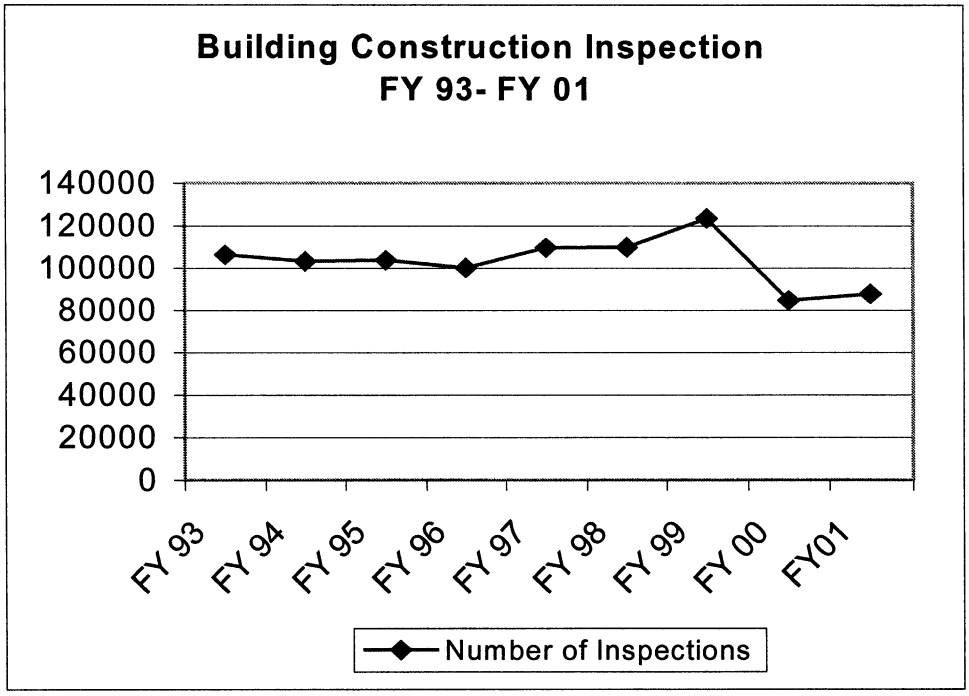
Exhibit I graphs the number of building plans reviewed. The data show that between FY 93 and FY 99, the number ranged between 10,000 to 15,000 per year. For the past two fiscal years, the Department has experienced a large increase in the volume building plan reviews. The 28,864 plans reviewed in FY 00 and more than 30,000 plans reviewed in FY 01 represent more than double the number of plans reviewed in each of the previous six years.

Exhibit I



Source: OLO/DPS October, 2001

Exhibit J

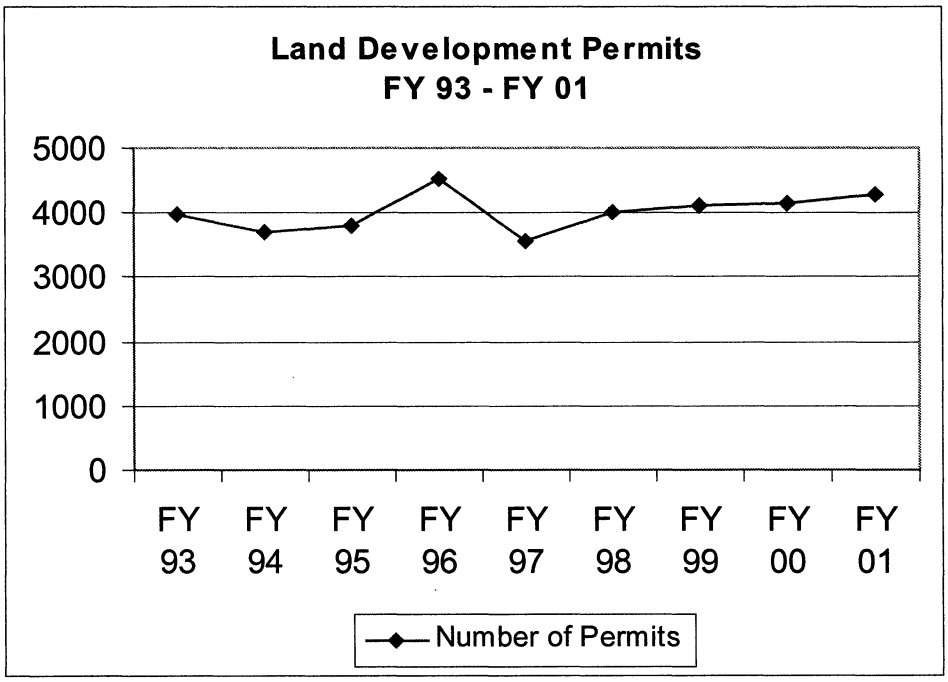


Source: OLO/DPS October, 2001

Exhibit J graphs the number of building construction inspections performed by DPS staff. Between FY 93 and FY 98, the number of inspections ranged between 100,000 to 113,000 per year. The number increased up to 123,000 in FY 99, but then fell to fewer than 85,000 in FY 00.

Exhibit K graphs the number of land development permits issued. The data show that the number ranged between 3,500 and 4,500 during the nine-year period, with the largest number occurring in FY 96.

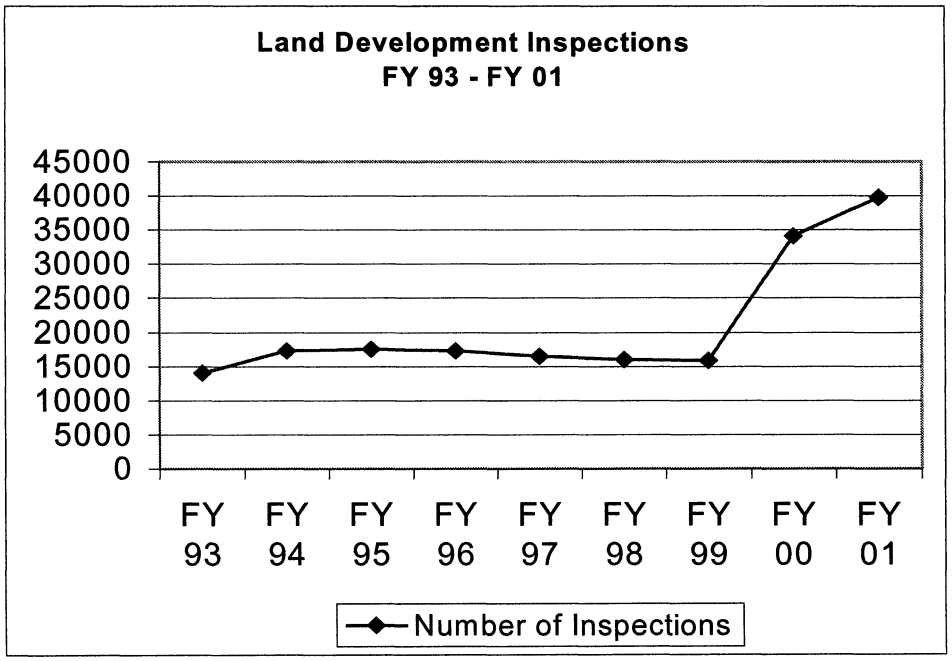
Exhibit K



Source: OLO/DPS October, 2001

Exhibit L graphs the number of land development inspections. Between FY 93 and FY 99, the number ranged between 15,000 to 18,000 each year. However, the number more than doubled in FY 00 to almost 35,000 inspections. The number increased further in FY 01 to almost 40,000 land development inspections. According to DPS, the significant increase in the volume of land development inspections reflects the tracking of all right-of-way permit inspections, whereas in previous years, only utility and driveway inspections had been recorded.

Exhibit L



Source: OLO/DPS October, 2001

5.2 Productivity

Productivity can be measured as the ratio of total outputs to total inputs. As such, it needs to be interpreted as one of many possible measures of program operations.

Exhibit M (below) contains productivity data for the County's permitting functions from FY 93 through FY 01. The index in the last column uses FY 93 as the base year (1.00). The data shows that the overall productivity for permitting functions in FY 01 was 18% higher than it was in FY 93. Between FY 97 (the year DPS was created) and FY 01, the productivity index increased from 1.04 to 1.18.

Exhibit M
Productivity of DPS Programs
FY 93 - FY 01

Year	Outputs	Workyears[1]	Productivity	Index
FY 93	160,521	156	1028	1.00
FY 94	158,855	153	1038	1.01
FY 95	160,735	153	1053	1.02
FY 96	155,877	153	1019	0.99
FY 97	165,067	155	1066	1.04
FY 98	170,056	155	1089	1.07
FY 99	180,560	154	1172	1.14
FY 00	173,394	154	1126	1.10
FY 01	184,752	152	1215	1.18

Source: OLO/DPS October, 2001.

[1] Workyears are one of the most important indicators of resources available to an organization. The data for FY 93-FY 96 represent workyears allocated to the permitting functions before DPS was established; these workyears were assigned to the Department of Environmental Protection, Department of Fire and Rescue Services, Department of Public Works and Transportation, and the Department of Health and Human Services. The workyears for FY 97 - FY 02 represent workyears allocated to DPS.

5.3 Processing Times for Permitting Services FY 95 - FY 99

The amount of time it takes to conduct a plan review or issue an approved permit is an important measure of good customer service to many permit applicants. DPS has established target turnaround times for some types of plans and permits.

This section looks at the processing times for residential walk through and commercial fast track projects for the five-year time period, 1995 through 1999. These permits for renovation projects make up approximately one-fourth of all building permit activity. The data show that:

- The average time to issue a permit in 1999 was significantly less in 1999 than it was in 1995.

- The average completion time for projects fluctuated between 1995 and 1999, with the lowest completion times reported in 1997.

As previously mentioned, the time it takes to complete a construction project depends heavily on the customer's construction schedule and other factors, such as funding and weather.[2] Data on DPS workload and productivity data need to be understood within this context.

Because the Department changed its intake procedures in 2000, the processing data for the most recent two years (2000 and 2001) are not easily comparable to the data compiled for the previous years. This change is further explained in Section 5.4, beginning on page 65.

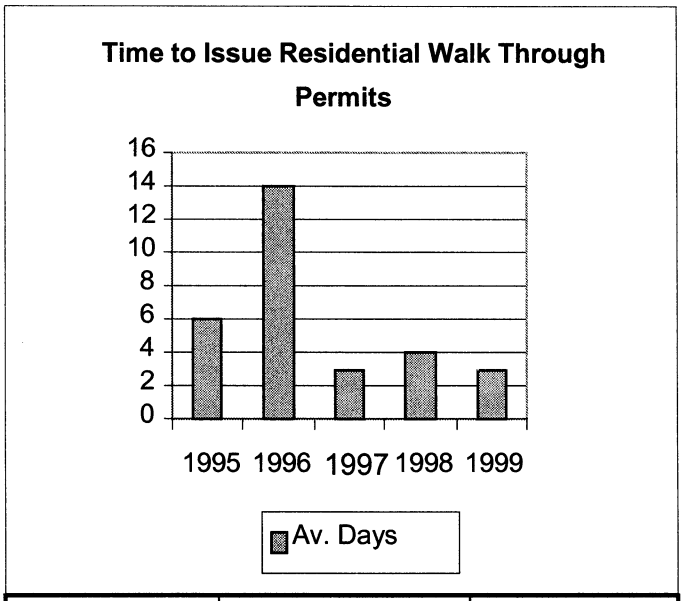
Permit Issuance for Residential Walk Through Permits

The Department's *Guide to Permitting Services* describes the residential walk through process as "an abbreviated permit review and approval process to enable customers to receive rapid (in most cases, over the counter) approval of permits for minor single family dwelling additions/alterations and related accessory structures."

According to the *Guide,* many permits that meet the criteria for the walk through process will be approved and issued while the applicant waits. Others may take up to two weeks. The actual time may vary according to the volume, complexity and/or quality of plans in the process.

[2] DPS aims to inspect a construction site within one-business day of an inspection request.

Exhibit N



Calendar Year	Average Days to Issue	Number of Permits
1995	6	6160
1996	14	5825
1997	3	5865
1998	4	7215
1999	3	5865

Source: OLO/DPS October, 2001

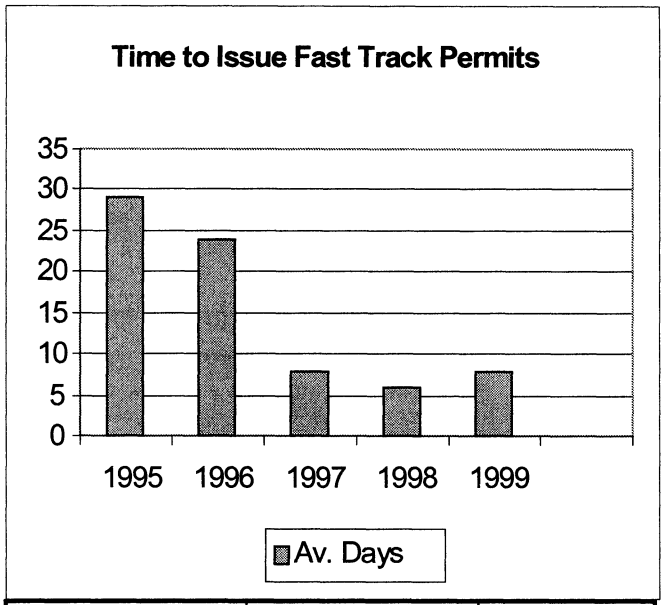
Exhibit N displays the data for the residential walk through permits issued in calendar years 1995 through 1999. In 1996, the average time was 14 days. In 1997, 1998 and 1999, the average time had declined to 3-4 days.

Permit Issuance Time for Commercial Fast Track Permits

A Guide to Permitting Services describes the commercial fast track process as "an abbreviated permit review and approval process for interior renovations in existing commercial buildings." It usually takes one to two weeks to receive a permit. The actual time may vary according to the volume, complexity and/or quality of plans under review.

Exhibit O (below) displays data for the commercial fast track permits. On average, DPS issued commercial fast track permits in one month or less in 1995 and 1996, and in eight days or less in 1997, 1998 and 1999.

Exhibit O



Calendar Year	Average Days to Issue	Number of Permits
1995	29	815
1996	24	838
1997	8	841
1998	6	829
1999	8	724

Source: OLO/DPS October, 2001

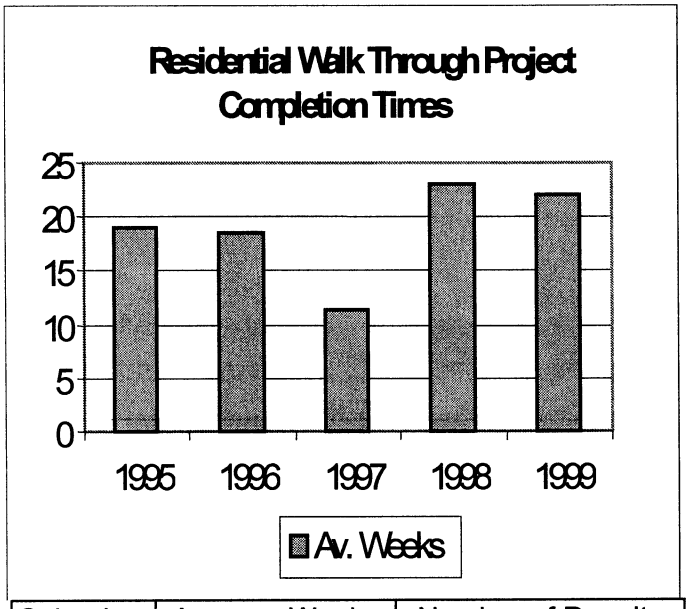
Project Completion Times - Residential Walk Through Projects

Project completion time measures the length of time from the day a customer applies for a permit until DPS approves the final inspection for the project. The data for residential walk through and commercial fast track projects are presented below.

As noted earlier, DPS staff and the project owner are jointly responsible for the length of processing time. DPS must conduct a thorough plan review and process the permit in a timely and responsive fashion. However, the applicant must provide complete information and be responsive to DPS comments and recommendations. DPS aims to inspect a construction site within one-business day of an inspection request.

Exhibit P (below) shows, on average, the time to complete a residential walk through project fluctuated during this five-year period, from a low of 11.4 weeks in 1997 to a high of 23 weeks in 1998.

Exhibit P

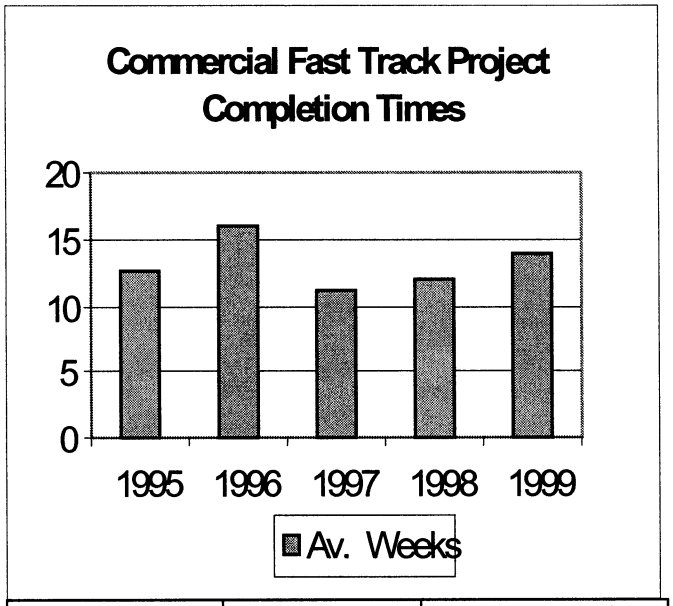


Calendar Year	Average Weeks To Complete	Number of Permits
1995	19	3415
1996	18.5	3218
1997	11.4	3043
1998	23	4416
1999	22	3887

Source: OLO/DPS October, 2001

Exhibit Q shows the project completion time for commercial fast track projects increased from 12 to 16 weeks in 1996, decreased to 11 weeks in 1997 and increased to 12 weeks in 1998 and 14 weeks in 1999.

Exhibit Q



Calendar Year	Average Weeks to Complete	Number of Permits
1995	12.6	599
1996	16	597
1997	11.2	577
1998	12	618
1999	14	564

* Source: OLO/DPS October, 2001

5.4 Processing Times for FY 2000 and FY 2001

Before March of 2000, DPS did not accept building applications if the building plans failed to meet certain minimum standards. In March of 2000, the Department changed its business practices to accept all building applications, regardless of quality. Because of this change, data before and after March of 2000 measure different processes.

To illustrate the range of processing times since March of 2000, DPS staff compiled data from a random sample of 31 commercial fast track building permits. Based upon this sample, Table 32 (page 66) shows the total length of time to issue a permit (from the time an application is accepted to the time of permit issuance).

Table 32 also reports the number of minutes that DPS staff took to review the building plans. It is important to note that that this time includes time spent by the customer revising plans to meet applicable codes and standards, and time for permit fee payment, which in some cases lengthens the time to issue the permit.

TABLE 32: COMMERCIAL FAST TRACK PROCESSING TIMES 2000 AND 2001

COMMERCIAL FAST TRACK ACTUAL TIME		
Application[1]	**Time to Issue Permit (Days)**	**Actual time (Minutes)[2]**
1	28	180
2	0	45
3	17	210
4	10	120
5	0	50
6	6	80
7	7	90
8	3	120
9	20	180
10	52	120
11	1	60
12	0	50
13	3	70
14	194	150
15	0	50
16	31	75
17	36	110
18	7	90
19	13	80
20	12	180
21	344	180
22	35	130
23	23	75
24	0	45
25	0	60
26	0	60
27	32	90
28	0	50
29	19	120
30	15	90
31	0	50
Total Number = 31	**908 days**	**3060 minutes**
Average	**29 days/permit**	**99 minutes/plan**

Source: DPS, October, 2001

[1]Applications were randomly selected. For year 2000, they were selected every 15 days on the calendar. For 2001, they were selected one number for every 50 permits applied for. Applications applied for prior to March of 2000 were not considered. This is the time frame when the new while-you-wait plan review system was initiated.

[2]Rounded to closest 5 minutes.

5..1 Administrative Appeals of DPS Actions

Overview. By law, the Board of Appeals (BOA) has authority to hear and decide administrative appeals of certain Executive Branch actions, including decisions made by the Department of Permitting Services. During the past five years, a total of 103 administrative appeals of DPS actions were filed with the BOA, an average of 20 administrative appeals each year. The record shows that of these 103 appeals filed:

- The BOA decided in favor of the appellant 15% of the time;
- The BOA decided in favor of DPS 9% of the time;
- Almost half (47%) of the cases were dismissed prior to the BOA's hearing; and
- The rest (29%) are still pending a final decision.

Background and Data. The Board of Appeals is a quasi-judicial body that consists of five members appointed by the County Council. In addition to administrative appeals, the law authorizes the Board of Appeals to hear and make decisions on applications for special exceptions and variances.

Table 33 shows the total number of appeals of DPS actions filed with the BOA in each of the past five years. The number has ranged from a low of 16 appeals in 1997 to a high of 24 appeals in 1999 and 2001(as of November 1, 2001). In terms of substance, most of the appeals have concerned a DPS decision to:

- Deny an application for a building permits, use and occupancy certificates, or home occupation permit;
- Issue a permit for a building, fence/retaining wall, or sediment control permit; or
- Issue (or decide not to issue) a Notice of Violation regarding an illegal building or land use activity.

TABLE 33: NUMBER OF ADMINISTRATIVE APPEALS OF DPS ACTIONS: 1997-2001

1997	1998	1999	2000	2001*	Total 1997-2001*
16	19	24	20	24	103

Source: Board of Appeals/OLO, November 2001
* 2001 data is as of November 1, 2001.

Table 34 summarizes the disposition of these 103 administrative appeals filed during the past five years. The data show that almost half of the administrative appeals of DPS actions were dismissed. According to BOA staff, when a case is listed as "dismissed," it generally means that the County Government and the appellant reached a settlement before the Board of Appeals held a hearing on the case. With respect to the other appeals:

- 15% were granted, which means that the BOA decided in favor of the appellant,
- 9% were denied, which means that the BOA decided in favor of DPS; and
- The remaining 29% are still pending a final decision.

.

TABLE 34: DISPOSITION OF ADMINISTRATIVE APPEALS: 1997-2001*

Disposition	Percent Distribution
Appeal Denied	9%
Appeal Granted	15%
Case Dismissed	47%
Case Pending	29%

Source: Board of Appeals/OLO November, 2001
*As of November 1, 2001

CHAPTER 6: COORDINATION

This chapter examines the coordination of functions among the Department of Permitting Services and other departments/agencies:

- Section 6.1 reviews coordination with the Department of Environmental Protection, and the results of the stormwater management and sediment control reviews conducted by the Maryland Department of the Environment;
- Section 6.2 reviews coordination with the Department of Fire and Rescue Services;
- Section 6.3 reviews coordination with the Department of Public Works and Transportation;
- Section 6.4 reviews coordination with the Department of Housing and Community Development; and
- Section 6.5 reviews coordination with the County Attorney's Office on code enforcement cases.

6.1 Coordination with the Department of Environmental Protection and Maryland Department of the Environment

Overview. The 1996 reorganization transferred a number of important programs designed to protect water quality from the Department of Environmental Protection (DEP) to the new DPS. Interviews with DPS and DEP staff evidence a good working relationship has developed between the two agencies. However, the State's reviews of the County's programs (that were performed before the 1996 reorganization) indicate there is room for improvement in the County's stormwater management and sediment control programs.

Background. The County Executive's proposal to create a "one-stop permitting shop" included the transfer of water resources plan review and inspection functions from the Department of Environmental Protection (DEP) to the new Department of Permitting Services. The functions transferred were:

- Plan review and inspection of sediment control systems;
- Plan review, permitting and, inspection of flood plain district permits; and
- Plan review and inspection of stormwater management facilities until construction is complete and the site is no longer under a DPS-issued permit.

DEP retained the responsibility to ensure that stormwater management facilities, no longer under an active DPS permit are maintained and function properly.

The legislative record indicates that several Councilmembers expressed concern about the transfer of these programs from DEP (where the primary focus is on environmental quality) to DPS, where the focus would be on development and construction. In particular, Councilmembers raised the possibility that transferring these programs could result in less stringent enforcement of the County's water quality standards.

To respond to these concerns, the County Executive proposed the following strategies to promote and maintain coordination between DPS and DEP:[1]

- Formation of cross-agency teams to address issues that require the replacement or modification of existing policies;
- Development and use of environmental monitoring data and resource inventories to protect and improve natural resources;
- Jointly held DEP and DPS department head and senior staff meetings; and
- Computer access to information about Special Protection Areas, Flood Plains, Wetlands, Soils and topographies.

In addition, the Council amended the law to provide the Director of DEP with the authority to suspend or revoke any permit or approval issued by the Director of DPS (as required by County Code Chapter 19 – Erosion, Sediment Control and Stormwater Management), if the Director of DEP finds that the water resources of the County are not protected.

The rest of this section discusses DPS' environmental protection responsibilities, how coordination between DPS and DEP works in practice, the stormwater management and sediment control reviews conducted by the Maryland Department of the Environment, and the status of the recommendations made by the Sediment Control Task Force.

DPS' Environmental Protection Responsibilities, Staffing, and Workload Indicators

DPS is responsible for ensuring that all permitted development and construction complies with the State and County's stormwater and sediment control standards. Development activities that disturb large areas of land can increase soil erosion and pollute nearby waterways with unwanted soil sediment, if not protected with adequate best management practice. DPS derives its authority in these areas from Chapter 19 of the County Code.

[1] Memorandum from the County Executive to the Council President, March 29, 1996.

The County has adopted a set of environmental standards that help to reduce the impact of development on the surrounding environment. The standards require such items as on-site sediment control ponds, perimeter dikes, stormwater management facilities, and barricades and graveled protected entrances to the area of development. **The County's standards (enacted by County law and/or regulation) are in addition to the environmental standards established by the State.**

To accomplish the responsibilities outlined in Chapter 19, DPS staff:

- Review and approve stormwater management design concepts, Special Protection Areas water quality plans, and flood plain studies in the subdivision preliminary plan review process. (During the preliminary plan review phase, DPS consults and advises applicants on effective stormwater management and sediment control measures.)
- Review and approve a developer's erosion and sediment control and stormwater management plans before construction begins.
- Conduct on-site pre-construction meetings with developers.
- Train and certify responsible on-site personnel on effective sediment control measures.[2]
- Inspect sites during construction activity to ensure that on-site control measures are being effectively maintained in accordance with the approved plan.
- Issue Notices of Violation which gives the permittee a maximum of 48 hours to comply before a Stop Work Order and fines are issued.
- Provide details of finalized developments to DEP for inclusion in their stormwater management maintenance program.

DPS staff also set and collect performance bonds that can be used by the County to pay for the stabilization of graded area and the completion of unfinished or abandoned sediment control and stormwater management facilities.

The Department has written guidelines to assist permit applicants to comply with the County's environmental requirements. Examples include: the Sediment Control Handbook (published October 1997); the Erosion and Sediment Control Design Guidelines (published March 1998); and the Interim Environmental Guidelines for Culvert Design (published April 1998). In addition, DPS has developed handouts for various stormwater management and sediment control designs.

[2] State law requires that a sediment control permit cannot be issued unless there is a certified on-site supervisor for the permittee.

Workload Indicators. DPS' Land Development Division is responsible for the Department's water resources functions. Table 35 (below) summarizes the type and number of land development activities performed by DPS staff in FY 2000 and FY 2001, and the percent change in the measured workload between the two years.

TABLE 35: WORKLOAD INDICATORS: LAND USE DEVELOPMENT DIVISION FY 00 AND FY 01

Workload Indicators Type of Activity	FY 00	FY 01	% Change
Number of Sediment Control Inspections	11,903	11,776	- 1.0%
Number of Sediment Control Inspectors	10	10*	0%
Number of Stormwater Management Facility Installation Inspections	1,542	1,640	6.4%
Number of Open Engineered Plan Permits	1,016	1,002	-1.4%
Number of Active Engineered Plan Permits	607	740	21.9
Number of Inactive Engineered Plan Permits	409	262	- 35.9%
Number of Acres Covered by Open Engineered Plan Permits	11,630	6,203	-46.6%
Number of Open Small Land Disturbing Activity Permits	1,040	1,028	-1.2%
Number of Active Small Land Disturbing Activity Permits	520	585	12.5%
Number of Inactive Small Land Disturbing Activity Permits	520	443	-14.8%
Number of Acres Covered by Open Small Land Disturbing Activity Permits	520	246	-52.7%
Number of Violations served for sediment control violations	1,055	1,113	5.5%
Notices of Violations served for stormwater management installation violations	44	42	-4.5%
Number of Stop Work Orders Issued	109	106	-2.8%
Number of Civil Citations Issued	139	150	7.9%
Number of "Responsible Personnel" Trained (Green Card Program)	169	161	-4.7%

Source: DPS/OLO October, 2001

* In FY 02, the number of Sediment Control Inspectors has increased from 10 to 15. This was accomplished through a combination of personnel action, e.g., hiring two new inspectors, reclassifying two field supervisors, and reassigning one existing sediment control complaint investigator.

Coordination with the Department of Environmental Protection (DEP)

The County's lead agency for environmental policy and enforcement is the Department of Environmental Protection (DEP). DEP derives its authority to protect the County's water quality from the Federal Clean Water Act and County Code Chapter 19, Article IV (Water Quality Control). DEP is responsible for conducting Countywide stream quality monitoring, inspection and enforcement of post-construction stormwater management facilities, and investigation of complaints about water quality issues.

As indicated above, the Council amended the law to provide the Director of DEP with the authority to suspend or revoke any permit or approval issued by the Director of DPS (as required by County Code Chapter 19 – Erosion, Sediment Control and Stormwater Management), if the Director of DEP finds that the water resources of the County are not protected. This amendment provided the DEP Director with the legal authority to oversee DPS' permitting activity from an environmental protection perspective.

The Director of DEP reports, it has not been necessary to invoke this authority during the past five years. Interviews with DPS and DEP staff evidence that the two departments have worked together to build a collaborative working relationship on a range of issues. For example, DEP staff have direct access to DPS' computer system, and regularly review these records in order to maintain a current list of stormwater management facilities that are no longer subject to a permit. In addition, DEP and DPS staff routinely consult on:

- The review and approval of Special Protection Area Water Quality Plans (DPS takes the lead role);
- Technical and environmental reviews of County CIP projects (DEP takes the lead role);
- Reviews of road crossing plans that impact streams (DPS takes the lead role); and
- Monitoring in environmentally sensitive areas in accordance with the Countywide Stream Protection Strategies (DEP takes the lead role).

Recently, DEP established an "in-house quality control" program to monitor active development sites. DEP randomly selects active development sites with DPS field inspectors to assess the effectiveness of on-site sediment control measures. Before the end of the calendar year, DEP plans to issue a report that contains the results of the Department's monitoring activity.[3]

Finally, DEP staff provide feedback to DPS on the results of its stream monitoring program, which is a part of the county's Stream Protection Strategy. In return, DPS provides the DEP with information and data required by the State for obtaining the County's annual National Pollution Discharge Elimination System (NPDES) permit.[4]

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[3] OLO will incorporate the results of this report into the Council's worksessions on DPS in early 2002.

[4] Each year the County is required by State law to obtain a permit pursuant to the National Pollutant Discharge Elimination System (NPDES). Under this particular system, it is the County's responsibility to monitor and report activities that may have an impact on the State's watersheds. It is DEP's responsibility to coordinate, collate, and file the County's application with the State.

Reviews Conducted by the Maryland Department of the Environment

Stormwater Management Reviews. In 1983, Maryland adopted statewide regulations that require local jurisdictions to develop and implement effective stormwater management (SWM) programs.[5] The primary goal of stormwater management programs is to maintain, as closely as possible, the characteristics of the land after development as it was before development.

The State's stormwater management regulations require counties to adopt stormwater management ordinances and administer stormwater management programs acceptable to the Maryland Department of the Environment (MDE). Subsequently, MDE periodically reviews local stormwater management programs. To be found acceptable, a program must possess:

- An MDE approved stormwater management ordinance;
- Planning and approval processes that provide stormwater management for every land development;
- The ability and information necessary to adequately review proposed stormwater management installations and maintenance measures; and
- The necessary inspection and enforcement procedures that ensure the proper construction and maintenance of approved stormwater management practices.

The most recent written MDE evaluation of the County's stormwater management program was conducted in 1996 and issued in 1997. At that time, MDE found that:

- The County conducts high quality and consistent reviews of stormwater management plans;
- In terms of stormwater management construction inspection and enforcement, the County makes an adequate effort to ensure that stormwater management facility construction is in accordance with the approved plan; and
- The County has made tremendous progress in addressing past inadequacies regarding the frequency of preventive maintenance inspections.

However, the MDE report raised some concern over the high number of waivers issued by the County. According to DPS staff, the number of waivers has been reduced since this review. DPS staff also point out that because the County's standards are stricter than the State's, the waivers granted under the County's standards still mean that the facility is in compliance with the State's Stormwater Management Standards.

The MDE will conduct another review of the County's stormwater management program in 2003.

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[5] Triennial Evaluation of the Montgomery County Stormwater Management Program, Nov. 1997.

Sediment Control Reviews. The MDE delegates two-year enforcement authority to the County to conduct sediment control and erosion inspections. This authority is reviewed by the MDE on a biennial basis. Although MDE has recommended continued delegation of erosion and sediment control enforcement to the County, the past two reports (1998 and 2000) found that the County's performance needs improvement.

MDE results indicate the need for improvement. In the fall of 1997, State reviewers inspected 42 sites and found 23 sites (55%) to be in violation of the approved plan. Upon re-inspection, the reviewers found that seven (17%) of the sites continued to be in violation. The report recommended that enforcement procedures needed to be implemented consistently and uniformly throughout the County when violations are found.

In the fall of 1999, State reviewers inspected 65 sites and found 41 sites (63%) to be in violation of the approved plan. Upon re-inspection, the reviewers found that fourteen (22%) of the sites continued to be in violation. The report recommended that more stringent enforcement to stimulate self directed maintenance by the development community was required.

County Response. The County has made a number of changes to respond to MDE's report and to increase on-site maintenance of sediment control measures by the development community: Specifically:

- As of July 1, 2000, DPS began requiring compliance within 48 hours on Notice of Violations before a Stop Work Order would be issued on all development and building construction activity. Appendix F (©76-77) contains DPS' written notification of this new enforcement approach to the Maryland National Capital Building Industry Association.

- The Directors of DPS and DEP met with agency representatives from other departments/agencies (M-NCPPC, DPWT and MCPS) to discuss the needed improvements of on-site sediment control for government entities that DPS regulates. DPS also conducted individual sediment control training and education classes for project managers and inspection staff from these agencies.

- DPS and DEP staff started to conduct joint ride-alongs on a monthly basis to provide suggestions on program improvements and to evaluate sediment control effectiveness.

County concerns about MDE methodology. County staff raised concerns regarding the methodology MDE uses to evaluate active development sites. Specifically, the concern is that if one minor violation is found, the MDE fails the entire site. For example, a site would fail if a bulldozer knocked over part of a sediment control barricade on the day of the evaluation.

The MDE is currently conducting the agency's 2001 sediment control review and its report should be released in January 2002.[6]

The Sediment Control Task Force

In 1996, the Council's Transportation and Environment (T&E) Committee appointed the Sediment Control Task Force. The purpose of the task force was to identify options for improving the County's sediment control program.[7] The task force, chaired by Council staff, included:

- Two representatives of the environmental community;
- Two representatives nominated by the Suburban Maryland Building Industry Association (SMBIA);
- A representative of the agricultural community;
- A representative from the Maryland Department of the Environment (MDE);
- A representative from the Maryland-National Capital Park and Planning Commission (M-NCPPC); and
- Staff representatives from the DEP, DPS, and the County Attorney's Office;

The Task Force submitted a written report to the T&E Committee in June 1997. The report recommended a series of actions to improve the County's sediment control programs. The Council endorsed all of the Task Force's recommendations.

As of October 2001, DPS has implemented eight of the 12 recommendations. Table 36 (page 77) summarizes the status of the recommendations of the Sediment Control Task Force. For more details, the table can be read in conjunction with the attachments found in Appendix F (©52-77).

[6] Assuming it is completed, OLO will incorporate the results of MDE's current review of sediment control into the Council's worksessions on DPS in early 2002.
[7] Source: The Sediment Control Task Force Report, June 1997.

TABLE 36: STATUS OF SEDIMENT CONTROL TASK FORCE'S RECOMMENDATIONS

	Task Force Recommendation	Status as of Fall 2001
1.	Increase education of sediment control for the development community, the general public and inspectors	Done
2.	Increase the number of inspectors	Done
3.	Allocate inspectors based on explicit, justifiable criteria	Done
4.	Require a DPS-certified, on-site person to maintain a log of sediment control construction and maintenance activity	Pending changes to law*
5.	Require permittee to hire private inspector for sites that have egregious or repeat violations	Pending changes to law*
6.	Increase consistent enforcement of regulations re. stabilization of disturbed land	Done
7.	Impose civil fines, with cumulative citations	Done
8.	Increase the use of Stop Work Orders	Done
9.	Increase cap on SC bond from $10,000 to $20,000	Pending changes to law*
10.	Pull a permittee's bond in cases of repeat violations	Done
11.	Establish a sediment control fund	Not being pursued**
12.	Pursue criminal sanctions in egregious situations	Done

Source: DPS/OLO October, 2001.
* DPS staff have drafted amendments to the County Code (Chapter 19) that would provide the Department with the authority to implement this recommendation.
**DPS has not pursued the Task Force recommendation to establish a Sediment Control Fund. The Task force proposed that a fund be established to enable the County government to step in and correct a sediment control failure, should a permittee fail to take appropriate action. DPS staff believe that the County can accomplish the same result with the current performance bond stipulation associated with a developer's application.

6.2 Coordination with the Department of Fire and Rescue Services

Overview. The 1996 reorganization transferred the fire plan review functions from the Department of Fire and Rescue Services (DFRS) to the new Department of Permitting Services. The responsibility for fire code field inspections remained in DFRS. This split of functional responsibility meant that the two departments needed to develop and maintain a strong cooperative working relationship. Interviews and discussions with staff evidence continuing problems with routine coordination between the fire plan review and field inspection functions.

Background. The Executive's proposal to create a "one stop permitting shop" included the transfer of the plan review function that had been located in the Department of Fire and Rescue Services (DFRS) to the newly established DPS. This transfer was intended to simplify the process for applicants, and to increase consistency among plan reviewers. The Executive proposed retaining the responsibility for fire code field inspections in DFRS.

The specific functions transferred from DFRS to DPS were the review and approval of plans (for new construction or significantly altered multi-family dwellings and commercial premises) for compliance with the following regulations and standards:

- Montgomery County Fire Safety Code – County Code, Chapter 22;
- Maryland State Fire Safety Code – State law, Article 38A;
- Montgomery County Executive Regulations 18-94 and 19-94 (the County's amendments to the State standards);
- National Fire Protection Association Life Safety codes; and
- Montgomery County Executive Regulation 19-93 M, Hazardous Material Use Permits.

Before the transfer in 1996, plan reviews for fire safety had been carried out concurrently by fire code reviewers in DFRS and building plan reviewers in DEP. Building plan reviewers checked for compliance with the Building Officials and Code Administrators (BOCA) code and other building construction regulations, which also include fire safety requirements. Customers seeking a permit to build or significantly alter multi-family dwellings and commercial premises had to submit two copies of plans – one to DEP and one to DFRS. Both departments had authority to suspend a review if the plan was unacceptable.

In 1996 and subsequent years, Councilmembers received testimony that raised concerns about the transfer of the fire plan review function to the new Department of Permitting Services. The concerns have revolved around anticipated problems with coordination between the two departments (DPS and DFRS), inconsistent code interpretation, and a decrease in fire safety standards.

Most recently (during the summer of 2001), the Council received a petition that was signed by 153 people (representing approximately 40 regional fire protection companies) advocating the reassignment of the fire protection engineers from DPS back to DFRS. Appendix K ©88 contains the text of the petition[8].

The rest of this section more fully explains the respective roles that DPS and DFRS currently play in fire safety code review, inspections, and enforcement. It also discusses the coordination that exists in practice between the two departments.

The Role of DPS in Fire Safety Code Review

Since the 1996 reorganization, the Department of Permitting Services has been legally responsible for ensuring that all building plans meet the fire safety requirements contained within the Building Officials and Code Administrators (BOCA) and/or the National Fire Protection Association (NFPA) codes and other relevant fire safety standards.

Staff who review plans in accordance with the NFPA codes require a formal delegation of authority from the Director of the DFRS, who is the County's appointed Fire Marshall. Delegation of authority is only granted for specifically trained and certified staff. Seven DPS staff members are currently authorized by DFRS to conduct fire safety plan reviews.

DPS staff actually conduct two separate and independent fire safety plan review and approval processes: (1) life safety code reviews; and (2) commercial systems reviews. Commercial systems reviews are mutually exclusive to life safety reviews and applicants may submit their designed fire sprinkler and alarm systems after a building permit has been issued:

- The purpose of life safety code reviews is to ensure that a building has adequate means of egress, including access to emergency exits, width of stairwells and doorways, correct fire ratings for doors, walls and ceilings.

- The purpose of commercial systems reviews determines whether buildings have adequate fire suppression equipment such as extinguishers, sprinklers and alarm systems. A permit to install fire sprinkler and alarm systems is granted after DPS' commercial systems plan reviewers have reviewed and approved the submitted plans.

[8] Following a public discussion of these issues at a Transportation and Environment Committee meeting, DPS and DFRS officials held a workshop with a number of the petitioners to discuss the concerns raised.

Exhibit R (below) summarizes the current process of review and inspection for compliance with fire safety codes.

Exhibit R

Summary of the Current Process of Fire Safety Code Plan Review and Inspection	
Step 1:	Customer submits the required number of building plans to DPS.
Step 2:	Staff in DPS' Building Construction Division review plans for compliance with all building and fire safety codes. Only certified staff who have received delegated authority from the State Fire Marshall can review and approve plans to ascertain compliance with NFPA and other fire safety codes.
Step 3:	After the plans are approved, DPS issues a building permit.
Step 4	Customer calls DPS to schedule building inspections. There are usually four inspections required for new construction: footing & foundation check, slab check, framing & close in & final inspections.
Step 5:	Building inspectors conduct all four inspections to ascertain whether the building has been constructed in accordance with the approved plans.
Step 6:	For multi-family/commercial premises, fire code inspectors from the DFRS are required to conduct two inspections (1) testing of fire prevention systems and (2) life safety code final inspection. Customers are required to schedule these inspections directly with DFRS. DFRS provide the results of their inspections to DPS.
Step 7:	If a building passes all DFRS and DPS inspections, then DPS issues a Use and Occupancy certificate.

The Role of DFRS in Fire Safety Code Enforcement[9]

Since the 1996 reorganization, DFRS no longer conducts fire plan reviews or approvals. However, DFRS Fire Code Enforcement staff inspect all new or significantly altered commercial or multi-family dwellings to ensure that the work has been carried out in accordance with the plans approved by DPS. DFRS staff are also responsible for inspecting any building that needs fire prevention systems, including single-family dwellings.

Customers are instructed to contact DFRS directly to schedule inspection appointments. DFRS routinely conducts two different types of site inspections for permitted building construction:

- Systems testing inspections involve inspection and tests of alarm systems, fire suppression systems (sprinklers, kitchen systems, standpipes and chemical suppression systems), smoke control, generators, emergency lighting, elevators and fire pumps; and

- Life safety code inspections are the final inspections to verify a building meets all requirements of the NFPA codes and other relevant fire standards.

DPS will issue a Use and Occupancy certificate only after both DPS and DFRS inspectors have deemed the building in compliance with all relevant codes.

The Consolidated Fire Tax District Fund funds DFRS activities. The sources of revenue include the Fire District Tax, state grants, permit fees and other miscellaneous revenue sources. The Fire Code Enforcement program's approved budget for FY 02 is approximately one million dollars and supports 11.7 workyears (includes supervisory and administrative staff).[10] Six uniformed fire inspectors and one civilian fire inspector are responsible for conducting system testing and life safety inspections.

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[9] Bill 37-97, enacted in March 1998, reorganized the administration and delivery of fire and rescue services in Montgomery County. The County's fire and rescue system is a public private partnership between County agencies – the Fire and Rescue Commission and the Montgomery County Fire and Rescue Services - and the independent, state chartered local fire and rescue departments. The MCFRS is a full-fledged department of County Government, headed by a non-merit, non-uniformed Fire Administrator, appointed by the Executive and confirmed by the Council. MCFRS has two divisions – the Division of Fire and Rescue Services and the Division of Volunteer Fire and Rescue Services. Each division is headed by a non-merit division chief who is subordinate to the Fire Administrator and who must be qualified as a chief officer under the Integrated Emergency Command Structure.

[10] Source: FY 02 Approved Opearting Budget.

Table 37 (below) summarizes the changes to the process and role of DFRS in fire code safety review and inspection pre and post reorganization.

TABLE 37: ROLE OF DFRS IN FIRE CODE SAFETY PLAN REVIEW AND INPSECTION BEFORE AND AFTER ESTABLISHMENT OF DPS

Process	Before DPS was Established	Since DPS was Established
Pre Design Conference	Conducted jointly by engineers from DEP and DFRS.	Conducted by one DPS engineer trained in both codes.
Plan Review	Applicants submitted two copies of plans – one to DEP and one to DFRS. After offices were co-located in the late 1980s, engineers in DPS and DFRS conducted concurrent plan reviews. Both departments had the authority to suspend review if the plan was found unacceptable. DFRS kept a hard copy of the approved plans.	Customer submits two copies of plans to DPS. Only DPS has authority to suspend review. DFRS do not review submitted plans, and do not receive a copy of building plans. DPS does, however, provide a copy of Commercial Systems plans to DFRS. Copies of the approved plans are kept in DPS offices and at the project site.
Inspection Scheduling for Building permits	Customer called DFRS and DPS to schedule inspections.	No change
Inspections	Inspections by DPS and DFRS staff were conducted separately.	No change
Permit Pickup*	Customer traveled to multiple stations to collect building permits with two sets of approved plans with notes attached.	Customer picks up all permits and plans from DPS and pays one fee.

Source: OLO/DPS/DFRS, October, 2001

*Before the 1996 reorganization, the DFRS administered the County's fire alarm permits and sprinkler permit program, which including setting the permit fees, accepting the applications, reviewing the plans, issuing the permit, conducting the inspections, and closing out the permits. DPS is responsible for setting and collecting the permit fee amount. Today, DPS transfers a portion of the revenues to DFRS to partially offset the costs of their enforcement program.

Coordination between DPS and DFRS

The Joint Code Modification Committee. The Code Modification Committee conducts weekly meetings to hear formal requests for a modification or waiver to the building or fire codes. The committee currently consists of a representative from the Fire Code Enforcement program in DFRS, and two or three experienced Permitting Services Specialists from DPS.

Before the 1996 reorganization, DPS and DFRS convened two separate code modification committee meetings. The committees met on different days. DFRS chaired the fire code modification committee and DPS chaired the building code modification committee; DPS also convened a separate code modification committee for residential projects. Staff representatives from DPS attended the fire code committee meetings and vice versa. Under the separate committee system, an applicant who was requesting a modification to a requirement found in both codes would pay two fees, attend two sequential meetings and in some cases receive conflicting decisions.

After the 1996 reorganization, DPS and DFRS decided to establish a joint modification committee and to develop a unified application form. The new joint committee also incorporated the duties of the residential code modification committee. Compared to the previous approach, the joint committee approach takes less time, requires fewer staff resources, and provides for the concurrent review of modification requests that impact both the building and fire codes.

The original intent of the modification committee was to address practical problems identified on-site. Over time, the process has evolved to include code issues that arise during plan review as well. As a result, requests for code modifications may be identified at a pre-design consultation meeting, during the plan review process, or by a building or fire code inspector who identifies a construction code violation.

As of July 2001, the Committee hears approximately 300 to 330 code modification requests annually. The Committee meets before the hearing date to review the filed applications, conducts a series of hearings that may last up to two hours once a week, and drafts follow-up recommendations and letters. Committee members estimate that staffing the committee represents about 10 percent of their workload.

Joint Team Meetings. DPS' plan reviewers, responsible for fire safety system reviews (sprinklers and fire alarms) and DFRS' fire safety inspectors meet weekly. Issues concerning fire protection standards are discussed among reviewers and inspectors. DPS' fire code review staff members are encouraged to attend the monthly Fire Alarm and Sprinkler Association industry meetings.

Ongoing Coordination Problems. Despite the Joint Code Modification Committee and joint team meetings, discussions with both DPS and DFRS staff evidence ongoing frustration with the degree of coordination between the fire code review and inspection functions. Recurring issues identified by front-line staff as posing problems to more effective coordination include:

- Inspection scheduling systems that are not compatible;
- Perceived barriers to collaborative work ventures;
- Insufficient feedback mechanisms between DPS and DFRS;
- Lack of access to DPS' computer system; and
- Insufficient understanding of each other's needs and responsibilities.

6.3 Coordination with the Department of Public Works and Transportation

Overview. The 1996 reorganization divided the Executive Branch's responsibility for reviewing the transportation elements of new subdivision plans. It also transferred subdivision review and inspection functions from the Department of Public Works and Transportation to the new Department of Permitting Services (DPS). Interviews with DPS and DPWT staff evidence an effective working relationship between the two departments on subdivision review and related issues.

Background. The Executive's proposal to create a "one stop permitting shop" included the transfer of the subdivision development review and inspection functions from DPWT to the new Department of Permitting Services.

Appendix G (©78-80) contains a chart (jointly prepared by DPS and DPWT) that lists the division of transportation-related tasks between the two departments and their respective lead responsibilities. In sum, DPWT retained the lead on all transportation policy issues, and providing plan review comments on proposed subdivision plans, up through and including the preliminary plan phase. DPS became the lead on all subsequent development plan reviews and implementation issues. As the chart shows, the departments share responsibility on a number of items.

When the establishment of DPS went into effect, 28 DPWT staff members transferred to the new DPS. The staff transfer included: 15 subdivision development staff (including both engineering and clerical staff); 10 highway construction inspectors; two highway construction field supervisors; and one traffic engineer.

Coordination between DPWT and DPS

Staff members from DPWT and DPS meet one morning every two weeks to discuss and coordinate transportation-related issues of proposed subdivision plans. Based upon interviews with DPS and DPWT staff, it appears the two departments are effectively coordinating their responsibilities in upholding the County's road standards.

Today, the subdivision development review staff are part of DPS' Division of Land Development. County Code Chapter 49 authorizes DPS staff to take the lead role on :

- Coordinating the Executive Branch's reviews of the site plan approval process for land development;
- Coordinating and recording plat approvals;
- Coordinating and deciding all requests for waivers from the Road Code construction requirements;
- Reviewing and approving traffic control plans for tertiary and secondary roads;
- Reviewing and approving the construction drawings for all permitted construction within the County's rights-of-way and easements;
- Issuance and inspection of revocable permits in the right-of-way, driveway permits, grading permits, and storm drainage permits and paving permits; and
- Administering the County's Rural Rustic Road program.

The Department of Transportation (DPWT) still takes the lead role on all transportation policy issues and still plays a key role in the preliminary and site plan approval stages.

Preliminary Plan Stage. DPWT and DPS representatives both sit on M-NCPPC's Development Review Committee. As participants on the Development Review Committee, DPWT and DPS staff review and comment on those subdivision plans under their respective purview. Such comments include:

- Detailing standard(s) for constructing new internal public roads, and
- Identifying required improvements to existing frontage roads, street lighting, storm drainage systems, easements, access points for (driveways and roadways), utility relocations, transit facilities, new sidewalks, recommended extensions of existing sidewalks, and bikeways.

In addition, DPWT staff review and comment on the technical feasibility of traffic impact studies for proposed off-site intersection improvements.

County staff forward their comments to the Park and Planning Commission for incorporation into the staff's list of recommendations and conditions of approval to the Planning Board. The conditions accompany the developer's application throughout the development approval process.

Plat Recordation Process. When deemed appropriate by DPS staff, DPS forwards a print of a proposed record plat to DPWT so that DPWT staff can check to see if the plat is in compliance with the conditions placed on the preliminary plan approval. DPWT returns the plat to DPS with comments for approval and recordation.

Subdivision Construction Plan Approval. DPWT staff review and approve the developer's proposed streetlighting plans. They also review and approve the developer's maintenance of traffic plans for all master planned roadways. DPWT staff consult with DPS on an as-needed basis during the construction activities.

6.4 Coordination with the Department of Housing and Community Affairs

Overview. In practice, housing standards, property standards, and land use issues are often linked. The 1996 reorganization transferred the zoning code compliance function from the Department of Environmental Protection to the new Department of Permitting Services, but did not eliminate the need to involve multiple departments in certain code enforcement situations.

DPS and the Department of Housing and Community Affairs have taken steps in recent years to improve the coordination between the two departments on code enforcement issues. The current problems with handling zoning code complaints are not due to the absence of a working relationship between DPS and DHCA.[11]

Division of Code Enforcement Responsibilities

Current law assigns the Department of Permitting Services and the Department of Housing and Community Affairs (DHCA) with separate responsibilities for enforcing certain codes relating to housing/building standards, property standards, and land use:

- The Department of Permitting Services is charged with enforcing the construction standards of Chapter 8, Building Codes and Chapter 17, Electrical Code, as well as the land use standards of Chapter 59, Zoning.

- The Department of Housing and Community Affairs is charged with enforcing the property and building maintenance standards in Chapter 26, Housing and Building Standards; Chapter 48, Solid Waste; and Chapter 58, Weeds of the County Code. DHCA also conducts inspections of rental properties as required under Chapter 29, Landlord Tenant Affairs.

Complaints concerning a building or land use issue generally fall within the jurisdiction of either DPS or DHCA. Each department has specific code enforcement responsibilities and categories of complaint investigation. DHCA handles and investigates complaints concerning accumulations of solid waste, overgrown vegetation, deteriorated structures, storage of inoperable and unlicensed vehicles on residential property and other public nuisances. DPS investigates complaints concerning illegal building activity and land use issues.

[11] DPS' complaint handling was one of the key areas discussed at the focus groups that OLO convened in September and October 2001 to solicit feedback about DPS' performance. For a summary of the comments made by the focus group participants, see Chapter 4. For additional discussion of DPS' complaint handling procedures, see Chapter 7.

There are code enforcement situations where both DPS and DHCA staff responsibilities cross paths. Examples of issues that involve both departments are:

1. **Properties with multiple code violations.** Cases that involve violations of both the housing code and zoning code will involve both departments. DHCA is responsible for investigating complaints concerning houses in a dilapidated condition. DPS gets involved if the condition of the house/property relates to its use, e.g., business operating in a residential zone.

2. **Vacant buildings.** DHCA takes the lead role in investigating complaints concerning vacant or unsecured buildings. DPS gets involved if the same building is an unfinished construction project operating under a DPS permit.

3. **Vehicles in the yard.** DHCA takes the lead role in investigating the storage of inoperable and unlicensed vehicles on residential property. DPS gets involved when a complaint about vehicles in the yard concerns an alleged auto repair business activity on a residential property.

4. **Residential Overcrowding.** Both the housing code (DHCA jurisdiction) and the zoning code (DPS jurisdiction) establish standards related to the number of individuals residing in a house. The Housing Code determines occupancy by square footage. The Zoning Code permits five single unrelated people and an additional two 'roomers' to occupy a dwelling. Depending on the size of the house, a conflict can occur between the two codes.

5. **Accessory Apartments.** An accessory apartment is considered a special exception use. While enforcement of special exceptions is DPS' responsibility, under a memorandum of understanding between the two departments, DHCA staff inspect accessory apartments yearly for continued compliance with the requirements for the special exception and for life, safety and health issues.

Coordination. Many County residents are not experienced in the nuances of County Code enforcement responsibilities. Because it is easy for residents to contact the "wrong" department, it is necessary for DHCA and DPS to maintain effective coordination mechanisms and liaison to assist customers with their complaint inquiries.

In practice, coordination between DPS and DHCA occurs in a number of ways:

- **Telephone Referral**. If a customer has telephoned with an inquiry or complaint that is within the jurisdiction of the other department, the customer is forwarded to the correct place.

- **Post Site Visit Referral.** If a DPS or DHCA inspector visits a site to investigate a complaint and finds a condition that must be enforced by the other department, the inspectors will refer the case through a phone call or a memo, and inform the citizen of their action.

- **Joint Inspections.** If a property has multiple violations or a history of difficult enforcement, the managers in each department will convene an ad hoc interagency team meeting to develop relevant enforcement strategies (A discussion of coordinated legal action is discussed beginning on page 89).

- **Computer access to DHCA license database**. DPS provided DHCA with a computer terminal which is used to enter data that updates current building contractors' licenses. DPS staff check the computer system to see if the builder (on a building application) has a valid builder's license.[12]

According to DHCA staff, the complaints that are referred to the DPS remain on DHCA's complaint data base system. DHCA monitors the status of the complaint on behalf of the citizen and provide feedback throughout the investigation process.

Implementation of earlier recommendations to improve code enforcement. In December 1999, OLO issued a report that compared the County's housing and zoning code enforcement programs. The report suggested a number of actions to enhance the zoning enforcement program and improve the coordination of code enforcement between DPS and DHCA:

- Develop a public information brochure to explain the code enforcement process;
- Provide a report on implementation cost estimates for DHCA's program to inspect single family rental homes and a DPS pilot program to inspect registered home occupations;
- Appoint an additional zoning inspector and permit technician to assist with DPS' proposed special exception inspection; and
- Prepare legislation authorizing the DPS to designate a County Zoning Administrator.

As of October 2001, the first three recommendations listed above have been carried out. Appendix H (©81-84) contains a copy of the code enforcement brochure. Appendix J (©86-87) contains a Council resolution that set an annual fee on special exceptions to pay for additional inspectors.

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[12] This particular computer is assigned to DHCA's Division of Licensing, not to the Division of Code Enforcement.

6.5 Coordination with the Office of the County Attorney

Overview. As part of the County Government's overall efforts to strengthen code enforcement, the Office of the County Attorney assigned an Assistant County Attorney full-time to the Department of Permitting Services. The County Attorney's Office also initiated a new approach to code enforcement cases, which involve multiple violations that often cross traditional departmental lines of authority. Interviews with staff suggest that these changes have improved the legal support provided to DPS.

Background. The County Charter designates the County Attorney as the County's chief legal officer. The County Attorney serves as the legal advisor to all County Government departments, and represents the County in all actions in which the County is a party. DPS interacts with the County's Attorney's Office on legal issues such as contracts, personnel, and all County Code and code enforcement matters.

Coordination. The County Government has made a concerted effort in recent years to strengthen code enforcement in general across the government. As part of this effort, DPS Director and the County Attorney agreed that a full time Assistant County Attorney should be assigned to DPS. It was agreed that an on-site attorney would be the best way to provide consistent, accessible and timely legal advice to DPS' code enforcement programs.

An Assistant County Attorney was assigned to the DPS in October 2000. The attorney assigned to DPS continues to be directly accountable to the County Attorney. Funding for the position comes from the DPS Enterprise Fund. The Assistant County Attorney assigned to DPS:

- Advises DPS staff on all legal issues;
- Represents DPS on administrative appeal cases before the Board of Appeals;
- Represents DPS in code enforcement cases heard by the District Court;[13] and
- Answers legal questions from the public about DPS-related matters.

The County Attorney's Office also adopted a new approach to prosecuting hard-to-solve code enforcement cases, many of which involve multiple code violations, that often cross traditional departmental lines of authority. The County Attorney consults with staff from DPS, the Department of Housing and Community Affairs, the Department of Police, and others as appropriate to identify properties that meet this description. An example would be a property that continues to violate legal requirements for maintaining housing standards (enforced by DHCA), operating a home businesses (enforced by DPS), and keeping animals (enforced by the Department of Police, Animal Control Division).

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[13] Most of DPS' cases in District Court relate to civil citations issued by DPS inspectors for building, zoning, or sediment control violations. Code enforcement cases heard by the District Court are staffed by Assistant County Attorneys on a rotating schedule.

The County Attorney's Office prosecutes these cases involving multiple violations typically by seeking an abatement order from the District Court to address outstanding violations within a specified period of time. A defendant may be found in contempt of court, which can lead to imprisonment, if the abatement order has not been complied with.

In addition, the County Attorney's Office started publishing monthly information bulletins to disseminate information relevant to these hard-to-solve cases. According to the County Attorney's Office, the purpose is to encourage department staff to assess their practices and procedures and make the necessary changes that will assist the Attorney in the litigation process. It is also intended to provide feedback on the outcomes of cases in District Court.

CHAPTER 7: COMPLAINT HANDLING

This chapter examines how the Department of Permitting Services handles complaints from the public concerning either sediment control or land use.[1] It reviews DPS' general complaint intake process as well as the complaint investigation processes of the Land Development, Building Construction, and Casework Management Divisions. The chapter also presents data on the volume of complaints and response times.

7.1 The Department's Complaint Intake Process

Complaints can be lodged with DPS by telephone, letter, fax, e-mail, or in person. The Division of Casework Management is responsible for recording the details of all complaints received by DPS. Division staff enter complaint data into a computerized database, print out the details of each complaint, and refer each case to the appropriate staff for further investigation. Every complainant is informed of the name and cell phone number of the investigator assigned to his/her case.

Division of Casework Management staff refer sediment and erosion control complaints to the Division of Land Development, and refer land use complaints about illegal building activity to the Division of Building Construction. All other land use complaints remain in the Division of Casework Management, but are referred to the Zoning Enforcement Program. Complaints that fall outside of DPS' jurisdiction are referred to the "correct" department by way of telephone referral.

Before taking action in response to a complaint, DPS practices require complaint investigation staff to do preliminary background record checks. This includes, for example, checking:

- Previous complaints for the property recorded in the complaint database;
- The permit history for the property and a copy of any building, electrical or other permits;
- Relevant information from the Home Occupation Registry, and corporate records to verify business registration with the State (for any home occupation complaint); and
- Car registration information (for home occupation vehicle repair complaints).

7.2 Sediment and Erosion Control Complaints

The Division of Land Development investigates all complaints that concern sediment and erosion control and storm water management on active development sites. The Division employs 15 inspectors to investigate and follow-up on complaints such as drainage issues, grading without proper permits or sediment run-off onto private property, streams, public roads or other right of ways.

[1] See page 95 for a more detailed definition of land use complaints.

Complaint Intake. In addition to the general complaint intake process (see Section 7.1), the Division of Casework Management maintains three separate 24-hour telephone lines for sediment control activities:

- A sediment control complaint hotline;
- A sediment control/stormwater management information line; and
- A sediment control and stormwater management inspection request line.

The sediment control complaint hotline is an answering machine that asks callers to provide details of: the type, nature and location of the alleged sediment control violation, the caller's name, address and day-time contact numbers. The caller is also advised that his/her identity will be kept confidential.

Between January and July of 2001, the sediment control hotline received an average of 102 calls per month. During this same time period, the sediment control/stormwater management information line received an average of 200 calls per month, and the inspection request line received an average of 93 calls per month.

Each complaint is assigned to a Permitting Services Inspector, who makes initial contact (most often by telephone) with the complainant to further discuss the nature and details of the complaint. According to DPS' *Guide to Permitting Services,* a complainant can expect this initial contact to occur within one business day.

Inspections/Enforcement Action. If the inspector determines that the complaint concerns sediment and/or erosion control on an active development site under DPS permit, then the inspector arranges for an on-site inspection.

The Division's current approach to assigning inspectors is primarily by geographic regions in the County. According to DPS, geographic boundaries are adjusted as needed to accommodate a fluctuating workload. The Department has adopted additional criteria for setting priorities and assigning work among the inspectors. The additional criteria include:

- Site size, location, topography and soil type;
- Complexity of sediment control and stormwater management measures required;
- Compliance history of permittee and contractor;
- Potential for environmental impact; and
- Inspectors' respective workloads.

If an on-site inspection leads to a finding that a permitted project is in violation, then the inspector issues a 48-hour Notice of Violation to the property owner. This Notice of Violation gives the owner 48 hours to bring the site back into compliance. As of July 1, 2000, the Notice of Violation also informs the owner that if the site is not in compliance within 48 hours, then DPS will issue a Stop Work Order that applies to all development and construction activities on that site.[2]

Once issued, a Stop Work Order remains in effect until the Department determines that the site has been brought back into compliance. In addition, DPS can issue a civil citation of $500 for the first day and $750 for each subsequent day the violation(s) exist. If the site is in violation and has no permit, then the Department issues a Stop Work Order, a civil citation, and a Notice of Violation requiring the owner to obtain the proper permit(s) for the construction activity.

The Permitting Services Inspectors are responsible for informing the complainants (in writing or by phone) of the findings of their investigation and the action taken. There are no specified time frames for providing feedback to complainants.

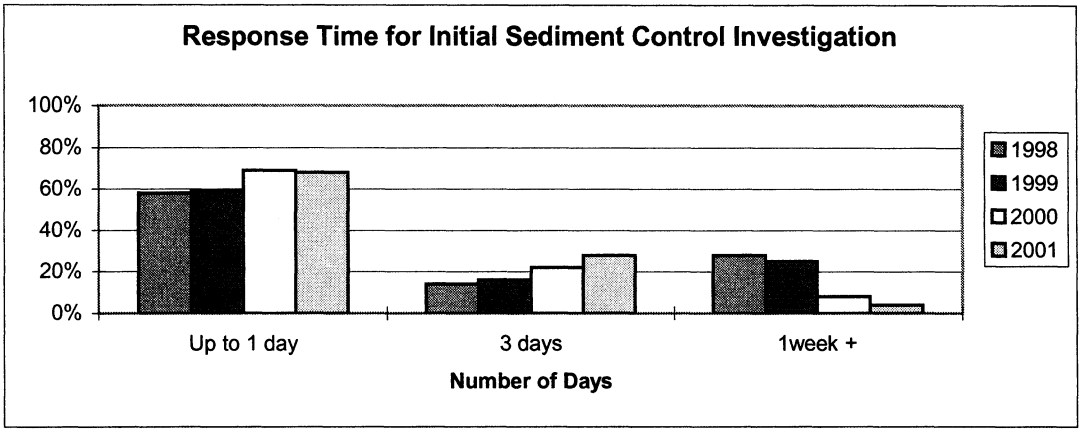
Sediment Control Complaint Data. DPS records show that the Division of Land Development received a total of 396 sediment control complaints in 1999, 154 complaints in 2000, and 189 complaints in the first nine months of 2001.

Exhibit S (page 94) shows the response times since 1998 for initial contact with someone requesting a sediment control investigation. The data indicate that the Department's initial response time improved during the four-year period. Specifically:

- The percent of cases where initial contact was made within one day increased from 60% to 70%;
- The percent of cases where initial contact was made within three days increased from 15% to 25%; and
- The percent of cases where initial contact required a week or more decreased from 25% in 1998 to less than 5% in 2001.

[2] Appendix F (©76) contains DPS' written notification of this new enforcement approach to the Maryland National Capital Building Industry Association (MNCBIA)

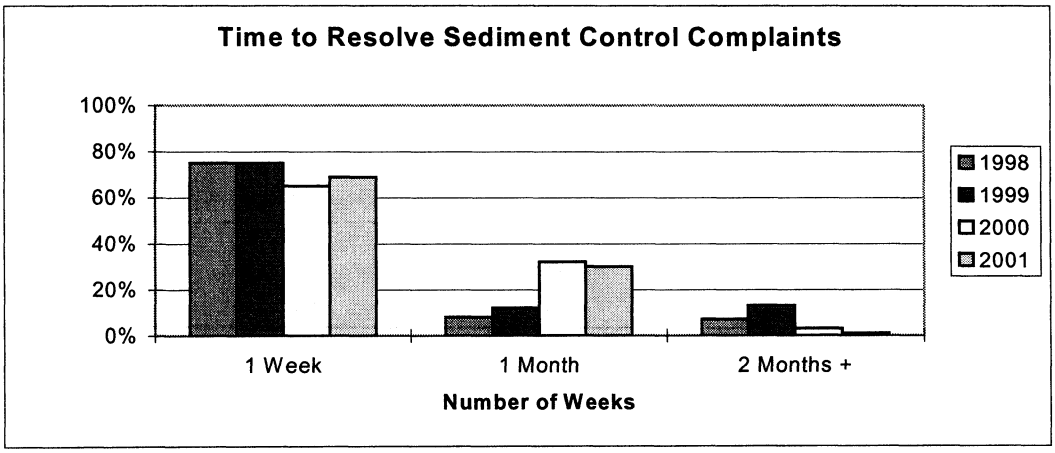
Exhibit S



Source: DPS/OLO October, 2001

Exhibit T (below) shows how long DPS took to close out sediment control complaints for calendar years 1998 to 2001. To "close out" a case refers to the time it takes to bring a site into compliance. The data show that the great majority of cases (60-70%) continued to be closed out within one week; and the number of cases that took two months or more to close out declined between 1998 and 1999. The number that took between one week and one month increased during the four-year period.

Exhibit T



Source: DPS/OLO October, 2001

7.3 Land Use Complaints

Land use complaints allege that an illegal land use or activity is occurring in a residential, business, or other zone. DPS classifies land use complaints into six categories:

Zoning complaints – allege there is a violation of the County's zoning code. Examples of common zoning complaints are: an illegal or unpermitted use in a residential zone, construction occurring within the setback area, commercial vehicles parked in a residential zone, or an excessive number of individuals living in a single housing unit.

Special exception complaints – allege there has been a violation of the conditions of an approved special exception. (Note: The Board of Appeals approves and establishes conditions for special exceptions, e.g., hours of operation, number of business visitors, landscaping requirements.)

Sign complaints – allege violations of the sign ordinance on factors such as the location and size of the sign.

Home occupation complaints – allege violations of the Home Occupation Ordinance. Examples include complaints about too many business visitors, too many non-resident employees in the business, not registering as a home occupation, or operating a business not permitted as a home occupation, e.g. vehicle repair.

Vendor complaints – are complaints involving any person who sells goods on the public right-of-way, door-to door, or from a vehicle. Violations can include vending without a license, or otherwise violating the law about the location of permitted vendor sales.

Building/electrical permit complaints - allege that construction activity is taking place without the required permit, e.g., building permit, electrical permit, swimming pool fence permit.

The Division of Building Construction investigates complaints relating to illegal building activity. All other land use complaints are assigned to the Zoning Enforcement Program staff in the Casework Management Division.

Complaint Intake. In addition to the general complaint intake process (see Section 7.1), the Division of Casework Management maintains two separate 24-hour telephone lines for land use related activities:

- A land use complaint hotline; and
- A land use information line.

The land use complaint hotline is an answering machine that asks callers to provide details of the type, nature, and location of the land use or building activity allegedly in violation, the caller's name, address, and day-time contact numbers. The caller is also advised that his/her identity will be kept confidential.

The land use complaint hotline receives approximately 1,520 telephone calls a year, or an average of 125 calls per month. A review of complaint line data for the last three fiscal years shows that July, August, September, and October have the highest volume of calls (average of 160 calls per month) and the winter months typically have the lowest volume (average of 90 calls per month).

Compared to the complaint line, the land use information line receives a higher number of incoming calls. Data for the first seven months of 2001 show an average of 600 telephone calls per month received by the land use information line.

According to DPS staff, most of the land use complaint calls result in an on-site investigation. The small portion of the land use complaint calls (5-10 each month) that do not result in an investigation case fall into one of the following categories:

Permitted/Allowable activities – A check of the permitting or registration records shows that a valid permit has been issued. Examples of this include:

- A call that alleges illegal construction activity for a property that actually holds a valid permit;
- A call that alleges an illegal use in a residential zone for a property that actually has an approved special exception; and
- A call that alleges an illegal use that the law does not prohibit.

Referrals – This category includes calls about activities that are referred to other departments. For example, complaints about housing conditions are referred to DHCA; complaints about construction noise are referred to the Department of Environmental Protection; complaints about rats are referred to the Health Department; and complaints about illegally parked vehicles on the street are referred to the Police Department.

Information Requests – This category includes requests for information from other County staff, for example, an Assistant County Attorney may request documentation from a file to prepare for a case.

Inspection/Enforcement Action. Each complaint is assigned to a Permitting Services Inspector. According to DPS, assignments are made based upon both the category of complaint (building, zoning, or special exception) and the location of the alleged violation.

According to DPS staff, the inspector's first step in complaint handling is to contact the complainant by telephone or in writing in order to verify and further discuss the details of the complaint. In many cases, the inspector must also research how the building code and zoning regulations apply to a particular property. For example, the inspector may need to review a site plan, a use and occupancy permit, or the conditions of an approved special exception.

On a daily basis, each inspector maps out his/her tour of new inspections and re-inspections. According to the Department, a complaint-related inspection consists of:

- A visit to the property to observe the conditions that are the basis of the complaint;
- A conversation with the complainant to discuss the complainant's concerns and observations; and
- A conversation with the alleged violator (if available) to discuss the condition and explain the law.

Because many types of zoning violations concern an activity at a property, it is often difficult to observe a violation in progress. A zoning complaint investigation may require multiple on-site inspections at different hours on different days of the week to obtain evidence of a violation. In an effort to extend the "eyes and ears" of the enforcement staff, DPS prepared guidelines for neighbors to assist in zoning investigations. (Appendix I ©85 contains a copy of the guidelines prepared by DPS.)

According to DPS, in all cases except those that pose a clear public health or safety threat, when an inspector determines that a code violation exists, it is the inspector's discretion that determines the County's immediate intervention. The inspector's options are to:

- Issue a Notice of Violation;
- Issue a Stop Work Order;
- Issue a civil citation; or
- Issue an oral warning/instruction.[3]

[3] When the inspector opts for issuing an oral warning, the inspector will typically give the violator a time frame within which he/she must bring the property into compliance.

According to DPS, when a violation poses a clear public health or safety threat, the inspector give owners 24 hours to address the condition. For non-emergency conditions, the inspector decides how many days are appropriate to bring the violation into compliance. The time period may vary depending on whether the property owner needs to obtain a permit or take other action to modify the building or use. After the time period has elapsed, the inspector will re-inspect the property to determine whether the condition has been corrected. If the property owner has not contacted the inspector and has not abated the condition, the inspector may issue a formal Notice of Violation or a civil citation.

Alleged violators can appeal DPS enforcement actions.. A property owner who receives a Notice of Violation has the option of following the orders in the notice, ignoring the notice, or filing an administrative appeal with the Board of Appeals.[4] In most cases, an appeal with the Board of Appeals must be filed within 30 days of the date the Notice of Violation is received. In addition, the County generally is prohibited from taking any enforcement action until the appeal process is complete.

The Board of Appeals sets a hearing on the appeal. Administrative appeal hearings are typically held within two or three months after filing, but the time period varies depending on the Board's total workload. The Board of Appeals may re-schedule a hearing at the request of either party, or continue a hearing indefinitely. It may take an additional month for the Board of Appeals to decide the case and issue a written opinion. A decision of the Board of Appeals may further by appealed to the Circuit Court.

A property owner who receives a civil citation has the option of paying the fine or notifying the County of his/her intent to stand trial. If the fine is not paid within 35 days, the County may request adjudication through the District Court. It typically takes four months to schedule a trial in District Court.

Land Use Complaint Data

Table 38 (page 99) shows the number of land use complaints received by DPS since 1998. The data show that:

- Between 1998-2000, DPS received between 1,250 and 1,475 land use complaints each year. The data through September of 2001 show that the number is likely to be even higher this year.

- Between 1998-2000, the number of zoning complaints exceeded the number of illegal building complaints. The data through September of 2001 show a more even split between the two categories.

[4] For further information on the number and outcome of appeals filed with the Board of Appeals, see page 67.

Table 38 (below) also sorts the total number of complaints into two categories: complaints that resulted in the issuance of a Notice of Violation, Stop Work Order, or civil citation; and complaints that did not result in the issuance of a Notice of Violation, Stop Work Order, or civil citation. According to DPS, this second category represents cases where either: (1) a DPS inspector conducted an investigation and found no violation; or (2) a DPS inspector conducted an investigation, found that a violation existed, but was able to achieve compliance through the issuance of an oral warning/instruction. In sum, these data show that:

- In a substantial number of land use complaint cases, DPS inspectors do not issue a Notice of Violation, Stop Work Order, or civil citation;
- Since 1998, a decreasing number of land use complaint investigations are resulting in the issuance of a Notice of Violation, Stop Work Order, or civil citation; and
- This pattern holds both for investigations of alleged construction and zoning violations.

TABLE 38: COMPLAINTS RECEIVED AND RECORD OF ENFORCEMENT ACTION.

Year	Complaints Received	Complaints that did not result in the issuance of a Notice of Violation, Stop Work Order or Civil Citation *	Complaints that resulted in the issuance of a Notice of Violation, Stop Work Order or Civil Citation	Percent of all complaints that resulted in issuance of a Notice of Violation, Stop Work Order, or Civil Citation
Construction Complaints				
1998	546	246	300	55%
1999	535	281	254	47%
2000	622	461	161	26%
2001**	663	584	79	12%
Zoning Complaints				
1998	902	525	377	42%
1999	708	456	252	36%
2000	852	646	206	24%
2001**	693	535	158	23%

Source: OLO/DPS October, 2001.
* Includes cases where a DPS inspector found no violation as well as cases where a DPS inspector found a violation but used his/her discretion to seek compliance by issuing an oral warning/instruction instead of by issuing a written Notice of Violation, Stop Work Order, or civil citation.
** Data through September 2001.

According to DPS, this pattern exists because many people are willing to remedy a violation once an inspector orally informs them of the violation and instructs them what they need to do. DPS reports that these complaint investigations often involve first time violators, who in many cases are not versed in the complexities of the County's Zoning Ordinance.

As a result of past experience, DPS staff also cite practical advantages to working with people who are willing to bring their property into compliance without issuing a Notice of Violation, Stop Work Order, or civil citation. Specifically, DPS reports that in the past, issuing a Notice of Violation led to a greater number of appeals being filed with the Board of Appeals, which in turn required the County (in most cases) to suspend further enforcement action until the appeal process was complete.

Tables 39A and 39B (page 100) take a closer look at the number of Notices of Violations, Stop Work Orders, and civil citations issued by DPS for land use violations since 1998. The data show that for both construction violations and zoning code violations, a single Notice of Violation was the most common type of formal enforcement action taken. The data suggest that the great majority (75-85%) of zoning violations handled in this way is corrected without need for further action. It also appears to be an increasingly successful intervention with construction violations. Specifically, data through September of this year show that a single Notice of Violation resolved more than 80% of construction violations.

Between 1998-2000, the second most common form of formal enforcement action taken against construction violations was the issuance of a Notice of Violation followed by a Stop Work Order. This appears to have resolved between 25-35% of construction violations, until this year where this intervention has been used in fewer than 5% of all cases.

The second most common form of formal enforcement action taken against zoning code violations is the issuance of a civil citation, which is some cases follows the issuance of a Notice of Violation. Since 1998, the use of a civil citation with or without an initial Notice of Violations appears to have resolved between 5-10% of zoning code violations.

TABLE 39: ENFORCEMENT ACTIONS TAKEN BY DPS

A. ACTION ON CONSTRUCTION VIOLATIONS

	Notice of Violations (NOV)	Notice of Violation & Stop Work Order	Notice of Violation & Civil Citation
1998	59%	24%	6.3%
1999	49%	34%	4.3%
2000	59%	35%	3.0%
2001	83%	2%	2.5%

Source: OLO/DPS 2001.

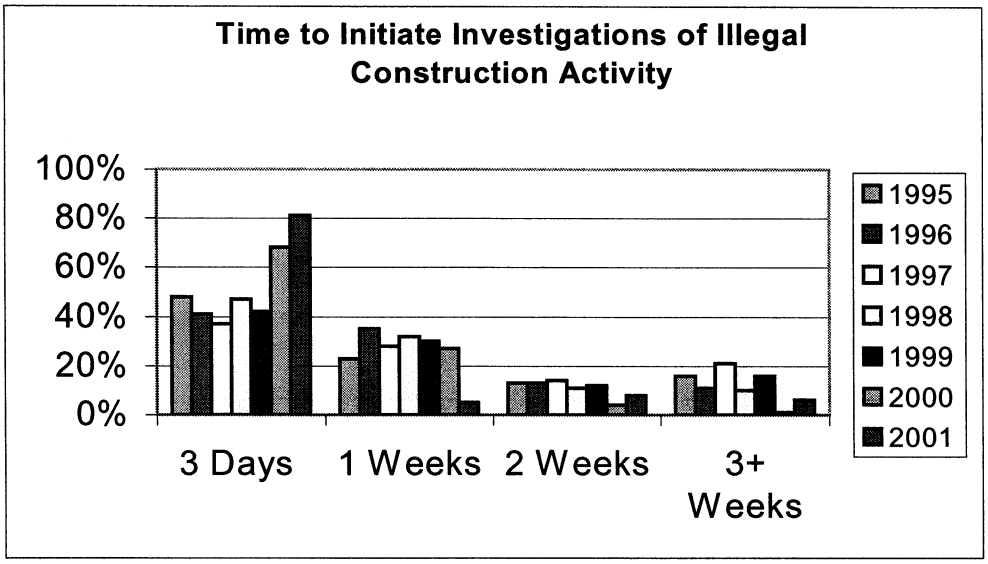
B. ACTION ON ZONING VIOLATIONS

	Notice of Violations (NOV)	Civil Citation*
1998	85%	7.4%
1999	76%	4.8%
2000	80%	5.8%
2001	80%	9.9%

Source: OLO/DPS 2001.
*In some cases the Civil Violation follows the issuance of a Notice of Violation

Exhibit U (page 101) shows the response time for initial contact with someone lodging a construction complaint since 1995. The data indicate that the County's initial response for the largest number of complaints has consistently been within three days. The percent of complaints that fall into this three-day category exceeds 80% for the first nine months of 2001. For the past several years, the initial response time was two weeks or longer in fewer than 10% of all construction complaints.

Exhibit U

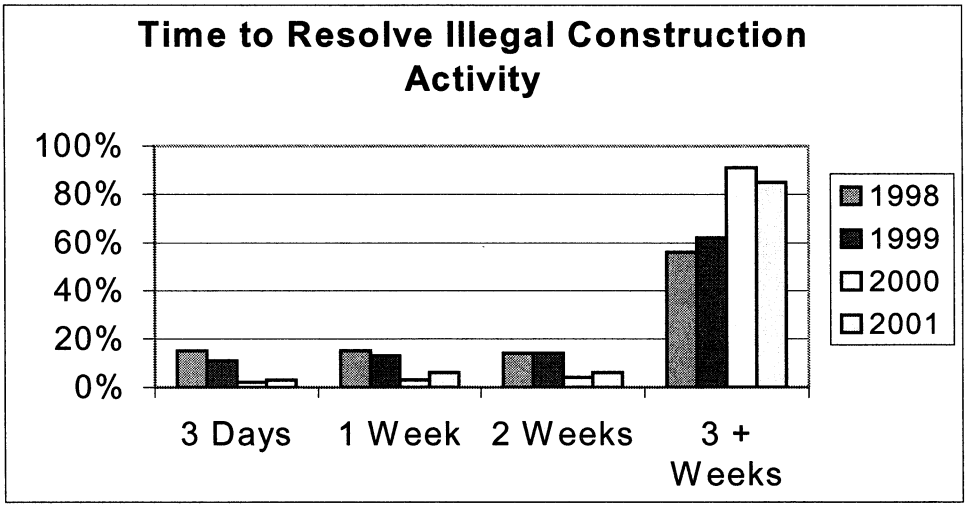


Source: OLO/DPS October, 2001.

The data in Exhibit U only include cases where a DPS inspector conducted an investigation (in response to a complaint) and found that a violation existed. Data do not include cases where a DPS inspector conducted an investigation and found that the property was in compliance.

The Department considers a construction complaint case resolved when the inspector deems the subject property to be in compliance. If an initial investigation does not determine that a violation exists, then the complaint is also considered resolved. Exhibit V (below) shows that it takes three weeks or more to resolve most complaints concerning illegal construction activity.

Exhibit V

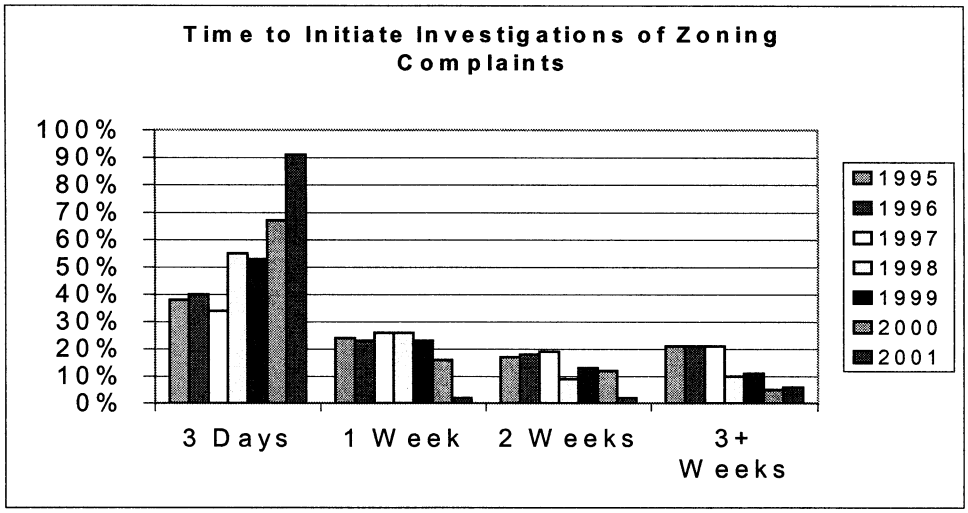


Source: OLO/DPS October, 2001

The data in Exhibit V only include cases where a DPS inspector conducted an investigation (in response to a complaint) and found that a violation existed. Data do not include cases where a DPS inspector conducted an investigation and found that the property was in compliance.

Exhibit W (below) shows the response time for initial contact with someone lodging a zoning code complaint since 1995. Similar to construction complaints, the data indicate that the County's initial response for the largest number of land use complaints has consistently been within three days. The percent of cases with a three-day initial response increased within the past four years. During the first nine months of this year, more than 90% of land use complainants received an initial response within three days.

Exhibit W

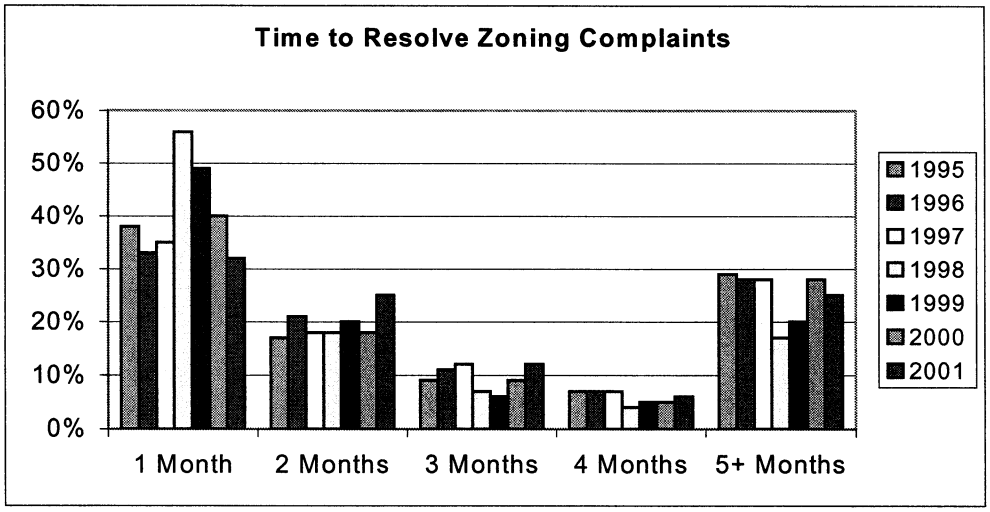


Source: OLO/DPS October, 2001

The data in Exhibit W only include cases where a DPS inspector conducted an investigation (in response to a complaint) and found that a violation existed. Data do not include cases where a DPS inspector conducted an investigation and found that the property was in compliance.

The Department considers a zoning complaint case resolved when the inspector deems the subject property to be in compliance. If an initial investigation does not determine that a violation exists, then the complaint is also considered resolved. Exhibit X (below) shows that the percent of cases resolved with one month has declined from more than half in 1998 to less than one-third this year. The data also indicate that 20-30% of zoning violations take five or more months to be resolved.

Exhibit X



Source: OLO/DPS October, 2001

The data in Exhibit X only include cases where a DPS inspector conducted an investigation (in response to a complaint) and found that a violation existed. Data do not include cases where a DPS inspector conducted an investigation and found that the property was in compliance.

CHAPTER 8: FINDINGS

Summary of Findings

The Department of Permitting Services (DPS) was created to be the "one-stop shop" for County functions related to regulating construction and land development activities. The County legislatively established the new DPS in 1996 by consolidating and restructuring programs from four existing departments.

During the past five years, the Department of Permitting Services has made substantial progress toward meeting the goals identified by the County Executive and County Council for the new Department. The major goals articulated for the new department were to:

- Streamline the permitting process to improve productivity;
- Provide faster, friendlier, more consistent service;
- Provide substantially fee-supported operations;
- Provide consistent, predictable code enforcement activities; and
- Maintain and ensure compliance with the County's regulatory standards.

There is ample good news in terms of positive changes made by DPS since 1996. Three years of reliable survey data show that permit applicants are generally favorable about their overall experiences with DPS. The processing time for many permits has been reduced. Permit applicants also give positive ratings to DPS employees on attributes such as friendliness, professionalism, teamwork, helpfulness, and customer respect.

On the fiscal front, the Department has achieved the goal of becoming a fee-supported operation. Today, the DPS-Enterprise Fund is in sound financial shape, and DPS has already made substantial repayments to the General Fund. However, it should not be missed that some permit applicants identify increased fees as an area of concern.

The major strategies identified as critical to accomplishing the goals of the Department (i.e., office space renovation, improved technology, staff reorganization) are now mostly in place. In addition, interviews with County staff evidence there are many ways that DPS staff have forged constructive working relationships with other departments.

The less positive news to report concerns: service delivery and coordination problems in several key DPS functions; the residual negative attitudes held by some DPS employees about their work environment; and the absence of a strategic plan. In addition, because of delays in completing some important changes, it is too soon to draw conclusions about the impact of the office renovations, staffing reorganization, and technology improvements on DPS' goals such as productivity, customer services, and consistency.

The rest of this chapter presents OLO's findings on specific issues. OLO's recommendations for Council action begin on page 121.

Finding #1: Permit applicants are generally favorable about the performance of the new Department.

Opinion survey research shows that a solid majority of permit applicants consistently registered positive perceptions of the Department's performance during the three survey years (1998, 1999, 2000). Permit applicants report that the permit process meets or exceeds their expectations in most areas.

In the fall of 2000, about two-thirds of the permit applicants surveyed rated their overall experience with DPS as *excellent* or *somewhat good.* Approximately half of those surveyed indicated their experience met their expectations, and approximately one-third indicated it exceeded their expectations. When comparing results among the three survey years, there were no statistically significant differences in permit applicants' ratings of their overall experience.

In all three survey years, at least six out of ten permit applicants surveyed rated DPS staff favorably on their friendliness, helpfulness, knowledge, professionalism, politeness, customer respect, teamwork, reliability, and ease of using the permitting office. Although not statistically significant in most cases, the ratings on these characteristics declined slightly between 1998 and 1999, but increased in 2000.

For some permit applicants, fees are consistently identified as an area of concern. Across the three survey years, respondents remained split among positive, neutral, and negative ratings. Specifically, in the fall of 2000, 36% of permit applicants said the fees were *excellent* or *somewhat good*; 35% said the fees were *neither good not bad*, and 29% said the fees were *somewhat poor* or *bad.*

The permit applicants surveyed also rated the following aspects of their experience with DPS somewhat lower: staff's ability to eliminate bureaucratic red tape (45% favorable); the comfort of the waiting facilities (49% favorable); and time to complete the permitting process (55% favorable).

In the fall of 2000, 58% of the permit applicants surveyed rated the use of technology in the DPS process favorably. This represented a significant increase from the 46% favorable rating in 1999.

In the fall of 2000, 51% of permit applicants, who had completed a permitting process in another jurisdiction said that their experience in Montgomery County was *better* or *much better,* 26% said their experience was similar, and 23% said it was *worse* or *much worse.*

2001 Survey Data. *As Chapter 4 indicates, DPS has retained a consultant to conduct a fourth year of telephone surveys with permit applicants, and fourth year of on-line surveys of DPS employees. DPS expects that these survey results will be available in January 2002. (See memo from the Chief Administrative Officer in Chapter 10, Executive Branch Comments.) Especially because of the many changes completed during the past 12 months, e.g., office renovation, staffing reorganization, automation improvement, this additional year of survey data is integral to gauging DPS' goal accomplishments, and to understanding the current attitudes of DPS employees.*

Finding #2: DPS employees hold a mix of positive and negative views about their work environment and the performance of DPS.

With the Director's support, the Department of Permitting Services has invested in survey research that objectively measures the views of its employees. Three years of survey data indicate that DPS employees hold a mix of positive and negative views about their work environment and the performance of the Department. For example, the fall 2000 survey of DPS employees showed that of the responding employees:

- Approximately one-third rated the DPS reorganization as *successful* or *very successful*, one-third rated it *very unsuccessful* or *unsuccessful*, and one-third remained *not sure*.

- More than half (55%) rated their job *fulfilling* or *very fulfilling,* but almost half (46%) also rated the effectiveness of management/employee communication as *ineffective* or *very ineffective*.

- About half considered DPS' job/work environment *fair* or *very fair*. Two out of ten employees remained unsure, and a third rated the job/work environment as either *unfair* or *very unfair*.

Employees believe they are doing a good job. High percentages of DPS employees (80-90%) score themselves as friendly, polite, helpful, professional, respectful toward customers, efficient, timely, flexible, good at problem solving, and able to explain technical issues well. 70% or more rate themselves high on teamwork and knowledge levels; and 70% rate themselves positively on consistency with other employees.

In a number of areas, DPS employees anticipated that permit applicants would provide more negative responses than were actually given. For example, in the fall of 2000, only 39% of DPS employees thought that customers would rate their overall experience with DPS as either *excellent* or *somewhat good*. This is significantly lower than the 66% of the permit applicants surveyed who actually rated their overall experience with DPS in these positive categories.

On the other hand, when asked how the County's permitting process compares with other jurisdictions, 60% of DPS employees indicated in the fall of 2000 that they believed it was *much better* or *somewhat better*, while only 50% of permit applicants gave the County's permitting process such a positive review.

Last year, the report from the independent research consultant who conducted the surveys recommended that DPS take a number of actions to address the issues identified in the employee survey. The recommendations included additional training in communication and developing a communications plan using public relations or other marketing communications tools to improve attitude and satisfaction. As of this writing, these recommendations have not been implemented.

Finding #3: The Department of Permitting Services has become a substantially fee-supported operation. Although the Enterprise Fund is financially sound, some policy and longer-term operating issues are pending.

When the DPS Enterprise Fund was established, it was understood that General Fund support would be necessary in the form of start-up funding, on-going subsidies for waived fees, and large one-time projects e.g., building renovation, technology improvements. In addition, the Council agreed that the DPS Enterprise Fund would repay the General Fund in future years as the fund balance allowed.

The DPS-Enterprise Fund started to show a positive fund balance in FY 99, and has continued to generate net income each year. A cumulative amount of $11.2 million in General Fund support was provided to the DPS-Enterprise Fund between FY 97 and FY 01. The DPS-Enterprise Fund repaid $600K in FY 01; the FY 02 budget shows a payback to the General Fund of another $6 million.

The DPS-Enterprise Fund was established administratively. Decisions on how the DPS-Enterprise Fund is allocated have been made through the annual budget process. There are no formal policy guidelines for the DPS-Enterprise Fund such as a target fund balance or a long-term business plan for setting fees to recover operating costs. The Department of Finance, the Office of Management and Budget, and the Department of Permitting Services share management responsibilities for the Enterprise Fund.

Increases in existing fees and the establishment of new fees have enabled DPS to become a substantially fee supported operations. For example, building permit fees are approximately 26% higher today than they were in FY 95, and sediment control and stormwater management fees are approximately 65% higher today than they were in FY 96. In addition, new fees were introduced for a number of activities, such as well and septic plan review and the special exception inspection program. The Department also introduced a 10% automation surcharge in FY 98 to help pay for the new computer system.

DPS is able to accurately track its sources of revenue but is unable to identify the costs of providing specific services. For example, the Department is not set up to calculate the staff and operating costs associated with issuing a building permit or investigating a sediment control complaint. For budgeting purposes, Departmental costs tend to be allocated across each division based on the number of workyears and estimated operating expenses.

Finding #4: Major changes approved in 1996 to facilitate the success of DPS were not completed until earlier this year. As a result, it is too soon to determine the impact of DPS' staff reorganization, building renovation, and/or enhanced technology on goals such as productivity, customer satisfaction, and consistency.

In 1996, the Executive proposed and the Council approved significant changes to DPS' staffing organization, office space, and computer system. The staffing and office space changes were not completed until earlier this year and the automation improvements are still not fully implemented. As a result, it is too soon to draw conclusions about the impact of these changes on the Department's longer-term goals to streamline the permitting process, and improve productivity, consistency, and customer service.

Staffing Reorganization. It took five years to implement the tasks outlined in DPS' staffing reorganization plan. DPS' new staffing and management structure was not in place until July 1, 2001. In sum, the purposes of the staffing reorganization were to:

- Align work activities into fewer organizational divisions;
- Compress job classifications into a smaller number of generic classes;
- Eliminate several layers of middle management;
- Introduce the caseworker management concept; and
- Delegate greater decision making-making authority to front-line employees.

Building Renovation Project. The purpose of the DPS building renovation was to create a comfortable and aesthetically pleasing work environment. The renovations also allow all of DPS staff and functions to co-exist in one central location.

Work on the renovations started in October 1998 and was completed in February 2001. The renovation project cost almost $1.9 million. Although General Fund revenues initially funded the project, the DPS-Enterprise Fund is reimbursing the General Fund for the costs of the renovation.

Automation Project. Another key strategy for improving customer service was a proposal to fully automate permitting functions and related activities. This involved replacing a mainframe system that had been in place since the early 1980's.

In July 1998, the County entered into a $7.3 million fixed price contract with Advanced Information Network Systems, Inc. (AINS) to develop and install an automated permit and licensing system. The project included four phases and has taken longer than anticipated to implement. Phase 1 was completed in September 2000, and Phase 2 is scheduled for release in November 2001. The contract has been extended (at no additional cost) to accommodate the delayed schedule. DPS anticipates that the final two phases will be completed by September 2002.

During FY 01, the County Council hired an independent consultant to review the progress of the DPS automation project. In a written report to the Council in November 2000, the consultant concluded that DPS' automation project plans were essentially sound and that, once implemented, the new system should adequately address DPS productivity, efficiency, and customer service needs. The consultant reported that the project got off to a "rocky start" and there have been "ongoing glitches," but also noted that this is not unexpected with implementation of a large system.

Finding #5: The County's handling of land use complaints does not adequately meet the core criteria for "effective complaint handling" in any subject area, that is, to be accessible, fair, consistent, efficient, and accountable. Public dissatisfaction with the land use enforcement function has a long history.

Before and since the 1996 reorganization, community members have voiced concerns with how the County Government responds to land use complaints. OLO believes this is because the County's handling of land use complaints does not adequately meet the core criteria of "effective complaint handling" in any subject area, that is, to be accessible, fair, consistent, efficient, and accountable.

During the course of this study, OLO heard more anecdotes about problems with land use enforcement than about any other function performed by the Department of Permitting Services. Interviews with individual complainants clarified that many of these concerns existed before and since the 1996 establishment of DPS.

OLO's interviews with complainants suggest that DPS' handling of land use complaints determines how some County residents judge the Department's overall effectiveness. This appears to be true, despite the fact that responding to complaints about land use violations represents only a relatively small portion of DPS' overall responsibilities. (In 2001, for example, responding to land use complaints represented less than 1% of the Department's total number of measured workload activities.)

The problems most frequently voiced by members of the community are listed below. It is difficult to sort the list into problems that existed before DPS was established, and those that may be linked to the 1996 reorganization. However, interviews with complainants suggest that dissatisfaction with the land use enforcement has a long history.

- Overall, the County Government does not place priority on the land use enforcement function. It is not given sufficient staff resources, visibility, or attention from senior County management.
- The County Government treats the needs of individuals who have land use complaints as secondary to the needs of the development community.
- The County's enforcement philosophy is too lenient, e.g., the County often allows an illegal land use to continue pending application for the needed permit, special exception, etc.
- The County's penalties are not severe enough, especially for repeat land use violations.
- The County does not respond quickly enough to land use complaints and fails to keep complainants informed about the status of the complaint investigation.
- The complaint handling process is not visible, i.e., the average resident does not know how to file a land use complaint and does not know what land use activities are illegal.
- There is inadequate coordination between zoning code enforcement and other departments, especially, for problem properties that require sustained attention or broad action.
- Zoning code inspectors do not have sufficient training and inspectors interpret the zoning code inconsistently.

OLO's observations of the complaint handling process independently substantiate some of the above concerns. For example, the Department lacks written guidelines for responding to land use complaints, and is only now in the process of establishing a strict accountability system for inspectors and other staff. It is the County's practice to generally allow an identified illegal land use to continue pending application of the needed permit, special exception, etc. It is also the County's practice to allow inspectors to work with violators to resolve illegal uses before automatically issuing written Notices of Violation, Stop Work Orders, or civil citations. Together, these practices may explain some complainants' observations that "the County is too lenient" and "the County allows an illegal use to continue."

While most complainants receive an initial response to their complaint within three days (and program data indicate this is increasingly the case), DPS records indicate that there are cases where a complainant hears no response from the County for three weeks or more. Similarly, while the greatest number of zoning complaints are resolved within one month, DPS records indicate that 20-30% take five or more months to be resolved.

OLO understands DPS is in the process of addressing some of the problems identified. In July, a new manager was appointed to oversee the handling of zoning code enforcement. The new manager has begun to develop performance targets and establish a strict accountability system for inspectors and other staff. The new manager is also in the process of assessing the adequacy of resources for performing the zoning code enforcement function. Related to this, the Council recently (September 2001) approved levying an additional fee ($88/year) on special exception holders, with the additional revenue earmarked for two new special exception inspectors.

What does effective complaint handling look like and why is it so important?

When the County places priority on effective complaint handling, it sends several important messages to the community. An accessible complaint handling system indicates that the County wants open lines of communication with its residents. It provides the community with an opportunity to give the County feedback about its performance and provides the County with an opportunity to identify areas for possible changes in laws and procedures.

To be effective, a complaint handling system must promote trust. In order to be trusted by complainants and alleged violators, it must be accessible, fair, consistent, efficient, and accountable.

An effective complaint intake system is accessible to members of the public. A department promotes accessibility by providing clear information about the process, how to use it, and by establishing an intake system that is convenient and well publicized. Employees, complaints, and alleged violators should all have a common understanding of the procedures and time frames involved.

An effective complaint handling system is fair and consistent. A fair and consistent system promotes trust between the County and the public by handling similar cases in similar ways. For example, to be fair, the County must:

- Treat all complainants and alleged violators with respect;
- Conduct professional and thorough investigations;
- Scale its investigative efforts and related consequences to the severity of the alleged violation; and
- Adhere to transparent rules of procedures.

Effective complaint handling is also efficient. Complaints are acknowledged promptly (i.e., within 1-2 business days), and investigation conducted in a timely way (i.e., within 1-2 weeks). The County develops trust by keeping the complainant, alleged violator fully information about the status of the complaint investigation until the case is resolved.

Accountability is an essential characteristic of an effective process. Accountability requires the County to have mechanisms for collecting and analyzing complaint-related data accurately. This enables the County to insure consistency in handling cases, as well as to identify trends and learn from the complaints where potential changes in law and/or procedures are needed. Accountability includes tracking the status of all complaint resolutions and making changes when analysis of the data indicates that change is warranted.

Finally, strong leadership, which includes articulating the County's overall policy toward land use enforcement, is critical to an effective complaint handling process.

Finding #6: The Department of Environmental Protection (DEP) Director has not needed to invoke the legal authority to suspend or revoke a DPS-issued permit. Some strategies to promote and maintain coordination between DPS and DEP are being implemented successfully.

The 1996 reorganization included the transfer of the Water Resources Unit from the Department of Environmental Protection (DEP) to the new Department of Permitting Services. DPS is now responsible for: plan review and inspection of sediment control systems; plan review flood plain studies; and plan review and inspection of stormwater management facilities until construction is complete and the site is no longer under a DPS-issued permit. DEP retained the responsibility to ensure that stormwater management facilities, no longer under an active DPS permit, comply with the County's environmental standards.

The legislative record indicates that several Councilmembers expressed concern about the transfer of these programs from DEP (where the primary focus is on environmental quality) to DPS, where the focus would be on development and construction. In particular, Councilmembers raised the possibility that transferring these programs could result in less stringent enforcement of the County's water quality standards.

To address these concerns, the County Executive promised a close working relationship between DEP and DPS. In addition, the Council amended the law to provide the DEP Director with the explicit authority to suspend, revoke or modify any permit issued by the DPS, which may have a detrimental impact on the county's water resources. This provides the DEP with the legal authority to oversee DPS' permitting activity from an environmental protection perspective.

According to the Director of DEP, it has not been necessary to invoke this authority. The reason for this appears to be that, in practice, some strategies to promote and maintain coordination between DPS and DEP have been implemented. Interviews with DPS and DEP staff evidence that the two departments have worked together to build a collaborative working relationship on a range of issues. For example, DEP staff have direct access to DPS' computer system, and DEP and DPS staff routinely consult on issues such as:

- The review and approval of Special Protection Area Water Quality Plans;
- Technical and environmental reviews of County CIP projects;
- Reviews of road crossing plans that impact streams; and
- Monitoring in environmentally sensitive areas in accordance with the Countywide Stream Protection Strategies.

A significant recent addition to the DPS/DEP working relationship is a DEP initiative to provide the DPS a form of "in-house quality control." DEP is doing this by monitoring randomly selected active development sites with DPS field inspectors to assess the effectiveness of on-site sediment control measures. Before the end of 2001, DEP plans to issue a report that contains the results of the Department's monitoring activity.[1]

Finding #7: Reviews by the Maryland Department of the Environment (MDE) continue to identify the need to improve the County's sediment control and stormwater management programs.

Sediment Control Reviews. The State reviews the County's sediment control enforcement program on a biennial basis. The past two reports (1998 and 2000) found that the County's program needs improvement. Specifically:

- In the fall of 1997, State reviewers inspected 42 sites and found 23 sites (55%) to be in violation of the approved plan. Upon re-inspection, the reviewers found that seven (17%) of the sites continued to be in violation.
- In the fall of 1999, State reviewers inspected 65 sites and found 41 sites (63%) to be in violation of the approved plan. Upon re-inspection, the reviewers found that fourteen (22%) of the sites continued to be in violation.

The Maryland Department of the Environment is currently conducting the agency's 2001 sediment control review and its report should be released in January 2002.[2]

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[1] OLO will incorporate the results of DEP's monitoring activity into the Council's worksessions on DPS in early 2002.
[2] OLO will incorporate the results of MDE's current review into the Council's worksessions on DPS in early 2002.

Stormwater Management Reviews. The State most recently reviewed Montgomery County's stormwater management program in 1996-97. At that time, MDE's review found that:

- The County (DPS) conducts high quality and consistent reviews of stormwater management plans;
- In terms of stormwater management construction inspection and enforcement, the County (DPS) makes an adequate effort to ensure that stormwater management facility construction is in accordance with the approved plan; and
- The County (DEP) has made tremendous progress in addressing past inadequacies regarding the frequency of preventive maintenance inspections.

MDE's report also raised some concern over the high number of waivers issued by the County. The MDE plans to conduct its next review of the County's stormwater management program in 2003.

County Response. The County has made changes to respond to MDE's report and to increase on-site maintenance of sediment control measures by the development community. For example:

- As of July 1, 2000, the DPS began requiring compliance within 48 hours on Notice of Violations before a Stop Work Order would be issued on all development and building construction activity.
- The directors of DPS and DEP met with agency representatives from M-NCPPC, DPWT and MCPS to discuss the needed improvements of on-site sediment control for government entities that DPS regulates.
- DPS and DEP started conducted joint ride-alongs on a monthly basis to provide suggestions on program improvements and to evaluate sediment control effectiveness.

As of October 2001, the DPS had also implemented eight of the 12 recommendations for improvement that were identified by the Council-appointed Sediment Control Task Force.[3]

County concerns about MDE methodology. Executive branch staff raise questions regarding the methodology undertaken by the MDE in evaluating active development sites. According to DPS staff, if one minor violation is found the entire site is failed. For example, a site would fail if a bulldozer accidentally knocked over part of a sediment control barricade on the day of the evaluation.

[3] See page 77 for a list of the Sediment Control Task Force's recommendations and the status of their implementation.

With respect to the stormwater management review, DPS staff report that the number of waivers has been reduced since MDE's report. DPS staff also point out that, because the County's standards are stricter than the State's, the waivers granted under the County's standards still mean that the facility is in compliance with the State's Stormwater Management Standards.

Finding #8: The inter-departmental process of conducting plan reviews and inspections related to fire safety standards evidence some ongoing coordination problems between DPS and the Department of Fire and Rescue Services.

The 1996 reorganization transferred the fire plan review functions from the Department of Fire and Rescue Services (DFRS) to the new Department of Permitting Services. DFRS inspectors retained the responsibility to conduct fire code field inspections.

In 1996 and subsequent years, Councilmembers received testimony that raised concerns about the transfer of the fire plan review function to the new Department of Permitting Services. The concerns have revolved around anticipated problems with coordination between the two departments (DPS and DFRS), inconsistent code interpretation, and a decrease in fire safety standards.

The split of functional responsibility between plan review and inspection meant that the two departments needed to develop and maintain a strong cooperative working relationship. Establishing the Joint Code Modification Committee and holding joint staff meetings are examples of how the DPS and DFRS staff are working well together. However, interviews and discussions with staff evidence some continuing problems with routine coordination between the fire plan review and field inspection functions.

The recurring issues identified as posing problems to more effective coordination include:

- Inspection scheduling systems that are not compatible;
- Perceived barriers to collaborative work ventures;
- Insufficient access and feedback mechanisms between DPS and DFRS;
- Lack of access to DPS' computer system; and
- Insufficient understanding of each other's needs and responsibilities.

Finding #9: The County has taken steps to improve the coordination between and among DPS, the Department of Housing and Community Affairs, and the Office of the County Attorney. Effective coordination is especially important for dealing with properties that involve multiple code violations that cross departmental lines of authority.

In practice, housing standards, property standards, and land use issues are often linked. The 1996 reorganization maintained the need to involve several departments in certain code enforcement situations, especially when a property has multiple violations that cross departmental lines of authority.

Complaints concerning a building or land use issue generally fall within the jurisdiction of either DPS or DHCA. Each department has specific code enforcement responsibilities and categories of complaint investigation. Specifically, DHCA handles and investigates complaints concerning accumulations of solid waste, overgrown vegetation, deteriorated structures, storage of inoperable and unlicensed vehicles on residential property and other public nuisances. DPS investigates complaints concerning illegal building activity and land use issues.

There is a clear need for effective coordination between DPS and DHCA. Although it represents only a small number of the County's total code enforcement workload, there are properties with multiple code violations that fall within the jurisdiction of both DPS and DHCA.[4] In addition, residents sometimes contact DHCA with a complaint that falls within DPS' purview or vice versa.

In practice, coordination between DPS and DHCA occurs in a number of ways. Examples include telephone referrals between the two departments and joint on-site inspections. According to DHCA staff, the complaints that are referred to DPS remain on DHCA's complaint data base system. DHCA staff report that they monitor the status of the complaint on behalf of the citizen and provide feedback throughout the investigation process.

As part of the County's effort to strengthen its overall code enforcement efforts, a full-time Assistant County Attorney was assigned last year to the Department of Permitting Services. The Assistant County Attorney works with staff from both DPS and DHCA to better coordinate prosecution of code enforcement cases that involve multiple violations, which cross departmental lines. Interviews with staff suggest that these changes have improved the County's effectiveness in resolving some of the most challenging and complex code enforcement cases.

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[4] See page 87 for examples of code violations that fall under both DPS and DHCA jurisdiction.

Finding #10: The transfer of the subdivision review and inspection functions from DPWT to DPS has not caused any significant problems.

The 1996 reorganization transferred subdivision review and inspection functions from the Department of Public Works and Transportation to the new Department of Permitting Services (DPS). Today, the subdivision development review staff are part of DPS' Division of Land Development. DPS staff take the lead role on :

- Coordinating the Executive Branch's reviews of the site plan approval process for land development;
- Coordinating and recording plat approvals;
- Coordinating and deciding all requests for waivers from the Road Code construction requirements;
- Reviewing and approving traffic control plans for tertiary and secondary roads;
- Reviewing and approving the construction drawings for all permitted construction within the County's rights-of-way and easements;
- Issuance and inspection of revocable permits in the ROW, driveway permits, grading permits, and storm drainage permits and paving permits; and
- Administering the County's Rural Rustic Road program.

The Department of Transportation (DPWT) still takes the lead role on all transportation policy issues. DPWT still plays a key role in the preliminary and subdivision construction plan approval stages and must sign off on each proposed record plat before its recordation.

Since the 1996, a good working relationship has developed between the two departments on subdivision review and related issues. Staff members from DPWT and DPS meet with one another one morning every two weeks to discuss and coordinate transportation-related issues of proposed subdivision plans. Based upon interviews with DPS and DPWT staff, it appears the two departments are effectively coordinating their responsibilities in upholding the County's road standards.

Finding #11: During the past five years, DPS staff have achieved a greater number of outputs with little change in the number of inputs.

Outputs or workload indicators are the products or results of an organization's key processes. The Department of Permitting Services' major outputs are permits and licenses issued, plan reviews and inspections conducted, and complaints received/investigated.

In FY 01, the breakdown of the almost 185,000 outputs of the Department was as follows:

- Building inspections (47%);
- Land development inspections (22%);
- Building plan reviews (16%);
- Building permit issuances (12%);
- Land development permit issuances (2%); and
- Land use complaints received (1%).

A review of DPS workload data over time shows that the County has experienced unprecedented building construction activity in recent years. There have also been shifts from year to year in the mix of permit issuance, review, and inspection activities undertaken by DPS staff.

When quantified at the department-wide level, DPS staff have achieved a greater number of total outputs with little change in the number of inputs (workyears). Using data from 1993 as a base year, DPS' productivity (calculated as a ratio of total outputs to total service workyears) was 18% higher in FY 01 than it was in FY 96. (The FY 96 data represent output and workyears associated with the same functions when these functions were based in four different departments.)

The amount of time it takes to conduct a plan review or issue an approved permit is an important measure of good customer service to many permit applicants. Data on processing times for residential walk through and commercial fast track projects for the five-year time period, 1995 through 1999 show that, completion times fluctuated during the five year period for both residential and construction projects.

The average time to issue permits in 1999 was significantly less than it was in 1995. The average completion time for projects fluctuated between 1995 and 1999, with the shortest completion times reported in 1997. Because the Department changed its intake procedures in 2000, the processing data for the most recent two years (2000 and 2001) are not easily comparable to the data compiled for the previous five years.

Caveat on completion time data. The data indicate that average project completion times (as measured by the time elapsed from the date of application to the date of final inspection) vary significantly. The time it takes to complete a construction project depends upon the builder, DPS, and other factors. For example, the length of time to build a house depends on variables such as: financing, labor availability, and weather conditions, as well as the time it takes for DPS to review plans and conduct inspections. Because of this dynamic, data on DPS workload and productivity data need to be understood within this context.

Finding #12: The Department of Permitting Services does not yet have a written strategic plan.

Although OLO understands that DPS staff intend to develop a strategic plan for the Department, such a document does not yet exist. As a result, there is not yet a written document that, for example:

- Establishes quantifiable goals for service delivery in the short-term and longer-term;
- Sets forth a business plan for the ongoing management of DPS as a substantially fee-supported department;
- Adopts a set of performance indicators that measure both the quantity and quality of key DPS activities; and
- Outlines a strategy for ongoing performance assessment and continuous improvement.

CHAPTER 9: RECOMMENDATIONS

This chapter presents OLO recommendations to the Council for action concerning:

- The Department of Permitting Services' legislatively established sunset date;
- Needed improvements in specific DPS functions; and
- Future monitoring of DPS' activities and performance.

As a package, these recommendations provide a framework for upcoming Council Committee and full Council worksessions on legislative and budget actions related to the Department of Permitting Services.

Recommendation #1: Repeal the sunset provision that is currently attached by law to the Department of Permitting Services.

OLO recommends that the Council amend the law (Section 5 of the 1996 Laws of Montgomery County, Chapter 20 as most recently amended by Chapter 14 of the 2001 Laws of Montgomery County) to repeal the Department of Permitting Services' sunset provision. OLO recommends this course of action because:

- The reasons for establishing a "one-stop shop" for County functions related to regulating construction and land development activities continue to exist;

- Since its creation in 1996, the Department of Permitting Services has made substantial progress towards meeting the goals identified by the County Executive and County Council for the new department; and

- Removing the sunset provision might actually improve service delivery. In particular, the continued uncertainty about the structural future of DPS reportedly has taken a negative toll on the morale of some DPS employees.

Finally and perhaps most significantly from the Council's perspective, removing DPS' statutory sunset provision does not preclude the Council from continuing to press for improvements in specific program areas, or from exercising continued oversight of DPS' performance.

Recommendation #2: Follow a three-step approach to accomplishing improved service delivery in selected DPS functions:

Step #1 - Credit the County Government for the positive changes made since 1996, and in particular for establishing a "one stop shop" for permitting services that receives overall positive ratings from permit applicants.

Step #2 - Articulate and set priorities on what is desired in terms of improved service delivery and bottom-line results in selected DPS functions.

Step #3 - Request the Chief Administrative Officer to return by a specified date with an action plan to accomplish the improvements identified by the Council.

Step #1. OLO recommends that the Council credit the County Government for the positive changes made by DPS since 1996. Three years of reliable survey data show that permit applicants are generally favorable about their overall experiences with DPS. This first step enables the Council to place its requests for performance improvements within an appropriate context, that is, by first formally acknowledging the abundance of "good news" before pressing for additional improvements.

Step #2. OLO recommends that the second step is for the Council to articulate and set priorities on what is desired in terms of improved service delivery and bottom line results in selected DPS functions. The chart on pages 125 and 126 presents OLO's recommendations for the three DPS functions areas that are most in need of improvement. The functions, listed in order of the priority in which OLO recommends they be addressed, are:

- Responding to complaints about alleged land use violations;
- Enforcement of County and State standards for sediment control and stormwater management; and
- Reviewing plans and conducting inspections related to compliance with fire code safety standards.

OLO's recommendations for desired results and suggestions for potential strategies to meet these results are included in the chart that begins on page 125.

Step #3. OLO recommends that the third step is for the Council to request the Chief Administrative Officer to develop a recommended plan of action for accomplishing improvements. The involvement of the CAO is especially important because of the inter-departmental nature of the issues that need to be addressed. The Council should negotiate a time frame for the CAO's response that enables the Council to consider any fiscal aspects of the CAO's plans as part of the Council's final action on the FY 03 operating budget.

OLO's comments on changes in bureaucratic location as part of the solution. Some members of the community advocate changing the bureaucratic location of certain DPS functions as the solution to improving service delivery. In particular, the Council has heard public testimony and/or received correspondence that recommends:

- Transferring the responsibility of land use code enforcement from DPS to the Department of Housing and Community Affairs;
- Transferring the responsibilities for stormwater management and sediment control from DPS back to the Department of Environmental Protection; and
- Transferring the responsibilities of Life Safety Code and fire system plan review from DPS back to the Department of Fire and Rescue Services.

OLO's view is that effective (or ineffective) services can be delivered within different organizational structures. Bureaucratic location alone does not determine how well a function will or will not perform. Other factors, such as resource level, management and employee skills, protocols, and organizational culture, have as much if not more to do with the bottom line quality of service delivery. If the Chief Administrative Officer's plan for improvement includes a recommendation to change bureaucratic location, then the Council can appropriately evaluate the value of this proposal within the context of an entire performance improvement strategy.

Recommendation #3: Request the CAO to develop a strategic plan that can provide the framework for the Council's future monitoring of the Department of Permitting Services' performance.

To facilitate ongoing Council oversight of DPS activities, OLO recommends the Council ask the Chief Administrative Officer to develop a strategic plan for DPS that identifies short-term (2-4 years) and longer-term (5-10 years) goals for the department. Such a written document can provide the framework for continued dialogue between the Council and Executive Branch about DPS' goals and performance.

In particular, OLO recommends that the Council request the development of a DPS strategic plan that includes goals for service delivery, a business plan, and a strategy for ongoing performance assessment and continuous improvement. Specifically, it should include:

- A human resources plan that identifies staffing level, training and other workforce needs of the department. Within the next 12 months, the strategic plan should also include updating DPS' core staffing model.

- A business plan that sets forth policies for ongoing management of DPS as a substantially fee-supported department. The business plan should include, for example, a target level of retained earnings for the Enterprise Fund, a process for capturing and reporting on the costs of service delivery by program, and a process for regular review and revision of the fee schedule.

- A set of performance indicators that measure both the quantity and quality of key DPS activities. OLO recommends that Executive branch staff explicitly seek Councilmember input on this task so that a subset of these indicators can serve the dual purpose of periodic reporting back to the Council on DPS' performance.

- A multi-year plan of self-evaluation aimed at identifying the Department's ongoing strength and weaknesses, with a built-in process for continuous improvement.

OLO recommends that the Council applaud the Director of DPS for his support of survey research that objectively measures the views of DPS' permit applicants and DPS' employees. As discussed earlier in this report (see page 107), the survey results evidence the need to continue efforts aimed at improving employee attitudes toward their jobs and work environment. OLO suggests the Department's strategic plan incorporate the package of recommendations offered by the Market Research Group in the fall of 2000, which included:

- Launch and conduct staff/management communication training sessions;
- Conduct training seminars to help employees understands the needs of different DPS' customers;
- Consider an internal and external communications plan using public relations or other marketing communications tools to improve attitude and satisfaction; and
- Share research results with employees and involve them in the goal setting process to continue improving customer satisfaction levels.

Function/Activity to Improve	Desired Results	Potential Strategies
1. Responding to complaints about alleged land use violations.	A system for responding to complaints that is accessible, fair, consistent, efficient, and accountable[1].	1. Make greater use of the automated case tracking system to generate regular reports on the substance, processing, and outcomes of complaints received and investigated. 2. More widely disseminate information to the public about land use laws, how to file a complaint, the process of investigating complaints, and the follow-up enforcement process. 3. Assess the adequacy of resources allocated to complaint handling and land use code enforcement in general, and request the additional resources (inspectors, administrative support, vehicles, technology, etc.) needed. 4. Hold staff accountable to meeting performance standards for responding to land use complaints, e.g., targets for response times, site visits, status reports to complainants/alleged violators. 5. Consider shifting some or all of the funding of land use enforcement activities to the General Fund. 6. Publicize that DPS' working definition of "customer" is not limited to permit applicants and includes individuals who are registering land use complaints.
2. Enforcement of County and State standards for stormwater management and sediment control.	Earlier detection and expedited corrections of failed stormwater management/sediment control systems.	1. Formally amend DPS' mission statement to include its commitment to protect the County's environment. 2. Enhance and publicize the results of DEP's recent initiative to sample sites and report on the effectiveness of sediment control systems. 3. Increase the frequency of water quality and site inspections, especially in environmentally sensitive areas; ensure that the criteria for allocating inspectors to active DPS sites is closely followed. (See Appendix F ©-59)

[1] According to DPS, some changes to the complaint handling function are already underway.

Function/Activity to Improve	Desired Results	Potential Strategies
		Continued…. 4. Expand training for stormwater management and sediment control inspectors in best environmental management concepts and standards. 5. Develop an inter-agency memorandum of understanding to increase the assistance provided to DPS sediment control and stormwater management inspectors from DEP and MDE staff. Examples of increased involvement might be to provide more training in biological monitoring and stream assessment, to help implement new laws and/or enforcement standards, and to assist in developing watershed protection strategies and job qualifications for sediment control inspectors. 4. Provide increased opportunities for information sharing among County staff, developers, environmental protection advocates, and experts in the field of stormwater management and sediment control.
3. Reviewing plans and conducting inspections related to compliance with the Life Safety Code.	Eliminate barriers to effective coordination between Fire Plan Reviewers and Fire Code Inspectors. The desired results are to reduce staff frustration and improve service to permit applicants; while sustaining the County's commitment to quality enforcement of Life Safety Code.	Review and revise current practices to improve the routine coordination that must occur between Fire Plan Reviewers (located in DPS) and Fire Code Inspectors (located in DFRS). Suggested improvements include: 1. Expedite the planned technology improvements that will provide shared access to files between Fire Plan Reviewers and Fire Code Inspectors. 2. Conduct joint inspections (between Reviewers and Inspectors) from time to time in order to facilitate consistency, broaden skills, and strengthen working relationships. 3. Consider appointing a liaison to facilitate ongoing coordination between Fire Plan Reviewers and Fire Code Inspectors. The position could be jointly funded by DFRS and the DPS Enterprise Fund.

CHAPTER 10: EXECUTIVE BRANCH COMMENTS

OLO circulated a draft of this report in November 2001 to the Chief Administrative Officer (CAO) and affected Executive Branch department/offices. The written comments received on the draft report from the CAO are included in their entirety, beginning on the following page.

OLO appreciates the time taken by Executive Branch staff to review and comment on the draft report. OLO looks forward to a continuing discussion of the issues raised as the Council reviews the report in the coming months.

OFFICES OF THE COUNTY EXECUTIVE

Douglas M. Duncan
County Executive

Bruce Romer
Chief Administrative Officer

MEMORANDUM

November 21, 2001

TO: Karen Orlansky, Director Office of Legislative Oversight

FROM Bruce Romer, Chief Administrative Officer

SUBJECT: Draft Office of Legislative Oversight ("OLO") Report 2001-8 ("the Report"): A Study of Montgomery County Department of Permitting Services ("DPS")

Thank you for providing the Director and staff of DPS and me the opportunity to review the Report.

I am pleased that you received such a high level of cooperation from the Executive Branch on the preparation of the Report. I also want to commend you and your staff, particularly Scott Brown, for your cordiality and professionalism in working with DPS to complete the Study.

I am gratified that you recommend the County Council repeal the DPS sunset provision. Based on my discussions last spring with the Council about the current sunset extension, I believe that your recommendation will be favorably received.

Since 1996, DPS has undergone two sunset extensions, a consultant's study of its automated permit system, and considerable discussion of its mission and accomplishments before the T & E Committee and the full Council. The Executive and I believe that the department has clearly demonstrated its efficacy and that the time has come to remove the sunset and allow it to continue to improve its service to the public.

Accordingly, I have asked DPS Director Robert Hubbard to work closely with you and the Council to assure that the "strategic plan" mentioned in the Report can be accomplished expeditiously and in keeping with similar efforts for other County departments.

101 Monroe Street • Rockville, Maryland 20850
240/777-2500, TTY 240/777-2544, FAX 240/777-2517
www.co.mo.md.us

Finally, Mr. Hubbard has informed me that the survey of DPS employees and external customers, under contract with "!Survey" (formerly the Market Research Group), will be completed and ready for inclusion in the Report by January 15, 2002.

Thank you again for allowing us to review and comment on the Report.

cc: Douglas M.Duncan
Robert Hubbard

OLO Report 2001 - 8
A Study of
The Montgomery County Department of Permitting Services

Appendix

Appendix		Circle Number
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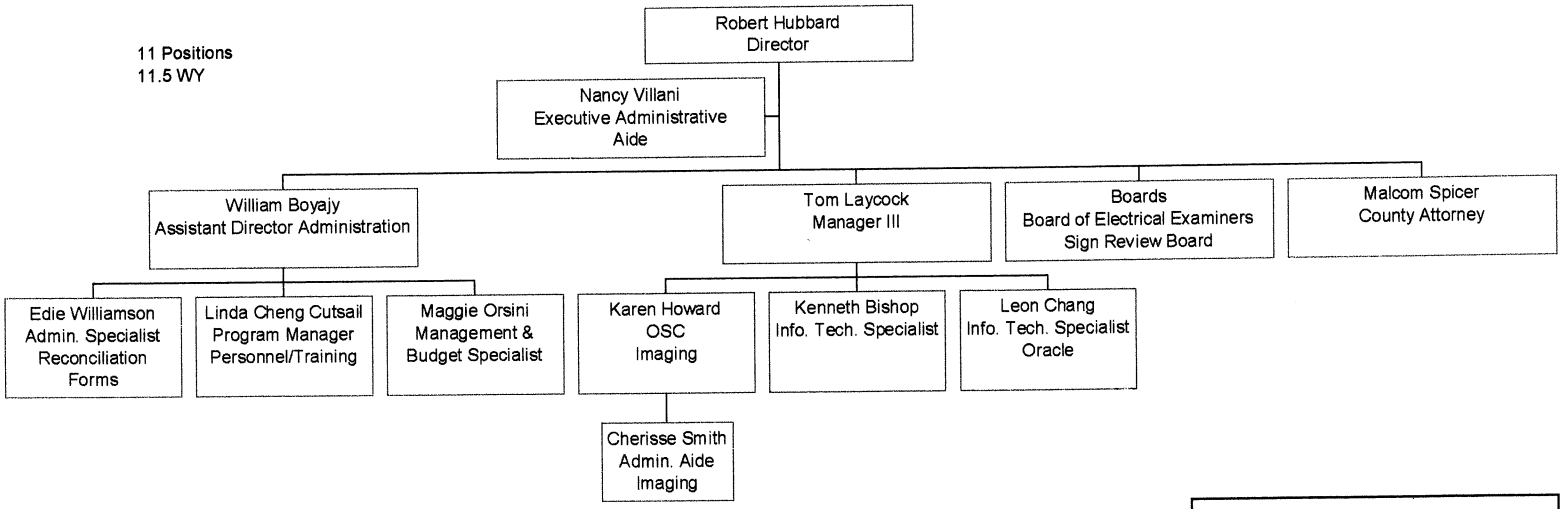
PERMITTING SERVICES
OFFICE OF THE DIRECTOR



FY 02 TOTALS

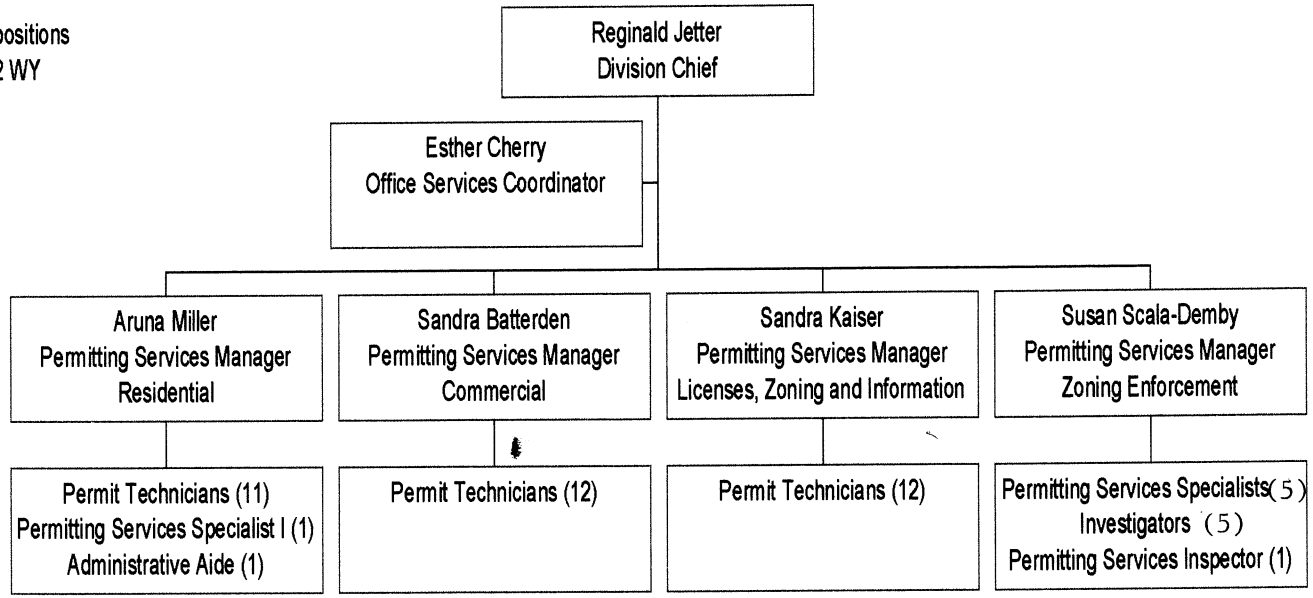
184 FT POSITIONS

1 PT POSITION

180.6 WORK YEARS

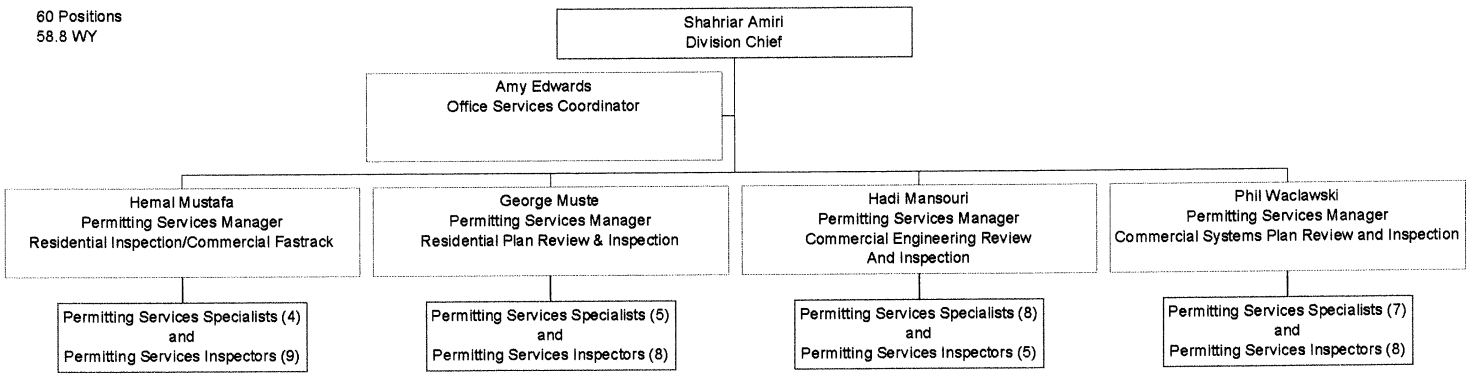
DIVISION OF CASEWORK MANAGEMENT

53 positions
52.2 WY



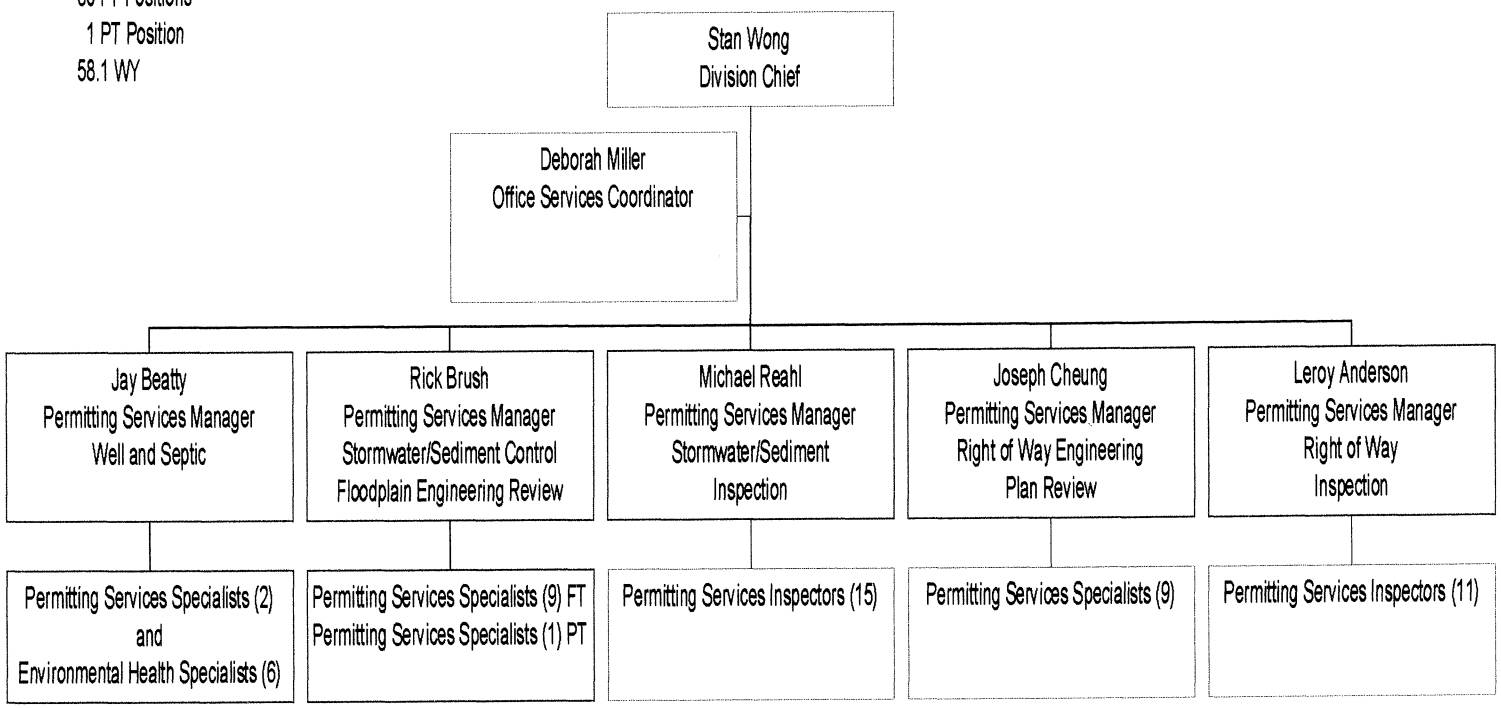
(2)

DIVISION OF BUILDING CONSTRUCTION



DIVISION OF LAND DEVELOPMENT

60 FT Positions
1 PT Position
58.1 WY



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	FEE SCHEDULE FOR STORAGE OF VENDOR CONFISCATED GOODS	Number 26-00
Originating Department	DEPARTMENT OF PERMITTING SERVICES	Effective Date January 8, 2001

FEE SCHEDULE
FOR STORAGE OF
VENDOR CONFISCATED GOODS

Department of Permitting Services

Issued by: County Executive
Regulation No. 26-00
COMCOR
Authority: Code Section 30-11
Supersedes: None
Council Review: Method (3) under Code Section 2A-15
Register Vol. 14 No. 4

Comment Deadline: November 30, 2000
Effective Date: January 8, 2001
Sunset Date: None

Summary: This regulation sets a fee for the storage of goods confiscated by the Department of Permitting Services enforcement staff from vendors illegally offering goods for sale.

Address: Department of Permitting Services
255 Rockville Pike, Second Floor
Rockville, MD 20850-4166

Staff Contact: Susan Scala-Demby
240-777-6356

Background Information: Bill No. 11-00 authorized the setting of a storage fee to cover the cost of handling, transporting, and storing the confiscated goods.

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MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	FEE SCHEDULE FOR STORAGE OF VENDOR CONFISCATED GOODS	Number 26-00
Originating Department	DEPARTMENT OF PERMITTING SERVICES	Effective Date January 8, 2001

Sec. 1. Authorization.

The following fee is adopted pursuant to the authority contained in Section 30-11 of the Montgomery County Code 1994, as amended.

The fees are to offset the cost to the Department of Permitting Services for handling, transporting, and storing goods confiscated from vendors illegally offering them for sale.

Sec. 2. Fee Schedule

Storage Fee $50.00 Total

Sec. 3. Effective Date.

This regulation takes effect on the date that it is received by the Montgomery County Council.

1-4-01

Douglas M. Duncan
County Executive

Date

APPROVED AS TO FORM AND LEGALITY
OFFICE OF COUNTY ATTORNEY
BY Clifford L. Royalty
DATE 12/3/00

3a

6

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Automation Enhancement Fee	Number: 5–98
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date:

Montgomery County Regulation on:

ADOPTION OF AN AUTOMATION ENHANCEMENT FEE
DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive
Regulation No. 5–98

Authority: Code Section 8-13, 8-24B, 8-28, 17-2, 17-10, 17-20, 19-6, 19-45, 19-67, 22-13, 27A-5(e), and 49-7
Supersedes: Not Applicable
Council Review: Method 2 under Code Section 2A-15
Register Vol. 15, Issue 4
Comment deadline: May 2, 1998
Effective date: _____
Sunset date: None

SUMMARY: This regulation adopts a schedule of fees to offset automation costs required to provide computer system enhancements for activities related to the building permitting and construction services which are under the jurisdiction of the Montgomery County Department of Permitting Services.

ADDRESS: Department of Permitting Services
250 Hungerford Drive, Second Floor
Rockville, Maryland 20850-4153

STAFF CONTACT: Robert C. Hubbard, Director
(301) 217-6380

BACKGROUND INFORMATION:

The Department of Permitting Services is the agency mandated to administer and enforce building and construction regulations in Montgomery County. The department provides these services through a system comprised of spreadsheets, manual logs, and an automated computer system which was installed in 1981. This system is antiquated and inadequate for the current needs of the department and its customers. A new fully-integrated, year-2000 compliant, user-friendly computer system has been designed and procured. Implementation is phased to avoid year-2000 failures by the existing system. The cost of this system and subsequent enhancements and modifications will be offset by this schedule of fees.

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MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Automation Enhancement Fee	Number: 5-98
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date:

Sec. 1. Authorization

This regulation is adopted pursuant to the authority set forth in Sections 8-13, 8-24B, 8-28, 17-2, 17-10, 17-20, 19-6, 19-45, 19-67, 22-13, 27A-5(e), and 49-7 of the Montgomery County Code, 1994, as amended, in order to establish an automation enhancement fee for those administrative and enforcement activities within the development process for which the department is responsible. The department has not in the past included in its fee schedule the cost it incurs for automation and computer enhancements and upgrades. The department is funded primarily through its schedule of fees for services rendered to its customers in an amount which covers the administration and enforcement costs. It is appropriate to set an automation enhancement fee schedule at a rate which will ensure the department will be able to pay for the automation and computer systems and services.

Sec. 2. Fee Rates

The automation enhancement fee is 10% of the regular fee, which has already been set by Council Resolution or Executive Regulation previously approved, for any permit, license, or activity for which the department is responsible. The automation enhancement fee is in addition to the regular fee and must be paid at the same time that the regular fee is due to the department.

Sec. 3. Effective Date

This regulation becomes effective on July 1, 1998.

Douglas M. Duncan, County Executive

5/27/98
Date

APPROVED AS TO FORM AND LEGALITY.
OFFICE OF COUNTY ATTORNEY
BY A. K. Hart
DATE 3/4/98

8

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Schedule for Fees Related to Sediment Control, Stormwater Management, and Floodplain Districts	Number: 11-98
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: July 1, 1998

Montgomery County Regulation on:

SCHEDULE OF FEES RELATED TO SEDIMENT CONTROL, STORMWATER MANAGEMENT, AND FLOODPLAIN DISTRICTS

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive
Regulation No. 11-98

Authority: Code Sections 19-6 and 19-45
Supersedes: Executive Regulation No. 16-97
Council Review: Method 3 under Code Section 2A-15
Register Vol. 15, Issue 5
Comment Deadline: May 31, 1998
Effective Date: July 1, 1998
Sunset Date: None

SUMMARY: This regulation updates the fee schedule for sediment control, stormwater management, and floodplain district activities within the Department of Permitting Services.

ADDRESSES: Department of Permitting Services
250 Hungerford Drive, Second Floor
Rockville, Maryland 20850

STAFF CONTACT: Richard Brush
(301) 217-6333

BACKGROUND INFORMATION:

The Department of Permitting Services is responsible for the administration and enforcement of sediment control, stormwater management, and floodplain district activities. This fee schedule provides revenues to ensure that the Department can cover administrative, technical and enforcement costs associated with these activities.

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MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Schedule for Fees Related to Sediment Control, Stormwater Management, and Floodplain Districts	Number: 11-98
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: July 1, 1998

1. The following schedule of fees is hereby adopted pursuant to the authority contained in Sections 19-6 and 19-45 of the Montgomery County Code 1994, as amended. Fees included in the schedule are for permits, plan review, and inspection activities which pertain to the sediment control, stormwater management, and floodplain district regulations enforced by the Department of Permitting Services. This schedule supersedes the schedule of fees contained in Executive Regulation 16-97.

2. SEDIMENT CONTROL PERMIT FEES

A. Each application, including applications for revisions, must be accompanied by the minimum permit fee. All remaining fees must be paid prior to any subsequent submission for review or prior to permit issuance, whichever is first. Fees for the issuance or renewal of sediment control permits are:

		Beginning JULY 1, 1998
1.	Permits issued for single family residential lots or parcels of 10,000 square feet or less using the Application for Small Land Disturbing Activities	$300.00
2.	Permits issued for single family residential lots or parcels greater than 10,000 square feet, but less than or equal to 20,000 square feet, using the Application for Small Land Disturbing Activities	$600.00
3.	Permits issued for single family residential lots or parcels greater than 20,000 square feet using the Application for Small Land Disturbing Activities	$900.00
4.	Permits for forest harvest activities	$100.00
5.	Permits for activities related to the maintenance of stormwater management facilities	$260.00
6.	All other sediment control permits (Per square feet of disturbed area)	$ 0.030
	Minimum fee	$670.00
7.	Technical revisions to permits with no increase in disturbed area	35% of original fee
	Maximum fee	$1,450.00
	Minimum fee	$670.00

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Schedule of Fees Related to Sediment Control, Stormwater Management, and Floodplain Districts	Number: 11-98
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: July 1, 1998

8. A permit issued using the Application for Small Land Disturbing Activities or a permit for forest harvest activities may not be extended. The fee for extension for all other sediment control permits will be $0.003 per square foot of disturbed area as designated on the original permit or plan approval. The minimum fee for an extension is $100. Permit extensions are valid for one (1) year. After January 1, 1999, the sediment control plans and permits are valid for a period not to exceed two (2) years from the date of issuance or approval.

B. STORMWATER MANAGEMENT CONCEPT PLAN FEES

1. Stormwater management concept plans may include one or more of the following:
   - Onsite water quality control
   - Onsite water quantity control
   - A waiver of onsite water quality control
   - A waiver of onsite water quantity control

   All fees must be paid before the Department initiates reviews.

2. Fees for the evaluation of stormwater management concepts are:

Size of Development	Beginning JULY 1, 1998
A. For waivers of onsite stormwater management for single family residential lots for subdivisions of two (2) acres or less.	$500.00
B. All other stormwater management concept plans which are for development of 25 acres or less	$1,160.00
C. All other stormwater management concept plans which are for development greater than 25 acres	$1,500.00

D. Fees for revisions to previously approved stormwater management concept plans are 50% of the original fee for modifications that include reevaluation of stormwater management facility sizing, design, or location, and 20% of the original fee for all other revisions.

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Schedule of Fees Related to Sediment Control, Stormwater Management, and Floodplain Districts	Number: 11-98
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: July 1, 1998

C. FLOODPLAIN DISTRICT PERMIT FEES

All fees must be paid at the time of application or before the Department initiates reviews.

Fees for the administration of the Floodplain District Program are:

		Beginning JULY 1, 1998
1.	Floodplain District Permit	$335.00
2.	Review and approval of studies that define, verify, or modify floodplain district limits	$990.00
3.	Review and approval of dam breach studies using the TR-60-Q, Max estimation method.	$335.00
4.	Review and approval of all other dam breach analyses	$990.00
5.	Certification of Floodplain Limits not covered by C.1, C.2, C.3 or C.4.	$85.00

6. The fee to extend a Floodplain District Permit is $100 and the permit is valid for one (1) year from the date of issuance. After January 1, 1999, the Floodplain District Permit is valid for two (2) years from the date of issuance.

D. GENERAL

The following provisions pertain to all fees covered by this regulation:

1. Refunds
All fees are non-refundable.

2. Transfers
Permit fees are not transferrable.

3. Change of Ownership
The fee for a revision to a sediment control permit or a floodplain district permit for changes of ownership is the minimum permit fee.

4. Other Administrative Changes to Permits
The fee for a change of legal description or other administrative revision to a Sediment Control Permit or a Floodplain District Permit is 50% of the minimum permit fee.

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MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Schedule of Fees Related to Sediment Control, Stormwater Management, and Floodplain Districts	Number: 11-98
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: July 1, 1998

5. Late Payment of Fees
If fees are not paid as described in this regulation, the application for permit will be returned to the applicant until such fees are paid.

6. Bond Replacement
The fee for replacement of a Performance Bond, Cash Bond, Irrevocable Letter of Credit, or Certificate of Guarantee is $50.00. If the purpose of the replacement is to reduce the amount of the instrument due to partial completion of stormwater management facilities, the fee is $100.00.

E. SEVERABILITY

If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.

EFFECTIVE DATE

This regulation becomes effective on July 1, 1998.

Douglas M. Duncan, County Executive

APPROVED AS TO FORM AND LEGALITY.
OFFICE OF COUNTY ATTORNEY
BY A K Hart
DATE 4/8/98

(13)

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Schedule of Permit and License Fees Related to Building Construction	Number: 6–98
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: July 1, 1998

Montgomery County Regulation on:

SCHEDULE OF PERMIT AND LICENSE FEES RELATED TO BUILDING CONSTRUCTION

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive
Regulation No. 6–98

Authority: Code Sections 8-13, 8-14, 8-24B, 8-28, 17-2, 17-10, 17-20, and 22-13
Supersedes: Regulations No. 5-96AM and 2-97
Council Review: Method 2 under Code Section 2A-15
Register 15 , Issue 4
Effective date: July 1, 1998
Sunset date: None

SUMMARY: This regulation establishes a fee schedule for the construction permit activities associated with the Department of Permitting Services. The regulation establishes fee rates which cover administration and enforcement program costs and are an average of 20% greater than the existing fees for electrical permits and licenses, residential alteration and addition building permits, new residential building permits, fire code plan review, and other permits. Revenues generated by the fee increases are intended to maintain current levels of service while moving toward 100% self-funding.

ADDRESSES: Department of Permitting Services
250 Hungerford Drive, Second Floor
Rockville, Maryland 20850

STAFF CONTACT: Robert Hubbard, Director
(240) 777-6360

BACKGROUND INFORMATION:

The Permitting Services Fund was created on July 1, 1996 as a consolidation of construction permitting activities within the Executive Branch. In order to provide adequate funding for the department, the fee schedule for the following activities is proposed in order that the fees adequately reflect the costs for services.

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Schedule of Permit and License Fees Related to Building Construction	Number: 6-98
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: July 1, 1998

Sec. 1. PURPOSE AND AUTHORITY

The following schedule of fees is adopted pursuant to the authority contained in Sections 8-13, 8-14, 8-24B, 8-28, 17-2, 17-10, 17-20, and 22-13 of the Montgomery County Code 1994, as amended. Fees included in the schedule are for the permits, certificates, licenses, inspections, and examinations which pertain to building construction, electrical regulations, fire code plan review, and Use and Occupancy Certificates administered and enforced by the Department of Permitting Services. This schedule supersedes and consolidates the schedules of fees contained in Executive Regulations 5-96AM and 2-97.

Sec. 2. BUILDING PERMIT FEES

2.0 Minimum Fee

All fees required by the provisions of Chapter 8, "Buildings" of the Montgomery County Code, or the minimum fee whichever is greater, must be paid before any permit is released and construction is started. Each application for new construction, alterations, and additions must be accompanied by the minimum permit fee. This amount is $125 for one and two family dwellings, townhouses, or related accessory structures (except fences, decks with a gross area of 500 square feet or less, accessory buildings with a gross area of 144 sq ft or less, and private swimming pools) and $250 for all others, including apartment buildings, commercial and industrial buildings. All fees for permits issued on a minimum fee basis must be paid in full at time of permit application. Failure to pay the required fee is cause for a stop-work order to be placed on the building permit.

2.1 Building Construction

A. The fee for the construction of a new building/structure, except for a one-family dwelling, two-family dwelling, or townhouse is based on the cost of the construction as determined by using the current BOCA valuation data, and procedures, as published in the BOCA Magazine. The director will provide a worksheet and formula, which includes the current numerical values of the BOCA valuation data, and the local permit fee multiplier to be used in determining the fee. The local permit fee multiplier is 0.0125. Applicants must provide building dimensions, square footage, use group, construction type, number of floors and basements and specialty items such as elevators, fire detectors and fire alarms, in order for the fee to be calculated.

B. The fee for one-family dwelling, two-family dwelling, and townhouse construction is a fixed fee per dwelling unit (plans previously approved by the department are subject to a 25% fee reduction). The fee is $700 for one and two-family dwellings of less than 5,000 square feet of gross floor area, $1,000 for one and two-family dwellings of 5,000 or more square feet of gross floor area, and $450 for each townhouse dwelling unit.

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Schedule of Permit and License Fees Related to Building Construction	Number: 6-98
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: July 1, 1998

C. The maximum fee for a building permit is $110,000.

2.2 Additions

A. The fee for the construction of an addition or enlargement of an existing building/structure, except for a one-family dwelling, two-family dwelling, or townhouse is based on the cost of the construction as provided by the applicant, however, the department may verify and recalculate the cost estimation submitted by the applicant by using the current BOCA valuation data, and procedures, as published in the BOCA Magazine. The director will provide a worksheet and formula, which includes the current numerical values of the BOCA valuation data, and the local permit fee multiplier to be used in determining the fee. The local permit fee multiplier is 0.0125. Applicants must provide building dimensions, square footage, use group, construction type, number of floors and basements and specialty items such as elevators, fire detectors and fire alarms, in order for the fee to be calculated.

B. The fee for one-and two-family dwelling and townhouse additions is $0.15 per gross square foot of construction area.

C. The maximum fee for a building permit is $110,000.

2.3 Demolition

The fee for a demolition permit is $150.

2.4 Repairs and Alterations

A. The fee for one-family dwelling, two-family dwelling, and townhouse repairs or alterations is $0.10 per square foot of construction area.

B. The fees for all other types of construction are calculated from the worksheet and in the same manner as described in section 2.2A, above.

C. The maximum fee for a building permit is $110,000.

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Schedule of Permit and License Fees Related to Building Construction	Number: 6-98
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: July 1, 1998

2.5 Private Swimming Pools
(Does not include community, public, or commercial swimming pools)

A. The fee for construction of a private inground swimming pool (including the required fence, if applicable) is $200.

B. The fee for construction of a private above ground swimming pool (including the required fence, if applicable) is $100.

2.6 Fences

The fee for a permit to erect a fence is $30.

2.7 Decks

A. The fee for construction of a deck with a gross area of 500 square feet or less is $75.

B. If the deck area is greater than 500 square feet, the fee is $0.15 per square foot or the minimum fee, whichever is greater.

2.8 Accessory Buildings.

A. The fee for construction of an accessory building for a one-family dwelling, a two-family dwelling, and a townhouse is:

1. If the gross area is 144 sq ft or less $50

2. If the gross area is greater than 144 sq ft ..... $0.15 per square foot of construction area or the minimum fee, whichever is greater

B. The fee for all other types of accessory building or structure construction is calculated from the worksheet and in the same manner as described in section 2.2A, above.

2.9 Plan Revisions

A. The fee to revise one-family dwelling, two-family dwelling, and townhouse plans is $0.15 per square foot of the revised area. The fee for the revised area of all other types of building plans is calculated from the worksheet as described in section 2.2A., above.

B. The maximum fee for a building permit is $110,000.

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Schedule of Permit and License Fees Related to Building Construction	Number: 6-98
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: July 1, 1998

Sec. 3. ELECTRICAL PERMIT FEES

3.0 Minimum Fee

All fees required by the provisions of Chapter 17, "Electricity" of the Montgomery County Code must be paid before any permit is released, before initiation of electrical work and before any inspection will be made. The minimum fee of $60 applies to any of the electrical permits listed in section 3.1 for residential installations for a one-family dwelling, two-family dwelling, and townhouse for which the fee charged would be less than $60. The minimum fee of $100 applies to any of the electrical permits listed in section 3.1 for commercial, industrial, or multi-family residential installations for which the fee charged would be less than $100. Fees charged for industrialized buildings and mobile homes are for the on-site work only.

3.1 Fees for Electrical Permits

A. Air conditioners: Apply the motor schedule (see R below)

B. Appliances, small*: (each) ..... $ 6

* Such as air filters, automatic vent dampers, clothes washers or dryers, cooking appliances (stoves, ranges, built-ins), dishwashers, disposals, fans (exhaust, attic), humidifiers, sump pumps, trash compactors, water heaters or other water treatment.

C. Arc vapor lamps, rectifiers or rheostat chargers for storage batteries (each) ..... $ 8

D. Battery packs (each) ..... $ 6

E. Commercial new construction: (includes all wiring, temporary pending final, equipment and/or appliances within the structure)

Not over 100 Amps ..... $ 400
From 101 to 200 Amps ..... $ 500
From 201 to 300 Amps ..... $ 600
From 301 to 400 Amps ..... $ 700
For services over 400 Amps .... $700 plus $100 for each additional 100 Amps or fraction

F. Commercial tenant fit ups, alterations, additions: (includes all wiring, temporary pending final, equipment and/or appliances within the space)

For low voltage or up to 20 devices ..... $ 100
For a single story up to 5,000 square feet ..... $ 150
For a single story from 5,001 - 10,000 square feet ..... $ 250
For a single story from 10,001 - 20,000 square feet ..... $ 300
For over 20,000 square feet or multi-story ..... $ 350 per story

G. Control wiring for heating, air conditioning, duct heaters, air handlers, and motor control centers ..... $ 15

H. Dental chairs (each) ..... $ 8

I. Electrical heating equipment (see motor schedule, section R)

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Schedule of Permit and License Fees Related to Building Construction	Number: 6–98
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: July 1, 1998

J. Fire/security alarm systems $25
K. Single station smoke detectors (each) installed separately ..... $ 3
L. First 20 fixtures ..... $ 8
Each additional 10 (or fraction thereof) ..... $ 6
M. Gasoline pumps (each) ..... $ 6
N. Heating equipment (other than strictly electrical):
Residential or commercial: oil burner, gas burner, and stoker equipment including controls (each) ..... $ 8
O. Modular/mobile home $60
P. Motion picture booths and equipment (each) $65
Q. Meter stacks - replacements (each meter) $20
R. Motors, generators, rotating machinery, transformers, switch boards, electrical heaters, air conditioners (assumes 1 kw or 1 kva = 1 hp):
Under ½ HP ..... Charged as fixtures
½ HP to 10 HP–(each) $10
Over 10 HP to 20 HP–(each) $15
Over 20 HP to 30 HP–(each) $20
Over 30 HP to 50 HP–(each) $25
Over 50 HP to 75 HP–(each) $30
Over 75 HP–(each) $35
S. Outlets and rough wiring (1 to 20 lights, switches, or receptacles) $10
Each additional 10 outlets or fraction ..... $ 5
T. Radio, television, telephone (towers, dishes, microwave, relay systems, etc.) Equipment: $65
U. Service equipment, heavy up, replacement, subpanel, or relocation
0 to 400 Amp $25
401 Amps and up $50
V. Signs: (Each Sign) $60
W. Multi-family buildings (apartments, condominium dwelling units)
For each dwelling unit $150
(Common areas such as stairwells, laundry, storage rooms are charged as individual units for each panel or subpanel required)
X. One and two family dwellings, and townhouses:
The flat fees for all wiring, fixtures, appliances, etc., including temporary pending final is as follows:
Up to 200 Amp $150
201 to 400 Amp $225
More than 400 Amp $300
Y. Special deck inspections, slab concealment (each) ..... $ 30
Z. Subpanels: (see service equipment, section U.)
AA. Swimming pool, hot tubs, spas, including circulating pumps, fixtures, and receptacles: . $50
Bonding $15

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Schedule of Permit and License Fees Related to Building Construction	Number: 6-98
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: July 1, 1998

BB. Temporary wiring - carnivals, fairs, holiday decorations and tree lots, etc (includes panels, fixtures, outlets, etc.) $75

CC. Temporary for construction $50

DD. Theaters (applicable to each presentation carrying electrical equipment:)
Portable equipment $10

EE. Transformers (see motor schedule, section R):

FF. Transformer vaults, duct banks:
(outdoor transformer enclosure substation or a switch and meter vault on private property including wiring) $65

GG. X-Ray machines (each) $10

HH. Any low voltage work not previously specified (see fixture schedule, section L.)

Sec. 4. ELECTRICAL LICENSE FEES

4.0 Electrical Examinations

Master Electrician & Master Limited ..... $ 40
Journeyman Electrician ..... $ 25

4.1 License and License Renewal Fees

Electrical Contractor ..... $ 90 per year
Master Electrician ..... $ 90 per year
Master Electrician (Limited) ..... $ 90 per year
Journeyman Electrician ..... $ 40 per year
Apprentice Electrician (identification card) ..... $ 20 per year

4.2 Duplicate license or identification card ..... $ 20

4.3 Re-examination fee ..... $ 20

4.4 Late renewal fee ..... $ 40

4.5 Electrical contractor change of business name or status ..... $ 40

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Schedule of Permit and License Fees Related to Building Construction	Number: 6–98
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: July 1, 1998

Sec. 5. FIRE CODE PLAN REVIEW

5.1. Minimum Fee:

All fees required by the provisions of Chapter 22, "Fire Safety Code", of the Montgomery County Code, under the authority of the Department of Permitting Services, or the minimum fee whichever is greater, must be paid before any permit is released and construction is started. Each application for new construction, alterations, modifications, revisions, and additions must be accompanied by a minimum permit fee of $100.

5.2. Permit Application Revisions:

The fee for revisions to permit information after submission by the applicant is:

A. First revision or review ..... 50% of original fee
B. Second revision or review ..... 75% of original fee
C. Each subsequent revision or review ..... 100% of original fee

4.3. Fire Protection Systems Fees

The following fees apply to the plan review for fire protection systems that are required by law. It is in the best interest of public safety to ensure that the installation of fire protection systems at sites which are not required to install a fire system are done in accordance with the correct standards, therefore these fees apply to those systems also.

A. Fire Alarm and Detection Systems (including main control panel) ..... $200 per story

B. Fire Alarm and Detection Systems (devices or household control panel) ... $10 per device

C. Halon, CO2, or Clean Agent Systems ..... $0.50 per lb. of agent
(including controls, alarms, detection)

D. Fire Sprinkler Systems ..... $2 per head

E. Fire Pumps ..... $50 each

F. Standpipe Systems
(1) New systems (per standpipe riser) $100.00
(2) Existing system (per each addition of a hose valve) $25.00

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MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Schedule of Permit and License Fees Related to Building Construction	Number: 6–98
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: July 1, 1998

G. Dry or Wet Chemical Extinguishing Systems (including hood & duct) ..... $100.00 per system

H. Smoke Control System ..... $200 per individual system

Sec. 6. USE AND OCCUPANCY CERTIFICATE FEES

6.0 The fee for a use and occupancy certificate must be paid at the time of application. The maximum fee is $5000.

A. The fee for any use and occupancy certificate for each building or portion of a building, or use is per square foot of area as follows:

0 - 5,000 sq ft $180
5,001 - 10,000 sq ft $300
10,001 - 20,000 sq ft $360
20,001 and up is:
..... $360, plus $.01 per square foot of area exceeding 20,000 square feet

B. The fee for a use and occupancy certificate for lots or parcels without buildings/structures on them is $180.

C. The inspection fee for using or occupying a site without a use and occupancy certificate is $75, and is in addition to the fee for the use and occupancy certificate.

Sec. 7. MISCELLANEOUS

7.0 The following pertains to all types of fire code plan review, building and electrical permits, use and occupancy certificates, and license fees:

A. Refunds

Minimum permit and license fees are nonrefundable. In the case of an abandonment or discontinuance of a project under permit, the person who has paid the permit fee may return the permit for cancellation and upon cancellation may be refunded up to 50 percent of the fee paid less the minimum fee, provided (a) no construction has occurred and (b) the written request for refund is made prior to the expiration date of the permit. Revoked, suspended, or invalid permits or licenses; or licenses or permits in litigation are not eligible for refunds.

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Schedule of Permit and License Fees Related to Building Construction	Number: 6–98
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: July 1, 1998

B. Extensions

The fee to extend a permit, after written application and before the expiration of the original permit, is the minimum permit fee applicable to the permit being extended.

C. Inspection Fees
(Does not include fire code inspection)

1. Initial inspection of sites or property where work is proceeding without a permit $75

2. First or second approved inspection of the same item or stage of construction for permitted work ..... included in permit fee

3. Each reinspection of the same item or stage of construction after two disapprovals $75

4. The reinspection fee must be paid before an additional inspection is scheduled.

D. Permit Application Revisions

The fee for revisions to permit information after submission by the applicant is: $40

E. Exceptions, Modifications or Code Interpretations
(Does not include fire code)

The fee for an exception, modification, or code interpretation request is: $100
(per code section)

F. Denials

All permit requests that are denied because the applicant must apply to the Board of Appeals for a variance must include a nonrefundable $40 processing fee.

Sec. 8. EFFECTIVE DATE

This regulation becomes effective on July 1, 1998.

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APPROVED AS TO FORM AND LEGALITY.
OFFICE OF COUNTY ATTORNEY
BY a. K. Hart
5/1/98

Douglas M. Duncan, County Executive

5/22/98
Date

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Overtime Offset Fees	Number: 17-97
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date:

Montgomery County Regulation on:

ADOPTION OF AN OVERTIME OFFSET FEES
DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive
Regulation No. 17-97

Authority: Code Section 8-13, 8-24B, 8-28, 17-2, 17-10, 17-20, 19-6, 19-45, 19-67, 22-13, 27A-5(e), and 49-7
Supersedes: Not Applicable
Council Review: Method 2 under Code Section 2A-15
Register Vol. 14, Issue 5
Comment deadline: May 31, 1997
Effective date: _____
Sunset date: None

SUMMARY: This regulation adopts a schedule of fees to offset overtime costs paid to County Employees for plans review and inspection activities related to the building permitting and construction services which are under the jurisdiction of the Montgomery County Department of Permitting Services.

ADDRESS: Department of Permitting Services
250 Hungerford Drive, Second Floor
Rockville, Maryland 20850-4153

STAFF CONTACT: Robert C. Hubbard, Director
(301) 217-6380

BACKGROUND INFORMATION:

The Department of Permitting Services is the agency mandated to administer and enforce building and construction regulations in Montgomery County. Historically, the department has provided overtime services at a cost premium without recovering the cost of the expenditures. The purpose of this regulation is to provide the department with a schedule of fees to recover the cost of overtime services provided by department employees.

Appendix B-5

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Overtime Offset Fees	Number: 17-97
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date:

Sec. 1. Authorization

This regulation is adopted pursuant to the authority set forth in Sections 8-13, 8-24B, 8-28, 17-2, 17-10, 17-20, 19-6, 19-45, 19-67, 22-13, 27A-5(e), and 49-7 of the Montgomery County Code, 1994, as amended, in order to establish an overtime offset fee for those plans review and inspection activities within the development process for which the department is responsible. The department has not in the past included in its fee schedule the cost it incurs for overtime work performed by its staff employees in the performance of their duties. The department is funded primarily through its schedule of fees for services rendered to its customers in an amount which covers the administration and enforcement costs. It is appropriate to set an overtime offset fee schedule at the same rate as the department pays its employees which is the overtime rate of time and one-half plus overhead costs.

Sec. 2. Scope

The department may charge an overtime offset fee for work performed during non-business hours, when the applicant requests the use of overtime for the expeditious plan review, inspection, or processing of the applicant's permit or license. The department may require payment of the fee in advance or accept a previously approved billing arrangement. By establishing an overtime offset fee the department does not agree to provide overtime services requested by an applicant, nor are they bound to provide such services. The provision of all overtime services are entirely at the discretion of the department.

Sec. 3. Effect

The department will only charge an overtime ~~offset~~ fee if additional overtime services have been requested by a customer, the department has determined, in its discretion, that such overtime services are available, and the department has provided the services. The department will establish a departmental procedure for handling all requests by customers for non-business hour services.

Sec. 4. Fee Rates

The department may charge an overtime offset fee of 150% of the regular fee which has already been set by Executive Regulations previously approved for any plans review and inspection activity for which the department offers overtime services.

Sec. 5. Effective Date

This regulation becomes effective on July 1, 1997.

APPROVED AS TO FORM AND LEGALITY.
OFFICE OF COUNTY ATTORNEY
BY A. K. Hart
DATE 6/5/97

Douglas M. Duncan, County Executive

5/9/97
Date

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APR 29 1997
DEPARTMENT OF PERMITTING SERVICES

Most current except for 10% automic change

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Fee Schedule for Individual Water Supply and Sewage Disposal Systems	Number: 15–97
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: 7/1/97

Montgomery County Regulation on:

SCHEDULE OF FEES RELATED TO INDIVIDUAL WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive
Regulation No. 15–97

Authority: Code Sections 27A-5(e)
Supersedes: Executive Regulation No. 16-95 (in part)
Council Review: Method 3 under Code Section 2A-15
Register Vol14 Issue 5
Comment Deadline: May 31, 1997
Effective Date: July 1, 1997
Sunset Date: None

SUMMARY: This regulation increases the existing fees associated with issuing permits for well and septic systems and the inspection and monitoring of septic systems.

ADDRESSES: Department of Permitting Services
250 Hungerford Drive, Second Floor
Rockville, Maryland 20850

STAFF CONTACT: R. L. Stephens
(301) 217-6300

BACKGROUND INFORMATION:

This regulation was reviewed to identify program cost as it relates to revenues generated. As a result, fees are being adjusted to ensure revenues generated offset costs. In addition, fees for well inspection and testing will remain in effect as set forth in Executive Regulation 16-95, until further notice.

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Fee Schedule for Individual Water Supply and Sewage Disposal Systems	Number: 15-97
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: 7/1/97

Sec. 1. Authorization

The following schedule of fees is hereby adopted pursuant to the authority contained in Section 27A-5(e) of the Montgomery County Code 1994, as amended. Fees included in the schedule are for issuing permits for well and septic systems, and the inspection and monitoring of septic systems. Regulations are enforced by the Department of Permitting Services. This schedule of fees supersedes the schedule of fees contained in Executive Regulation 16-95, except that the schedule of fees for well inspection and testing as set forth in Executive Regulation 16-95, will remain in effect until further amended.

Sec. 2. Fees

A.	Conventional Percolation Tests Per Lot (each visit)	$ 250.00
B.	Percolation Tests Per Lot for Mound Systems or Alternative and Innovative Systems (each visit)	$ 450.00
C.	Sending Test Results to other than Property Owner	$ 60.00
D.	Water Table Level Check (each visit)	$ 200.00
E.	Individual Sewage Disposal System Permit	$ 450.00
F.	Septic System Inspection for Real Estate Transfer	$ 150.00
G.	Plans Review for Subdivision Lots (Per Lot)	$ 240.00
H.	Plans Review for Mound Systems	$ 175.00

Sec. 3. Inspection Fees

A.	Initial inspection of sites or property where work is proceeding without a permit	$ 60.00
B.	First or second inspection of the same item or stage of construction for permitted work	included in permit fee
C.	Each reinspection of the same item or stage of construction after two disapprovals	$ 65.00
D.	Septage Hauler Permit Inspection (per truck)	$ 100.00

MONTGOMERY COUNTY EXECUTIVE REGULATION

Appendix B-6

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Fee Schedule for Individual Water Supply and Sewage Disposal Systems	Number: 15-97
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: 7/1/97

Sec. 4. General

A. Refunds

All fees are non-refundable.

B. Extensions

The fee to extend a permit after written application and before the expiration of the original permit is $ 65.00. Each extension is limited to six (6) months. Only two (2) extensions may be granted for each permit.

D. Transfers

Permit fees are not transferrable.

E. Change of Legal Description or Ownership

The fee for a revision to a permit for changes of legal description or ownership is the minimum permit fee.

Sec. 4. Effective Date

This regulation becomes effective on July 1, 1997.

Douglas M. Duncan
County Executive

APPROVED AS TO FORM AND LEGALITY.
OFFICE OF COUNTY ATTORNEY
BY A. K. Hart
DATE 4/15/97

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Fee Schedule for Benefit Performances	Number: 8-97
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: May 16, 1997

Montgomery County Regulation on:

FEE SCHEDULE FOR
BENEFIT PERFORMANCES

Department of Permitting Services

Issued by: County Executive
Regulation No. 8-97
COMCOR
Authority: Code Section 30-11
Supersedes: Regulation No. 22-95
Council review: Method (3) under Code Section 2A-15
Register Vol. 14 No. 4

Comment Deadline: April 30, 1997
Effective Date: May 16, 1997
Sunset Date: None

SUMMARY: This regulation increases the existing fee for a benefit performance license and changes the originating department.

ADDRESS: Director, Department of Permitting Services
250 Hungerford Drive
Rockville, Maryland 20850

STAFF CONTACT: Susan Scala-Demby
217-6277

BACKGROUND INFORMATION: This regulation was reviewed to identify the program costs of licensing and enforcement of the program as it relates to revenues generated. As a result, fees are being adjusted to ensure that the revenues generated from the fees offset the operating costs of licensing and enforcement of the program.

Appendix B-7

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Fee Schedule for Benefit Performances	Number: 8–97
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: May 16, 1997

Montgomery County Regulation on:

FEE SCHEDULE FOR
BENEFIT PERFORMANCES

Department of Permitting Services

Issued by: County Executive
Regulation No. 8-97
COMCOR
Authority: Code Section 30-11
Supersedes: Regulation No. 22-95
Council review: Method (3) under Code Section 2A-15
Register Vol. 14 No. 4

Comment Deadline: April 30, 1997
Effective Date: May 16, 1997
Sunset Date: None

SUMMARY: This regulation increases the existing fee for a benefit performance license and changes the originating department.

ADDRESS: Director, Department of Permitting Services
250 Hungerford Drive
Rockville, Maryland 20850

STAFF CONTACT: Susan Scala-Demby
217-6277

BACKGROUND INFORMATION: This regulation was reviewed to identify the program costs of licensing and enforcement of the program as it relates to revenues generated. As a result, fees are being adjusted to ensure that the revenues generated from the fees offset the operating costs of licensing and enforcement of the program.

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Fee Schedule of Benefit Performances	Number: 8-97
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: May 16, 1997

Sec. 1. Authorization.

The following schedule of fees is adopted pursuant to the authority contained in Section 30-11 of the Montgomery County Code 1994, as amended. The fees are to offset the costs to the Department of Permitting Services from the licensing and enforcement of benefit performance licenses.

Sec. 2. Fee Schedule.

Benefit Performance	$40.00
Duplicate License	$10.00

Sec. 3. Effective Date.

This regulation takes effect on the date that it is received by the Montgomery County Council.

Douglas M. Duncan — Date
County Executive

APPROVED AS TO FORM AND LEGALITY.
OFFICE OF COUNTY ATTORNEY
BY A. K. Hart
DATE 5/7/97

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Vendor Fees	Number: 11-96
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date:

Section 1: Purpose

To establish a schedule of fees and bonds for the licensing, and enforcement of individuals engaged in business activities as vendors as defined in §47-1 of the Montgomery County Code, 1994 as amended.

Section 2: Applicability

These fees and bonds apply to all vendors as defined in Chapter 47 of the Montgomery County Code, 1994 as amended, and any individual engaged in vending activities.

Section 3: Definitions

The following words and phrases, as used in these regulations, have the meaning indicated. Words and phrases defined and used in Chapter 47 of the Montgomery County Code, and in Executive Regulation 9-96 entitled Vendor Operation and Licenses and Executive Regulation 10-96 entitled Certification of Agricultural Producers, have the meaning indicated in those chapters and regulations. All other words and phrases have their common, ordinary meaning as defined in *Webster's New Collegiate Dictionary* unless the context clearly indicates otherwise.

Section 4: Fee Schedule

4.1	Application fee (nonrefundable)	$	25.00
4.2	Operator Permit fee		
	For Non-Certified Agricultural Producers and their operators	$	25.00
	For Certified Agricultural Producers and their operators	$	10.00
4.3	Point of Sale License for vendors who are not Certified Agricultural Producers		
	Base Rate (nonrefundable)	$	200.00
	Per site for Site Specific Vendor	$	50.00
	Point of Sale License for Certified Agricultural Producers		
	Base Rate (nonrefundable)	$	50.00
	Per site for Site Specific Vendor	$	25.00

NOTE: A separate Point of Sale License is required for each vending activity which is being conducted simultaneously.

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MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive · 101 Monroe Street · Rockville, Maryland 20850

Subject: Vendor Fees	Number: 11-96
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date:

Temporary Sales License

60 consecutive days	$	125.00
Daily Rate	$	25.00

Section 5: Performance Bond

5.1	Performance Bond for Future Delivery Vendor	$	1,000.00

Section 6: Severability

6.0. The provisions of these regulations are severable. If a court of competent jurisdiction holds that a provision is invalid or inapplicable, the remainder of the regulation remains in effect.

Section 7: Effective Date

7.0 This regulation takes effect upon approval by County Council.

Douglas M. Duncan, County Executive

8/6/96
Date

APPROVED AS TO FORM AND LEGALITY
OFFICE OF COUNTY ATTORNEY
BY Karen L. Federman Henry
DATE August 6, 1996

Montgomery County Government

Executive Regulation

Office of the County Executive
Montgomery County, Maryland

Subject	Number
Schedule of Fees Related to Water Quality Review and Monitoring in Special Protection Areas	31-95
Originating Department	**Effective Date**
Department of Environmental Protection	August 16, 1995

Montgomery County Regulation on:

SCHEDULE OF FEES RELATED TO
WATER QUALITY REVIEW AND MONITORING IN SPECIAL PROTECTION AREAS

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER RESOURCES MANAGEMENT

Issued by: County Executive
Regulation No. 31-95

Authority: Code Section 19-67
Council Review: Method 3 under Code Section 2A-15
Register Vol. 12, Issue 6
Comment Deadline: June 30, 1995
Effective Date:
Sunset Date: None

SUMMARY: This regulation provides for the fee schedule for water quality review and monitoring for Special Protection Areas within the Department of Environmental Protection.

ADDRESSES: Division of Water Resources Management
250 Hungerford Drive, Second Floor
Rockville, Maryland 20850

STAFF CONTACT: Richard Brush
(301) 217-6300

BACKGROUND INFORMATION: The Division of Water Resources Management is responsible for the administration of water quality review and monitoring in special Protection Areas. This fee schedule provides revenues to ensure that the Division can cover administrative costs associated with these activities.

Montgomery County Government

Executive Regulation

Office of the County Executive
Montgomery County, Maryland

Subject	Number
Schedule of Fees Related to Water Quality Review and Monitoring in Special Protection Areas	31-95
Originating Department	**Effective Date**
Department of Environmental Protection	August 16, 1995

1. AUTHORITY TO ADOPT FEES

The following schedule of fees is hereby adopted pursuant to the authority contained in Section 19-67 of the Montgomery County Code 1994, as amended. Fees included in the schedule are for plan review and monitoring activities which pertain to the water quality plan and associated monitoring activities in Special Protection Areas enforced by the Department of Environmental Protection.

A. PRELIMINARY WATER QUALITY PLAN REVIEW FEES

Each application for preliminary water quality plan approval must be accompanied by the following fees:

Size of Development	Fee Amount
1. 5 Acres or less	$685
2. More than 5 - 15 Acres	$1,285
3. More than 15 - 25 Acres	$1,880
4. More than 25 - 75 Acres	$3,350
5. More than 75 - 125 Acres	$4,180
6. More than 125 - 175 Acres	$5,010
7. More than 175 - 225 Acres	$5,840
8. More than 225 - 275 Acres	$6,670
9. More than 275 - 325 Acres	$7,500
10. More than 325 - 375 Acres	$8,330
11. More than 375 Acres	$9,160

Montgomery County Government

Executive Regulatio

Office of the County Executive
Montgomery County, Maryland

Subject: Schedule of Fees Related to Water Quality Review and Monitoring in Special Protection Areas	Number: 31-95
Originating Department: Department of Environmental Protection	Effective Date: August 16, 1995

B. FINAL WATER QUALITY PLAN REVIEW FEES

Each application for final water quality plan approval must be accompanied by the following fees:

Size of Development	Fee Amount
1. 5 Acres or less	$565
2. More than 5 - 15 Acres	$1,135
3. More than 15 - 25 Acres	$1,700
4. More than 25 - 75 Acres	$3,290
5. More than 75 - 125 Acres	$4,350
6. More than 125 - 175 Acres	$5,410
7. More than 175 - 225 Acres	$6,470
8. More than 225 - 275 Acres	$7,530
9. More than 275 - 325 Acres	$8,590
10. More than 325 - 375 Acres	$9,650
11. More than 375 Acres	$10,710

C. STREAM MONITORING FEES

Stream monitoring fees in the amount of $475 per acre must be paid by the permittee prior to issuance of the sediment permit for the development site. For the purpose of fee calculation, the total acreage of the site as shown on the approved record plat shall be used. All fractions of acreage will be rounded to the nearest whole number. If the acreage fraction is .5, the next higher whole number will be used.

Montgomery County Government

Executive Regulation

Office of the County Executive
Montgomery County, Maryland

Subject	Number
Schedule of Fees Related to Water Quality Review and Monitoring in Special Protection Areas	31-95
Originating Department	**Effective Date**
Department of Environmental Protection	August 16, 1995

2. REFUNDS/TRANSFERS

All fees are non-refundable and plan review fees are not transferrable.

3. REVISIONS TO APPROVED WATER QUALITY PLANS

A separate fee in the amount of 35% of the original fee must be paid by the permittee for any significant amendments to the approved preliminary or final water quality plan. Minor revisions to the approved preliminary or final water quality plan do not require an additional plan review fee.

4. SEVERABILITY

If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.

Douglas M. Duncan
County Executive

APPROVED AS TO FORM AND LEGALITY.
OFFICE OF COUNTY ATTORNEY
BY A. K. Hart
DATE 8/3/95

MEMORANDUM

November 25, 1996

TO: All Employees
Department of Permitting Services

FROM: Robert C. Hubbard, Acting Director
Department of Permitting Services

SUBJECT: Fees for Information Requests

The attached policy has been developed and signed by the County Attorney's Office in order for this department to collect fees for information requests. This policy replaces any policy that you are currently using and is effective immediately.

If you have any questions please contact Edie Williamson at 217-6299.

RCH/emw

DEPARTMENT OF PERMITTING SERVICES

250 Hungerford Drive, 2nd Floor
Rockville, Maryland 20850

DEPARTMENTAL POLICY 96-1

BACKGROUND:

In reviewing the revenues for the newly created Department of Permitting Services ("DPS"), it became obvious that each of the component parts had differing rules for charging fees for public information requests. Research within the County indicates that there is no uniform policy or procedure for this process. Additional inquiries of surrounding jurisdictions indicates that they also have no uniform policy or procedure for this process. The Annotated Code of Maryland in §10-621 provides guidance for the collection of fees for public information requests. Their regulations provide that the fees be "reasonable" and that free search and preparation service be provided for up to two hours. The Department has relied on this State guidance as a means of providing the following uniform policy.

POLICY:

The Department of Permitting Services, in accordance with State of Maryland laws and regulations, adopts the following policy for the collection of fees for information requests. For the purposes of this policy "a reasonable fee for the search for, preparation of, and reproduction of a public record" is an amount equal or comparable to the current market value, or the cost of providing the service or product. The current fees for particular services are noted below in paragraphs 1.0 through 3.0.

1.0 Photocopying and Reproductions

A) Letter or legal sized documents (not to exceed 8½ by 14 inches)	$0.10 per page or side
B) Large size document up to computer printout dimensions	$1.00 per page or side
C) Large size plans (copies only)	$2.00 per page or side
D) Microfilm or Microfiche reproductions (limited to 11 by 17 inches)	$1.50 per page or side

2.0 Staff Time for Search and Preparation

A) First two hours of combined staff time	No charge
B) Each 15 minutes or fraction in excess of two hours (Administrative Staff)	$8.00 ($32.00 per hour)
C) Each 15 minutes or fraction in excess of two hours (Managers, Supervisors, Attorneys, Etc.)	Based on employee's rate of pay

3.0 Certified or Notarized Copies

For each certification or notarization (in addition to above charges if applicable)	$3.00 per page or side

4.0 Waiver of Fees

A fee may be waived only if the applicant asks for a waiver and the Director of DPS, or designee, determines the waiver would be in the public interest after considering the applicants ability to pay and other relevant factors.

APPROVED:

Robert Hubbard, Acting Director — 11/14/96 Date

Richard H. McCrisk, Associate County Attorney
County Attorney — 11/14/96 Date

cpspoli.wpm

Permit & License Fees Related to Vendors

Fiscal Year	FY 96	FY 98	FY02	% Change
Vendor Fees				
1. Application fee	$ 25.00	$ 25.00	$ 25.00	0%
2. Operator Permit Fee				0%
- For Non-certified Agltural Producers & Operators	$ 25.00	$ 25.00	$ 25.00	0%
- For Certified Producers & their Operators	$ 10.00	$ 10.00	$ 10.00	0%
3. Point of Sale License for vendors who are not				0%
Certified Agricultural Producers				0%
Base Rate (nonrefundable)	$ 200.00	$ 200.00	$ 200.00	0%
Per site for Site Specific Vendor	$ 50.00	$ 50.00	$ 50.00	0%
4. Point of Sale License for Certified Agricultural				0%
Producers				0%
Base Rate (nonrefundable)	$ 50.00	$ 50.00	$ 50.00	0%
Per site for Site Specific Vendor	$ 25.00	$ 25.00	$ 25.00	0%
5. Temporary Sales Licenses	$ 125.00	$ 125.00	$ 125.00	0%
Daily Rate	$ 25.00	$ 25.00	$ 25.00	0%
6. Performance Bond	$ 1,000.00	$ 1,000.00	$ 1,000.00	0%

Permit & License Fees Related to Building Construction

Fiscal Years	FY 96	FY 98	FY 02	% change
A. Building Permit Fees				
1. Minimum Fee				
Family dwellings, townhouses	$ 85.00	$ 125.00	$ 125.00	47%
Other buildings	$ 155.00	$ 250.00	$ 250.00	61%
2. Building Construction				
1-2 Family dwellings & townhosue				
Less than 5,000 square feet	$ 600.00	$ 700.00	$ 700.00	17%
Greater than 5,000 square feet	$ 900.00	$ 1,000.00	$ 1,000.00	11%
Each townhouse dwelling unit	$ 400.00	$ 450.00	$ 450.00	13%
Other buildings	(value) x 0.0075			
Max fee	$ 90,000.00	$ 110,000.00	$ 110,000.00	22%
3. Additions				
1-2 Family dwellings & townhouse additions	(value) x 0.15	(sqft) x $0.15	(sqft) x $0.15	0%
Other building additions	(value) x 0.0075	(value) x 0.0125	(value) x 0.0125	0%
Max fee	$ 90,000.00	$ 110,000.00	$ 110,000.00	22%
4. Demolition Permit	$ 140.00	$ 150.00	$ 150.00	7%
5. Repairs & Alterations				
1-2 Family Dwellings & Townhouse	(sq.ft) x $0.15	(sq.ft) x $0.10	(sq.ft) x $0.10	0%
Other	(value) x 0.0075	(value) x 0.0125	(value) x 0.0125	0%
Max fee	$ 90,000.00	$ 110,000.00	$ 110,000.00	22%
6. Private Swimming Pools	$ 175.00			-100%
- inground	-	$ 200.00	$ 200.00	100%
- above ground		$ 100.00	$ 100.00	100%
7. Fence Permits	$ 30.00	$ 30.00	$ 30.00	0%
8. Decks				
- < 500 gross floor area		$ 75.00	$ 75.00	100%
- > 500 gross floor area ($0.15 x sqft)		75 max	75 max	100%
9. Accessory Buildings				
Less than 144 sq. ft	$ 50.00	$ 50.00	$ 50.00	0%
Greater than 144 sq.ft	(sq.ft) x $0.15	(sq.ft) x $0.15	(sq.ft) x $0.15	0%
Other Accessory Buildings	(value) x 0.0075	(value) x 0.0125	(value) x 0.0125	0%

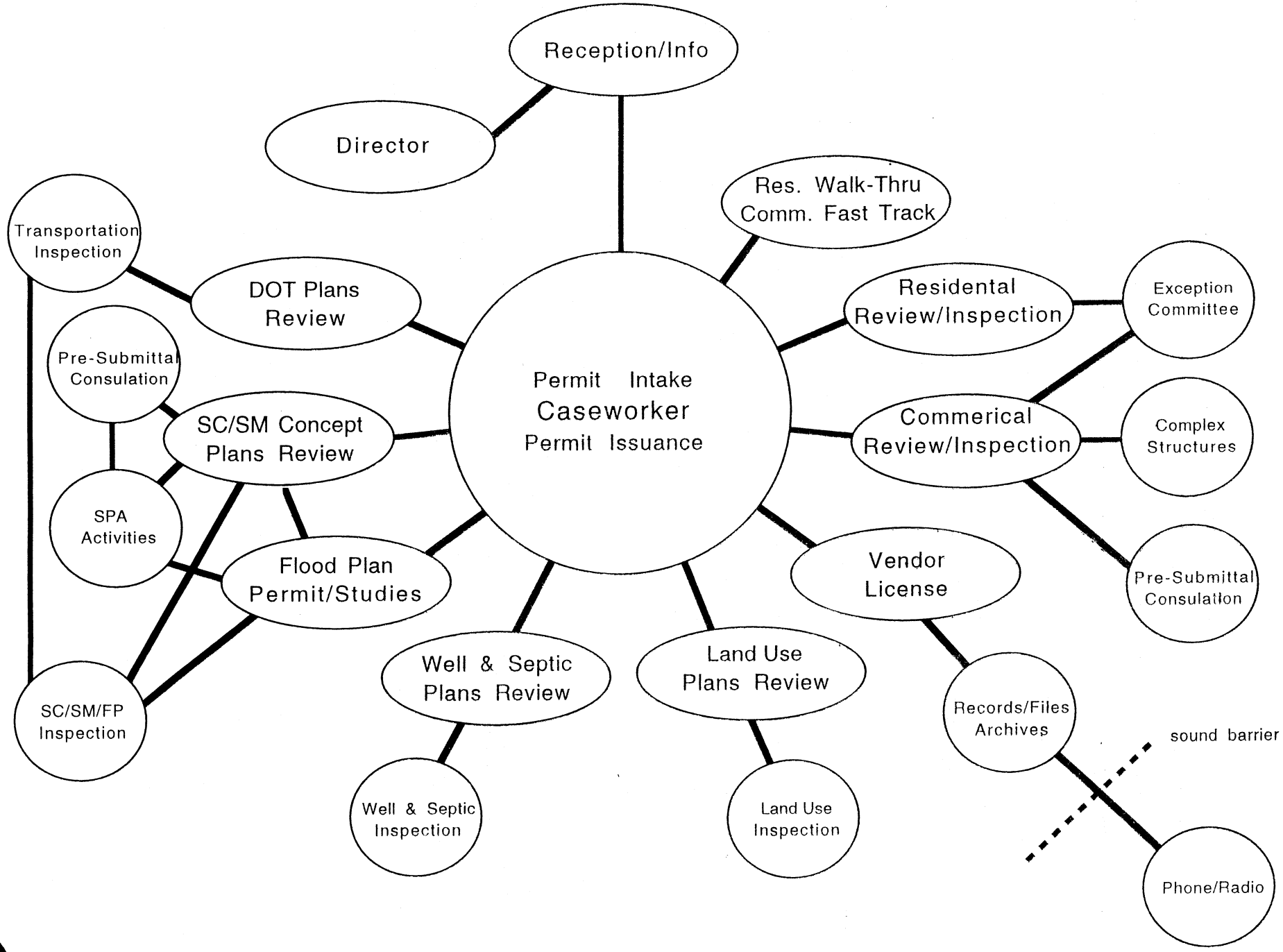
Continued on next page

Permit & License Fees Related to Building Construction (*continued*)

Fiscal Years	FY 96	FY 98	FY 02	% Change
B. Electrical Licenses Fees				
1. Electrical Examinations				
Master Electrician & Master Limited	$ 40.00	$ 40.00	$ 40.00	0%
Journeyman Electrician	$ 25.00	$ 25.00	$ 25.00	0%
2. License & License Renewal Fees/year				
Electrical Contractor	$ 85.00	$ 90.00	$ 90.00	6%
Master Electrician	$ 85.00	$ 90.00	$ 90.00	6%
Master Electrician Limited	$ 85.00	$ 90.00	$ 90.00	6%
Journeyman Electrician	$ 35.00	$ 40.00	$ 40.00	14%
Apprentic Electrician (identification card)	$ 15.00	$ 20.00	$ 20.00	33%
3. Duplicate License or ID card	$ 20.00	$ 20.00	$ 20.00	0%
4. Re-examination fee	$ 20.00	$ 20.00	$ 20.00	0%
5. Late renewal fee	$ 40.00	$ 40.00	$ 40.00	0%
6. Electrical contractor change of business name or status	$ 20.00	$ 40.00	$ 40.00	100%
C. Fire Code Plan Review				
1. Minimum Fees		$ 100.00	$ 100.00	100%
2. Permit Application Revisions				
- first review		50% of original fee	50% of original fee	
- Second revision or review		75% of original fee	75% of original fee	
- Each subsequent revision or review		100% of original fee	100% of original fee	
D. Inspection Fees				
Initial inspection of sites where work is proceeding without a permit	$ 60.00	$ 75.00	$ 75.00	25%
First & second approved inspection of permitted work	inc. in permit fee	inc. in permit fee	inc. in permit fee	
Each reinspection after two disapprovals	$ 65.00	$ 75.00	$ 75.00	15%
E. Use & Occupancy Certificate Fees				
1. For each building or portion of building				
0 - 5,000 sq.ft	$ 150.00	$ 180.00	$ 180.00	20%
5,001 - 10,000 sq.ft	$ 250.00	$ 300.00	$ 300.00	20%
10,001 - 20,000 sq.ft	$ 300.00	$ 360.00	$ 360.00	20%
20,001 -	300 + ($0.01 per sq.ft exceeding 20,000 sq.ft)	360 + ($0.01 per sq.ft exceeding 20,000 sq.ft)	360 + ($0.01 per sq.ft exceeding 20,000 sq.ft)	
F. Max fee	$ 5,000.00	$ 5,000.00	$ 5,000.00	0%
2. U&O fees for lots without buildings/structures	$ 150.00	$ 180.00	$ 180.00	20%
3. Inspection fee	$ 60.00	$ 75.00	$ 75.00	25%
			Average	**26%**

Permit & License Fees Related to Sediment Control

Fiscal Year	FY 95	FY 96	FY 98	FY 02	% Change
A. Sediment Control Fees					
1. Small Land Disturbing Activities	$ 150.00	$ 200.00	-	-	-100%
- SFD residential lot permit < 10,000 sqft	-	-	$ 300.00	$ 300.00	100%
- SFD residential lot permit > 10,000 sqft			$ 600.00	$ 600.00	100%
- SFD residential lot permit > 20,000			$ 900.00	$ 900.00	100%
2. Forest Harvest Activities	$ 100.00	100	$ 100.00	$ 100.00	0%
3. All other Sediment control permits					
(Per square feet of disturbed area)	$ 0.02	$ 0.02	$ 0.03	$ 0.03	76%
Minimum Fee	$ 390.00	$ 510.00	$ 670.00	$ 670.00	72%
4. Technical revisions to permits with no increase					
in disturbed area	*35% of original fee*	*35% of original fee*	*35% of original fee*	*35% of original fee*	
Maximum fee	$ 880.00	$ 1,145.00	$ 1,145.00	$ 1,145.00	30%
Minimum fee	$ 390.00	$ 510.00	$ 670.00	$ 670.00	72%
B. Stormwater Management Concept Plan Fees					
1. For waivers of onsite SWM for SFD lots < 2acres	$ 250.00	$ 325.00	$ 500.00	$ 500.00	100%
2. Other Stormwater Management Concepts < 25 acres	$ 685.00	$ 890.00	$ 1,160.00	$ 1,160.00	69%
3. Other SWM concepts > 25 acres	-	-	$ 1,500.00	$ 1,500.00	100%
3. Revisions to previously approved plans	$ 685.00	$ 890.00	50% of original fee	50% of original fee	
C. Floodplain District Permit Requirement Fees					
1. Floodplain District Permit	$ 195.00	$ 255.00	$ 335.00	$ 335.00	72%
2. Review & approval of studies that define, or modify					
floodplain district limits	$ 585.00	$ 760.00	$ 990.00	$ 990.00	69%
3. Review and approval of dam breach studies	$ 585.00	$ 760.00	$ 990.00	$ 990.00	69%
review & approve dam breach studies using TR-60-Q	-	-	$ 335.00	$ 335.00	100%
4. Certification of Floodplain Limits	$ 50.00	$ 65.00	$ 85.00	$ 85.00	70%
				Average	**65%**


Reception/Info
Director
Res. Walk-Thru
Comm. Fast Track
Transportation
Inspection
DOT Plans
Review
Residental
Review/Inspection
Exception
Committee
Pre-Submittal
Consulation
Permit Intake
Caseworker
Permit Issuance
SC/SM Concept
Plans Review
Commerical
Review/Inspection
Complex
Structures
SPA
Activities
Flood Plan
Permit/Studies
Vendor
License
Pre-Submittal
Consulation
Well & Septic
Plans Review
Land Use
Plans Review
Records/Files
Archives
sound barrier
SC/SM/FP
Inspection
Well & Septic
Inspection
Land Use
Inspection
Phone/Radio

Appendix D-1

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THE DEPARTMENT OF PERMITTING SERVICES
A citizen focus group evaluation

In late September, 2001, the Montgomery County Office of Legislative Oversight scheduled four focus groups to solicit citizen experiences, opinions, and recommendations concerning the County's Department of Permitting Services. This initiative was one ingredient in OLO's Council-mandated evaluation of DPS's reorganization a half decade ago.

Method

Consistent with commonly accepted focus group protocol, OLO invited homogeneous constituencies to each session so as to bring into sharp relief how DPS is perceived by different segments of the community.

- For the first group on September 10th, 10 civic association representatives were invited and 11 participated (because two of the nine who attended brought colleagues with them).
- Six randomly selected individual complainants attended the second session on September 24th; these six participants were identified through a review of DPS complaint logs along with 49 others who were invited but did not attend.
- Ten representatives of environmental groups were invited to the third session on October 1st; of these, four attended.
- A fourth group was scheduled for "alleged violators:" individuals who had been the *object* of complaints registered with DPS by other citizens or groups. Approximately 80 in this category were identified from DPS logs and invited; none agreed to attend, so this fourth session was canceled.

Each focus group was 90-minutes in length and was scheduled at a convenient evening hour. Each was conducted by a professional moderator who maintained a standard structure and format from session to session. While there were non-participant note takers from OLO in the room, the invitees were assured that their individual identities would not be disclosed in the final evaluation report.

The groups were asked two basic questions over the course of the sessions:

1. In your experience, what is DPS doing well and what is the Department not doing as well as it should?
2. What measures would you recommend to improve the Department's services and operations?

This report summarizes the groups' answers to these questions.

Observations and recommendations

Three things are noteworthy about the findings contained herein:

1 Obviously, the number of participants in these focus groups was quite small. Excepting the group devoted to civic association representatives, the percentage of attendees was modest (to say the least) given the numbers invited. Naturally, this makes it difficult to interpret the findings. Do the perceptions of these few represent larger numbers not in attendance, or do they represent the experiences of a vocal and motivated but small minority? Should special stock be placed in these findings because they are the input of the County's most concerned and committed citizens fulfilling their civic duty to participate in the public process... a public process that happened to take place in the midst of the horror and aftermath of September 11th? Or should they be paid short shrift because they are the musings of a fringe of public process junkies? Unfortunately, these questions simply cannot be answered with confidence.

In circumstances like these, however, the data *can* be examined for common themes *across* groups. This is because diverse and diffuse participant observations without threads from small group to small group can be interpreted differently than thematically associated perceptions and recommendations. Perhaps slightly more stock can be placed in a set of findings that describe a consensus across multiple groups.

In this case, though the focus groups were deliberately constituted to isolate differences in perceptions from constituency to constituency, in fact many major observations, conclusions, and recommendations concerning DPS's performance were shared across the groups. Obviously, individual participants in the different groups reported different specific experiences: A homeowner is not likely to have the same kinds of interactions with the same DPS personnel about the same issues as an environmental activist. Nonetheless, the majority of recommendations for organizational improvement offered by all three groups fell into four common categories:

- Definition of the customer;
- Structure and placement of enforcement functions;
- Enforcement philosophy and consistency;
- Service to the public.

It is the specific recommendations subsumed by these categories, that are reported below.

2 Not surprisingly, the groups concentrated on DPS's land use enforcement functions almost to the exclusion of its permitting functions. This, of course, was by design: Having already collected data on the Department's permitting services and internal operations, and to assure as complete an evaluation as possible, OLO convened precisely those citizens and constituency representatives whose interaction with DPS concerned code enforcement issues.

3 While individual participants in each group commended the Department of Permitting Services for various attributes or accomplishments, the preponderance of reported experiences and observations was negative. Some noted that many of the Department's code enforcement field staff are capable, high caliber professionals; others observed that DPS inspectors are making a valiant effort in the face of staff shortages; two participants believed that the Department's response to storm water and sediment control violations has been more timely and effective recently; others remarked that their individual experiences with individual staff members were pleasant and efficient; one participant was gratified that the Department was reaching out to the environmental community and trying to make changes; others noted that the Department's physical facilities are attractive; and one attendee lauded the practice of joint DPS/DEP field tours and inspections. For the most part, however, the groups found many areas in need of improvement. Perhaps this too is not entirely surprising given the populations invited to participate and potentially more relevant) the self-selection process and small group sizes.

1 Definition of the customer

The shared perception across focus groups was that DPS activities are driven by fees received for issuing permits. The Department is "pro-permitting and pro-developer" with a mission to facilitate development rather than protect communities and the environment. For the most part, citizens are ignored; they have no window into the decision making process. As evidence of this perception, participants cited that inspectors are rated on the volume of permits they process and not on how many complaints they resolve or how well they protect the environment. Other participants point to the Department's practice of hiring inspectors who have worked in the construction industry and who will return to that industry after their term with the government.

Recommendation: Reconsider the Department's self-supporting, fee-based revenue arrangement and its impact on the organization's definition of its customer. This definition might by properly broadened to include all citizens and communities if the fees collected by the Department were deposited in the General Fund rather than used to directly finance operations.

2 Structure and placement of the enforcement functions

In large measure because of the "conflict of interest" described above, many participants felt that the goals of land use enforcement are being thwarted by the current organizational design. In all three focus groups, some form of organizational realignment was seen as a possible solution to community and citizen neglect. The specifics in each group amounted to a package of (hardly mutually exclusive) options:

Option: Move the zoning code enforcement function to the Department of Housing and Community Development where intake and tracking systems are more refined and where the philosophy of enforcement is more congruent with community protection and preservation.

Option: Move the sediment control, storm water management, and erosion control functions to the Department of Environmental Protection where a knowledge of these issues appears to be more in depth.

Option: Create a new Office of Zoning Enforcement to give the function maximum exposure and significance.

Option: Elevate the visibility of enforcement functions within DPS, perhaps with the establishment of an "Enforcement Czar" or equivalent senior position.

Option: Decrease the number of DPS managers and increase the number of field workers who can directly benefit communities and the County's environment.

Option: Increase the frequency and quality of coordination with DHCA and DEP when problem properties and other enforcement issues require sustained attention or broad action.

3 Enforcement philosophy and consistency

There was considerable concern in each group about:

- The Department's "lenient" enforcement philosophy;
- The limited extent to which some inspectors understand relevant laws, regulations, and codes;
- The inconsistency of practice (and code interpretation) from inspector to inspector, from circumstance to circumstance, and from geographic area to area within the County (interestingly, complainants believed that inspectors are often too charitable in their interpretations and enforcement actions while environmentalists believed the legal flexibility available to inspectors is underutilized in favor of overly literal interpretations of law and code);
- The Department's narrow, case-by-case approach to individual complaints and single projects without regard to the broader directions that these suggest for enforcement strategy throughout the County.

Again, these perceived problems were tethered to an organizational mission indifferent to communities, the environment, and field issues that are not revenue-generating. The focus groups offered several ideas:

Recommendation: Enforce outstanding violations; shut down an illegal activity unless and until a permit is granted rather than allow its continued operation; issue more injunctions until a site brings itself into compliance. Discontinue the

practice of *actively facilitating* the acquisition of permits and otherwise advising violators how to circumvent rules and regulations; this practice encourages and perpetuates operations that can degrade the community or the environment.

Recommendation: Introduce an "escalating sanction system" for repeat land use violations of any kind that is uniformly administered throughout the County.

Recommendation: Increase the severity of first-time penalties (especially on commercial violators) so as to encourage the practice of self-enforcement.

Recommendation: Provide funds for additional enforcement staffing, for staff training, and for more conscientious supervision to improve coverage, knowledge, standardization of inspector interpretation and action, and sensitivity to the environment. Training and supervision should also focus on reducing enforcement inconsistencies in different parts of the County.

Recommendation: Defer enforcement issues in need of highly specialized expertise to experts in DEP, DHCA, or contract organizations.

Participants also made two more specific recommendations concerning enforcement philosophy and practice:

Recommendation: Place a bond whenever a house is resized.

Recommendation: More aggressively enforce ADA laws and rules.

4 Service to the public

In each group, experiences were reported to illustrate frustrating, unsatisfying, or adversarial interactions with the Department. The recurring themes concerned the complaint intake process; responsiveness and timeliness of follow up; staff attitude and professionalism; a reluctance to share legitimately requested information, and the like.

Recommendation: Establish an organized, efficient complaint intake and tracking system where none exists now. Model this system after DHCA's.

Recommendation: Improve both service and signage at the Department's front desk... currently it is not clear who complainants should consult, they must wait far too long for service, and often the staff member isn't sure to whom to refer the complainant. As an alternative, establish an Information Line staffed by professionals who know who to refer callers to and how to listen effectively.

Recommendation: Improve responsiveness and reduce response time to communications from citizens... currently phone calls and written communications go unanswered for protracted periods and sometimes they are simply not answered.

Recommendation: Improve follow up on complaint investigations. Make it less tortuous for complainants to acquire a status report; direct inspectors to take the initiative to provide this status report. Establish the policy of responding to a

complainant within 24 hours, conducting an on-site inspection within five business days, and regularly communicating with complainants throughout the investigative and enforcement process.

Recommendation: Introduce a "Department Ombudsman" to facilitate and accelerate services to individual complainants.

Recommendation: To increase public awareness and the dissemination of useful public information:

- Put important information about the Department on a web site;
- Issue an educational booklet about DPS modeled after the County's recycling booklet. Take extra care to assure its user friendliness for an increasingly diverse community;
- Create a "reference room" for interested citizens to do research on land use issues.

Douglas D. Katz
Wasserman/Katz
22 October 2001

DPS Update of Sediment Control Task Force Recommendations

July 2000

1. **Emphasize the need for erosion and sediment control education for the development community, the general public and inspectors.**

   Implemented and on-going. DPS has conducted numerous sediment control training Green Card classes for contractors. In FY2000, DPS trained 169 new persons on sediment and erosion control. We are also pursuing training and NICET certification for inspectors.

2. **Increase the number of sediment control inspectors.**

   The intent of DPS is to increase the number of field inspectors by converting two existing field supervisors in the sediment control section to inspector positions. This will eliminate a layer of supervision as part of our reorganization plan. The two current field supervisor positions will be converted to senior inspectors and be assigned a case load of projects, thereby bringing the total number of inspection staff to 12, in addition to the existing complaint investigating field inspector.

3. **Allocate inspectors based on explicit, justifiable criteria.**

   Implemented. The current methodology of assigning inspectors is primarily by geographic regions in the County. This provides consistency of inspections and minimizes the required travel time of an inspector to cover an area. The extent of an inspector's area is dependent on the level of activity and complexity of projects, with the goal of equally distributing workloads. Geographic boundaries are adjusted as needed to accommodate a fluctuating workload. DPS had previously developed additional criteria to consider when allocating inspectors (see attached).

4. **Require a DPS-certified, on-site permittee's representative to maintain a log of sediment control construction and maintenance activity.**

   DPS has attempted to work closely with the development community to achieve the level of required sediment control compliance. We met with the development community shortly after the task force recommendations were completed and conducted training and informational classes to outline all sediment control installation and maintenance requirements. We require pre-construction meetings and an onsite responsible sediment control representative to sign a form designating them as the appropriate contact (see attachments).

The requirement of an on-site log of sediment control construction and maintenance activities requires a law change and DPS has prepared draft legislation (see attached). An example of a sediment control inspection report to be completed by the on-site permittee's representative was previously drafted (see attached).

5. **Where sites have egregious or repeat violations of sediment control permit requirements, require the permittee (builder/developer) to hire a private inspector approved by DPS. This person will monitor the erosion and sediment control measures to ensure they are properly installed and maintained.**

Implemented through the use of the MNCPPC Site Plan approval. This recommendation has been implemented for one project to date, Hampshire Greens, and also proposed for the Clarksburg Town Center. As the recommendation states, this was implemented at Hampshire Greens due to the significant impact of the sediment violation. The developer was required to hire a private consultant through their Site Plan approval to perform private sediment control inspections and to monitor the erosion and sediment control measures to ensure proper installation and maintenance. DPS provided a written policy and procedure for the private on-site inspections (see attached) and also conducted our own inspections on the project for compliance and reviewed the contractor's reports. Future requirements for a private on-site inspector by DPS will require new legislation (see attached).

6. **Have DPS more consistently enforce existing regulations regarding stabilization of disturbed land.**

Implemented. DPS has developed and distributed a Construction Bulletin to notify the development community of the need to complete the 14-day stabilization requirements for areas that are not actively under construction (see attached). Enforcement actions were taken for areas not stabilized within the required time frame. Improved compliance has been observed countywide and is expected to continue.

7. **Impose civil fines, with cumulative citations for violations that extend over a period to time.**

Implemented. DPS has received guidance and interpretation of the county code from the County Attorney stating that, where appropriate, we have the authority to issue daily civil citations for on-going violations, and that each day the violation exists constitutes a separate offense by law. The fine amounts are $750 for the first day and $500 for each subsequent day.

8. **Increase the use of stop work orders in specific circumstances where the permittee continuously violates sediment control regulations or the permittee commits an intentional detrimental violation. Also include suspension of construction activity under building permits, where appropriate.**

Implemented. DPS has the authority to suspend all construction activity on-site where there are continuous or intentional sediment control violations, including the suspension of building permits. This procedure has been utilized in a few more difficult cases.

DPS has recently begun to use this approach of issuing a stop work order and suspending all construction within the area covered by the sediment control permit, including building permits, if a Notice of Violation has not been corrected within 48 hours. This policy has been implemented by DPS due to the State's sediment control delegation review comments that there is a lack of adequate on-going self-initiated maintenance of measures on construction sites by the development community.

9. **Increase the cap on the sediment control bond from the current $10,000 to $20,000.**

Legislation is drafted (see attached) to increase the cap of the sediment control bond to $20,000. Compliance with violation notices is achieved through enforcement measures currently available to the County. Bond forfeiture would only occur in the event that the developer could no longer correct the violation and the County would need to step in and complete the work using the forfeited bond funds, such as bankruptcy, which is very rare. Increasing the bond cap to $20,000 will provide some future safeguards to the County if the need arises to repair sediment control failures.

10. **In cases where a permittee repeatedly commits sediment control violations, institute the practice of notifying the bonding company and the intent to pull the bond if violations are not corrected.**

Implemented (see attached form letter). Routine use of standard form.

11. **Establish a sediment control fund.**

DPS has not pursued this option to date. Considered impractical and problematic to set up and use.

12. As a final effort, pursue criminal sanctions in egregious situations.

Available option. DPS would pursue criminal sanctions where appropriate and also work in conjunction with MDE's Environmental Crimes Task Force. There have not been any sediment control violation cases to date that have warranted this action since the completion of the recommendations. County Attorney's Office resists this type of action.

DRAFT CRITERIA FOR ALLOCATION OF INSPECTORS

It is recognized that certain sediment control permits require more frequent or lengthy inspections than others, for a variety of reasons. The following criteria may serve as guidelines for assigning workload to sediment control inspectors and determining the needed frequency of inspections.

(1) Site size:
* area under active construction at any one time;

(2) Site location:
* sensitivity of watershed;
* special protection area;

(3) Complexity of sediment control and stormwater management measures required:
* centralized versus on-lot controls;
* "state-of-the-art" versus traditional stormwater facilities;

(4) Topography and soil type;

(5) Maintainability of sediment control measures;

(6) Compliance history of permittee and contractor; and

(7) Potential for environmental impact.

Inspection frequency is also determined by considering the following factors:

(1) Stage of construction (installation, maintenance, close-out);

(2) Compliance with 2-week maintenance inspection frequency;

(3) Requested inspections;

(4) Rain events; and

(5) Workload.

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

DESIGNATION OF AUTHORIZED ON-SITE REPRESENTATIVE

Project Description: _____

SC Permit No.: _____

_____

As owner and sediment control permittee of the site referenced above, I authorize the undersigned individual to act as my agent to receive service of all notices concerning sediment control/stormwater management on that site. This includes, but is not limited to; inspection reports, warning notices, violation notices, stop work orders and civil citations. I acknowledge that compliance with sediment control requirements is my responsibility as the permittee and that using the undersigned individual to receive notice does not release me from that responsibility. I agree that delivery of notice to my agent has the same legal effect as if served on me personally.

Permittee: _____ _____
Printed Name *Signature*

Date: _____ Phone No.: _____

_____

As authorized on-site representative, I agree to act as agent for the permittee as described above. In addition, I will make myself promptly available upon request to meet on-site with representative of Montgomery County concerning sediment control/ stormwater management requirements.

Representative: _____ _____
Printed Name *Signature*

Date: _____ Phone No.: _____

250 Hungerford Drive, Second Floor • Rockville, Maryland 20850-2589 • 301/217-6100

Montgomery County, Maryland
DEPARTMENT OF PERMITTING SERVICES
255 Rockville Pike, 2nd Floor
Rockville, Maryland 20850
Phone: 240-777-6260 FAX: 240-777-6339

SEDIMENT CONTROL PRE-CONSTRUCTION NOTICE

THIS NOTICE IS TO FAMILIARIZE THE PERMITTEE WITH GENERAL SEDIMENT CONTROL/STORMWATER REQUIREMENTS.
THIS IS NOT A COMPLETE LIST OF PERMIT CONDITIONS AND PLAN REQUIREMENTS. PLEASE REVIEW YOUR PLANS AND PERMIT THOROUGHLY.

1. **INSPECTION REQUESTS MUST BE MADE BY CALLING 240-777-6366; NO EXCEPTIONS. Inspection requests must be made at least 48 hours in advance.** You will need the sediment control permit number, premise address, type of inspection requested and a phone number where you can be reached. You must also call the inspector if you wish to arrange a specific time after calling for the inspection.
   Meetings must be confirmed with the inspector.
2. **READ AND FOLLOW THE SEQUENCE OF CONSTRUCTION SHOWN ON THE APPROVED PLAN(S).**
   An approved plan modification must be obtained from the Department to deviate from the sequence of construction.
3. The limits of disturbance must be field marked prior to clearing, installation of sediment control measures, construction, or other land disturbing activities.
4. The permittee must obtain written approval from the MNCPPC inspector (PH: 301-495-4585) certifying that the limits of disturbance and tree protection measures are correctly marked and installed prior to commencing any clearing.
5. After the pre-construction meeting, you may clear only those areas necessary and approved to install sediment control measures as shown on the approved plan(s). Identify those areas with the inspector at the pre-construction meeting.
6. Call 240-777-6366 for a sediment control installation inspection. You must obtain WRITTEN approval from the Department before continuing with further grading or site development. A Stop Work Order will be issued immediately if grading proceeds without written approval from the sediment control inspector.
7. Stabilize sediment control measures with seed and anchored straw mulch within 7 calendar days of installation.
8. **SEDIMENT BASINS AND STORMWATER MANAGEMENT FACILITIES REQUIRE SPECIFIC, DOCUMENTED INSPECTIONS DURING CONSTRUCTION BY THE DEPARTMENT'S INSPECTOR AND THE PERMITTEE'S ENGINEER.**
   Confirm these inspection points and the need for testing and documentation with your inspector PRIOR to commencing work.
   Pre-cast concrete stormwater management structures require approved shop drawings and inspection prior to installation.
9. Safety fence must be installed around all sediment control devices that pond water greater than 9 feet in width and 18 inches in depth. Safety fence must be 14 gauge welded wire and openings no greater than 2" x 4" and be at least 42" high. Support posts must be maximum of 8 feet apart.
10. Be certain not to go beyond the limits of disturbance on your approved plan. All disturbed areas not to be constructed upon for more than 14 calendar days must be stabilized with seed and anchored straw mulch. A stabilization phasing schedule will be developed at the pre-construction meeting, and updated as necessary, with the inspector's approval.
11. **KEEP ALL STREETS CLEAN.** Precautions, such as a stone construction entrance, must be installed and maintained.
    If mud is tracked onto a street, do not wash the mud into storm drains unless the storm drain is diverted to an approved sediment trapping device.
12. **ALL SEDIMENT CONTROL DEVICES MUST BE MAINTAINED IN GOOD AND EFFECTIVE CONDITION AT ALL TIMES.**
    YOU ARE REQUIRED TO PROVIDE YOUR OWN PERIODIC INSPECTIONS AND MAKE NECESSARY REPAIRS PROMPTLY.
    Do not wait for the County inspector, as failure to maintain sediment control measures in good and effective condition will result in the issuance of Civil Citations and/or a Stop Work Order without prior warning. You must have a person responsible for sediment control on the site who has successfully completed an Erosion and Sediment Control Certification Program pursuant to state law.
13. **SEDIMENT CONTROL DEVICES MAY NOT BE REMOVED OR MODIFIED WITHOUT WRITTEN PERMISSION FROM THE SEDIMENT CONTROL INSPECTOR.**
14. All official notices, citations, stop work orders, etc., will be issued to the on-site representative of the permittee designated on the attached form.
15. A sediment control permit does not transfer with ownership. The permittee is required to notify the Department by certified mail within 48 hours of any change in ownership. The new owner and lots/parcels affected must be identified.
16. Should you have any questions, please contact your sediment control inspector at the number below or call 240-777-6320.
17. Additional comments by the inspector: _____

PROJECT NAME: _____ **S.C. PERMIT No.** _____

INSPECTOR: _____
Printed Name | Signature | Phone No. | Date

RECEIVED BY: _____
Printed Name | Signature | Phone No. | Date

58

Attachment

COPIES: WHITE - INSPECTOR YELLOW - PERMITTEE PINK - CONTRACTOR

Revised 12/1999

Montgomery County, Maryland
DEPARTMENT OF PERMITTING SERVICES
255 Rockville Pike, Second Floor
Rockville, Maryland 20850 Phone: 240-777-6320 FAX: 240-777-6339

BEFORE BREAKING GROUND
READ & UNDERSTAND THE SEQUENCE OF CONSTRUCTION
ON YOUR APPROVED SEDIMENT CONTROL PLAN!

As the first order of business, only access paths and limited areas may be cleared and grubbed for the installation of sediment traps, sediment basins, earth dikes, silt fences and other perimeter sediment control measures. Work with your inspector to identify and delineate those areas that must be disturbed to install sediment control devices.

Sediment control devices are typically installed in the following order:

Stone construction entrances;
Access path and perimeter device clearing and grubbing;
Silt fence installation;
Sediment trap and basin construction;
Earth dike construction;
Inspection and approval of constructed sediment control measures;
Stabilization of earth dikes and interior and exterior slopes of sediment traps, basins and permanent ponds with seed and anchored straw mulch;
Inspection and written approval to begin site clearing.

IF EARTH BALANCE IS A CONCERN, DISCUSS THIS WITH YOUR INSPECTOR AND OBTAIN APPROVAL BEFORE DEVIATING FROM THE SEQUENCE OF CONSTRUCTION.

POND & SEDIMENT BASIN CONSTRUCTION

INSPECTION AND APPROVAL MUST BE OBTAINED AT SPECIFIC POINTS.

SEE THE "INSPECTION CHECKLIST" ON YOUR APPROVED PLANS.

FAILURE TO OBTAIN THE REQUIRED SIGNATURES ON THE "INSPECTION CHECKLIST" WILL RESULT IN REJECTION OF "AS-BUILT" PLANS.

Ponds and temporary basins are typically constructed in the following sequence:

Construction of stream or clean water diversions and sediment controls for the pond or basin construction;
Clearing and grubbing of the dam footprint only, from the upstream toe of slope to downstream toe of slope;
Core trench excavation (and dewatering if necessary), backfill and compaction;
Installation of principle spillway (barrel, riser, outfall);
Backfill (with core trench material) and compaction around the principle spillway;
Placement of dam embankment fills, in compacted lifts, over the entire length of dam, to an elevation a minimum of one foot above the riser crest;
Construction of the dewatering device (inspection required prior to stone placement);
Preliminary grade check of constructed dam embankment and Engineer's approval;
Excavation of the ponding area; and,
Stabilization of the dam embankment and pond slopes with permanent seed and anchored straw mulch.

>>> POST AT CONSTRUCTION OFFICE/TRAILERS & FURNISH TO EXCAVATING CONTRACTORS <<<

DEPARTMENT OF PERMITTING SERVICES
WATER RESOURCES MANAGEMENT
250 Hungerford Drive, 2ND Floor
Rockville, Maryland 20850
Phone: 301-217-6300 FAX: 301-217-6318

NOTICE

Appendix F-4

THE TRACKING AND DEPOSITION OF SOIL, GRAVEL, MUD, ETC. ONTO ROADS IS A VIOLATION OF THE MONTGOMERY COUNTY CODE, SECTION 19-16(a).

VEHICLES OPERATORS WHO VIOLATE THIS PROVISION ARE SUBJECT TO PERSONAL SERVICE OF A $500 FINE, WITHOUT WARNING.

IT IS THE DEVELOPER/BUILDER'S RESPONSIBILITY TO INSTALL AND MAINTAIN AN EFFECTIVE STONE CONSTRUCTION ENTRANCE AT REQUIRED POINTS OF INGRESS AND EGRESS.

ANY VEHICLE THAT TRAVELS ONTO A ROADWAY FROM AN UNSTABILIZED, GRADED AREA MUST CROSS A STONE CONSTRUCTION ENTRANCE. VEHICLE OPERATORS MUST BE CERTAIN THAT THE VEHICLE'S TIRES ARE CLEANED ADEQUATELY TO PREVENT TRACKING AND DEPOSITION OF SOIL OR OTHER MATERIAL ONTO ROADWAYS.

>>> POST AT CONSTRUCTION OFFICES/TRAILERS <<<

G:\MUDNOTE.JWO

Montgomery County, Maryland
DEPARTMENT OF ENVIRONMENTAL PROTECTION
250 Hungerford Drive, Suite 120
Rockville, Maryland 20850
301-217-2177

OFFICIAL NOTICE

IT IS THE DEVELOPERS/BUILDERS RESPONSIBILITY TO PREVENT THE FOLLOWING ENVIRONMENTAL VIOLATIONS:

- Dust must not cross property lines.
- All persons must take reasonable precautions* to prevent particulate matter (dust) from becoming airborne (*reasonable precautions are determine by DEP).
- Odors must not create a nuisance.
- Burning of any material or waste is prohibited at all times.
- All contractors must meet the construction noise standard: 75dBA at the nearest receiving property line Monday - Friday.
- Construction activities must not create a noise disturbance 9:00 pm - 7:00 am weekdays and until 9:00 am on weekends and holidays.
- Repeat violations may result in a stop work order.
- Discharges of any pollutant are prohibited.
- All potential pollutants must be covered and stored properly.

FAILURE TO COMPLY WITH ALL CODES AND REGULATIONS WILL RESULT IN IMMEDIATE CIVIL FINES TO BOTH THE GENERAL CONTRACTOR AND THE SUBCONTRACTOR(S).

THIS NOTICE IS THE ONLY WARNING YOU WILL RECEIVE.

For copies of County Codes, Regulations, or further information contact the
Montgomery County Department of Environmental Protection
at 301-217.2177; e-mail: dep.environ@co.mo.md.us

POST AT CONSTRUCTION OFFICES/TRAILERS.

SEDIMENT CONTROL INSPECTION REPORT

Inspection Date:_____ **File/Permit Number:**_____

Project Description:_____

Note: A "NO" answer to any of these questions will require that an Inspection report be issued specifying corrective action.	**YES**	**NO**
1. Are all traps, basins, dikes and silt fences installed as per the approved Sediment Control plan or documented field revision?		
a. correct location		
b. correct dimensions		
c. correct construction		
d. stabilized		
2. Is there an effective perimeter control system in place?		
3. Are all storm drain inlets blocked, protected or diverted as per the approved plan and specifications?		
4. Is non-erosive conveyance adequately addressed? (i.e: top-of-slope dikes, downdrains/flumes, stabilized flowlines)		
5. Have all areas not under active construction been properly stabilized?		
6. Have all Sediment Control measures been properly maintained?		
7. Has off-site sedimentation been prevented?		

The following corrective action is required: _____

Inspector: _____

Printed Name Signature Date

Received by: _____

Printed Name Signature Date

Updated 10/01 Version

DRAFT

Appendix F-5

Bill No. _____
Draft No. & Date: _____
Introduced: _____
Expires: _____
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch:___ Laws of Mont. Co.____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive

AN ACT to:

(1) require on-site personnel responsible for the installation or maintenance of erosion and sediment control measures to attend an approved training course, as a condition of the permit.

(2) require the permittee's on-site representative to maintain a written log of sediment control installation and maintenance activity, as a condition of the permit.

(3) require the permittee to provide, when determined necessary by the department, an independent qualified person to monitor the installation and maintenance of erosion and sediment control measures, as a condition of the permit.

(4) increase the bond amount and maximum required for sediment control activities.

By amending:

Montgomery County Code
Chapter 19; Article I, Erosion and Sediment Control.
Section 19-7. Permit Conditions., and
Section 19-10. Performance Bond.

Explanation: **Boldface** indicates a heading or a defined term.
Underlining indicates text that is added to the Bill.
[Single boldface brackets] indicate text that is deleted from the Bill.
Double underlining indicates text that is added to the Bill by amendment.
[[Double boldface brackets]] indicate text that is deleted from the Bill by amendment.
* * * indicates existing law unaffected by the Bill.

The County Council for Montgomery County, Maryland, approves the following act:

Sec. 1. Sec. 19-7. Permit conditions., and

Sec. 19-10. Performance bond., are amended as follows:

ARTICLE I. EROSION AND SEDIMENT CONTROL.

* * *

Sec. 19-7. Permit conditions.

(a) In granting any permit, the director may attach the conditions that the director deems reasonably necessary to prevent sedimentation to public or private property or any sewer, storm drain, or watercourse, to prevent the operation from being conducted in a manner hazardous to life or property, or in a manner likely to create [a nuisance. Those conditions may include] an adverse environmental impact. Those conditions may include:

(1) the erection or installation of walls, drains, dams and structures[,];

(2) the installation of plantings, erosion and sediment control measures or devices[,];

(3) the furnishing of necessary easements; [and]

(4) a specified method of performing the work;

(5) a requirement that any on-site personnel responsible for the installation or maintenance of erosion and sediment control measures have a current certificate of training that documents completion of a Responsible Personnel course approved by the Maryland Department of the Environment; and,

(6) a requirement that a written log of erosion and sediment control inspection, installation, and maintenance activities be kept on-site by a person with a current certificate of training as required in subsection 5.

(b) These [items] conditions must be identified on the sediment control plan submitted for approval.

(c) A permit must not be issued until an erosion and sediment control plan is approved by the department and the district, and the owner certifies that all land-disturbing activities will be performed pursuant to the erosion and sediment control plan and modifications incorporated pursuant to section 19-5.

(d) The approved plan must be a condition of the permit. In addition, the permit must not conflict with conditions shown on the approved subdivision plan, development plan, development plan amendment, forest conservation plan, or the approved site plan regarding building restriction lines, limits of disturbance, forest or tree conservation areas, and conservation easements.

(e) A person must not violate any permit condition.

(f) In the event of a serious environmental impact due to violation of this Chapter, the department may require the permittee to provide, at the permittee's expense, an independent person qualified by training and experience to monitor the installation and maintenance of erosion and sediment control measures. This person must maintain an on-site written log of erosion and sediment control inspection, installation, and maintenance activities.

* * *

Sec. 19-10. Performance bond.

(a) The director must, before issuing a permit, require a corporate bond or an irrevocable letter of credit from a financial institution, or a cash bond, a certificate of guarantee, or other instrument, in a form satisfactory to the director and approved by the county attorney. That instrument is conditioned upon the faithful performance of the conditions in the permit, and soil erosion and sediment control measures specified in the permit, within the time specified by the director or within any extension granted by the director. For the purposes of this article, a certificate of guarantee is an instrument issued by an organization or entity that is approved by the director and meets the capitalization and other reasonable criteria as are established by executive regulation including the demonstrated expertise of the issuing organization or its members in erosion and sediment control; the estimated square footage of the land included in the land-disturbing activity to be performed by the permittee; the estimated square footage of the area of all land-disturbing

activities guaranteed by the issuing organization or entity; and the incidence of violation of, or otherwise failing to comply with,the provisions of this chapter by all members of the issuing organization or entity. Certificates of guarantee must only be issued by an approved organization or entity or behalf of members in good standing of that organization or entity. Any question as to the eligibility of a permittee to post a certificate of guarantee must be resolved by the director in the sole discretion of the director. The amount of the bond, irrevocable letter of credit, certificate of guarantee or other instrument required by this section is three hundred dollars ($300.00) plus [two] four cents ($0.0[2]4) per square foot of the area included in the land-disturbing activity, plus amounts as deemed necessary by the director to secure the costs of improvements required in approved plans, not to exceed a total amount of [ten] twenty thousand dollars ($[1]20,000.00). The instruments required under this section may be combined with the instruments required under section 19-32 pertaining to a storm water management facility, so that one (1) instrument may be used to satisfy both requirements. The director may grant a partial or complete waiver of the bond, letter of credit, certificate of guarantee, or other instrument, upon application, where the director finds minimal impairment of existing surface drainage, minimal erosion hazard, and minimal sedimentation hazard upon any adjacent land or watercourse, and no hazard to human life or property. A corporate bond or letter of credit must be executed and maintained by a financial institution, surety, or guaranty company qualified to do business in this state and must be conditioned upon the faithful performance of the conditions and soil erosion and sediment control measures specified in the permit. A cash bond must be deposited with the director of finance, who must give a receipt for it, reciting that the cash has been deposited in compliance with and subject to the provisions of this section. The bond, letter of credit, certificate of guarantee, or other instrument obligates the permittee, the permittee's executors, administrators, successors and assigns, jointly and severally with the surety or issuing organization or entity and inures to the benefit of the county, its officers, employees, and to any person aggrieved by the permittee's failure to comply with the conditions of the permit. The permittee and the issuing organization or surety must, under the bond, letter of credit, certificate of guarantee, or other instrument, continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses or liabilities which may be incurred or expended by the department to meet the minimum requirements of this chapter.

Approved:

_____ _____

Marilyn Praisner, President
Montgomery County Council

Date

Approved:

_____ _____

Douglas M. Duncan, County Executive

Date

This is a correct copy of Council action.

_____ _____

Mary A. Edgar, CMC
Secretary of the Council

Date

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

MEMORANDUM

July 15, 1997

TO: Rick Brush, Manager
Water Resources Section

FROM: Bruce Payne, Manager
Inspection and Enforcement

SUBJECT: Policy/Procedure for Private On-Site Inspection

I have prepared the following guidelines for use at Hampshire Greens or in other instances where a professional sediment control inspector must be retained by the permittee. This requirement will be imposed as a site plan or sediment control permit condition where circumstances dictate. The private inspector will have daily responsibilities and the DPS inspector will continue to check the site on a regular basis.

Stormwater management facilities must continue to be inspected and certified by the design engineer/geotech and require mandatory notification and inspection by DPS. The installation and maintenance of sediment control measures for the construction of these facilities will be monitored by the private inspector. In addition, the private inspector must ensure that any stormwater facility temporarily used for sediment control is properly maintained.

The private sediment control inspector has the following responsibilities:

(1) Inspect erosion and sediment control measures/devices during installation to ensure that they are installed in accordance with the approved plan and specifications;
(2) Notify permittee and obtain inspection and approval by DPS before allowing clearing and grubbing to continue;
(3) Monitor grading activities to ensure compliance with temporary stabilization requirements;
(4) Inspect erosion and sediment control measures to ensure that they are well maintained and functioning properly; and
(5) Notify permittee and obtain approval by DPS before allowing removal of erosion or sediment control measures.

250 Hungerford Drive, Second Floor • Rockville, Maryland 20850

Page 2, Private Inspection (cont.)

This will be accomplished by performing the following duties:

(6) Inspect erosion and sediment control measures within active areas of the site daily;
(7) Inspect erosion and sediment control measures within the entire site at least once weekly;
(8) Inspect the entire site the next business day following a rainfall that causes sediment control devices to function;
(9) Document the results of inspections on approved forms and maintain an on-site log;
(10) Provide DPS with a copy of inspection documentation on a periodic basis;
(11) When corrective measures are needed, prepare an inspection report that documents any discrepancies and identifies corrective action needed; issue to the permittee's authorized representative and inform the DPS inspector by telephone; and
(12) Conduct periodic coordination meetings with the permittee, DPS inspector and private inspector.

Note: All activity must be in conformance with the approved sediment control plan (including limits of disturbance). The private SC inspector should identify any needed plan revisions, but these revisions must be approved by DPS.

If violations are found by the DPS inspector during a periodic inspection, enforcement measures will be taken. Consideration will be given where discrepancies have already been found by the private inspector and are under repair. However, any enforcement action may be taken at any time where circumstances warrant. In addition, DPS may withdraw approval of private inspection personnel where there is a demonstrated inability or unwillingness to perform inspection duties as required. This will necessitate dismissal of the unacceptable private inspector and approval of an alternate by DPS (and MNCPPC, where applicable) to assume on-site inspection responsibilities.

Approved Richard R. Brush 7/18/97
Richard R. Brush Date

Bulletin

Montgomery County, Maryland
Department of Permitting Services

Appendix F-6

September, 1997

ATTENTION: SEDIMENT CONTROL PERMITTEES

Green Grass

As we all know, disturbed area on construction sites that is not under active construction must be temporarily stabilized. Even though inspectors and site superintendents work on this item year-round, we make a special effort in the Fall seeding season (8/15 - 11/15). Sediment traps and basins can only catch about 70% of the sediments that are removed and transported by erosion. Silt fence stops even less. Stabilization is the only effective means to limit the erosion that burdens these trapping devices. Therefore it is essential to stabilize inactive areas as soon as possible, but not less than within the 14 days required by regulation. For the purposes of this application, stabilized means established temporary or permanent approved vegetation. Or more simply put, "green and shaggy."

Our inspectors are already in the process of identifying areas on your site that need to receive temporary stabilization. Every site will have some area in need of either temporary or permanent stabilization. Consult your Standards and Specifications for details, but the most effective temporary approach has been with Annual Ryegrass and Kentucky 31 Tall Fescue (except in wetlands). This should be mulched with blown and anchored straw. Your inspector will work with you to identify areas, but violations of the 14-day stabilization requirement are still subject to enforcement action. Remember, as the permittee, you are responsible for compliance with permit and plan requirements. Call your inspector if you have specific questions, but don't wait until the last minute.

Green Cards

Our "green card" or more formally, Responsible On-Site Personnel for Erosion and Sediment Control training program, has certified many of you in the last year. The courses continue to be offered monthly and there is a waiting list. If you have your card or are on the list, thanks for your cooperation! If you have not done either, and wish to start or continue a project as the on-site representative, hesitate no longer. Contact Jean Rose at 301-217-6300 to sign up right away. This course has proven to be a useful basic course in erosion and sediment control for anyone involved in that part of a construction project. It is a requirement, but it is also four hours well spent.

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

Date

_____

_____

_____
(Bonding Company and Address)

Reference: _____
(Subdivision Name)

_____
(SC Permittee)

_____
(SC Permit Number)

To Whom It May Concern:

The referenced permittee is currently in violation of sediment control permit requirements. It has become necessary to issue a Stop Work Order affecting all activities performed under that permit. Our records show that your organization issued the bonding instrument on behalf of the permittee. In accordance with the Montgomery County Code, "That instrument is conditioned upon the faithful performance of the conditions in the permit, and soil erosion and sediment control measures specified in the permit, within the time specified by the director or within any extension granted by the director." The Code further requires that written notice be provided to the permittee and to the issuing organization when the department finds that a default has occurred in the performance of any term or condition of the permit. Written notice has been provided to the permittee. This letter serves as written notice to your organization that Montgomery County intends to utilize the bonding instrument to complete all required work not performed by the permittee and accepted by this department.

Please supply the name of a contact person within your organization that we may coordinate with during this process. If all required work is not completed by the permittee and accepted by this department within the time allowed, we will need to move quickly to obtain the necessary funds to correct this environmental violation. I thank you in advance for your cooperation.

Sincerely,

W. Bruce Payne, Manager
Inspection and Enforcement

cc: _____
(Permittee)

_____
(Field Supervisor)
Richard R. Brush

250 Hungerford Drive, Second Floor • Rockville, Maryland 20850

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

MEMORANDUM

July 14, 2000

TO: Isiah Leggett, Councilmember, Chair
T & E Committee

FROM: Robert C. Hubbard, Director
Department of Permitting Services

SUBJECT: Sediment Control Enforcement

Attached are several items regarding sediment control enforcement issues for our meeting with the T&E Committee on July 24, 2000. DPS has already actively pursued steps to address the Maryland Department of the Environment's (MDE) comments on our delegated erosion and sediment control enforcement program.

One of the areas of improvement identified by MDE is the need for self-directed sediment control implementation and maintenance by contractors and the need for the County to initiate more stringent enforcement measures when violations are found. MDE found that the County issues the highest number of fines than any of the other jurisdictions in the state, which is evidence of the priority given to the erosion and sediment control program. However, there were still a high number of continued violations found on initial and follow-up inspections indicating more of a need for daily on-site maintenance of sediment control measures by the development community.

Beginning July 1, 2000, we have begun to require a 48 hour maximum compliance time for the issuance of a Notice of Violation. Failure to comply will result in a Stop Work Order that will effect **all** construction within the area covered by the sediment control permit, including building permits. Each day the violation exists constitutes a separate offense and citations may be issued daily until corrections are made. We believe this approach was necessary to implement the State's recommendation to achieve adequate ongoing self-initiated maintenance of sediment control measures on construction sites.

I look forward to discussing these issues and other improvements with the T&E Committee on July 24.

RCH:dm

cc: Jennifer Hughes

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850-4166

DPS Follow-up on MDE Sediment Control Delegation Review

July 2000

1. **Beginning July 1, 2000, require 48 hour compliance on Notice of Violations or Stop Work Order will be issued that will also include all building permits on-site.**

One of the areas of improvement identified by MDE is the need for self-directed sediment control implementation and maintenance by contractors and the need for the County to initiate more stringent enforcement measures when violations are found. There were a high number of continued violations found on initial and follow-up inspections indicating the need for daily on-site maintenance of sediment control measures by the development community.

DPS has developed and distributed a Construction Notice (see attached) to on-site contractors that requires a 48 hour maximum compliance time for the issuance of a Notice of Violation. Failure to comply will result in a Stop Work Order that will effect **all** construction within the area covered by the sediment control permit, including building permits. Each day the violation exists constitutes a separate offense and citations may be issued daily until corrections are made. DPS has also notified the MNCBIA (see attached letter) of this enforcement approach. We believe this approach was necessary to implement the State's recommendation to achieve adequate ongoing self-initiated maintenance of sediment control measures on construction sites.

2. **Met with the Directors of County governmental agencies to achieve improvements to on-site sediment control.**

MDE's review indicated that compliance by governmental agencies within the county needs to be improved dramatically. The director's of DPS and DEP met with the directors of MNCPPC, DPWT, and the School Board to discuss the needed improvements of on-site sediment control for governmental entities that DPS regulates and to outline our new enforcement measures for 48 hour compliance. All agencies concurred with our enforcement approach and are now in the process of ensuring that their contract and bid documents included very specific language on the need for continued maintenance of sediment control measures. Governmental agencies often encounter contractor's claims when sediment control changes are required or enforcement actions are taken. By modifying their contract documents, these agencies will be better prepared to

respond to enforcement actions in a timely manner without experiencing contractor claims.

DPS staff will also be conducting individual sediment control training and education classes for project managers and inspection staff from these agencies. This will improve our understanding and working relationships with staff in the field to achieve better sediment control compliance.

3. DEP ride alongs and program improvements suggestions.

DEP staff will be conducting ride alongs with DPS field inspectors on a monthly basis to provide suggestions on program improvements and to evaluate sediment control effectiveness. DEP staff will include biologists and environmental code enforcement staff who will first undergo the State's sediment control training classes. A rating and evaluation form has been developed for reviewing each project site (see attached).

Bulletin

Montgomery County, Maryland
Department of Permitting Services

Notice

Beginning July 1, 2000, failure to maintain sediment control measures will result in the issuance of a Notice of Violation with a ***maximum*** compliance time of 48 hours. If the violation is not corrected within 48 hours of NOV issuance, a Stop Work Order (SWO) will be issued.

The SWO will affect ***ALL*** construction within the area covered by the sediment control permit including building permits, not just the land disturbance activity on site. Building inspection requests will not be scheduled and contractors/ subcontractors must cease work until the site has been signed off as in compliance by the County's inspector. Each day the violation exists constitutes a separate offense by law and Civil Citations may be issued daily until corrections are made.

The sediment control permit and plan clearly requires that the permittee perform regular inspection and maintenance of all erosion and sediment control measures on site. If you have any questions regarding this procedure, please contact the Sediment Control Inspector in your area.

June 2000

255 Rockville Pike, 2nd Floor · Rockville, Maryland 20850-4166

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

June 15, 2000

Mr. David Flanagan, President
Maryland National Capital
Building Industry Association
1738 Elton Road, Suite 200
Silver Spring, Maryland 20903

Dear Mr. Flanagan:

This letter is in follow-up to our quarterly meeting with your Governmental Affairs liaison committee on Tuesday, June 6. As usual, the meeting was lively and productive. I enjoyed the opportunity to share some of our most recent system improvements with committee members. Their feedback on problems and possible solutions was very useful.

We also discussed sediment control compliance and enforcement. As you may know, erosion and sediment control enforcement is currently delegated to Montgomery County by the Maryland Department of the Environment. That delegation is conditioned on conformance with procedural, staffing, and performance criteria contained in state regulations. A field review of permitted construction sites is conducted by both state and county staff every two years. The most recent was done in autumn of 1999. Although we received full delegation for another two years, the state identified several weak areas that must be improved. They will recheck permitted construction sites periodically to verify that improvements are made.

This state review of the county's program will be directly affecting your membership. The most serious program deficiency identified was in the area of erosion and sediment control maintenance. The sediment control permit and plan clearly require that permittees (builders/developers) perform their own inspection and maintenance of erosion and sediment control measures. This simply isn't happening. Our inspection staff is receiving varying levels of cooperation ***once we have identified a violation.*** Unfortunately, our staffing level does not allow for inspections at the required state frequency. Therefore, we have had to develop these new procedures to encourage permittee initiated inspection and maintenance.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850-4166

Mr. David Flanagan
June 15, 2000
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Beginning July 1, 2000, failure to maintain sediment control measures will result in the issuance of a Notice of Violation with a ***maximum*** compliance time of 48 hours. Because each day the violation exists constitutes a separate offense by law, Civil Citations may be issued daily until corrections are made. If the violation is not corrected within 48 hours of NOV issuance, a Stop Work Order (SWO) will be issued. The SWO will affect ***all*** construction within the area including building permits covered by the sediment control permit, not just the land disturbance activity on site. Building inspection requests will be locked out of the computer system and contractors/ subcontractors must cease work until the site has been signed off as in compliance by the inspector.

We have already coordinated this new procedure with the state. I don't believe we have many other effective options available. It is also important to realize that this is not a new issue. Following a critical state review two years ago, Bruce Payne, manager of our SC/SM inspection program, met with members of your Volume Builders Committee to discuss this inspection and maintenance issue. He explained the state mandate and asked for suggestions on how to achieve the required result. Your members agreed to basically "police their own ranks" and have their superintendents check their sites on a regular basis to keep them in compliance. I'm sure this communication took place, but the initiative didn't survive when faced with competing priorities.

Each permittee has ultimate control over how this new procedure impacts their operation. Our "green card" training program has ensured that responsible on-site personnel know what to look for. They simply need to make self-inspection a regular part of their routine. Until that happens, every effort will be made to implement the enforcement procedure consistently and fairly. The only way this initiative can succeed is if we cooperate toward a common goal. If you have any questions, please contact Bruce Payne at 240-777-6344 or give me a call.

Sincerely,

Robert C. Hubbard
Director

RCH:dm

cc: Bruce Romer, County CAO
Michael Subin, President County Council
J.L. Hearn, Director Water Management Admin., MDE
James Caldwell, Director Dept. Environmental Protection

Lead Departments for Transportation Functions

Functions	DPW&T	DPS
Administering the sales of the *Roadway Design Standards*		✓
Approval of Typical Sections at Preliminary Plan Stage	✓	
Approval of Waivers per Chapter 49		✓
Developer Agreements	✓	
Franchising & Licensing w/ utility companies: A. Establish Agreements---------- B. Permit Issuance & Inspection ----------	✓	✓
Future Revisions to Chapter 49	✓	
Future Revisions to 1996 Roadway Design Standards	✓	
Future Revisions to 1988 Storm Drain Design Criteria	✓	
Inspection of Capital Improvement Projects (CIP)	✓	
Inspection of Participation Projects	✓ FY 98 & Beyond	✓ FY 97
Inspection of Permits		✓
Joint Use of Materials Testing Laboratory & Plant Inspection Resources	✓	
Participation Projects & Program Administration	✓ FY 98 & Beyond	✓ FY 97

Source: DPS – Memorandum from the Director of DPS & DPWT to its customers – September 12 1996

KEY

✓ = Lead Department which has the final authority for the specified function

DPS = Department of Permitting Services

DPW&T = Department of Public Works and Transportation

Lead Departments for Transportation Functions

Functions	DPW&T	DPS
Preliminary Plan Review & Coordination	✓	
Request for Acceptance of Private Streets for County Maintenance	✓	
Review/Coordination of Abandonment Requests	✓	
Review/Coordination of Special Exceptions from Board of Appeals	✓	
Review of Covenants, Maintenance & Liability Agreements		✓
Review of Intersection Geometrics (During the Storm Drain & Paving Plan Review)		✓
Review of Non-standard permit applications which do not go through the subdivision process		✓
Revocable permits for objects in the ROW (signs, fences, walls, plantings etc.)		
A. Establish criteria ----------	✓	
B. Permit Issuance & Permits ----------		✓
Road Closures	✓	
Road Transfer Agreements	✓	
ROCOCO Participation		✓

Source: DPS – Memorandum from the Director of DPS & DPWT to its customers – September 12 1996

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Lead Departments for Transportation Functions

Functions	DPW&T	DPS
Rustic Road Program A. Policy ---------- B. Implementation ----------	✓	✓
Short/Long term roadway occupancy permits: A. Establish criteria ---------- B. Permit Issuance & Inspection ----------	✓	✓
Sidewalk Closures		✓
Signature Authority on Plats, PIAs & other foms (eg. Street acceptance)		✓
Site Plan Reviews & Coordination		✓
State Highway Administration Road Inventory (Submittal of document)	✓	
Storm Drain Inventory Coordination		✓
Street Lighting: A. Plan Review---------- B. Permit & Bond ----------	✓	✓
Traffic Control Plan Review: A. Tertiary & Secondary Roads ---------- B. Permit & Bond ----------	✓	✓

Source: DPS – Memorandum from the Director of DPS & DPWT to its customers – September 12 1996

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Appendix H-1

Department of Housing & Community Affairs (DHCA)
And
Department of Permitting Services (DPS)

Guide to CODE ENFORCEMENT

Code enforcement in DHCA and DPS is generally initiated through complaints. This means that both agencies rely on citizens to identify and report possible code violations.

This guide explains how to file a complaint. The guide covers the following:

- ✓ Accessory Apartments
- ✓ Accumulations of Solid Waste
- ✓ Building/Electrical Work Without Permit
- ✓ Grass and Weeds in Excess of 12"
- ✓ Deteriorated Structures
- ✓ Public Nuisance
- ✓ Signs
- ✓ Storing of Inoperable and Unlicensed Vehicles on Residential Property
- ✓ Sediment Control Violations
- ✓ Zoning Violations:
  - ✓ Illegal Uses/Activities
  - ✓ Occupancy Limits

SOURCE: DHCA OCTOBER 2001

THE DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

One of DHCA's most important responsibilities is the preservation and improvement of housing and property standards through the enforcement of the Montgomery County Code, Chapter 26, Housing and Building Maintenance Standards, Chapter 48, Solid Waste and Chapter 58, Weeds. To report any of the following conditions, call 240-777-3600.

ACCESSORY APARTMENTS – An accessory apartment is a private, self-contained living area within an existing dwelling or within a subordinate building on the property. A Special Exception from the Montgomery County Board of Appeals is required before an accessory apartment can be constructed in a residential area. Accessory apartments are inspected annually for continued compliance with the requirements for the Special Exception and for life, safety and health issues.

ACCUMULATIONS OF SOLID WASTE – Examples of solid waste are: garbage, medical waste, debris from building construction, ashes, junk, dead animals, dead or felled trees, uprooted tree stumps, tree limbs, bushes, plants, leaves, grass, garden trimmings, abandoned vehicles, machinery, bottles, cans, waste paper, cardboard, boxes, containers, tires, appliances, furniture, automobiles, trucks and recreational equipment, any or all of which is in a state of disrepair or are not operational.

GRASS AND WEEDS IN EXCESS OF 12" - Generalized growth of any weed or any generalized plant growth more than 12" high within 15' of any property boundary is not permitted. Generalized plant growth does not include trees, ornamental shrubs, flowers or garden vegetables.

DETERIORATED STRUCTURES – Examples of deterioration are: gutters and downspouts that are loose or leaking; flaking and/or peeling paint on exterior wood trim; missing or dilapidated roof shingles, missing or damaged siding, cracked and chipped concrete walkways or steps.

PUBLIC NUISANCE – Examples of public nuisances are:

- Vacant and unsecured buildings, unprotected or abandoned wells, open shafts, open basements, excavations, unsafe fences, unsafe stairways, and unsafe steps;
- Structures which are unsanitary, littered with rubbish or garbage, used for outdoor storage or abandonment of appliances [for more than two (2) days], or equipment, which poses a threat of injury or danger to life;
- Severely deteriorated, dilapidated, structurally unsafe, or fire-damaged buildings or dwellings;
- Sanitary sewage and plumbing facilities that are not functioning properly;
- Any condition that results in substantial damage to another property;
- Any condition that is unsafe, dangerous, or unhealthful to occupants, neighbors, employees, or visitors, guests, and tradesmen.

STORING OF INOPERABLE AND UNLICENSED VEHICLES ON RESIDENTIAL PROPERTY – It is unlawful to store dysfunctional motor vehicles for more than 30 days or unregistered vehicles for more than 90 days on private property. Nonfunctional motor vehicles are considered solid waste and must be removed or repaired within 30 days. Unregistered vehicles are functional vehicles that are not registered in any state or jurisdiction. Vehicle owners have 90 days to register or remove the vehicle. To report a non-functional, abandoned vehicle or unregistered vehicle on **private property** contact DHCA at 240-777-3600.

To report a non-functional, abandoned vehicle on a **public road or right-of-way**, contact the Police Department's Abandoned Auto Unit at 301-840-2454.

THE DEPARTMENT OF PERMITTING SERVICES

The Department of Permitting Services is responsible for providing the highest quality of customer service in the area of licenses and permits while ensuring compliance with Montgomery County's development and construction standards, as required by the Montgomery County Code, Chapter 8, Building Codes, Chapter 17, Electrical Code and Chapter 59, Zoning.

BUILDING/ELECTRICAL WORK WITHOUT PERMIT – Building permits are required for all new construction and additions to existing structures. Other projects requiring a permit include: bay windows, garages, sun rooms, decks and dormers; alterations, such as kitchen or bathroom remodeling, finishing an attic or basement, or reconfiguring a floor plan; minor structural repairs or replacement; and fence, retaining wall, shed and pool construction.

An Electrical Permit is required for work that involves installing, repairing, or maintaining any electrical wiring or device designed for conducting, consuming or converting electrical current.

An Historic Area Work Permit is required for any work that changes the exterior features of any historic site or any historic building located within any Historic District, or designated in the Historic Atlas as an historic site.

If you suspect that work is being performed without a building, electrical or historic area work permit, contact DPS at 240-777-6259.

SIGNS – There are three types of signs permitted in Montgomery County: permanent, limited duration and temporary. All signs are regulated by their type, the general zoning classification where they are located and their size and placement on the property.

A sign permit is required for any permanent sign posted on private property for more than 30 days and any limited duration sign posted on private property or in the public right-of-way. Temporary signs are permitted only on private property and must not be displayed for more than 30 days.

Certain signs are prohibited. Examples include: roof signs, obstructive signs, unsafe signs, signs that move (banners, pennants, streamers, balloons, etc.), signs attached to traffic devices or utility poles, and signs placed unlawfully in the public right-of-way.

To report any suspected illegal signs, contact DPS at 240-777-6259.

SEDIMENT CONTROL VIOLATIONS – Sediment control complaints typically involve construction and earth moving activities. Normally, these complaints involve concerns of grading without proper permits or sediment run-off onto private property, streams, public roads and right-of-ways.

ZONING VIOLATIONS (Illegal Uses/Activities & Occupancy Limits) - Zoning complaints typically involve allegations of improper uses/activities in residential, business, and other zones and violations of building restrictions such as setbacks, lot coverage, and height limits. In addition, the Zoning Ordinance restricts the number of unrelated persons who may reside in a residential dwelling. To report suspected zoning violations, contact DPS at (240) 777-6259.

HOW TO REPORT A CLAIM

DEPARTMENT OF HOUSING AND COMMNITY AFFAIRS

When you contact DHCA, and are connected to the Housing Code Office, please provide the following information:

✓ Your name, address and phone number (not required; anonymous complaints are accepted).

✓ The address and/or location of the property where you have observed a possible code violation

You may also submit this information in writing.

IF YOU WISH TO HAVE YOUR NAME AND PERSONAL INFORMATION REMAIN CONFIDENTIAL, PLEASE CLEARLY STATE THIS REQUEST DURING YOUR TELEPHONE CALL TO DHCA OR IN YOUR WRITTEN COMPLAINT.

What Happens Next?

You will receive notification identifying the Inspector assigned to investigate your complaint. This will allow you to follow the progress of the investigation.

If violations are found, a Notice of Violation will be mailed to the property owner requiring compliance by a certain date. A Notice may also be posted on the site. The amount of time allowed for code compliance varies based upon the type of violation and the time necessary for making repairs or corrections. Generally, 30 days are allowed for the correction of non-emergency violations. Emergency violations must be corrected within 24 hours.

The property will be reinspected to determine whether violations have been corrected.

If Violations Remain Uncorrected

If violations are not corrected, various civil and criminal penalties, including substantial fines, can be imposed. The County also has the right to clean up a property and charge the property owner for costs incurred.

For additional information, visit the DHCA website at **www.hca.emontgomery.org.**

DEPARTMENT OF PERMITTING SERVICES

DPS maintains a phone line for citizens to request investigations of suspected zoning violations and illegal construction activities (building without permits). The phone number is (240) 777-6259.

When you contact DPS, please provide the following information:

✓ Your name, address and phone number (not required; anonymous complaints are accepted).

✓ The exact address and/or location of the property where you have observed a possible code violation

✓ The property owners' or occupants' names, if known

You may also submit this information in writing.

IF YOU WISH TO ENSURE YOUR NAME AND PERSONAL INFORMATION ARE KEPT CONFIDENTIAL, PLEASE CLEARLY STATE THIS REQUEST DURING YOUR TELEPHONE CALL TO DPS, OR IN YOUR WRITTEN COMPLAINT.

What Occurs After Filing A Complaint?

Complaints are assigned to Zoning/Building Investigators/Inspectors who, if they find violations, instruct the violators to take corrective action. If a violation is not corrected within a reasonable time, various civil and criminal penalties, including substantial fines, can be imposed. The department keeps complainants' names confidential.

Will The Results Of An Investigation Be Available?

The Investigator will inform you of important developments in the case and its final outcome.

How Long Will the Investigation Take?

Normally, an investigation begins within one to three days from receipt of the complaint. Investigation time varies according to workload and/or complexity of the complaint.

For additional information, visit the DPS website at **www.permits.emontgomery.org.**

GUIDELINES FOR VOLUNTEERS TO ASSIST IN ZONING INVESTIGATIONS

Some zoning complaints require extensive observation to identify the nature of the violation and to determine the extent of the violation. Many citizens have an intimate knowledge of the neighborhood. Citizens can be very helpful to the zoning investigator, especially in providing valuable first hand information on potential violations that often involve activity that is sporadic or occurs at odd hours.

It is important to understand, however, that citizen volunteers may be called upon to sign an affidavit or to appear in court to testify to the observations made if these observations are used to make a case for a violation.

There are several things a volunteer should keep in mind in making these observations.

1. If you have been requested by a zoning investigator to provide more detailed information, such as logs or pictures, discuss with the investigator what to look for.

2. Pictures taken should be signed and dated and be as clear and detailed as possible showing suspected evidence of a violation.

3. Logs of activity into and out of a house, as in the case of a home occupation, should be detailed and complete. These logs might include time and date of observation, vehicle tag numbers, type and make of vehicles, and number of persons entering the residence.

4. Observations should be made from an inconspicuous location but one that allows a view of the property. At no time should the citizen volunteer leave himself open to be confronted by the alleged violator.

5. Do not trespass on someone's property.

G:\volunte

SOURCE: DPS OCTOBER 2001.

Resolution No.: 14-1001
Introduced: July 17, 2001
Adopted: September 11, 2001

COUNTY COUNCIL FOR MONTGOMERY COUNTY MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND

By: District Council at the request of the County Executive

SUBJECT: The establishment of an annual fee for enforcement of the Montgomery County Zoning Ordinance, Article 59-A-1.10. Fees and Article 59-G "Special Exceptions"

Background

1) As part of the FY02 budget, the County Executive requested and the County Council approved the addition of a Zoning Investigator, grade 21 and a Permit Technician grade 19 within the Department of Permitting Services to staff the special exception inspection program.

2) As part of the FY02 budget, the County Executive requested and the County Council approved DPS to collect a fee for enforcement of special exceptions.

3) The Department has evaluated the fees charged for special exceptions in relation to the costs of enforcing the Special Exception Article of the Montgomery County Zoning Ordinance.

4) The Department proposes the following fee to cover costs associated with the enforcement of the Special Exception regulations under the Montgomery County Zoning Ordinance.

Action

1. ANNUAL FEE FOR ENFORCEMENT OF SPECIAL EXCEPTIONS

(a) The special exception fee must be paid within the first 30 days of each fiscal year. By receiving payment the first 30 days of the fiscal year, DPS will have the remaining 11 months to identify and process abandoned special exceptions and to have an accurate accounting of special exceptions for the following budget preparation period. The first year of implementation (FY02) is an exception to this payment schedule. In fiscal year 2002, fees must be paid prior to the end of calendar year 2001. This will allow DPS time to provide special exception holders advance notice of the fee and time for DPS to recruit and hire staff.

(b) The annual fee for enforcement of special exceptions is $88.00

(c) The fee amount will be indexed to the annual average increase in the Consumer Price Index for all urban consumers for the Washington-Baltimore Metropolitan area, or any successor index, for the twelve months preceding December first of the year.

(d) The annual fee for enforcement of special exceptions will be paid by the holder of the Special Exception.

(e) If the annual fee for enforcement of special exceptions is not paid, the Department shall notify the Board of Appeals in writing. Failure to pay the fee could result in revocation of the special exception by the Board of Appeals.

2. This resolution becomes effective ten days after the date of Council approval.

This is a correct copy of Council action.

Mary Anne Paradise

Mary Anne Paradise
Acting Clerk of the Council

PETITION

Appendix K-1

We the undersigned, petition the Members of the Montgomery County Council to reassign the Fire Protection Engineers from Permitting Services back to the Fire Marshal's Office, prior to the rapidly approaching "Sunset Date" of Bill 20-96.

After a trial period of almost five years, it has become apparent that this reorganization has negatively impacted the county's code enforcement efforts. You have received many letters outlining the specific reasons that the process worked much more efficiently prior to this change. Due to the political nature of the reorganization, Fire and Rescue personnel have not been in a position to openly express their true opinion regarding the reorganization.

We believe that these engineers belong in the same office as the "Code Authority" and the inspectors that check the construction/installation approved by the fire protection engineers. This has a proven track record to streamline the process and eliminate any conflicts, which arise.

The goal of a "One Stop Shop" is satisfied by having the various departments in one area. This was accomplished back in 1987 when the Building Department and the Fire Marshal's Office were co-located at the Metro Center. The Health Department has now joined them in the newly renovated area, and this gives the clients one place to go to carry out their work and pick up permits that are issued by the individual departments.

Plan reviews, walk-ins, permits, meetings, etcetera can be accomplished while meeting the client's needs separately through cooperation, coordination and mutual agreement by the departments.

Name	Signature	Company	Phone Number