

Resolution No.: 16-601  
Introduced: June 17, 2008  
Adopted: June 17, 2008

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY MARYLAND**

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By: County Council

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**SUBJECT:** Executive Regulation 10-08, Permit Fees and Regulations Related to Construction Debris Reclamation Facility

**Background**

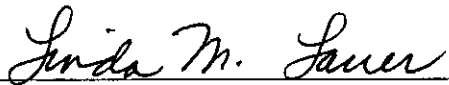
1. On May 20, 2008, the County Executive transmitted Executive Regulation 10-08, Permit Fees and Regulations Related to Construction Debris Reclamation Facility.
2. Executive Regulation 10-08 will increase the Construction Debris Reclamation Fee to cover the administration, plan review, and enforcement programs of the Department of Permitting Services. In addition, a one-time fee increase of 2.0 percent is included to cover costs associated with the new credit card payment option for customers.

**Action**

The County Council for Montgomery County, Maryland approves the following resolution:

Executive Regulation 10-08, Permit Fees and Regulations Related to Construction Debris Reclamation Facility is approved.

This is a correct copy of Council action.

  
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Linda M. Lauer, Clerk of the Council



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

<b>Subject:</b> Permit Fees and Regulations Related to Construction Debris Reclamation Facility	<b>Number</b>  10-08
<b>Originating Department:</b> DEPARTMENT OF PERMITTING SERVICES	<b>Effective Date:</b> June 17, 2008

Montgomery County Regulation on:

PERMIT FEES AND REQUIREMENTS RELATED TO CONSTRUCTION DEBRIS  
RECLAMATION FACILITY

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive  
Regulation No.

**AUTHORITY:** Code Sections 59-A-2, 59-A-2.1, 59-C-9, 59-C-9.3, 59-C-9.83, 59-C-9.84  
Supersedes: Regulation No. 15-07  
Council Review: Method 2 under Code Section 2A-15  
Register Issue  
Comment Deadline: April 30, 2008  
  
Effective date: June 17, 2008  
Sunset date: None

**SUMMARY:** This regulation, in general, increases fees by 2.3% for costs related to the administration, plan-review and enforcement of Construction Debris Reclamation Facilities by the Department of Permitting Services. An additional fee increase of 2% has been added to cover costs associated with the new credit card payment option for DPS customers. The total fee increase is 4.3%. The indexing language has been modified to remove the need for Council approval of an Executive Regulation in cases where the only change is a fee increase consistent with the existing indexing language.

**ADDRESSES:** Department of Permitting Services  
255 Rockville Pike, Second Floor  
Rockville, Maryland 20850

**STAFF CONTACT:** Reginald Jetter, Chief  
Division of Casework Management  
240-777-6275



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

<b>Subject:</b> Permit Fees and Regulations Related to Construction Debris Reclamation Facility	<b>Number</b> 10-08
<b>Originating Department:</b> DEPARTMENT OF PERMITTING SERVICES	<b>Effective Date:</b>

**BACKGROUND INFORMATION:** The Department of Permitting Services is the agency mandated to administer and enforce Chapter 59 Zoning of the Montgomery County Code. Fees and requirements included in this executive regulation are for the permit issuance, review and inspection. These fees adequately reflect the costs for these services. The Department of Permitting Services was established as a fee-supported enterprise within the Executive Branch of Montgomery County in 1996. Revenues that support the Department are established by Method 2 or Method 3 Executive Regulations and by County Council resolution. The Department of Permitting Services may raise this fee annually by regulation by a percentage that does not exceed the rate of the increase (if any) in the department's approved personnel costs for the then-current fiscal year compared to the approved personnel costs for the preceding fiscal year. These cost increases will reflect negotiated labor agreements, employee benefit cost adjustments, proficiency advancements, and other personnel cost factors. Where possible, productivity enhancements will be made to minimize fee increases. On July 1, 2005 Executive Regulation 10-05 Permit Fees and Regulations Related to Construction Debris Reclamation Facility increased fees by 6.4%. On July 1, 2006 Executive Regulation 11-06 Permit Fees and Regulations Related to Construction Debris Reclamation Facility increased fees by 6.7%.

## Sec. 1 PURPOSE AND AUTHORITY

The following schedule of fees and requirements are adopted pursuant to the authority contained in Section 59-C-9.84 of the Montgomery County Code 1994, as amended.

## Sec. 2 DEFINITIONS

**Construction Debris Reclamation Facility:** Any land or building used for the collection, sorting and recovery of construction or demolition debris where debris:

- (a) Is separated, collected, processed or marketed in the form of raw materials or products;
- (b) Has marketable value; and
- (c) Is sorted at the reclamation facility site, with the inventory, by volume, being turned over at least once every 3 months.



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<b>Originating Department:</b> DEPARTMENT OF PERMITTING SERVICES	<b>Effective Date:</b>

### Sec. 3 DEVELOPMENT STANDARDS

- (a) Minimum lot size of 10 acres.
- (b) Minimum frontage of 1,000 feet and direct access to a road classified as a primary industrial street or higher.
- (c) No more than 2 miles from an interstate highway interchange.
- (d) A building setback of 50 feet from any road right-of-way, except a limited access freeway which is controlled by Section 59-C-9.81, and 75 feet from any adjoining property not classified in an industrial zone or the RS zone.
- (e) Off-street parking of haul trucks and roll off containers must be in a building or screened from off-site visibility, and
- (f) A landscaping plan approved by the Planning Board as part of the site plan approval process.

### Sec. 4 CONSTRUCTION DEBRIS RECLAMATION PERMIT REQUIREMENTS

This regulation requires that:

- (a) Construction debris be transported to the construction recycling facility in covered "Roll off" containers or covered trucks.
- (b) All sorting and processing be done in an enclosed structure.
- (c) When construction debris is separated, collected and processed, an average of 50% of the processed materials by weight have a marketable value
- (d) Permanent storage is not permitted and inventory by volume turned over at least once every three months.
- (e) Fifty-one percent (51%) of the materials processed be collected by the facility operator and
- (f) The total volume of construction and demolition debris collected and recycled be reported to the Division of Solid Waste Services on an annual basis.

### Sec. 5 CONSTRUCTION DEBRIS RECLAMATION PERMIT FEES

Annual Permit Fee -- \$110.00



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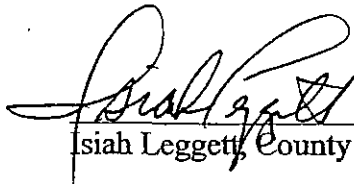
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## Sec. 6 INDEXING OF FEES TO LABOR COST INCREASES

The Director of Permitting Services must adjust each fee set in or under this regulation on July 1 of each year by regulation by a percentage that does not exceed the rate of the increase (if any) in the department's approved personnel costs for the then-current fiscal year compared to the approved personnel costs for the preceding fiscal year. For fees of \$100 or more, the Director must calculate the revised fee to the nearest five dollars. For fees under \$100, the Director must calculate the revised fee to the nearest dollar.

## Sec. 7 SEVERABILITY

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.

  
Isiah Leggett, County Executive

15 JUL 08  
Date

Approved as to form and legality  
Montgomery County, Md. County Attorney's Office

By: 