Resolution No.:	18-194
Introduced:	June 23, 2015
Adopted:	June 23, 2015

COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND

Lead Sponsor: County Council

SUBJECT: Approval of Executive Regulation 9-15AMII, Schedule of Fees for Permits, Licenses and Certifications

Background

1. The Montgomery County Code, under Chapters 8 (Buildings), 17 (Electricity), 27A (Individual Water Supply and Sewage Disposal Facilities), 22 (Fire Safety Code), 30 (licensing and Regulations Generally), and 47 (Vendors), authorizes the County Executive to adopt regulations concerning fees under Method (2).

2. Regulation 9-15AM would replace multiple fees based on construction type with a per square foot rate or flat fees and eliminate the Fire Code Building Permit Inspection Fees. The new fees would also eliminate the Maryland-National Capital Park and Planning Commission (M-NCPPC) surcharge. There are specific fees for utilities, maintenance of traffic plans, right-of-way permits, electric vehicle charging stations, and rooftop solar photovoltaic systems for single-family dwellings.

3. On May 22, 2015, the County Council received Executive Regulation 9-15. The Council received Executive Regulation 9-15AM on June 4, 2015.

4. The Council reviewed the regulation under Method (2) of County Code §2A-15.

5. Under Method (2), the Council may approve, disapprove, or extend the time for action within 60 days of receiving the regulation. In the absence of Council action, the regulation is deemed approved as submitted.

6. On June 8, 2015, the Planning, Housing, and Economic Development Committee reviewed Executive Regulation 9-15AM and asked the Executive to consider revising the fees for custom builders, Moderately Priced Dwelling Units (MPDUs) in multi-family buildings, and very large commercial projects.

7. On June 19, 2015, the Executive transmitted Executive Regulation 9-15AMII, which responded to the Committee's concerns.

8. On June 22, 2015, the Committee reviewed the revised regulation and recommended that the Council approve Executive Regulation 9-15AMII.

Action

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

The County Council approves Executive Regulation 9-15AMII, Schedule of Fees for Permits, Licenses and Certifications.

This is a correct copy of Council action.

Linda M. Lauer

Linda M. Lauer, Clerk of the Council

MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Schedule of Fees for Permits, Licenses and Certifications – METHOD 2	**Number:** 9-15AMII
Originating Department: DEPARTMENT OF PERMITTING SERVICES	**Effective Date:** July 1, 2015

Montgomery County Regulation on:

SCHEDULE OF FEES FOR PERMITS, LICENSES AND CERTIFICATIONS – METHOD 2

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive
Regulation No. 9-15AMII
COMCOR No. 08.14.01

Authority: Montgomery County Code (2004) Sections 8-13, 8-14, 8-24B, 8-25, 8-28, 17-2, 17-10, 17-20, 17-25, 17-27,
27A-5(E), 22-10, 22-13, 30-2, 30-4, 47-2, 47-3, 47-4
Supersedes: Regulation No. 14-13 Schedule of Fees for Permits, License and Certifications

Council review: Method 2 under Code Section 2A-15
Register Vol. 32, Issue 4

Comment Deadline: April 30, 2015
Effective Date: July 1, 2015
Sunset Date: None

SUMMARY: This regulation eliminates the Maryland National Capital Park and Planning Commission (MNCPPC) surcharge, replaces multiple construction-type based fee rates with a per square foot construction rate, or flat fees and eliminates the Fire Code Building Permit Inspection Fees. This regulation includes Building Permit fees for electric vehicle charging stations and rooftop solar photovoltaic systems for single family dwellings as required by Bill 11-14 Buildings – Electrical Vehicle Charging Station Permits – Expedited Review and Bill 1-14 Buildings – Solar Permits – Expedited Review both of which were effective July 31, 2014. The fees for Benefit Performance Licenses and the fee for Storage of Vendor-Confiscated Goods have been moved to this regulation from Executive Regulation 15-13 Schedule of Fees for Permits, Licenses and Inspection – Method 3 (COMCOR No. 19.67.02). This regulation supersedes Executive Regulation 14-13 in its entirety.

STAFF CONTACT: Hadi Mansouri, Chief Operating Officer
Department of Permitting Services
240-777-6233

MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Schedule of Fees for Permits, Licenses and Certifications – METHOD 2	Number: 9-15AMII
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: July 1, 2015

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

BACKGROUND INFORMATION: 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 under these Method 2 Executive Regulations and by County Council resolution. In Fiscal 2015 the Department of Permitting Services engaged in a comprehensive study of its fee structure. As a result of this study, certain recommendations were made to simplify several elements of its fee structure, including eliminate the Maryland National Capital Park and Planning Commission (MNCPPC) surcharge, adjust fees based upon functional analysis, replace multiple construction-type based fee rates with a per square foot construction rate, or flat fees and apply a rate stabilization factor to address revenue volatility and avoid excess reserve. For residential and commercial new construction, additions and residential alterations, fees are calculated on gross square footage of construction or area impacted by construction. For commercial alterations, the fee is calculated using cost of construction multiplied by a local multiplier. This regulation also establishes flat fees for routine residential and commercial building permits. The Fire Code Building Permit Inspection Fees have been eliminated. This regulation includes Building Permit fees for electric vehicle charging stations and rooftop solar photovoltaic systems for single family dwellings as required by Bill 11-14 Buildings – Electrical Vehicle Charging Station Permits – Expedited Review and Bill 1-14 Buildings – Solar Permits – Expedited Review both of which were effective July 31, 2014. The fees for Benefit Performance Licenses and the fee for Storage of Vendor-Confiscated Goods have been moved to this regulation from Executive Regulation 15-13 Schedule of Fees for Permits, Licenses and Inspection – Method 3 (COMCOR No. 19.67.02).

COMCOR 08.14.01 Schedule of Fees for Permits, Licenses and Certifications – Method 2

08.14.01.01 Building Permits

A. General

1. All fees required by this section must be paid before release of the permit. Construction, including excavation, must not begin until all fees are paid.

2. A filing fee must be paid when the application is submitted. Filing fees are included in the permit fee.

3. Permit fees are calculated and collected for each permit application. When an application includes multiple buildings, a separate fee will be assessed to each building or for each mailing address.

4. For the purpose of calculating the permit fee for commercial buildings, the following shall apply:

   Each portion of a building separated by one or more fire walls, or horizontal assemblies (3 hours) shall be considered as a separate building. Two or more buildings on the same lot shall be treated as separate buildings.

5. For the purposes of calculating the permit fee residential is defined as detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress.

6. Plan revision fees are in addition to the original fees.

7. Plan revisions are considered changes made by the applicant to the approved construction documents.

8. Permit fees are calculated on gross square footage of construction or area affected or created by construction (except commercial alteration).

B. One- and Two-Family Dwellings and Related Accessory Structures

1. Application filing fee for new building construction
   50% of permit fee or $700 whichever is greater

2. Application filing fee for addition, alteration or repair
   50% of permit fee or $265 whichever is greater

3. Application filing fee for residential rooftop solar panel meeting standard requirements
   $133

4. One- and Two-family detached dwelling unit $0.71 per SF
   For Fiscal Year 2016 ONLY
   a. up to 5000 SF of construction area $0.71 per SF
   b. 5001 SF of construction area and above
      $0.71 per SF for first 5000SF + $0.30 per SF of area exceeding 5000 SF

5. One- and two-family attached dwelling unit per dwelling unit $1,400

6. One- and Two-Family attached dwelling unit constructed under the MPDU program	$1,000
7. Additions	$0.71 per SF
8. Alterations or repairs	$0.63 per SF
9. Private in-ground swimming pool (including fence)	$290
10. Private above-ground swimming pool (including fence)	$215
11. Decks (opened unenclosed) 500 SF or less in area	$180
12. Decks (opened unenclosed) more than 500 SF in area	$0.71 per SF
13. Retaining Walls	$180
14. Accessory Buildings 200 SF or less	$110
15. Accessory Buildings more than 200 SF	$0.71 per SF
16. Solar Panels	$210
17. Rooftop Solar Panels	$210
18. Rooftop Solar Panels Refer-backs	$105

C. Residential Plan revisions: $0.71 per SF of new construction or the application filing fee per occurrence, whichever is greater; $0.63 per SF of alteration or repair or the application filing fee per occurrence, whichever is greater. Each revision occurrence may include revision to one or more disciplines. Revisions submitted on different dates are considered separate occurrences.

D. Demolition Permit $145

E. Fence Permit $72

F. Commercial Buildings and Structures

1. Application filing fee for new building construction, addition, alteration or repair 50% or permit fee or $670 whichever is greater

2. New construction and additions
   a. Up to 500,000 SF of construction area $1.19 per SF
   b. 500,001 SF of construction area and above
      $1.19 per SF for first 500,000SF + $0.60 per SF of area exceeding 500,000 SF

3. Commercial dwelling unit (reviewed under the IBC) constructed under the MPDU program $1.14 per SF

4. Repairs, alterations and accessory structures: Permit fee is based on the cost of construction as provided by the applicant multiplied by 0.024, the local permit fee multiplier. However, the department may verify and recalculate the cost estimation submitted by the applicant. The applicant may be required to provide construction bid documents. The Director will provide a worksheet and a formula that includes the latest numerical values of the valuation data to be used in determining the fee. An applicant must provide building dimensions, square footage, use group, construction type, and numbers of floors including basements, in order for the fee to be calculated.

G. Commercial Plan revisions: $670 or calculated under sections F.2. or F.3. above per occurrence, whichever is greater. Each revision occurrence may include revision to one or more disciplines. Revisions submitted on different dates are considered separate occurrences.

H. Use and Occupancy Certificates
   1. The fee for any Use-and-Occupancy Certificate must be paid when the application is submitted.

   2. Residential Use-and Occupancy Certificate $94

   3. The fee for any commercial Use-and-Occupancy Certificate for each building or portion of a building or use is per square foot of area, as follows:

0 – 5000 SF	$355
5,001 – 10,000 SF	$520
10,001 – 20,000 SF	$795
20,001 SF and up	$1,240 + $.024 per SF of area exceeding 20,000 SF

   4. The fee for Use-and Occupancy Certificate for lots or parcels without buildings/structures on them. $575

I. Mechanical Permit

MONTGOMERY COUNTY EXECUTIVE REGULATION

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1. A minimum fee of $65 applies to all Mechanical permits issued to one- and two-family attached and detached dwellings. This fee is in addition to the equipment fee listed in this section.

2. A minimum fee of $105 applies to all other Mechanical permits. This fee is in addition to the equipment fee listed in this section.

3. Except for one-and two-family attached and detached dwellings, the base mechanical fee is 1.59% of the cost difference between the contract value and the value of listed equipment. The Department may require evidence of the contract value and equipment value. The fee is in addition to the equipment fees listed in this section. The following fee schedule applies to each piece of equipment.

   New or replacement equipment:

   a. Heating equipment (includes, but is not limited to, heat pump auxiliary heat, heating capacity of packaged units, duct heaters, VAV box heating elements, gas-fired fireplaces, geo-thermal units, etc.): Each 100 MBH or fraction $23

   b. Cooling equipment (includes but is not limited to, cooling capacity of heat pumps, packaged units, cooling boxes, cooling equipment with compressors, etc.): Each five ton capacity or fraction $23

   c. Fuel Tanks: Each 500 water gallons $52

   d. Expansion Tanks: Each 50 water gallons $52

   e. Pre-fabricated fireplace $26

   f. Pre-fabricated chimney $14

4. Commercial Consultation inspection (per hour or fraction) $135

08.14.01.02 Electrical Permits and License Fees

A. General

1. All fees required by this section must be paid before any permit is released, before any electrical work may begin, and before any inspection may be made.

2. A minimum fee of $90 applies to all electrical permits issued to one- and two-family attached and detached dwellings. This fee is in addition to the equipment fee listed in this section.

3. A minimum fee of $150 applies to all other electrical permits. This fee is in addition to the equipment fee listed in this section.

B. Electrical Permits

1. Air conditioners: (see motor schedule, item 18)

2. Appliance, small* $ 9
*Such as air filters, automatic-vent amperes, 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 appliances

3. Arc-vapor lamps, rectifiers, rheostat chargers for storage batteries (each) $13 each

4. Battery packs (each) $ 9

5. Commercial new construction: This includes all branch circuit wiring, temporaries-pending-final, equipment/appliances within the structure. These fees are applicable to alternative power sources – such as, but not limited to: photovoltaic, wind turbine and generators.

Not over 100 Amps	$600
101 – 200 Amps	$745
201 – 300 Amps	$895
301 – 400 Amps	$1,055
Over 400 Amps	$1,055
PLUS $140 for each additional 100 Amps or fraction	

6. Commercial tenant fit-ups, alterations, additions (includes all branch circuit wiring, temporaries-pending-final and equipment/appliances within the space)

For low voltage or up to 20 devices	$155
For single story up to 5,000 SF	$230
For single story 5001 – 10,000 SF	$380
For single story 10,001 – 20,000 SF	$450
Over 20,001 SF or multi-story	$520 per story

7. Control wiring for heating, air conditioning, duct heaters, air handlers, and motor-control centers $21

8. Dental chairs $13

9. Electrical heating equipment (see motor schedule, item 18)

10. Fire/security alarm systems $38

11. Single-station smoke detectors (each) installed separately $ 4

12. First 20 Fixtures $13
    Each additional 10 (or fraction thereof) $ 9

13. Gasoline pumps (each) $ 9

14. Heating equipment (other than strictly electrical)
    Residential or commercial: oil burners and gas burners, including controls (each) $13

15. Modular/mobile home $90

16. Motion-picture booths and equipment (each) $90

17. Meter stacks – replacements (each meter) $31

18. Motors, rotating machinery, transformers, switch boards, electrical heaters, air conditioners, manually operated generators (assumes 1kwor 1kva 1hp):

Under ½ HP	charged as fixtures
½ HP – 10 HP (each)	$16
11 HP – 20 HP (each)	$21
21 HP – 30 HP (each)	$31
31 HP – 50 HP (each)	$38
51 HP – 75 HP (each)	$46
75 HP (each)	$52

19. Outlets and rough wiring (1 – 20 lights, switches or receptacles) $16
    Each additional 10 outlets (or fraction thereof) $ 7

20. Radio, television, telephone (towers, dishes, microwave, relay systems, etc.) $97

21. Service equipment, heavy-up, replacement, sub-panel, or relocation (Residential only)
    - 0 – 400 Amps $38
    - 401 Amps and up $76

22. Signs (each sign) $90

23. New Multi-family buildings (apartments, condominium dwelling units)
    - Each dwelling unit $230

    (Common areas such as stairwells, laundry, and storage rooms are charged as individual units for each panel or sub-panel required)

24. Existing Multi-family buildings (apartments, condominium dwelling units)
    - Each dwelling unit $150

    (Common areas such as stairwells, laundry, and storage rooms are charged as individual units for each panel or sub-panel required)

25. One- and two-family dwellings and townhouses: This includes all branch circuit wiring, temporaries-pending-final and equipment/appliances within the structure. These fees are also applicable to alternative power sources (such as but not limited to: photovoltaic, wind turbine and generators switched with an automatic transfer switch). The flat fees for all wiring, fixtures, appliances, etc., including temporaries-pending-final are as follows:
    - Up to 200 Amps $230
    - 201 – 400 Amps $335
    - Over 400 Amps $450

26. Special deck inspections, slab concealment (each) $46

27. Sub-panels (Commercial)
    - 0 – 400 Amps $38
    - Over 400 Amps $76

28. Swimming pools, hot tubs, and spas (including circulating pumps, fixtures and receptacles) $76
    - Bonding $21

29. Temporary wiring – carnivals, fairs, holiday decorations and tree lots, etc. (includes panels and fixtures) $110

30. Temporary for construction (Residential only) $76

31. Transformers (see motor schedule, item 18)
32. Transformer vaults, duct banks
(outdoor transformer, enclosure substation, or a switch-and-meter vault on private property including wiring) $97

33. X-ray machines (each) $16

34. Any low-voltage work not previously specified
    - 1 – 10 devices $33
    - Each additional 10 or fraction thereof $ 7

35. Rooftop Solar Photovoltaic (up to 200 amps) $115

36. Electrical Charging Station $50

C. Electrical License Fees

1. Electrical Examinations
    - a. Master Electrician and Master Limited $75
    - b. Journeyman Electrician $75
    - c. Homeowner's Electrical Examination Fee $75
    - d. Homeowner's Electrical Re-Examination Fee $75

2. License and License Renewal Fees (per year)
    - a. Electrical Contractor $88
    - b. Master Electrician $88
    - c. Master Electrician (Limited) $88
    - d. Journeyman Electrician $88
    - e. Apprentice Electrician (identification card) $88
3. Duplicate license or identification card $31
4. Re-examination fee $31
5. Late renewal fee $59
6. Electrical contractor change of business name or status $59
7. Electrician Good Standing Letter $31

MONTGOMERY COUNTY EXECUTIVE REGULATION

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Subject: Schedule of Fees for Permits, Licenses and Certifications – METHOD 2	Number: 9-15AMII
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08.14.01.03 Fire Code Fees

A. General

1. All fees required by this section must be paid before any permit is released and construction is started.

2. The minimum application filing fee for new installation or revision is $155.

3. Plan revisions are considered changes made by the applicant to the approved construction documents. Revision fees are in addition to the original or maximum permit fees. Revisions submitted on different dates are considered separate occurrences.

B. Fire-Protection-Systems Fees

1. Fire-alarm and –detection systems (devices, main control panels, or household devices and control panels (per device)	$31
2. CO2 or Clean Agent systems (per system)	$760
3. Sprinkler systems (per sprinkler head)	$ 7
4. Fire pumps (per pump)	$600
5. Added hose valves on existing standpipe (per hose)	$355
6. Dry or Wet Chemical Extinguishing systems (per system)	$465
7. Standpipe systems (per riser)	$525

C. Plan Revisions

1. Fire Alarm (per device)	$31
2. Sprinkler Systems (per sprinkler head)	$ 7
3. Other – per device (includes CO2 and Clean Agent systems, Fire pumps, added hose valves on existing standpipe, Dry or Wet Chemical extinguishing systems)	$155

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08.14.01.04 Certificate Fees

Capacity Certificate fee is $115 per assembly room; $5.00 for each duplicated certificate.

08.14.01.05 Well-Location Permit

Well-Location Permit (Each well)	$160

08.14.01.06 Vendor Fees

A. Operator Permit fee	
1. For Non-Certified Agricultural Producers and their operators	$70
2. For Certified Agricultural Producers and their operators	$56
B. Point-of-Sale License for Vendors Who are not Certified Agricultural Producers	
1. Per site for Site-Specific	$315
2. Door-to-Door	$140
3. Regular Route	$245

NOTE: A separate Point-of-Sale License is required for each vending activity at a site.

C. Temporary Sales License	
1. 60 consecutive days	$175
2. Daily Rate	$175
D. Performance Bond for Future-Delivery Vendor	$1,305

08.14.01.07 Benefit Performances

A. A benefit performance may not be conducted without a permit and all fees required by this section must be paid before release of the permit for a benefit performance.

B. A bona fide non-profit organization must pay the following permit fee for a permit for a benefit performance.

Benefit Performance	$175

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08.14.01.08 Storage of Vendor-Confiscated Goods

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.

Storage Fee $140

08.14.01.09 Miscellaneous

A. Filing fees and permit fees are based on fees in effect on the date the application was filed. All other fees are based on fees in effect at the time the service is requested (revision fee, extension fee, etc.).

B. All fees in this schedule are subject to the Automation Enhancement Fee per Executive Regulation 13-13 (COMCOR 08.24B.02).

C. Refunds: Minimum permit filing and license fees are non-refundable, except in the case of an administrative error. 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% of the fee paid, less the filing fee or minimum fee, as appropriate, provided: (1) No construction has occurred, and (2) the written request for a refund is made before the expiration date of the permit. Revoked, suspended, or invalid permits or licenses, or licenses or permits in litigation, are not eligible for refunds.

D. Application Extensions: The fee to extend an application (before the permit is issued) is 15% of the filing fee.

E. Permit Extensions: The fee to extend a permit, after written application and before expiration of the original permit, is 15% of the total permit fee.

F. Inspection Fees:

1. First or second approved inspection of the same item or stage of construction for permitted work: Included in permit fee.

2. Initial inspection of sites or property where work is proceeding without a permit $150

3. Applicant requested partial inspection for residential (each occurrence). Each re-inspection (residential or commercial) of the same item or stage of construction after two disapprovals $97

4. The re-inspection fee must be paid before an additional inspection is scheduled.

G. Permit Application Revisions: The fee for revisions to permit information after submission by the applicant $49

H. Plan revision, residential – room description name change $49

I. Construction codes modifications or interpretations $510

J. Permit Denials: All permit requests that are denied because the applicant must apply to the Board of Appeals for a variance must include a non-refundable $62 processing fee.

08.14.01.10 Indexing Of Fees To Labor and Operating Cost Changes and to Manage Reserves

The Director of Permitting Services must calculate an enterprise fund stabilization factor (EFSF) each year to be applied to each fee set in or under this regulation on July 1 or each year. The EFSF is the factor by which the fee calculation is adjusted, up or down, to cover DPS labor and operating costs and to manage the DPS reserve policy under the 2002 Principles of the Fiscal Management of the Permitting Services Fund. The Director must publish the EFSF for each upcoming fiscal year not later than March 15 of the current fiscal year. For any year in which the EFSF will be less than .80 or greater than 1.20, the Department must review its fee rates and functional analysis behind the fee rates to determine if changes need to be made to the fee rates.

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08.14.01.11 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 — Date: 6/19/15

Approved as to form and legality:

Office of the County Attorney — Date: 19 June 2015