



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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

<b>Subject:</b> Schedule of Fees for Permits, Licenses and Inspections – METHOD 3	<b>Number:</b> 26-16
<b>Originating Department:</b> DEPARTMENT OF PERMITTING SERVICES	<b>Effective Date:</b> July 1 2016

Montgomery County Regulation on:

**SCHEDULE OF FEES FOR PERMITS, LICENSES AND INSPECTIONS – METHOD 3**

**DEPARTMENT OF PERMITTING SERVICES**

Issued by: County Executive  
Regulation No. 26-16  
COMCOR No. 19.67.02

Authority: Montgomery County Code (2004) Sections 49-35, 19-6, 19-17, 19-30, 19-45, 19-67,  
27A-5(e)

Supersedes: Regulation No. 16-16

Council Review: Method 3 under Code Section 2A-15

Register Vol. 34, Issue 1

Comment Deadline: January 31, 2017

Effective Date:

**SUMMARY:** This regulation amends Executive Regulation 16-16 to establish a permit fee for the partial or complete closure of a private road, as provided in Chapter 49-11(A) of the Montgomery County Code.

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**BACKGROUND INFORMATION:** Montgomery County enacted Bill 34-16, effective February 13, 2017, which amended Chapter 49 of the County Code to add Section 49-11(A). Bill 34-16 requires a person to obtain a permit from the Department of Permitting Services before closing any portion of a private road in urban areas. The Department of Permitting Services is an enterprise fund and as such must recover all operational costs related to administration of permits. The proposed amendment is required to cover Departmental costs related to this new permit type.



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## COMCOR 19.67.02 Schedule of Fees for Permits Licenses and Inspections – Method 3

### 19.67.02.01 Road And Right-Of-Way Construction

All roadway-construction projects, or any construction activity within the boundaries of a dedicated public right-of-way; or any complete or partial private road closure in urban areas; including roads, sidewalks/bikeways, curbs, gutters, and drainage systems; require a permit and will be charged a fee by the Department of Permitting Services.

#### A. General

1. Applications, including applications for revisions, must be accompanied by the permit fee or the filing fee as specified.
2. All remaining fees must be paid before permit issuance.
3. The estimated project cost is determined by the Director of the Department of Permitting Services based on average costs submitted on recent County capital-improvement project bids for comparable work or a current professionally prepared cost estimate for the average costs of such work. Information regarding estimation of construction costs can be found at this link:  
<http://permittingervices.montgomerycountymd.gov/DPS/bond/BondsEstimate.aspx>
4. Where a maintenance of traffic or traffic control plan is required, a permit must be obtained for activity in the right-of-way; or for complete or partial closure of any private road in urban areas, and the permit fee must be paid before permit issuance.
5. The minor plat fee must be paid before Department approval.
6. The fee for a revision to an Engineered Public Right-of-Way Permit for changes of ownership is the minimum permit fee.
7. The fee for a change of legal description or other administrative revision to a Right of Way Permit after permit issuance is 50% of the minimum permit fee.
8. All fees noted in this regulation are subject to the Automation Enhancement Fee per COMCOR 08.24B.02.
9. A private road is considered to be completely closed if any section of the road has no lanes available for vehicular use. A private road is considered partially closed if at least one lane is available for vehicular use or when any portion of an abutting sidewalk is closed to pedestrian use. Additional standards apply to partial road closures of 15 days or more.



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## B. Work in Public Right-of-Way Permits

- **Driveway Permits**
  1. Fee is **14.65%** of the estimated project cost.
  2. A nonrefundable filing fee of **\$150** is required.
  
- **Utility Permits**
  1. Under Roadway Work **\$0.775/LF, Minimum \$775**
  2. Above Roadway Work (minimal or no trenching) **\$0.425/LF, Minimum \$425**
  3. Aerial Work **\$0.425/LF, Minimum \$425**
  4. House Connection **\$425/Connection**
  
- **Special Use and Roadway Occupancy Permits** **\$215**  
 (Includes dumpsters, cranes, storage container, temporary pedestrian access, or partial closure of a private road for 14 days or less, and tree planting)
  
- **Stump and Hazardous Tree Removal** **\$0**  
 (Includes removal of a roadside tree which has been determined by a licensed tree expert and approved by the Department to immediately endanger a person or property)

## C. Engineered Public Right-of-Way Permits

- Roadway Grading Permit
- Paving Permit
- Storm Drain Permit

1. Fee is **14.65%** of the estimated project cost, or **\$1,910**, whichever is greater.
2. A nonrefundable filing fee of **50%** of the estimated project cost, or **\$1,910**, whichever is greater is required.
3. Must include best available information on project costs when the initial application is submitted.

## D. Traffic Management Plans and Private Road Closures **\$2,600**

This fee applies to: 1. Maintenance of traffic plans in Central Business Districts; 2. Rights of way 80 feet or greater; 3. Work in any other area that is two weeks or greater in duration; 4. Any site specific non-standard workzone temporary traffic control plans; 5. A complete closure of a private road of any duration or partial closure of a private road of 15 days or more.



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## E. Minor Record Plats

1. For review and approval of Subdivision Record Plats created per requirements of Chapter 50 Section 35A for Minor Subdivisions.
2. Nonrefundable Filing Fee **\$500**

## F. Permit Revisions

1. Engineered Right-of-Way Permits
  - a. **14.65%** of the estimated project revision cost, or **\$1,910**, whichever is greater.
  - b. An engineered cost estimate, fully detailing estimated project cost, must accompany the revision application.
2. All Other Right of Way or Private Road Closure Permit Revisions **\$150**

## G. Public Right-of-Way Permit Extensions

1. Road and Right of Way construction permits are valid for a period of 18 months.
2. The fee to extend an Engineered Right of Way Permit is **15%** of the total permit fee in effect when the extension request is submitted.
3. The fee to extend all other Right of Way Permits **\$150**

## 19.67.02.02 Sediment Control, Stormwater Management, Special Protection Areas, and Floodplain District

### A. General

1. Applications, including applications for revisions, must be accompanied by the permit fee or the minimum filing fee as specified.
2. All remaining fees must be paid within one year after permit issuance or before final inspection, whichever occurs first.
3. All Stormwater Management Concept fees, Floodplain Study fees and Floodplain-District Permit fees must be paid when the application is submitted or before the Department initiates reviews.
4. The fee for a revision to a Sediment Control Permit or a Floodplain District Permit for changes of ownership is the minimum permit fee.
5. The fee for a change-of-legal description or other administrative revision to a Sediment Control Permit or a Floodplain District Permit after permit issuance is 50% of the minimum permit fee for the permit type being revised.
6. All fees noted in this regulation are subject to the Automation Enhancement Fee per COMCOR 08.24B.02.



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<b>B.</b>	<b>Stormwater Management Concept or SPA Water Quality Inventory</b>	
	1. Fee at Submittal	\$2,765
	2. Fee to Revise	\$1,385
<b>C.</b>	<b>Site Development SWM Plan Review</b>	\$1,385
<b>D.</b>	<b>Stormwater Concept/Site Development Stormwater Plan Combo</b>	\$2,765
<b>E.</b>	<b>SPA Water Quality Plan Review (Preliminary)</b>	
	1. Fee at Submittal	\$815/Acre
	2. Minimum Fee	\$2,765
	3. Maximum Fee	\$16,300
<b>F.</b>	<b>SPA Water Quality Plan Review (Final)</b>	\$1,385
<b>G.</b>	<b>SPA Water Quality Plan Review (Preliminary &amp; Final)</b>	
	1. Fee at Submittal	\$815/Acre
	2. Minimum Fee	\$2,765
	3. Maximum Fee	\$16,300
<b>H.</b>	<b>Other Revisions to Stormwater Concept Plans</b>	\$1,385
<b>I.</b>	<b>Other Revisions to Water Quality Plans</b>	\$1,385
<b>J.</b>	<b>Stream Monitoring</b>	\$860/Acre
	1. Fee must be paid before issuance of the Sediment Control Permit. 2. The fee will be calculated based on the total acreage of the site as shown on the approved record plat. 3. All fractions of acreage will be rounded to the nearest whole number. 4. If the acreage fraction is .5, the next higher whole number will be used. 5. The Department of Permitting Services collects this fee for the Department of Environmental Protection.	
<b>K.</b>	<b>Sediment Control Permits</b>	
	<b>1. Engineered Permits</b>	
	a. Fee is \$.086 per square feet of disturbed area, or \$1,910, whichever is greater.	
	b. A nonrefundable filing fee of 50% of the total permit fee, or \$1,910, whichever is greater, is required when the application is submitted.	



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c. Fee to Revise is **\$.086** per square feet of additional disturbed area plus the **Minimum fee of \$1,910.**

**2. Engineered Permits for Single Family Lots**

- a. Fee at Submittal **\$1,910**
- b. Applies to work on one single family lot.
- c. Does not apply to plans that include work on multiple lots or which include road construction.
- d. Must be for single family use.
- e. A Stormwater Concept Submission is not required.

**3. Small Land Disturbance Activity Permits**

- a. Fee at Submittal **\$815**
- b. May be used for projects that do not require stormwater management.
- c. May be used for single family residential lots when the disturbed area is less than 20,000 square feet or for the maintenance of existing stormwater management facilities unless otherwise approved by the Department.

**4. Forest Harvest Activity Permits**

**\$815**

**5. Stormwater Management As-Built Plans**

- a. Fee at Submittal **\$1,910**
- b. Any extension fees will be due when the As-Built Plans are submitted.

**6. Permit Extensions**

- a. The fee to extend an Engineered Sediment Control permit is **15%** of the total permit fee in effect when the extension request is submitted. If an As-Built plan has been submitted and approved, the fee is **\$210.**
- b. Initial Sediment Control permits are valid for 24 months.
- c. The fee to extend all other Sediment Control permits **\$150**

**L. Floodplain District Permits**

- 1. Fee at Submittal **\$900**
- 2. One Year Extension Fee **\$135**

**M. Floodplain Studies**

- 1. Fee at Submittal **\$1,140**
- 2. A Floodplain Study may include a dam breach analysis.



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## 19.67.02.03 Individual Water Supply and Sewage Disposal Systems

### A. General

1. Applications, including applications for revisions, must be accompanied by the permit fee or the minimum filing fee as specified.
2. All remaining fees must be paid before any subsequent submission for review or before permit issuance, whichever occurs first.
3. Permits are valid for a period of one year.
4. Permit fees are not transferable.
5. The fee for minor plan revisions is the Minor Plan Review Fee.
6. The fee for investigation, review and issuance of a permit to repair an existing sewage-disposal system is the Minor Plan Review Fee.
7. All fees noted in this regulation are subject to the Automation Enhancement Fee per COMCOR 08.24B.02, unless otherwise noted.

<b>B.</b>	<b>Conventional Percolation Tests Per Lot, Per Visit</b>	<b>\$780</b>
<b>C.</b>	<b>Percolation Tests Per Lot, Per Visit, for Mound Systems</b>	<b>\$1,050</b>
<b>D.</b>	<b>Water Table Level Checks, Per Visit</b>	<b>\$440</b>
<b>E.</b>	<b>Individual Sewage Disposal Permit</b>	<b>\$1,200</b>
<b>F.</b>	<b>Plans Review for Subdivision and Platted Lots and Revisions</b>	<b>\$510/Lot</b>
<b>G.</b>	<b>Minor Plan Review and Environmental Health Survey</b>	<b>\$375</b>
<b>H.</b>	<b>Partial Environmental Health Survey</b>	<b>\$235</b>
<b>I.</b>	<b>Review Repair of Existing Sewage Disposal Systems</b>	<b>\$375</b>
<b>J.</b>	<b>Septage Hauler Permit Inspection (Including Truck Inspection)</b>	<b>\$375</b>
<b>K.</b>	<b>Septage Hauler Permit Inspection (Reciprocal Truck Inspection)</b>	<b>\$235</b>
<b>L.</b>	<b>Permit Extensions</b>	
	1. Fee at Submittal	<b>\$170</b>
	2. Permits are valid for 12 months.	



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3. Upon written request a permit may be extended for an additional six months.

- |           |   |              |
|-----------|---|--------------|
| <b>M.</b> | <b>Well Permits</b>                           | <b>\$160</b> |
|           | 1. Not subject to Automation Enhancement Fee. |              |

**19.67.02.04 Miscellaneous Fees**

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 when the service is requested (revision fee, extension fee, etc.).

- |           |  |             |
|-----------|--|-------------|
| <b>A.</b> | <b>Administrative Permit Application Revisions</b> | <b>\$70</b> |
|-----------|--|-------------|

**B. Refunds**

1. Filing fees are nonrefundable except in the case of an administrative error.
2. In the case of an abandonment or discontinuance of a project under permit, a refund of up to **50 percent** of the fee paid (excluding filing fee) may be granted provided:
  - a. No construction has occurred, and
  - b. A written request for refund is made before the expiration date of the permit.
  - c. Revoked, suspended, or invalid licenses or permits, or permits or licenses in litigation are not eligible for refunds.

**C. Bonding Alterations**

Bonds must be posted for permitted projects under the applicable Code. Fees for alterations to a posted bond are as follows:

- |    |   |              |
|----|---|--------------|
| 1. | Fee to replace a Performance Bond, Irrevocable Letter of Credit, Cash Bond or Certificate of Guarantee  | <b>\$140</b> |
| 2. | If the purpose of the replacement is to reduce the amount of the instrument due to partial completion of work, the fee for the partial reduction is | <b>\$280</b> |





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- D. Expedited Plan Reviews**
1. Fee is **25%** of total permit fee.
  2. Per COMCOR 08.24B.01.

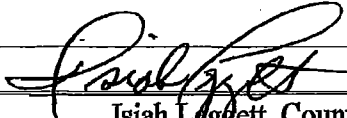
### 19.67.02.05 Indexing of Fees to Labor and Operating Cost Changes and to Manage Reserves

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 of 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 in accordance with 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.

### 19.67.02.06 Severability

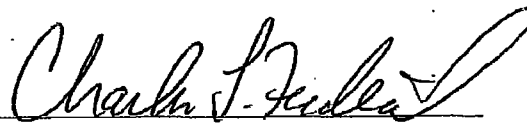
If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.

**EFFECTIVE DATE:** This regulation becomes effective July 1, 2016.

  
Isiah Loggett, County Executive

*Feb 2 / 2017*  
Date

Approved as to form and legality:

  
Office of the County Attorney

*16 December 2016*  
Date