By: Council President at the request of the County Executive

AN ACT to:

(1) require the Department of Environmental Protection to maintain certain storm water management facilities under certain circumstances;

(2) require the County to maintain certain private storm water management facilities;

(3) clarify maintenance responsibilities for privately and publicly maintained storm water management facilities;

(4) create a loan program to help property owners upgrade storm water management facilities before petitioning the County to assume maintenance responsibility for the facilities;

(5) impose a water quality protection charge on certain properties, and provide for setting the rates of and collecting the charge; and

By amending

Montgomery County Code
Chapter 19, Sediment Control and Storm Water Management
[[Sections 19-20 through 19-35]]

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. [Sections 19-20 through 19-35 are] Chapter 19 is amended as follows:

* * *

[[19-19. Penalties and other forms of relief.]]

Any violation of any provisions of this chapter or regulations adopted under this chapter is punishable as a class A violation as set forth in section 1-19 of chapter 1 of this Code. Each day a violation continues to exist constitutes a separate offense.]

ARTICLE II. STORM WATER MANAGEMENT.

19-20. Purpose of article; [authority] scope.

(a) It is the policy of the [c]County to:

(1) protect and promote the public health, safety and general welfare through the management of storm water,

(2) [to] protect public and private property from damage,

(3) [to] reduce the effects of development on land and stream channel erosion,

(4) [to] assist in the attainment and maintenance of water quality standards, and

(5) [to] preserve and enhance the environmental quality of stream valleys.

[To accomplish these purposes, functional master plans for watershed conservation and management shall be prepared, public storm water management facilities shall be planned and programmed, and regulations for storm water management shall be promulgated. It is further the policy of the county that, insofar as practicable, and in conformance with this chapter, all development occurring within the

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county shall, as a minimum, be developed under a plan that minimizes water quality impacts on receiving streams and either contain on-site or provide off-site storm water management facilities adequate to control the increased runoff produced by the calculated two-year storm, or at such other standard as state law or the department shall adopt. The location and storage requirements shall be determined as provided by this chapter. In addition, a program for inspection and maintenance of storm water management shall be established by the executive.

(b) The Maryland Storm Water Management Act, under the [Natural Resources] Environment Article, [s]Section [8-11A-01] 4-201 et seq., of the [Annotated Code of] Maryland Code, provides that a local government must not issue a grading or building permit [may not be issued] for a property unless the local government has approved a storm water management plan [has been approved by the local jurisdiction]. This [a]Article does not infringe on the authority given to the [d]District by state law.

(c) The [county executive, or his designee, shall be] Departments of Environmental Protection and Permitting Services are responsible for [the coordination] coordinating and [enforcement of the provisions of] enforcing this [a]Article.

(d) This Article does not apply to construction of a single-family residence and any accessory building on a lot of 2 or more acres.


In this Article, the following words and phrases have the following meanings:

Applicant: A landowner, contract purchaser or other person[, partnership, corporation, other legal entity, or agent thereof, or any public agency, which]
assumes the legal responsibility for [development of] developing land[, subject to this Article [and Chapter].

Associated nonresidential property: a nonresidential property from which storm water drains into a storm water management facility that primarily serves one or more residential properties.

Board: The Montgomery County Planning Board[, of the Maryland-National Capital Park and Planning Commission.]

[Commission: The Maryland-National Capital Park and Planning Commission.]

[Council: The Montgomery County Council.]

[County: Montgomery County, Maryland.]

Department: The Department of [Permitting Services] Environmental Protection.

[Detention facility: A storm water management facility that does not have a permanent body of water.]

Development: A project [consisting] that consists of [the subdivision of] subdividing land[, or adding buildings and other improvements to individual parcels of land[, including buildings and other improvements].

Director: The Director of the Department of [Permitting Services] Environmental Protection or [a duly authorized agent] the Director's designee.

Director of Permitting Services: The Director of the Department of Permitting Services or the designee of the Director of Permitting Services.

District: The Montgomery Soil Conservation District.

[Easement: A grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.]
Erosion: The process by which the ground surface is worn away by the action of wind [and/or water.]

Executive: The [c]County [e]Executive [of Montgomery County] or [a duly authorized agent] the County Executive's designee.

Extended detention: The controlled release of storm water over a prescribed period of time.

Functional master plan: A master plan for [the conservation] conserving and [management of] managing a watershed [approved by the District Council and adopted by the Commission].

Impervious: The condition of being impenetrable by water.

Imperviousness: The degree to which a site is impervious.

Maintenance: Any action necessary to preserve storm water management facilities in proper working condition, in order to serve their intended purposes and to prevent structural failure of such facilities.

Off-site storm water management: The design and construction of a facility [necessary] to control storm water runoff from more than one development. \textit{An off-site storm water management facility may be located in a development and would be on-site with respect to that development, but the facility is off-site with respect to all other developments the facility serves.}

On-site storm water management: The design and construction of a facility [necessary] to control all storm water runoff [within] in a development.

Preliminary plan: A preliminary plan of subdivision, [as provided for by] approved under Chapter 50 [of this Code].

Residential property: A property that contains a detached dwelling unit, one or more townhouses, duplexes or other attached dwelling units, or a multi-family dwelling.
[Retention facility: A storm water facility which has a permanent body of water.]

Storm water: That precipitation which travels over natural, altered, or impervious surfaces to the nearest stream, channel, conduit, or impoundment and appears in surface waters. Storm water also includes snow melt.

Storm water management: The collection, conveyance, storage, treatment and disposal of storm water runoff [in a manner] as needed to prevent accelerated channel erosion, increased flood damages [and/or] reduction of water quality.

Storm water management facility: An infiltration device, vegetative filter, structure, channel, pipe, weir, orifice, or combination of those measures designed and constructed to control storm water runoff in a way that prevents accelerated stream channel erosion and the pollution of surface waters.

Storm water management plan: A set of representations[, drawings or other documents, including development phasing statements, submitted by an applicant and containing the information and specifications as required by the Department of Permitting Services under regulations adopted under this [a] Article [and the provisions of this Chapter] pertaining to storm water management.

Structural maintenance: The inspection, construction, reconstruction, modification, or repair of any part of a storm water management facility undertaken to assure that the facility remains in the proper working condition to serve its intended purpose and prevent structural failure. Structural maintenance does not include landscaping, grass cutting, or trash removal.


review and approval [of the county council, functional master plans for the
conservation and management of each watershed in the county]. Each functional
master plan [shall] must contain, among other things, recommendations for potential
locations of off-site storm water management and/or flood control facilities, and
indicate the storage capacity required for each segment of the watershed contained in
the plan. These plans [shall] must serve as a guide for public policies to protect the
watersheds and for [the selection] selecting and scheduling [of] specific facilities for
inclusion in the capital improvements program.

19-23. Storm water management chapter.

The [Executive] must submit a storm water
management chapter to the Council, to be included as an integral part of the [ten] 10-year water supply/sewerage systems plan[, for approval by the county] that the Council adopts. The storm water management chapter [shall] must:

(a) be guided by the adopted functional master plans, if any, for watershed conservation and management;

(b) [and shall] outline [County policies and objectives for] developing off-site storm water management and/or flood control facilities during the ensuing [ten (10)] years[. The chapter shall];

(c) identify potential sites for off-site storm water management facilities and/or flood control facilities needed during and after the ensuing [six](6)-year [CIP] capital improvements program period [and thereafter. The chapter shall also];

(d) address the problems of non-point-source contamination of streams and rivers[, arising from both] inside and outside the suburban sanitary
district[.]; and [shall]
recommend policies toward [attainment of] attaining national, state, regional, [or] and [c]County water quality standards or objectives.

**19-24. Off-site storm water management facilities.**

The [e]Executive [is directed] must annually [to] recommend the design and construction of off-site storm water management facilities as projects in the capital improvements program. Those recommendations [shall] must be guided by the adopted functional master plans, if any, [by] the adopted [ten] 10-year water supply and sewerage systems plan, and [by] the general policies of this [a]Article. The [e]Executive [shall] must recommend a construction schedule for [CIP] capital improvements program projects [to meet the need] to provide adequate protection of the watersheds from the increases in storm water in the basins where contributing development[s] occurs.

**19-25. Storm water management required for all development.**

[No] The Board must not approve an application for preliminary plan of subdivision [shall be approved] unless [it] the application includes a statement and/or drawing describing, in concept, [the manner in which] how erosion, sediment, water quality impacts, and storm water[,] resulting from the development[,] will be controlled or managed. This concept plan, which must be approved by the [d]Department of Permitting Services. [shall] must indicate whether storm water will be managed on-site or off-site and, if on-site, the general location and type of management. [Those storm water management plans shall be referred for comment to the department and other public agencies, as provided by sections 50-33A and 50-35 of this Code.] [No] The Department of Permitting Services must not issue a building, grading, or sediment control permit [shall be issued by the department] for any parcel or lot created [prior to,] before or [subsequent to,] after the effective date of this [a]Article[,] unless the Director of Permitting Services has approved a plan for on-site storm water management [plan,] or a waiver [thereof,] of the on-site storm
water management requirement for the plat or parcel[, shall have been approved by
the director that is consistent with the requirements of this chapter]. [The provisions
of this article do not apply to construction of single-family residences, or their
accessory buildings, on lots of two (2) acres or more, as set forth in state law.]

19-26. On-site requirements; waivers.

[Every applicant shall] A person that applies for a building permit must
provide for on-site storm water management[, unless [.,upon] the Director of
Permitting Services waives this requirement after receiving a written request from the
applicant[, the director waives this requirement]. If a waiver is granted, [based on
criteria by executive regulation,] the [d]Department of Permitting Services [shall]
must require the applicant to provide:

(a) monetary contributions,
(b) drainage or conveyance improvements, or
(c) the grant of an easement [and/or [the] a dedication of land[,] for the
County to construct [or] a storm water management facility [from the
applicant, in lieu of the required on-site storm water management].


(a) Monetary amount. When an applicant obtains a waiver of the required
on-site storm water management, the monetary contribution required
[shall] must be made [in accordance with] under a fee schedule [(unless
the developer and the county agree on a greater alternate contribution)]
established as [a] part of the [rules and] regulations [promulgated]
adopted by the [county] [e]Executive[, pursuant to] under [s]Section 19-31 [of this article, and]. The fee schedule must be based on the cubic
feet of storage required for on-site management of the development in
question[, in accordance with] under the soil conservation service
formula unless the developer and the County agree on a greater alternate
contribution. The County must credit all of the monetary
ccontributions [shall be credited by the county] to the appropriate capital
improvements program project. The monetary contribution [shall] must
not exceed the cost of the otherwise required on-site storm water
management facility. The applicant must make the monetary
contribution [shall be made] to the County [prior to the issuance of
any] before the County issues a building permit for the development.

(b) Dedication of land. [In lieu] Instead of the applicant making a
monetary contribution[,] to the County when [an] the applicant obtains a
waiver of the [required] requirement to provide for on-site storm water
management [pursuant to] under [s]Section 19-26 [of this article], the
applicant may agree with the Department of Permitting Services or
the Board. [If the Department of Permitting Services
consents in writing for the site [is] to be added to parkland[,] may enter
into an agreement with the applicant for the granting of an easement or
the dedication of] to dedicate land [by the applicant, to be used] for [the]
construction of [an off-site] a storm water management facility. The
applicant must sign the agreement [shall be entered into by the applicant
and] with the Department of Permitting Services or the Board
[prior to] before [the] recording [of] the plat(s). [or, if] If no
[record] recorded plat is required, then the applicant must enter into the
agreement with the Department of Permitting Services or the Board
[prior to the issuance of] before the Department of Permitting Services
issues the building permit. Whenever an applicant signs an agreement
with the Board, the applicant must provide a certified copy to the
Department of Permitting Services.

19-28. County participation in on-site facilities.
When the Department of Permitting Services determines that additional storage capacity[,] beyond that required [by] of the applicant for on-site storm water management[,] is [necessary in order] needed to correct an existing problem[,] or to provide protection in a more desirable fashion for future development, [it] the Department may acquire, by purchase or dedication, additional land from the applicant or owner[,] by purchase or dedication, additional land] as [may be] necessary, [and/] or the Department may participate financially in the construction of a storm water management facility to the extent that [it] the facility exceeds the required on-site storm water management. [Funds for participation in such projects shall be provided in the capital improvements program.]

19-29. Inspection and maintenance of off-site storm water management facilities.

The Department must inspect and approve all off-site storm water management facilities for acceptance for County maintenance. [Following acceptance] After a facility is accepted, the Department must inspect each underground facility at least [twice each] once each year and each above-ground facility at least once every 3 years. The Department[, the Commission, or the Department of Public Works and Transportation] must maintain each accepted facility in good working condition [to ensure that the facility serves its intended purposes and to prevent structural failure of the facility].

19-30. [Same-On] Inspection and maintenance of on-site storm water management facilities.

(a) Inspection and [enforcement of] maintenance of new facilities.

(1) [Prior to the issuance of any] Before issuing a building permit[,] to develop any [[residential property or associated nonresidential]] property [which has] that requires an on-site storm water management facility [as one of the requirements of
the permit], the [Department] of Permitting Services must require the [applicant or] property owner to execute an easement and an inspection and maintenance agreement that is binding on all [[subsequent]] later owners of land served by the on-site storm water management facility.

(2) The easement and agreement [shall provide for] must give the County a perpetual right of access to the facility at [reasonable] all times, [for periodic (yearly) inspection by the county, or their contractor or agent, and for regular or special assessments of property owners] to inspect, operate, monitor, install, construct, reconstruct, modify, maintain, or repair any part of the storm water management facility within the easement as needed to [ensure] assure that the facility [is maintained] remains in proper working condition [to meet] under approved design and environmental standards [and any provisions established and required by executive regulation]. The agreement must require the owner to be responsible for all nonstructural maintenance of the facility if the development consists of residential property or associated nonresidential property. Otherwise, the agreement must require the owner to be responsible for all maintenance of the facility, including structural maintenance. [The easement and agreement shall be recorded by the department in the land records of the county. The agreement shall also provide that if, after reasonable notice by the department to correct a violation of the design standards or the executive regulation, satisfactory corrections are not made by the owner(s), the department may perform all necessary work to place the facility in proper working
condition, after proper notice, and assess the owner(s) of the facility for the cost of the work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county.]

(3) The owner must record the easement and agreement in the County land records and deliver a certified copy of each recorded document to the Departments of Permitting Services and Environmental Protection.

(4) After the Department of Permitting Services issues a completion certificate for the new storm water management facility under Section 19-14, the County must perform all structural maintenance on the facility if the facility serves residential property or associated nonresidential property. No other person may perform structural maintenance on a storm water management facility that the County is required to structurally maintain without the County’s written consent.

(b) Maintenance of existing facilities.

(1) The owner of an on-site storm water management facility that is not subject to subsection (a) must perform all structural maintenance needed to keep the facility in proper working condition. [unless the] The owner [executes] of a residential property or associated nonresidential property or a homeowners' association which includes the residential property may execute a storm water management easement granting the County a perpetual right of access to inspect, operate, monitor, install, construct, reconstruct, modify, maintain, or repair any part
of the storm water management facility within the easement as needed to assure that the facility remains in proper working condition.

(2) If the owner of a storm water management facility grants a storm water management easement to the County, the owner must make any structural repairs needed to place the facility in proper working condition as determined by the Department before the County enters into an agreement with the owner that obligates the County to assume responsibility for structural maintenance of the facility. After the owner and the County have agreed that the County will assume responsibility for structural maintenance of the facility, the owner must record the easement and any other agreements executed in conjunction with the easement that are binding on subsequent owners of land served by the facility in the County land records. The owner must deliver a certified copy of each recorded document to the Department of Environmental Protection.

(3) After the Department receives a certified copy of the easement and agreements, the County must structurally maintain the facility as provided in subsection (a).

(c) Abandonment instead of repair.

The Department must inspect each storm water management facility to see what repairs, if any, are needed to restore the facility to proper working condition. If after reviewing the existing drainage patterns, age, and design of a storm water management facility, the Director finds that it is more prudent to abandon the facility for storm water control functions rather than restore it to proper working
condition. or finds that the facility is no longer needed to control storm
water runoff because of later land use changes, the owner must
[[remove the facility or take other appropriate abandonment action]]
abandon the use of the facility for storm water functions as the Director
orders. Any order issued under this subsection must not restrict the
facility from being used for recreational or other purposes not related to
storm water control.

(d) Nonstructural maintenance.
The owner of an on-site storm water management facility must provide
landscaping and perform any other nonstructural maintenance that
impacts the effectiveness of routine structural maintenance. Performed
either privately or publicly. Among other actions, the owner must:

(1) prevent the accumulation of solid waste on the property and the
generalized growth of weeds or [[grass higher than 12 inches]]
plants in violation of Section 58-3;

(2) clear any woody vegetation, including trees and brush, within 25
feet of the facility's control structure and within 15 feet of an
unstream or downstream dam embankment; and

(3) abate any other condition on the property that the Department
reasonably finds may adversely affect the facility's proper
functioning.

[(b)] (e) Emergency authority.
If, after an inspection by the [d]Department, the [d]Director
[determines] finds that the condition of a privately maintained storm
water management facility presents an immediate danger to the public
health or safety because of an unsafe condition or improper
maintenance, then the [d]Director [shall] must take [such] needed
actions [as may be necessary] to protect the public and make the facility safe, including entering the property to make needed repairs. The County must assess any [Any] costs incurred [by the county] as a result of the [Director's action] actions [shall be assessed] against [the] each owner[(s)] of the facility[, as provided in subsection (a) of this section]. The assessment is a lien on the property and may be collected in the same manner and subject to the same penalties as ordinary taxes.

(c) **Dedication in lieu of agreement.** In lieu of an inspection and maintenance agreement, the director may accept dedication of any existing or future storm water management facility for county maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance by the county.

(f) **Disposal of materials from maintenance.** A person that transports materials or debris resulting from the repair, cleaning, or maintenance of a storm water management facility must dispose of the materials or debris at a facility that has a valid permit to accept the type of materials or debris being deposited.

19-31. **Regulations[; interagency agreements].**

The [director may recommend written regulations for the administration of the provisions of this article, and shall hold public hearings as part of this regulation-making process, with opportunity for full participation by the commission. Such regulations, and amendments thereto, shall not conflict with, nor waive, any of the provisions of this chapter, nor be less restrictive than its provisions, but may exempt development activities which the director determines do not require regulation under this chapter, and shall become effective upon their adoption by the] [c]County
Executive may adopt regulations under method (2) [of section 2A-15 of this Code] to implement this Article. [Such] Those regulations shall [include the establishment of] establish a fee schedule for the monetary contributions to be paid to the [County], in lieu of constructing the required on-site storm water management facility, and The regulations may also include design standards and other criteria or procedures necessary to implement [the provisions of] this Article. [The executive, the district and the board shall, within sixty (60) days following the effective date of this article, execute such agreements as may be necessary to implement its provisions, including the monitoring and review on a periodic basis, of the effect that the program has had on the watersheds of the county. These agreements shall become effective within thirty (30) days of their effective date, unless disapproved by the county council.]


(a) Procedures.

(1) [Prior to the issuance of any] Before issuing a building permit for construction of a development requiring a storm water management facility, the [Director of Permitting Services] shall require from the applicant or owner a performance or cash bond, irrevocable letter of credit, certificate of guarantee, or other instrument from a financial institution or issuing [organization or entity] person, in a form satisfactory to [him] the Director of Permitting Services and [approved by] the County Attorney, for the construction of the on-site storm water management facility in an amount equal to the estimated cost of [such] that construction.

(2) For [the] purposes of this Article, a certificate of guarantee is an instrument issued by [an organization or entity which] a
person that is approved by the [d]Director of Permitting Services and meets [such] the capitalization and other reasonable criteria [as are] established by [executive] regulation [adopted under method (2) of section 2A-15 of this Code,] [including, but not limited to] These criteria must include the demonstrated expertise of the issuing [organization] person or its members in storm water management[;] and the incidence of [violation of, or otherwise failing to comply] noncompliance with[, the provisions of] this [c]Chapter by all members of the issuing [organization or entity] person. The certificate of guarantee [shall] must only be issued by the approved [organization or entity] person on behalf of members in good standing of that [organization or entity] person. Any question [as to] concerning the eligibility of an applicant to post a certificate of guarantee [shall] must be resolved by the [d]Director of Permitting Services [in his sole discretion].

(3) The bond, letter of credit, certificate [or] of guarantee, or other instrument [shall] must be conditioned [upon] on the faithful performance of the terms and conditions of the approved storm water management plan and the construction of the facility as [set forth] provided in [such] that plan and [the provisions of] this [a]Article. The bond, letter of credit, certificate of guarantee, or other instrument [shall] must inure to the benefit of the [c]County and to any person aggrieved by the [applicant's or owner's] failure of the applicant or owner to comply with the conditions [thereof] of that bond, letter of credit, certificate of guarantee, or other instrument.
The Director of Permitting Services must not release the bond, letter of credit, certificate of guarantee, or other instrument until the Department of Permitting Services has made a final inspection and found that the storm water management facility complies with the approved plan and the provisions of this Chapter.

In addition, the Department of Permitting Services may also permit by executive regulation, adopted under method (2) of section 2A-15 of this Code, a procedure whereby an applicant may enter into an agreement with the County and provide a bond, letter of credit, certificate of guarantee, or other instrument equal to the cost of the storm water management facility to the County. The agreement must specify the various stages of the work to be done on the facility. After completing each stage, the applicant must notify the Department that the applicant is ready for an inspection and, after certification by the Director of Permitting Services, the applicant has completed that stage under the approved plan and requirements of this Chapter, the Director of Finance may reduce the bond, letter of credit, certificate of guarantee, or other instrument pro rata, or may direct the Director of Finance to refund to the applicant a prorated
share of the amount deposited by the applicant with the County.

(b) The Director of Permitting Services [shall] must immediately revoke the building permit [upon failure of] if the permittee [to] does not maintain [such] the bond or certificate of guarantee. Whenever the Director of Permitting Services [shall find a violation of] finds that a person issuing certificates of guarantee has violated an applicable law or regulation [by an organization or entity issuing certificates of guarantee], the Director of Permitting Services may immediately revoke all permits of members of that organization or entity person for which a certificate of guarantee has been posted[,]. [and] The Director of Permitting Services may also post stop work orders wherever applicable until the person substitutes an appropriate bond or other instrument acceptable to the County [is substituted] for the certificates [or] of guarantee.

19-33. Agreements between the County and municipalities.

(a) The Executive [shall] must inform any incorporated [city, town,] municipality [or other unit of local government located within] in the County [and possessing powers to] that may regulate storm water management of any proposed storm water management facility, development or plan [which] that could affect storm water management [within its jurisdiction] in the municipality. The Board [shall] must inform any [such unit of government] municipality of any functional master plan or preliminary plan of subdivision[, which] that may affect storm water management[, within its jurisdiction] in the municipality.

(b) The County and the Board may enter into cooperative agreements with any incorporated [city, town or other] municipality [within] in the
[c] County concerning any matter relating to storm water management, including, but not limited to, the planning, design, construction, and maintenance of storm water management facilities and monetary contributions for storm water management. The [c] County and the [b] Board may enter into [such] those cooperative agreements [in order] to coordinate storm water management activities with any [unit of local government,] municipality to avoid duplication of effort and to minimize the costs associated with an effective storm water management program.

If a municipality operates a storm water management program that serves substantially the entire municipality and meets all applicable federal and state standards, the County must reimburse the municipality subject to appropriation, for the cost of operating the program, limited to the amount the Director estimates the County would spend for that municipality if it were operating the program by means of a cooperative agreement under subsection (h).

19-34. Storm water management loan program.

(a) The Department must create a Storm Water Management Loan Program. The Program must provide direct loans to eligible homeowners' associations and other residential and associated nonresidential property owners to:

(1) make structural repairs to restore a storm water management facility to acceptable design standards before the owner petitions the County to assume responsibility for future structural maintenance of the facility under Section 19-30(b), or

(2) cover the cost of abandoning a facility under Section 19-30(c).

(b) The fund for the Program consists of:
(1) all funds appropriated to it;
(2) all payments on any loan from the Program;
(3) all interest earned on funds in the Program; and
(4) all funds received from any other public or private entity.

(c) The County Executive must adopt regulations under method (2) to
administer the Program. These regulations should include:

(1) lending standards and priorities;
(2) terms and conditions of loans;
(3) application procedures;
(4) procedures for loan applicants to request reconsideration of a
decision to deny a loan or a decision on interest rates, terms, and
conditions; and
(5) collection procedures in cases of nonpayment or default.

[19-34] [(19-35. Violations[.],) and penalties [and other relief].

Any [person who violates any provisions] violation of this [a] Article [shall be
subject to the provisions of section 19-19] is punishable as a class A civil violation.
Each day that a violation continues is a separate offense.]

[19-35. Grandfather clause.

Any applicant or owner of a parcel of land within the county, who has
constructed the required on-site storm water management facility or who is in the
process of meeting the storm water management requirements of the law at the time
of the effective date of this article may elect to apply to the director and/or the
planning board for reconsideration under the provisions of this article.]


(a) As authorized by state law (Maryland Code, Environment Art., 84-204)
the Director of Finance must annually impose and collect a Water
Quality Protection Charge as provided in this Section. The Director
must collect the Charge in the same manner as County real property taxes, apply the same interest, penalties, and other remedies (including tax sale) if the Charge is not paid, and generally treat the Charge for collection and administration purposes as if it were a County real property tax. The Director may treat any unpaid Charge as a lien on the property to which the charge applies.

(b) The Charge must be imposed on each residential property and associated nonresidential property, as specified in regulations adopted by the Executive under Method (1) to administer this Section. The regulations may define different classes of real property, depending on the amount of impervious surface on the property, storm water runoff from the property, and other relevant characteristics, for purposes of applying the charge.

(c) The Council must set the rate or rates for the Charge by a resolution adopted each year after holding a public hearing with at least 15 days' notice. The resolution must be adopted no later than the date the Council approves the annual operating budget and presented to the Executive within 3 days after the Council adopts it. If the Executive disapproves a resolution adopted under this Section within 10 days after the Council adopts it and the Council reads it by a vote of six Councilmembers, or if the Executive does not act within 10 days after the Council adopts it, the resolution takes effect. Unless the resolution specifies otherwise, the rates must take effect on the July 1 after the resolution is adopted.

(d) In the resolution adopted under subsection (c), the Council may set a different rate for each type of property defined by regulation. If
different rates are set. the rates must generally reflect the relative
amount of impervious surface on each type of property.

(e) The regulations may allow credits against and exemptions from the
Charge:

(1) to the extent that credits and exemptions are not prohibited by
state law; and

(2) if each credit or exemption will enhance water quality or
otherwise promote the purposes of this Article.

(f) The Director must deposit funds raised by the Charge and funds for this
purpose from any other source into a storm water management fund.
The fund must only be appropriated for:

(1) construction, operation, and maintenance of storm water
management facilities, and related expenses:

(2) enforcement and administration of this Article; and

(3) any other activity authorized by this Article or Maryland Code,
Environment Art. 84-204.

(g) This Charge does not apply to any property located in a municipality in
the County which:

(1) operates a storm water management program that meets all
applicable federal, state, and County requirements and has
received any necessary federal or state permit; and

(2) imposes a similar charge or other means of funding its storm
water management program in that municipality.

*   *   *

[19-46. Enforcement.

Any violation of this chapter or regulations adopted under it is a class A
violation.]

- 24 -
19-53. Enforcement[, Penalties and Compliance].

Any violation of this Article is a Class A violation. Each day a violation continues is a separate offense.]

[(g) Any violation of this Article is a Class A violation. Each day a violation continues is a separate offense.]

[(h)]

[(i)]

19-69 Violations.

Any violation of this Chapter is a Class A violation. Each day a violation continues is a separate offense.

Sec. 2. Transition. Until superseded, a Regulation issued before this Act took effect remains in effect to the extent the regulation is consistent with Chapter 19, as amended by this Act. This Act does not apply to a violation of Chapter 19 that initially accrued before this Act took effect.

Approved:

Blair G. Ewing, President, County Council

Douglas M. Duncan, County Executive

This is a correct copy of Council action.

Mary A. Edgar, Clerk of the Council