Resolution No.: 15-1000
Introduced: April 5, 2005
Adopted: May 19, 2005

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: Increase in Fees for the Administration and Enforcement of Registered Home Occupations and Revision to Index Fees to Labor Cost Increases

Background

1. Section 59-A-1.10 of the County Code states: "The Director may establish fees, if approved by Council Resolution, to cover the cost of administration of this chapter."

2. The Department of Permitting Services (DPS) currently performs the following functions in processing applications for registered home occupation certificates: DPS reviews Registered Home Occupation applications for completeness; and inspects the property for compliance with the County Code. For all applications located in R-60 and R-90 zones, DPS must review evidence submitted by the applicant that will demonstrate that the drainage of the home occupation parking area does not damage any nearby property or public street. A Registered Home Occupation Certificate is issued when both the application and the property are in compliance with all applicable County codes.

3. The fee for Registered Home Occupation Certificates will cover all resources required to administer and enforce the Registered Home Occupation Certificate.

4. The fee established by County Council Resolution No. 15-223 was $140.00.

5. Resolution No. 15-223 stated the following: The Director of Permitting Services must adjust each fee set in or under this section on July 1 of each year by 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 most recent calendar year. The Director must calculate the revised fee to the nearest five dollars. The director must publish the amount of this adjustment not later than July 1 of each year.

6. On July 1, 2004 the fee for the administration and enforcement of registered home occupations was increased from $140.00 to $145.00 as directed by background item #5 of this resolution.

7. 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 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.

8. This resolution increases fees for Registered Home Occupations by 6.4%.

Action

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

1. The fee for Registered Home Occupation Certificates is $155.00.

2. The fee for Registered Home Occupation Certificates must be paid at the time of application submittal.

3. The Director of Permitting Services must adjust each fee set in or under this section on July 1 of each year. 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. 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. The director must publish the amount of this adjustment not later than July 1 of each year.

4. This resolution becomes effective July 1, 2005 and supercedes Council resolution 15-223.

This is a correct copy of Council action.

Linda M. Lauer

Linda M. Lauer, Clerk of the Council