

Resolution No.: 15-1460
Introduced: April 4, 2006
Adopted: May 17, 2006

**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: The Establishment of a Fee for Nonconforming Use Certification Article 59-G-4

Background

1. The Department of Permitting Services (DPS) finds that current fees do not exist for the administrative and enforcement costs associated with requests for Non Conforming Use Certifications.
2. DPS 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.
3. DPS currently performs the following functions in processing applications for Nonconforming Use Certifications. DPS reviews Nonconforming Use applications for completeness and inspects the property for compliance with the County Code. A considerable amount of research is required to verify historical data about the property. DPS staff also responds to complaints regarding properties with valid and potential nonconforming uses.
4. The fee for Nonconforming Use Certificates will cover all resources required to administer and enforce the Nonconforming Use Certificate.

Action

1. Establishment of fees for Nonconforming Uses
 - (a) The fee for Nonconforming Use Certificates must be paid at the time of application submittal.
 - (b) The fee for Nonconforming Use Certificates is \$165.00.
2. The Director of Permitting Services must adjust each fee set in or under this regulation 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.

This is a correct copy of Council action.



Elda M. Dodson, CMC, Acting Clerk of the Council