

# HOUSE BILL 538

M3, L1, L6

1lr2356

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By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2011

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Stormwater Charges – County and Municipal Property**

3 **MC 21-11**

4 FOR the purpose of providing a certain exception to an exemption from certain taxes,  
5 user charges, and utility fees relating to stormwater for property owned by a  
6 county or municipality; providing for the application of a certain provision;  
7 providing that property owned by Montgomery County is subject to certain  
8 stormwater charges imposed by the governing body of the municipality within  
9 which the property is located; providing that property owned by a municipality  
10 that is located in an unincorporated area of Montgomery County is subject to  
11 certain stormwater charges imposed by the governing body of Montgomery  
12 County; making a stylistic change; repealing obsolete language; and generally  
13 relating to local stormwater charges.

14 BY repealing and reenacting, with amendments,  
15 Article 24 – Political Subdivisions – Miscellaneous Provisions  
16 Section 24-406  
17 Annotated Code of Maryland  
18 (2005 Replacement Volume and 2010 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – Environment  
21 Section 4-204  
22 Annotated Code of Maryland  
23 (2007 Replacement Volume and 2010 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 24-406.

2 (a) [Property] **EXCEPT AS PROVIDED UNDER § 4-204 OF THE**  
3 **ENVIRONMENT ARTICLE, PROPERTY** owned by the State or a unit of State  
4 government, a county, a municipality, or a regularly organized volunteer fire  
5 department that is used for public purposes shall be exempt from the taxes, user  
6 charges, and utility fees imposed under this subtitle.

7 (b) Property that is not within a stormwater management district or is not  
8 otherwise provided direct or indirect stormwater management services in a  
9 stormwater management district may not have a tax imposed by the county until the  
10 county acquires, extends, or begins to provide stormwater management services,  
11 facilities, or programs to the property.

12 **Article – Environment**

13 4-204.

14 (a) **(1)** [After July 1, 1984, unless] **UNLESS** exempted, a person may not  
15 develop any land for residential, commercial, industrial, or institutional use without  
16 submitting a stormwater management plan to the county or municipality that has  
17 jurisdiction, and obtaining approval of the plan from the county or municipality.

18 **(2)** A grading or building permit may not be issued for a property  
19 unless a stormwater management plan has been approved that is consistent with this  
20 subtitle.

21 (b) The developer shall certify that all land clearing, construction,  
22 development, and drainage will be done according to the plan.

23 (c) Each county or municipality may provide by ordinance for the review and  
24 approval of stormwater management plans by the local soil conservation district.

25 (d) **(1)** Each governing body of a county or municipality may adopt a  
26 system of charges to fund the implementation of stormwater management programs,  
27 including the following:

28 (i) Reviewing stormwater management plans;

29 (ii) Inspection and enforcement activities;

30 (iii) Watershed planning;

31 (iv) Planning, design, land acquisition, and construction of  
32 stormwater management systems and structures;

- 1 (v) Retrofitting developed areas for pollution control;
- 2 (vi) Water quality monitoring and water quality programs;
- 3 (vii) Operation and maintenance of facilities; and
- 4 (viii) Program development of these activities.

5 (2) The charges shall take effect upon enactment by the local  
6 governing body.

7 (3) **(I) THIS PARAGRAPH APPLIES ONLY TO MONTGOMERY**  
8 **COUNTY.**

9 **(II) PROPERTY OWNED BY MONTGOMERY COUNTY IS**  
10 **SUBJECT TO CHARGES ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION**  
11 **BY THE GOVERNING BODY OF A MUNICIPALITY WITHIN WHICH THE PROPERTY IS**  
12 **LOCATED.**

13 **(III) PROPERTY OWNED BY A MUNICIPALITY THAT IS**  
14 **LOCATED IN AN UNINCORPORATED AREA OF MONTGOMERY COUNTY IS**  
15 **SUBJECT TO CHARGES ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION**  
16 **BY THE GOVERNING BODY OF MONTGOMERY COUNTY.**

17 (4) The charges may be collected in the same manner as county and  
18 municipal property taxes, have the same priority, and bear the same interest and  
19 penalties.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2011.