

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 4

### Bill No. 12 -2023

Introduced by: The Chairperson at the request of the County Executive

AN ACT removing an application fee for credits against the Watershed Protection and Restoration Fee and generally relating to the Watershed Protection and Restoration Fee.

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Introduced and read first time \_\_\_\_\_, 2023. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2023.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

This Bill was read the third time on \_\_\_\_\_, 2023 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_ day of \_\_\_\_\_, 2023 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2023

\_\_\_\_\_  
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the  
2 Howard County Code is amended as follows:

3 By amending:

4 Title 20. Taxes, charges and fees.

5 Subtitle 11. Watershed Protection and Restoration

6 Section 20.1105 "Credits"

7

8 **Title 20. Taxes, charges and fees.**

9 **Subtitle 11. Watershed Protection and Restoration.**

10

11 **Section 20.1105. Credits.**

12 (a) *Authority.* The fee assessment may be adjusted through the use of credits.

13 (b) *Eligibility.* An owner of a property subject to the fee may be eligible for an annual  
14 credit in the form of an annual reduction of the fee if the owner makes an investment in a  
15 stormwater best management practice as defined in the Maryland Stormwater Design  
16 Manual published by the Maryland Department of the Environment.

17 (c) *Ineligibility.* A credit may not be awarded:

18 (1) To a property owner who provides only aesthetic maintenance of a stormwater  
19 management facility, which for purposes of this section includes maintenance  
20 activities that are not essential to the proper operation or function of the facility;  
21 or

22 (2) For stormwater management facilities that are not functioning properly or as  
23 intended.

24 (d) *Application Requirements and Certification Reports.* An application for a credit shall:

25 (1) Be made to the Office on forms prescribed by it;

26 (2) Be made on or before a date set by the Office; AND

27 (3) Include information and documentation to allow the Office to evaluate the  
28 eligibility of the applicant and the stormwater best management practice[[]; and

29 (4) Be accompanied by an application fee of \$75.00]].

30 (e) *Amount of Credit.*

- 1 (1) Upon a determination of eligibility, the County shall provide a credit as set forth  
2 in a rate schedule adopted by Resolution of the County Council and the  
3 application fee shall either be applied towards the Applicant's tax account or  
4 refunded.
- 5 (2) If the County Executive determines that the balance in the County's Watershed  
6 Protection and Restoration Fund is sufficient to cover the costs that are reasonably  
7 expected during the current and following fiscal year, the County Council may  
8 authorize, at the request of the County Executive, an additional credit of up to 100  
9 percent of the Watershed Protection and Restoration Fee for each property that is  
10 subject to the fee.
- 11 (f) *Credit Recertification for Continued Credit.* In order to remain eligible for a credit, a  
12 property owner shall submit a recertification application:
- 13 (1) Every three years; AND  
14 (2) [[At the owner's expense; and  
15 (3)]] To the Office on a form provided by it.
- 16 (g) *Inspections.* The Department, or its designee, may enter upon any property to inspect  
17 stormwater best management practices for which a credit is awarded. Credits may not be  
18 awarded if a property owner refuses to permit an inspection.
- 19 (h) *Proration.* The fee shall not be prorated for a credit approved by the County during  
20 the billing year and any approved credits shall be applied to the next billing cycle.
- 21 (i) *Nonprofit Entities.* A nonprofit entity that qualifies as not for profit under the Internal  
22 Revenue Code may receive a credit for stormwater treated on its property under one of  
23 the two following options:
- 24 (1) Equivalent percentage. The nonprofit entity may receive a credit that is equivalent  
25 to the percentage of stormwater treated onsite; or  
26 (2) Maximum percentage.  
27 (i) A nonprofit entity may receive a credit of up to 100 percent of the fee if the  
28 nonprofit entity:  
29 a. Allows the County to enter onto its property to assess the property and to  
30 advise the nonprofit entity of ways to treat stormwater to the maximum  
31 extent practicable; and

- 1           b. Implements the improvements recommended by the County.
- 2           (ii) County assistance. The County may:
- 3           a. Award grants to nonprofit entities to assist with the payment for
- 4           improvements to treat stormwater to the maximum extent practicable; or
- 5           b. Waive the fee until work is completed and the credit is awarded.

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7   ***Section 2. And Be It Further Enacted by the County Council of Howard County,***  
8   ***Maryland, that this Act shall become effective 61 days after its enactment.***