HARFORD COUNTY BILL NO. 13-12 As Amended

Brief Title Stormwater Remediation Fee

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Council Administrator

Date April 16, 2013

ENROLLED

Council President

Date April 16, 2013

BY THE COUNCIL

Read the third time.

Passed: LSD 13-12

Failed of Passage: _____

By Order

Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 18th day of April, 2013 at 4:00 p.m.

Council Administrator

BY THE EXECUTIVE

COUNTY EXECUTIVE

APPROVED: Date April 23, 2013

BY THE COUNCIL

This Bill No. 13-12 As Amended having been approved by the Executive and returned to the Council, becomes law on April 23, 2013.

EFFECTIVE DATE: June 24, 2013

COUNCIL ADMINISTRATOR

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 13-12 (As Amended)

Introduced by Council President Boniface and at the request of the County Executive and Councilwoman Lisanti

Legislative Day No. 13-6 Date February 19, 2013

AN ACT to add the definitions of "apartment building", "impervious unit" and "unimproved property" to Section 214-1, Definitions, of Article I, Sediment Control; and to add new Article III, Watershed Restoration and Protection, to Chapter 214, Sediment Control and Stormwater Management, of the Harford County Code, as amended; to create a Stormwater Remediation Fee; to provide that a flat Stormwater Remediation Fee of $125 per year will be charged to all residential and agricultural properties other than apartments; to provide that a fee of $7 per 500 square feet of impervious area will be charged to all commercial and industrial properties and apartment buildings, mobile home parks, maritime facilities, property owned by a fraternal organization or religious institution or health care facility except that a flat fee of $125.00 will be charged where the owner of such property is tax-exempt; to define the purposes for which collected fees may be used; to provide for the percentage of the fee to be collected as of July 1, 2013; to provide for the creation of a Task Force; to provide for appeals, reductions and exemptions from the payment of the fee; to provide for the creation of an Advisory Board; and generally relating to stormwater management.

By the Council, February 19, 2013

Introduced, read first time, ordered posted and public hearing scheduled

on: March 19, 2013

at: 7 PM

By Order: Pamela Meister, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on March 19, 2013, and concluded on March 19, 2013.

Pamela Meister, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

WHEREAS, on May 2, 2012, House Bill 987, which requires that certain Maryland counties, including Harford County, must collect a stormwater remediation fee from taxpayers to fund the implementation of local watershed protection and restoration programs, was signed into law; and

WHEREAS, Harford County is required to adopt and implement local laws necessary to establish a watershed protection and restoration program, including a stormwater remediation fee and a local watershed protection and restoration fund.

NOW, THEREFORE,

Section 1. Be It Enacted By The County Council of Harford County, Maryland that the definitions of "apartment building", "impervious unit" and "unimproved property" be, and they are hereby, added to Section 214-1, Definitions, of Article I, Sediment Control; and that new Article III, Watershed Restoration and Protection, be, and it is hereby, added to Chapter 214, Sediment Control and Stormwater Management, all of the Harford County Code, as amended, and all to read as follows:

Chapter 214. Sediment Control and Stormwater Management

Article I. Sediment Control

§ 214-1. Definitions.

APARTMENT BUILDING – A RESIDENTIAL STRUCTURE CONTAINING 4 OR MORE DWELLING UNITS, ALL OF WHICH ARE OWNED IN COMMON.

IMPERVIOUS UNIT – 500 SQUARE FEET OF IMPERVIOUS AREA. THE NUMBER OF IMPERVIOUS UNITS CONTAINED ON A PROPERTY SHALL BE CALCULATED BY DIVIDING THE TOTAL IMPERVIOUS SURFACE BY 500 AND ROUNDING UP TO THE NEXT HIGHEST WHOLE NUMBER.

UNIMPROVED PROPERTY – REAL PROPERTY ZONED RESIDENTIAL OR AGRICULTURAL THAT DOES NOT CONTAIN A DWELLING UNIT OR REAL PROPERTY WITH NON-RESIDENTIAL ZONING THAT HAS NO IMPERVIOUS SURFACE.

ARTICLE III. WATERSHED PROTECTION AND RESTORATION PROGRAM

§ 214-50. STORMWATER REMEDIATION FEE.

A. EXCEPT AS PROVIDED HEREIN, COMMENCING JULY 1, 2013, A STORMWATER REMEDIATION FEE SHALL BE LEVIED ANNUALLY AGAINST EACH PROPERTY IN THE COUNTY. A FLAT FEE OF $125.00 SHALL BE CHARGED FOR ANY IMPROVED PROPERTY ~~ZONED~~ WITH A RESIDENTIAL (EXCEPT FOR APARTMENT BUILDINGS) OR AGRICULTURAL USE. A FEE OF $7.00 PER IMPERVIOUS UNIT SHALL BE CHARGED FOR ANY PROPERTY WITH A BUSINESS, COMMERCIAL OR INDUSTRIAL ~~ZONED PROPERTY,~~ USE, ANY APARTMENT BUILDING, MOBILE HOME PARK, MARITIME FACILITY, PROPERTY OWNED BY A FRATERNAL ORGANIZATION OR RELIGIOUS INSTITUTION, OR HEALTH CARE FACILITY EXCEPT THAT A FLAT FEE OF $125.00 SHALL BE CHARGED WHERE THE OWNER OF SUCH PROPERTY IS EXEMPT FROM THE PAYMENT OF INCOME TAXES UNDER 26 U.S.C. §501(C)(3). AS OF JULY 1, 2013, 10% OF THE FEES PROVIDED FOR HEREIN SHALL BE COLLECTED AND MAINTAINED IN A DEDICATED FUND ESTABLISHED HEREIN. A WATERSHED PROTECTION AND RESTORATION TASK FORCE (PURSUANT TO SECTION 412 OF THE HARFORD COUNTY CHARTER) SHALL BE ESTABLISHED BY RESOLUTION OF THE COUNTY COUNCIL TO REPORT BACK TO THE COUNTY EXECUTIVE AND THE COUNTY COUNCIL BEFORE NOVEMBER, 2013 ON RECOMMENDATIONS FOR FEES.

B. THE FOLLOWING PROPERTIES SHALL BE EXEMPT FROM THE FEE:

(1) PROPERTY OWNED BY THE STATE, A UNIT OF STATE GOVERNMENT, A COUNTY, A MUNICIPALITY OR A REGULARLY ORGANIZED VOLUNTEER FIRE DEPARTMENT THAT IS USED FOR PUBLIC PURPOSES.

(2) PROPERTY LOCATED WITHIN THE MUNICIPAL BOUNDARIES OF AN INCORPORATED TOWN OR CITY.

(3) UNIMPROVED PROPERTY.

(4) A PROPERTY ABLE TO DEMONSTRATE SUBSTANTIAL FINANCIAL HARDSHIP AS A RESULT OF THE IMPOSITION OF THE FEE.

C. SUBSTANTIAL FINANCIAL HARDSHIP.

(1) TO QUALIFY FOR A SUBSTANTIAL FINANCIAL HARDSHIP EXEMPTION:

(A) THE REAL PROPERTY FOR WHICH THE EXEMPTION IS REQUESTED SHALL CONTAIN A DETACHED SINGLE-FAMILY DWELLING OR A DWELLING UNIT IN AN ATTACHED DWELLING OR MULTI-FAMILY RESIDENTIAL PROPERTY; AND

(B) AT LEAST ONE OF THE PROPERTY OWNERS SHALL BE AN OCCUPANT OF THE PROPERTY; AND

(C) AT LEAST 2 OF THE FOLLOWING 4 CRITERIA SHALL BE MET TO DEMONSTRATE SUBSTANTIAL FINANCIAL HARDSHIP:

~~(I) THE COMBINED GROSS INCOME OF THE PROPERTY OWNERS, AS DEFINED IN THE TAX-PROPERTY ARTICLE, §9-104, OF THE ANNOTATED CODE OF MARYLAND, DOES NOT EXCEED THE POVERTY GUIDELINES UPDATED PERIODICALLY IN THE FEDERAL REGISTER BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER THE AUTHORITY OF 42 U.S.C. §9902(2), AS AMENDED;~~

(I) THE HOMEOWNER RECEIVED A CREDIT ON THEIR PROPERTY TAXES THROUGH THE HOMEOWNERS PROPERTY TAX CREDIT PROGRAM IN THE CURRENT TAXABLE YEAR AS ADMINISTERED BY THE STATE OF MARYLAND BASED ON THE DEFINITIONS OF THE ANNOTATED CODE OF MARYLAND, TAX-PROPERTY ARTICLE §9-104;

(II) AT LEAST ONE OF THE PROPERTY OWNERS WHO RESIDES AT THE PROPERTY RECEIVES AN ENERGY ASSISTANCE SUBSIDY IN ACCORDANCE WITH A FUEL AND UTILITY ASSISTANCE PROGRAM ESTABLISHED UNDER THE HUMAN SERVICES ARTICLE, §5-5A-07, OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED;

(III) AT LEAST ONE OF THE PROPERTY OWNERS WHO RESIDES AT THE PROPERTY RECEIVES SUPPLEMENTAL SECURITY INCOME UNDER 42 U.S.C. §1381, ET SEQ., AS AMENDED, OR FOOD STAMPS UNDER 42 U.S.C. §2011, ET SEQ., AS AMENDED; OR

(IV) AT LEAST ONE OF THE PROPERTY OWNERS WHO RESIDES AT THE PROPERTY RECEIVES VETERANS DISABILITY OR SOCIAL SECURITY DISABILITY BENEFITS. ~~UNDER THE SOCIAL SECURITY ACT, THE RAILROAD RETIREMENT ACT,~~

~~ANY FEDERAL ACT FOR MEMBERS OF THE UNITED STATES ARMED FORCES OR ANY FEDERAL RETIREMENT SYSTEM.~~

(D) AN APPLICATION FOR SUBSTANTIAL FINANCIAL HARDSHIP EXEMPTION SHALL BE SUBMITTED TO THE OFFICE OF THE TREASURER BY OCTOBER 1 OF THE TAX YEAR FOR WHICH EXEMPTION IS CLAIMED.

(2) RULES AND REGULATIONS. THE OFFICE OF THE TREASURER SHALL ADMINISTER THE SUBSTANTIAL FINANCIAL HARDSHIP EXEMPTION PROGRAM AND SHALL ADOPT RULES AND REGULATIONS GOVERNING THE PROGRAM. THE RULES AND REGULATIONS SHALL PROVIDE:

(A) THAT THE APPLICATION SHALL BE MADE ON A FORM PROVIDED BY THE OFFICE OF THE TREASURER;

(B) A DESCRIPTION OF DOCUMENTATION THAT SHALL BE PROVIDED BY AN APPLICANT;

(C) THAT THE TREASURER SHALL GRANT OR DENY THE EXEMPTION IN WRITING WITHIN 30 DAYS OF RECEIVING A COMPLETED APPLICATION SUPPORTED BY ALL REQUIRED DOCUMENTATION; AND

(D) ANY OTHER MATTERS DEEMED NECESSARY BY THE TREASURER TO ADMINISTER THE SUBSTANTIAL FINANCIAL HARDSHIP EXEMPTION PROGRAM.

(3) VALIDITY OF EXEMPTION. ANY EXEMPTION GRANTED IS ONLY VALID

FOR THE YEAR THAT PAYMENT OF THE STORMWATER REMEDIATION FEE IS DUE.

D. REDUCTION OF FEE. THE DEPARTMENT SHALL ADOPT RULES AND REGULATIONS IN ACCORDANCE WITH THE ENVIRONMENT ARTICLE, §4-202.1(F)(1), OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED, TO REDUCE, UP TO ~~50%,~~ 100%, THE STORMWATER REMEDIATION FEE FOR A REAL PROPERTY TO ACCOUNT FOR ON-SITE AND OFF-SITE SYSTEMS, FACILITIES, SERVICES AND ACTIVITIES THAT REDUCE THE QUANTITY OR IMPROVE THE QUALITY OF STORMWATER DISCHARGED FROM A PROPERTY. PROPERTIES THAT ARE SERVED BY EXISTING STORMWATER MANAGEMENT SYSTEMS THAT HAVE BEEN PROPERLY INSPECTED AND MAINTAINED SHALL BE ENTITLED TO CREDITS IN ACCORDANCE WITH THE ADOPTED RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC WORKS WITH THE ADVICE OF THE ADVISORY BOARD.

E. STORMWATER QUALITY TRADING/OFF-SITE MITIGATION PROGRAM. PROPERTY OWNERS ARE ELIGIBLE TO RECEIVE CREDITS FROM THE STORMWATER REMEDIATION FEE FOR OFF-SITE MITIGATION AND RESTORATION PROJECTS LOCATED WITHIN THE SAME WATERSHED AS THE PROPERTY WHERE THE FEE IS APPLIED. PROPERTY OWNERS MAY ELECT TO PARTICIPATE JOINTLY IN LARGE-SCALE, OFF-SITE MITIGATION AND RESTORATION PROJECTS. THESE PROPERTIES SHALL BE SUBJECT TO A PERPETUAL CONSERVATION DEVELOPMENT EASEMENT.

~~E.~~ F. APPEALS.

(1) ADMINISTRATIVE APPEAL. A PROPERTY OWNER WHO WISHES TO CHALLENGE THE IMPOSITION OF A STORMWATER REMEDIATION FEE SHALL APPEAL TO THE DIRECTOR. AN APPEAL SHALL BE SUBMITTED ON OR BEFORE OCTOBER 1 IN ORDER TO RECEIVE A CORRECTION OF THE STORMWATER REMEDIATION FEE FOR THE TAXABLE YEAR.

(2) GROUNDS FOR APPEAL. GROUNDS FOR APPEAL OF THE STORMWATER REMEDIATION FEE INCLUDE:

(A) INCORRECT IDENTIFICATION OF ~~ZONING~~ USE ON REAL PROPERTY FOR PURPOSES OF DETERMINING THE STORMWATER REMEDIATION FEE;

(B) FOR PROPERTIES SUBJECT TO THE FEE PER IMPERVIOUS UNIT, ERRORS IN THE CALCULATION OF THE IMPERVIOUS SURFACE OF THE PROPERTY;

(C) MATHEMATICAL ERRORS IN CALCULATING THE STORMWATER REMEDIATION FEE;

(D) THE REAL PROPERTY IS NOT SUBJECT TO THE STORMWATER REMEDIATION FEE UNDER §214-50.B, AS AMENDED;

(E) ERRORS IN THE IDENTIFICATION OF THE PROPERTY OWNER OF REAL PROPERTY SUBJECT ~~OT~~ TO THE STORMWATER REMEDIATION FEE~~.~~ ;

(F) THE PROPERTY OWNER IS TAX-EXEMPT IN ACCORDANCE WITH §214-50A, AS AMENDED.

(3) APPLICATION. AN APPEAL MUST BE SUBMITTED IN WRITING ON AN APPLICATION FORM PROVIDED BY THE DEPARTMENT. A PROPERTY OWNER SHALL INCLUDE A DETAILED STATEMENT OF THE GROUNDS FOR THE APPEAL AND ALL INFORMATION OR SUPPORTING DOCUMENTATION AS REQUIRED BY THE DEPARTMENT. FAILURE TO PROVIDE ALL INFORMATION REQUIRED ON THE APPLICATION FORM OR TO ATTACH ANY RELEVANT DOCUMENTATION IS A BASIS FOR A DENIAL OF AN APPEAL. IF THE BASIS FOR APPEAL IS:

(A) THAT THE ~~ZONING~~ <u>USE</u> OF THE REAL PROPERTY IS INCORRECT, THE PROPERTY OWNER SHALL PROVIDE PROOF OF THE ~~ZONING~~ <u>USE</u> OF THE PROPERTY; OR

(B) THAT THERE IS AN ERROR IN THE CALCULATION OF THE IMPERVIOUS SURFACE OF THE PROPERTY, THE PROPERTY OWNER SHALL SUPPLY DOCUMENTATION PREPARED AND CERTIFIED BY A REGISTERED ~~PROFESSIONAL~~ <u>PROFESSIONAL</u> ENGINEER OR PROFESSIONAL LAND SURVEYOR OF THE IMPERVIOUS SURFACE OF THE PROPERTY.

(4) WRITTEN DECISION. WITHIN 30 DAYS OF RECEIPT OF A COMPLETED APPLICATION SUPPORTED BY ALL REQUIRED DOCUMENTATION, THE DIRECTOR SHALL ISSUE A WRITTEN DECISION INDICATING WHETHER THE APPEAL IS GRANTED OR DENIED AND A COPY SHALL BE PROVIDED TO THE PROPERTY OWNER, THE TREASURER AND ANY COUNSEL OF

RECORD. THE WRITTEN DECISION OF THE DIRECTOR SHALL SET FORTH ALL REASONS FOR THE DECISION AND SHALL SET FORTH ANY CHANGE IN THE AMOUNT OF THE STORMWATER REMEDIATION FEE.

(5) ADJUSTED BILLING. IF THE DECISION OF THE DIRECTOR CHANGES THE AMOUNT OF THE STORMWATER REMEDIATION FEE, THE TREASURER SHALL ISSUE A NEW BILL OR REFUND TO THE PROPERTY OWNER.

(6) TAX COURT. A PROPERTY OWNER WHO IS AGGRIEVED BY A DECISION OF THE DIRECTOR ON AN APPEAL SHALL PAY THE STORMWATER REMEDIATION FEE AND MAY REQUEST A REFUND IN ACCORDANCE WITH ARTICLE 24, §9-710~~(D)~~, OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED, AND MAY APPEAL TO THE MARYLAND TAX COURT IN ACCORDANCE WITH THE ANNOTATED CODE OF MARYLAND, ARTICLE 24, §9-712(D).

~~F.~~ G. THE STORMWATER REMEDIATION FEE SHALL BE A LIEN UPON THE PROPERTY AND COLLECTABLE IN THE SAME MANNER AS REAL ESTATE TAXES, INCLUDING BEING SUBJECT TO THE ANNUAL TAX SALE, AND, IN ADDITION TO BEING ENFORCED BY ACTIONS AT LAW, MAY BE ENFORCED BY A BILL IN EQUITY AGAINST THE PROPERTY. THE LIEN SHALL BE SUBORDINATE ONLY TO PRIOR STATE AND COUNTY LIENS. THE FEE SHALL BE DUE ON THE SAME DATE AS COUNTY REAL ESTATE TAXES AND, ~~AFTER OCTOBER 1,~~ AFTER SEPTEMBER 30 FOR ANNUAL PAYMENT SCHEDULES OR AFTER SEPTEMBER 30 AND DECEMBER 31 FOR SEMI-ANNUAL PAYMENT SCHEDULES, SHALL BEAR INTEREST AT THE RATE OF 1-1/2% PER MONTH OR FRACTION THEREOF, UNTIL

THE ACCOUNT IS PAID IN FULL. IN ADDITION TO BEING A LIEN UPON THE PROPERTY, THE STORMWATER REMEDIATION FEE SHALL BE A PERSONAL OBLIGATION OF THE OWNERS OF THE PROPERTY AT THE TIME THE FEE IS ATTACHED AS A LIEN AGAINST THE PROPERTY.

~~G. ALL FUNDS COLLECTED PURSUANT TO THIS SECTION SHALL BE SET ASIDE IN A SEPARATE LOCAL WATERSHED PROTECTION AND RESTORATION FUND TO BE UTILIZED FOR THE PURPOSE OF FUNDING THE WATER RESOURCES OPERATING AND CAPITAL BUDGETS, INCLUDING BUT NOT LIMITED TO FUNDING FOR:~~

~~(1) CAPITAL IMPROVEMENTS FOR STORMWATER MANAGEMENT, INCLUDING STREAM AND WETLAND RESTORATION PROJECTS.~~

~~(2) OPERATION AND MAINTENANCE OF STORMWATER MANAGEMENT SYSTEMS AND FACILITIES.~~

~~(3) PUBLIC EDUCATION AND OUTREACH RELATING TO STORMWATER MANAGEMENT OR STREAM AND WETLAND RESTORATION.~~

~~(4) STORMWATER MANAGEMENT PLANNING, INCLUDING:~~

~~(A) MAPPING AND ASSESSMENT OF IMPERVIOUS SURFACES; AND~~

~~(B) MONITORING, INSPECTION AND ENFORCEMENT ACTIVITIES TO CARRY OUT THE PURPOSES OF THE WATERSHED PROTECTION AND RESTORATION FUND.~~

~~(5) TO THE EXTENT THAT THE FEES IMPOSED BY THE COUNTY FOR REVIEWING STORMWATER MANAGEMENT PLANS AND FOR INSPECTION AND ENFORCEMENT ACTIVITIES ARE DEPOSITED INTO THE LOCAL WATERSHED PROTECTION AND RESTORATION FUND, REVIEW OF STORMWATER MANAGEMENT PLANS AND PERMIT APPLICATIONS FOR~~

~~NEW DEVELOPMENT.~~

~~(6) GRANTS TO NONPROFIT ORGANIZATIONS FOR ALL OR A PORTION OF THE COSTS FOR WATERSHED RESTORATION AND REHABILITATION PROJECTS RELATING TO:~~

~~(A) PLANNING, DESIGN AND CONSTRUCTION OF STORMWATER MANAGEMENT PRACTICES;~~

~~(B) STREAM AND WETLAND RESTORATION; OR~~

~~(C) PUBLIC EDUCATION AND OUTREACH RELATED TO STORMWATER MANAGEMENT OR STREAM AND WETLAND RESTORATION.~~

~~(7) GRANTS TO PERSONS OR ENTITTIES THAT OWN EXISTING STORMWATER MANAGEMENT FACILITES TO DEFRAY ALL OR A PORTION OF THE COSTS FOR PLANNING, DESIGN AND CONSTRUCTION OF UPGRADES AND ENHANCEMENTS TO THE EXISTING STORMWATER MANAGEMENT FACILITY.~~

~~(8) GRANTS FOR THE PURPOSE OF ENVIRONMENTAL RESTORATION OF ABANDONED NON-RESIDENTIAL PROPERTIES TO RESTORE THE NATURAL HYDROLOGIC RUNOFF CHARACTERISTICS OF THE LAND.~~

~~(9) REASONABLE COSTS NECESSARY TO ADMINISTER THE LOCAL WATERSHED PROTECTION AND RESTORATION FUND.~~

H. FUNDS COLLECTED PURSUANT TO THIS SECTION SHALL NOT BE USED FOR GENERAL FUND PURPOSES. ALL FUNDS COLLECTED PURSUANT TO THIS SECTION SHALL BE SET ASIDE IN A SEPARATE WATERSHED PROTECTION AND RESTORATION FUND. THE PRIMARY GOAL OF THE WATERSHED PROTECTION AND RESTORATION FUND SHALL BE TO REMEDIATE STORMWATER TO REDUCE

NUTRIENT AND SEDIMENT LOADS BEING DELIVERED TO THE CHESAPEAKE BAY AND IN TURN SERVE AS A MECHANISM TO ACHIEVE COMPLIANCE WITH THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT AND THE CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL) OBLIGATIONS OF HARFORD COUNTY.

(1) THE FUND USES SHALL INCLUDE:

(A) PLANNING, DESIGN AND IMPLEMENTATION EFFORTS FOR MS4 PERMIT AND CHESAPEAKE BAY TMDL COMPLIANCE WITHIN EACH WATERSHED TO INCLUDE:

(I) ASSESSING CURRENT CONDITIONS AND IDENTIFYING NUTRIENT AND SEDIMENT REDUCTION TARGETS.

(II) ASSESSING AND PRIORITIZING URBAN AND NON-URBAN WATERSHEDS IN NEED OF NUTRIENT AND SEDIMENT REDUCTIONS, INCLUDING TRIBUTARIES AT THEIR HEADWATERS.

(III) ASSESSING AND PRIORITIZING AVAILABLE URBAN AND NON-URBAN BEST MANAGEMENT PRACTICES TO BE IMPLEMENTED.

(IV) DESIGN AND IMPLEMENTATION OF URBAN AND NON-URBAN BEST MANAGEMENT PRACTICES.

(V) TRACKING, REPORTING AND VERIFICATION OF BEST MANAGEMENT PRACTICES PERFORMANCE, AS WELL AS A COST BENEFIT ANALYSIS. THE HARFORD COUNTY PHASE I WATERSHED IMPLEMENTATION PLAN (WIP), MARYLAND

ASSESSMENT SCENARIO TOOL AND THE MARYLAND NUTRIENT TRADING TOOL SHALL BE UTILIZED TO IMPLEMENT THESE USES.

(B) OPERATION AND MAINTENANCE OF STORMWATER MANAGEMENT SYSTEMS AND FACILITIES.

(C) PUBLIC EDUCATION AND OUTREACH RELATING TO STORMWATER MANAGEMENT OR STREAM AND WETLAND RESTORATION.

(D) STORMWATER MANAGEMENT PLANNING, INCLUDING:

(I) MAPPING AND ASSESSMENT OF IMPERVIOUS SURFACES; AND

(II) MONITORING, INSPECTION AND ENFORCEMENT ACTIVITIES TO CARRY OUT THE PURPOSES OF THE WATERSHED PROTECTION AND RESTORATION FUND.

(E) TO THE EXTENT THAT THE FEES IMPOSED BY THE COUNTY FOR REVIEWING STORMWATER MANAGEMENT PLANS AND FOR INSPECTION AND ENFORCEMENT ACTIVITIES ARE DEPOSITED INTO THE LOCAL WATERSHED PROTECTION AND RESTORATION FUND, REVIEW OF STORMWATER MANAGEMENT PLANS AND PERMIT APPLICATIONS FOR NEW DEVELOPMENT.

(F) FUNDING THE WATER RESOURCES OPERATING AND CAPITAL BUDGET FOR THEIR PROJECTS TO INCLUDE, BUT NOT LIMITED TO, FUNDING FOR:

(I) GRANTS FOR AGRICULTURAL/FARMING BEST

1 MANAGEMENT PRACTICES (BMPS) FOR STORMWATER
2 REMEDIATION AND RELATED ACTIVITIES TO BE MANAGED
3 BY THE SOIL CONSERVATION DISTRICT.
4 (A) DESIGN AND IMPLEMENTATION OF AGRICULTURAL
5 BEST MANAGEMENT PRACTICES (BMPS) RELATED
6 TO STORMWATER REMEDIATION, INCLUDING
7 STREAM, WETLAND AND FOREST BUFFER
8 RESTORATION.
9 (B) OPERATION, MAINTENANCE, MONITORING AND
10 ENHANCEMENT OF AGRICULTURAL BEST
11 MANAGEMENT PRACTICES RELATED TO
12 STORMWATER REMEDIATION.
13 (II) GRANTS TO NON-PROFIT ORGANIZATIONS AND SCHOOLS
14 FOR WATERSHED RESTORATION/REHABILITATION
15 PROJECTS AND PUBLIC EDUCATION/OUTREACH
16 ACTIVITIES.
17 (A) WATERSHED PLANNING AND STORMWATER
18 MANAGEMENT.
19 (B) STREAM, WETLAND AND FOREST BUFFER
20 RESTORATION.
21 (C) URBAN AND NON-URBAN NUTRIENT MANAGEMENT.
22 (D) ENVIRONMENTAL STEWARDSHIP AND NATURAL
23 RESOURCE CONSERVATION, INCLUDING EASEMENT
24 ACQUISITIONS.

(III) GRANTS TO DEFRAY ALL OR A PORTION OF THE COSTS FOR THE PLANNING, DESIGN AND CONSTRUCTION OF STORMWATER REMEDIATION BEST MANAGEMENT PRACTICES AND FACILITIES, INCLUDING STORMWATER MANAGEMENT FACILITIES AND RETROFITS. ALL PERSONS OR ENTITIES, INCLUDING RESIDENTIAL NEIGHBORHOODS, HOMEOWNERS ASSOCIATIONS AND COMMERCIAL SITES/DEVELOPMENTS THAT OWN AND SEEK TO UPGRADE/ENHANCE EXISTING STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES AND FACILITIES SHALL BE ELIGIBLE FOR THESE GRANTS.

(IV) IMPLEMENTATION OR WATERSHED RESTORATION ACTION STRATEGIES (WRAS).

(V) GRANTS FOR THE PURPOSE OF IMPLEMENTING ENVIRONMENTAL/ECOLOGICAL RESTORATION ON ABANDONED OR BLIGHTED NON-RESIDENTIAL PROPERTIES TO RESTORE THE NATURAL HYDROLOGIC RUNOFF CHARACTERISTICS OF THE LAND.

(VI) REASONABLE OPERATIONAL COSTS NECESSARY FOR THE COUNTY AND THE ADVISORY BOARD TO ADMINISTER, DISPERSE AND MONITOR THE WATERSHED PROTECTION AND RESTORATION FUND.

~~H.~~ I. EXCEPT AS PROVIDED IN §214-50C, AS AMENDED, THE DEPARTMENT SHALL ADOPT RULES AND REGULATIONS IN ACCORDANCE WITH SECTION 807 OF THE

1 HARFORD COUNTY CHARTER WHICH SHALL PROVIDE FOR THE
2 IMPLEMENTATION OF THIS ARTICLE.
3 J. AFTER THE EFFECTIVE DATE OF THIS ACT A BILL SHALL BE INTRODUCED TO
4 ESTABLISH AN ADVISORY BOARD PURSUANT TO CHAPTER 9 OF THE HARFORD
5 COUNTY CODE, AS AMENDED, RELATED TO IMPLEMENTATION OF THE
6 STORMWATER REMEDIATION WATERSHED PROTECTION AND RESTORATION
7 PROGRAM THROUGH THE DEVELOPMENT OF A MASTER PLAN.
8 Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date
9 it becomes law.
10 Section 3. And Be It Further Enacted that collection of this fee will terminate on June 30, 2018.

EFFECTIVE: June 24, 2013

The Council Administrator does hereby certify that fifteen (15) copies of this Bill are immediately available for distribution to the public and the press.

Pamela Meister
Council Administrator