

**CITY OF BALTIMORE
COUNCIL BILL 15-0577
(First Reader)**

Introduced by: Councilmembers Stokes, Middleton, Welch, Scott, Reisinger, Clarke, Branch,
Curran, Costello

Introduced and read first time: September 21, 2015

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Public Works,
Department of Finance, Board of Estimates

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Stormwater Remediation Fees – Reduction**

3 FOR the purpose of reducing the Stormwater Remediation Fees imposed by City law; and
4 providing for a special effective date.

5 BY repealing and reordaining, with amendments

6 Article 27 - Stormwater Remediation Fees
7 Sections 3-3 and 3-4
8 Baltimore City Code
9 (Edition 2000)

10 BY repealing and reordaining, without amendments

11 Article 27 - Stormwater Remediation Fees
12 Sections 3-5
13 Baltimore City Code
14 (Edition 2000)

15 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
16 Laws of Baltimore City read as follows:

17 **Baltimore City Code**

18 **Article 27. Stormwater Remediation Fees**

19 **Subtitle 3. Fee Imposition and Collection**

20 **§ 3-3. Assessment of base fee – All other properties.**

21 (a) *Scope of section.*

22 This section applies to all properties in the City that are not single-family properties
23 subject to § 3-2 {“Assessment of base fee – Single-family properties”} of this subtitle.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 15-0577

1 (b) *Assessment formula.*

2 (1) The fee for properties subject to this section is the rate per Equivalent Residential
3 Unit (or “ERU”) set in accordance with § 3-4 {“Initial ... rates”} or § 3-5
4 {“Subsequent rates”} of this subtitle times the number of ERUs on the property.

5 (2) For this purpose, 1 ERU comprises 1,050 square feet of impervious surface area.

6 (c) *Methods of measurement.*

7 (1) For properties subject to this section, the following methods may be used, at the sole
8 discretion of the Director of Public Works, to determine the impervious surface
9 measurement of a property:

10 (i) geographic information systems analysis of aerial photographs;

11 (ii) measurement from approved as-built engineering drawings that are
12 signed and sealed by a professional engineer;

13 (iii) field surveys that are signed and sealed by a professional engineer or
14 professional land surveyor; and

15 (iv) the use of any additional information that can reliably supplement the
16 data derived from the other measures.

17 (2) The resultant ERU count shall be rounded to the nearest whole number.

18 (3) The computations and back-up materials for all resultant ERU counts shall be
19 maintained by the Department of Public Works and made available to the public, in
20 the Department’s main office and on the Department’s website.

21 (d) *Minimum assessed fee.*

22 The minimum assessed stormwater fee for all properties subject to this section shall be
23 equal to the fee for 1 ERU.

24 (e) *Maximum assessed fee.*

25 (1) *In general.*

26 The maximums set by paragraphs (2) and (3) of this subsection do not apply to any
27 property or portion of a property for which a credit or exemption has been applied for
28 under § 3-6 {“Credits; Exemptions”} of this article.

29 (2) *Maximum as percentage of property tax.*

30 (i) Subject to subparagraph (ii) of this paragraph, the fee for any property that is
31 subject to property tax and is subject to assessment under this section may not
32 exceed an amount equal to 20% of the total of all State and local real property
33 taxes levied on the property.

Council Bill 15-0577

1 (ii) This paragraph (2) applies only to properties for which each of the following
2 exceeds \$1,000:

3 (A) the net State and local real property taxes levied on the property; and

4 (B) the storm water remediation fee otherwise assessable under this article.

5 (e) *Maximum assessed fee.*

6 (3) *Religious organizations.*

7 Notwithstanding § 3-4 {"Initial ... rates"} and § 3-5 {"Subsequent rates"}, the fee for
8 structures located on property owned by religious groups or organizations is **[\$12] \$6**
9 per ERU per year if:

10 (1) the property is not subject to State or City property tax; and

11 (2) the structures on the property are used exclusively for:

12 (i) places of worship; or

13 (ii) elementary, middle, or high school education.

14 **§ 3-4. Initial quarterly rates though FY 2017.**

15 (a) *In general.*

16 From July 1, 2013, through June 30, 2017, the rates per quarter are as provided in this
17 section.

18 (b) *Single-family properties.*

19 For single-family properties assessed under § 3-2 {"Assessment of base fee – Single-
20 family properties"}, the rate per quarter is the following multiple of the rate-per-quarter-
21 per-ERU established for properties assessed under § 3-3 {"Assessment of base fee – All
22 other properties"}:

23 (1) Tier 1 properties: 2/3 of the rate per ERU.

24 (2) Tier 2 properties: the rate per ERU.

25 (3) Tier 3 properties: twice the rate per ERU.

26 (c) *All other property.*

27 For all properties assessed under § 3-3 {"Assessment of base fee – All other properties"},
28 the rate per quarter is **[\$15] \$7.50** per ERU.

Council Bill 15-0577

1 **§ 3-5. Subsequent rates.**

2 (a) *In general.*

3 For all fiscal years beginning on or after July 1, 2017, the Board of Estimates, on the
4 recommendation of the Director of Public Works and the Director of Finance, may
5 change the rates for the stormwater remediation fee.

6 (b) *Standard.*

7 The rates shall be based on the share of stormwater management services related to a
8 property and provided by the City.

9 (c) *Public notice.*

10 At least 30 days before taking any action on the Directors' recommendation, the Board of
11 Estimates shall:

- 12 (1) publish notice of the recommendation;
- 13 (2) send the recommendations to the members of the City Council; and
- 14 (3) afford an opportunity for Councilmembers and the public to comment at a
15 public hearing.

16 (d) *Adoption of rates.*

17 After the notice and opportunity to comment, the Board of Estimates may:

- 18 (1) adopt or modify the Directors' recommendation; and
- 19 (2) set the rates accordingly.

20 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
21 are not law and may not be considered to have been enacted as a part of this or any prior
22 Ordinance.

23 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect when it is
24 enacted.