



Legislation Details (With Text)

File #: 12-0155 **Version:** 0 **Name:** Stormwater Remediation Fees
Type: Ordinance **Status:** Enacted
File created: 11/19/2012 **In control:** City Council
On agenda: **Final action:** 6/27/2013
Enactment date: **Enactment #:** 13-143
Title: Stormwater Remediation Fees

FOR the purpose of imposing a stormwater remediation fee to fund the costs of the City's stormwater management system; providing for the setting of rates and calculation of the fee; providing for the establishment of a system of credits; providing for the collection and enforcement of the fee; specifying the uses to which the proceeds of the fee may be expended; specifying the accounting and expenditure system for the stormwater utility; defining certain terms; prohibiting certain conduct; imposing certain penalties; providing for a special effective date; and generally relating to fees for stormwater management.

Sponsors: City Council President (Administration)

Indexes: Fees, Remediation Fees, Stormwater

Code sections:

Attachments: 1. 12-0155 - 1st Reader.pdf, 2. Law - 12-0155.pdf, 3. DPW - 12-0155.pdf, 4. Finance - 12-0155.pdf, 5. Sustainability - 12-0155.pdf, 6. 12-0155 - 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
6/27/2013	0	Mayor	Signed by Mayor	
6/24/2013	0	City Council	Approved and Sent to the Mayor	
6/17/2013	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
6/17/2013	0	City Council	Amendment Failed	
6/3/2013	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
6/3/2013	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
4/15/2013	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
4/8/2013	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
3/4/2013	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
11/22/2012	0	The City Council	Referred for a Report	
11/22/2012	0	The City Council	Referred for a Report	
11/22/2012	0	The City Council	Referred for a Report	
11/22/2012	0	The City Council	Referred for a Report	
11/19/2012	0	City Council	Assigned	
11/19/2012	0	City Council	Introduced	

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

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.
INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)

A BILL ENTITLED

AN ORDINANCE concerning
Stormwater Remediation Fees

FOR the purpose of imposing a stormwater remediation fee to fund the costs of the City's stormwater management system; providing for the setting of rates and calculation of the fee; providing for the establishment of a system of credits; providing for the collection and enforcement of the fee; specifying the uses to which the proceeds of the fee may be expended; specifying the accounting and expenditure system for the stormwater utility; defining certain terms; prohibiting certain conduct; imposing certain penalties; providing for a special effective date; and generally relating to fees for stormwater management.

BY authority of
Article - Environment
Section 4-202.1
Maryland Code

BY adding
Article 27 - Stormwater Remediation Fees
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

ARTICLE 27. STORMWATER REMEDIATION FEES

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

§ 1-1. DEFINITIONS.

(A) IN GENERAL.

IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) DIRECTOR OF PUBLIC WORKS; DIRECTOR.

“DIRECTOR OF PUBLIC WORKS” OR “DIRECTOR” MEANS THE DIRECTOR OF PUBLIC WORKS OR THE DIRECTOR’S DESIGNEE.

(C) ENABLING LAW.

“ENABLING LAW” MEANS STATE ENVIRONMENT ARTICLE § 4-202.1 {“WATERSHED PROTECTION AND RESTORATION PROGRAMS”}.

(D) IMPERVIOUS SURFACE.

(1) IN GENERAL.

“IMPERVIOUS SURFACE” MEANS ANY SURFACE THAT DOES NOT ALLOW STORMWATER TO INFILTRATE INTO THE GROUND.

(2) INCLUSIONS.

“IMPERVIOUS SURFACE” INCLUDES ROOFTOPS, DRIVEWAYS, SIDEWALKS, OR PAVEMENT.

(E) INCLUDES; INCLUDING.

“INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF LIMITATION.

(F) PERSON.

“PERSON” MEANS:

(1) AN INDIVIDUAL;

(2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND;

(3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND; AND

(4) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE OR BY OTHER APPLICABLE LAW, A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

(G) PROFESSIONAL ENGINEER.

“PROFESSIONAL ENGINEER” MEANS A PERSON LICENSED TO PRACTICE ENGINEERING UNDER STATE CODE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, TITLE 14 {“PROFESSIONAL ENGINEERS”}.

(H) PROFESSIONAL LAND SURVEYOR.

“PROFESSIONAL LAND SURVEYOR” MEANS A PERSON LICENSED TO PRACTICE LAND SURVEYING

UNDER STATE CODE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, TITLE 15
{“PROFESSIONAL LAND SURVEYORS”}.

(I) STORMWATER MANAGEMENT SYSTEM.

“STORMWATER MANAGEMENT SYSTEM” INCLUDES:

- (1) THE CITY’S CONVEYANCE OR SYSTEM OF CONVEYANCES DESIGNED OR USED TO COLLECT OR CONVEY STORMWATER THROUGH INFRASTRUCTURE, SUCH AS GUTTERS, SWALES, INLETS, PIPES, MANHOLES, PUMPING STATIONS, CULVERTS AND OTHER MAN-MADE CHANNELS, AND OUTFALLS;
- (2) CITY PRACTICES THAT RETAIN, FILTER, OR INFILTRATE STORMWATER FOR THE PURPOSE OF REDUCING POLLUTANT LOADINGS; AND
- (3) THE CITY’S SYSTEM OF RECEIVING WATERS, SUCH AS STREAMS, WETLANDS, RIVERS, AND HARBORS.

(J) STORMWATER REMEDIATION FEE; FEE.

“STORMWATER REMEDIATION FEE” OR “FEE” MEANS THE STORMWATER REMEDIATION FEE IMPOSED UNDER THIS ARTICLE.

(K) WATERSHED PROTECTION AND RESTORATION FUND; FUND.

“WATERSHED PROTECTION AND RESTORATION FUND” OR “FUND” MEANS THE STORMWATER ENTERPRISE FUND ESTABLISHED UNDER CITY CHARTER ARTICLE VI, § 18 {“WATER, SANITARY WASTEWATER, AND STORMWATER UTILITIES”}.

§ 1-2. RULES AND REGULATIONS.

(A) DIRECTOR TO ADOPT.

THE DIRECTOR OF PUBLIC WORKS SHALL ADOPT RULES AND REGULATIONS TO CARRY OUT THIS ARTICLE.

(B) FILING WITH LEGISLATIVE REFERENCE.

A COPY OF ALL RULES AND REGULATIONS ADOPTED BY THE DIRECTOR OF PUBLIC WORKS UNDER THIS SUBTITLE MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

§ 1-3. SEVERABILITY.

THE INVALIDITY OF ANY SECTION, CLAUSE, SENTENCE, OR PROVISION OF THIS ARTICLE DOES NOT AFFECT THE VALIDITY OF ANY OTHER PART OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PART.

SUBTITLE 2. WATERSHED PROTECTION AND RESTORATION FUND

§ 2-1. PURPOSE OF FUND.

THE PURPOSE OF THE WATERSHED PROTECTION AND RESTORATION FUND IS TO FINANCE THE COSTS OF IMPROVING THE CITY'S STORMWATER MANAGEMENT SYSTEM, INCLUDING ITS WATERSHED PROTECTION AND RESTORATION PROGRAM.

§ 2-2. REQUIRED DEPOSITS INTO FUND.

THE CITY SHALL DEPOSIT IN THE WATERSHED PROTECTION AND RESTORATION FUND THE FOLLOWING RECEIPTS:

- (1) ALL PROCEEDS RECEIVED FROM STORMWATER REMEDIATION FEES;
- (2) ALL INTEREST OR OTHER INCOME EARNED ON THE INVESTMENT OF MONEY IN THE FUND;
AND
- (3) ANY ADDITIONAL MONEY MADE AVAILABLE FROM OTHER SOURCES FOR THE PURPOSES FOR WHICH THE FUND HAS BEEN ESTABLISHED.

§ 2-3. PERMITTED USES OF FUND.

MONEY IN THE WATERSHED PROTECTION AND RESTORATION FUND MAY BE USED FOR THE FOLLOWING PURPOSES ONLY:

- (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:
 - (I) MAPPING AND ASSESSMENT OF IMPERVIOUS SURFACES; AND
 - (II) MONITORING, INSPECTION, AND ENFORCEMENT ACTIVITIES TO CARRY OUT THE PURPOSES OF THE FUND;
- (5) TO THE EXTENT THAT FEES IMPOSED UNDER THE AUTHORITY OF STATE ENVIRONMENT ARTICLE § 4204 ARE DEPOSITED INTO THE FUND, REVIEW OF STORMWATER MANAGEMENT PLANS AND PERMIT APPLICATIONS FOR FUTURE DEVELOPMENT;
- (6) GRANTS TO NONPROFIT ORGANIZATIONS FOR UP TO 100% OF A PROJECT'S COSTS FOR WATERSHED RESTORATION AND REHABILITATION PROJECTS RELATING TO:
 - (I) PLANNING, DESIGN, AND CONSTRUCTION OF STORMWATER MANAGEMENT PRACTICES;
 - (II) STREAM AND WETLAND RESTORATION; AND

(III) PUBLIC EDUCATION AND OUTREACH RELATED TO STORMWATER MANAGEMENT OR STREAM AND WETLAND RESTORATION;

(7) REASONABLE COSTS NECESSARY TO ADMINISTER THE FUND; AND

(8) ANY OTHER USE AUTHORIZED BY THE ENABLING LAW.

SUBTITLE 3. FEE IMPOSITION AND COLLECTION

§ 3-1. FEE IMPOSED.

(A) IN GENERAL.

A STORMWATER REMEDIATION FEE IS IMPOSED ON ALL PROPERTIES LOCATED IN BALTIMORE CITY AND THE OWNERS OF THOSE PROPERTIES.

(B) EXEMPTIONS.

THIS SUBTITLE DOES NOT APPLY TO ANY PROPERTY THAT IS EXPRESSLY EXEMPTED BY THE ENABLING LAW.

(B) FEE IN ADDITION TO OTHER CHARGES.

THE STORMWATER REMEDIATION FEE IS IN ADDITION TO ANY OTHER FEE OR CHARGE THAT THE CITY HAS THE RIGHT TO CHARGE UNDER ANY OTHER LAW, RULE, OR REGULATION.

§ 3-2. RATES.

(A) IN GENERAL.

ON THE RECOMMENDATION OF THE DIRECTOR OF PUBLIC WORKS AND THE DIRECTOR OF FINANCE, THE BOARD OF ESTIMATES MAY ESTABLISH, ASSESS, AND CHANGE THE RATES FOR THE STORMWATER REMEDIATION FEE.

(B) STANDARD.

THE RATES SHALL BE BASED ON THE SHARE OF STORMWATER MANAGEMENT SERVICES RELATED TO A PROPERTY AND PROVIDED BY THE CITY.

(C) PUBLIC NOTICE.

AT LEAST 30 DAYS BEFORE TAKING ANY ACTION ON THE DIRECTORS' RECOMMENDATION, THE BOARD OF ESTIMATES SHALL:

(1) PUBLISH NOTICE OF THE RECOMMENDATION;

(2) SEND THE RECOMMENDATIONS TO THE MEMBERS OF THE CITY COUNCIL; AND

(3) AFFORD AN OPPORTUNITY FOR COUNCILMEMBERS AND THE PUBLIC TO COMMENT.

(D) ADOPTION OF RATES.

AFTER THE NOTICE AND OPPORTUNITY TO COMMENT, THE BOARD OF ESTIMATES MAY:

- (1) ADOPT OR MODIFY THE DIRECTORS' RECOMMENDATION; AND
- (2) SET THE RATES ACCORDINGLY.

§ 3-3. ASSESSMENT OF FEE - SINGLE-FAMILY PROPERTIES.

(A) "SINGLE-FAMILY PROPERTY" DEFINED.

(1) IN GENERAL.

"SINGLE-FAMILY PROPERTY" MEANS A DEVELOPED LOT THAT CONTAINS BUT 1 DWELLING UNIT AND IS USED EXCLUSIVELY AS A SINGLE-FAMILY DWELLING.

(2) EXCLUSIONS.

"SINGLE-FAMILY PROPERTY" DOES NOT INCLUDE ANY OF THE FOLLOWING OR THEIR RESPECTIVE UNITS:

- (I) AN APARTMENT BUILDING;
- (II) A CONDOMINIUM; OR
- (III) ANY OTHER MULTIPLE-FAMILY DWELLING.

(3) SUPPLEMENTAL DEFINITIONS.

IN THIS SUBSECTION, "DWELLING", "DWELLING UNIT", "LOT", "MULTIPLE-FAMILY DWELLING", AND "SINGLE-FAMILY DWELLING" HAVE THE MEANINGS STATED IN THE BALTIMORE CITY ZONING CODE.

(B) ASSESSMENT FORMULA.

THE CHARGE FOR A SINGLE-FAMILY PROPERTY IS THE FLAT RATE SET BY THE BOARD OF ESTIMATES FOR THE APPLICABLE TIER CATEGORY WITHIN WHICH THE PROPERTY FALLS, AS DETERMINED UNDER SUBSECTION (C) OF THIS SECTION.

(C) TIER CATEGORIES.

- (1) THE TIER CATEGORIES FOR SINGLE-FAMILY PROPERTIES ARE BASED ON A PROPERTY'S IMPERVIOUS SURFACE AREA, AS DETERMINED BY THE DEPARTMENT OF PUBLIC WORKS.
- (2) THE TIER CATEGORIES ARE AS FOLLOWS:
 - (I) TIER 1 - PROPERTY WITH IMPERVIOUS SURFACE AREA LESS THAN OR EQUAL TO 820 SQUARE FEET.

(II) TIER 2 - PROPERTY WITH IMPERVIOUS SURFACE AREA GREATER THAN 820 SQUARE FEET AND LESS THAN OR EQUAL TO 1,500 SQUARE FEET.

(III) TIER 3 - PROPERTY WITH IMPERVIOUS SURFACE AREA GREATER THAN 1,500 SQUARE FEET.

§ 3-4. ASSESSMENT OF FEE - ALL OTHER PROPERTY.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ALL PROPERTIES IN THE CITY THAT ARE NOT SINGLE-FAMILY PROPERTIES SUBJECT TO § 2-3 {"ASSESSMENT OF FEE - SINGLE-FAMILY DWELLINGS"} OF THIS SUBTITLE.

(B) ASSESSMENT FORMULA.

(1) THE CHARGE FOR PROPERTIES SUBJECT TO THIS SECTION IS THE RATE PER EQUIVALENT RESIDENTIAL UNIT (OR "ERU") SET BY THE BOARD OF ESTIMATES TIMES THE NUMBER OF ERUS ON THE PROPERTY.

(2) FOR THIS PURPOSE, 1 ERU COMPRISES 1,050 SQUARE FEET OF IMPERVIOUS SURFACE AREA.

(C) METHODS OF MEASUREMENT.

(1) FOR PROPERTIES SUBJECT TO THIS SECTION, THE FOLLOWING METHODS MAY BE USED, AT THE SOLE DISCRETION OF THE DIRECTOR OF PUBLIC WORKS, TO DETERMINE THE IMPERVIOUS SURFACE MEASUREMENT OF A PROPERTY:

(I) GEOGRAPHIC INFORMATION SYSTEMS ANALYSIS OF AERIAL PHOTOGRAPHS;

(II) MEASUREMENT FROM APPROVED AS-BUILT ENGINEERING DRAWINGS THAT ARE SIGNED AND SEALED BY A PROFESSIONAL ENGINEER;

(III) FIELD SURVEYS THAT ARE SIGNED AND SEALED BY A PROFESSIONAL ENGINEER OR PROFESSIONAL LAND SURVEYOR; AND

(IV) THE USE OF ANY ADDITIONAL INFORMATION THAT CAN RELIABLY SUPPLEMENT THE DATA DERIVED FROM THE OTHER MEASURES.

(2) THE RESULTANT ERU COUNT SHALL BE ROUNDED TO THE NEAREST WHOLE NUMBER.

(D) MINIMUM ASSESSED CHARGE.

THE MINIMUM ASSESSED STORMWATER CHARGE FOR ALL PROPERTIES SUBJECT TO THIS SECTION SHALL BE EQUAL TO THE CHARGE FOR 1 ERU.

§ 3-5. CREDITS; HARDSHIP EXEMPTIONS.

(A) IN GENERAL.

THE RULES AND REGULATIONS ADOPTED BY THE DIRECTOR OF PUBLIC WORKS UNDER THIS

ARTICLE SHALL ESTABLISH A SYSTEM OF CREDITS AND HARDSHIP EXEMPTIONS THAT MAY BE USED TO REDUCE STORMWATER REMEDIATION FEES.

(B) BASIS.

THE SYSTEM SHALL PROVIDE:

(1) CREDITS FOR:

(I) SPECIFIC ACTIONS THAT REDUCE THE QUANTITY OR IMPROVE THE QUALITY OF STORMWATER DISCHARGED FROM THE PROPERTY; AND

(II) SPECIFIC ACTIONS THAT IMPROVE THE QUALITY OF STORMWATER DISCHARGED TO THE CITY'S STORMWATER SYSTEM; AND

(3) EXEMPTIONS FOR PROPERTY ABLE TO DEMONSTRATE SUBSTANTIAL FINANCIAL HARDSHIP AS A RESULT OF THE STORMWATER REMEDIATION FEE.

§ 3-6. COLLECTIONS.

(A) BILLINGS.

(1) ALL BILLS FOR STORMWATER REMEDIATION FEES SHALL BE PAID WITHIN 30 DAYS AFTER THEY HAVE BEEN SUBMITTED.

(2) THESE FEES:

(I) SHALL BE BILLED BY THE DEPARTMENT OF PUBLIC WORKS;

(II) MAY BE INCLUDED IN THE SAME BILLS RENDERED FOR WATER CHARGES OR STATED IN SEPARATE BILLS; AND

(III) MAY BE COLLECTED BY THE DIRECTOR OF FINANCE, AT THE SAME TIME, IN THE SAME MANNER, AND SUBJECT TO THE SAME INTEREST RATES AND PENALTIES FOR LATE- OR NONPAYMENT AS PROVIDED FOR CHARGES FOR SUPPLYING WATER.

(3) THIS SECTION APPLIES TO ALL PROPERTIES AND THE OWNERS OF PROPERTIES THAT ARE SUBJECT TO THE PAYMENT OF THE FEE IMPOSED UNDER THIS ARTICLE.

§ 3-7. LIABILITY AND LIEN FOR CHARGES, INTEREST, AND PENALTIES.

(A) PERSONAL DEBT.

THE STORMWATER CHARGES IMPOSED UNDER THIS ARTICLE AND ALL INTEREST AND PENALTIES ON THE CHARGES ARE A PERSONAL DEBT OWED BY THE OWNER OF THE PROPERTY SUBJECT TO THE CHARGE.

(B) LIEN.

THESE CHARGES, INTEREST, AND PENALTIES ARE A LIEN IN FAVOR OF THE CITY ON THE

PROPERTY SUBJECT TO THE CHARGE.

(C) COLLECTION AND ENFORCEMENT.

THESE CHARGES, INTEREST, AND PENALTIES MAY BE COLLECTED AND ENFORCED IN THE SAME WAY THAT THE CITY COLLECTS AND ENFORCES DEBTS DUE TO IT OR LIENS IN ITS FAVOR.

§ 3-8. RULES AND REGULATIONS BY FINANCE DIRECTOR.

(A) DIRECTOR OF FINANCE MAY ADOPT.

THE DIRECTOR OF FINANCE MAY ADOPT RULES AND REGULATIONS NECESSARY OR PROPER TO FULLY ENFORCE AND COLLECT THE CHARGES IMPOSED UNDER THIS SUBTITLE.

(B) FILING WITH LEGISLATIVE REFERENCE.

A COPY OF ALL RULES AND REGULATIONS ADOPTED BY THE DIRECTOR OF FINANCE UNDER THIS SUBTITLE MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

SUBTITLE 4. STORMWATER UTILITY

§ 4-1. "UTILITY" DEFINED.

IN THIS SUBTITLE, "UTILITY" MEANS THE STORMWATER UTILITY GOVERNED BY CITY CHARTER ARTICLE VI, § 18.

§ 4-2. ACCOUNTING SYSTEM.

(A) IN GENERAL.

THE ACCOUNTING SYSTEM FOR THE STORMWATER UTILITY:

- (1) SHALL CONFORM TO GENERALLY ACCEPTED PRINCIPLES OF UTILITY ACCOUNTING; AND
- (2) SHALL BE KEPT ON THE ACCRUAL BASIS AND IN THE MANNER PRESCRIBED UNDER CITY CHARTER ARTICLE VII, § 11 {"DEPARTMENT OF FINANCE: ACCOUNTING"}.

(B) REVENUE RECORDS BY CLASS.

THE RECORDS OF REVENUES OF THE STORMWATER UTILITY SHALL BE KEPT SO THAT THE CHARGES IMPOSED ON EACH CLASS OF PROPERTY, ACCORDING TO THE RATE SCHEDULES ADOPTED UNDER THIS ARTICLE, CAN BE DETERMINED.

§ 4-3. ANNUAL REPORT.

(A) SUBMISSION REQUIRED.

AFTER THE CLOSE OF EACH FISCAL YEAR, A REPORT ON THE FINANCIAL OPERATIONS OF THE STORMWATER UTILITY SHALL BE SUBMITTED TO THE BOARD OF ESTIMATES, THE BOARD OF

FINANCE, AND THE MEMBERS OF THE CITY COUNCIL.

(B) REQUIRED CONTENTS.

THE REPORT SHALL CONTAIN AT LEAST THE FOLLOWING FINANCIAL STATEMENTS:

- (1) A COMPARATIVE STATEMENT OF NET ASSETS SHOWING THE FINANCIAL CONDITIONS OF THE UTILITY AS OF THE BEGINNING AND CLOSE OF THE FISCAL YEAR;
- (2) A COMPARATIVE STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN NET ASSETS FOR THE LAST 2 FISCAL YEARS; AND
- (3) A COMPARATIVE STATEMENT OF CASH FLOW FOR THE LAST 2 FISCAL YEARS.

(C) SUBMISSION.

THE REPORT REQUIRED BY THIS SECTION:

- (1) IN ADDITION TO ANY OTHER REPORT REQUIRED BY LAW; BUT
- (2) MAY BE SUBMITTED AS A SEPARATE SECTION OF THE STATEMENTS PROVIDED FOR IN CITY CHARTER ARTICLE VII, § 11 {"DEPARTMENT OF FINANCE: ACCOUNTING"}.

§ 4-4. EXCESS REVENUES.

(A) OPTIONAL USE.

AFTER THE BUDGET FOR THE STORMWATER UTILITY HAS BEEN ADOPTED, IF IT APPEARS THAT THERE WILL BE REVENUES IN EXCESS OF THOSE BUDGETED:

- (1) THE BOARD OF ESTIMATES MAY AUTHORIZE ADDITIONAL EXPENDITURES, IN AN AMOUNT NOT EXCEEDING THE EXCESS REVENUES, FOR USES PERMITTED BY § 2-3 {"PERMITTED USES OF FUND"} OF THIS ARTICLE; OR
- (2) ON RECOMMENDATION OF THE DIRECTORS OF FINANCE AND PUBLIC WORKS, THE BOARD OF ESTIMATES MAY DECREASE THE UTILITY RATES AND CHARGES.

(B) EXPENDITURES SUBJECT TO APPROPRIATION PROCEDURES.

ALL ADDITIONAL EXPENDITURES OF THE STORMWATER UTILITY ARE SUBJECT TO THE APPROPRIATION PROCEDURES PROVIDED IN CITY CHARTER ARTICLE VI {"BOARD OF ESTIMATES"}.

§ 4-5. CITY LOANS TO UTILITY.

(A) IN GENERAL.

THE CITY MAY LEND TO THE STORMWATER UTILITY AN AMOUNT NOT TO EXCEED THE EQUIVALENT TO A 60DAY CASH-WORKING-CAPITAL REQUIREMENT.

(B) REPAYMENT REQUIREMENTS.

THE LOAN SHALL BE REPAYED BY THE UTILITY ON OR BEFORE 24 MONTHS FROM THE DATE OF THE LOAN, WITH INTEREST AT THE RATE OF THE AVERAGE INTEREST EARNED BY THE CITY ON ITS INVESTED FUNDS DURING THE SAME PERIOD.

§ 4-6. CONFLICTS WITH COVENANTS, ETC.

IF ANY PROVISION OF THIS SUBTITLE FOR THE STORMWATER UTILITY IS INCONSISTENT WITH ANY COVENANT, CONDITION, LAW, OR RULE OR REGULATION GOVERNING ANY CONTRACT, PROJECT, OR GRANT FROM THE UNITED STATES OR FROM THE STATE OR FUNDS DEDICATED BY AN ACT OF CONGRESS OR BY STATE LAW OR BY THE TERMS OF ANY PRIVATE GRANT, THE PROVISION IN THIS SUBTITLE APPLIES ONLY TO THE EXTENT THAT IT IS NOT INCONSISTENT WITH THE COVENANT, CONDITION, LAW, OR RULE OR REGULATION.

SUBTITLE 5. ADMINISTRATIVE AND JUDICIAL REVIEW

§ 5-1. ADMINISTRATIVE APPEAL OF CHARGES.

(A) APPEAL AUTHORIZED.

ANY PERSON AGGRIEVED BY A STORMWATER CHARGE MAY APPEAL THE CHARGE TO THE DIRECTOR OF PUBLIC WORKS, AS PROVIDED IN THIS SECTION.

(B) METHOD OF APPEAL.

THE APPEAL SHALL:

- (1) CONTAIN THE INFORMATION AND DOCUMENTATION REQUIRED BY THE RULES AND REGULATIONS ADOPTED UNDER THIS ARTICLE; AND
- (2) BE SUBMITTED IN WRITING WITHIN 30 DAYS FROM THE DATE OF THE BILL CONTAINING THE CONTESTED STORMWATER CHARGE.

§ 5-2. JUDICIAL REVIEW.

(A) BY CIRCUIT COURT.

A PERSON AGGRIEVED BY THE FINAL DECISION OF THE DEPARTMENT MAY SEEK JUDICIAL REVIEW OF THE DECISION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(B) BY COURT OF SPECIAL APPEALS.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

SUBTITLE 5. PROHIBITED CONDUCT; PENALTIES

§ 6-1. PROHIBITED CONDUCT.

NO PERSON MAY:

- (1) PARTICIPATE OR AID, IN ANY MANNER, IN THE EVASION OF A CHARGE IMPOSED UNDER THIS ARTICLE;
- (2) MAKE ANY FALSE STATEMENT OR REPRESENTATION OR SUBMIT ANY FALSE RECORD, PLAN, OR OTHER DOCUMENT TO THE DEPARTMENT OF PUBLIC WORKS UNDER OR IN CONNECTION WITH THIS ARTICLE; OR
- (3) OTHERWISE VIOLATE ANY OF THE PROVISIONS OF THIS ARTICLE OR OF ANY RULE OR REGULATION ADOPTED UNDER THIS ARTICLE.

§ 6-2. CRIMINAL PENALTIES.

ANY PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$500 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

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

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on July 1, 2013.

dlr12-0114(9)~intro/14Nov12
art32/wastewater/aa:mc

dlr12-0114(9)~intro/14Nov12
??12??
art32/wastewater/aa:mc