

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2014 Legislative Session

Bill No. CB-86-2014
 Chapter No. 76
 Proposed and Presented by The Chairman (by request – County Executive)
 Introduced by Council Members Lehman, Olson, Turner, Davis, Franklin, Toles, Patterson
 Co-Sponsors _____
 Date of Introduction October 21, 2014

BILL

1 AN ACT concerning

2 Subtitle 32 – Water Resources Protection and Grading Code

3 For the purpose of amending the Rain Check Rebate Program, as enacted as part of CB-40-2012,
 4 by increasing the maximum lifetime rebate allowable to County property owners who install
 5 approved stormwater management practices, authorizing rebate disbursement prior to
 6 construction and expanding program eligibility for homeowners, condominium, and civic
 7 associations.

8 BY repealing and reenacting with amendments:

9 SUBTITLE 32. WATER RESOURCES

10 PROTECTION AND GRADING CODE.

11 Sections 32-201.02 and 32-201.03,

12 The Prince George's County Code

13 (2011 Edition; 2013 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 15 Maryland, that Sections 32-201.02 and 32-201.03 of the Prince George's County Code be and the
 16 same are hereby repealed and reenacted with the following amendments:

17 **SUBTITLE 32. WATER RESOURCES PROTECTION AND GRADING.**

18 **DIVISION 3. STORMWATER MANAGEMENT.**

19 **Subdivision 4. Stormwater Management Retrofit Program.**

20 **Sec. 32-201.02. Eligibility requirements for rebates.**

21 (a) Individuals, commercial businesses, multi-family dwellings, homeowners associations.

condominium associations, civic associations, non-profit organizations and not-for-profit organizations, including housing cooperatives, with property located in Prince George's County are eligible to receive rebates pursuant to the Program. Subject to eligibility criteria, rebates are provided for eligible stormwater management techniques established on property located in Prince George's County.

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(d) An applicant is eligible for a rebate as long as:

(1) The applicant owns the property or is a non-profit organization with an agreement to complete a project on private or public land.

[(1)](2) The application for the project was approved within 12 months of the completion date or in the case of a rain barrel, the receipt or invoice should be within 12 months of the rebate received.

[2](3) The Department of the Environment has inspected a completed project and found it to be in compliance with its original approved application and the project follows the Department's best practice guidelines and criteria for that type of project.

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Sec. 32-201.03. Rebates.

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(d) [Rebate] Lifetime rebate ceilings per property are [\$2,000] \$4,000 for residential projects and \$20,000 for commercial, multi-family dwelling, homeowners associations, condominium associations, civic associations, non-profit entities and not-for-profit organizations. An applicant may do multiple projects until the rebate ceilings are met. Non-profit organizations may annually perform community projects up to the \$20,000 ceiling that the Department of the Environment determines to be an eligible use of the funds. Community projects are those techniques performed by organizations that are established pursuant to Section 501(c)(3) of the Internal Revenue Code. Community projects consist of stormwater management techniques that benefit the community and are located on public property.

(e) The Department of the Environment is authorized to enter into contracts with non-profit organizations and residential property owners for the purpose of financing Stormwater Management Retrofit Program projects. The purpose of the contracts is to provide upfront costs for the residential property owner who may otherwise not be able to afford to participate in the

Program. Non-profit organizations shall pay the initial costs and are eligible to receive a rebate [and the] prior to construction with an approved application and an authorized property owner agreement. Prior to receiving the rebate, non-profit organizations shall be required to demonstrate capacity and resources to perform and complete the project pursuant to the Department of the Environment Rain Check Rebate regulations. The property owner shall pay the non-profit for the balance of the cost not covered by the rebate. The Department and non-profit organizations shall focus on communities within the Developed Tier in the approved County General Plan. Contracts for payment of upfront costs are subject to the Program requirements set forth in Sections 32-201.01, 32-201.02, 32-201.03, 32-201.04, and 32-201.05 of this Subtitle.

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(j) The following techniques will be made available for rebates:

Technique	Residential <u>One or more techniques may be installed for a lifetime maximum rebate of \$4,000 per property.</u>	Commercial, Homeowner Associations, Condominium Associations, Civic Associations, Multi-Family Dwelling, Non Profits, Not-for-Profit Organizations <u>One or more techniques may be installed for a lifetime maximum rebate of \$20,000 per property.</u>
Urban Tree Canopy	[\$1,200 per lot;] \$150/tree	[\$1,800 per lot;] \$150/tree
Rain Barrels	[\$50] <u>\$2/gallon stored</u> (must capture [100] <u>50</u> gallons)	[\$100] <u>\$2/gallon stored</u> (Must capture [200] <u>100</u> gallons)
Cisterns	[\$500 maximum (] \$1/gallon stored, 250 gallons minimum[)]	[\$2,000 max (] \$1]2/gallon stored, 250 gallons minimum[)]
Rain Garden	[\$1,200 per rain garden] <u>\$10/square foot minimum size 100 square feet</u>	[\$1/sq.ft impervious area treated or \$2,500/rain garden, whichever is greater] <u>\$10/square foot minimum size 100 square feet</u>
Permeable Pavement	[\$1,200; 100 square foot minimum] <u>\$12/square foot</u>	[\$5,000; 350] <u>\$12/square foot 400 square foot minimum</u>

Pavement Removal	[\$600-\$1200; 100 square foot minimum;] \$6/square foot	[\$1,800 to \$5,000; 300 square foot minimum;] \$6/square foot; <u>400 square foot minimum</u>
Green Roofs	\$10/sq.ft.; [300 sq.ft. or] <u>minimum</u> ¼ roof retrofit[, minimum]	\$10 sq.ft. – if less than 6” of planting material[/]\$20 sq. ft. if over 6” of planting material; [300 sq.ft. or] <u>minimum</u> ¼ roof retrofit[, minimum]

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 19th day of November, 2014.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.