

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2013 Legislative Session

Resolution No. CR-59-2013

Proposed by The Chair (by request – County Executive)

Introduced by Council Members Harrison and Lehman

Co-Sponsors _____

Date of Introduction June 18, 2013

RESOLUTION

1 A RESOLUTION concerning

2 Clean Water Act Fee

3 For the purpose of establishing a schedule of fees to be collected as part of the Watershed
4 Protection and Restoration Program as provided in Section 10-302 of the Prince George’s
5 County Code.

6 WHEREAS, Section 10-301 of the Prince George’s County Code (the “Code”) establishes
7 the Watershed Protection and Restoration Fund (the “Fund”); and

8 WHEREAS, Section 10-302 of the Code provides that the Fund shall be financed by a
9 Clean Water Act Fee (the “Fee”), which shall be collected annually, pursuant to a schedule of
10 fees established by resolution of the County Council; and

11 WHEREAS, the Fee shall be based upon any of the following:

- 12 (A) Impervious area existing on the property as of March 1 of the year in which
- 13 the fee is imposed;
- 14 (B) Zoning classification of the property; and
- 15 (C) An administrative fee.

16 WHEREAS, Chapter 151 of the 2012 Laws of Maryland (HB 987) requires that the County
17 implement and adopt a watershed protection and restoration program, including the
18 establishment of a stormwater remediation fee and local watershed protection fund on or before
19 July 1, 2013; and

20 WHEREAS, the County has proposed CB-45-2013 to establish the Watershed Protection
21 and Restoration Program, Clean Water Act Fee, and Watershed Protection and Restoration
22 Program pursuant the prescriptions of Chapter 151, 2012 Laws of Maryland; and

1 WHEREAS, Section 1017 of the County Charter provides that a Resolution has the force
2 and effect of law but of a temporary or administrative character.

3 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
4 County, Maryland, that, in accordance with Chapter 151 of the 2012 Laws of Maryland, there is
5 hereby established a Clean Water Act Fee in Prince George's County, as described in Subtitle
6 10, Division 20 of the Prince George's County Code.

7 BE IT FURTHER RESOLVED that the rate of the Clean Water Act Fee shall be calculated
8 in the manner provided in the Clean Water Act Fee Schedule in Attachment A, attached hereto
9 and incorporated as set forth fully herein.

10 AND BE IT FURTHER RESOLVED that this Resolution shall be effective from July 1,
11 2013, and shall continue in effect until otherwise modified or repealed by Resolution of the
12 County Council.

13 Adopted this 24th day of July, 2013.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

ATTACHMENT A CLEAN WATER ACT FEE SCHEDULE

The Clean Water Act Fee (the “Fee”) is imposed and collected pursuant to Subtitle 10, Division 20 of the Prince George’s County Code (the “Code”). Pursuant to Section 10-302 of the Code, the Fee for subject properties shall be calculated in the manner set forth herein.

For the purpose of calculating of the amount of the Clean Water Act Fee, the following terms shall be used:

- An **Equivalent Service Unit (ESU)** is equal to 2,465 square feet of Impervious Area, as that term is defined in Section 32-171 of the Prince George’s County Code;
- The **Administrative Fee Rate** is \$20.58 per tax account per year; and
- The **Impervious Area Fee Rate** is \$20.90 per Equivalent Service Unit (ESU) per year.

I. All unimproved parcels, regardless of zone, shall be charged the Administrative Fee rate, but shall not be subject to an Impervious Area Fee.

II. RESIDENTIAL, SINGLE FAMILY (BASED ON PARCEL ZONING)

Tier / Zoning	Administrative Fee Basis	Impervious Area Fee Basis (Equivalent Service Units, ESU)
Tier One: RT, R20, R35, RU	One (1) Administrative Fee per tax account	0.6 ESU
Tier Two: R55, RS, R80, RR, RM		1.0 ESU
Tier Three: RE, ROS, RA, RL		2.0 ESU

To calculate the Clean Water Act fee for a single family residence (based on zoning): add one (1) Administrative Fee Rate per tax account to an amount equal to the Impervious Area Fee Rate multiplied by the corresponding ESU value in the table above.

III. OTHER LAND USES (BASED ON ZONING)

Zoning	Administrative Fee Basis	Impervious Area Fee Basis
Industrial:	One (1) Administrative Fee per tax account	Impervious area on the parcel is divided by the ESU unit area. The resulting number of ESU is multiplied by the Impervious Area Fee Rate.
Commercial:		
Institutional:		
Multi-Family:		
Condominium:	One (1) Administrative Fee per dwelling unit	Total impervious area on the combined parcels (dwelling units and common areas) for the condominium development is divided by the ESU unit area. The resulting number of ESU is multiplied by the Impervious Area Fee Rate to determine the total Impervious Area Fee for the condominium development. That total Impervious Area Fee is divided by the number of dwelling units, and that amount is charged to each dwelling unit.

To calculate the Clean Water Act Fee for a use other than residential (based on zoning): add one (1) Administrative Fee Rate per tax account to an amount equal to the Impervious Area Fee Basis in the table above.

IV. ALL PROPERTY ZONED OS

Zoning	Administrative Fee Basis	Impervious Area Fee Basis
OS	One (1) Administrative Fee per tax account	Impervious area on the parcel is divided by the ESU unit area. The resulting number of ESU, not to exceed 2.0 for residential properties, is multiplied by the Impervious Area Fee Rate.

To calculate the Clean Water Act Fee for any property zoned OS; add one (1) Administrative Fee Rate per tax account to an amount equal to the Impervious Area Fee Basis in the table above.