

Work Session

Agenda Item #	6
Meeting Date	February 24, 2016
Prepared By	Kenneth Sigman Assistant City Attorney
Approved By	Suzanne R. Ludlow City Manager

Discussion Item	Proposed amendment of Chapter 16.08, Stormwater Management Fee System, of the Takoma Park Code to prescribe the allocation of stormwater fees to condominium units
Background	<p>Currently, the Takoma Park Code does not specify how the City is to allocate and bill stormwater fees for condominium developments. For condominium developments with condominium associations, the association for each development receives and pays the fee. However, not all condominium developments have an association.</p> <p>The proposed ordinance provides that the City will divide the total stormwater fee for each condominium development by the number of condominium units in the development and bill each unit for its share of the total fee.</p>
Policy	Allocate the cost of providing stormwater management to property owners based on the impact of runoff from the impervious areas of their property on the stormwater management system.
Fiscal Impact	Unknown at this time.
Attachments	Proposed amendments
Recommendation	Discuss the proposed amendments.
Special Consideration	

Chapter 16.08 STORMWATER MANAGEMENT FEE SYSTEM

16.08.030 Definitions.

For purposes of this chapter, the following words and phrases shall have the meanings indicated:

“State Assessment Roll” means the official listing of assessments of real property maintained by the State Department of Assessments and Taxation of Maryland.

“Base rate” means the stormwater management fee charged on a base unit. The annual (fiscal year) stormwater management fee for single-family residential property in the City equals the base rate.

“Base unit” means the median impervious surface area associated with a single-family residential property in the City.

“Board” means the Stormwater Management Board for Takoma Park established under the Municipal Charter. In accordance with the Municipal Charter, the Council of the City has been designated the Stormwater Management Board.

~~“City Administrator” means the City Administrator for the City of Takoma Park, Maryland, or his or her designee.~~

“Developed property” means real property which has been altered from its natural state by the addition of any improvements, such as buildings, structures or other impervious area.

“Fee” or “stormwater management fee” means the charge established under this chapter and levied on owners of parcels or pieces of real property to fund the costs of stormwater management and of operating, maintaining and improving the stormwater system in the City.

“Fiscal year” means July 1st of a calendar year to June 30th of the next calendar year, both inclusive.

“Impervious surface area” means the number of square feet of horizontal surface covered by buildings and other impervious surfaces. All building measurements shall be made between exterior faces of walls, foundations, columns or other means of support or enclosure.

“Impervious surface” means a surface ~~that area which~~ is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios,

driveways, parking lots and any other oiled, graveled, graded, compacted or other surface ~~that~~^{which} impedes the natural infiltration of surface water.

“Multifamily dwelling” means a building with more than 2 dwelling units.

“Other developed property” means developed property other than single-family residential property. Such property shall include, but not be limited to, multifamily dwellings, commercial properties, industrial properties, parking lots, hospitals, private schools, private recreational and cultural facilities, hotels, offices and churches.

“Property owner” means the property owner of record as listed in the [State Assessment Roll](#).~~state assessment roll~~. A property owner includes any individual, corporation, firm, partnership or group of individuals acting as a unit and any trustee, receiver or personal representative.

“Single-family residential property” means a developed property ~~which serves~~ the primary purpose of which is providing a permanent dwelling unit and ~~that~~^{which} is classified as residential in the [State Assessment Rolls](#).~~state assessment rolls~~. A single-family detached dwelling, or a townhouse, containing an accessory apartment or second dwelling unit is included in this definition.

“Stormwater Management Fund” or “Fund” means the Fund created by this chapter to operate, maintain and improve the City’s stormwater system.

“Stormwater management” means the planning, design, construction, regulation, improvement, repair, maintenance and operation of facilities and programs relating to water, flood plains, flood control, grading, erosion, tree conservation and sediment control.

“Stormwater system” means the system or network of storm and surface water management facilities, including, but not limited to inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities and other components as well as all natural waterways.

“Undeveloped property” means any non-single-family residential property which has 1/3 or less of the base unit of impervious surface area.

“Water” means any stormwater, surface water, snow melt or groundwater.

16.08.070 Classification of property—Establishment of fee.

A. For purposes of determining the stormwater management fee, all properties in the City are classified into one of the following classes:

1. Single-family residential property; or
2. Other developed property.

B. Single-Family Residential Fee. The Council finds that the intensity of development of most parcels of real property in the City classified as single-family residential is similar and that it would be excessively and unnecessarily expensive to determine precisely the square footage of the improvements (such as buildings, structures and other impervious area) on each such parcel. Therefore, all single-family residential properties in the City shall be charged a flat stormwater management fee, equal to the base rate, regardless of the size of the parcel or the improvements.

C. Other Developed Property Fee.

1. _____ The fee for other developed property (i.e., non-single-family residential property) in the City shall be the base rate multiplied by the numerical factor obtained by dividing the total impervious surface area (square feet) of the property by one base unit. The impervious surface area for other developed property is the square footage for the buildings and other improvements on the property as listed in the State Assessment Roll.

Alternatively, at the sole discretion of the City Manager, when evidence suggests that the impervious surface on the property listed in the State Assessment Roll is inaccurate~~Administrator~~, the impervious surface area of other developed property may be determined through site examination, mapping information, aerial photographs, and other available information. The minimum stormwater management fee for other developed property shall equal the base rate for single-family residential property.

2. _____ If the other developed property is a condominium, the fee for each condominium unit will be calculated by dividing the total fee for the condominium property by the number of condominium units in the development and will be billed to each condominium unit owner.

16.08.080 Base rate.

The Council, acting as the Board, shall, by ordinance, establish the annual (fiscal year) base rate for the stormwater management fee. The base rate shall be calculated to ensure adequate revenues to fund the costs of stormwater management and to provide for the operation, maintenance and capital improvements of the stormwater system in the City.

* * *

16.08.100 Assessment notices.

A. The City ~~Manager~~Administrator may, but is not required to, send assessment notices for the fee to property owners prior to the billing for the fee.

* * *

16.08.110 When fee is payable—Interest and penalties—Lien on real property— Abatement of small amounts due.

A. The fee that is due for a fiscal year must be paid within 30 days after the bill is mailed or issued to the property owner and is overdue after that date. An overdue fee bears interest and penalties at the rate of 1.67% for each month or fraction of a month that the fee is overdue.

B. The fee, including interest and penalties, when overdue is a lien on real property and may be collected in the same manner as delinquent real property taxes or by a suit against the property owner.

C. The City ~~Manager~~Administrator may abate the fee, including interest and penalties, if the cost of collection is reasonably estimated to exceed the amount of the fee, including any interest and penalties, due and payable.

16.08.120 Requests for correction.

A. A property owner may request correction of the fee by submitting the request in writing to the City ~~Manager~~Administrator within 30 days after the date the assessment notice or the bill is mailed or issued to the property owner. Grounds for correction of the fee include:

1. Incorrect classification of the property for purposes of determining the fee;
2. Errors in the square footage of the impervious surface area of the property;
3. Mathematical errors in calculating the fee to be applied to the property; and
4. Errors in the identification of the property owner of a property subject to the fee.

B. The City ~~Manager~~Administrator shall make a determination within 30 days after receipt of the property owner's completed written request for correction of the fee. The City ~~Manager's~~Administrator's decision on a request for correction of the fee shall be final.

C. A property owner must comply with all rules and procedures adopted by the City when submitting a request for correction of the fee and must provide all information necessary for the City ~~Manager~~Administrator to make a determination on a request for correction of the fee. If a property owner alleges an error in the square footage of the impervious surface area of the property, then the request for correction must include a certification by a registered engineer or professional land surveyor of the impervious surface area of the property. Failure to comply with the provisions of this subsection shall be grounds for denial of the request.