

Introduced by: Councilmember Smith

First Reading: March 9, 2016
Second Reading: March 23, 2016
Effective Date: March 23, 2016

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE 2016-9

**AMENDING THE *TAKOMA PARK CODE*, CHAPTER 16.08, STORMWATER
MANAGEMENT FEE SYSTEM, TO PRESCRIBE THE ALLOCATION OF
STORMWATER FEES TO CONDOMINIUM UNITS**

WHEREAS, Takoma Park has not expressly prescribed how stormwater management fees should be allocated to and collected from condominium unit owners; and

WHEREAS, the lack of clarity compromised the City’s ability to recover stormwater management expenses relating to condominium developments; and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
TAKOMA PARK, MARYLAND:**

SECTION 1. Title 16, Stormwater, of the *Takoma Park Code* is amended as follows:

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.

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

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

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

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

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

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

45 “Impervious surface” means a surface ~~that area which~~ is compacted or covered with material that
46 is resistant to infiltration by water, including, but not limited to, most conventionally surfaced
47 streets, roofs, sidewalks, patios, driveways, parking lots and any other oiled, graveled, graded,
48 compacted or other surface ~~that which~~ impedes the natural infiltration of surface water.

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

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

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

57 “Single-family residential property” means a developed property ~~which serves the primary~~
58 purpose of which is providing a permanent dwelling unit and ~~that~~which is classified as
59 residential in the State Assessment Rolls.~~state assessment rolls~~. A single-family detached
60 dwelling, or a townhouse, containing an accessory apartment or second dwelling unit is included
61 in this definition.

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

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

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

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

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

74

75 **16.08.070 Classification of property—Establishment of fee.**

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

78 1. Single-family residential property; or

79 2. Other developed property.

80 B. Single-Family Residential Fee. The Council finds that the intensity of development of most
81 parcels of real property in the City classified as single-family residential is similar and that it
82 would be excessively and unnecessarily expensive to determine precisely the square footage of
83 the improvements (such as buildings, structures and other impervious area) on each such parcel.

84 Therefore, all single-family residential properties in the City shall be charged a flat stormwater
85 management fee, equal to the base rate, regardless of the size of the parcel or the improvements.

86 C. Other Developed Property Fee.

87 1. The fee for other developed property (i.e., non-single-family residential property) in the
88 City shall be the base rate multiplied by the numerical factor obtained by dividing the total
89 impervious surface area (square feet) of the property by one base unit. The impervious surface
90 area for other developed property is the square footage for the buildings and other improvements
91 on the property as listed in the State Assessment Roll. Alternatively, at the sole discretion of the
92 City ~~Manager~~, when evidence suggests that the impervious surface on the property listed in the
93 ~~State Assessment Roll is inaccurate~~ ~~Administrator~~, the impervious surface area of other
94 developed property may be determined through site examination, mapping information, aerial
95 photographs, and other available information. The minimum stormwater management fee for
96 other developed property shall equal the base rate for single-family residential property.

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

100 **16.08.080 Base rate.**
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101 The Council, acting as the Board, shall, by ordinance, establish the annual (fiscal year) base rate
102 for the stormwater management fee. The base rate shall be calculated to ensure adequate
103 revenues to fund the costs of stormwater management and to provide for the operation,
104 maintenance and capital improvements of the stormwater system in the City.

105 * * *

106 **16.08.100 Assessment notices.**
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107 A. The City ~~Manager~~ ~~Administrator~~ may, but is not required to, send assessment notices for the
108 fee to property owners prior to the billing for the fee.

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110 **16.08.110 When fee is payable—Interest and penalties—Lien on real property—Abatement**
111 **of small amounts due.**
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112 A. The fee that is due for a fiscal year must be paid within 30 days after the bill is mailed or
113 issued to the property owner and is overdue after that date. An overdue fee bears interest and
114 penalties at the rate of 1.67% for each month or fraction of a month that the fee is overdue.

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

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

121 **16.08.120 Requests for correction.**

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

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

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

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

139 **SECTION 2.** This Ordinance will be effective immediately.

140

141 ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS
142 23RD DAY OF MARCH, 2016, BY ROLL-CALL VOTE AS FOLLOWS:

143

144 AYE: **Mayor Stewart, Councilmember Kovar, Councilmember Male,**
145 **Councilmember Qureshi, Councilmember Seamens, Councilmember Smith,**
146 **Councilmember Schultz**

147

148 NAY: None

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150 ABSENT: None

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152 ABSTAIN: None