

City of Salisbury



MARYLAND

SALISBURY CITY COUNCIL WORK SESSION AGENDA

**SEPTEMBER 15, 2014
COUNCIL CHAMBERS, ROOM 301
GOVERNMENT OFFICE BUILDING**

- 4:30 p.m. Pioneer Green Wind, LLC Presentation – Bruce Thompson
- 5:00 p.m. Solar City Presentation – Brent Eskay
- 5:30 p.m. Proposed Storm Water Utility Ordinance – Council Discussion – Mike Moulds
- 6:30 p.m. LLC Disclosure – Council Discussion
- 6:50 p.m. Council Discussion
- 7:00 p.m. Adjournment

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 10-508(a).*

City of Salisbury



MARYLAND



125 NORTH DIVISION STREET
SALISBURY, MARYLAND 21801
Tel: 410-548-3170
Fax: 410-548-3107

MICHAEL S. MOULDS, P.E.
DIRECTOR OF PUBLIC WORKS

JAMES IRETON, JR.
MAYOR

TOM STEVENSON
CITY ADMINISTRATOR

TERENCE ARRINGTON
ASSISTANT CITY ADMINISTRATOR

Memorandum

To: Tom Stevenson, City Administrator

From: Mike Moulds, Director of Public Works

Date: August 25, 2014

Copy:

Re: Stormwater Utility Fee Ordinance Revisions – 9/15 City Council Work Session

The Department of Public Works is submitting draft revisions for further discussion of the Stormwater Utility Ordinance.

- Revisions have been made to the ordinance to address the following:
- Additional uses of the Fund including grants, public outreach and watershed planning (13.30.040).
- A provision for a maximum assessed fee (13.30.050.I).
- Clarification on the classification and fee determination of Condominiums and semi-detached residential homes which includes common areas in joint ownership (13.30.060.C, D, and E.).
- Additional language has been added to establish procedures for Adjustment of the Fee (13.30.090). We have also developed draft forms for the process.
- A process for obtaining and applying for credits has been added (13.30.120 to 13.30.123). Forms have also been developed for the process.
- A financial hardship exemption has been added (13.130.124).

The Department has had discussions with and has utilized language from the City of Rockville Stormwater Management Ordinance and Regulations. Their stormwater utility program has been in effect since 2009 and their relative size to Salisbury and similar concerns as a Maryland City in the Chesapeake Bay watershed provided a good template to work from.

We note that these changes are significant and we propose to have a general discussion of the changes and concepts prior to finalizing the ordinance language for review by the City Solicitor in preparation for a second work session and subsequent legislative action.

Should you have any questions or require any additional information, please do not hesitate to call.

Mike Moulds

1 AMENDED AS OF _____

2
3 **ORDINANCE No. 2276**

4
5 AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND AMENDING CHAPTER 13,
6 PUBLIC SERVICES, OF THE CITY CODE BY ADDING CHAPTER 13.30 FOR THE PURPOSE OF
7 ESTABLISHING A STORMWATER UTILITY UNDER THE DIRECTION AND SUPERVISION OF
8 THE PUBLIC WORKS DEPARTMENT AND FURTHER ESTABLISHING A STORMWATER
9 UTILITY FEE SYSTEM.

10
11 WHEREAS, the City maintains a system of Stormwater facilities including, but not limited to, inlets, pipes,
12 dams, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration
13 facilities, and other components as well as natural waterways; and

14
15 WHEREAS, the Stormwater System in the City needs to be upgraded, improved and regularly maintained;
16 and

17
18 WHEREAS, the existing Stormwater System is designed to convey stormwater to limit flooding, not treat
19 stormwater to improve water quality; and

20
21 WHEREAS, water quality is degrading due to erosion and the discharge of nutrients, metals, oil, grease,
22 toxic materials and other substances into and through the Stormwater System; and

23
24 WHEREAS, the public health, safety and welfare is adversely affected by poor ambient water quality and
25 extreme flooding that results from inadequate management of both the quality and quantity of stormwater;
26 and

27
28 WHEREAS, all real property in the City uses and benefits from the maintenance of the Stormwater System;
29 and

30
31 WHEREAS, the extent of the use of the Stormwater System by each property is dependent on factors that
32 influence runoff, including land use and the amount of Impervious Surface on the property; and

33
34 WHEREAS, the cost of improving, maintaining, operating and monitoring the Stormwater System should
35 be allocated, to the extent practicable, to all property owners based on the impact of runoff from the
36 Impervious Surface Areas of their property on the Stormwater System; and

37
38 WHEREAS, management of the Stormwater System to protect the public health, safety and welfare requires
39 that adequate revenues be generated to provide funding for the operation, improvement, maintenance and
40 monitoring of the Stormwater System; and

41
42 WHEREAS, it is in the interest of the public to finance the Stormwater System adequately with a user
43 charge that is reasonable and deemed by the City to be equitable so that each user of the system pays to the
44 extent to which each user contributes to the need for it.

45
46 NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY,
47 MARYLAND that Chapter 13 be amended by the addition of Section 13.30 as set forth herein:
48
49

STORMWATER UTILITY

Sections:

- 13.30.010 Creation of Stormwater Utility.
- 13.30.020 Definitions.
- 13.30.030 Establishment of Stormwater Utility Fund.
- 13.30.040 Purposes of the Fund.
- 13.30.050 Stormwater Utility Fee.
- 13.30.060 Classification of property for purposes of determination of the Stormwater Utility Fee.
- 13.30.070 Assessment notices.
- 13.30.080 Payment terms and penalties.
- 13.30.090 Request for adjustment of the Stormwater Utility Fee.
- 13.30.100 Request for Credit to the Stormwater Utility Fee.
- 13.30.101 Credit application requirements and Certification Reports.
- 13.30.102 Credits for Private SWM Retrofits under cost share program.
- 13.30.103 Credit Amounts.
- 13.30.110 Financial Hardship Exemption.

13.30.010 Creation of Stormwater Utility.

A Stormwater Utility is hereby established for the purpose of monitoring, maintaining, improving and overseeing the operation of the Stormwater System in the City of Salisbury. The Stormwater Utility shall function under the direction and supervision of the Public Works Department and the Director of Public Works.

13.30.020 Definitions.

Unless otherwise defined in this section, definitions as defined in Section 13.28.030 of the City Code for Stormwater Management shall apply.

- A. "Alternative Surface" means any surface discussed in Section 5.3 of the Maryland Stormwater Design Manual.
- B. "Best Management Practices" or "BMP's" means practices approved by the Maryland Department of the Environment for use in improving water quality of stormwater runoff.
- C. "Department" means the Salisbury Department of Public Works.
- D. "Equivalent Residential Unit" (ERU) means the median Impervious Surface Area associated with Single Family Property in the City.
- E. "Equivalent Residential Unit Rate" means the Stormwater Utility Fee charged on an Equivalent Residential Unit (ERU). The annual Stormwater Utility Fee for a Single Family Property in the City equals the ERU rate.
- F. "Fee" or "Stormwater Utility Fee" means the charge established under this chapter and levied on owners of parcels or pieces of real property to fund the cost of operating, maintaining and improving the Stormwater System in the City.

- 100
101 G. "Impervious Surface" means a surface area which is compacted or covered with material that is
102 resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs,
103 sidewalks, patios, driveways, parking lots, swimming pools, buildings and any other oiled, graveled,
104 graded, compacted, or other unvegetated surface which impedes the natural infiltration of surface water
105 including gravel and alternative surfaces.
106
107 H. "Impervious Surface Area" means the number of square feet of horizontal surface covered by
108 buildings and other Impervious Surfaces.
109
110 I. "Owner" means the property owner.
111
112 J. "Retrofit" means the modification of an existing or in some instances the construction of a new SW
113 System on a previously developed site.
114
115
116 K. "Single Family Residential Lot" means a property which serves the primary purpose, or is zoned
117 to provide the primary purpose, of providing a permanent dwelling unit and which is classified as residential
118 in the state assessment rolls. Single-family dwellings and single-family attached dwellings are included in
119 this definition.
120
121 L. "Stormwater Management" or "SWM" means the planning, design, construction, regulation,
122 improvement, repair, maintenance and operation of facilities and programs relating to water, flood plains,
123 flood control, grading, erosion and sediment control.
124
125 M. "Stormwater Utility Fund" means the fund created by this chapter to operate, maintain, and improve
126 the City's Stormwater System.
127
128 N. "Stormwater System" or "SW System" means the system or network of storm and surface water
129 management facilities including but not limited to inlets, pipes, dams, manholes, channels, ditches, drainage
130 easements, retention and detention basins, infiltration facilities, and other components as well as all natural
131 waterways.
132

133 **13.30.030 Establishment of Stormwater Utility Fund.**
134

- 135 A. The Stormwater Utility is provided to protect the waterways and land in the City by controlling
136 flooding and protecting the natural environment. The cost of designing, developing, improving, operating,
137 maintaining and monitoring the Stormwater System required in the City should, therefore, be allocated, to
138 the extent practicable, to all property owners based on their impact on the Stormwater System. In order to
139 provide revenue to fund those costs and to fairly allocate those costs, a Stormwater Utility Fund ("the
140 Fund") is established. The City's Stormwater Fund is a dedicated enterprise fund.
141
142 B. All revenues collected from the Stormwater Utility Fee and from grants, permit fees, fines and
143 penalties, interest from deposits into the Fund, and other charges collected under Chapter 13.30 Stormwater
144 Utility, shall be deposited to the Fund. The City Council may make additional appropriations to the Fund.
145

146 **13.30.040 Purposes of the Fund.**
147

148 All disbursements from the Fund shall be for the following purposes, only
149

- 150 A. All costs of administration and implementation of the Stormwater Utility, including the
151 establishment of reasonable operation and capital reserves to meet unanticipated or emergency Stormwater
152 System requirements.
153
- 154 B. Engineering study, design, debt services and related financing expenses, construction costs for new
155 facilities, and enlargement, retrofit or improvement of existing facilities including dams.
156
- 157 C. Operation and maintenance of the Stormwater System.
158
- 159 D. Monitoring, surveillance, and inspection of stormwater control devices.
160
- 161 E. Water quality monitoring and water quality programs including requirements for the City's
162 National Pollutant Discharge Elimination System (NPDES) stormwater permit.
163
- 164 F. Retrofitting developed areas for pollution control.
165
- 166 G. Regulatory review, inspection and enforcement activities, including illicit discharge and illicit
167 connection investigations.
168
- 169 H. The payment or reimbursement of debt service on bonds, notes or other obligations that finance
170 Stormwater System projects and the pledging of such revenue and fund to secure the repayment of this debt
171 service.
172
- 173 I. The acquisition by gift, purchase, easement or condemnation of real and personal property, and
174 interest therein, necessary to construct, operate, and maintain stormwater control facilities.
175
- 176 J. Water quality and pollution prevention education and outreach activities.
177
- 178 K. Watershed, stormwater management, floodplain, impervious surface assessment and storm
179 drainage conveyance studies and planning.
180
- 181 L. Grants to property owners, homeowner associations and neighborhood associations to retrofit
182 acceptable Best Management Practices. The Director of Public Works may develop this grant program to
183 encourage BMP's. No more than 20% of the total annual funds collected by the Utility Fee maybe
184 expended on grants each fiscal year.
- 185
- 186 1. For residential property owners that retrofit on-site stormwater management by installing
187 BMP's, the City will establish a grant fund to reimburse the cost of construction up to 50%.
188 2. Grants to nonprofit organizations may be provided for up to 75% of the construction costs for
189 retrofitting of existing stormwater management facilities to install BMP's.
190

191 **13.30.050 Stormwater Utility Fee.**
192

- 193 A. An annual service charge is imposed upon all real property in the City, as of July 1, 2015, to fund
194 the Stormwater Utility. This service charge shall be known as the Stormwater Utility Fee ("Fee"). Any
195 real property annexed into the City after July 1, 2015 will be subject to a partial year charge for the
196 remainder of the first year and the full fee each year thereafter.
197

198 B. The City shall, by Ordinance, establish the annual (fiscal year) ERU rate for the Fee each year in
199 conjunction with the annual budget.

200
201 C. Except as otherwise provided in Section 13.30.060, the fee will be based on: the amount of
202 Impervious Area on each property as determined by Section 13.30.050; and shall be calculated to ensure
203 adequate revenues to fund the costs of the Stormwater Utility and provide for the operation, maintenance,
204 and capital improvements of the Stormwater System in the City and the cost of implementing the City's
205 Stormwater Management drainage and water quality programs.

206
207 D. The minimum assessed Fee will be equal to the fee for one ERU for all properties.

208
209 E. Except as otherwise provided in Section 13.30.060.B, the Fee will be based on whole increments,
210 rounded to the nearest whole number, of ERU calculated for properties.

211
212 F. Except as otherwise provided in Section 13.30.060, the Fee will be calculated as follows:

- 213
214 1. Determine the Impervious Surface Area in square feet for the property.
215 2. Divide the properties Impervious Surface Area by the ERU in square feet.
216 3. Round the resulting ratio to the nearest whole number. This whole number is the number of
217 ERU on the property.
218 4. Multiply the Equivalent Residential Unit Rate by the number of ERU for the property to obtain
219 the fee in dollars.

220
221 G. Except as otherwise provided, Impervious Surface Area for the properties will be determined by
222 the City using aerial photography, as-built drawings, field surveys or other appropriate engineering and
223 mapping tools.

224
225 H. The Fee provisions of this Ordinance apply to all real property in the City, including government
226 owned real property and real property that is tax exempt for property tax Title 7 of the Tax Property Article
227 of the Annotated Code of Maryland, as amended.

228
229 I. Maximum Assessed Fee

- 230
231 1. In general, the maximums set by Section 13.30.050.I.2. do not apply to any property or portion
232 of a property for which a credit or exemption has been approved under 13.30.100.
233 2. The fee for any property that is subject to Property tax and is subject to assessment under this
234 Section may not exceed an amount equal to 20% of the total of all State and Local Real Property
235 Taxes levied on the property.

236
237
238
239 **13.30.060 Classification of property for purposes of determination of the Stormwater Utility Fee.**

240
241 A. For purposes of determining the Stormwater Utility Fee, all properties in the City are classified into
242 one of the following classes. Vacant parcels shall be classified based on the applicable zoning for that
243 parcel. Vacant parcels with an area of less than 100 square feet are exempt from the Fee.

244
245 B. Single Family Residential Lot Fee. The City finds that the intensity of development of most parcels
246 of real property in the City classified as residential is similar and that it would be excessive and
247 unnecessarily expensive to determine precisely the square footage of the Impervious Surface Area on each

248 such parcel. Therefore, all Single Family Properties in the City shall be charged a flat Stormwater Utility
249 Fee, equal to the ERU rate, regardless of the size of the parcel or the Impervious Surface Area.

250

251 C. Townhouse and Semi-Detached Residential Lot Fee. Owners of townhouses and semi-detached
252 dwellings located on separate record lots and operated under a Community Association will be charged a
253 fee calculated as follows:

254

255 1. Determine the sum total Impervious Surface Area in square feet for all townhouse and/or semi-
256 detached dwelling lots within the Community Association excluding Common Areas held in
257 joint Ownership.

258 2. Divide the sum total Impervious Surface Area by the ERU in square feet, rounding to the
259 nearest whole number to obtain the total number of ERU.

260 3. Multiply the Equivalent Residential Unit Rate by the total ERU to determine the total fee due
261 for the aggregated lots.

262 4. Divide the total Fee for the aggregated lots by the number of townhouses and/or semi-detached
263 dwelling lots within the Community Association. This is the amount billed to each lot's water
264 and sewer bill.

265

266 D. Condominium Properties. Owners of residential or Commercial Condominiums will be charged a
267 fee calculated as follows:

268

269 1. The Fee for a Condominium property will be calculated as determined in Section 13.30.060.C.

270 2. The property's fee will be divided equally among the property tax accounts for all units
271 assigned to that Condominium by the State Assessment Office or City Department of Internal
272 Services.

273 3. The Department, at its sole discretion, may utilize alternative methodologies for billing fees
274 associated with Condominiums.

275

276 E. Common Areas. Common areas owned by a Community Association will be charged based on the
277 sum total Impervious Surface Measurement of the common areas in the manner prescribed in Section
278 13.30.050.E. The Fee will be billed directly to the Community Association. The Department, at its sole
279 discretion, may utilize alternative methodologies for billing fees associated with Common Areas.

280

281

282 F. Other Improvement Lot Fee. All other improved lots in the City will be charged in accordance
283 with Section 13.30.050.

284

285 G. Roads and Rights of Ways. No Fee will be charged to public roads or other property within a public
286 right of way. A Fee will be charged to Owners of private alleys, streets and roads. No Fee will be charged
287 for a private street or road where the Director of Public Works determines that a private street or road
288 functions primarily as a public road or street and meets current City standards.

289

290 1. Railroad Tracks. No Fee will be charged to mainline railroad tracks devoted to movement of
291 railroad traffic. The Fee will be charged for all other Impervious Areas associated with rail
292 traffic, including structures, bridges and storage areas.

293

294 13.30.070 A. The Director of Public Works shall send assessment notices for the Fee to property owners
295 where the Fee is calculated on the basis of Section 13.30.50.C prior to billing for the Fee.

296

297

298

- 299 B. The notice shall include the following information:
300
301 1. The Impervious Surface Area of the property.
302
303 2. The method by which the Impervious Surface Area of the property was determined.
304
305 3. The amount of the ERU rate (i.e., the Single Family Fee).
306
307 4. The number of ERU units on the property. If the number of units is a fraction, it shall be
308 rounded to the nearest whole number.
309

310 **13.30.080 Payment terms and penalties.**
311

312 A. The Stormwater Utility Fee shall be billed quarterly and be made a part of the City water and sewer
313 bill. property Owners are responsible for payment of all Stormwater Utility Fees, and if any bill rendered
314 for the Stormwater Utility Fee is not paid within forty-five (45) days after the close of the billing period for
315 which such bill was rendered, a penalty of five percent of the amount of such bill shall be payable, in
316 addition to the amount of such bill.
317

318 B. Property owners who violate the provisions of this section shall be issued a written notice of the
319 violation, which shall be delivered via first class U.S. mail, postage prepaid, to the Owner's last known
320 address on file with the City. If the property owner does not comply within seven (7) days of the written
321 notice, the property owner shall be guilty of a municipal infraction and shall be subject to a fine pursuant
322 to the City Code and state law, and fines levied hereunder shall be payable to the City of Salisbury and
323 mailed to the Department of Internal Services within twenty (20) days of service of the municipal infraction
324 citation. Notice and service of a citation shall be as directed under the Local Government Article of the
325 Maryland Annotated Code § 6-101, et seq. and § SC5-1(38), as amended, concerning municipal infractions.
326

327 **13.30.090 Request for Adjustment of the Stormwater Utility Fee.**
328

329 A. Before filing a request for adjustment of the Fee, a property Owner may contact the Department to
330 request an explanation of the Fee bill and to view the Impervious Surface Area determined by the
331 Department for the property.
332

333 B. An Owner may request adjustment of the Fee by submitting the request in writing to the Director
334 of Public Works within 30 days after the date the assessment notice or the bill is mailed or issued to the
335 property owner. Grounds for correction of the Fee include:
336

- 337 1. Incorrect classification of the property for the purposes of determining the Fee;
338 2. Errors in the square footage of the Impervious Surface Area of the property;
339 3. Mathematical errors in calculating the Fee to be applied to the property; and
340 4. Errors in the identification of the property Owner of a property subject to the Fee.
341

342 C. The following information must be submitted:
343

- 344 1. A completed SWM Utility Fee Adjustment application form supplied by the Department.
345 2. If the request for adjustment is regarding an error in the Impervious Surface Area measurement,
346 a plan view of the property's Impervious Surface Area measurement must be submitted with
347 the application and must be prepared at the Owner's expense. The Plan must meet the
348 following criteria:
349 a. Prepared at a scale of 1 inch = 30 feet or more detailed.

- 350 b. Show all Impervious Areas and label their dimensions within the property boundaries,
351 including Buildings, patios, driveways, parking areas, graveled areas and any other
352 separate impervious structures greater than 10 x 10 feet and paths wider than 4 feet.
353 c. Sealed and signed by a Professional Engineer or Professional Land Surveyor licensed in
354 the State of Maryland attesting to the accuracy of the Impervious Surface Area
355 measurement.

356
357 D. The Department may grant up to an additional 30 days to submit a plan view of the property's
358 Impervious Surface Area. The Department may also grant up to an additional 30 days for correction
359 requests to Owner's that show good cause.

360
361 E. The Director of Public Works shall make a determination within 30 days after receipt of the
362 Owner's completed written request for adjustment of the Fee. The Director of Public Works decision on a
363 request for correction of the Fee shall be final.

364
365 F. An Owner must comply with all rules and procedures adopted by the City when submitting a
366 request for adjustment of the Fee and must provide all information necessary for the Director of Public
367 Works to make a determination on a request for adjustment of the Fee. Failure to comply with the
368 provisions of this subsection shall be grounds for denial of the request.

369
370 **13.30.100 Request for Credit to the Stormwater Utility Fee.**

371
372 Stormwater Utility Fees calculated on the basis of Impervious Surface Area may be adjusted through the
373 use of credits, when an investment in properly maintained On-Site SW Systems result in a reduced impact
374 on the City SW System.

375
376 A. Owners of property designated for any use, except those designated Single Residential Lot, that
377 structurally maintain and operate a SW System, are eligible for a credit. Previous payment of SWM
378 Waivers or monetary contributions in lieu of on-Site SW System controls does not confer eligibility to
379 receive a credit. The construction of and dedication to the City of a SW System does not confer eligibility
380 to receive a credit.

- 381
382 B. The following SW Systems are eligible for a Fee credit:
- 383 1. Structural SW Systems.
 - 384 2. ESD practices categorized by the Design Manual as Alternative Surfaces.
 - 385 3. The following ESD practices categorized by the Design Manual as microscale practices;
386 cisterns, submerged gravel Wetlands, landscape infiltration, infiltration berms, dry wells,
387 micro-bioretenment, rain gardens and swales.
 - 388 4. Any other SW System deemed eligible by the Department.
- 389
390

391 C. The following SW Systems are not eligible for a credit: disconnection of rooftop runoff,
392 disconnection of non-rooftop runoff, sheet flow to conservation areas, rain barrels, enhance filters and any
393 other system deemed ineligible by the Department.

394
395 D. Structural SW Systems designed only for Recharge Volume (Re_v) are eligible for a credit, if they
396 are subject to routine structural inspections and maintenance.

397
398 E. An Owner that provides only aesthetic maintenance of a SW System is not eligible for a credit.
399 Aesthetic maintenance includes activities that are not essential to the proper operation or function of the
400 practice or are considered part of routine property maintenance. Examples of aesthetic maintenance

401 include, but are not limited to routine trash of leaf removal, mowing, roof gutter cleaning and enhanced
402 landscaping.

403
404 F. SW Systems that are not certified as functioning as originally designed are not eligible for a credit.
405 Functioning as originally designed means that the practice is functioning in accordance with the original
406 design specifications, regardless of whether it meets the Standards established in the most recent version
407 of the Maryland Stormwater Design Manual.

408
409 G. The Department reserves the right to inspect, on a routine basis, any SW System listed on a fee
410 credit application. If a practice is found by the Department inspector to be non-functioning, the
411 Department will issue to the Owner a report of needed maintenance. The inspection also may include
412 directions to correct Site conditions adversely affecting the practice, such as uncontrolled Soil Erosion or
413 contamination.

414
415 H. The Department may revoke a previously approved fee credit at any time for failure to properly
416 maintain a SW System, for unapproved changes made to the SW System or for changed site conditions
417 that adversely impact the SW System. The Owner is responsible for correcting problems at the Owner's
418 expense. Where SW System ceases to function due to the Owner's failure to provide proper maintenance,
419 the SW System will be ineligible for a fee credit for a period of two years after the date that the SW System
420 is restored to functioning condition.

421
422 I. Any approved credit will be applied only to bills for the Owner of the SW System. Credit may be
423 given to a single Owner for Impervious Surface Areas on multiple parcels that drain to a practice on a
424 separate parcel, provided that all parcels are owned by the same entity as the practice itself.

425
426 J. It is the sole responsibility for the property Owner to apply for a credit. Credit applications must
427 be submitted before March 1st and approved before May 1st to qualify for credit on the current year's Fee.
428 Any credit application approved on or after May 1st will be applied to the following year's Fee. The Fee
429 will not be prorated for a credit approved by the Department during the billing year.

430

431 13.30.101 Credit Application Requirements and Certification Reports.

432
433 A. To apply for a Fee Credit, the Owner must submit, at the Owner's expense, the following
434 information for the approval of the Department:

- 435
- 436 1. Completed SWM Utility Fee – Private System Credit application form supplied by the
437 Department and application fee.
 - 438 2. Description of the type of system, including water quality control and/or water quantity control
439 design criteria and performance standard, and year built.
 - 440 3. Drainage Area map for the system showing the boundaries and acreages for Impervious Areas
441 that are treated in the SW System.
 - 442 4. As-built engineering plans for the SW System. SW Systems are not eligible for fee credits
443 until the as-built plans have been accepted by the Department. If as-built plans do not exist for
444 a practice, the Applicant must develop and submit these for review and acceptance to qualify
445 for the credit.
 - 446 5. A narrative of the known maintenance history of the system, including routine maintenance
447 and significant Structural Maintenance and repair.
 - 448 6. Information on any public funds used to repair, upgrade or Retrofit the SW System, including
449 the dollar amount and date the repair, upgrade or Retrofit was made.

- 450 7. Completed calculation sheet, on a form provided by the Department, to determine the monetary
451 amount of the claimed credit.
452 8. Initial Certification Report. An initial certification report must be prepared by a Professional
453 Engineer or under the guidance of a Professional Engineer.
454 9. Initial certifications include an inspection report pursuant to Section 13.28.100 of the
455 Stormwater Management Ordinance, or other format approved by the Department. The report
456 must certify that the SW System is functioning as originally designed, is operational and has
457 been adequately maintained.
458 10. The initial certification report must be signed and sealed by the responsible Professional
459 Engineer. The certification inspection must not be more than one year old at the time of
460 application.
461

462 B. Credit Recertification for Continued Credit. In order to remain eligible for a credit, an Owner must
463 submit to the Department, every three years and at the Owner's expense, a Private SW System Credit
464 Recertification application and report for approval by the Department.
465

- 466 1. The recertification report must include photographs of each SW System listed on the
467 recertification form, a description of maintenance performed since the last recertification
468 request and a copy of any maintenance records or invoices. The Owner must certify that the
469 SW System continues to be operational and has been adequately maintained.
470 2. The recertification application must include an inspection report pursuant to Section 13.28.100,
471 or other format approved by the Department. The recertification inspection must be performed
472 by a Professional Engineer, under the guidance of a Professional Engineer, or by a Person
473 approved in accordance with the Department.
474 3. The report must include information on any public funds used to upgrade or Retrofit the SW
475 System, including the dollar amount and date the upgrade or Retrofit was made.
476

477 C. Any maintenance of functional deficiencies must be remedied at the Owner's expense before the
478 practice qualifies or is recertified for a fee credit. In addition, maintenance or safety deficiencies must be
479 addressed by the Owner in accordance with the terms of the SW System's Maintenance and Inspection
480 Agreement.
481

482 **13.30.102 Credits for Private SWM Retrofits Under Cost-Share Program.**
483

484 A. The Department at its sole discretion, may consider sharing up to 50 percent of the Retrofit
485 construction costs for a Private SW System that has been identified as a priority stormwater improvement
486 in a City Watershed study, or if the Department determines the Retrofit will make a significant improvement
487 to meeting current water quality and/or quantity controls or the watershed. Any privately owned SW
488 System that has been Retrofitted to meet current stormwater Standards using public funding must be eligible
489 for a subsequent Fee credit only in accordance with the following:
490

- 491 1. The Retrofit project must be approved by the Department for the cost-share program.
492 2. The construction of the Retrofit must be completed to the satisfaction of the Department and
493 all Department Permits for the Retrofit must be released at least six months prior to receiving
494 credit.
495 3. The SWM practice's Ownership and structural and aesthetic maintenance must remain the
496 responsibility of the Owner.
497 4. If the practice was not functioning as originally designed prior to the Retrofit, the Owner will
498 not be eligible for any fee credit until such time that the cumulative amount of credit that
499 otherwise would have been allowed equals or exceeds the public investment in the Retrofit.

- 500 5. If the practice was functioning as originally designed prior to the Retrofit, the Owner is still
501 eligible for a credit based on Section 13.30.103.B. After the Retrofit, the Owner will be eligible
502 for a credit based on Section 13.30.103.C. once the cumulative difference between the credit
503 provided in the previous standards credit and current standards credit equals or exceeds the
504 public investment in the Retrofit.
505 6. All necessary approvals and permits must be obtained for Retrofits before commencing
506 disturbance or construction including any sediment control permits, SWM permits, Forest
507 conservation permits and any applicable State permits.
508

509 B. Nothing in this Section prohibits an Owner from upgrading or Retrofitting a practice at the Owner's
510 expense in accordance with the provisions of this Ordinance to qualify for credit or to qualify for a higher
511 credit.
512

513 13.30.103 Credit Amounts

514
515 A. The credit amount is calculated as a reduction in Site Impervious Area. The credit is prorated based
516 on the amount of Impervious Surface Area located on the property draining to the SWM practice, and not
517 the total amount of Impervious Surface Area on the Site. The credit may be prorated based on the
518 percentage of SWM treatment volume provided in a practice as compared to the target treatment standard.
519

520 B. Previous Standards Credit. A SWM practice that is certified as functioning as originally designed,
521 but does not meet the Standards established in the most recent version of the Design Manual, makes the
522 contributing Impervious Surface Area eligible for a maximum cumulative credit of 20 percent against the
523 Fee. Credits are allocated as follows:
524

- 525 1. A maximum of 10 percent credit is provided if the practice provides stormwater quality
526 control.
527 2. A maximum of 10 percent credit is provided if the practice provides stormwater quantity
528 control.
529

530 C. Current Standards Credit. A SWM practice that is certified as functioning as originally designed
531 and meets the Standards established in the most recent version of the Design Manual, makes the
532 contributing Impervious Surface Area eligible for a maximum cumulative credit of 50% against the Fee.
533 Credits are allocated as follows:
534

- 535 1. A maximum of 25 percent credit is provided if the practice provides stormwater quality
536 control for Water Quality Volume (WQv).
537 2. A maximum of 25 percent credit is provided if the practice provides stormwater quantity
538 control of Overbank Flood Protection Volume (Qp10).
539 3. A maximum of 10 percent credit is provided if the practice provides only stormwater control
540 for Recharge Volume (Rev) and is a structural SWM practice.
541

542 D. Where an eligible SWM practice meets the Standards established in the most recent version of the
543 Design Manual for quality, but not quantity, or vice versa, it is acceptable to combine 13.30.13.B. and
544 13.30.103.C. above accordingly. The cumulative credit must not exceed 50 percent, except for practices
545 that meet the Additional Quantity reduction Credit.
546

547 E. The Owner of an eligible private practice that treats off-Site Impervious Area located within the
548 City may take an additional credit for treating the off-Site Impervious Area, provided that in no case will
549 the total credit exceed the total amount of the Fee charged to the Owner on which the practice is located.
550

551 F. Additional Quantity Reduction Credit. A maximum of 100 percent credit is provided to
552 Impervious Surface Areas draining to on-Site SWM practices that retain the difference in Runoff volume
553 between the 100-year post development storm event and the 100-year pre-development condition storm
554 event.
555

556 G. The cumulative credits for a property will in no case exceed the total amount of the SWM Fee
557 charged to the property.

558 **13.130.110 Financial Hardship Exemption**

559 A. Exemptions for property able to demonstrate substantial hardship as a result of the Stormwater
560 Utility Fee may be granted by the Director of Public Works for residential property that can properly
561 document a financial hardship by meeting two of the following conditions:

- 562 1. Enrollment in a Homeowner's Property Tax Credit Program;
563 2. Receiving an energy assistance subsidy;
564 3. Receiving public assistance through supplemental security income (SSI) or food stamps;
565 4. Receiving veterans or social security disability benefits.
566

567 B. Only properties that are Owner occupied and meeting the minimum qualifications will receive
568 approval for the hardship exemption.
569

570 C. The hardship exemption is only valid for one year. It is the responsibility of property Owners to
571 reapply yearly.
572

573
574 BE IT FURTHER ORDAINED that this ordinance shall take effect on July 1, 2015.
575

576 ~~THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on~~
577 ~~the ___ day of _____, 20___, and thereafter, a statement of the substance of the Ordinance having~~
578 ~~been published as required by law, was finally passed by the Council on the ___ day of _____, 20___.~~
579

580
581 ATTEST

582
583 _____
584 Kimberly R. Nichols, City Clerk

585 _____
586 Jacob R. Day, President
587 Salisbury City Council

588 Approved by me this ___ day of _____, 2014

589 _____
590 James Ireton, Jr. Mayor

DIVISION 3. FEE CREDIT POLICY

A. Credit Concept.

Stormwater Management Utility Fees calculated on the basis of impervious surface cover may be adjusted through the use of credits when an investment in properly maintained on-site stormwater management systems results in a reduced impact on the public Stormwater Management System.

B. Credit Eligibility.

(1) Owners of property designated for any Use, except those designated “Detached One-Family Dwelling” under Chapter 25 of the City Code, that structurally maintain and operate a stormwater management system are eligible for a credit. Previous payment of stormwater management waivers or monetary contributions in lieu of on-site stormwater controls does not confer eligibility to receive a credit. The construction of and dedication to the City of a Stormwater Management System does not confer eligibility to receive a credit.

(2) The following Stormwater Management Systems are eligible for a Stormwater Utility Fee Credit.

(a) Structural Stormwater Management Systems;

(b) Environmental Site Design practices categorized by the Design Manual as alternative surfaces;

(c) The following Environmental Site Design practices categorized by the Design Manual as microscale practices: cisterns, submerged gravel wetlands, landscape infiltration, infiltration berms, dry wells, micro-bioretenion, rain gardens, swales;

(d) Any other Stormwater Management System deemed eligible by the Department.

(3) The following Stormwater Management Systems are not eligible for a credit: disconnection of rooftop runoff, disconnection of non-rooftop runoff, sheet flow to conservation areas, rain barrels, enhanced filters, and any other system determined ineligible by the Department.

(4) Structural Stormwater Management Systems designed only for recharge are eligible for a credit if they are subject to routine structural inspections and maintenance.

(5) A property owner that provides only aesthetic maintenance of a Stormwater Management System is not eligible for a credit. Aesthetic maintenance includes activities that are not essential to the proper operation or function of the practice or are considered part of routine property maintenance. Examples of aesthetic maintenance include, but are not limited to, routine trash or leaf removal, mowing, roof gutter cleaning and enhanced landscaping.

(6) Stormwater Management Systems that are not certified as functioning as originally designed are not eligible for a credit. Functioning as originally designed means that the practices are functioning in accordance with the original design specifications, regardless of whether it meets the standards established in the most recent version of the Maryland Stormwater Design Manual.

(7) The City reserves the right to inspect any Stormwater Management System listed on a fee credit application on a routine or non-routine basis. If a practice is found by the City inspector to be non-functioning, the City shall issue to the owner a report of needed maintenance. The inspection may also include direction to correct site conditions adversely affecting the practice, such as uncontrolled soil erosion or contamination.

(8) The City may revoke a previously approved fee credit at any time for failure to properly maintain a Stormwater Management System, or for unapproved changes made to the system, or for changed site conditions that adversely impact the system. The owner is responsible for correcting problems at his own expense. Where a Stormwater Management System ceases to function due to the Owner's failure to provide proper maintenance, the system will be ineligible for a fee credit for a period of two (2) years after the date that the system is restored to functioning condition.

(9) Any approved credit will be applied only to bills for the owner for the Stormwater Management System. Credit may be given to a single owner for impervious surface areas on multiple parcels that drain to a practice on a separate parcel, provided all parcels are owned by the same entity as the practice itself.

C. Credit Application Requirements and Certification Reports.

(1) To apply for a Stormwater Management Utility Credit, the owner must submit, at his own expense, the following information for the approval of the Department:

(a) Completed Stormwater Management Utility Fee – Private System Credit application form supplied by the Department and application fee;

(b) Description of the type of system(s), including water quality control and/or water quantity control design criteria and performance standard, and year built;

(c) Drainage area map for the system showing the boundaries and acreages for impervious areas that are treated in the system;

(d) As-built engineering plans for the system. Stormwater Management Systems are not eligible for fee credits until the as-built plans have been accepted by the Department. If as-built plans do not exist for a practice, the applicant must develop and submit these for review and acceptance to qualify for the credit.

(e) A narrative of the known maintenance history of the system, including routine maintenance and significant structural maintenance and repair;

(f) Information on any public funds used to repair, upgrade or retrofit the system, including the amount and the date the repair, upgrade or retrofit was made;

(g) Completed calculation sheet, on a form provided by the Department, to determine the monetary amount of the claimed credit;

(h) Initial Certification Report. An initial certification report shall be prepared by a Professional Engineer, or under the guidance of a Professional Engineer.

1. Initial certification shall include an inspection report pursuant to Section 13.30.121 of the Stormwater Utility Ordinance, or other format approved by the Department. The report must certify that the Stormwater Management System is functioning as originally designed, is operational, and has been adequately maintained.

2. The initial certification report shall be signed and sealed by the responsible Professional Engineer. The certification inspection shall not be more than one year old at time of application.

(2) Credit Recertification for Continued Credit. In order to remain eligible for a credit, a property owner must submit to the City, every three years and at his own expense, a Private Stormwater Management System Credit Recertification application and report for approval by the Department.

(a) The recertification report shall include photographs of each Stormwater Management System listed on the recertification form, a description of maintenance performed since the last recertification request, and a copy of any maintenance records or invoices. The owner shall certify that the system(s) continues to be operational and has been adequately maintained.

(b) The recertification application shall include an inspection report pursuant to Section 13.30.121 of the Stormwater Utility Ordinance, or other format approved by the Department. The recertification inspection shall be performed by a Professional Engineer, under the guidance of a Professional Engineer, or by a person approved in accordance with Section 13.30.121 of the Stormwater Utility Ordinance.

(c) The report shall include information on any public funds used to upgrade or retrofit the system, including the amount and the date the upgrade or retrofit was made.

(3) Any maintenance or functional deficiencies must be remedied at the owner's expense before the practice may qualify or be recertified for a Stormwater Management Utility Fee credit. In addition, maintenance or safety deficiencies will be addressed by the Department in accordance with terms of the practice's Stormwater Management Easement and Maintenance Agreement.

D. Credits for Private Stormwater Management Retrofits Under Cost-Share Program.

(1) The City, at its sole discretion, may consider sharing up to 50% of the retrofit construction costs for a private Stormwater Management System that has been identified as a priority stormwater improvement in a City watershed study, or if the Department determines the retrofit will make a significant improvement to meeting current water quality and/or quantity controls for the watershed. Any privately owned system that has been retrofitted to meet current stormwater standards using public funding shall be eligible for a subsequent Stormwater Management Utility Fee credit only in accordance with the following:

(a) The retrofit project must be approved by the Department for the cost-share program;

(b) The construction of the retrofit must be completed to the satisfaction of the Department and all City permits for the retrofit must be released at least 6 months prior to receiving credit;

(c) The stormwater management practice's ownership and structural and aesthetic maintenance must remain the responsibility of the private owner;

(d) If the practice was not functioning as originally designed prior to the retrofit, the owner shall not be eligible for any fee credit until such time that the cumulative amount of credit that otherwise would have been allowed equals or exceeds the public investment in the retrofit;

(e) If the practice was functioning as originally designed prior to the retrofit, the owner is still eligible for a credit based on Article IV, Division 3(E)(2) of these Regulations, Previous Standards Credit. After the retrofit, the owner shall be eligible for a credit based on Article IV, Division 3(E)(3) of these Regulations, Current Standards Credit, once the cumulative difference between the credit provided in Previous Standards Credit and Current Standards Credit (i.e., the difference between credit provided in Article IV, Division 3(E)(2) and Article IV, Division 3(E)(3) of these Regulations) equals or exceeds the public investment in the retrofit.

(f) All necessary approvals and permits must be obtained for retrofits before commencing disturbance or construction, including City Sediment Control Permits, Stormwater Management Permits, and Forest Conservation Permits, and any applicable State or NRCS permits.

(2) Nothing in this Article shall prohibit a property owner from upgrading or retrofitting a practice at his/her expense in accordance with the provisions of these Regulations to qualify for credit, or to qualify for a higher credit.

E. Credit Amounts.

(1) The credit amount is calculated as a reduction in site impervious surface area. The credit is prorated based on the amount of impervious surface area located on the property draining to the stormwater management practice, and not the total amount of impervious surface cover on the site, and may also be prorated based on the percentage of stormwater management treatment volume provided in a practice as compared to the target treatment standard.

(2) Previous Standards Credit. A stormwater management practice that is certified as functioning as originally designed, but does not meet the standards established in the most recent version of the Maryland Stormwater Design Manual, makes the contributing impervious surface area eligible for a maximum cumulative credit of 20% against the Stormwater Management Utility Fee. Credits are allocated as follows:

(a) A maximum of 10% credit is provided if the practice provides stormwater quality control.

(b) A maximum of 10% credit is provided if the practice provides stormwater quantity control.

(3) Current Standards Credit. A stormwater management practice that is certified as functioning as originally designed, and meets the standards established in the most recent version of the Maryland Stormwater Design Manual, makes the contributing impervious surface area eligible for a maximum cumulative credit of 50% against the Stormwater Management Utility Fee. Credits are allocated as follows:

(a) A maximum of 25% credit is provided if the practice provides stormwater quality control for Water Quality Volume (WQv).

(b) A maximum of 25% credit is provided if the practice provides stormwater quantity control for a 10 Year Storm.

(c) A maximum of ten percent (10%) credit is provided if the practice provides only stormwater control for Recharge Volume (REv), and is a structural stormwater management practice.

(4) Where an eligible stormwater management practice meets the standards established in the most recent version of the Maryland Stormwater Design Manual for quality, but not quantity, or vice versa, it is acceptable to combine (2) and (3) above accordingly. For example, impervious surface area draining to a practice that provides quality control in accordance with the Maryland Stormwater Design Manual, but provides quantity control under an older standard, would be eligible for a maximum of 35% credit (25% for quality plus 10% for quantity). However, the cumulative credit may not exceed fifty percent (50%), except for practices that meet the Additional Quantity Reduction Credit.

(5) The owner of an eligible private practice that treats off-site impervious area located within the City may take an additional credit for treating the off-site impervious area, provided that in no case shall the total credit exceed the total amount of the Stormwater Management Utility Fee charged to the property on which the practice is located.

(6) Additional Quantity Reduction Credit. A maximum of 100% credit is provided to impervious surface areas draining to onsite stormwater management practices that retain the difference in runoff volume between the 100-year post-construction storm event and the 100-year pre-developed storm event.

(7) The cumulative credits for a property shall in no case exceed the total amount of the Stormwater Management Utility Fee charged to the property.

F. Affirmative Duty and Timing.

(1) It is the sole responsibility of the property owner to apply for a credit.

(2) A property owner may apply for a credit at any time in accordance with the following:

(a) Credit applications must be submitted before March 1 and approved before May 1 to qualify for credit on the current year's bill. Any credit application approved on or after May 1 shall be applied to the following year's bill.

(b) The Stormwater Management Utility Fee shall not be prorated for a credit approved by the City during the billing year. Any approved credits will be applied to the next billing cycle.

STORMWATER MANAGEMENT UTILITY FEE FEE CREDIT APPLICATION

Use one application for single properties with multiple SWM facilities, and submit duplicate SWM Facility Description Sheets (page 4 of 6) with application.

OWNER INFORMATION:

NAME: _____
 OWNERS LEGAL REPRESENTATIVE _____
 TITLE _____
 PHONE (day) _____ (evening) _____
 EMAIL _____
 MAILING ADDRESS _____

"I attest that this owner has legal ownership and maintenance responsibility for the SWM facility or facilities included in this application."

OWNER/REPRESENTATIVE'S

SIGNATURE: _____
 (If multiple owners share maintenance responsibility, submit other owner information on additional copies of this page.)

PROPERTIES SERVED BY THIS SWM FACILITY:

PROPERTY ADDRESS(ES) _____

 TAX ACCOUNT NO(s). FROM TAX BILL _____

 SUBDIVISION/LOT/BLOCK OR PARCEL # (From plat, deed, etc.) _____

PROFESSIONAL ENGINEER INFORMATION:

FIRM NAME _____
 PROF. ENGINEER NAME: _____
 TITLE: _____
 STATE & LICENSE NO. _____
 PHONE (office) _____ (cell) _____
 EMAIL _____
 MAILING ADDRESS: _____

"I certify that this SWM Utility Fee Credit Application and all supporting information was Prepared by me, or by someone under my direct supervision. I have reviewed the Information and attest to its accuracy."

ENGINEER'S SIGNATURE _____

Application received by City:

For City Use Only

FEE CREDIT ELIGIBILITY

1. SWM Fee Credits are for property owners that structurally maintain and operate a private SWM facility. No credit is given as a reimbursement for having previously paid SWM waivers or monetary contributions, or for a SWM facility constructed and subsequently dedicated to the City or placed in an easement for the City to maintain and operate. Credit is given only to the owner(s) with the legal maintenance obligation.

2. Nonstructural SWM facilities are not eligible for a fee credit because they do not typically have a structural maintenance burden. Nonstructural facilities include vegetated swales, recharge infiltration pits, stream buffers, and Low-Impact Development (LID) techniques such as dry wells, rain barrels, rain gardens, and downspout disconnects. LID features on individual residential lots are not eligible for a fee credit.

3. Structural SWM facilities designed to provide only groundwater recharge treatment are eligible for a credit if they are subject to routine structural maintenance.

4. A SWM facility that receives only aesthetic maintenance from the owner is not eligible for a credit. Aesthetic maintenance includes non-essential activities that do not significantly affect the facility's operation or function, such as more frequent mowing, enhanced landscaping or frequent trash removal.

5. SWM facilities that are not certified as functioning as originally designed are not eligible for a credit. The facility must function in accordance with the original design specifications, be operational, and adequately maintained.

Any SWM Utility Fee credit approved through this application is subject to annual recertification for continued credit. Owner must submit a SWM Facility Credit Recertification form and report for DPW approval that certifies the facility continues to be operational and adequately maintained.

KEY DATES FOR FEE CREDIT APPLICATION

A property owner may apply for a SWM Utility Fee credit at any time during the calendar year, but SWM Utility Fees are not prorated for credits approved between billing cycles. Fee credits will be subject to the following schedule:

- 1) Per the City's " Stormwater Utility Ordinance", a complete and correct fee credit application must be submitted to the City for review before January 1 and approved by March 1 to receive the fee credit on the bill mailed in July of that year. Applications that are approved after March 1 will have the Fee credit applied to the bill for the following year.
- 2) **IMPORTANT EXCEPTION FOR 2016** – For the first year's billing cycle ONLY (Fiscal Year 2016), the City will accept fee credit applications through April 15, 2016. Complete and correct applications received by that date will be reviewed in time for the Fiscal Year 2016 SWM Utility Fee billing cycle, and any approved fee credit will be applied to the 2016 bill for the property.

It is the sole responsibility of the property owner to apply for a fee credit. Incomplete or inaccurate applications will be returned to the owner for correction. The City cannot guarantee that subsequent submittals received after the submittal dates listed above will be reviewed and approved by the deadline for that calendar year.

HOW THE FEE CREDIT IS CALCULATED

Fee credits reduce the mapped impervious surface area measurement for the property. Since the fee is based on a property's impervious area, the credit reduces the square feet of impervious area, which reduces the number of ERUs and the fee amount. The credit is intended to offset the owner's ongoing inspection and maintenance costs.

The fee credit is prorated based on the amount of impervious surface area that drains to the SWM facility. The credit does not necessarily apply to ALL impervious area on the property. A drainage area map must be submitted with the application to clearly show the impervious area contribution to the SWM facility.

KNOW THESE TERMS

SWM Quality Control – SWM treatment intended to remove pollutants from smaller storms. This category includes devices such as infiltration trenches, sand filters, bioretention, wetlands and wet ponds, oil/grit separators, and some proprietary devices (ex. StormCeptor, StormFilter & BaySaver). The sizing criteria varies with the year of design.

SWM Quantity Control - SWM treatment intended to slow runoff to reduce erosion in downstream channels. This category includes underground pipe or vault storage and surface detention ponds. Some ponds may be listed as extended detention. The sizing criteria and level of detention varies with the year of design.

SWM Groundwater Recharge Control – SWM treatment that promotes groundwater recharge per Maryland Dept. of Environment's SWM Recharge (REv) criteria. Applies only to facilities that do not also provide WQv control.

Current Standards - SWM facilities approved by the City under the Maryland Department of Environment's current SWM Design Manual standards. The facility must meet the State's design standards that are current at the time of the fee credit application submittal to the City.

Previous Standards – SWM facilities approved by the City under outdated standards, including those facilities approved prior to the MDE SWM Design Manual creation.

SWM UTILITY FEE CREDIT AMOUNTS

	REDUCTION IN ONSITE IMPERVIOUS AREA:			OFFSITE AREA CREDIT
	CURRENT STANDARDS (Based on MDE 2010 SWM Design Manual Standards For Environmental Site Design (ESD))	PREVIOUS STANDARDS	No design info available OR SWM facility is not functional, not operating as designed, or requires cleaning, maintenance or repair.	
Type of SWM				Properties with a SWM facility that treats offsite impervious area from other properties, not including public rights-of-way, may receive credit for the offsite impervious area up to the total amount of the SWM Utility Fee for the property containing the SWM facility.
SWM Quality Control Credit	25% (Meets WQv standard)	10%		
SWM Quantity Control Credit	25% (Meets 10 Year Storm)	10%		
SWM Groundwater Recharge Credit	10% (Meets Rev standard only)	Not applicable		
Maximum Allowable SWM Utility Fee Credit	50%	20%	0%	Total amount of SWM Utility Fee for subject property

SUBMITTAL REQUIREMENTS FOR FEE CREDIT APPLICATION

Submit completed applications to Salisbury Department of Public Works at 125 N. Division Street, Salisbury, MD 21801

1. This completed application form.
2. **Application fee of \$150. Fee may be paid by check payable to City of Salisbury.**
3. Drainage area map for the SWM facility showing property lines, impervious areas, SWM facilities and drainage area boundaries. Calculate and label both the drainage area acreage and the impervious area acreage that is treated in the facility. Use one drainage area map for all SWM facilities on the subject property, where feasible.
4. If DPW does not have as-built plans, submit the marked-up set of approved design plans from the inspecting engineer to the City for review with this application.
5. A narrative description of the known maintenance and repair history of the SWM facility, including both routine maintenance and significant structural repairs or improvements.
6. Initial Certification Report prepared by a licensed Professional Engineer, or under the guidance of a Professional Engineer. The report must certify that the facility is functioning as originally designed, is operational, and has been adequately maintained, and it shall be signed and sealed by the responsible Professional Engineer. The report shall include the following information:
 - a. The date of inspection, which must have occurred within one year of this application;
 - b. Name, title and contact information of inspector, if different from the engineer;
 - c. Condition of all features of the facility, including vegetation or filter media, safety devices, spillways, pipes, valves, risers, weirs and other control structures, embankments, slopes, safety benches, storage volumes, inlet and outlet channels, underground drainage, sediment and debris accumulation, and any other items that affect the proper function;
 - d. Description of needed maintenance or repairs, and proposed schedule to accomplish these.
7. For multiple owners who share responsibility for a SWM facility, a copy of any legal documents describing the legal arrangements for ownership and maintenance of the facility.

IMPORTANT NOTICE

Any maintenance or functional deficiencies must be remedied at the owner's expense before the SWM facility qualifies for a SWM Utility Fee credit. In addition, maintenance or safety deficiencies will be addressed by DPW in accordance with terms of the facility's SWM Easement and Maintenance Agreement.

TO PREPARE THIS APPLICATION, YOU WILL NEED:

1. The applicant's engineer will require a copy of the as-built engineering design plans to prepare the inspection report. If DPW does not have as-built plans, the engineer must obtain approved design plans from DPW and mark up these plans with as-built information. Submit the marked-up as-built plans to the City for review with this application.
2. The engineer will need to obtain a drainage area map for the SWM facility. If this is not part of the as-built or approved engineering design plan set, it should be available from the owner or original design engineer's files or the City's project file. If no drainage area map is available (possible for older SWM facilities), the engineer must prepare one for the fee credit application.
3. For calculating the impervious areas draining to a SWM facility, the engineer may use the impervious area shown in the original design plans or as-built plans. If the original drainage area map does not include impervious areas, the engineer may obtain a pdf of the property's impervious area from DPW and add this information to the drainage area map.
4. The engineer may need information about the SWM treatment design standards from the original SWM facility design description and computations if this is not listed on the plans. This information should be available from the owner's or original design engineer's files or from the City's project file.

Copies of as-built or approved design plans and of SWM facility description/computation booklets are generally available from DPW. As of July, 2014 engineering plans are \$____/printed sheet, and ____cents/page for 8.5x11" booklets. Contact DPW at 410-548-3170 or come to DPW counter to place order for plans or other file information. Allow 3-5 business days for orders to be completed for pick-up.

STORMWATER MANAGEMENT FACILITY DESCRIPTION SHEET
Submit a separate SWM Facility Description Sheet for each facility on this property

SWM Facility Name and/or Number: _____
Use ID number, name or label shown on as-built or approved design plans

Type of SWM Facility: _____
List specific BMP type, such as underground sand filter, infiltration trench, bioretention, StormFilter, extended-detention wet pond, underground pipe storage, dry pond, etc.

Salisbury DPW Design Sheet Number: _____
This number is written on the bottom right corner of the City's copy of as-built/approved design plans for the SWM facility.

Year SWM Facility was approved (see City's approval stamp on as-built/design plans): _____

This is SWM Facility # _____ of _____ (total # of facilities) for this property.

Designed to meet SWM Treatment Standards: (check all that apply to THIS FACILITY)

SWM Quality Control:

1" Rainfall Event (i.e., WQv or Water Quality Volume): _____ Woods in Good Condition Pe: _____ inches

Other (describe): _____

Drainage Area to this facility (sq. ft.): _____

Onsite Impervious Area draining to this facility (sq. ft.): _____ **Offsite** Impervious Area draining to this facility (sq. ft.): _____

SWM Quantity Control:

10-year Post/10-year Pre-development control: _____

2-year Post/2-year Pre-development control: _____

Other (describe): _____

Drainage Area to this facility (sq. ft.): _____

Onsite Impervious Area draining to this facility (sq. ft.) _____ **Offsite** Impervious Area draining to this facility (sq. ft.) _____

SWM Groundwater Recharge Control (i.e., REv or Recharge Volume): _____

(applies to a facility that provides ONLY recharge treatment per MDE SWM Design Manual)

Drainage Area to this Facility (sq. ft.): _____

Onsite Impervious Area draining to this facility (sq. ft.): _____ **Offsite** Impervious Area draining to this facility (sq. ft.): _____

***** ALL DRAINAGE AREAS AND IMPERVIOUS AREAS SHOULD MATCH DRAINAGE AREA MAP*****

Have public funds (from City of Salisbury, County, State or Federal agencies) been used to build, repair, upgrade or retrofit this facility?

YES _____ NO _____

If yes, give details: _____

******* FOR DPW STAFF USE ONLY: *******

SWM Facility Credit Worksheet

SWM Facility Name and/or Number: _____

Use ID number, name or label shown on engineering plans

This is SWM Facility# _____ of _____ (total # of facilities) for this property.

SWM Facility Accepted for SWM Utility Fee Credit?	YES	_____	NO	_____
A. Was designed to meet a SWM Quality, Quantity, or Recharge standard (either current or previous standards)?	YES	_____	NO	_____
B. Is operational and functioning as designed?	YES	_____	NO	_____
C. Has been maintained/needs no maintenance at this time?	YES	_____	NO	_____
D. Report and application completed by a Prof. Engineer?	YES	_____	NO	_____
E. City has as-built engineering plans?	YES	_____	NO	_____

If credit request denied, give details: _____

SWM FACILITY CREDIT CHART				
Total Impervious Area (sq. Ft.) to SWM Facility	Qualifies for this credit:		Reduce Impervious Area By This Amount (sq. ft.)	Credited Impervious Surface Measurement (sq. ft.) Draining to SWM Facility
	SWM Quality Credit		0	0
	SWM Quantity Credit		0	0
	SWM Groundwater Recharge Credit		0	0
	Maximum Allowable SWM Utility Fee Credit		0	0
Sample Calculation:				
	SWM Quality Credit	25%	25,000	75,000

FEE CREDIT APPLICATION – REVIEW ACTIONS

Submittal or Action Taken	Date Submitted To City	Action Taken by DPW	Date Returned To Applicant
First Submittal of Complete Application & Documentation			

******* FOR DPW STAFF ONLY: *******

SWM Utility Fee Credit Calculation Worksheet

City Records Information Property Owner: _____
 Tax Account Identification Number: _____
 Property's mapped impervious surface area **BEFORE FEE CREDITS (sq ft):** _____
 Year of aerial photography from GIS mapping: _____
 Number of ERUS **BEFORE FEE CREDITS:** _____
 Annual SWM Utility Fee **BEFORE FEE CREDITS** (based on original # of ERUs w/o credits) _____

SWM Facility Credited Impervious Surface Measurement Totals (add data from other worksheets if there are multiple SWM facilities for this property.)			
SWM Facility Name or Number		Credited Impervious Surface Measurement (sq. ft.) from SWM Facility Credit Chart	
Total No. of SWM Facilities Receiving Credits	0	Total Credited Impervious Area (sq. ft.)	0
Plus Remaining Untreated Impervious Area on Property (sq. ft.)			
Total Impervious Area for Entire Property After Fee Credits (sq. ft.):			0

Number of ERUs For Entire Property After Fee Credits
 (equals total impervious area / 2,250 sq. ft. and rounded to next highest whole number): _____ **ERUs**
 SWM Utility Fee
 FY _____ Annual Rate = _____ times _____ **ERUs for entire property**
 Fiscal year current year's annual rate **AFTER FEE CREDIT**

Equals Annual SWM Utility Fee INCLUDING FEE CREDITS _____

If credit application is approved after deadline for current billing year's cycle, the SWM Utility Fee's Annual Rate may not have been determined yet for the following year. An estimate may be made using the current annual rate, but this must be updated during the City's budget preparation in Spring of the following year's billing cycle.

Does this fee credit apply to the current year's billing cycle?
 (For FY2016, approved on or before April 15, 2015?) YES _____ *If yes, use currently adopted SWM Utility rate.*

Does this fee credit apply to next year's billing cycle?
 (For FY2016, approved after April 15, 2015?) YES _____ *If yes, the fee above is an ESTIMATE. Recalculate fee credit amount next Spring using next Fiscal Year's rate set by Mayor and Council.*

 Staff Updates made to: Credit application's annual rate calc.? _____ Billing Records for ERUs? _____
 GIS mapping of impervious area? _____ GIS mapping of fee credits? _____

Checked by: _____ **Date Approved or Denied:** _____



City of Salisbury
Department of Public Works
 125 N. Division Street, Salisbury, MD 21801
 Telephone (410) 548-3170

Stormwater Utility Fee Administrative Appeal Application

A property owner who wishes to challenge the imposition of a Stormwater Utility Fee shall appeal to the Director. The Appeal shall be submitted on or before October 1 in order to receive a correction of the Stormwater Utility Fee for the taxable year. If one (or more) of the following Grounds of Appeal is applicable, please proceed with filling out this application.

GROUNDS FOR APPEAL (please check)

- Incorrect identification of use on real property for purposes of determining the Stormwater Utility Fee. (The property owner shall provide proof of the use on the property.)
- For properties subject to the fee impervious unit, errors in the calculation of the impervious surface of the property. (The property owner shall supply documentation prepared and certified by a registered professional engineer or professional land surveyor of the impervious surface of the property.)
- Mathematical errors in calculating the Stormwater Utility Fee.
- The real property is not subject to the Stormwater Utility Fee under Salisbury City Code _____ as amended. (State, County, Municipality owned, unimproved property; or property that is able to demonstrate substantial hardship as a result of the imposition of the fee.)
- Errors in the identification of the property owner of real property subject to the Stormwater Utility Fee.

PROPERTY DESCRIPTION

Property Address: _____

Tax Id No.	Liber/Folio	Parcel #	Tax Map/Grid
------------	-------------	----------	--------------

APPLICANT/OWNER(S) INFORMATION

OWNER(S)

APPLICANT

Name

Name / Title

Address

Address

City, State, Zip Code

City, State, Zip Code

Telephone

Email Address

Telephone

Email Address

PROPERTY OWNER SHALL INCLUDE A DETAILED STATEMENT OF THE GROUNDS FOR THE APPEAL AND ALL INFORMATION OR SUPPORTING DOCUMENTATION AS REQUIRED BY THE DEPARTMENT. FAILURE TO PROVIDE ALL INFORMATION REQUIRED ON THE APPLICATION FORM OR TO ATTACH ANY RELEVANT DOCUMENTATION IS A BASIS FOR A DENIAL OF AN APPEAL. PLEASE REMIT TO OFFICE OF THE DIRECTOR OF PUBLIC WORKS AT 125 N. DIVISION STREET, SALISBURY, MARYLAND 21801.

Date

Owner

Date

Owner

FOR DPW USE ONLY

After further review of this Appeal Application for the aforesaid property identified in "Property Description" and supporting documentation related thereto, it is the Department of Public Work's decision that this Appeal is hereby:

Approved Denied

Reason for Denial: _____

DEPARTMENT OF FINANCE, CITY OF SALISBURY:

PLEASE MODIFY THE EXISTING STORMWATER UTILITY FEE FOR THE AFORESAID PROPERTY IN "PROPERTY DESCRIPTION" BASED UPON THE APPROVED APPEAL AS NOTED BELOW.

- Incorrect identification of use on real property.
- Mathematical errors in calculating the Stormwater Utility Fee.
- The real property is not subject to the Stormwater Utility Fee under Salisbury City Code _____.
- Errors in the identification of the property owner of real property subject to the Stormwater Utility Fee.
- There was an error in the calculation of the impervious surface. The correct impervious surface amount should be _____ square feet.
- The correct fee is _____.

Date

DPW Representative

Distribution List:

Property Owner(s)
Counsel of Record
Mike Moulds, P.E., Director of Public Works
Amanda Pollack, P.E., Deputy Director
Keith Cordrey, Finance Director
John O'Brien, GIS Coordinator of Public Works



Residential Application for Storm Water Utility Fee Financial Hardship Exemption

Please print all information
Please complete this form and return it to the Department of Public Works
125 N. Division Street, Salisbury, Maryland 21801 or fax 410-548-3107

Name: _____ Date: _____

Mailing Address: _____ Home Phone Number: _____

City, State, Zip: _____ City Tax Account Number (if known): _____

Eligibility Requirements:

- Do you receive a credit on your property taxes issued by the Homeowners' Property Tax Credit Program?

Yes

No

- Do you receive any energy assistance or subsidy?

Type: _____

- Do you receive any public assistance, i.e., supplemental social security, food stamps?

Type: _____

- Do you receive veterans or social security disability benefits?

Type: _____

I, the undersigned, do hereby declare under the penalties of perjury that the information provided on this application is, to the best of my knowledge and belief, true, correct, and complete.

Applicants Signature _____

Date _____

Date Reviewed: _____

Approved: _____

Tax Billing Effective: July 1, _____ to June 30, _____

By: _____

Denied/Reason: _____