



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive, 101 Monroe Street, Rockville, Maryland 20850

<b>Subject:</b> Schedule of Fees for Permits, Licenses and Inspections – METHOD 3	<b>Number:</b> 8-15
<b>Originating Department:</b> DEPARTMENT OF PERMITTING SERVICES	<b>Effective Date:</b> July 1, 2015

Montgomery County Regulation on:

SCHEDULE OF FEES FOR PERMITS, LICENSES AND INSPECTIONS – METHOD 3

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive  
Regulation No. 8-15  
COMCOR No. 19.67.02

Authority: Montgomery County Code (2004) Sections 49-35, 19-6, 19-17, 19-30, 19-45, 19-67,  
27A-5(e)

Supersedes: Regulation No. 15-13

Council Review: Method 3 under Code Section 2A-15

Comment Deadline: April 30, 2015

Effective Date: July 1, 2015

**SUMMARY:** This Executive regulation simplifies several elements of the Department of Permitting Services fee structure, adjusts fees based upon functional analysis, provides additional flat fees including for utilities, moves payment of the balance of sediment control permit fee from second review to one year after permit issuance for certain sediment control permits and applies a rate stabilization factor to address revenue volatility and avoid excess reserves. This Executive Regulation supersedes Executive Regulation 15-13 in its entirety.

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**BACKGROUND INFORMATION:** The Department of Permitting Services was established as a fee-supported enterprise within the Executive Branch of Montgomery County in 1996. Revenues that support the Department are established under these Method 3 Regulations and by Council resolution. The Department of Permitting Services is funded through its collection of fees. In Fiscal 2015 the Department of Permitting Services engaged in a comprehensive study of its fee structure. As a result of this study, certain recommendations were made including to simplify several elements of its fee structure, adjust fees based upon functional analysis, provide additional flat fees, move payment of balance of permit fee from second review to one year after permit issuance for certain sediment control permits and apply a rate stabilization factor to address revenue volatility and avoid excess reserves.

COMCOR 19.67.02 Schedule of Fees for Permits Licenses and Inspections – Method 3

## 19.67.02.01 Road And Right-Of-Way Construction

All roadway-construction projects, or any construction activity within the boundaries of a dedicated public right-of-way; including roads, sidewalks/bikeways, curbs, gutters, and drainage systems; require a permit and will be charged a fee by the Department of Permitting Services.

### A. General

1. Applications, including applications for revisions, must be accompanied by the permit fee or the filing fee as specified.
2. All remaining fees must be paid before permit issuance.
3. The estimated project cost is determined by the Director of the Department of Permitting Services based on average costs submitted on recent County capital-improvement project bids for comparable work or a current professionally prepared cost estimate for the average costs of such work. Information regarding estimation of construction costs can be found at this link:  
<http://permittingservices.montgomerycountymd.gov/DPS/bond/BondsEstimate.aspx>
4. Where a maintenance of traffic or traffic control plan is required, a permit must be obtained for activity in the right-of-way and the permit fee must be paid before permit issuance.
5. The minor plat fee must be paid before Department approval.
6. The fee for a revision to an Engineered Public Right-of-Way Permit for changes of ownership is the minimum permit fee.
7. The fee for a change of legal description or other administrative revision to a Right of Way Permit after permit issuance is 50% of the minimum permit fee.
8. All fees noted in this regulation are subject to the Automation Enhancement Fee per Executive Regulation 13-13 (COMCOR 08.24B.02).



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## B. Work in Public Right-of-Way Permits

- **Driveway Permits**
  1. Fee is **14.65%** of the estimated project cost.
  2. A nonrefundable filing fee of **\$150** is required.
  
- **Utility Permits**
  1. Under Roadway Work **\$0.775/LF, Minimum \$775**
  2. Above Roadway Work (minimal or no trenching) **\$0.425/LF, Minimum \$425**
  3. Aerial Work **\$0.425/LF, Minimum \$425**
  4. House Connection **\$425/Connection**
  
- **Special Use and Roadway Occupancy Permits** **\$215**  
 (Includes dumpsters, cranes, storage container, temporary pedestrian access, and tree planting)
  
- **Stump and Hazardous Tree Removal** **\$0**  
 (Includes removal of a roadside tree which has been determined by a licensed tree expert and approved by the Department to immediately endanger a person or property)

## C. Engineered Public Right-of-Way Permits

- Roadway Grading Permit
  - Paving Permit
  - Storm Drain Permit
1. Fee is **14.65%** of the estimated project cost, or **\$1,910**, whichever is greater.
  2. A nonrefundable filing fee of **50%** of the estimated project cost, or **\$1,910**, whichever is greater is required.
  3. Must include best available information on project costs when the initial application is submitted.

## D. Traffic Management Plans **\$2,600**

This fee applies to: 1. Maintenance of traffic plans in Central Business Districts; 2. Rights of way 80 feet or greater; 3. Work in any other area that is two weeks or greater in duration; 4. Any site specific non-standard workzone temporary traffic control plans.



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## 19.67.02.01 Road And Right-Of-Way Construction (Con't)

### E. Minor Record Plats

1. For review and approval of Subdivision Record Plats created per requirements of Chapter 50 Section 35A for Minor Subdivisions.
2. Nonrefundable Filing Fee **\$500**

### F. Permit Revisions

1. Engineered Right-of-Way Permits
  - a. **14.65%** of the estimated project revision cost, or **\$1,910**, whichever is greater.
  - b. An engineered cost estimate, fully detailing estimated project cost, must accompany the revision application.
2. All Other Right of Way Permit Revisions **\$150**

### G. Public Right-of-Way Permit Extensions

1. Road and Right of Way construction permits are valid for a period of 18 months.
2. The fee to extend an Engineered Right of Way Permit is **15%** of the bond in place when the extension is requested.
3. The fee to extend all other Right of Way Permits **\$150**

## 19.67.02.02 Sediment Control, Stormwater Management, Special Protection Areas, and Floodplain District

### A. General

1. Applications, including applications for revisions, must be accompanied by the permit fee or the minimum filing fee as specified.
2. All remaining fees must be paid within one year after permit issuance or before final inspection, whichever occurs first.
3. All Stormwater Management Concept fees, Floodplain Study fees and Floodplain-District Permit fees must be paid when the application is submitted or before the Department initiates reviews.
4. The fee for a revision to a Sediment Control Permit or a Floodplain District Permit for changes of ownership is the minimum permit fee.
5. The fee for a change-of-legal description or other administrative revision to a Sediment Control Permit or a Floodplain District Permit after permit issuance is 50% of the minimum permit fee for the permit type being revised.
6. All fees noted in this regulation are subject to the Automation Enhancement Fee per Executive Regulation 13-13 (COMCOR 08.24B.02),



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## 19.67.02.02 Sediment Control, Stormwater Management, Special Protection Areas, and Floodplain District (Con't)

- |  |            |
|--|------------|
| <b>B. Stormwater Management Concept or SPA Water Quality Inventory</b>                                     |            |
| 1. Fee at Submittal  | \$2,765    |
| 2. Fee to Revise   | \$1,385    |
| <b>C. Site Development SWM Plan Review</b>   | \$1,385    |
| <b>D. Stormwater Concept/Site Development Stormwater Plan Combo</b>  | \$2,765    |
| <b>E. SPA Water Quality Plan Review (Preliminary)</b>  |            |
| 1. Fee at Submittal  | \$815/Acre |
| 2. Minimum Fee   | \$2,765    |
| 3. Maximum Fee   | \$16,300   |
| <b>F. SPA Water Quality Plan Review (Final)</b>  | \$1,385    |
| <b>G. SPA Water Quality Plan Review (Preliminary &amp; Final)</b>  |            |
| 1. Fee at Submittal  | \$815/Acre |
| 2. Minimum Fee   | \$2,765    |
| 3. Maximum Fee   | \$16,300   |
| <b>H. Other Revisions to Stormwater Concept Plans</b>  | \$1,385    |
| <b>I. Other Revisions to Water Quality Plans</b>   | \$1,385    |
| <b>J. Stream Monitoring</b>  | \$860/Acre |
| 1. Fee must be paid before issuance of the Sediment Control Permit.  |            |
| 2. The fee will be calculated based on the total acreage of the site as shown on the approved record plat. |            |
| 3. All fractions of acreage will be rounded to the nearest whole number.                                   |            |
| 4. If the acreage fraction is .5, the next higher whole number will be used.                               |            |
| 5. The Department of Permitting Services collects this fee for the Department of Environmental Protection. |            |



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## 19.67.02.02 Sediment Control, Stormwater Management, Special Protection Areas, and Floodplain District (Con't)

### K. Sediment Control Permits

#### 1. Engineered Permits

- a. Fee is **\$.086** per square feet of disturbed area, or **\$1,910**, whichever is greater.
- b. A nonrefundable filing fee of **50%** of the total permit fee, or **\$1,910**, whichever is greater, is required when the application is submitted.
- c. Fee to Revise is **\$.086** per square feet of additional disturbed area plus the **Minimum fee of \$1,910**.

#### 2. Engineered Permits for Single Family Lots

- a. Fee at Submittal **\$1,910**
- b. Applies to work on one single family lot.
- c. Does not apply to plans that include work on multiple lots or which include road construction.
- d. Must be for single family use.
- e. A Stormwater Concept Submission is not required.

#### 3. Small Land Disturbance Activity Permits

- a. Fee at Submittal **\$815**
- b. May be used for projects that do not require stormwater management.
- c. May be used for single family residential lots when the disturbed area is less than 20,000 square feet or for the maintenance of existing stormwater management facilities unless otherwise approved by the Department.

#### 4. Forest Harvest Activity Permits **\$815**

#### 5. Stormwater Management As-Built Plans

- a. Fee at Submittal **\$1,910**
- b. Any extension fees will be due when the As-Built Plans are submitted.

#### 6. Permit Extensions

- a. The fee to extend an Engineered Sediment Control permit is **15%** of the total permit fee in effect when the extension request is submitted. If an As-Built plan has been submitted and approved, the fee is **\$210**.
- b. Initial Sediment Control permits are valid for 24 months.
- c. The fee to extend all other Sediment Control permits **\$150**



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## 19.67.02.02 Sediment Control, Stormwater Management, Special Protection Areas, and Floodplain District (Con't)

<b>L.</b>	<b>Floodplain District Permits</b>	
	1. Fee at Submittal	\$900
	2. One Year Extension Fee	\$135
<b>M.</b>	<b>Floodplain Studies</b>	
	1. Fee at Submittal	\$1,140
	2. A Floodplain Study may include a dam breach analysis.	

## 19.67.02.03 Individual Water Supply and Sewage Disposal Systems

<b>A.</b>	<b>General</b>	
	1. Applications, including applications for revisions, must be accompanied by the permit fee or the minimum filing fee as specified.	
	2. All remaining fees must be paid before any subsequent submission for review or before permit issuance, whichever occurs first.	
	3. Permits are valid for a period of one year.	
	4. Permit fees are not transferable.	
	5. The fee for minor plan revisions is the Minor Plan Review Fee.	
	6. The fee for investigation, review and issuance of a permit to repair an existing sewage-disposal system is the Minor Plan Review Fee.	
	7. All fees noted in this regulation are subject to the Automation Enhancement Fee per Executive Regulation 13-13, COMCOR 08.24B.02, unless otherwise noted.	
<b>B.</b>	<b>Conventional Percolation Tests Per Lot, Per Visit</b>	\$780
<b>C.</b>	<b>Percolation Tests Per Lot, Per Visit, for Mound Systems</b>	\$1,050
<b>D.</b>	<b>Water Table Level Checks, Per Visit</b>	\$440
<b>E.</b>	<b>Individual Sewage Disposal Permit</b>	\$1,200
<b>F.</b>	<b>Plans Review for Subdivision and Platted Lots and Revisions</b>	\$510/Lot
<b>G.</b>	<b>Minor Plan Review and Environmental Health Survey</b>	\$375
<b>H.</b>	<b>Partial Environmental Health Survey</b>	\$235



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## 19.67.02.03 Individual Water Supply and Sewage Disposal Systems (Con't)

- |           |  |              |
|-----------|--|--------------|
| <b>I.</b> | Review Repair of Existing Sewage Disposal Systems  | <b>\$375</b> |
| <b>J.</b> | Septage Hauler Permit Inspection (Including Truck Inspection)  | <b>\$375</b> |
| <b>K.</b> | Septage Hauler Permit Inspection (Reciprocal Truck Inspection)   | <b>\$235</b> |
| <b>L.</b> | <b>Permit Extensions</b><br>1. Fee at Submittal<br>2. Permits are valid for 12 months.<br>3. Upon written request a permit may be extended for an additional six months. | <b>\$170</b> |
| <b>M.</b> | <b>Well Permits</b><br>1. Not subject to Automation Enhancement Fee.   | <b>\$160</b> |

## 19.67.02.04 Miscellaneous Fees

Filing fees and permit fees are based on fees in effect on the date the application was filed. All other fees are based on fees in effect when the service is requested (revision fee, extension fee, etc.).

- |           |  |             |
|-----------|--|-------------|
| <b>A.</b> | Administrative Permit Application Revisions  | <b>\$70</b> |
| <b>B.</b> | <b>Refunds</b><br>1. Filing fees are nonrefundable except in the case of an administrative error.<br><br>2. In the case of an abandonment or discontinuance of a project under permit, a refund of up to <b>50 percent</b> of the fee paid ( <b>excluding filing fee</b> ) may be granted provided: <ul style="list-style-type: none"> <li>a. No construction has occurred, and</li> <li>b. A written request for refund is made before the expiration date of the permit.</li> <li>c. Revoked, suspended, or invalid licenses or permits, or permits or licenses in litigation are not eligible for refunds.</li> </ul> |             |



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## 19.67.02.04 Miscellaneous Fees (Con't)

### C. Bonding Alterations

Bonds must be posted for permitted projects under the applicable Code. Fees for alterations to a posted bond are as follows:

- |  |              |
|--|--------------|
| 1. Fee to replace a Performance Bond, Irrevocable Letter of Credit, Cash Bond or Certificate of Guarantee  | <b>\$140</b> |
| 2. If the purpose of the replacement is to reduce the amount of the instrument due to partial completion of work, the fee for the partial reduction is | <b>\$280</b> |

### D. Expedited Plan Reviews

1. Fee is **\$125%** of total permit fee.
2. Per County Council Resolution 16-600, Executive Regulation 9-08.

## 19.67.02.05 Indexing of Fees to Labor and Operating Cost Changes and to Manage Reserves

The Director of Permitting Services must calculate an enterprise fund stabilization factor (EFSF) each year to be applied to each fee set in or under this regulation on July 1 of each year. The EFSF is the factor by which the fee calculation is adjusted, up or down, to cover DPS labor and operating costs and to manage the DPS reserve policy in accordance with the 2002 Principles of the Fiscal Management of the Permitting Services Fund. The Director must publish the EFSF for each upcoming fiscal year not later than March 15 of the current fiscal year. For any year in which the EFSF will be less than .80 or greater than 1.20, the Department must review its fee rates and functional analysis behind the fee rates to determine if changes need to be made to the fee rates.



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## 19.67.02.06 Severability

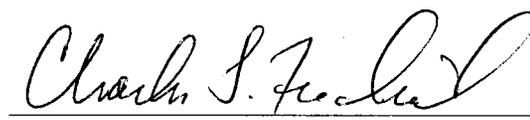
If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.

EFFECTIVE DATE: This regulation becomes effective July 1, 2015

  
Isiah Leggett, County Executive

5/21/15  
Date

Approved as to form and legality:

  
Office of the County Attorney

21 May 2015  
Date