MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Schedule of Fees for Permits, Licenses and Inspections – METHOD 3	Number: 15-13T
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date: September 9, 2013

Montgomery County Regulation on:

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

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive
Regulation No. 15-13T
COMCOR No. 19.67.02

Authority: Montgomery County Code (2004) Sections 49-35, 19-6, 19-17, 19-30, 19-45, 19-67, 30-2, 30-11, 27A-5(e)
Council review: Method 3 under Code Section 2A-15
Effective Date: September 9, 2013

SUMMARY: This Executive Regulation updates the reference to Executive Regulation 5-98, in sections I.A.8., II.A.8., VI.A.8. to Executive Regulation 13-13 which changes the Automation Enhancement Fee from 10% to 5%.

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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 Executive Regulations and by County Council resolution.

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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 prior to any subsequent submission for review or prior to permit issuance, whichever occurs first.
   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.
   4. Permit fees are not transferable.
   5. The minor plat fee must be paid at the time of application or before the Department initiates reviews.
   6. The fee for a revision to a 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 a 5 % Automation Enhancement fee per COMCOR 08.24B.02.

B. Work in Public Right-of-Way Permit
   (for Driveway Permits, Roadway Occupancy Permits, Special Use Permits)

   The fee is based on 14.930% of the estimated project cost.

   A non-refundable filing fee of $135 is required for all Work in Public Right-of-Way Permit applications.

C. Engineered Public Right-of-Way Permits
   For the following permit types,
   - Roadway Grading Permit,
   - Paving Permit,
   - Storm Drain Permit

the permit fee is calculated as the greater of:

1. Minimum fee $1,895, or
2. 14.930% of the estimated project cost.

A filing fee must be paid at time of application in the amount of the minimum fee or 30% of the total permit fee whichever is greater. An engineered cost estimate fully detailing estimated project cost based on work proposed by application must be included with the initial application.

D. Minor Subdivision Record Plat Review
For review and approval of Subdivision Record Plats created per requirements of Chapter 50 Section 35A for Minor Subdivisions, a non-refundable filing fee of $500 is due at application.

E. Permit Revisions
The fee for a revision to a Public Right-of-Way permit is:
1. For Work in Public Right of Way Permits, the fee is the greater of:
   a. Minimum fee of $135 or
   b. 14.930% of the estimated revision cost
2. For Engineered Right-of-Way Permits, the fee is the greater of:
   a. Minimum fee of $1895 or
   b. 14.930% of the estimated revision cost

A filing fee must be paid at time of application in the amount of the minimum fee or 30% of the total permit fee whichever is greater. An engineered cost estimate fully detailing estimated project cost based on work proposed by application must be included with the initial revision application.

F. Public Right-of-Way Permit Extensions
Road and Right of Way construction permits are valid for a period of 18 months. Upon written request, prior to the expiration of the permit and the payment of an extension fee, the permit may be extended for 12 months. The fee to extend a permit is ten percent (10%) of the current fee, but not less than $175.00.

G. Temporary Construction Activities
A permit is required for any temporary structure placed within a road or public right-of-way. A minimum fee of $175 will be charged for a crane, dumpster, storage container, or scaffolding/pedestrian walkway-permit.

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19.67.02.02 Sediment Control, Stormwater Management, And Floodplain Districts

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 prior to any subsequent submission for review or prior to permit issuance, whichever occurs first.
3. All Stormwater Management Concept fees, Floodplain Study fees and Floodplain-District Permit fees must be paid at the time of application or before the Department initiates reviews
4. Permit fees are not transferable.
5. Sediment-Control Permits are not transferable.
6. The fee for a revision to a Sediment Control Permit or a Floodplain District 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 Sediment Control Permit or a Floodplain District Permit after permit issuance is 50% of the minimum permit fee for the permit type being revised.
8. All fees noted in this regulation are subject to a 5 % Automation Enhancement fee per COMCOR 08.24B.02.

B. Stormwater Management

1. Stormwater Management Concept Fee

   All SWMC fees must be paid before the Department initiates reviews. Stormwater Concept Plan filing fees are:

   a. For concepts of onsite stormwater management for a separate single-family residential lot $1,040
   b. All other stormwater management concept plans which are for development of 25 acres or fewer $2,440
   c. All other stormwater management concept plans which are for development of greater than 25 acres $3,120
   d. Fees for revisions to previously approved Stormwater Concept plans are 50% of the current fee.

   If the Stormwater Management Concept and the Site Development Stormwater Management Plan are combined as allowed in Chapter 19 then only the Stormwater Concept fee applies.

2. Stormwater Management Administrative Waiver Review for Grandfathering

The filing fees are as follows:

a. For administrative waiver review of onsite stormwater management for a single-family residential lot $520

b. All other stormwater management administrative waiver reviews which are for development of 25 acres or fewer $1,220

c. All other stormwater management administrative waiver reviews which are for development of greater than 25 acres $1,560

3. Site Development Stormwater Management Plan

The filing fees are as follows:

a. For Site Development Stormwater Management Plan review of onsite stormwater management for a separate single-family residential lot $520

b. All other stormwater management Site Development Stormwater Management Plan reviews which are for development of 25 acres or fewer $1,220

c. All other stormwater management Site Development Stormwater Management Plan reviews which are for development of greater than 25 acres $1,560

d. Fees for revisions to approved Site Development Stormwater Management Plans are the same as for new submittals.

4. Sediment Control Permits

a. Engineered Permits

A filing fee must be paid at time of application in the amount of the minimum fee or 30% of the total permit fee whichever is greater.

1. For New applications of Engineered Sediment Control Permits, the permit fee is the greater of:
   a. Minimum fee of $1895, or
   b. $0.062 per square feet of disturbed area
2. For Permit Revisions with increased disturbed area, the revision fee is the greater of:
   a. Minimum fee of $1895, or
   b. $0.062 per square feet of disturbed area
3. For Permit Revisions with no increase of disturbed area, the revision fee is the greater of:
   a. 35% of the current fee based on total disturbed area,
   b. Minimum fee of $1895, or

c. Maximum fee of $4,160

b. Small Land Disturbance Permits

For Small Land Disturbance Permits, which are those that do not require stormwater management to be addressed as determined by the Department, the filing fee, which is paid at application is

1. For construction of a primary building or addition on single family residential lots or parcels as based on total lot size, the filing fee is:
   a. 10,000 square feet or fewer $ 630
   b. 10,001 – 20,000 square feet $1,265
2. For construction activities that do not require the use of an engineered sediment control plan, as determined by the department and is based on the total disturbed area, the filing fee is:
   a. 10,000 square feet or fewer $ 630
   b. 10,001 – 20,000 square feet $1,265
3. For Permit Revisions, the revision filing fee is:
   a. 10,000 square feet or fewer $ 315
   b. 10,001 – 20,000 square feet $ 633

c. Forest Harvest Activities Sediment Control Permits

Harvest Activities permit filing fee $ 210

d. Maintenance of Stormwater Management Facilities Sediment Control Permits

Maintenance of Stormwater Management Facilities permit filing fee $ 545

e. Post Construction Monitoring Sediment Control Permits

Post construction monitoring of Stormwater Management Facilities permit filing fee $ 545

f. Stormwater Management As-Built Plans

The fee for the review and approval of stormwater management as-built plans is $1,895. An additional fee of $1,895 will be assessed when as-built plans are submitted for stormwater management facilities which have not been constructed in accordance with Department approved plans

g. Sediment Control Plan and Permit Extension

Sediment Control Plans and Permits are valid for a period not to exceed

two (2) years from the date of issuance or approval. Plan and permit extensions are valid for one (1) year. Upon written request, prior to the expiration of the permit and the payment of an extension fee, the permit may be extended for 12 months. The fee to extend all Sediment Control Permits is $0.0062 per square feet of disturbed area, as designated on the original permit or plan approval. The minimum fee for an extension is $210. Expiration of a plan prior to permit issuance requires that the plan be revised to update approvals on the plan. A sediment control revision fee is required.

5. Floodplain District and Floodplain Study
   a. Floodplain District Permit filing fee $ 730
   b. Filing fee for review and approval of Dam-Breach studies using the TR-60Q, Max estimation method $ 730
   c. Filing fee for review and approval of all other Dam Breach Analyses $2,080
   d. Certification of Floodplain District limits not covered by F.1, F.2, F.3 or F.4 $ 180
   e. Floodplain District Permits are valid for two (2) years from the date of issuance. The fee to extend a Floodplain District Permit is $190 and the extension is valid for one (1) year

19.67.02.03 Water Quality Review And Monitoring In Special Protection Areas

All Water Quality Review fees must be paid at the time of application or before the Department initiates reviews.

A. Preliminary-Water-Quality-Plan-Review Filing Fees

1.	Five or fewer acres	$ 1,425
2.	More than 5 – 15 Acres	$ 2,670
3.	More than 15 – 25 Acres	$ 3,905
4.	More than 25 – 75 Acres	$ 6,960
5.	More than 75 – 125 Acres	$ 8,705
6.	More than 125 – 175 Acres	$ 10,420
7.	More than 175 – 225 Acres	$ 12,145
8.	More than 225 – 275 Acres	$ 13,855
9.	More than 275 – 325 Acres	$ 15,455
10.	More than 325 – 375 Acres	$ 17,310

11.	More than 375 Acres	$ 19,030

B. Final Water-Quality-Plan-Review Filing Fees

1.	5 Acres or less	$ 1,170
2.	More than 5 – 15 Acres	$ 2,370
3.	More than 15 – 25 Acres	$ 3,530
4.	More than 25 – 75 Acres	$ 6,835
5.	More than 75 – 125 Acres	$ 9,035
6.	More than 125 – 175 Acres	$ 11,250
7.	More than 175 – 225 Acres	$ 13,570
8.	More than 225 – 275 Acres	$ 15,645
9.	More than 275 – 325 Acres	$ 17,845
10.	More than 325 – 375 Acres	$ 20,050
11.	More than 375 Acres	$ 22,260

C. Stream-Monitoring Fees: Stream-monitoring fees in the amount of $ 860 per acre must be paid by the permittee prior to issuance of the Sediment-Control Permit for the development site. For the purpose of fee calculation, the total acreage of the site as shown on the approved record plat shall be used. All fractions of acreage will be rounded to the nearest whole number. If the acreage fraction is .5, the next higher whole number will be used. The Department of Permitting Services collects this fee for the Department of Environmental Protection.

D. Revisions: A revision fee in the amount of 35% of the current fee must be paid by the permittee for any significant amendments to the approved preliminary or final water-quality plan. Minor revisions to the approved preliminary or final water-quality plan do not require an additional plan-review fee.

19.67.02.04 Benefit Performances

A bona fide non-profit organization may conduct a performance for the exclusive benefit of a volunteer fire department, or a charitable, benevolent, patriotic, fraternal, educational, religious or civic object. A benefit performance includes an outdoor or indoor carnival, fair, picnic, dance, card party, bazaar, concert, contest, horse show, exhibition, lecture, barbecue, or dinner, to which the public is invited or admitted, with or without charge for admission. The net proceeds must benefit solely the non-profit organization.

A.	Benefit Performance	$ 57

B. Duplicate License $ 16

19.67.02.05 Storage Of Vendor-Confiscated Goods

This regulation sets a fee for the storage of goods confiscated by the Department of Permitting Services enforcement staff from vendors illegally offering goods for sale.

Storage Fee $ 73

19.67.02.06 Individual Water-Supply And Sewage-Disposal Systems

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 prior to any subsequent submission for review or prior to 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 revisions to permit information after submission by the applicant is $135.
6. The fee for minor plan revisions is the Minor Plan Review Fee.
7. The fee for investigation, review and issuance of a permit to repair an existing sewage-disposal system is the Minor Plan Review Fee
8. All fees noted in this regulation are subject to a 5 % Automation Enhancement fee per COMCOR 08.24B.02.

B. Conventional Percolation Tests Per Lot (each visit) $ 520

C. Percolation Tests Per Lot for Mound Systems (each visit) $ 935

D. Percolation Tests Per Lot for Alternative and Innovative Systems (each visit) $ 935

E. Water-Table-Level Check (each visit) $ 410

F. Individual-Sewage-Disposal-System Permit $ 935

G. Plans Review for Subdivision and platted Lots and Revisions (Per Lot) $ 500

H.	Minor Plan Review (Including Environmental Health Survey)	$ 275
I.	Partial Environmental Health Survey	$ 140
J.	Septage-Hauler-Permit Inspection (per truck)	$ 210

K. Permit Extensions
Permits are valid for a period of 12 months. Upon written request, prior to the expiration of the permit and the payment of an extension fee, the permit may be extended for 6 months. The fee to extend a permit is $135.00.

19.67.02.07 Indexing Of Fees To Labor Cost Increases

The Director of Permitting Services must adjust each fee set in or under this regulation on July 1 of each year by a percentage that does not exceed the rate of the increase (if any) in the department's approved personnel costs for the then-current fiscal year compared to the approved personnel costs for the preceding fiscal year. For fees of $100 or more, the Director must calculate the revised fee to the nearest five dollars. For fees under $100, the Director must calculate the revised fee to the nearest dollar.

The Director must publish the amount of this adjustment not later than July 1 of each year.

19.67.02.08 Miscellaneous

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 at the time the service is requested (revision fee, extension fee, etc.).

A.	Responsible Personnel Certification Program Registration fee for Sediment Control Green Card Training	$ 50
B.	Permit Application Revisions The fee for revisions to permit information after submission by the applicant and prior to permit issuance is	$ 59

C. Refunds
Fee refunds are categorized as follows:
1. Filing fees are not refundable
2. In the case of an abandonment or discontinuance of a project under permit, a refund of up to 50 percent of the fee paid (excluding filing fees) may be granted provided:

a. No construction has occurred, and
b. A written request for refund is made prior to the expiration date of the permit.
c. Revoked, suspended, or invalid licenses or permits or permits or licenses in litigation are not eligible for refunds

D. Bonding Alterations
Bonds must be posted for permitted projects in accordance with 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 $110
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 $220

19.67.02.09 Severability

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

Isiah Leggett, County Executive — 9/9/13 Date

Approved as to form and legality:

Office of the County Attorney — 9/4/13 Date