Resolution No.: 15-997
Introduced: April 5, 2005
Adopted: May 19, 2005

COUNTY COUNCIL FOR MONTGOMERY COUNTY MARYLAND SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN MONTGOMERY COUNTY, MARYLAND

By: District Council at the request of the County Executive

SUBJECT: Increase in the Annual Fee for Enforcement of Special Exceptions and Revision to Index Fees to Labor Cost Increases

Background

1. Section 59-A-1.10 of the County code states: "The Director may establish fees, if approved by Council Resolution, to cover the cost of administration of this chapter."

2. As part of the FY02 budget, the County Executive approved the addition of a Zoning Investigator and a Permit Technician within the Department of Permitting Services to staff the special exception inspection program.

3. On September 11, 2001, the County Council approved Resolution 14-1001 establishing a fee for enforcement of special exceptions.

4. The Department of Permitting Services has evaluated the fees charged for special exceptions in relation to the costs of enforcing the Special Exception Article of the county zoning law. Current fees need to be increased to cover costs associated with the enforcement of the Special Exception regulations under the County zoning law.

5. The annual fee for enforcement of special exceptions as approved by Resolution 14-001 on September 11, 2001 was $88.00.

6. The annual fee for the enforcement of special exceptions as approved by Resolution 15-242 on June 24, 2003 was $110.00.

7. Resolution No. 15-242 stated the following: The Director of Permitting Services must adjust each fee set in or under this section on July 1 of each year by the annual average increase in the Consumer Price Index for all urban consumers for the Washington-Baltimore Metropolitan area, or any successor index, for the most recent calendar year. The Director must calculate the revised fee to the nearest five dollars. The director must publish the amount of this adjustment not later than July 1 of each year.

8. The annual fee for the enforcement of special exceptions was increased to $115.00 on July 1, 2004 as directed by background item #7.

9. 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 by Method 2 or Method 3 Executive Regulations and by County Council resolution. The Department of Permitting Services may raise this fee annually by regulation 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. These cost increases reflect negotiated labor agreements, employee-benefit cost adjustments, proficiency advancements, and other personnel cost factors Where possible, productivity enhancements will be made to minimize fee increases.

10. This resolution increases fees for the enforcement of Special Exceptions by 6.4%.

Action

The County Council for Montgomery County Maryland approves the following resolution:

1. The annual fee for enforcement of special exceptions is $122.00

2. The annual fee for enforcement of special exceptions will be paid by the holder of the Special Exception.

3. The special exception fee must be paid within the first 30 days of each fiscal year.

4. If the annual fee for enforcement of special exceptions is not paid, the Department must notify the Board of Appeals in writing.

5. The Director of Permitting Services must adjust each fee set in or under this section on July 1 of each year. The Department of Permitting Services may raise this fee annually by regulation 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.

6. This resolution becomes effective July 1, 2005 and supercedes Council Resolution 15-242.

This is a correct copy of Council action.

Linda M. Lauer

Linda M. Lauer, Clerk of the Council