

ORDINANCE NO. 1403

INTRODUCED BY: _____

AN ORDINANCE OF THE COMMISSIONERS OF OXFORD TO ADOPT CHAPTER 18 OF THE OXFORD TOWN CODE TO CREATE A STORMWATER MANAGEMENT AND SHORELINE PROTECTION FUND AND TO ESTABLISH THE AUTHORITY FOR THE IMPLEMENTATION OF A STORMWATER MANAGEMENT AND SHORELINE PROTECTION TAX OR FEE IN ACCORDANCE WITH SECTION 4-204(d) OF THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND

WHEREAS, the Town of Oxford is authorized by the Maryland Code Ann. Article 23A, § 2 to adopt such ordinances not contrary to the Constitution of Maryland, public general law, or public local law as it deems necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the Town of Oxford is authorized by the Maryland Code Ann. Environmental Article Section 4-204(d), to establish a stormwater management and shoreline protection fund and to adopt a system of charges to fund the stormwater management and shoreline protection systems, improvements and facilities within the Town to address stormwater management, water quality, flooding and shoreline protection; and

WHEREAS, the Commissioners of Oxford have determined that it is desirable and in the public interest to create a Stormwater Management and Shoreline Protection Fund to collect fees for the maintenance, enhancement, improvement and repair of the Town’s stormwater management and shoreline protection improvements, facilities and systems.

NOW, THEREFORE, the Commissioners of Oxford hereby ordain as follows:

Section 1. The Oxford Town Code is hereby amended to include Chapter 18 entitled “Stormwater Management and Shoreline Protection Fund” as follows:

CHAPTER 18. STORMWATER MANAGEMENT AND SHORELINE PROTECTION FUND

- 18.1 Establishment of Stormwater Management and Shoreline Protection Fund
- 18.2 Purposes of Stormwater Management and Shoreline Protection Fund
- 18.3 Stormwater Management and Shoreline Protection Fee
- 18.4 Financial Hardship Exemption
- 18.5 Severability

Section 18.1 Establishment of Stormwater Management and Shoreline Protection Fund

A. A Stormwater Management and Shoreline Protection Fund (“SMSP Fund”) is established to protect the waterways and land within the Town by addressing stormwater management, controlling flooding, and to protect the natural environment. The purpose of the Fund is to ensure sufficient funds to cover the costs of designing, developing, improving, operating, maintaining and monitoring the Town’s stormwater management system and structures and shoreline protection improvements.

B. The Town’s SMSP Fund is a dedicated enterprise fund. It will only be used for the purposes outlined in Section 18.2. All revenues collected from the Stormwater Management and Shoreline Protection Fee (“SMSP Fee”) shall be deposited into the SMSP Fund. The Commissioners may from time to time make additional appropriations to the Fund as are desirable and in the public interest.

Section 18.2 Purposes of the Shoreline Management and Shoreline Protection Fund

The Fund shall be used for the following purposes:

- A. The acquisition by gift, purchase or condemnation of real and personal property, and interests therein, necessary to construct, operate and maintain shoreline protection and stormwater management facilities.
- B. All costs of administration and implementation of the Town Stormwater Management and Shoreline Protection Program, including the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management, tidal or flooding requirements.
- C. Engineering and design, debt service and related financing expenses, construction costs for new facilities, and enlargement or improvement of existing stormwater management and shoreline protection improvements, structures and facilities.
- D. The operation and maintenance of the stormwater management, tidal and shoreline protection improvements, structures and facilities.
- E. Monitoring, surveillance and inspection of stormwater management, tidal and shoreline protection improvements, structures and facilities.
- F. Water quality monitoring and water quality programs.
- G. Retrofitting developed areas for stormwater management, flooding and tidal conditions.
- H. Inspection and enforcement activities.
- I. Billing and administrative costs of implementing and operating the Town's Stormwater Management and Shoreline Protection Program.
- J. All other activities that are reasonably related to the purposes described above.

Section 18.3 Stormwater Management and Shoreline Protection Fee

The Commissioners may, from time to time, adopt an ordinance to establish and impose an SMSP Fee upon all real property in the Town. The Commissioners shall have the authority to establish the SMSP Fee as either a regulatory fee or a tax, or a combination of both, in any manner prescribed by law. The form of the SMSP Fee shall be established by ordinance, and may include any of the following: an *ad valorem* tax; an excise tax; a flat fee; or a graduated fee based upon impervious surface on each property, or any other method of calculation authorized by law. Any unpaid fees established by ordinance shall become a lien upon the real property and may be collected in the same manner as taxes are collected.

Section 18.4 Financial Hardship Exemption

A property owner may be exempt from the payment of the SMSP Fee established by this Chapter where payment of the Fee would create a substantial financial hardship. The application process and eligibility criteria shall be the same as the process and criteria established by the Bay Restoration Financial Hardship Program described in Section 17.22 of the Oxford Town Code.

Section 18.5 Severability

If any section, subsection, sentence, clause or phrase of this Chapter is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Chapter. The Commissioners of Oxford declare that they would have adopted this Chapter, and each section, subsection, clause or phrase thereof, irrespective of the fact that

any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

Section 2. This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect twenty (20) days from and after the date of its final passage and adoption.

ENACTED this _____ day of _____, 2014.

COMMISSIONERS OF OXFORD:

Carole Abruzzese, President

Gordon Graves, Commissioner

Gordon Fronk, Commissioner

I hereby certify that the foregoing Ordinance Number 1403 of the Town of Oxford was duly read, advertised, and enacted with the applicable provisions of the Charter of the Town of Oxford on this _____ day of _____, 2014.

ATTEST:

Cheryl Lewis
Clerk-Treasurer