

## MEMORANDUM

TO: City Council

FROM: David J. Deutsch  
City Manager

SUBJECT: Ordinance O-4-10 – Repealing and Re-enacting Chapter 21B,  
“Stormwater Management Control”, of the Code of the City of Bowie,  
to Conform to Current State Law and Regulations

DATE: May 13, 2010

The City Attorney has asked for additional time to review this Ordinance, which was received by that office too close to the introduction date to complete a full review. Because the Chapter is being repealed and re-enacted in its entirety, the City Attorney recommends making further changes to correct stylistic inconsistencies, to satisfy the City Attorney that the changes are appropriate and accomplish what is intended, and to resolve other inherent ambiguities or inconsistencies that appear to exist in the current text of Chapter 21B (which was created based on a prior model promulgated by MDE) and which would otherwise be brought forward in the new Ordinance.

We would respectfully request, therefore, that the Ordinance be tabled until the June 7<sup>th</sup> Regular Meeting.

DJD/asf

**ORDINANCE**  
**OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND,**  
**REPEALING AND RE-ENACTING CHAPTER 21B, "STORMWATER**  
**MANAGEMENT CONTROL", OF THE CODE OF THE CITY OF BOWIE, TO**  
**CONFORM TO CURRENT STATE LAW AND REGULATIONS**

**WHEREAS**, the City of Bowie has been given authority and responsibility by the State for planning, design and inspection of stormwater management facilities within the City limits pursuant to Md. Code Ann., Env. Art., Title 4, Subtitle 2; and

**WHEREAS**, the Maryland Department of the Environment (MDE) is the State agency charged with the regulation and oversight of stormwater management and to that end has adopted regulations codified at COMAR 26.17.02.01 *et seq.*; and

**WHEREAS**, MDE has made changes to its regulations and requires that the City of Bowie amend its existing ordinance to comply with those regulations; and

**WHEREAS**, these amendments include the addition of language pertaining to the use of environmental site design (ESD) to preserve and protect natural resources, conserve natural drainage patterns, minimize impervious area and reduce the volume of stormwater runoff; and

**WHEREAS**, State law sets forth certain penalties for local governments that fail to enforce the requirements of the State's laws and regulations;

**WHEREAS**, the City Council deems the proposed amendments advisable and finds the enactment thereof to be in the best interests of the City in order to best protect the environment from adverse impacts pertaining to the control of stormwater and to comply with the dictates of State law and regulations.

**Section 1.** , **Section 1.** **NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Council of the City of Bowie, Maryland, that Chapter 21B, "Stormwater Management Control", of the Bowie City Code, be and is hereby repealed in its entirety and re-enacted to read as follows:

## **CHAPTER 21B STORMWATER MANAGEMENT CONTROL**

### **21B-1 PURPOSE AND AUTHORITY**

THE PURPOSE OF THIS ORDINANCE IS TO PROTECT, MAINTAIN, AND ENHANCE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE BY ESTABLISHING MINIMUM REQUIREMENTS AND PROCEDURES THAT CONTROL THE ADVERSE IMPACTS ASSOCIATED WITH INCREASED STORMWATER RUNOFF. THE GOAL IS TO MANAGE STORMWATER BY USING ENVIRONMENTAL SITE DESIGN (ESD) TO THE MAXIMUM EXTENT PRACTICABLE (MEP) TO MAINTAIN AFTER DEVELOPMENT AS NEARLY AS POSSIBLE, THE PREDEVELOPMENT RUNOFF CHARACTERISTICS, AND TO REDUCE STREAM CHANNEL EROSION, POLLUTION, SILTATION AND SEDIMENTATION, AND LOCAL FLOODING, AND USE APPROPRIATE STRUCTURAL BEST MANAGEMENT PRACTICES (BMPS) ONLY WHEN NECESSARY. THIS WILL RESTORE, ENHANCE, AND MAINTAIN THE CHEMICAL, PHYSICAL, AND BIOLOGICAL INTEGRITY OF STREAMS, MINIMIZE DAMAGE TO PUBLIC AND PRIVATE PROPERTY, AND REDUCE THE IMPACTS OF LAND DEVELOPMENT. THE PROVISIONS OF THIS ORDINANCE, PURSUANT TO THE ENVIRONMENT ARTICLE, TITLE 4, SUBTITLE 2, ANNOTATED CODE OF MARYLAND, 2009 REPLACEMENT VOLUME, ARE ADOPTED UNDER THE AUTHORITY OF THE CITY OF BOWIE CODE AND SHALL APPLY TO ALL DEVELOPMENT OCCURRING WITHIN THE INCORPORATED AREA OF THE CITY OF BOWIE. THE APPLICATION OF THIS ORDINANCE AND PROVISIONS EXPRESSED HEREIN SHALL BE THE MINIMUM STORMWATER MANAGEMENT REQUIREMENTS AND SHALL NOT BE DEEMED A LIMITATION OR REPEAL OF ANY OTHER POWERS GRANTED BY STATE STATUTE. THE CITY OF BOWIE SHALL BE RESPONSIBLE FOR THE COORDINATION AND ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE. THIS ORDINANCE APPLIES TO ALL NEW AND REDEVELOPMENT PROJECTS THAT HAVE NOT RECEIVED FINAL APPROVAL FOR EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT PLANS BY END OF BUSINESS MAY 3, 2010. FINAL APPROVAL SHALL MEAN DOCUMENT SIGNATURE ON THE FINAL TECHNICAL STORMWATER MANAGEMENT PLANS BY THE CITY MANAGER OF THE CITY OF BOWIE. FINAL STORMWATER MANAGEMENT PLANS RECEIVING APPROVAL PRIOR TO THE END OF BUSINESS, MAY 3, 2010, SHALL NOT BE REQUIRED TO COMPLY WITH THIS ORDINANCE UNLESS THEIR APPROVAL PERIODS AS DEFINED IN SECTION 21B-22 OF THIS ORDINANCE HAVE BEEN EXCEEDED. STORMWATER CONCEPT PLANS RECEIVING APPROVAL PRIOR TO THE END OF BUSINESS, MAY 3, 2010, SHALL BE NULL AND VOID AFTER THAT DATE REGARDLESS OF ANY STATEMENTS OF APPROVAL PERIOD CONTAINED ON THE PLAN OR IN APPROVAL LETTERS.

## **21B-2 INCORPORATION BY REFERENCE**

FOR THE PURPOSE OF THIS ORDINANCE, THE FOLLOWING DOCUMENTS ARE INCORPORATED BY REFERENCE:

- A. THE 2000 MARYLAND STORMWATER DESIGN MANUAL, VOLUMES I & II (MARYLAND DEPARTMENT OF THE ENVIRONMENT, APRIL 2000), AND ALL SUBSEQUENT REVISIONS, IS INCORPORATED BY REFERENCE BY (GOVERNING AUTHORITY/AGENCY) AND SHALL SERVE AS THE OFFICIAL GUIDE FOR STORMWATER MANAGEMENT PRINCIPLES, METHODS, AND PRACTICES.
- B. USDA NATURAL RESOURCES CONSERVATION SERVICE MARYLAND CONSERVATION PRACTICE STANDARD POND CODE 378 (JANUARY 2000).

## **21B-3 GRANDFATHERING**

A. IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED:

1. ADMINISTRATIVE WAIVER.

A. "ADMINISTRATIVE WAIVER" MEANS A DECISION BY THE CITY PURSUANT TO THIS ORDINANCE TO ALLOW THE CONSTRUCTION OF A DEVELOPMENT TO BE GOVERNED BY THE STORMWATER MANAGEMENT ORDINANCE IN EFFECT AS OF MAY 4, 2009 IN THE LOCAL JURISDICTION WHERE THE PROJECT WILL BE LOCATED.

B. "ADMINISTRATIVE WAIVER" IS DISTINCT FROM A WAIVER GRANTED PURSUANT TO SECTION 21B-5.C OF THIS ORDINANCE.

2. APPROVAL.

A. "APPROVAL" MEANS A DOCUMENTED ACTION BY THE CITY FOLLOWING A REVIEW TO DETERMINE AND ACKNOWLEDGE THE SUFFICIENCY OF SUBMITTED MATERIAL TO MEET THE REQUIREMENTS OF A SPECIFIED STAGE IN A LOCAL DEVELOPMENT REVIEW PROCESS.

B. "APPROVAL" DOES NOT MEAN AN ACKNOWLEDGEMENT BY THE CITY THAT SUBMITTED MATERIAL HAS BEEN RECEIVED FOR REVIEW.

3. FINAL PROJECT APPROVAL.
  - A. "FINAL PROJECT APPROVAL" MEANS APPROVAL OF THE FINAL STORMWATER MANAGEMENT PLAN AND EROSION AND SEDIMENT CONTROL PLAN REQUIRED TO CONSTRUCT A PROJECT'S STORMWATER MANAGEMENT FACILITIES.
  - B. "FINAL PROJECT APPROVAL" ALSO INCLUDES SECURING BONDING OR FINANCING FOR FINAL DEVELOPMENT PLANS IF EITHER IS REQUIRED AS A PREREQUISITE FOR APPROVAL.
4. "PRELIMINARY PROJECT APPROVAL" MEANS AN APPROVAL AS PART OF A LOCAL PRELIMINARY DEVELOPMENT OR PLANNING REVIEW PROCESS THAT INCLUDES, AT A MINIMUM:
  - A. THE NUMBER OF PLANNED DWELLING UNITS OR LOTS;
  - B. THE PROPOSED PROJECT DENSITY;
  - C. THE PROPOSED SIZE AND LOCATION OF ALL LAND USES FOR THE PROJECT;
  - D. A PLAN THAT IDENTIFIES:
    - (1) THE PROPOSED DRAINAGE PATTERNS;
    - (2) THE LOCATION OF ALL POINTS OF DISCHARGE FROM THE SITE;  
AND
    - (3) THE TYPE, LOCATION, AND SIZE OF ALL STORMWATER MANAGEMENT MEASURES BASED ON SITE-SPECIFIC STORMWATER MANAGEMENT REQUIREMENT COMPUTATIONS;  
AND
  - E. ANY OTHER INFORMATION REQUIRED BY THE CITY INCLUDING, BUT NOT LIMITED TO:
    - (1) THE PROPOSED ALIGNMENT, LOCATION, AND CONSTRUCTION TYPE AND STANDARD FOR ALL ROADS, ACCESS WAYS, AND AREAS OF VEHICULAR TRAFFIC;
    - (2) A DEMONSTRATION THAT THE METHODS BY WHICH THE DEVELOPMENT WILL BE SUPPLIED WITH WATER AND WASTEWATER SERVICE ARE ADEQUATE; AND

(3) THE SIZE, TYPE, AND GENERAL LOCATION OF ALL PROPOSED WASTEWATER AND WATER SYSTEM INFRASTRUCTURE.

B. THE CITY MAY GRANT AN ADMINISTRATIVE WAIVER TO A DEVELOPMENT THAT RECEIVED A PRELIMINARY PROJECT APPROVAL PRIOR TO MAY 4, 2010. ADMINISTRATIVE WAIVERS EXPIRE ACCORDING TO 21B-3.C OF THIS ORDINANCE AND MAY BE EXTENDED ACCORDING TO 21B-3.D OF THIS ORDINANCE.

C. EXPIRATION OF ADMINISTRATIVE WAIVERS.

1. EXCEPT AS PROVIDED FOR IN 21B-3.D OF THIS ORDINANCE, AN ADMINISTRATIVE WAIVER SHALL EXPIRE ON:
2. MAY 4, 2013, IF THE DEVELOPMENT DOES NOT RECEIVE FINAL PROJECT APPROVAL PRIOR TO THAT DATE; OR
3. MAY 4, 2017, IF THE DEVELOPMENT RECEIVES FINAL PROJECT APPROVAL PRIOR TO MAY 4, 2013.
4. ALL CONSTRUCTION AUTHORIZED PURSUANT TO AN ADMINISTRATIVE WAIVER MUST BE COMPLETED BY MAY 4, 2017 OR, IF THE WAIVER IS EXTENDED AS PROVIDED IN 21B-3.D OF THIS ORDINANCE, BY THE EXPIRATION DATE OF THE WAIVER EXTENSION.

D. EXTENSION OF ADMINISTRATIVE WAIVERS.

1. EXCEPT AS PROVIDED IN 21B-3.D.2 OF THIS ORDINANCE, AN ADMINISTRATIVE WAIVER SHALL NOT BE EXTENDED.
2. AN ADMINISTRATIVE WAIVER MAY ONLY BE EXTENDED IF, BY MAY 4, 2010 THE DEVELOPMENT:
  - A. HAS RECEIVED A PRELIMINARY PROJECT APPROVAL; AND
  - B. WAS SUBJECT TO A DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT, A TAX INCREMENT FINANCING APPROVAL, OR AN ANNEXATION AGREEMENT.
3. ADMINISTRATIVE WAIVERS EXTENDED ACCORDING TO 21B-3.D.2 OF THIS ORDINANCE SHALL EXPIRE WHEN THE DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT, THE TAX INCREMENT FINANCING APPROVAL, OR THE ANNEXATION AGREEMENT EXPIRES.

## **21B-4 DEFINITIONS**

THE FOLLOWING DEFINITIONS ARE PROVIDED FOR THE TERMS USED IN THIS ORDINANCE:

"ADMINISTRATION" MEANS THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) WATER MANAGEMENT ADMINISTRATION (WMA).

"ADVERSE IMPACT" MEANS ANY DELETERIOUS EFFECT ON WATERS OR WETLANDS, INCLUDING THEIR QUALITY, QUANTITY, SURFACE AREA, SPECIES COMPOSITION, AESTHETICS OR USEFULNESS FOR HUMAN OR NATURAL USES WHICH ARE OR MAY POTENTIALLY BE HARMFUL OR INJURIOUS TO 6 HUMAN HEALTH, WELFARE, SAFETY OR PROPERTY, TO BIOLOGICAL PRODUCTIVITY, DIVERSITY, OR STABILITY OR WHICH UNREASONABLY INTERFERE WITH THE ENJOYMENT OF LIFE OR PROPERTY, INCLUDING OUTDOOR RECREATION.

"AGRICULTURAL LAND MANAGEMENT PRACTICES" MEANS THOSE METHODS AND PROCEDURES USED IN THE CULTIVATION OF LAND IN ORDER TO FURTHER CROP AND LIVESTOCK PRODUCTION AND CONSERVATION OF RELATED SOIL AND WATER RESOURCES.

"APPLICANT" MEANS ANY PERSON, FIRM, OR GOVERNMENTAL AGENCY WHO EXECUTES THE NECESSARY FORMS TO PROCURE OFFICIAL APPROVAL OF A PROJECT OR A PERMIT TO CARRY OUT CONSTRUCTION OF A PROJECT.

"APPROVED PLAN" MEANS A SET OF REPRESENTATIONAL DRAWINGS OR OTHER DOCUMENTS SUBMITTED BY AN APPLICANT AS A PREREQUISITE TO OBTAINING A STORMWATER MANAGEMENT PERMIT, WHICH HAS BEEN DETERMINED BY THE CITY OF BOWIE DEPARTMENT OF PUBLIC WORKS (DEPARTMENT) TO CONTAIN SUFFICIENT EVIDENCE AND INFORMATION TO SATISFY THE REQUIREMENTS OF THIS CHAPTER.

"APPROVING AGENCY" MEANS THE CITY OF BOWIE, ENTITY RESPONSIBLE FOR THE REVIEW AND APPROVAL OF STORMWATER MANAGEMENT PLANS.

"AQUIFER" MEANS A POROUS WATER-BEARING GEOLOGIC FORMATION GENERALLY RESTRICTED TO MATERIALS CAPABLE OF YIELDING AN APPRECIABLE SUPPLY OF WATER.

"AS-BUILT PLAN" MEANS A SET OF APPROVED PLANS AND OTHER DOCUMENTS SUBMITTED BY THE ENGINEER-IN-CHARGE, WHICH HAVE BEEN NOTED WITH ACTUAL CONSTRUCTION INFORMATION FOR

APPROVAL BY THE DEPARTMENT AND ARE SEALED AND SIGNED BY THE ENGINEER-IN-CHARGE.

“BENEFICIAL USER” MEANS A LOT OR PARCEL, THE RUNOFF FROM WHICH WAS CONSIDERED IN DESIGNING A STORMWATER MANAGEMENT FACILITY TO SATISFY THE REQUIREMENTS OF THIS CHAPTER FOR DEVELOPING LAND.

"BEST MANAGEMENT PRACTICE (BMP)" MEANS A STRUCTURAL DEVICE OR NONSTRUCTURAL PRACTICE DESIGNED TO TEMPORARILY STORE OR TREAT STORMWATER RUNOFF IN ORDER TO MITIGATE FLOODING, REDUCE POLLUTION, AND PROVIDE OTHER AMENITIES.

“BOND” MEANS A CASH BOND, CORPORATE BOND, IRREVOCABLE LETTER OF CREDIT OR OTHER SECURITY APPROVED BY THE CITY AND REQUIRED OF THE APPLICANT BY THE DEPARTMENT BEFORE ISSUANCE OF ANY STORMWATER MANAGEMENT PERMIT OR GRADING PERMIT.

“BUILDING PERMIT” MEANS AN OFFICIAL DOCUMENT OR CERTIFICATE ISSUED BY THE CITY OF BOWIE DEPARTMENT OF PUBLIC WORKS AUTHORIZING CONSTRUCTION OF A STRUCTURE AS PROVIDED FOR IN THE BOWIE CITY CODE.

"CHANNEL PROTECTION STORAGE VOLUME (CPV)" MEANS THE VOLUME USED TO DESIGN STRUCTURAL MANAGEMENT PRACTICES TO CONTROL STREAM CHANNEL EROSION. METHODS FOR CALCULATING THE CHANNEL PROTECTION STORAGE VOLUME ARE SPECIFIED IN THE 2000 MARYLAND STORMWATER DESIGN MANUAL.

“CITY” MEANS THE CITY OF BOWIE, MARYLAND.

"CLEARING" MEANS THE REMOVAL OF TREES AND BRUSH FROM THE LAND BUT SHALL NOT INCLUDE THE ORDINARY MOWING OF GRASS.

“COMAR” MEANS THE CODE OF MARYLAND REGULATIONS.

"CONCEPT PLAN" MEANS THE FIRST OF THREE REQUIRED PLAN APPROVALS THAT INCLUDES THE INFORMATION NECESSARY TO ALLOW AN INITIAL EVALUATION OF A PROPOSED PROJECT.

“DEPARTMENT” MEANS THE CITY OF BOWIE DEPARTMENT OF PUBLIC WORKS REPRESENTED BY THE DIRECTOR.

"DESIGN MANUAL" MEANS THE 2000 MARYLAND STORMWATER DESIGN MANUAL, AND ALL SUBSEQUENT REVISIONS, THAT SERVE AS THE

OFFICIAL GUIDE FOR STORMWATER MANAGEMENT PRINCIPLES,  
METHODS, AND PRACTICES.

"DETENTION STRUCTURE" MEANS A PERMANENT STRUCTURE FOR THE TEMPORARY STORAGE OF RUNOFF WHICH IS DESIGNED SO AS NOT TO CREATE A PERMANENT POOL OF WATER.

"DEVELOPER" MEANS ANY PERSON, FIRM OR GOVERNMENTAL AGENCY WHOSE OBJECTIVE IS TO DEVELOP LAND.

"DEVELOP LAND" MEANS TO CHANGE THE RUNOFF CHARACTERISTICS OF A PARCEL OF LAND IN CONJUNCTION WITH RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL CONSTRUCTION OR ALTERATION.

"DEVELOPMENT" MEANS THE CONSTRUCTION OF ANY RESIDENTIAL, COMMERCIAL, INDUSTRIAL, RECREATIONAL, OR INSTITUTIONAL BUILDING, STRUCTURE, ROADWAY OR PAVING; ANY MINING OR LANDFILL; OR ANY LAND-DISTURBING ACTIVITIES IN PREPARATION FOR THE ABOVE.

"DIRECT DISCHARGE" MEANS THE CONCENTRATED RELEASE OF STORMWATER TO TIDAL WATERS OR VEGETATED TIDAL WETLANDS FROM NEW DEVELOPMENT OR REDEVELOPMENT PROJECTS IN THE CRITICAL AREA.

"DIRECTOR" MEANS THE DIRECTOR OF PUBLIC WORKS OF THE CITY.

"DISTRICT" MEANS THE PRINCE GEORGE'S SOIL CONSERVATION DISTRICT.

"DRAINAGE AREA" MEANS THAT AREA CONTRIBUTING RUNOFF TO A SINGLE POINT MEASURED IN A HORIZONTAL PLANE, WHICH IS ENCLOSED BY A RIDGE LINE.

"EASEMENT" MEANS A GRANT OR RESERVATION BY THE OWNER OF LAND FOR THE USE OF SUCH LAND BY OTHERS FOR A SPECIFIC PURPOSE OR PURPOSES, AND WHICH MUST BE INCLUDED IN THE CONVEYANCE OF LAND AFFECTED BY SUCH EASEMENT.

"ENGINEER-IN-CHARGE" MEANS THE PROFESSIONAL ENGINEER WHO IS RESPONSIBLE FOR ASSURING THAT STORMWATER MANAGEMENT FACILITIES ARE BUILT IN ACCORDANCE WITH THE APPROVED PLANS AND IN ACCORDANCE WITH THE ASSUMPTIONS MADE DURING THE DESIGN AND CERTIFIED SAME TO THE DEPARTMENT.

"ENVIRONMENTAL SITE DESIGN (ESD)" MEANS USING SMALL-SCALE STORMWATER MANAGEMENT PRACTICES, NONSTRUCTURAL TECHNIQUES, AND BETTER SITE PLANNING TO MIMIC NATURAL HYDROLOGIC RUNOFF CHARACTERISTICS AND MINIMIZE THE IMPACT OF LAND DEVELOPMENT ON WATER RESOURCES. METHODS FOR DESIGNING ESD PRACTICES ARE SPECIFIED IN THE DESIGN MANUAL.

"EROSION" MEANS THE PROCESS BY WHICH THE LAND SURFACE IS WORN BY THE ACTION OF WIND, WATER, ICE OR GRAVITY.

"EXCAVATION" MEANS ANY ACT BY WHICH SOIL IS CUT INTO, DUG, QUARRIED, UNCOVERED, REMOVED, DISPLACED OR RELOCATED.

"EXEMPTION" MEANS THOSE LAND DEVELOPMENT ACTIVITIES THAT ARE NOT SUBJECT TO THE REQUIREMENTS OF THE STORMWATER MANAGEMENT ORDINANCE OF THE BOWIE CITY CODE.

"EXTENDED DETENTION" MEANS A STORMWATER DESIGN FEATURE THAT PROVIDES GRADUAL RELEASE OF A VOLUME OF WATER IN ORDER TO INCREASE SETTLING OF POLLUTANTS AND PROTECT DOWNSTREAM CHANNELS FROM FREQUENT STORM EVENTS. METHODS FOR DESIGNING EXTENDED DETENTION BMPS ARE SPECIFIED IN THE DESIGN MANUAL.

"EXTREME FLOOD VOLUME (QF)" MEANS THE STORAGE VOLUME REQUIRED TO CONTROL THOSE INFREQUENT BUT LARGE STORM EVENTS IN WHICH OVERBANK FLOWS REACH OR EXCEED THE BOUNDARIES OF THE 100-YEAR FLOODPLAIN.

"FILLING" MEANS ANY ACT EXCEPT FOR AGRICULTURAL TILLING OPERATIONS BY WHICH SOIL IS DEPOSITED, DROPPED, PLACED, PUSHED, PULLED OR TRANSPORTED TO A LOCATION DIFFERENT FROM ITS ORIGINAL POSITION, AND SHALL INCLUDE THE CONDITIONS RESULTING THEREFROM.

"FINAL GRADING" MEANS THE GRADING OF A SITE TO THE APPROVED FINISHED GRADE.

"FINAL STORMWATER MANAGEMENT PLAN" MEANS THE LAST OF THREE REQUIRED PLAN APPROVALS THAT INCLUDES THE INFORMATION NECESSARY TO ALLOW ALL APPROVALS AND PERMITS TO BE ISSUED BY THE APPROVING AGENCY. THIS DEFINITION APPLIES ONLY TO THOSE FINAL STORMWATER MANAGEMENT PLANS RECEIVING TECHNICAL APPROVAL AFTER THE END OF BUSINESS, MAY 3, 2010.

“FINISHED GRADE” MEANS THE FINAL GRADE OR ELEVATION OF THE GROUND SURFACE AS SHOWN ON THE APPROVED PLANS.

“FLOODPLAIN (100 YEAR)” MEANS THAT LAND WHICH IS THEORETICALLY INUNDATED BY THE STORMWATER RUNOFF CREATED BY A 100-YEAR FREQUENCY RAINFALL EVENT (WHICH IS AN EVENT HAVING A ONE PERCENT CHANCE OF OCCURRENCE IN ANY YEAR) CALCULATED USING CURRENT STANDARDS APPROVED BY THE ADMINISTRATION AND ADOPTED BY THE DEPARTMENT BASED ON THE MAXIMUM DEVELOPMENT OF THE WATERSHED AS CURRENTLY ZONED.

"FLOW ATTENUATION" MEANS PROLONGING THE FLOW TIME OF RUNOFF TO REDUCE THE PEAK DISCHARGE.

“FOREST HARVEST OPERATION” MEANS THE COMMERCIAL LOGGING OR HARVESTING OF TIMBER BY CUTTING TREES AT OR ABOVE GROUND LEVEL INCLUDING BUT NOT LIMITED TO THE ASSOCIATED HAUL ROAD, SKID TRAILS AND STAGING AREAS. THE REMOVAL OF STUMPS OR ROOTS IS NOT CONSIDERED A FOREST HARVEST OPERATION.

"GRADING" MEANS ANY ACT BY WHICH SOIL IS CLEARED, STRIPPED, STOCKPILED, EXCAVATED, SCARIFIED, FILLED, OR ANY COMBINATION THEREOF.

“GRADING PERMIT HOLDER” MEANS ANY PERSON TO WHOM A GRADING PERMIT IS ISSUED.

"IMPERVIOUS AREA" MEANS ANY SURFACE THAT DOES NOT ALLOW STORMWATER TO INFILTRATE INTO THE GROUND. GRAVEL SURFACES, GRASS PAVERS OR SIMILAR SURFACES ARE NOT CONSIDERED IMPERVIOUS SURFACES.

"INFILTRATION" MEANS THE PASSAGE OR MOVEMENT OF WATER INTO THE SOIL SURFACE.

“LAND-DISTURBING ACTIVITY” MEANS ANY TILLING, CLEARING, GRUBBING, OR GRADING OF THE LAND, OR ANY ARTIFICIAL MOVEMENT OF THE SOIL, OR THE COVERING OF LAND SURFACES WITH AN IMPERMEABLE LAYER. LAND-DISTURBING ACTIVITY SHALL ALSO INCLUDE THE DISTURBANCE OR REMOVAL OF EXISTING PAVEMENT OR OTHER HARD SURFACE THAT RESULTS IN THE EXPOSURE OF THE AGGREGATE OR SOIL SUBBASE OR SUBGRADE. MILLING OF PAVEMENT SURFACE THAT DOES NOT EXPOSE THE SOIL SUBBASE OR SUBGRADE SHALL NOT BE CONSIDERED A LAND-DISTURBING ACTIVITY.

“LIMIT OF DISTURBANCE” MEANS THE OUTWARD LIMIT OF ANY LAND-DISTURBING ACTIVITY. SUCH LIMIT SHALL INCLUDE ALL CONTIGUOUS LAND-DISTURBING ACTIVITIES PROPOSED FOR A PARTICULAR PROJECT OR PHASE OF A PROJECT REGARDLESS OF WHETHER THEY ARE TO OCCUR AT DIFFERENT TIMES.

“MAINTENANCE BOND” MEANS A CASH BOND, CORPORATE BOND, IRREVOCABLE LETTER OF CREDIT OR OTHER SECURITY APPROVED BY THE CITY OF BOWIE AND REQUIRED OF THE APPLICANT BY THE DEPARTMENT FOR THE MAINTENANCE PERIOD. EACH PERMIT WILL REQUIRE A SEPARATE INDIVIDUAL AND INDEPENDENT MAINTENANCE BOND.

“MARYLAND 378 POND CODE” MEANS THE LATEST EDITION OF THE USDA NATURAL RESOURCES CONSERVATION SERVICE MARYLAND CONSERVATION PRACTICE STANDARD POND CODE 378.

"MAXIMUM EXTENT PRACTICABLE (MEP)" MEANS DESIGNING STORMWATER MANAGEMENT SYSTEMS SO THAT ALL REASONABLE OPPORTUNITIES FOR USING ESD PLANNING TECHNIQUES AND TREATMENT PRACTICES ARE EXHAUSTED AND ONLY WHERE ABSOLUTELY NECESSARY, A STRUCTURAL BMP IS IMPLEMENTED.

“NONPOINT SOURCE POLLUTION” MEANS POLLUTION THAT IS GENERATED BY DIFFUSE LAND USE ACTIVITIES RATHER THAN FROM AN IDENTIFIABLE OR DISCRETE SOURCE AND IS CONVEYED TO WATERWAYS THROUGH NATURAL PROCESSES, SUCH AS RAINFALL, STORMWATER RUNOFF OR GROUNDWATER SEEPAGE RATHER THAN BY DIRECT DISCHARGE.

"OFF-SITE STORMWATER MANAGEMENT" MEANS THE DESIGN AND CONSTRUCTION OF A FACILITY NECESSARY TO CONTROL STORMWATER FROM MORE THAN ONE DEVELOPMENT.

"ON-SITE STORMWATER MANAGEMENT" MEANS THE DESIGN AND CONSTRUCTION OF SYSTEMS NECESSARY TO CONTROL STORMWATER WITHIN ONE DEVELOPMENT, AND WHICH SYSTEMS ARE LOCATED WITHIN THE BOUNDARIES OF THAT DEVELOPMENT.

"OVERBANK FLOOD PROTECTION VOLUME (QP)" MEANS THE VOLUME CONTROLLED BY STRUCTURAL PRACTICES TO PREVENT AN INCREASE IN THE FREQUENCY OF OUT-OF-BANK FLOODING GENERATED BY DEVELOPMENT. METHODS FOR CALCULATING THE OVERBANK FLOOD PROTECTION VOLUME ARE SPECIFIED IN THE DESIGN MANUAL.

“PERMANENT BORROW AREA” MEANS AN EXCAVATION YIELDING SOIL IN EXCESS OF ONE THOUSAND FIVE HUNDRED (1,500) CUBIC YARDS, WHICH WILL NOT BE FILLED IN OR RESTORED TO THE APPROXIMATE CONTOURS EXISTING BEFORE THE EXCAVATION. THIS DEFINITION SHALL NOT APPLY TO AREAS WITHIN A SURFACE MINE'S AFFECTED LAND, AS DEFINED IN THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

“PERMANENT STABILIZATION” MEANS A PRACTICE WHERE VEGETATIVE COVER AND/OR STRUCTURAL METHODS ARE APPLIED TO A SITE PER REQUIREMENTS OF THE STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL, OF THE ADMINISTRATION WHICH WILL RESULT IN A PERMANENT COVER TO PREVENT EROSION OR OTHER ADVERSE IMPACTS FROM OCCURRING.

“PERMANENT STOCKPILE AREA” MEANS AN AREA WHERE EXCESS SOIL OVER ONE THOUSAND (1,000) CUBIC YARDS IS PLACED AND WILL NOT BE REMOVED OR RESTORED TO THE APPROXIMATE CONTOURS EXISTING BEFORE THE PLACEMENT. THIS DEFINITION SHALL NOT APPLY TO AREAS WITHIN A SURFACE MINE'S AFFECTED LAND, AS DEFINED IN THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

"PERSON" MEANS THE FEDERAL GOVERNMENT, THE STATE, ANY COUNTY, MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION OF THE STATE, OR ANY OF THEIR UNITS, OR AN INDIVIDUAL RECEIVER, TRUSTEE, GUARDIAN, EXECUTOR, ADMINISTRATOR, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND, OR ANY PARTNERSHIP, FIRM, ASSOCIATION, PUBLIC OR PRIVATE CORPORATION, OR ANY OTHER ENTITY.

"PLANNING TECHNIQUES" MEANS A COMBINATION OF STRATEGIES EMPLOYED EARLY IN PROJECT DESIGN TO REDUCE THE IMPACT FROM DEVELOPMENT AND TO INCORPORATE NATURAL FEATURES INTO A STORMWATER MANAGEMENT PLAN

“POINT SOURCE POLLUTION” MEANS POLLUTION DISCHARGED THROUGH ANY DISCERNABLE, CONFINED, AND DISCRETE CONVEYANCE, INCLUDING ANY PIPE, DITCH, CHANNEL, TUNNEL, CONDUIT, WELL, OR DISCRETE FISSURE.

“POST-DEVELOPMENT” MEANS THOSE CONDITIONS THAT EXIST AFTER DEVELOPMENT.

“PRE-DEVELOPMENT” MEANS THOSE CONDITIONS THAT EXIST PRIOR TO ANY DEVELOPMENT OCCURRING ON THE LAND.

“PROFESSIONAL ARCHITECT” MEANS AN ARCHITECT DULY LICENSED IN THE STATE OF MARYLAND TO PRACTICE PROFESSIONAL ARCHITECTURE IN ACCORDANCE WITH THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, TITLE 3, AS AMENDED.

“PROFESSIONAL ENGINEER” MEANS AN ENGINEER DULY LICENSED BY IN THE STATE OF MARYLAND TO PRACTICE PROFESSIONAL ENGINEERING IN ACCORDANCE WITH THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, TITLE 14, AS AMENDED.

“PROFESSIONAL FORESTER” MEANS A FORESTER DULY LICENSED IN THE STATE OF MARYLAND TO PRACTICE PROFESSIONAL FORESTRY IN ACCORDANCE WITH THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, BUSINESS AND PROFESSIONS ARTICLE, TITLE 7, AS AMENDED.

“PROFESSIONAL LANDSCAPE ARCHITECT” MEANS A LANDSCAPE ARCHITECT DULY LICENSED IN THE STATE OF MARYLAND TO PRACTICE PROFESSIONAL LANDSCAPE ARCHITECTURE IN ACCORDANCE WITH THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, TITLE 9, AS AMENDED.

“PROFESSIONAL LAND SURVEYOR” MEANS A LAND SURVEYOR DULY LICENSED IN THE STATE OF MARYLAND TO PRACTICE PROFESSIONAL LAND SURVEYING IN ACCORDANCE WITH THE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND, BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, TITLE 15, AS AMENDED.

"RECHARGE VOLUME (REV)" MEANS THAT PORTION OF THE WATER QUALITY VOLUME USED TO MAINTAIN GROUNDWATER RECHARGE RATES AT DEVELOPMENT SITES. METHODS FOR CALCULATING THE RECHARGE VOLUME ARE SPECIFIED IN THE DESIGN MANUAL.

“REDEVELOPMENT” MEANS ANY CONSTRUCTION, ALTERATION, OR IMPROVEMENT PERFORMED ON SITES WHERE EXISTING LAND USE IS COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, OR MULTIFAMILY RESIDENTIAL AND EXISTING SITE IMPERVIOUS AREA EXCEEDS 40 PERCENT.

“RESPONSIBLE PERSONNEL” MEANS ANY FOREMAN, SUPERINTENDENT, INSPECTOR OR PROFESSIONAL ENGINEER OR COMBINATION THEREOF CARRYING A VALID CERTIFICATE OF TRAINING, EROSION AND SEDIMENT CONTROL, ISSUED BY THE STATE OF MARYLAND (GREEN

CARD) WHO IS RESPONSIBLE FOR AND IS PRESENT DURING ALL LAND-DISTURBING ACTIVITIES WITHIN A SITE.

"RETENTION STRUCTURE" MEANS A PERMANENT STRUCTURE THAT PROVIDES FOR THE STORAGE OF RUNOFF BY MEANS OF A PERMANENT POOL OF WATER.

"RETROFITTING" MEANS THE IMPLEMENTATION OF ESD PRACTICES, THE CONSTRUCTION OF A STRUCTURAL BMP, OR THE MODIFICATION OF AN EXISTING STRUCTURAL BMP IN A PREVIOUSLY DEVELOPED AREA TO IMPROVE WATER QUALITY OVER CURRENT CONDITIONS.

"SEDIMENT" MEANS SOILS OR OTHER SURFICIAL MATERIALS TRANSPORTED OR DEPOSITED BY THE ACTION OF WIND, WATER, ICE, OR GRAVITY AS A PRODUCT OF EROSION.

"SENSITIVE AREAS" MEANS TIDAL AND NON-TIDAL WETLAND AREAS, NATURAL RESOURCE DISTRICTS, AND THE BUFFERS ASSOCIATED WITH EACH.

"SITE" MEANS ANY TRACT, LOT, OR PARCEL OF LAND, OR COMBINATION OF TRACTS, LOTS, PARCELS OF LAND THAT ARE IN ONE OWNERSHIP, OR ARE CONTIGUOUS AND IN DIVERSE OWNERSHIP, WHERE DEVELOPMENT IS TO BE PERFORMED AS PART OF A UNIT, SUBDIVISION, OR PROJECT. FOR "REDEVELOPMENT", ANY DEVELOPED TRACT, LOT OR PARCEL OR LAND OR COMBINATION OF CONTIGUOUS TRACTS, LOTS OR PARCELS OF LAND WHICH ARE IN ONE OWNERSHIP, OR ARE CONTIGUOUS AND IN DIVERSE OWNERSHIP WHERE DEVELOPMENT IS TO BE PERFORMED AS PART OF A SUBDIVISION OR PROJECT, THE AREA OF NEW CONSTRUCTION SHOWN ON AN APPROVED SITE PLAN. (FINAL DETERMINATION OF THE APPLICABLE SITE AREA SHALL BE MADE BY THE DEPARTMENT.)

"SITE DEVELOPMENT PLAN" MEANS THE SECOND OF THREE REQUIRED PLAN APPROVALS THAT INCLUDES THE INFORMATION NECESSARY TO ALLOW A DETAILED EVALUATION OF A PROPOSED PROJECT.

"SLOPE" MEANS THE DEVIATION OF THE LAND SURFACE FROM THE HORIZONTAL EXPRESSED EITHER AS A RATIO OF HORIZONTAL DISTANCE TO VERTICAL DISTANCE OR AS A PERCENTAGE (VERTICAL DISTANCE DIVIDED BY HORIZONTAL DISTANCE MULTIPLIED BY ONE HUNDRED).

"SOIL" MEANS EARTH, SAND, GRAVEL, ROCK OR OTHER SURFICIAL MATERIAL.

“SOIL CONSERVATION WATER QUALITY PLAN” MEANS A PLAN FOR AGRICULTURAL PROPERTIES PREPARED BY THE DISTRICT TO PROTECT THE PRODUCTIVITY OF THE LAND BASE, PRESERVE OR ENHANCE WATER QUALITY, CONSERVE FISH AND WILDLIFE AND PLANT HABITAT BY INCORPORATING BEST MANAGEMENT PRACTICES INCLUDING CONTROL OF NUTRIENTS, ANIMAL WASTES, TOXINS, SEDIMENT AND RUNOFF.

"STABILIZATION" MEANS THE PREVENTION OF SOIL MOVEMENT BY ANY OF VARIOUS VEGETATIVE AND/OR STRUCTURAL MEANS.

“STANDARD PLAN” MEANS THE DISTRICT FORM AUTHORIZING LAND-DISTURBING ACTIVITIES BETWEEN FIVE THOUSAND (5,000) AND TWENTY-FIVE THOUSAND (25,000) SQUARE FEET OF DISTURBED AREA OR INVOLVING BETWEEN ONE HUNDRED (100) AND ONE THOUSAND (1,000) CUBIC YARDS OF EARTH MOVEMENT.

“STANDARD PLAN HOLDER” MEANS ANY PERSON TO WHOM A STANDARD PLAN IS ISSUED.

“STOP WORK ORDER” MEANS AN ORDER ISSUED BY THE DEPARTMENT, DUE TO THE EXISTENCE OF A VIOLATION OF THIS CHAPTER ON A SITE, TO CEASE ALL WORK WITH THE EXCEPTION OF WORK REQUIRED TO CORRECT THE VIOLATION UNTIL THE VIOLATION IS CORRECTED TO THE SATISFACTION OF THE DEPARTMENT.

"STORMWATER" MEANS WATER THAT ORIGINATES FROM A PRECIPITATION EVENT.

“STORMWATER MANAGEMENT MAINTENANCE AGREEMENT” MEANS A SIGNED AGREEMENT BETWEEN THE CITY AND THE PROPERTY OWNER(S) RECORDED IN THE LAND RECORDS OF THE PRINCE GEORGE'S COUNTY TO ENSURE MAINTENANCE OF PRIVATELY OWNED STORMWATER MANAGEMENT FACILITIES.

“STORMWATER MANAGEMENT PERMIT” MEANS THE STORMWATER MANAGEMENT PERMIT ISSUED BY THE CITY AUTHORIZING THE INSTALLATION OF STORMWATER MANAGEMENT MEASURE(S).

"STORMWATER MANAGEMENT SYSTEM" MEANS NATURAL AREAS, ESD PRACTICES, STORMWATER MANAGEMENT MEASURES, AND ANY OTHER STRUCTURE THROUGH WHICH STORMWATER FLOWS, INFILTRATES, OR DISCHARGES FROM A SITE.

“STREAM” MEANS THOSE PERENNIAL AND INTERMITTENT WATERCOURSES IDENTIFIED THROUGH SITE INSPECTION. THE MOST RECENT PRINCE

GEORGE'S COUNTY PHOTOGRAMMETRIC MAPS MAY BE USED AS A GUIDE FOR THE ESTABLISHMENT OF POSSIBLE WATERCOURSES.

“STREAM ORDER” - MEANS A CLASSIFICATION SYSTEM OF STREAMS BASED ON STREAM HIERARCHY; THE SMALLER THE STREAM, THE LOWER ITS NUMERICAL CLASSIFICATION. A FIRST ORDER STREAM DOES NOT HAVE TRIBUTARIES AND NORMALLY ORIGINATES FROM SPRINGS AND/OR SEEPS. AT THE CONFLUENCE OF TWO (2) FIRST ORDER STREAMS, A SECOND ORDER STREAM BEGINS. A THIRD ORDER STREAM BEGINS AT THE CONFLUENCE OF TWO (2) SECOND ORDER STREAMS, ETC.

“STREAM SYSTEM” MEANS A WATERCOURSE TOGETHER WITH THE 100-HUNDRED YEAR FLOODPLAIN AND/OR HYDROLOGICALLY CONNECTED NONTIDAL WETLANDS.

"STRIPPING" MEANS ANY ACTIVITY THAT REMOVES THE VEGETATIVE SURFACE COVER INCLUDING TREE REMOVAL, CLEARING, GRUBBING, AND STORAGE OR REMOVAL OF TOPSOIL.

“SURFACE WATER DESIGNATED USES” MEANS THE DESIGNATED USES FOR THE SURFACE WATERS OF THE STATE SET FORTH IN COMAR 26.08.02

“TEMPORARY BORROW AREA” MEANS AN EXCAVATION YIELDING SOIL IN EXCESS OF ONE THOUSAND FIVE HUNDRED (1,500) CUBIC YARDS, WHICH WILL BE FILLED IN OR RESTORED TO APPROXIMATE CONTOURS EXISTING BEFORE THE EXCAVATION WITHIN TWO (2) YEARS FROM THE DATE OF THE EXCAVATION. THIS DEFINITION SHALL NOT APPLY TO AREAS WITHIN A SURFACE MINE'S AFFECTED LAND, AS DEFINED IN THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

“TEMPORARY STABILIZATION” MEANS A PRACTICE WHERE VEGETATIVE COVER AND/OR STRUCTURAL METHODS ARE APPLIED PER REQUIREMENTS OF THE STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL, OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT WHICH RESULTS IN A TEMPORARY COVER TO PREVENT EROSION OR OTHER ADVERSE IMPACTS.

“TEMPORARY STOCKPILE AREA” MEANS AN AREA WHERE SOIL IN EXCESS OF ONE THOUSAND FIVE HUNDRED (1,500) CUBIC YARDS IS PLACED WHICH WILL BE REMOVED AND RESTORED TO APPROXIMATE CONTOURS EXISTING BEFORE THE PLACEMENT WITHIN TWO (2) YEARS FROM THE INITIAL PLACEMENT. THIS DEFINITION SHALL NOT APPLY TO A SURFACE MINE'S AFFECTED LAND, AS DEFINED IN THE NATURAL RESOURCES ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

“USDA” MEANS THE UNITED STATES DEPARTMENT OF AGRICULTURE

“USE AND OCCUPANCY PERMIT” MEANS AN OFFICIAL DOCUMENT OR CERTIFICATE ISSUED BY PRINCE GEORGE'S COUNTY AUTHORIZING THE USE OF A STRUCTURE FOR THE PURPOSE FOR WHICH IT WAS INTENDED.

"VARIANCE" MEANS THE MODIFICATION OF THE MINIMUM STORMWATER MANAGEMENT REQUIREMENTS FOR SPECIFIC CIRCUMSTANCES SUCH THAT STRICT ADHERENCE TO THE REQUIREMENTS WOULD RESULT IN UNNECESSARY HARDSHIP AND NOT FULFILL THE INTENT OF THIS ORDINANCE

“WAIVER” MEANS THE PARTIAL OR COMPLETE REDUCTION FROM THE REQUIREMENTS OF THIS CHAPTER BY THE CITY MANAGER FOR A SITE WHEN REQUESTED BY THE APPLICANT. THE REVIEW FOR A WAIVER FOR EACH ARTICLE IS INDEPENDENT OF THE REMAINING CHAPTER.

“WASTE” MEANS INDUSTRIAL WASTE AND ALL OTHER LIQUID, GASEOUS, SOLID, AND OTHER SUBSTANCES, WHICH MAY CAUSE POLLUTION.

“WASTEWATER” MEANS LIQUID WASTE SUBSTANCES DERIVED FROM INDUSTRIAL, COMMERCIAL, MUNICIPAL, RESIDENTIAL, AGRICULTURAL, RECREATIONAL, OR OTHER OPERATIONS OR ESTABLISHMENTS; OR OTHER LIQUID SUBSTANCE CONTAINING LIQUID, GASEOUS, OR SOLID MATTER AND HAVING CHARACTERISTICS WHICH MAY CAUSE POLLUTION.

"WATERCOURSE" MEANS ANY NATURAL OR ARTIFICIAL STREAM, RIVER, CREEK, DITCH, CHANNEL, CANAL, CONDUIT, CULVERT, DRAIN, WATERWAY, GULLY, RAVINE OR WASH, IN AND INCLUDING ANY ADJACENT AREA THAT IS SUBJECT TO INUNDATION FROM OVERFLOW OR FLOOD WATER.

"WATER QUALITY VOLUME (WQV)" MEANS THE VOLUME NEEDED TO CAPTURE AND TREAT 90 PERCENT OF THE AVERAGE ANNUAL RAINFALL EVENTS AT A DEVELOPMENT SITE. METHODS FOR CALCULATING THE WATER QUALITY VOLUME ARE SPECIFIED IN THE DESIGN MANUAL.

"WATERSHED" MEANS THE TOTAL DRAINAGE AREA CONTRIBUTING RUNOFF TO A SINGLE POINT.

“WATERS OF THE STATE” MEANS BOTH SURFACE AND UNDERGROUND WATERCOURSES WITHIN THE BOUNDARIES OF THE STATE OF MARYLAND SUBJECT TO ITS JURISDICTION, INCLUDING THAT PART OF THE ATLANTIC OCEAN WITHIN THE BOUNDARIES OF THE STATE, THE

CHESAPEAKE BAY AND ITS TRIBUTARIES, AND ALL PONDS, LAKES, WATERCOURSES, TIDAL AND NONTIDAL WETLANDS, AND PUBLIC DRAINAGE SYSTEMS WITHIN THIS STATE, OTHER THAN THOSE DESIGNED AND USED TO COLLECT, CONVEY, OR DISPOSED OF SANITARY SEWAGE; AND THE FLOODPLAIN OF FREE-FLOWING WATERS DETERMINED BY THE STATE DEPARTMENT OF THE ENVIRONMENT ON THE BASIS OF THE 100-HUNDRED YEAR FLOODPLAIN.

## **21B-5 APPLICABILITY**

### **A. SCOPE**

NO PERSON SHALL DEVELOP ANY LAND FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL USES WITHOUT PROVIDING STORMWATER MANAGEMENT MEASURES THAT CONTROL OR MANAGE RUNOFF FROM SUCH DEVELOPMENTS, EXCEPT AS PROVIDED WITHIN THIS SECTION. STORMWATER MANAGEMENT MEASURES MUST BE DESIGNED CONSISTENT WITH THE DESIGN MANUAL AND CONSTRUCTED ACCORDING TO AN APPROVED PLAN FOR NEW DEVELOPMENT OR THE POLICIES STATED IN SECTION 21B-6 OF THIS ORDINANCE FOR REDEVELOPMENT.

### **B. EXEMPTIONS**

THE FOLLOWING DEVELOPMENT ACTIVITIES ARE EXEMPT FROM THE PROVISIONS OF THIS ORDINANCE AND THE REQUIREMENTS OF PROVIDING STORMWATER MANAGEMENT:

1. AGRICULTURAL LAND MANAGEMENT PRACTICES;
2. ADDITIONS OR MODIFICATIONS TO EXISTING SINGLE FAMILY DETACHED RESIDENTIAL STRUCTURES IF THEY COMPLY WITH SECTION 21B-5.B.3 OF THIS ORDINANCE;
3. ANY DEVELOPMENTS THAT DO NOT DISTURB OVER 5,000 SQUARE FEET OF LAND AREA; AND
4. LAND DEVELOPMENT ACTIVITIES THAT THE ADMINISTRATION DETERMINES WILL BE REGULATED UNDER SPECIFIC STATE LAWS, WHICH PROVIDE FOR MANAGING STORMWATER RUNOFF.

### **C. WAIVERS/WATERSHED MANAGEMENT PLANS**

1. **EXCEPT AS PROVIDED IN 21B-5.C.2 AND 4 OF THIS ORDINANCE, THE CITY SHALL GRANT STORMWATER MANAGEMENT QUANTITATIVE CONTROL WAIVERS ONLY TO THOSE PROJECTS WITHIN AREAS WHERE**

WATERSHED MANAGEMENT PLANS HAVE BEEN DEVELOPED CONSISTENT WITH **SECTION 21B-5.C.7** OF THIS ORDINANCE. WRITTEN REQUESTS FOR QUANTITATIVE STORMWATER MANAGEMENT WAIVERS SHALL BE SUBMITTED THAT CONTAIN SUFFICIENT DESCRIPTIONS, DRAWINGS, AND ANY OTHER INFORMATION THAT IS NECESSARY TO DEMONSTRATE THAT ESD HAS BEEN IMPLEMENTED TO THE MEP. A SEPARATE WRITTEN WAIVER REQUEST SHALL BE REQUIRED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION IF THERE ARE SUBSEQUENT ADDITIONS, EXTENSIONS, OR MODIFICATIONS TO A DEVELOPMENT RECEIVING A WAIVER.

2. **EXCEPT AS PROVIDED IN 21B-5.C.4 OF THIS ORDINANCE**, IF WATERSHED MANAGEMENT PLANS CONSISTENT WITH SECTION **21B-5.C.7** OF THIS ORDINANCE HAVE NOT BEEN DEVELOPED, STORMWATER MANAGEMENT QUANTITATIVE CONTROL WAIVERS MAY BE GRANTED TO THE FOLLOWING PROJECTS PROVIDED THAT IT HAS BEEN DEMONSTRATED THAT ESD HAS BEEN IMPLEMENTED TO THE MEP:
  - A. THAT HAVE DIRECT DISCHARGES TO TIDALLY INFLUENCED RECEIVING WATERS; OR
  - B. THAT ARE IN-FILL DEVELOPMENT LOCATED IN A PRIORITY FUNDING AREA WHERE THE ECONOMIC FEASIBILITY OF THE PROJECT IS TIED TO THE PLANNED DENSITY, AND WHERE IMPLEMENTATION OF THE 2009 REGULATORY REQUIREMENTS WOULD RESULT IN A LOSS OF THE PLANNED DEVELOPMENT DENSITY PROVIDED THAT:
    - (1) PUBLIC WATER AND SEWER AND STORMWATER CONVEYANCE EXIST;
    - (2) THE QUANTITATIVE WAIVER IS APPLIED TO THE PROJECT FOR THE IMPERVIOUS COVER THAT PREVIOUSLY EXISTED ON THE SITE ONLY;
    - (3) ESD TO THE MEP IS USED TO MEET THE FULL WATER QUALITY TREATMENT REQUIREMENTS FOR THE ENTIRE DEVELOPMENT; AND
    - (4) ESD TO THE MEP IS USED TO PROVIDE FULL QUANTITY CONTROL FOR ALL NEW IMPERVIOUS SURFACES; OR
  - C. WHEN THE APPROVING AGENCY DETERMINES THAT CIRCUMSTANCES EXIST THAT PREVENT THE REASONABLE IMPLEMENTATION OF QUANTITY CONTROL PRACTICES.
3. EXCEPT AS PROVIDED IN 21B-5.C.4 OF THIS ORDINANCE, STORMWATER MANAGEMENT QUALITATIVE CONTROL WAIVERS APPLY ONLY TO:

- A. IN-FILL DEVELOPMENT PROJECTS WHERE ESD HAS BEEN IMPLEMENTED TO THE MEP, AND IT HAS BEEN DEMONSTRATED THAT OTHER BMPS ARE NOT FEASIBLE; OR
  - B. REDEVELOPMENT PROJECTS IF THE REQUIREMENTS OF SECTION 21B-6 OF THIS ORDINANCE ARE SATISFIED; OR
  - C. SITES WHERE THE APPROVING AGENCY DETERMINES THAT CIRCUMSTANCES EXIST THAT PREVENT THE REASONABLE IMPLEMENTATION OF ESD TO THE MEP.
4. STORMWATER MANAGEMENT QUANTITATIVE AND QUALITATIVE CONTROL WAIVERS MAY BE GRANTED FOR PHASED DEVELOPMENT PROJECTS IF A SYSTEM DESIGNED TO MEET THE 2000 REGULATORY REQUIREMENTS AND THE CITY ORDINANCE FOR MULTIPLE PHASES HAS BEEN CONSTRUCTED BY MAY 4, 2010. IF THE 2009 REGULATORY REQUIREMENTS CANNOT BE MET FOR FUTURE PHASES CONSTRUCTED AFTER MAY 4, 2010, ALL REASONABLE EFFORTS TO INCORPORATE ESD IN FUTURE PHASES MUST BE DEMONSTRATED.
5. WAIVERS SHALL ONLY BE GRANTED WHEN IT HAS BEEN DEMONSTRATED THAT ESD HAS BEEN IMPLEMENTED TO THE MEP AND MUST:
- A. BE ON A CASE-BY-CASE BASIS;
  - B. MUST CONSIDER THE CUMULATIVE EFFECTS OF THE CITY'S WAIVER POLICY; AND
  - C. REASONABLY ENSURE THE DEVELOPMENT WILL NOT ADVERSELY IMPACT STREAM QUALITY.
6. IF THE CITY HAS ESTABLISHED AN OVERALL WATERSHED MANAGEMENT PLAN FOR A SPECIFIC WATERSHED, THEN THE CITY MAY DEVELOP QUANTITATIVE WAIVER AND REDEVELOPMENT PROVISIONS THAT DIFFER FROM SECTIONS 21B-5.C.2 AND 21B-6 OF THIS ORDINANCE.
7. A WATERSHED MANAGEMENT PLAN DEVELOPED FOR THE PURPOSE OF IMPLEMENTING DIFFERENT STORMWATER MANAGEMENT POLICIES FOR WAIVERS AND REDEVELOPMENT SHALL:
- A. INCLUDE DETAILED HYDROLOGIC AND HYDRAULIC ANALYSES TO DETERMINE HYDROGRAPH TIMING;

- B. EVALUATE BOTH QUANTITY AND QUALITY MANAGEMENT AND OPPORTUNITIES FOR ESD IMPLEMENTATION;
  - C. INCLUDE A CUMULATIVE IMPACT ASSESSMENT OF CURRENT AND PROPOSED WATERSHED DEVELOPMENT;
  - D. IDENTIFY EXISTING FLOODING AND RECEIVING STREAM CHANNEL CONDITIONS;
  - E. BE CONDUCTED AT A REASONABLE SCALE;
  - F. SPECIFY WHERE ON-SITE OR OFF-SITE QUANTITATIVE AND QUALITATIVE STORMWATER MANAGEMENT PRACTICES ARE TO BE IMPLEMENTED;
  - G. BE CONSISTENT WITH THE GENERAL PERFORMANCE STANDARDS FOR STORMWATER MANAGEMENT IN MARYLAND FOUND IN THE DESIGN MANUAL; AND
  - H. BE APPROVED BY THE ADMINISTRATION.
8. IF THE OWNER/DEVELOPER SATISFACTORILY DEMONSTRATES TO THE CITY THAT ESD HAS BEEN IMPLEMENTED TO THE MEP ON SITE AND STORMWATER MANAGEMENT REQUIREMENTS HAVE NOT BEEN ADDRESSED, PRACTICAL ALTERNATIVES TO QUANTITATIVE AND QUALITATIVE STORMWATER MANAGEMENT MAY BE CONSIDERED, INCLUDING BUT NOT LIMITED TO:
- A. FEES IN LIEU OF \$1.00 PER SQUARE FOOT OF IMPERVIOUS AREA THAT ARE DEDICATED EXCLUSIVELY TO PROVIDE STORMWATER MANAGEMENT AND/OR STREAM RESTORATION;
  - B. OFF-SITE ESD/BMP IMPLEMENTATION FOR A DRAINAGE AREA COMPARABLE IN SIZE AND PERCENT OF INCREASED IMPERVIOUSNESS TO THAT OF THE PROJECT;
  - C. WATERSHED OR STREAM RESTORATION;
  - D. OTHER PRACTICES APPROVED BY THE DEPARTMENT AND THE ADMINISTRATION.

## **21B-6 REDEVELOPMENT**

### **A. CALCULATING REDEVELOPMENT REQUIREMENTS**

1. STORMWATER MANAGEMENT PLANS ARE REQUIRED BY THE CITY FOR ALL REDEVELOPMENT, UNLESS OTHERWISE SPECIFIED BY WATERSHED MANAGEMENT PLANS DEVELOPED ACCORDING TO SECTION 21B-5.C.7 OF THIS ORDINANCE. STORMWATER MANAGEMENT MEASURES MUST BE CONSISTENT WITH THE DESIGN MANUAL.
2. ALL REDEVELOPMENT DESIGNS SHALL:
  - A. REDUCE IMPERVIOUS AREA WITHIN THE LIMIT OF DISTURBANCE (LOD) BY AT LEAST 50 PERCENT ACCORDING TO THE DESIGN MANUAL;
  - B. IMPLEMENT ESD TO THE MEP TO PROVIDE WATER QUALITY TREATMENT FOR AT LEAST 50 PERCENT OF THE EXISTING IMPERVIOUS AREA WITHIN THE LOD; OR
  - C. USE A COMBINATION OF SECTION 21B-6.A.2.A AND B OF THIS ORDINANCE FOR AT LEAST 50 PERCENT OF THE EXISTING IMPERVIOUS AREA WITHIN THE LOD.
- B. ALTERNATIVE STORMWATER MANAGEMENT MEASURES MAY BE USED TO MEET THE REQUIREMENTS IN SECTION 21B-6.A.2 OF THIS ORDINANCE IF THE OWNER/DEVELOPER SATISFACTORILY DEMONSTRATES TO THE CITY THAT IMPERVIOUS AREA REDUCTION HAS BEEN MAXIMIZED AND ESD HAS BEEN IMPLEMENTED TO THE MEP. ALTERNATIVE STORMWATER MANAGEMENT MEASURES INCLUDE, BUT ARE NOT LIMITED TO:
  1. AN ON-SITE STRUCTURAL BMP;
  2. AN OFF-SITE STRUCTURAL BMP TO PROVIDE WATER QUALITY TREATMENT FOR AN AREA EQUAL TO OR GREATER THAN 50 PERCENT OF THE EXISTING IMPERVIOUS AREA; OR
  3. A COMBINATION OF IMPERVIOUS AREA REDUCTION, ESD IMPLEMENTATION, AND AN ON-SITE OR OFF-SITE STRUCTURAL BMP FOR AN AREA EQUAL TO OR GREATER THAN 50 PERCENT OF THE EXISTING SITE IMPERVIOUS AREA WITHIN THE LOD.
- C. THE CITY MAY CONSIDER, AT ITS SOLE DISCRETION, SEPARATE POLICIES FOR PROVIDING EQUIVALENT WATER QUALITY TREATMENT FOR REDEVELOPMENT PROJECTS IF THE OWNER/DEVELOPER SATISFACTORILY DEMONSTRATES WITH APPROVAL BY THE DEPARTMENT THAT THE

REQUIREMENTS OF SECTION 21B-6.A.1 AND 2 OF THIS ORDINANCE CANNOT BE MET. ANY SEPARATE REDEVELOPMENT POLICY SHALL BE REVIEWED AND APPROVED BY THE ADMINISTRATION AND MAY INCLUDE, BUT NOT BE LIMITED TO:

1. A COMBINATION OF ESD AND AN ON-SITE OR OFF-SITE STRUCTURAL BMP;
  2. RETROFITTING INCLUDING EXISTING BMP UPGRADES, FILTERING PRACTICES, AND OFF-SITE ESD IMPLEMENTATION;
  3. PARTICIPATION IN A STREAM RESTORATION PROJECT;
  4. POLLUTION TRADING WITH ANOTHER ENTITY;
  5. PAYMENT OF A FEE-IN-LIEU; OR
  6. A PARTIAL WAIVER OF THE TREATMENT REQUIREMENTS IF ESD IS NOT PRACTICABLE.
- D. THE DETERMINATION OF WHAT ALTERNATIVES WILL BE AVAILABLE MAY BE MADE BY THE CITY AT THE APPROPRIATE POINT IN THE DEVELOPMENT REVIEW PROCESS. THE CITY SHALL CONSIDER THE PRIORITIZATION OF ALTERNATIVES IN 21B-6.C OF THIS ORDINANCE AFTER IT HAS BEEN DETERMINED THAT IT IS NOT PRACTICABLE TO MEET THE 2009 REGULATORY REQUIREMENTS USING ESD. IN DECIDING WHAT ALTERNATIVES MAY BE REQUIRED, THE CITY MAY CONSIDER FACTORS INCLUDING, BUT NOT LIMITED TO:
1. WHETHER THE PROJECT IS IN AN AREA TARGETED FOR DEVELOPMENT INCENTIVES SUCH AS A PRIORITY FUNDING AREA, A DESIGNATED TRANSIT ORIENTED DEVELOPMENT AREA, OR A DESIGNATED BASE REALIGNMENT AND CLOSURE REVITALIZATION AND INCENTIVE ZONE;
  2. WHETHER THE PROJECT IS NECESSARY TO ACCOMMODATE GROWTH CONSISTENT WITH COMPREHENSIVE PLANS; OR
  3. WHETHER BONDING AND FINANCING HAVE ALREADY BEEN SECURED BASED ON AN APPROVED DEVELOPMENT PLAN.
- E. STORMWATER MANAGEMENT SHALL BE ADDRESSED ACCORDING TO THE NEW DEVELOPMENT REQUIREMENTS IN THE DESIGN MANUAL FOR ANY NET INCREASE IN IMPERVIOUS AREA.

## **21B-7 VARIANCE**

THE CITY MAY GRANT A WRITTEN VARIANCE FROM ANY REQUIREMENT OF SECTION 21B-8 STORMWATER MANAGEMENT CRITERIA, IF THERE ARE EXCEPTIONAL CIRCUMSTANCES APPLICABLE TO THE SITE SUCH THAT STRICT ADHERENCE WILL RESULT IN UNNECESSARY HARDSHIP AND NOT FULFILL THE INTENT OF THIS ORDINANCE. A WRITTEN REQUEST FOR VARIANCE SHALL BE PROVIDED TO THE CITY AND SHALL STATE THE SPECIFIC VARIANCES SOUGHT AND REASONS FOR THEIR GRANTING. THE CITY SHALL NOT GRANT A VARIANCE UNLESS AND UNTIL SUFFICIENT JUSTIFICATION IS PROVIDED BY THE PERSON DEVELOPING LAND THAT THE IMPLEMENTATION OF ESD TO THE MEP HAS BEEN INVESTIGATED THOROUGHLY.

## **21B-8 STORMWATER MANAGEMENT CRITERIA**

### **A. MINIMUM CONTROL REQUIREMENTS**

1. THE MINIMUM CONTROL REQUIREMENTS ESTABLISHED IN THIS SECTION AND THE DESIGN MANUAL ARE AS FOLLOWS:
  - A. THE PLANNING TECHNIQUES, NONSTRUCTURAL PRACTICES, AND DESIGN METHODS SPECIFIED IN THE DESIGN MANUAL SHALL BE USED TO IMPLEMENT ESD TO THE MEP. THE USE OF ESD PLANNING TECHNIQUES AND TREATMENT PRACTICES SHALL BE EXHAUSTED BEFORE ANY STRUCTURAL BMP IS IMPLEMENTED. STORMWATER MANAGEMENT PLANS FOR DEVELOPMENT PROJECTS SUBJECT TO THIS ORDINANCE SHALL BE DESIGNED USING ESD SIZING CRITERIA, RECHARGE VOLUME, WATER QUALITY VOLUME, AND CHANNEL PROTECTION STORAGE VOLUME CRITERIA ACCORDING TO THE DESIGN MANUAL. THE MEP STANDARD IS MET WHEN CHANNEL STABILITY IS MAINTAINED, PREDEVELOPMENT GROUNDWATER RECHARGE IS REPLICATED, NONPOINT SOURCE POLLUTION IS MINIMIZED, AND STRUCTURAL STORMWATER MANAGEMENT PRACTICES ARE USED ONLY IF DETERMINED TO BE ABSOLUTELY NECESSARY.
  - B. CONTROL OF THE 10-YEAR FREQUENCY STORM EVENT IS REQUIRED IN ACCORDANCE WITH THE DESIGN MANUAL AND ALL SUBSEQUENT REVISIONS.
  - C. THE CITY MAY REQUIRE MORE THAN THE MINIMUM CONTROL REQUIREMENTS SPECIFIED IN THIS ORDINANCE IF HYDROLOGIC OR TOPOGRAPHIC CONDITIONS WARRANT OR IF FLOODING, STREAM CHANNEL EROSION, OR WATER QUALITY PROBLEMS EXIST DOWNSTREAM FROM A PROPOSED PROJECT.

2. ALTERNATE MINIMUM CONTROL REQUIREMENTS MAY BE ADOPTED SUBJECT TO ADMINISTRATION APPROVAL. THE ADMINISTRATION SHALL REQUIRE A DEMONSTRATION THAT ALTERNATIVE REQUIREMENTS WILL IMPLEMENT ESD TO THE MEP AND CONTROL FLOOD DAMAGES, ACCELERATED STREAM EROSION, WATER QUALITY, AND SEDIMENTATION. COMPREHENSIVE WATERSHED STUDIES MAY ALSO BE REQUIRED.
3. STORMWATER MANAGEMENT AND DEVELOPMENT PLANS WHERE APPLICABLE, SHALL BE CONSISTENT WITH ADOPTED AND APPROVED WATERSHED MANAGEMENT PLANS OR FLOOD MANAGEMENT PLANS AS APPROVED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT IN ACCORDANCE WITH THE FLOOD HAZARD MANAGEMENT ACT OF 1976.

#### B. STORMWATER MANAGEMENT MEASURES

THE ESD PLANNING TECHNIQUES AND PRACTICES AND STRUCTURAL STORMWATER MANAGEMENT MEASURES ESTABLISHED IN THIS ORDINANCE AND THE DESIGN MANUAL SHALL BE USED, EITHER ALONE OR IN COMBINATION IN A STORMWATER MANAGEMENT PLAN. A DEVELOPER SHALL DEMONSTRATE THAT ESD HAS BEEN IMPLEMENTED TO THE MEP BEFORE THE USE OF A STRUCTURAL BMP IS CONSIDERED IN DEVELOPING THE STORMWATER MANAGEMENT PLAN.

##### 1. ESD PLANNING TECHNIQUES AND PRACTICES.

- A. THE FOLLOWING PLANNING TECHNIQUES SHALL BE APPLIED ACCORDING TO THE DESIGN MANUAL TO SATISFY THE APPLICABLE MINIMUM CONTROL REQUIREMENTS ESTABLISHED IN SECTION 21B-8.A OF THIS ORDINANCE:

- (1) PRESERVING AND PROTECTING NATURAL RESOURCES;
- (2) CONSERVING NATURAL DRAINAGE PATTERNS;
- (3) MINIMIZING IMPERVIOUS AREA;
- (4) REDUCING RUNOFF VOLUME;
- (5) USING ESD PRACTICES TO MAINTAIN 100 PERCENT OF THE ANNUAL PREDEVELOPMENT GROUNDWATER RECHARGE VOLUME;
- (6) USING GREEN ROOFS, PERMEABLE PAVEMENT, REINFORCED TURF, AND OTHER ALTERNATIVE SURFACES;

(7) LIMITING SOIL DISTURBANCE, MASS GRADING, AND COMPACTION;

(8) CLUSTERING DEVELOPMENT; AND

(9) ANY PRACTICES APPROVED BY THE ADMINISTRATION.

B. THE FOLLOWING ESD TREATMENT PRACTICES SHALL BE DESIGNED ACCORDING TO THE DESIGN MANUAL TO SATISFY THE APPLICABLE MINIMUM CONTROL REQUIREMENTS ESTABLISHED IN SECTION 21B-8.A OF THIS ORDINANCE:

(1) DISCONNECTION OF ROOFTOP RUNOFF;

(2) DISCONNECTION OF NON-ROOFTOP RUNOFF;

(3) SHEETFLOW TO CONSERVATION AREAS;

(4) RAINWATER HARVESTING;

(5) SUBMERGED GRAVEL WETLANDS;

(6) LANDSCAPE INFILTRATION;

(7) INFILTRATION BERMS;

(8) DRY WELLS;

(9) MICRO-BIORETENTION;

(10) RAIN GARDENS;

(11) SWALES;

(12) ENHANCED FILTERS; AND

(13) ANY PRACTICES APPROVED BY THE ADMINISTRATION.

C. THE USE OF ESD PLANNING TECHNIQUES AND TREATMENT PRACTICES SPECIFIED IN THIS SECTION SHALL NOT CONFLICT WITH EXISTING STATE LAW OR LOCAL ORDINANCES, REGULATIONS, OR POLICIES. THE CITY SHALL MODIFY PLANNING AND ZONING ORDINANCES AND PUBLIC WORKS CODES TO ELIMINATE ANY IMPEDIMENTS TO IMPLEMENTING ESD TO THE MEP ACCORDING TO THE DESIGN MANUAL.

2. STRUCTURAL STORMWATER MANAGEMENT MEASURES.

A. THE FOLLOWING STRUCTURAL STORMWATER MANAGEMENT PRACTICES SHALL BE DESIGNED ACCORDING TO THE DESIGN MANUAL TO SATISFY THE APPLICABLE MINIMUM CONTROL REQUIREMENTS ESTABLISHED IN SECTION 21B-8.A OF THIS ORDINANCE:

(1) STORMWATER MANAGEMENT PONDS;

(2) STORMWATER MANAGEMENT WETLANDS;

(3) STORMWATER MANAGEMENT INFILTRATION;

- (4) STORMWATER MANAGEMENT FILTERING SYSTEMS; AND
- (5) STORMWATER MANAGEMENT OPEN CHANNEL SYSTEMS.

B. THE PERFORMANCE CRITERIA SPECIFIED IN THE DESIGN MANUAL WITH REGARD TO GENERAL FEASIBILITY, CONVEYANCE, PRETREATMENT, TREATMENT AND GEOMETRY, ENVIRONMENT AND LANDSCAPING, AND MAINTENANCE SHALL BE CONSIDERED WHEN SELECTING STRUCTURAL STORMWATER MANAGEMENT PRACTICES.

C. STRUCTURAL STORMWATER MANAGEMENT PRACTICES SHALL BE SELECTED TO ACCOMMODATE THE UNIQUE HYDROLOGIC OR GEOLOGIC REGIONS OF THE STATE.

- 3. ESD PLANNING TECHNIQUES AND TREATMENT PRACTICES AND STRUCTURAL STORMWATER MANAGEMENT MEASURES USED TO SATISFY THE MINIMUM REQUIREMENTS IN SECTION 21B-8.A OF THIS ORDINANCE MUST BE RECORDED IN THE LAND RECORDS OF PRINCE GEORGE'S COUNTY AND REMAIN UNALTERED BY SUBSEQUENT PROPERTY OWNERS. PRIOR APPROVAL FROM THE CITY SHALL BE OBTAINED BEFORE ANY STORMWATER MANAGEMENT PRACTICE IS ALTERED.
- 4. ALTERNATIVE ESD PLANNING TECHNIQUES AND TREATMENT PRACTICES AND STRUCTURAL STORMWATER MEASURES MAY BE USED FOR NEW DEVELOPMENT RUNOFF CONTROL IF THEY MEET THE PERFORMANCE CRITERIA ESTABLISHED IN THE DESIGN MANUAL AND ALL SUBSEQUENT REVISIONS, AND ARE APPROVED BY THE ADMINISTRATION. PRACTICES USED FOR REDEVELOPMENT PROJECTS SHALL BE APPROVED BY THE CITY.
- 5. FOR THE PURPOSES OF MODIFYING THE MINIMUM CONTROL REQUIREMENTS OR DESIGN CRITERIA, THE OWNER/DEVELOPER SHALL SUBMIT TO THE CITY AN ANALYSIS OF THE IMPACTS OF STORMWATER FLOWS DOWNSTREAM IN THE WATERSHED. THE ANALYSIS SHALL INCLUDE HYDROLOGIC AND HYDRAULIC CALCULATIONS NECESSARY TO DETERMINE THE IMPACT OF HYDROGRAPH TIMING MODIFICATIONS OF THE PROPOSED DEVELOPMENT UPON A DAM, HIGHWAY, STRUCTURE, OR NATURAL POINT OF RESTRICTED STREAMFLOW. THE POINT OF INVESTIGATION IS TO BE ESTABLISHED WITH THE CONCURRENCE OF THE CITY DOWNSTREAM OF THE FIRST DOWNSTREAM TRIBUTARY WHOSE DRAINAGE AREA EQUALS OR EXCEEDS THE CONTRIBUTING AREA TO THE PROJECT OR STORMWATER MANAGEMENT FACILITY.

### C. BASIC DESIGN CRITERIA

THE BASIC DESIGN CRITERIA, METHODOLOGIES, AND CONSTRUCTION SPECIFICATIONS, SUBJECT TO THE APPROVAL OF THE CITY, SHALL BE THOSE OF THE DESIGN MANUAL.

### 21B-9 STORMWATER MANAGEMENT PLANS

#### A. REVIEW AND APPROVAL OF STORMWATER MANAGEMENT PLANS

1. FOR ANY PROPOSED DEVELOPMENT, THE OWNER/DEVELOPER SHALL SUBMIT PHASED STORMWATER MANAGEMENT PLANS TO THE CITY FOR REVIEW AND APPROVAL. AT A MINIMUM, PLANS SHALL BE SUBMITTED FOR THE CONCEPT, SITE DEVELOPMENT, AND FINAL STORMWATER MANAGEMENT CONSTRUCTION PHASES OF PROJECT DESIGN. EACH PLAN SUBMITTAL SHALL INCLUDE THE MINIMUM CONTENT SPECIFIED IN SECTION 21B-9.B OF THIS ORDINANCE AND MEET THE REQUIREMENTS OF THE DESIGN MANUAL AND SECTION 21B-8 OF THIS ORDINANCE.
2. THE CITY SHALL PERFORM A COMPREHENSIVE REVIEW OF THE STORMWATER MANAGEMENT PLANS FOR EACH PHASE OF SITE DESIGN. COORDINATED COMMENTS WILL BE PROVIDED FOR EACH PLAN PHASE THAT REFLECT INPUT FROM ALL APPROPRIATE AGENCIES INCLUDING, BUT NOT LIMITED TO THE DISTRICT AND THE DEPARTMENTS OF PLANNING AND PUBLIC WORKS OF THE CITY. ALL COMMENTS FROM THE CITY AND OTHER APPROPRIATE AGENCIES SHALL BE ADDRESSED AND APPROVAL RECEIVED AT EACH PHASE OF PROJECT DESIGN BEFORE SUBSEQUENT SUBMISSIONS.

#### B. CONTENTS AND SUBMISSION OF STORMWATER MANAGEMENT PLANS

1. THE OWNER/DEVELOPER SHALL SUBMIT A CONCEPT PLAN THAT PROVIDES SUFFICIENT INFORMATION FOR AN INITIAL ASSESSMENT OF THE PROPOSED PROJECT AND WHETHER STORMWATER MANAGEMENT CAN BE PROVIDED ACCORDING TO SECTION 21B-8.B OF THIS ORDINANCE AND THE DESIGN MANUAL. PLANS SUBMITTED FOR CONCEPT APPROVAL SHALL INCLUDE, BUT ARE NOT LIMITED TO:
  - A. A MAP AT A MAXIMUM SCALE OF 1" = 100' SCALE SHOWING SITE LOCATION, EXISTING NATURAL FEATURES, WATER AND OTHER SENSITIVE RESOURCES, TOPOGRAPHY, EXISTING WATER QUALITY BMPS, AND NATURAL DRAINAGE PATTERNS;

- B. THE ANTICIPATED LOCATION OF ALL PROPOSED IMPERVIOUS AREAS, BUILDINGS, ROADWAYS, PARKING, SIDEWALKS, UTILITIES, AND OTHER SITE IMPROVEMENTS;
  - C. THE LOCATION OF THE PROPOSED LIMIT OF DISTURBANCE, ERODIBLE SOILS, STEEP SLOPES, AND AREAS TO BE PROTECTED DURING CONSTRUCTION;
  - D. PRELIMINARY ESTIMATES OF STORMWATER MANAGEMENT REQUIREMENTS, THE SELECTION AND LOCATION OF ESD PRACTICES TO BE USED, AND THE LOCATION OF ALL POINTS OF DISCHARGE FROM THE SITE;
  - E. A NARRATIVE THAT SUPPORTS THE CONCEPT DESIGN AND DESCRIBES HOW ESD WILL BE IMPLEMENTED TO THE MEP; AND
  - F. ANY OTHER INFORMATION REQUIRED BY THE APPROVING AGENCY.
2. FOLLOWING CONCEPT PLAN APPROVAL BY THE CITY, THE OWNER/DEVELOPER SHALL SUBMIT SITE DEVELOPMENT PLANS THAT REFLECT COMMENTS RECEIVED DURING THE PREVIOUS REVIEW PHASE. PLANS SUBMITTED FOR SITE DEVELOPMENT APPROVAL SHALL BE OF SUFFICIENT DETAIL TO ALLOW SITE DEVELOPMENT TO BE REVIEWED AND INCLUDE BUT NOT BE LIMITED TO:
- A. ALL INFORMATION PROVIDED DURING THE CONCEPT PLAN REVIEW PHASE;
  - B. FINAL SITE LAYOUT, EXACT IMPERVIOUS AREA LOCATIONS AND ACREAGES, PROPOSED TOPOGRAPHY, DELINEATED DRAINAGE AREAS AT ALL POINTS OF DISCHARGE FROM THE SITE, AND STORMWATER VOLUME COMPUTATIONS FOR ESD PRACTICES AND QUANTITY CONTROL STRUCTURES;
  - C. A PROPOSED EROSION AND SEDIMENT CONTROL PLAN THAT CONTAINS THE CONSTRUCTION SEQUENCE, ANY PHASING NECESSARY TO LIMIT EARTH DISTURBANCES AND IMPACTS TO NATURAL RESOURCES AND AN OVERLAY PLAN SHOWING THE TYPES AND LOCATIONS OF ESD AND EROSION AND SEDIMENT CONTROL PRACTICES TO BE USED;
  - D. A NARRATIVE THAT SUPPORTS THE SITE DEVELOPMENT DESIGN, DESCRIBES HOW ESD WILL BE USED TO MEET THE MINIMUM CONTROL REQUIREMENTS, AND JUSTIFIES ANY PROPOSED STRUCTURAL STORMWATER MANAGEMENT MEASURE; AND

- E. ANY OTHER INFORMATION REQUIRED BY THE APPROVING AGENCY.
3. FOLLOWING SITE DEVELOPMENT APPROVAL BY THE CITY, THE OWNER/DEVELOPER SHALL SUBMIT FINAL EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT PLANS THAT REFLECT THE COMMENTS RECEIVED DURING THE PREVIOUS REVIEW PHASE. PLANS SUBMITTED FOR FINAL APPROVAL SHALL BE OF SUFFICIENT DETAIL TO ALLOW ALL APPROVALS AND PERMITS TO BE ISSUED ACCORDING TO THE FOLLOWING:
- A. FINAL EROSION AND SEDIMENT CONTROL PLANS SHALL BE SUBMITTED ACCORDING TO COMAR 26.17.01.05; AND
  - B. FINAL STORMWATER MANAGEMENT PLANS SHALL BE SUBMITTED FOR APPROVAL IN THE FORM OF CONSTRUCTION DRAWINGS AND BE ACCOMPANIED BY A REPORT THAT INCLUDES SUFFICIENT INFORMATION TO EVALUATE THE EFFECTIVENESS OF THE PROPOSED RUNOFF CONTROL DESIGN.
4. REPORTS SUBMITTED FOR FINAL STORMWATER MANAGEMENT PLAN APPROVAL SHALL INCLUDE, BUT ARE NOT LIMITED TO:
- A. GEOTECHNICAL INVESTIGATIONS INCLUDING SOIL MAPS, BORINGS, SITE SPECIFIC RECOMMENDATIONS, AND ANY ADDITIONAL INFORMATION NECESSARY FOR THE FINAL STORMWATER MANAGEMENT DESIGN;
  - B. DRAINAGE AREA MAPS DEPICTING PREDEVELOPMENT AND POST DEVELOPMENT RUNOFF FLOW PATH SEGMENTATION AND LAND USE;
  - C. HYDROLOGIC COMPUTATIONS OF THE APPLICABLE ESD AND UNIFIED SIZING CRITERIA ACCORDING TO THE DESIGN MANUAL FOR ALL POINTS OF DISCHARGE FROM THE SITE;
  - D. HYDRAULIC AND STRUCTURAL COMPUTATIONS FOR ALL ESD PRACTICES AND STRUCTURAL STORMWATER MANAGEMENT MEASURES TO BE USED;
  - E. A NARRATIVE THAT SUPPORTS THE FINAL STORMWATER MANAGEMENT DESIGN; AND
  - F. ANY OTHER INFORMATION REQUIRED BY THE CITY.

5. CONSTRUCTION DRAWINGS SUBMITTED FOR FINAL STORMWATER MANAGEMENT PLAN APPROVAL SHALL INCLUDE, BUT ARE NOT LIMITED TO:
  - A. A VICINITY MAP;
  - B. EXISTING AND PROPOSED TOPOGRAPHY AND PROPOSED DRAINAGE AREAS, INCLUDING AREAS NECESSARY TO DETERMINE DOWNSTREAM ANALYSIS FOR PROPOSED STORMWATER MANAGEMENT FACILITIES;
  - C. ANY PROPOSED IMPROVEMENTS INCLUDING LOCATION OF BUILDINGS OR OTHER STRUCTURES, IMPERVIOUS SURFACES, STORM DRAINAGE FACILITIES, AND ALL GRADING;
  - D. THE LOCATION OF EXISTING AND PROPOSED STRUCTURES AND UTILITIES;
  - E. ANY EASEMENTS AND RIGHTS-OF-WAY;
  - F. THE DELINEATION, IF APPLICABLE, OF THE 100-YEAR FLOODPLAIN AND ANY ON-SITE WETLANDS;
  - G. STRUCTURAL AND CONSTRUCTION DETAILS INCLUDING REPRESENTATIVE CROSS SECTIONS FOR ALL COMPONENTS OF THE PROPOSED DRAINAGE SYSTEM OR SYSTEMS, AND STORMWATER MANAGEMENT FACILITIES;
  - H. ALL NECESSARY CONSTRUCTION SPECIFICATIONS;
  - I. A SEQUENCE OF CONSTRUCTION;
  - J. DATA FOR TOTAL SITE AREA, DISTURBED AREA, NEW IMPERVIOUS AREA, AND TOTAL IMPERVIOUS AREA;
  - K. A TABLE SHOWING THE ESD AND UNIFIED SIZING CRITERIA VOLUMES REQUIRED IN THE DESIGN MANUAL;
  - L. A TABLE OF MATERIALS TO BE USED FOR STORMWATER MANAGEMENT FACILITY PLANTING;
  - M. ALL SOIL BORING LOGS AND LOCATIONS;
  - N. AN INSPECTION AND MAINTENANCE SCHEDULE;

O. CERTIFICATION BY THE OWNER/DEVELOPER THAT ALL STORMWATER MANAGEMENT CONSTRUCTION WILL BE DONE ACCORDING TO THIS PLAN;

Q. AN AS-BUILT CERTIFICATION SIGNATURE BLOCK TO BE EXECUTED AFTER PROJECT COMPLETION; AND

R. ANY OTHER INFORMATION REQUIRED BY THE CITY.

6. IF A STORMWATER MANAGEMENT PLAN INVOLVES DIRECTION OF SOME OR ALL RUNOFF OFF OF THE SITE, IT IS THE RESPONSIBILITY OF THE DEVELOPER TO OBTAIN FROM ADJACENT PROPERTY OWNERS ANY EASEMENTS OR OTHER NECESSARY PROPERTY INTERESTS CONCERNING FLOWAGE OF WATER. APPROVAL OF A STORMWATER MANAGEMENT PLAN DOES NOT CREATE OR AFFECT ANY RIGHT TO DIRECT RUNOFF ONTO ADJACENT PROPERTY WITHOUT THAT PROPERTY OWNER'S PERMISSION.

C. PREPARATION OF STORMWATER MANAGEMENT PLANS

1. THE DESIGN OF STORMWATER MANAGEMENT PLANS SHALL BE PREPARED BY ANY INDIVIDUAL WHOSE QUALIFICATIONS ARE ACCEPTABLE TO THE CITY. THE CITY MAY REQUIRE THAT THE DESIGN BE PREPARED BY EITHER A PROFESSIONAL ENGINEER, PROFESSIONAL LAND SURVEYOR, OR LANDSCAPE ARCHITECT LICENSED IN THE STATE, AS NECESSARY TO PROTECT THE PUBLIC OR THE ENVIRONMENT.

2. IF A STORMWATER BMP REQUIRES EITHER A DAM SAFETY PERMIT FROM THE ADMINISTRATION OR SMALL POND APPROVAL FROM THE DISTRICT, THE CITY SHALL REQUIRE THAT THE DESIGN BE PREPARED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE.

3. AN AGREEMENT APPROVED BY THE DEPARTMENT ALLOWING USE OF ANY OFF-SITE STORMWATER MANAGEMENT FACILITY SHALL BE EXECUTED BETWEEN THE DEVELOPER AND THE OWNER OF THE OFF-SITE FACILITY SHALL BE RECORDED IN THE LAND RECORDS OF PRINCE GEORGE'S COUNTY.

4. FINAL STORMWATER MANAGEMENT PLAN APPROVAL SHALL BE VALID FOR A PERIOD UP TO TWENTY-FOUR (24) CONSECUTIVE MONTHS. FOR SITES ON WHICH NO WORK HAS BEEN INITIATED WITHIN THIS TIME FRAME, THE PLAN SHALL BE SUBJECT TO AN UPDATE REVIEW AND RE-APPROVAL. FOR SITES WHICH HAVE INITIATED CONSTRUCTION WITHIN TWENTY-FOUR (24) MONTHS OF PLAN APPROVAL BUT HAVE NOT BEEN COMPLETED, THE PERMITTEE SHALL REQUEST AN EXTENSION OF THE APPROVAL FOR 12 MONTHS, IN WRITING, WITHIN THIRTY (30) DAYS

PRIOR TO THE END OF THE TWENTY-FOUR (24) MONTHS. EXTENSION OF PLAN APPROVAL MAY BE GRANTED AT THE DEPARTMENT'S DISCRETION. WHEN SUCH AN EXTENSION OF TIME REQUIRES A SUBSTANTIAL MODIFICATION OF THE STORMWATER MANAGEMENT PLAN, ANY EXTENSION SHALL BE SUBJECT TO THE DEPARTMENT'S APPROVAL AND, WHERE APPLICABLE, THE DISTRICT'S APPROVAL OF A REVISED PLAN.

5. STORMWATER MANAGEMENT PLANS WHICH SPECIFY THE DESIGN AND CONSTRUCTION OF RETENTION OR DETENTION STRUCTURES WHICH ARE REQUIRED TO HAVE DISTRICT APPROVAL, SUBJECT TO THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND/OR APPROVAL FROM THE ADMINISTRATION, DAM SAFETY DIVISION, MUST RECEIVE DISTRICT AND/OR DAM SAFETY APPROVAL PRIOR TO RECEIVING APPROVAL FROM THE CITY.

#### D. PLAN MODIFICATION

1. MODIFICATIONS OF THE APPROVED PLANS SHALL BE SUBMITTED TO THE DEPARTMENT AND REPROCESSED IN THE SAME MANNER AS THE ORIGINAL PLAN WHEN:
  - A. INSPECTION HAS REVEALED THE INADEQUACY OF THE PLAN TO ACCOMPLISH THE STORMWATER MANAGEMENT OBJECTIVES OF THE PLAN AND APPROPRIATE MODIFICATIONS TO CORRECT THE DEFICIENCY OF THE PLAN ARE APPROVED BY THE DEPARTMENT AND/OR THE DISTRICT. COST FOR MODIFICATION SHALL BE BORNE BY THE PERMITTEE. FURTHER DEVELOPMENT OF THE SITE SHALL BE PROHIBITED UNTIL THE MODIFICATIONS ARE MADE.
  - B. THE ENTITY RESPONSIBLE FOR CARRYING OUT THE APPROVED PLAN FINDS THAT, BECAUSE OF CHANGED CIRCUMSTANCES OR FOR OTHER REASONS, THE APPROVED PLAN CANNOT BE EFFECTIVELY EXECUTED AND PROPOSES REVISIONS TO THE PLAN THAT ARE CONSISTENT WITH THE REQUIREMENTS OF THIS CHAPTER AND THE DESIGN MANUAL, AND THE DISTRICT (WHERE REQUIRED) AND DEPARTMENT APPROVE THE PROPOSED REVISIONS.
2. THE DEPARTMENT MAY, IN EMERGENCY SITUATIONS AND AT ITS DISCRETION, ORDER REPAIRS OR MODIFICATIONS IN ORDER TO PROTECT WATERCOURSES, OTHER PROPERTIES OR THE GENERAL PUBLIC FROM DAMAGE, TO REMAIN IN EFFECT UNTIL SUCH MODIFICATIONS OR REVISIONS TO THE PLAN SHALL HAVE BEEN APPROVED AND IMPLEMENTED. FURTHER DEVELOPMENT OF THE SITE SHALL BE PROHIBITED UNTIL THE MODIFICATIONS ARE MADE.

**21B-10 PERMITS****A. PERMIT REQUIREMENT**

A CITY PERMIT SHALL NOT BE ISSUED FOR ANY PARCEL OR LOT UNLESS A STORMWATER MANAGEMENT PLAN HAS BEEN APPROVED, EXEMPTED OR WAIVED BY THE DEPARTMENT AS MEETING ALL THE REQUIREMENTS OF THIS CHAPTER. WHERE APPROPRIATE, A BUILDING PERMIT MAY NOT BE ISSUED WITHOUT:

1. FOR COMMERCIAL, INSTITUTIONAL, AND INDUSTRIAL SITES RECORDED EASEMENTS FOR THE STORMWATER MANAGEMENT FACILITY AND EASEMENTS TO PROVIDE ADEQUATE ACCESS FOR INSPECTION AND MAINTENANCE FROM A PUBLIC RIGHT-OF-WAY, UNLESS A SPECIAL TAX DISTRICT HAS BEEN ESTABLISHED PER CHAPTER 23 OF THE CITY CODE.
2. FOR RESIDENTIAL SITES, FEE SIMPLE DEDICATION OF LANDS TO THE CITY FOR ALL QUANTITATIVE CONTROL MEASURES; AND EITHER FEE SIMPLE DEDICATION OR RECORDED EASEMENT FOR ALL QUALITATIVE CONTROL MEASURES, AS DETERMINED BY THE CITY.
3. EASEMENTS OR REAL PROPERTY FROM A PUBLIC RIGHT-OF-WAY TO PROVIDE ADEQUATE ACCESS FOR INSPECTION AND MAINTENANCE AND EASEMENTS FROM A PUBLIC RIGHT-OF-WAY TO AN OFF-SITE STORMWATER MANAGEMENT FACILITY.
4. EASEMENTS OR REAL PROPERTY FOR ANY AREA INUNDATED BY THE ONE-HUNDRED (100) YEAR STORM.
5. A RECORDED STORMWATER MANAGEMENT MAINTENANCE AGREEMENT, WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 21B-17 OF THIS CHAPTER.
6. PERFORMANCE AND PAYMENT BONDS WHICH COMPLY WITH THE REQUIREMENT OF SECTION 21B-13 OF THIS CHAPTER.
7. PERMISSION TO DISCHARGE BY THE ADJOINING LAND OWNER(S) AS NECESSARY.
8. A PERMIT FEE PAID TO THE CITY.
9. A STORMWATER MANAGEMENT PERMIT IS ISSUED.

**B. PERMIT CONDITIONS WHEN STORMWATER MANAGEMENT FACILITIES ARE REQUIRED.**

IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER OF THE PROPOSED DEVELOPMENT OR SUCH DEVELOPER/OWNER'S AUTHORIZED AGENT TO FILE AN APPLICATION FOR A STORMWATER MANAGEMENT PERMIT WITH THE DEPARTMENT. THE APPLICATION SHALL BE ACCOMPANIED BY THE BONDS AND THE PERMIT FEE, PLANS APPROVED BY THE DEPARTMENT AND, WHEN APPLICABLE, PLANS APPROVED BY THE DISTRICT.

1. ADDITIONALLY, TO PERFORM WORK REQUIRED BY A STORMWATER MANAGEMENT PLAN, THE GRADING PERMIT MUST BE ISSUED IN ACCORDANCE WITH THE CITY'S SEDIMENT CONTROL ORDINANCE.
2. STORMWATER MANAGEMENT PERMITS SHALL REMAIN VALID FOR THE DURATION OF THE STORMWATER MANAGEMENT PLAN APPROVAL AND ANY EXTENSION OF THE APPROVAL WHICH MAY BE GRANTED.
3. THE APPROVED PLAN SHALL BE A PART OF THE PERMIT. ISSUANCE OF A BUILDING PERMIT AND/OR USE AND OCCUPANCY PERMIT SHALL BE WITHHELD PENDING APPROVAL OF THE FINAL STORMWATER MANAGEMENT PLAN, UNLESS STORMWATER MANAGEMENT HAS BEEN OTHERWISE WAIVED OR EXEMPTED FOR THE SITE.
4. IF THE PROPOSED STORMWATER MANAGEMENT FACILITY REQUIRES A PERMIT FROM THE ADMINISTRATION, OR ANY OTHER STATE OR FEDERAL AGENCY, THE CITY STORMWATER MANAGEMENT PERMIT REQUIRED UNDER THE PROVISION OF THIS CHAPTER WILL NOT BE ISSUED UNTIL THE NECESSARY STATE AND/OR FEDERAL PERMITS PERTAINING TO THE SITE HAVE BEEN APPROVED AND FORWARDED TO THE DEPARTMENT.
5. THE DEPARTMENT MAY ATTACH ANY CONDITIONS THERETO AS MAY BE DEEMED REASONABLY NECESSARY TO ENSURE PUBLIC HEALTH AND SAFETY AND THE MITIGATION OF ENVIRONMENTAL IMPACT.

#### **21B-11 PERMIT FEE**

A PERMIT FEE IN ACCORDANCE WITH THE ADOPTED CITY BUDGET SHALL BE CHARGED TO THE DEVELOPER FOR TECHNICAL AND ENGINEERING REVIEW OF PLATS, CONCEPT PLANS, PRELIMINARY PLANS, SITE PLANS, AND STORMWATER MANAGEMENT PLANS, STORMWATER MANAGEMENT COMPUTATIONS ASSOCIATED WITH APPLICATIONS FOR A WAIVER OF STORMWATER MANAGEMENT REQUIREMENTS, FOR REVIEW OF INFORMATION AND DOCUMENTATION ASSOCIATED WITH APPLICATIONS FOR A STORMWATER MANAGEMENT EXEMPTION, FOR INSPECTION OF STORMWATER MANAGEMENT FACILITIES, AND THE TIME SPENT FOR THE INSPECTION AND ENFORCEMENT OF RULES AND REGULATIONS. THE PERMIT

FEE SHALL BE BASED ON A PERCENTAGE OF THE ESTIMATED VALUE OF THE CONSTRUCTION OF THE STORMWATER MANAGEMENT FACILITY AS APPROVED BY THE DEPARTMENT. THE FEE IS NONREFUNDABLE.

## **21B-12 PERMIT SUSPENSION AND REVOCATION**

A. ANY STORMWATER MANAGEMENT PERMIT, STREET AND STORM DRAIN PERMIT, SEDIMENT CONTROL PERMIT, BUILDING PERMIT OR STORMWATER MANAGEMENT WAIVER ISSUED BY THE CITY MAY BE SUSPENDED OR REVOKED AFTER WRITTEN NOTICE IS SENT BY CERTIFIED MAIL. THE PERMITTEE MUST CORRECT THE IDENTIFIED VIOLATIONS WITHIN THE TIME FRAME SPECIFIED. THE PERMIT MAY BE SUSPENDED OR REVOKED FOR:

1. ANY VIOLATION(S) OF THE CONDITIONS OF THE STORMWATER MANAGEMENT PLAN APPROVAL;
2. CHANGES IN SITE RUNOFF CHARACTERISTICS UPON WHICH AN APPROVAL OR WAIVER WAS GRANTED;
3. SITE RUNOFF CHARACTERISTICS ON THE FINAL GRADING PLANS, WHICH CONTRADICT CHARACTERISTICS ON THE APPROVED STORMWATER MANAGEMENT PLANS;
4. CONSTRUCTION NOT IN ACCORDANCE WITH THE APPROVED PLANS AND PERMITS;
5. NONCOMPLIANCE WITH CORRECTION NOTICE(S) OR STOP-WORK ORDER(S) ISSUED FOR THE CONSTRUCTION OF THE STORMWATER MANAGEMENT FACILITY;
6. NONCOMPLIANCE WITH CORRECTION NOTICE(S) OR STOP WORK ORDER(S) ISSUED FOR SEDIMENT CONTROL OR GRADING WHERE THE NONCOMPLIANCE MAY CAUSE DETRIMENTAL EFFECTS TO THE STORMWATER MANAGEMENT FACILITY; OR
7. REVOCATION OF A COUNTY OR STATE GRADING OR ACCESS PERMIT OR STATE/FEDERAL PERMIT OR LETTER OF AUTHORIZATION TO DISTURB WETLANDS OR WATERS OF THE UNITED STATES.

B. NOTHING IN THIS SECTION SHALL BE INTERPRETED AS PROHIBITING THE DEPARTMENT FROM IMMEDIATELY SUSPENDING OR REVOKING ANY PERMIT, EXEMPTION, VARIANCE OR WAIVER ISSUED BY THE CITY WITHOUT WRITTEN NOTICE, IF IN THE SOLE DISCRETION OF THE

DEPARTMENT, IT IS DETERMINED THAT AN IMMEDIATE DANGER TO PERSON OR PROPERTY EXISTS AS A RESULT OF THE DEVELOPMENT FOR WHICH THE PERMIT WAS ISSUED OR THAT THE ACTION IS WARRANTED BY THE FREQUENCY OR SEVERITY OF THE VIOLATION(S).

- C. IN ADDITION TO THE AUTHORITY SET FORTH IN SUBSECTION ABOVE, THE DIRECTOR MAY POST A SITE WITH AN ORDER DIRECTING THE PERMITTEE TO CEASE IMMEDIATELY ALL LAND-DISTURBING ACTIVITY BEING PERFORMED UNDER PERMITS REQUIRED BY THIS CHAPTER WHEN SUCH ACTIVITY DOES NOT CONFORM TO THE SPECIFICATIONS, INCLUDING MODIFICATIONS THEREOF, OF AN APPROVED PLAN OR OTHER CONDITIONS OF THE PERMIT ISSUED HEREUNDER, PROVIDED THAT:
1. WRITTEN NOTICE TO COMPLY WILL BE FURNISHED IMMEDIATELY TO THE ENGINEER-IN-CHARGE AND OWNER OF THE SITE; OR
  2. WRITTEN NOTICE TO COMPLY WILL BE FURNISHED WITHIN SEVEN (7) DAYS TO THE PERMITTEE BY CERTIFIED MAIL AND ADDRESSED TO THE ADDRESS OF THE PERMITTEE AS STATED ON THE APPLICATION FOR A PERMIT.
  3. SUCH NOTICE WILL INCLUDE THE TYPE OF VIOLATION AND THE NATURE OF THE CORRECTIVE MEASURES REQUIRED AND THE TIME WITHIN WHICH CORRECTIONS SHALL BE MADE.
- D. NOTHING CONTAINED IN THIS SECTION SHALL BE INTERPRETED AS RESTRICTING THE DEPARTMENT FROM PROCEEDING DIRECTLY WITH A STOP-WORK ORDER OR WITH ALTERNATIVE ENFORCEMENT PROCEDURES ESTABLISHED BY LAW.
- E. THE CITY MAY WITHHOLD THE ISSUANCE OF BUILDING PERMITS IN A DEVELOPMENT THAT DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER.
- F. A PERMIT FOR CONSTRUCTION OF STORMWATER FACILITIES IN ACCORDANCE WITH THIS CHAPTER SHALL BE GRANTED ONLY WHEN THE REQUIREMENTS OF THIS CHAPTER ARE MET. CONSTRUCTION OF A STORMWATER MANAGEMENT FACILITY PRIOR TO ISSUANCE OF STORMWATER MANAGEMENT PERMIT WILL ONLY BE ALLOWED UPON THE WRITTEN APPROVAL OF THE DIRECTOR AND MUST CONFORM TO THE APPROVED PLANS, INSPECTIONS, AND ALL OTHER REQUIREMENTS OF THIS CHAPTER.

**21B-13 PERFORMANCE AND PAYMENT BOND**

- A. BEFORE ISSUING A STORMWATER MANAGEMENT PERMIT FOR THE CONSTRUCTION OF A STORMWATER MANAGEMENT FACILITY, THE DEPARTMENT SHALL REQUIRE A CASH OR CORPORATE BOND OR OTHER APPROVED SECURITY, IN A FORM AND MANNER PRESCRIBED BY THE CITY ATTORNEY, CONDITIONED UPON FAITHFUL PERFORMANCE OF THE CONDITIONS AND TIME LIMITS OF THE STORMWATER MANAGEMENT PERMIT. REQUIRED COLLATERAL SHALL BE EQUAL TO 175% (125% PERFORMANCE BOND PLUS 50% PAYMENT BOND) OF THE APPROVED ESTIMATED COST OF CONSTRUCTION OF THE STORMWATER MANAGEMENT FACILITY AS DETERMINED BY THE DEPARTMENT, UNLESS A REDUCED AMOUNT IS APPROVED IN ACCORDANCE WITH CHAPTER 21B-13G. A CORPORATE BOND SHALL BE MAINTAINED AND RENEWED ANNUALLY AND SHALL BE EXECUTED BY A SURETY OR GUARANTY COMPANY QUALIFIED TO TRANSACT BUSINESS IN THE STATE OF MARYLAND. A CASH BOND SHALL BE DEPOSITED WITH THE DIRECTOR OF FINANCE OF THE CITY, WHO SHALL GIVE A RECEIPT STATING THAT THE CASH HAS BEEN DEPOSITED IN COMPLIANCE WITH AND SUBJECT TO THE PROVISIONS OF THIS SECTION. THE APPROVED SECURITY SHALL OBLIGATE THE PRINCIPAL AND THE PRINCIPAL'S EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS, JOINTLY AND SEVERALLY, WITH THE SURETY AND SHALL INURE TO THE BENEFIT OF THE CITY. THE PRINCIPAL AND THE SURETY SHALL, UNDER THE BOND OR OTHER APPROVED SECURITY, CONTINUE TO BE FIRMLY BOUND UNDER A CONTINUING OBLIGATION FOR THE PAYMENT OF ALL NECESSARY COSTS AND EXPENSES OR LIABILITIES WHICH MAY BE INCURRED OR EXPENDED BY THE DEPARTMENT TO MEET THE MINIMUM REQUIREMENTS OF THIS CHAPTER.
- B. WHENEVER THE DEPARTMENT FINDS THAT A DEFAULT HAS OCCURRED IN THE PERFORMANCE OF ANY TERM OR CONDITION OF THE PERMIT OR APPROVED SECURITY, WRITTEN NOTICE THEREOF SHALL BE GIVEN TO THE PRINCIPAL AND TO THE SURETY OF THE BOND OR SECURITY. SUCH NOTICE SHALL STATE THE WORK TO BE DONE, THE ESTIMATED COST THEREOF AND THE PERIOD OF TIME DEEMED BY THE DEPARTMENT TO BE REASONABLY NECESSARY FOR THE COMPLETION OF SUCH WORK.
- C. IF A CASH BOND HAS BEEN POSTED, NOTICE OF DEFAULT AS PROVIDED BY THE PRECEDING SUBSECTIONS SHALL BE GIVEN TO THE PRINCIPAL. IF COMPLIANCE IS NOT OBTAINED WITHIN THE TIME SPECIFIED, THE DEPARTMENT SHALL PROCEED, WITHOUT DELAY AND WITHOUT FURTHER NOTICE OR PROCEEDINGS WHATSOEVER, TO USE THE CASH DEPOSITED OR ANY PORTION OF SUCH DEPOSIT TO CAUSE THE REQUIRED WORK TO BE COMPLETED BY CONTRACT OR OTHERWISE AT THE DISCRETION OF THE DEPARTMENT.

- D. IN THE EVENT OF ANY DEFAULT IN THE PERFORMANCE OF ANY TERM OR CONDITION OF THE PERMIT OR BOND OR OTHER APPROVED SECURITY, THE CITY, THE SURETY OR ANY PERSON EMPLOYED OR ENGAGED ON ITS BEHALF, SHALL HAVE THE RIGHT TO GO UPON THE SITE TO COMPLETE THE REQUIRED WORK NECESSARY TO CONTROL STORMWATER RUNOFF OR TO MAKE THE SITE SAFE. IN THE EVENT THAT THE DEPARTMENT UNDERTAKES THE REQUIRED OR CORRECTIVE WORK OR MAKES THE SITE SAFE WITH THE FUNDS FROM THE FORFEITED CASH OR CORPORATE BOND OR SECURITY, SUCH FUNDS SHALL BE USED TO PAY THE COST OF CONTRACTING, COMPLETE CONSTRUCTION PER THE APPROVED PLANS, INCLUDING ENGINEERING AND ADMINISTRATION, FOR NECESSARY RESTORATION OF THE SITE TO CONTROL STORMWATER RUNOFF WITHIN THE REQUIREMENTS OF THE PLAN, PERMIT, BOND, SECURITY OR THIS CHAPTER. IF THE COST OF THE WORK NECESSARY TO COMPLETE THE REQUIRED OR CORRECTIVE WORK EXCEEDS THE AMOUNT OF THE CASH OR CORPORATE BOND OR SECURITY, THE PERMITTEE SHALL CONTINUE TO BE FIRMLY BOUND UNDER A CONTINUING OBLIGATION FOR PAYMENT OF ALL EXCESS COSTS AND EXPENSES INCURRED BY THE CITY. THE COST AND EXPENSES SHALL BE A LIEN UPON ALL PROPERTY AND ALL RIGHTS TO PROPERTY, REAL OR PERSONAL, OR ANY PERSON LIABLE TO PAY THE SAME FROM AND AFTER THE TIME SAID COST IS DUE AND PAYABLE. THE COST SHALL BE LISTED ON THE TAX BILL AND SHALL BE COLLECTED IN THE MANNER OF ORDINARY TAXES, PLUS INTEREST AT 8% OF THE UNPAID AMOUNT FROM THE DATE OF VIOLATION.
- E. NO PERSON SHALL INTERFERE WITH OR OBSTRUCT THE INGRESS OR EGRESS TO OR FROM ANY SUCH SITE OR PREMISES BY AN AUTHORIZED REPRESENTATIVE OR AGENT OF ANY SURETY OR OF THE DEPARTMENT ENGAGED IN COMPLETING THE WORK REQUIRED TO BE PERFORMED UNDER THE PERMIT OR IN COMPLYING WITH THE TERMS OR CONDITIONS.
- F. THE POSTED BOND OR OTHER SECURITY SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL FINAL INSPECTION OF THE FACILITY OR FACILITIES HAS BEEN CONDUCTED AND AS-BUILT PLANS, WHERE REQUIRED, HAVE BEEN APPROVED BY THE DEPARTMENT. THE BOND OR OTHER SECURITY SHALL BE RETURNED TO THE DEPOSITOR OF THE DEPOSITOR'S SUCCESSORS OR ASSIGNS WITHIN ONE HUNDRED TWENTY (120) DAYS OF THE APPROVAL, EXCEPT FOR ANY PORTION OF THE BOND, WHICH MAY HAVE BEEN USED. FAILURE TO MAINTAIN THE REQUIRED SURETY SHALL AUTOMATICALLY CAUSE A TEMPORARY REVOCATION OF ANY AND ALL PERMITS ISSUED BY THE CITY TO THE PERMITTEE OR THE PERMITTEE'S SUCCESSORS AND ASSIGNS IN INTEREST.
- G. WHERE A STORMWATER MANAGEMENT POND HAS BEEN CONSTRUCTED AND IS PROVIDING SEDIMENT CONTROL FOR THE SITE, THE PERFORMANCE BOND MAY BE REDUCED TO AN AMOUNT NOT LESS THAN FIFTY (50)

PERCENT OF THE APPROVED ESTIMATED COST OF CONSTRUCTION PROVIDED THE FOLLOWING CONDITIONS ARE MET:

1. AN ACTIVE GRADING PERMIT IS IN FORCE FOR THE SITE.
2. DEPARTMENT APPROVAL OF A PRELIMINARY AS-BUILT PLAN WHICH HAS BEEN SUBMITTED BY THE ENGINEER-IN-CHARGE CERTIFYING THAT THE CONSTRUCTION OF THE EMBANKMENT, SPILLWAYS, AND EXCAVATED VOLUME MEET THE REQUIREMENTS OF THE APPROVED PLAN.

#### **21B-14 LIABILITY INSURANCE**

- A. IF, IN THE OPINION OF THE DEPARTMENT, THE NATURE OF THE WORK IS SUCH THAT IT MAY CREATE A HAZARD TO HUMAN LIFE OR ENDANGER ADJOINING PROPERTY, PROPERTY AT A HIGHER OR LOWER ELEVATION, STREETS, STREET IMPROVEMENTS OR ANY OTHER PROPERTY, THEN, BEFORE AUTHORIZING ISSUANCE OF THE STORMWATER MANAGEMENT PERMIT, THE DEPARTMENT MAY REQUIRE THAT THE APPLICANT FOR A PERMIT FILE A CERTIFICATE OF INSURANCE SHOWING INSURANCE AGAINST CLAIMS FOR DAMAGES FOR THE AMOUNT OF THE APPROVED CONSTRUCTION COST ESTIMATE, BUT NO LESS THAN TWENTY-FIVE THOUSAND DOLLARS (\$25,000), WHICH MAY ARISE FROM OR OUT OF THE PERFORMANCE OF THE WORK, WHETHER SUCH PERFORMANCE IS BY THE APPLICANT, THE APPLICANT'S SUBCONTRACTOR OR ANY PERSON DIRECTLY OR INDIRECTLY EMPLOYED BY THE APPLICANT, AND THE AMOUNT OF SUCH INSURANCE SHALL BE PRESCRIBED BY THE DEPARTMENT IN ACCORDANCE WITH THE NATURE OF THE RISKS INVOLVED.
- B. NEITHER ISSUANCE OF A PERMIT NOR COMPLIANCE WITH THE PROVISIONS HERETO OR ANY CONDITION IMPOSED BY THE DEPARTMENT SHALL RELIEVE ANY PERSON FROM ANY RESPONSIBILITY FOR DAMAGE TO PERSONS OR PROPERTY OTHERWISE IMPOSED BY LAW NOR IMPOSE ANY LIABILITY UPON THE CITY DAMAGES TO PERSONS OR PROPERTY. FAILURE TO MAINTAIN THE REQUIRED LIABILITY INSURANCE SHALL AUTOMATICALLY OPERATE AS A TEMPORARY REVOCATION OF ANY AND ALL PERMITS ISSUED BY THE CITY TO THE PERMITTEE OR THE PERMITTEE'S PREDECESSORS OR SUCCESSORS AND ASSIGNS IN INTEREST.

#### **21B-15 MAINTENANCE BOND**

- A. A MAINTENANCE BOND OR OTHER APPROVED SECURITY IN A FORM AND MANNER PRESCRIBED BY THE CITY ATTORNEY SHALL BE RETAINED FROM

THE PERFORMANCE AND PAYMENT BOND FOR A MINIMUM PERIOD OF TWELVE (12) MONTHS FOLLOWING THE APPROVAL OF THE AS-BUILT PLAN. THE BOND OR OTHER SECURITY SHALL COVER LATENT DEFECTS IN LABOR AND/OR MATERIAL REQUIRED TO MAINTAIN ALL GRADE SURFACES, WALLS, DRAINS, DAMS, STRUCTURES, SLOPES, VEGETATION, STORMWATER CONTROL MEASURES AND OTHER PROTECTIVE DEVICES AND/OR DAMAGES RESULTING FROM CONSTRUCTION EQUIPMENT AND VEHICLES DOING WORK IN THAT PORTION OF THE AREA COVERED BY THE TERMS OF THE PERMIT. THE AMOUNT OF THE BOND OR SECURITY SHALL BE DETERMINED BY THE DEPARTMENT AND BE NOT LESS THAN FIVE PERCENT (5%) OF THE CONSTRUCTION COSTS.

- B. PRIOR TO THE END OF THE TWELVE-(12) MONTH PERIOD COVERED BY THE BOND, THE DEPARTMENT WILL PERFORM A FINAL INSPECTION OF THE FACILITY.
1. SHOULD THIS INSPECTION DETERMINE THAT THE FACILITY IS IN GOOD WORKING ORDER AND REPAIR, THE BOND SHALL BE RETURNED.
  2. SHOULD THIS INSPECTION FIND FAULT WITH ANY OF THE WORK, THE BOND SHALL REMAIN IN FORCE. NOTICE SHALL BE GIVEN TO THE PERMIT HOLDER AS TO THE REMEDIAL WORK REQUIRED AND THE TIME FRAME ALLOTTED FOR COMPLETION.
  3. IF COMPLIANCE IS NOT MADE WITHIN THE TIME SPECIFIED, THE DEPARTMENT SHALL PROCEED, WITHOUT DELAY AND WITHOUT FURTHER NOTICE OR PROCEEDING WHATSOEVER, TO USE THE MAINTENANCE BOND OR ANY PORTION THEREOF TO COMPLETE THE REQUIRED WORK BY CONTRACT OR OTHERWISE AT THE DISCRETION OF THE DEPARTMENT.

## **21B-16 INSPECTION**

### **A. INSPECTION SCHEDULE AND REPORTS**

1. THE DEVELOPER SHALL NOTIFY THE CITY AT LEAST 48 HOURS BEFORE COMMENCING ANY WORK IN CONJUNCTION WITH SITE DEVELOPMENT, THE STORMWATER MANAGEMENT PLAN, AND UPON COMPLETION OF THE PROJECT.
2. REGULAR INSPECTIONS SHALL BE MADE AND DOCUMENTED FOR EACH ESD PLANNING TECHNIQUE AND PRACTICE AT THE STAGES OF CONSTRUCTION SPECIFIED IN THE DESIGN MANUAL BY THE CITY, ITS AUTHORIZED REPRESENTATIVE, OR CERTIFIED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF MARYLAND. AT A MINIMUM, ALL

ESD AND OTHER NONSTRUCTURAL PRACTICES SHALL BE INSPECTED UPON COMPLETION OF FINAL GRADING, THE ESTABLISHMENT OF PERMANENT STABILIZATION, AND BEFORE ISSUANCE OF USE AND OCCUPANCY APPROVAL.

3. WRITTEN INSPECTION REPORTS SHALL INCLUDE:
  - A. THE DATE AND LOCATION OF THE INSPECTION;
  - B. WHETHER CONSTRUCTION WAS IN COMPLIANCE WITH THE APPROVED STORMWATER MANAGEMENT PLAN;
  - C. ANY VARIATIONS FROM THE APPROVED CONSTRUCTION SPECIFICATIONS; AND
  - D. ANY VIOLATIONS THAT EXIST.
4. THE OWNER/DEVELOPER AND ON-SITE PERSONNEL SHALL BE NOTIFIED IN WRITING WHEN VIOLATIONS ARE OBSERVED. WRITTEN NOTIFICATION SHALL DESCRIBE THE NATURE OF THE VIOLATION AND THE REQUIRED CORRECTIVE ACTION.
5. NO WORK SHALL PROCEED ON THE NEXT PHASE OF DEVELOPMENT UNTIL THE CITY INSPECTS AND APPROVES THE WORK PREVIOUSLY COMPLETED AND FURNISHES THE DEVELOPER WITH THE RESULTS OF THE INSPECTION REPORTS AS SOON AS POSSIBLE AFTER COMPLETION OF EACH REQUIRED INSPECTION.

#### B. INSPECTION REQUIREMENTS DURING CONSTRUCTION

1. AT A MINIMUM, REGULAR INSPECTIONS SHALL BE MADE AND DOCUMENTED AT THE FOLLOWING SPECIFIED STAGES OF CONSTRUCTION:
  - A. FOR PONDS:
    - (1) UPON COMPLETION OF EXCAVATION TO SUB-FOUNDATION AND WHEN REQUIRED, INSTALLATION OF STRUCTURAL SUPPORTS OR REINFORCEMENT FOR STRUCTURES, INCLUDING BUT NOT LIMITED TO:
      - (A) CORE TRENCHES FOR STRUCTURAL EMBANKMENTS;
      - (B) INLET AND OUTLET STRUCTURES, ANTI-SEEP COLLARS OR DIAPHRAGMS, AND WATERTIGHT CONNECTORS ON PIPES; AND

- (C) TRENCHES FOR ENCLOSED STORM DRAINAGE FACILITIES;
  - (2) DURING PLACEMENT OF STRUCTURAL FILL, CONCRETE, AND INSTALLATION OF PIPING AND CATCH BASINS;
  - (3) DURING BACKFILL OF FOUNDATIONS AND TRENCHES;
  - (4) DURING EMBANKMENT CONSTRUCTION; AND
  - (5) UPON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION.
  
- B. WETLANDS – AT THE STAGES SPECIFIED FOR POND CONSTRUCTION IN SECTION 21B-16.B.1.A OF THIS ORDINANCE, DURING AND AFTER WETLAND RESERVOIR AREA PLANTING, AND DURING THE SECOND GROWING SEASON TO VERIFY A VEGETATION SURVIVAL RATE OF AT LEAST 50 PERCENT.
  
- C. FOR INFILTRATION TRENCHES:
  - (1) DURING EXCAVATION TO SUBGRADE;
  - (2) DURING PLACEMENT AND BACKFILL OF UNDER DRAIN SYSTEMS AND OBSERVATION WELLS;
  - (3) DURING PLACEMENT OF GEOTEXTILES AND ALL FILTER MEDIA;
  - (4) DURING CONSTRUCTION OF APPURTENANT CONVEYANCE SYSTEMS SUCH AS DIVERSION STRUCTURES, PRE-FILTERS AND FILTERS, INLETS, OUTLETS, AND FLOW DISTRIBUTION STRUCTURES; AND
  - (5) UPON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION.
  
- D. FOR INFILTRATION BASINS – AT THE STAGES SPECIFIED FOR POND CONSTRUCTION IN SECTION 21B-16.B.1.A OF THIS ORDINANCE AND DURING PLACEMENT AND BACKFILL OF UNDER DRAIN SYSTEMS.
  
- E. FOR FILTERING SYSTEMS:
  - (1) DURING EXCAVATION TO SUBGRADE;
  - (2) DURING PLACEMENT AND BACKFILL OF UNDER DRAIN SYSTEMS;
  - (3) DURING PLACEMENT OF GEOTEXTILES AND ALL FILTER MEDIA;

- (4) DURING CONSTRUCTION OF APPURTENANT CONVEYANCE SYSTEMS SUCH AS FLOW DIVERSION STRUCTURES, PRE-FILTERS AND FILTERS, INLETS, OUTLETS, ORIFICES, AND FLOW DISTRIBUTION STRUCTURES; AND
- (5) UPON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION.

F. FOR OPEN CHANNEL SYSTEMS:

- (1) DURING EXCAVATION TO SUBGRADE;
- (2) DURING PLACEMENT AND BACKFILL OF UNDER DRAIN SYSTEMS FOR DRY SWALES;
- (3) DURING INSTALLATION OF DIAPHRAGMS, CHECK DAMS, OR WEIRS; AND
- (4) UPON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION.

- 2. THE CITY MAY, FOR ENFORCEMENT PURPOSES, USE ANY ONE OR A COMBINATION OF THE FOLLOWING ACTIONS:
  - A. A NOTICE OF VIOLATION SHALL BE ISSUED SPECIFYING THE NEED FOR CORRECTIVE ACTION IF STORMWATER MANAGEMENT PLAN NONCOMPLIANCE IS IDENTIFIED;
  - B. A STOP WORK ORDER SHALL BE ISSUED FOR THE SITE BY THE CITY IF A VIOLATION PERSISTS;
  - C. BONDS OR SECURITIES SHALL BE WITHHELD OR THE CASE MAY BE REFERRED FOR LEGAL ACTION IF REASONABLE EFFORTS TO CORRECT THE VIOLATION HAVE NOT BEEN UNDERTAKEN; OR
  - D. IN ADDITION TO ANY OTHER SANCTIONS, A CIVIL ACTION OR CRIMINAL PROSECUTION MAY BE BROUGHT AGAINST ANY PERSON IN VIOLATION OF THE STORMWATER MANAGEMENT SUBTITLE, THE DESIGN MANUAL, OR THIS ORDINANCE.
- 3. ANY STEP IN THE ENFORCEMENT PROCESS MAY BE TAKEN AT ANY TIME, DEPENDING ON THE SEVERITY OF THE VIOLATION.

4. ONCE CONSTRUCTION IS COMPLETE, "AS-BUILT" PLAN CERTIFICATION SHALL BE SUBMITTED BY EITHER A PROFESSIONAL ENGINEER OR PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF MARYLAND TO ENSURE THAT ESD PLANNING TECHNIQUES, TREATMENT PRACTICES, AND STRUCTURAL STORMWATER MANAGEMENT MEASURES AND CONVEYANCE SYSTEMS COMPLY WITH THE SPECIFICATIONS CONTAINED IN THE APPROVED PLANS. AT A MINIMUM, "AS-BUILT" CERTIFICATION SHALL INCLUDE A SET OF DRAWINGS COMPARING THE APPROVED STORMWATER MANAGEMENT PLAN WITH WHAT WAS CONSTRUCTED. THE CITY MAY REQUIRE ADDITIONAL INFORMATION.
5. THE CITY SHALL SUBMIT NOTICE OF CONSTRUCTION COMPLETION TO THE ADMINISTRATION ON A FORM SUPPLIED BY THE ADMINISTRATION FOR EACH STRUCTURAL STORMWATER MANAGEMENT PRACTICE WITHIN 45 DAYS OF CONSTRUCTION COMPLETION. THE TYPE, NUMBER, TOTAL DRAINAGE AREA, AND TOTAL IMPERVIOUS AREA TREATED BY ALL ESD TECHNIQUES AND PRACTICES SHALL BE REPORTED TO THE ADMINISTRATION ON A SITE BY SITE BASIS.

## **21B-17 MAINTENANCE**

### **A. MAINTENANCE INSPECTION**

1. THE CITY SHALL ENSURE THAT PREVENTATIVE MAINTENANCE IS PERFORMED BY INSPECTING ALL ESD TREATMENT SYSTEMS AND STRUCTURAL STORMWATER MANAGEMENT MEASURES. INSPECTION SHALL OCCUR DURING THE FIRST YEAR OF OPERATION AND AT LEAST ONCE EVERY 3 YEARS THEREAFTER FOR CITY-OWNED FACILITIES AND PRIVATELY-OWNED FACILITIES ON RESIDENTIAL LOTS OR PROPERTIES. FOR PRIVATELY-OWNED COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, OR MULTIFAMILY RESIDENTIAL PROPERTIES, INSPECTION SHALL OCCUR DURING THE FIRST YEAR OF OPERATION AND AT LEAST ONCE EVERY YEAR THEREAFTER. IN ADDITION, A MAINTENANCE AGREEMENT BETWEEN THE OWNER AND THE CITY SHALL BE EXECUTED FOR PRIVATELY-OWNED ESD TREATMENT SYSTEMS AND STRUCTURAL STORMWATER MANAGEMENT MEASURES AS DESCRIBED IN SECTION 21B-17.B OF THIS ORDINANCE.
2. INSPECTION REPORTS SHALL BE MAINTAINED BY THE CITY FOR ALL ESD TREATMENT SYSTEMS AND STRUCTURAL STORMWATER MANAGEMENT MEASURES.

3. INSPECTION REPORTS FOR ESD TREATMENT PRACTICES AND STRUCTURAL STORMWATER MANAGEMENT MEASURES SHALL INCLUDE THE FOLLOWING:
  - A. THE DATE OF INSPECTION;
  - B. NAME OF INSPECTOR;
  - C. AN ASSESSMENT OF THE QUALITY OF THE STORMWATER MANAGEMENT SYSTEM RELATED TO ESD TREATMENT PRACTICE EFFICIENCY AND THE CONTROL OF RUNOFF TO THE MEP;
  - D. THE CONDITION OF:
    - (1) VEGETATION OR FILTER MEDIA;
    - (2) FENCES OR OTHER SAFETY DEVICES;
    - (3) SPILLWAYS, VALVES, OR OTHER CONTROL STRUCTURES;
    - (4) EMBANKMENTS, SLOPES, AND SAFETY BENCHES;
    - (5) RESERVOIR OR TREATMENT AREAS;
    - (6) INLET AND OUTLET CHANNELS OR STRUCTURES;
    - (7) UNDERGROUND DRAINAGE;
    - (8) SEDIMENT AND DEBRIS ACCUMULATION IN STORAGE AND FOREBAY AREAS;
    - (9) ANY NONSTRUCTURAL PRACTICES TO THE EXTENT PRACTICABLE; AND
    - (10) ANY OTHER ITEM THAT COULD AFFECT THE PROPER FUNCTION OF THE STORMWATER MANAGEMENT SYSTEM.
  - E. DESCRIPTION OF NEEDED MAINTENANCE.
4. UPON NOTIFYING AN OWNER OF THE INSPECTION RESULTS, THE OWNER SHALL HAVE 30 DAYS, OR OTHER TIME FRAME MUTUALLY AGREED TO BETWEEN THE CITY AND THE OWNER, TO CORRECT THE DEFICIENCIES DISCOVERED. THE CITY SHALL CONDUCT A SUBSEQUENT INSPECTION TO ENSURE COMPLETION OF THE REPAIRS.

5. IF REPAIRS ARE NOT PROPERLY UNDERTAKEN AND COMPLETED, ENFORCEMENT PROCEDURES FOLLOWING SECTION 21B-17.B.3 OF THIS ORDINANCE SHALL BE FOLLOWED BY THE CITY.
6. IF, AFTER AN INSPECTION BY THE CITY, THE CONDITION OF A STORMWATER MANAGEMENT FACILITY IS DETERMINED TO PRESENT AN IMMEDIATE DANGER TO PUBLIC HEALTH OR SAFETY BECAUSE OF AN UNSAFE CONDITION, IMPROPER CONSTRUCTION, OR POOR MAINTENANCE, THE CITY SHALL TAKE SUCH ACTION AS MAY BE NECESSARY TO PROTECT THE PUBLIC AND MAKE THE FACILITY SAFE. ANY COST INCURRED BY THE CITY SHALL BE ASSESSED AGAINST THE OWNER(S), AS PROVIDED IN SECTION 21B-17.B.3 OF THIS ORDINANCE.

#### B. MAINTENANCE AGREEMENT

1. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT FOR WHICH STORMWATER MANAGEMENT IS REQUIRED, THE CITY SHALL REQUIRE THE APPLICANT OR OWNER TO EXECUTE AN INSPECTION AND MAINTENANCE AGREEMENT BINDING ON ALL SUBSEQUENT OWNERS OF LAND SERVED BY A PRIVATE STORMWATER MANAGEMENT FACILITY. SUCH AGREEMENT SHALL PROVIDE FOR ACCESS TO THE FACILITY AT REASONABLE TIMES FOR REGULAR INSPECTIONS BY THE CITY OR ITS AUTHORIZED REPRESENTATIVE TO ENSURE THAT THE FACILITY IS MAINTAINED IN PROPER WORKING CONDITION TO MEET DESIGN STANDARDS.
2. THE AGREEMENT SHALL BE RECORDED BY THE CITY IN THE LAND RECORDS OF PRINCE GEORGE'S COUNTY.
3. THE AGREEMENT SHALL ALSO PROVIDE THAT, IF AFTER NOTICE BY THE CITY TO CORRECT A VIOLATION REQUIRING MAINTENANCE WORK, SATISFACTORY CORRECTIONS ARE NOT MADE BY THE OWNER(S) WITHIN A REASONABLE PERIOD OF TIME (30 DAYS MAXIMUM), THE CITY MAY PERFORM ALL NECESSARY WORK TO PLACE THE FACILITY IN PROPER WORKING CONDITION. THE OWNER(S) OF THE FACILITY SHALL BE ASSESSED THE COST OF THE WORK AND ANY PENALTIES. THIS MAY BE ACCOMPLISHED BY PLACING A LIEN ON THE PROPERTY, WHICH MAY BE PLACED ON THE TAX BILL AND COLLECTED AS ORDINARY TAXES BY THE CITY.

#### C. MAINTENANCE RESPONSIBILITIES

1. THE OWNER(S) OF ALL STORMWATER MANAGEMENT FACILITIES, INCLUDING ALL STRUCTURAL AND NONSTRUCTURAL FACILITIES AND BMPS, COMPLETED PURSUANT TO THIS CHAPTER WHICH ARE TO BE PRIVATELY MAINTAINED SHALL EXECUTE A MAINTENANCE

AGREEMENT WITH THE CITY, OUTLINING THE OWNER'S RESPONSIBILITIES TO THE CITY TO MAINTAIN ALL FACILITIES IN GOOD WORKING ORDER. NO PERMITS FOR THE CONSTRUCTION OF STORMWATER MANAGEMENT FACILITIES SHALL BE RELEASED UNTIL A MAINTENANCE AGREEMENT IS PROPERLY EXECUTED AND RECEIVED BY THE CITY FOR RECORDATION AMONG THE LAND RECORDS OF PRINCE GEORGE'S COUNTY SO AS TO BIND ALL PRESENT AND SUBSEQUENT OWNER(S) OF THE PROPERTY(IES) SERVED BY THE STORMWATER MANAGEMENT FACILITY.

2. THE OWNER OF ANY PROPERTY ON WHICH WORK HAS BEEN DONE PURSUANT TO THIS CHAPTER, OR ANY OTHER PERSON OR AGENT IN CONTROL OF SUCH PROPERTY, SHALL MAINTAIN IN GOOD CONDITION AND PROMPTLY REPAIR OR RESTORE ALL GRADE SURFACES, WALLS, DRAINS, DAMS AND STRUCTURES, PLANTS VEGETATION, EROSION AND SEDIMENT CONTROL MEASURES AND OTHER PROTECTIVE DEVICES. SUCH REPAIRS OR RESTORATIONS AND MAINTENANCE SHALL BE IN ACCORDANCE WITH APPROVED PLANS. THE CITY MAY CONDUCT UNSCHEDULED PERIODIC INSPECTIONS OF PRIVATELY MAINTAINED STORMWATER MANAGEMENT FACILITIES AT ANY TIME.
  - A. THE CITY WILL ASSUME THE MAINTENANCE OF (I) SELECTED RESIDENTIAL STORMWATER MANAGEMENT FACILITIES UPON THE CITY COUNCIL'S ACCEPTANCE OF THE FACILITIES IN ACCORDANCE WITH SECTION 21B-18 OF THIS CHAPTER; OR (II) FOR MULTI-USE FACILITIES OWNED BY ANOTHER PUBLIC ENTITY, UPON EXECUTION OF AN AGREEMENT WHICH ALLOCATES MAINTENANCE RESPONSIBILITIES BETWEEN THE CITY AND THE PUBLIC ENTITY WHICH OWNS THE STORMWATER MANAGEMENT FACILITY. HOWEVER, THE CITY WILL NOT ACCEPT MAINTENANCE RESPONSIBILITY, EITHER BY TRANSFER OF OWNERSHIP OR BY AGREEMENT, FOR COUNTY REGIONAL STORMWATER MANAGEMENT FACILITIES.
  - B. STORMWATER CONTROLS THAT ARE ASSOCIATED WITH COMMERCIAL, INDUSTRIAL OR INSTITUTIONAL PROPERTY WILL NOT BE DEDICATED TO THE CITY FOR MAINTENANCE, EXCEPT AS PROVIDED IN SECTION 21B – 17.C.2.C.
  - C. STORMWATER CONTROL SYSTEMS ASSOCIATED WITH COMMERCIAL AND INDUSTRIAL, OR INSTITUTIONAL PROPERTY AND CONTAINED WITHIN A SPECIAL TAXING DISTRICT WHICH SUPPORTS THE FACILITY MAY BE DEDICATED TO THE CITY SOLELY AT THE CITY'S OPTION. SUCH DEDICATION SHALL NOT BE AFFECTED BY ANY DETERMINATION BY THE CITY TO CONTINUE OR TO ABOLISH SUCH SPECIAL TAXING DISTRICT.

3. ANY STRUCTURAL AND NONSTRUCTURAL STORMWATER MANAGEMENT BMPS THAT ARE CONSTRUCTED ON A PRIVATELY OWNED RESIDENTIAL LOT SHALL BE MAINTAINED BY THE OWNER AND TRIENNIALLY INSPECTED AT THE OWNER'S EXPENSE IN ACCORDANCE WITH PARAGRAPH 5 OF THIS SECTION. NOTIFICATION OF THE CONTRACT PURCHASERS OF THE EXISTENCE OF THE PRIVATE FACILITY IS THE RESPONSIBILITY OF THE CURRENT PROPERTY OWNER OR PERMITTEE. THE CONTRACT PURCHASER SHALL BE NOTIFIED PRIOR TO THE ISSUANCE OF A USE AND OCCUPANCY PERMIT. FOR NEW CONSTRUCTION, THE PERMITTEE SHALL PROVIDE EVIDENCE OF SUCH NOTIFICATION UPON REQUEST OF THE DIRECTOR OR THE DIRECTOR'S DESIGNEE. THE CITY SHALL BE GRANTED ACCESS TO ALL PRIVATELY OWNED STORMWATER MANAGEMENT MEASURES FOR THE PURPOSE OF INSPECTION OF THE FACILITIES.
4. A MAINTENANCE SCHEDULE SHALL BE DEVELOPED FOR THE LIFE OF ANY STORMWATER MANAGEMENT STRUCTURE AND SHALL BE PRINTED ON THE APPROVED PLAN. THIS SCHEDULE SHALL CONTAIN, BUT IS NOT LIMITED TO:
  - A. WHEN MAINTENANCE WILL BE DONE.
  - B. WHAT MAINTENANCE WILL BE DONE.
  - C. WHO WILL PERFORM THE REQUIRED MAINTENANCE.
  - D. ESTIMATED SEDIMENT LOADING AND DREDGING SCHEDULE.
5. AN INSPECTION SHALL BE PERFORMED ONCE EVERY THREE YEARS FOR RESIDENTIAL PROPERTIES AND ANNUALLY FOR COMMERCIAL PROPERTIES BY AN INDIVIDUAL OR INDIVIDUALS WHOSE QUALIFICATIONS ARE ACCEPTABLE TO THE CITY. A PROFESSIONAL ENGINEER, PROFESSIONAL LAND SURVEYOR OR LANDSCAPE ARCHITECT LICENSED BY THE STATE SHALL BE COMMISSIONED TO PERFORM THE INSPECTION ON EACH SYSTEM OR STRUCTURE BY THE OWNER, DEVELOPER, AGENT OR OTHER PERSON IN CONTROL OF THE PROPERTY, WITH A COPY OF THE INSPECTION REPORT GOING TO THE DEPARTMENT. IT SHALL CONTAIN, BUT NOT BE LIMITED TO:
  - A. THE CONDITION OF VEGETATION, FENCES, PRINCIPAL SPILLWAY; EMERGENCY SPILLWAY, EMBANKMENT, RESERVOIR AREA, OUTLET CHANNEL, FILTRATION DEVICES, UNDERGROUND DRAINAGE, SEDIMENT LOAD OR ANY OTHER ITEM WHICH COULD AFFECT THE PROPER FUNCTION OF THE STORMWATER MANAGEMENT STRUCTURE SYSTEM, INCLUDING ALL NONSTRUCTURAL AND STRUCTURAL STORMWATER MANAGEMENT BMPS.

B. DESCRIPTION OF NEEDED MAINTENANCE OR REPAIRS.

C. WHEN THE REPAIRS ARE TO BE COMPLETED.

6. AN INSPECTION REPORT FORM WILL BE MADE AVAILABLE BY THE CITY TO FULFILL THE REQUIREMENTS OF THIS SECTION.
7. IF ANY MAINTENANCE OR INSPECTION REQUIRED BY THIS CHAPTER IS NOT PERFORMED, THE DEPARTMENT SHALL NOTIFY THE PROPERTY OWNER. THE REQUIRED WORK SHALL BE PERFORMED WITHIN A REASONABLE TIME NOT TO EXCEED THIRTY (30) DAYS MAXIMUM. IN THE EVENT OF AN IMMEDIATE DANGER OR NUISANCE TO THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE COMMUNITY, A VIOLATION NOTICE SHALL BE GIVEN BY THE MOST EXPEDITIOUS MEANS, AND THE VIOLATIONS SHALL BE CORRECTED IMMEDIATELY. IN THE EVENT THAT THE PERSON RESPONSIBLE FAILS TO TAKE CORRECTIVE ACTION, THE CITY MAY DO THE REQUIRED WORK. THE COST OF SUCH WORK BY THE CITY SHALL BE PAID TO THE CITY BY THE PERSON WHO FAILED TO TAKE CORRECTIVE ACTION AND SHALL BE A DEBT DUE THE CITY. FAILURE OF THE PERSON RESPONSIBLE TO HONOR THE DEMANDS OF THE CITY FOR THE COSTS INCURRED SHALL AUTOMATICALLY TERMINATE ALL PERMITS ISSUED BY THE CITY TO THE PERMITTEE, HIS PREDECESSORS, SUCCESSORS, AND ASSIGNS IN INTEREST UNTIL THE DEBT IS PAID IN FULL. FURTHERMORE, SAID ASSESSMENT SHALL BE A LIEN AGAINST ALL PROPERTIES SERVED BY THE SYSTEM WHOSE OWNERS HAVE RECEIVED NOTICE OF THEIR MAINTENANCE OBLIGATIONS PURSUANT TO A MAINTENANCE AGREEMENT AND/OR DECLARATION OF COVENANTS EXECUTED AND RECORDED IN ACCORDANCE WITH THIS CHAPTER. SAID LIEN MAY BE PLACED ON THE REAL PROPERTY TAX BILL OF THE PROPERTIES SUBJECT TO THE ASSESSMENT AND COLLECTED AS ORDINARY TAX FROM THE CITY.

#### **21B-18 APPROVAL AND ACCEPTANCE OF STORMWATER MANAGEMENT FACILITIES**

- A. THE CITY MANAGER SHALL GIVE FINAL APPROVAL OF STORMWATER MANAGEMENT FACILITIES AFTER A FIELD INSPECTION IS COMPLETED TO VERIFY THAT THE WORK CONFORMS IN ALL RESPECTS WITH THE APPROVED PLANS AND TERMS OF THE PERMIT.
- B. THE CITY MANAGER SHALL CERTIFY FINAL APPROVAL TO THE CITY COUNCIL. NO SPECIFIC APPLICATION FOR ACCEPTANCE BY THE CITY SHALL BE NECESSARY. THE CITY MANAGER'S CERTIFICATION TO THE

COUNCIL SHALL CONSTITUTE A RECOMMENDATION FOR ACTUAL ACCEPTANCE BY THE CITY FOR PERPETUAL MAINTENANCE.

- C. THE CITY COUNCIL'S ACCEPTANCE OF A STORMWATER MANAGEMENT FACILITY FOR PERPETUAL MAINTENANCE SHALL BE ACCOMPLISHED BY ENACTMENT OF A RESOLUTION WHICH FINDS THAT:
1. THE STORMWATER MANAGEMENT FACILITY HAS BEEN CONSTRUCTED TO CITY STANDARDS AND IN ACCORDANCE WITH THE APPROVED PLANS.
  2. TITLE TO THE STORMWATER MANAGEMENT FACILITY AND ITS SUPPORTING APPURTENANCES, INCLUDING REQUIRED ACCESS ROADS, EASEMENTS FOR ALL STORM DRAINS, ACCESS EASEMENTS, OR ADDITIONAL RIGHTS-OF-WAY HAVE BEEN TRANSFERRED TO THE CITY, OR THE CITY WILL ASSUME MAINTENANCE RESPONSIBILITIES PURSUANT TO AN AGREEMENT WITH ANOTHER PUBLIC ENTITY OR SUBMISSION OF A RECORDED PRIVATE STORMWATER MANAGEMENT AGREEMENT.
  3. THE DEVELOPER HAS PROVIDED THE CITY WITH A MAINTENANCE BOND IN THE AMOUNT OF FIVE PERCENT (5%) OF THE TOTAL COST OF THE STORMWATER MANAGEMENT FACILITY TO GUARANTEE THE CORRECTION OF ANY DEFICIENCIES IN THE FACILITY WHICH DEVELOP WITHIN ONE (1) YEAR FROM THE DATE OF THE CITY'S ACCEPTANCE.
  4. FULLY COMPLETED "AS-BUILT" PLANS APPROVED BY THE CITY ARE ON FILE WITH THE CITY MANAGER.

## **21B-19 APPEALS**

ANY PERSON AGGRIEVED BY THE ACTION OF ANY OFFICIAL CHARGED WITH THE ENFORCEMENT OF THIS ORDINANCE, AS THE RESULT OF THE DISAPPROVAL OF A PROPERLY FILED APPLICATION FOR A PERMIT, ISSUANCE OF A WRITTEN NOTICE OF VIOLATION, OR AN ALLEGED FAILURE TO PROPERLY ENFORCE THE ORDINANCE IN REGARD TO A SPECIFIC APPLICATION, SHALL HAVE THE RIGHT TO APPEAL THE ACTION TO THE CITY MANAGER. THE APPEAL SHALL BE FILED IN WRITING WITHIN 10 DAYS OF THE DATE OF OFFICIAL TRANSMITTAL OF THE FINAL DECISION OR DETERMINATION TO THE APPLICANT, STATE CLEARLY THE GROUNDS ON WHICH THE APPEAL IS BASED, AND BE PROCESSED IN THE MANNER PRESCRIBED FOR HEARING ADMINISTRATIVE APPEALS UNDER THE CITY CODE.

**21B-20 SEVERABILITY**

IF ANY PORTION OF THIS ORDINANCE IS HELD INVALID OR UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION, SUCH PORTION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS ORDINANCE. IT IS THE INTENT OF THE CITY THAT THIS ORDINANCE SHALL STAND, EVEN IF A SECTION, SUBSECTION, SENTENCE, CLAUSE, PHRASE, OR PORTION MAY BE FOUND INVALID.

**21B-21 PENALTIES**

- A. PURSUANT TO ARTICLE 4.2.5 OF THE ANNOTATED CODE OF MARYLAND (1996 REPLACEMENT VOLUME) AS AMENDED FROM TIME TO TIME, ANY PERSON CONVICTED OF VIOLATING THE PROVISIONS OF THIS CHAPTER SHALL BE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE SUBJECT TO A FINE OF NOT MORE THAN FIVE THOUSAND DOLLARS (\$5,000) OR IMPRISONMENT NOT EXCEEDING ONE (1) YEAR OR BOTH FOR EACH AND EVERY VIOLATION WITH COSTS IMPOSED IN THE DISCRETION OF THE COURT. EACH DAY THAT THE VIOLATION CONTINUES SHALL BE A SEPARATE OFFENSE.
- B. IN ADDITION TO PENALTIES PRESENTED IN SECTION 21B-21A, THE CITY MAY INSTITUTE INJUNCTIVE OR ANY OTHER APPROPRIATE ACTION OR PROCEEDINGS AT LAW OR EQUITY FOR THE ENFORCEMENT OF THIS CHAPTER OR TO CORRECT VIOLATIONS OF THIS CHAPTER, AND ANY COURT OF COMPETENT JURISDICTION SHALL HAVE THE RIGHT TO ISSUE RESTRAINING ORDERS, TEMPORARY OR PERMANENT INJUNCTIVE OR OTHER APPROPRIATE FORMS OF REMEDY OR RELIEF.
- C. IN ADDITION TO THE ABOVE-ENUMERATED PENALTIES, THE CITY MAY, IF IT FINDS A VIOLATION OF THIS CHAPTER, ISSUE STOP-WORK ORDERS ON WORK BEING PERFORMED PURSUANT TO A CITY PERMIT.
- D. ANY AGENCY OR OFFICIAL WHOSE APPROVAL IS REQUIRED UNDER THIS CHAPTER MAY SEEK AN INJUNCTION AGAINST ANY PERSON WHO VIOLATES ANY PROVISION OF THIS CHAPTER.

**21B-22 TRANSITION PROVISIONS**

DEVELOPMENTS WITH FINAL STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PLANS APPROVED AS OF THE END OF BUSINESS MAY 3, 2010 SHALL BE EXEMPTED FROM THE REVISED DESIGN REQUIREMENTS OF THIS CHAPTER PROVIDED THAT:

- A. CONSTRUCTION IS PROGRESSING AT THE SITE IN ACCORDANCE WITH THE APPROVED STORMWATER MANAGEMENT PLAN AND EROSION AND SEDIMENT CONTROL PLAN, AND
- B. THE STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PLANS REMAIN ACTIVE AND ALL NECESSARY PERMITS AND APPROVALS FOR UPDATES AND REVISIONS ARE OBTAINED THROUGH THE CITY AND THE DISTRICT, AND
- C. AFTER THE EXPIRATION OF THE FIRST TWO-YEAR APPROVAL PERIOD OF THE STORMWATER MANAGEMENT PLAN, ANY EXTENSION OF THE PLAN APPROVAL BY THE OWNER/DEVELOP SHALL BE LIMITED TO ONE 1-YEAR PERIOD.

**Section 2. BE IT FURTHER ORDAINED** that this Ordinance shall become effective thirty (30) days after its enactment by the Council of the City of Bowie, Maryland provided that a fair summary of this Ordinance is published at least once prior to the date of passage and at least once within ten (10) days after the date of passage in a newspaper having general circulation in the City.

**INTRODUCED** by the Council of the City of Bowie, Maryland at a regular meeting on the 3rd day of May 2010.

**PASSED** by the Council of the City of Bowie, Maryland at a regular meeting on the \_\_\_\_ day of \_\_\_\_\_ 2010.

**ATTEST:**

**THE CITY OF BOWIE, MARYLAND**

\_\_\_\_\_  
Pamela A. Fleming  
City Clerk

By: \_\_\_\_\_  
G. Frederick Robinson, Mayor

APPROVED AS TO FORM AND SUFFICIENCY:

\_\_\_\_\_  
Robert H. Levan, City Attorney