

CECIL COUNTY

DEPARTMENT OF PUBLIC WORKS



Illicit Discharge and Connection Ordinance

4/19/11

Board of County Commissioners of Cecil County

President James T. Mullin, District 1

Alfred C. Wein, Jr. County Administrator

Vice President Diana Broomell, District 4

W. Scott Flanigan, P.E., Director of Public Works

Commissioner Tari Moore, District 2

Tim Whittie, P.E., Chief

Commissioner Michael Dunn, District 3

Commissioner Robert J. Hodge, District 5

Cecil County Board of County Commissioners

Ordinance 2011-06

Adoption to the Cecil County Code
New Chapter 253 Illicit Discharge and Connection to Storm Drainage Systems

AN ORDINANCE TO ADOPT A NEW CHAPTER 253 OF THE CECIL COUNTY CODE AS IT RELATES TO THE REGULATION OF NON-STORMWATER DISCHARGES TO ALL STORM DRAINAGE SYSTEMS IN CECIL COUNTY.

WHEREAS, Article 25, Section 10 of the Annotated Code of Maryland grants to the Board of County Commissioners the power to adopt codes within the County, as well as the authority to amend said codes; and

WHEREAS, the Board of County Commissioners provides for the health, safety, and general welfare of the citizens of the County through the regulation of non-stormwater discharges to all storm drainage systems to the maximum extent practicable as required by federal and state law; and

WHEREAS, the adoption of Ordinance 2011—06 would establish methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

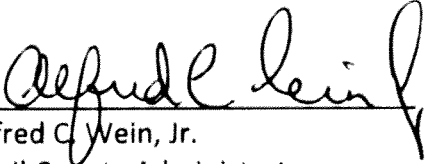
BE IT HEREBY ENACTED AND ORDAINED by the Board of County of County Commissioners of Cecil County, State of Maryland a new Chapter 253, Illicit Discharge and Connection to Storm Drainage Systems to the Code of Cecil County is hereby enacted as follows.

Introduced at a public meeting of the Board of County Commissioners for Cecil County, this 5th day of April, 2011.

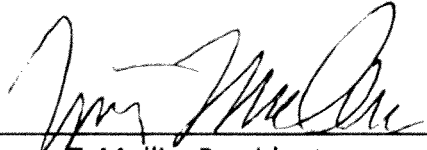
Adopted by the Board of County Commissions for Cecil County, this 19th day of April, 2011.

BOARD OF COUNTY COMMISSIONERS FOR CECIL COUNTY


Attest:



Alfred C. Wein, Jr.
Cecil County Administrator



James T. Mullin, President




Diana Broomell, Vice President



Tari Moore, Commissioner



Michael Dunn, Commissioner



Robert J. Hodge, Commissioner

Chapter 253: ILLICIT DISCHARGE AND CONNECTION

SECTION 1. Purpose and Intent

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Cecil County through the regulation of non-stormwater discharges to all storm drainage systems in the County to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

1. To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.
2. To prohibit illicit connections and discharges to the MS4.
3. To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

SECTION 2. Definitions

For the purposes of this ordinance, the following shall mean:

1. **Best Management Practices (BMPs)** - Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
2. **Clean Water Act** - The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
3. **Construction Activity** - Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
4. **Department of Public Works** - Employees or designees of the Cecil County Department of Public Works designated to enforce this ordinance.
5. **Hazardous Materials** - Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

6. **Illegal Discharge** - Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 8 of this ordinance.
7. **Illicit Connections** - An illicit connection is defined as either of the following:
 - Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
 - Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
8. **Industrial Activity** - Activities subject to NPDES Industrial Stormwater Permits as defined in 40 CFR, Section 122.26 (b)(14).
9. **Municipal Separate Storm Sewer System (MS4)** - The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by Cecil County and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage.
10. **National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit** - A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC§ 1342(b)) that authorizes the discharge of pollutants to Waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis.
11. **Non-Stormwater Discharge** - Any discharge to the storm drain system that is not composed entirely of stormwater.
12. **Person** - Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
13. **Pollutant** - Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons and other automotive fluids; cooking grease; detergents (biodegradable or otherwise); non-hazardous liquid and solid wastes; yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
14. **Premises** - Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

15. **Storm Drainage System** -Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
16. **Stormwater** - Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
17. **Wastewater** - Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.
18. **Watercourse** – a specific body or channel of water which is part of the waters of the state.
19. **Waters of the State includes:**
 - A. Both surface and underground waters within the boundaries of this state subject to its jurisdiction, including part of the Atlantic Ocean within the boundaries of this State, the Chesapeake Bay and its tributaries, and ponds, lakes, rivers, streams, tidal and nontidal wetlands, public ditches, tax ditches, and public drainage systems within this State, other than those designed and used to collect , convey, or dispose of sanitary sewage;
 - B. The flood plain of free-flowing waters determined by the Department of Natural Resources on the basis of the 100-year flood frequency.

SECTION 3. Applicability

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands.

SECTION 4. Responsibility for Administration

The Department of Public Works shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Department of Public Works may be delegated in writing by the Director of the Department of Public Works, or his or her duly authorized agent, to persons or entities acting in the beneficial interest of or in the employ of the Department.

SECTION 5. Compatibility with Other Regulations

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

SECTION 6. Severability

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions or application of this ordinance.

SECTION 7. Ultimate Responsibility

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

SECTION 8. Discharge Prohibitions

A. Prohibition of Illegal Discharges

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the county separate storm sewer system or watercourses any pollutants or waters containing any pollutants, that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this ordinance: water line or other pipe flushing, bridge deck flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, uncontaminated water from basement sump pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, and dechlorinated swimming pool discharges.
2. Discharges or flow from firefighting, and other discharges specified in writing by the Department of Public Works as being necessary to protect public health and safety.
3. Discharges associated with dye testing of septic systems and/or storm drains, however this activity requires a verbal notification to the Department of Public Works prior to the time of the test.
4. Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

If any discharge contained within the above exemptions causes an adverse impact, as determined by the Department of Public Works, then the discharge shall not be considered exempt from this Ordinance.

B. Prohibition of Illicit Connections

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
4. Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Health Department.
5. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Department of Public Works requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Department of Public Works.

SECTION 9. Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 10. Industrial and Construction Activities Discharges

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Department of Public Works prior to the allowing of discharges to the MS4.

SECTION 11. Compliance Monitoring

A. Right of Entry: Inspection and Sampling

The Department of Public Works shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance, subject to the following: Prior to entering the property, the Department of Public Works will obtain written permission from the property owner; or the Department of Public Works will obtain consent in conformance with Section 11.B.

1. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Department of Public Works.
2. Facility operators shall allow the Department of Public Works ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
3. The Department of Public Works shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Department of Public Works to conduct monitoring and/or sampling of the facility's stormwater discharge.
4. The Department of Public Works has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at the dischargers' expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
5. Any temporary or permanent obstruction that prohibits safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Department of Public Works and shall not be replaced. The costs of clearing such access shall be borne by the operator.
6. Unreasonable delays in allowing the Department of Public Works access to a permitted facility are a violation of a stormwater discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Department of Public Works reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

B. Search Warrants

If the Department of Public Works has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Department of Public Works may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 12. Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Department of Public Works in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Department of Public Works within 3 business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 3 years.

Failure to provide notification of a release as provided above is a violation of this ordinance.

SECTION 13. Violation, Enforcement, and Penalties

A. Violations

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the Department of Public Works is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Department of Public Works is authorized to seek costs of the abatement as outlined in Section 16.

B. Warning Notice

When the Department of Public Works finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, the Department of Public Works may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease.

Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the Department of Public Works to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

C. Notice of Violation

Whenever the Department of Public Works finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Department of Public Works may order compliance by written notice of violation to the responsible person.

1. The Notice of Violation shall contain:
 - a. The name and address of the alleged violator;
 - b. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
 - c. A statement specifying the nature of the violation;
 - d. A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
 - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - f. A statement that the determination of violation may be appealed to the Circuit Court of Cecil County by filing a written notice of appeal within 5 business days of service of notice of violation; and
 - g. A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

2. Such notice may require without limitation:
 - a. The performance of monitoring, analyses, and reporting;
 - b. The elimination of illicit connections or discharges;
 - c. That violating discharges, practices, or operations shall cease and desist;
 - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - e. Payment of a fine to cover administrative and remediation costs; and
 - f. The implementation of source control or treatment BMPs.

D. Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the Department of Public Works may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

E. Suspension of MS4 Access

When the Department of Public Works finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or Waters of the State which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Department of Public Works may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

1. Immediately comply with all ordinance requirements; and
2. Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Department of Public Works may take such steps as deemed necessary to prevent or minimize harm to the MS4 or Waters of the State, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Department of Public Works may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Department of Public Works that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Department of Public Works within 30 days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

F. Suspension due to Illicit Discharges in Emergency Situations

The Department of Public Works may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the Department of Public Works may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State, or to minimize danger to persons.

G. Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Department of Public Works will notify a violator of the proposed termination of its MS4 access. The violator may petition the Department of Public Works for a reconsideration and hearing. A person commits an offense if the

person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Department of Public Works.

H. Civil Penalties

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days, or such greater period as the Department of Public Works shall deem appropriate, after the Department of Public Works has taken one or more of the actions described above, the Department of Public Works may refer the matter to the Maryland Department of the Environment for enforcement action.

I. Criminal Prosecution

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$1000 per violation per day and/or imprisonment for a period of time not to exceed 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

SECTION 14. Appeal of a Notice of Violation

Any person aggrieved by the action of any official charged with the enforcement of this chapter, as the result of issuance of a written notice of violation, or an alleged failure to properly enforce the chapter in regard to a specific application, shall have the right to appeal the action to the Circuit Court of Cecil County. The appeal must be filed in writing within 5 business days from the date of the Notice of Violation or determination to the applicant and shall clearly state the grounds on which the appeal is based.

SECTION 15. Enforcement Measures after an Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 10 business days of the decision of the Circuit Court of Cecil County, upholding the decision of the Department of Public Works, then representatives of the Department of Public Works shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

SECTION 16. Cost of Abatement of the Violation

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 10 days. If the amount due is not paid within a timely manner as determined by the decision of the Department of Public Works or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the Cecil County by reason of such violation. The liability

shall be paid in not more than 12 equal payments. Interest at the rate of 10 percent per annum shall be assessed on the balance beginning on the 30th day after an invoice for the cost of abatement, including administrative costs, has been presented to the owner of the affected property.

SECTION 17. Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION 18. Remedies Not Exclusive

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Department of Public Works to seek cumulative remedies.

The Department of Public Works may recover all attorneys' fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

SECTION 19. Adoption of Ordinance

This ordinance shall be in full force and effect after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed. PASSED AND ADOPTED this 19th day of April, 2011, by the following vote: Unanimously approved.