

Cecil County Stormwater Management Code

Cecil County has a new Stormwater Management Code (Chapter 251 of the Cecil County Code) effective February 19, 2002, pursuant to the requirements of COMAR 26.17.02 (the new Stormwater Management statute for the State of Maryland). The Code can be downloaded for free from this site. This draft was assembled with the assistance of the Environmental Subcommittee of the Codes 2000 Committee, appointed by the Board of County Commissioners of Cecil County in July 2000. A Public Comment period was open until May 18, 2001 and Public Hearings were held May 7 and 14, 2001. The Board of County Commissioners of Cecil County adopted the local ordinance at their regular meeting July 17, 2001. A Public Hearing for the revisions was held February 19, 2002.

Follow the links shown below to learn more about the basis for these new regulations:

Links:

The new State of Maryland Stormwater Management Statute, COMAR 26.17.02: (www.dsd.state.md.us).

The MDE stormwater Management Design Manual; the Design Manual is incorporated by reference into the new State of Maryland Stormwater statute and will be similarly incorporated into Cecil County's Stormwater Management Code: <http://www.mde.state.md.us/environment/wma/stormwatermanual/>

The Clean Water Act: <http://www.epa.gov/epahome/laws.htm>

STORMWATER MANAGEMENT ORDINANCE

CECIL COUNTY, MARYLAND

Refer to the SWM Guidance Manual

**Adopted By The Board Of County Commissioners
Of Cecil County February 19, 2002**

ARTICLE I

251-1 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 to control the adverse impacts associated with increased stormwater runoff. Proper management of stormwater runoff will minimize damage to public and private property, reduce the effects of development on land, control stream channel erosion, reduce local flooding, and maintain after development, as nearly as possible, the pre-development runoff characteristics.

The provisions of this Ordinance, pursuant to the Environment Article, Title 4, Subtitle 2, Annotated Code of Maryland, 1987 replacement volume, are adopted under the authority of the Cecil County Code and shall apply to all development occurring within the unincorporated area of Cecil County. 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 of Maryland statute. The Cecil County Department of Public Works shall be responsible for the coordination and enforcement of the provisions of this Ordinance. All previous stormwater management ordinances and/or policies relating thereto, are hereby repealed and replaced with this Ordinance.

251-2 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) is incorporated by reference by the Cecil County Department of Public Works and shall serve as the official guide for stormwater principles, methods, and practices.
- B. USDA Natural Resources Conservation Service Maryland Conservation Practice Standard Pond Code 378 (January 2000).

ARTICLE II

251-3 DEFINITIONS

- A. For the purpose of this Ordinance, the following definitions describe the meaning of the terms used in this Ordinance:
 - (1) "Administration" means the Maryland Department of the Environment (MDE) Water Management Administration (WMA).
 - (2) "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 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.

- (3) "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.
- (4) "Applicant" means any person, firm, or governmental agency that executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.
- (5) "Aquifer" means a porous water bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.
- (6) "Best Management Practice (BMP)" means a structural device or nonstructural practice designed to temporarily store and/or treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities.
- (7) "Channel Protection Storage Volume (CP_V)" 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, Volumes I & II.
- (8) "Clearing" means the removal of trees and brush from the land but shall not include the ordinary mowing of grass, or the removal of dead trees and noxious weeds.
- (9) "Coastal Plain Region" means those areas south of the Chesapeake and Delaware Canal, not including the Elk Neck Peninsula.
- (10) "Department of Public Works" means the Cecil County Department of Public Works.
- (11) "Design Manual" means the 2000 Maryland Stormwater Design Manual, Volumes I & II that serves as the official guide for stormwater management principles, methods, and practices.
- (12) "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.
- (13) "Developer" means the property owner or other party who plans or executes the development of land.
- (14) "Develop land" means to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.
- (15) "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.

- (16) "Disturb" means the grading, moving, or digging of soils, the removal of grass and other ground covers, placement of fill or surface material (such as stone, concrete, asphalt), or the removal of stumps.
- (17) "Drainage area" means that area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridgeline.
- (18) "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.
- (19) "Exemption" means those land development activities that are not subject to the stormwater management requirements contained in this Ordinance.
- (20) "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.
- (21) "Extreme flood volume (Q_F)" 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.
- (22) "Flow attenuation" means prolonging the flow time of runoff to reduce the peak discharge.
- (23) "Grading" means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.
- (24) "Infiltration" means the passage or movement of water into the soil surface.
- (25) "Off-site stormwater management" means the design and construction of a facility necessary to control stormwater from more than one development.
- (26) "On-site stormwater management" means the design and construction of systems necessary to control stormwater within an immediate development.
- (27) "Overbank flood protection volume (Q_p)" 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.
- (28) "Piedmont Region" means those areas north of Interstate I-95.
- (29) "Recharge volume (Re_v)" 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.

- (30) "Redevelopment" means any construction, alteration, or improvement exceeding 5000 square feet of land disturbance performed on sites where existing land use is commercial, industrial, institutional or multifamily residential.
- (31) "Retention structure" means a permanent structure that provides for the storage of runoff by means of a permanent pool of water.
- (32) "Retrofitting" means the construction of a structural BMP in a previously developed area, the modification of an existing structural BMP, or the implementation of a nonstructural practice to improve water quality over current conditions.
- (33) "Sediment" means soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.
- (34) "Site" means:
- (a) for "new development" any tract, lot, or parcel of land or combination of 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 unit, subdivision, or project.
 - (b) for "redevelopment" the area of new construction as shown on an approved site plan; or the original parcel. Final determination of the applicable area shall be made by the Department of Public Works.
- (35) "Stabilization" means the prevention of soil movement by any of various vegetative and/or structural means.
- (36) "Stormwater management" means:
- (a) For quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; and
 - (b) For qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.
- (37) "Stormwater Management Plan" means a set of drawings or other documents submitted by a person as a prerequisite to obtaining a stormwater management approval, which contain all of the information and specifications pertaining to stormwater management for the site.
- (38) "Stripping" means any activity that removes the vegetative surface cover including tree removal, clearing, grubbing and storage or removal of topsoil.
- (39) "Transition Region" means those areas north of the Chesapeake & Delaware Canal and South of Interstate I-95 including the Elk Neck Peninsula.
- (40) "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 the Ordinance.

- (41) "Waiver" means the relinquishment from stormwater management requirements by the Cecil County Department of Public Works for a specific development on a case-by-case review basis.
 - (a) "Qualitative stormwater management waiver" includes water quality volume and recharge volume design parameters.
 - (b) "Quantitative stormwater management waiver" includes channel protection storage volume, overbank flood protection volume, and extreme flood volume design parameters.
- (42) "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.
- (43) "Watershed" means the total drainage area contributing runoff to a single point.
- (44) "Water quality volume (WQ_v)" means the volume needed to capture and treat the runoff from 90 percent of the average annual rainfall volume at a development site. Methods for calculating the water quality volume are specified in the Design Manual.

ARTICLE III - APPLICABILITY

251-4 Scope

No person shall develop any land for residential, commercial, industrial, or institutional uses without having provided stormwater management measures that control or manage runoff from such developments, except as provided within this section. The 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 251-7 for redevelopment.

In establishing compliance with this Ordinance, the addition of impervious surfaces or other changes in site conditions (land cover types, slopes, etc.) shall be considered cumulative from August 28, 1984 (Date of Adoption of original Cecil County Stormwater Management Ordinance).

251-5 Exemptions

The following development activities are exempt from the provisions of this Ordinance and the requirements of providing stormwater management:

- A. Agricultural land management practices;
- B. Additions or modifications to existing single family detached residential structures if they comply with Subsection C below;

- C. Developments that do not disturb more than 5,000 square feet of land area;
- D. Land development activities that the Administration determines will be regulated under specific State of Maryland laws, which provide for managing stormwater runoff.

251-6 Waivers/Watershed Management Plans

- A. The Department of Public Works may grant a stormwater management quantitative control waiver under the following circumstances:
 - (1) Projects developed in accordance with a watershed management plan consistent with Section 251-6C of this Ordinance.
 - (2) Developments that have direct discharge(s) to tidally influenced receiving waters.
 - (3) When the Department of Public Works determines that circumstances exist that prevent the reasonable implementation of quantity control practices.
 - (4) Developments located in the Coastal Plain Region that do not generate more than a ten (10) percent increase of the two year pre-development peak discharge rate and that will not cause an adverse impact on the receiving wetland, watercourse or waterbody.
- B. The Department of Public Works may grant a stormwater management qualitative control waiver under the following circumstance:
 - (1) Redevelopment projects consistent with Section 251.7 of this Ordinance.
- C. The Department of Public Works may permit different stormwater management quantitative control measures than those specified in Section 251-9 of this Ordinance if the quantitative control measures are consistent with a Watershed Management Plan. Watershed Management Plans may be prepared by a public or private entity and shall:
 - (1) Include detailed hydrologic and hydraulic analyses to determine hydrograph timing;
 - (2) Evaluate both quantity and quality management;
 - (3) Include cumulative impact assessment of watershed development;
 - (4) Identify existing flooding and receiving stream channel conditions;
 - (5) Be conducted at a reasonable scale;
 - (6) Specify where on-site or off-site quantitative and qualitative stormwater management practices are to be implemented;
 - (7) Be consistent with the General Performance Standards for Stormwater Management in Maryland found in Section 1.2 of the Design Manual; and
 - (8) Be approved by the Administration.

- D. Watershed Management Plans that propose different stormwater management requirements than those specified in Section 251-9 of this Ordinance shall be adopted by the Board of County Commissioners of Cecil County and shall be incorporated into this Ordinance by reference.
- E. The Department of Public Works may grant a waiver of requirements for individual developments under the above conditions provided that a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed development. 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. In addition to the above criteria, the Department of Public Works may also consider potential adverse impacts of the proposed development to adjacent or downstream properties.

251.7 Redevelopment

- A. The recharge volume, channel protection storage volume, and overbank flood protection volume requirements specified in the Design Manual do not apply to redevelopment projects unless specified by the Department of Public Works.
- B. All redevelopment projects shall reduce existing site impervious areas by at least 20 percent. Where site conditions prevent the reduction of impervious area, then stormwater management practices shall be implemented to provide qualitative control for at least 20 percent of the site's impervious area. When a combination of impervious area reduction and stormwater practice implementation is used, the combined impervious area reduced or stormwater treated shall equal or exceed 20 percent of that pre-existing at the site.
- C. Where conditions prevent impervious area reduction or on-site stormwater management, practical alternatives may be considered, including but not limited to:
 - (1) Off-site BMP implementation for a drainage area comparable in size and percent imperviousness to that of the project;
 - (2) Watershed or stream restoration; or
 - (3) Retrofitting.

251-8 Variances

The Department of Public Works may grant a written variance from any requirement of Section 251-9 of this Ordinance if there are exceptional circumstances applicable to the site such that strict adherence will result in unnecessary hardship and not fulfill the intent of the Ordinance. A written request for variance shall be provided to the Department of Public Works and shall state the specific variances sought and reasons for their granting. A variance shall only be granted if the Department of Public Works determines that sufficient justification has been provided by the applicant developing the site.

ARTICLE IV - STORMWATER MANAGEMENT CRITERIA

251-9 Minimum Control Requirements

A. The minimum control requirements established in this section and the Design Manual are as follows:

(1) In the Coastal Plain Region, the following minimum control requirements apply in accordance with the Design Manual:

- (a) Water Quality Volume
- (b) Recharge Volume
- (c) Overbank Flood Protection Volume for the 2-year frequency storm event

(2) In the Piedmont Region, the following minimum control requirements apply in accordance with the Design Manual:

- (a) Water Quality Volume
- (b) Recharge Volume
- (c) Channel Protection Storage Volume

(3) Except as provided below, in the Transition Region the minimum control requirements shall be those as specified for the Piedmont Region. If an applicant demonstrates that the site to be developed within the Transition Region contains predominantly Coastal Plain characteristics for topography and soils, then the minimum control requirements and applicable waiver provision as specified for the Coastal Plain shall apply. To be considered predominantly Coastal Plain topography the average slope on the site to be developed, from the highest elevation to the lowest elevation, must be eight (8) percent or lower. To be considered predominantly Coastal Plain soils, the site to be developed must contain greater than fifty (50) percent of soils classified in the following Soil Associations:

- (a) Keyport - Loamy & Clayey land - Beltsville Association
- (b) Sassafras - Woodstown Association
- (c) Matapeake - Butlertown Association
- (d) Collingtown - Sassafras - Aura Association
- (e) Mattapex - Elsinboro - Othello Association

(4) In addition to the applicable requirements above, all development and redevelopment activities that take place in the Intensely Developed Areas (IDA) of the Cecil County Critical Area shall result in a reduction of pollutant loadings from the site by at least ten (10) percent. The process for determination of pollutant loading reduction shall be as outlined by the Critical Areas Commission in "A Framework for Evaluation of Compliance With The 10% Rule in the Critical Area", April 1987 or a comparable methodology as approved by the Department of Public Works.

(5) In all areas of the County, applicants for developments not eligible for a quantitative stormwater management waiver, shall perform an analysis of downstream stormwater facilities to determine if those facilities can accommodate the post-development peak discharge from the 24-hour ten-year storm event. In order for a facility to be deemed

capable of accommodating the flow there must be no adverse impact on adjacent property by the impeding drainage or by an increase in the water surface elevation on the properties adjacent to the stormwater facility. The extent of analysis shall include all downstream stormwater facilities, including swales, storm drainage pipes, culverts and other points of constriction, to a point or points in the drainage area where the post-development peak discharge from the 24-hour ten-year storm on the site to be developed, is less than ten percent of the total flow from the 24-hour ten-year storm on the entire area contributing to that point or points. If a stormwater facility cannot accommodate the flow, then the Overbank Flood Protection Volume for the peak discharge from the 24-hour ten-year storm event must be provided in addition to any other applicable minimum control requirement as specified in this Ordinance. In lieu of proving this control, the applicant may replace the impacted stormwater facility. This downstream analysis shall include descriptions, drawings, and any other information as required by the Department of Public Works. In lieu of providing this downstream analysis, an applicant can simply provide Overbank Flood Protection Volume for the peak discharge from the 24-hour ten-year storm.

- B. 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.

251-10 Stormwater Management Measures

The structural and nonstructural stormwater management measures established in this Ordinance shall be used, either alone or in a combination, in developing a stormwater management plan.

A. Structural Stormwater Management Measures.

- (1) The following structural stormwater management practices shall be designed according to the Design Manual to satisfy the applicable minimum control requirements established in Section 251.9 of this Ordinance.
 - (a) Stormwater management ponds;
 - (b) Stormwater management wetlands;
 - (c) Stormwater management infiltration systems;
 - (d) Stormwater management filtering systems; and
 - (e) Stormwater management open channel systems.
- (2) 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.
- (3) Structural stormwater management practices shall be selected to accommodate the unique hydrologic or geologic conditions of the site.

B. Nonstructural Stormwater Management Measures.

- (1) The following nonstructural stormwater management practices shall be applied according to the Design Manual to minimize increases in new development runoff:

- (a) Natural area conservation;
- (b) Disconnection of rooftop runoff;
- (c) Disconnection of non-rooftop runoff;
- (d) Sheet flow to buffers;
- (e) Grass-lined channels; and
- (f) Environmentally sensitive development.

- (2) The use of nonstructural stormwater management practices shall be encouraged to the maximum extent feasible to minimize the reliance on structural BMP's.
- (3) The minimum control requirements listed in Section 251.9 of this Ordinance may be reduced when nonstructural stormwater management practices are incorporated into site designs according to the Design Manual.
- (4) The use of nonstructural stormwater management practices shall not conflict with existing State of Maryland or local laws, ordinances, regulations, or policies.
- (5) Nonstructural stormwater management practices used to reduce the minimum control requirements must be recorded and remain unaltered by subsequent property owners. Prior approval from the Department of Public Works shall be obtained before nonstructural stormwater practices are altered.

C. Alternative structural and nonstructural stormwater management practices may be used for new development water quality control if they meet the performance criteria established in the Design Manual and are approved by the Administration. Practices used for redevelopment projects shall be approved by the Department of Public Works.

D. For the purposes of modifying the minimum control requirements or design criteria, the owner/developer shall submit to the Department of Public Works 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 Department of Public Works, downstream of the first downstream tributary whose drainage area equals or exceeds the contributing area to the project or stormwater management facility.

251-11 Specific Design Criteria

The basic design criteria, methodologies, and construction specifications, subject to the approval of the Department of Public Works and the Administration, shall be those of the Design Manual.

ARTICLE V – STORMWATER MANAGEMENT PLANS

251-12 – Review and Approval of Stormwater Management Plans

- A. For any proposed development, the developer shall submit a stormwater management plan or waiver application to the Department of Public Works for review and approval, unless otherwise exempted. The stormwater management plan shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which stormwater runoff will be managed from the entire development. The Department of Public Works shall review the plan to determine compliance with the requirements of this Ordinance prior to approval. The plan shall serve as the basis for all subsequent construction.
- B. Notification of approval or reasons for disapproval or modification shall be given to the applicant within 30 days after submission of the completed stormwater plan. If a decision is not made within 30 days, the applicant shall be informed of the status of the review process and the anticipated completion date. The stormwater management plan shall not be considered approved without the inclusion of the signature and date of signature of the Department of Public Works on the plan.

251-13 – Contents of the Stormwater Management Plans and Waiver Applications

The developer is responsible for submitting a stormwater management plan that meets the design requirements of this Ordinance. The plan shall be accompanied by a report that includes sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The developer or builder shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan. If a stormwater management plan involves redirection 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 necessary property interests concerning flowage of water. Approval of a stormwater management plan does not create or affect any right to redirect runoff onto adjacent property without that property owner's permission. The minimum information submitted for support of a stormwater management plan or application for a waiver shall be as follows:

- A. Reports submitted for stormwater management plans or waiver applications shall include:
 - (1) A brief narrative description of the project;
 - (2) Geotechnical investigations including soil maps, borings, site-specific recommendations, and any additional information necessary for evaluation of the proposed stormwater management design;
 - (3) Descriptions of all watercourses, impoundments, and wetlands on or adjacent to the site or into which stormwater directly flows;
 - (4) Hydrologic computations, including drainage area maps depicting pre-development and post-development runoff flow path segmentation and land use;
 - (5) Hydraulic computations;
 - (6) Structural computations;
 - (7) Unified sizing criteria volume computations according to the Design Manual;

- (8) Topography survey showing existing and proposed site contours, including the area necessary to determine downstream analysis for proposed stormwater management facilities; and
 - (9) Any other information required by the Department of Public Works.
- B. Construction drawings submitted for stormwater management plan approval shall include the following:
- (1) A vicinity map (including Cecil County Tax Map number, grid, and parcel number);
 - (2) Topography survey showing existing and proposed site contours, including the area necessary to determine downstream analysis for proposed stormwater management facilities;
 - (3) Any proposed improvements including location of buildings or other structures, impervious surfaces, storm drainage facilities, and all grading;
 - (4) The location of existing and proposed structures and utilities;
 - (5) Any easements and rights-of-way;
 - (6) The delineation, if applicable, of the 100-year floodplain and any on site wetlands;
 - (7) Structural and construction details for all components of the proposed drainage system or systems, and stormwater management facilities.
 - (8) All necessary construction specifications;
 - (9) A sequence of construction;
 - (10) Data for total site area, disturbed area, new impervious area, and total impervious area;
 - (11) A table showing the unified sizing criteria volumes required in the Design Manual;
 - (12) A table of materials to be used for stormwater management facility planting;
 - (13) All soil boring logs and locations;
 - (14) A maintenance schedule;
 - (15) Certification by the owner/developer that all stormwater management construction will be done according to this plan;
 - (16) An as-built certification signature block to be executed after project completion (including a geotechnical certification); and
 - (17) Any other information required by the Department of Public Works.

251-14 Preparation of the Stormwater Management Plan

- A. The design of stormwater management plans shall be prepared by any individual permitted to do so by the specific State of Maryland law(s) governing preparation of such plans. The Department of Public Works may disapprove any stormwater management plan prepared by an individual who does not provide proof of qualification and State of Maryland professional licensure to prepare said plans. If a stormwater management plan requires either a dam safety permit from Maryland Department of Environment or small pond approval from the Cecil County Soil Conservation District, the Department of Public Works shall require that the design be prepared by a professional engineer licensed in the State of Maryland.
- B. Notwithstanding the above, the Department of Public Works may develop a standard stormwater management quality control plan for development on individual single family residential lots which existed prior to the August 28, 1984 and/or which qualify for a quantity control waiver.

ARTICLE VI – PERMITS

251-15 Permit Requirement

A grading or building permit may not be issued for any parcel or lot unless a stormwater management plan has been approved or waived by the Department of Public Works as meeting all the requirements of this Ordinance. Where appropriate, a building permit may not be issued without:

- A. Recorded easements for the stormwater management facility and easements to provide adequate access for inspection and maintenance from a public right-of-way;
- B. A recorded stormwater management inspection and maintenance agreement;
- C. A performance guaranty acceptable to the Department of Public Works; and
- D. Permission (via easements or other property interests), where necessary, from adjacent property owner(s) if the proposed stormwater management plan involves the redirection of some or all stormwater runoff off of the site or concentrates the release of stormwater runoff in an offsite area that previously received non-concentrated flow. Approval of a stormwater management plan does not create or affect any such rights and the developer must secure such permission at his cost.

251-16 – Permit Fee

A non-refundable permit fee will be collected at the time the stormwater management plan or application for waiver is submitted. The permit fee will provide for the cost of plan review, administration, and management of the permitting process, and inspection of all projects subject to this Ordinance. The permit fee shall be in accordance with a fee schedule adopted by the Board of County Commissioners of Cecil County, as may be amended from time to time.

251-17 – Permit Suspension and Revocation

Any grading or building permit issued by the Department of Public Works may be suspended or revoked after written notice is given to the permittee for any of the following reasons:

- A. Any violation(s) of the conditions of the stormwater management plan approval.
- B. Changes in site runoff characteristics upon which an approval or waiver was granted.
- C. Construction is not in accordance with the approved plan.
- D. Noncompliance with correction notice(s) or stop work order(s) issued for the construction of the stormwater management facility.
- E. An immediate danger exists in a downstream area in the opinion of the Department of Public Works.

251-18 – Permit Conditions

In granting the plan approval, the Department of Public Works may impose such conditions that may be deemed necessary to ensure compliance with the provisions of this Ordinance and the preservation of the public health and safety.

ARTICLE VII – PERFORMANCE GUARANTY

251-19 – Financial Assurance

The Department of Public Works shall require from the developer a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the Department of Public Works prior to the issuance of any building and/or grading permit for the construction of a development requiring a stormwater management facility. The amount of the security shall not be less than the total estimated construction cost of the stormwater management facility. The bond required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan, compliance with all of the provisions of this Ordinance, and other applicable laws and regulations, and any time limitations. The bond shall not be fully released without a final inspection of the completed work by the Department of Public Works, submission of "as-built" plans and related documentation, and certification of completion by the Department of Public Works that the stormwater management facilities comply with the approved plan and the provisions of this Ordinance. A procedure may be used to release parts of the bond held by the Department of Public Works after various stages of construction have been completed and accepted by the Department of Public Works.

ARTICLE VIII - INSPECTION

251-20 – Inspection Schedule and Reports

- A. The developer shall notify the Department of Public Works at least 48-hours before commencing any work in conjunction with the stormwater management plan and upon completion of the project when a final inspection will be conducted.

- B. Inspections shall be conducted by the Department of Public Works, or its authorized representative. Written inspection reports shall be made of the periodic inspections necessary during construction of stormwater management systems to ensure compliance with the approved plans.
- C. Written inspection reports shall include:
 - (1) The date and location of the inspection;
 - (2) Whether construction was in compliance with the approved stormwater management plan;
 - (3) Any variations from the approved construction specifications; and
 - (4) Any violations that exists.
- D. The owner/developer and onsite personnel shall be notified in writing when violations are observed. Written notification shall describe the nature of the violation and the required corrective action.
- E. No work shall proceed until the Department of Public Works 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.

251- 21 Inspection Requirements During Construction

- A. At a minimum regular inspections shall be made and documented at the following specified stages of construction:
 - (1) For Ponds:
 - (a) Upon completion of excavation to sub-foundation and when required, installation of structural supports or reinforcement for structures, including but not limited to:
 - (i) Core trenches for structural embankments
 - (ii) Inlet and outlet structures, anti-seep collars or diaphragms, and watertight connectors on pipes; and
 - (iii) Trenches for enclosed storm drainage facilities;
 - (b) During placement of structural fill, concrete, and installation of piping and catch basins;
 - (c) During backfill of foundations and trenches;
 - (d) During embankment construction; and
 - (e) Upon completion of final grading and establishment of permanent stabilization.
 - (2) For wetlands:
 - (a) At the stages specified for pond construction in 251-21A(1) of this section;
 - (b) During and after wetland reservoir area planting; and

(c) During the second growing season to verify a vegetation survival rate of at least 50 percent.

(3) For infiltration trenches:

- (a) During excavation to subgrade;
- (b) During placement and backfill of underdrain systems and observation wells;
- (c) During placement of geotextiles and all filter media;
- (d) During construction of appurtenant conveyance systems such as diversion structures, pre-filters and filters, inlets, outlets, and flow distribution structures; and
- (e) Upon completion of final grading and establishment of permanent stabilization;

(4) For infiltration basins:

- (a) At the stages specified for pond construction in 251-21A(1) of this section; and
- (b) During placement and backfill of underdrain systems.

(5) For filtering systems:

- (a) During excavation to subgrade;
- (b) During placement and backfill of underdrain systems;
- (c) During placement of geotextiles and all filter media;
- (d) During construction of appurtenant conveyance systems such as flow diversion structures, pre-filters and filters, inlets, outlets, orifices, and flow distribution structures; and
- (e) Upon completion of final grading and establishment of permanent stabilization.

(6) For open channel systems:

- (a) During excavation to subgrade;
- (b) During placement and backfill of underdrain systems for dry swales;
- (c) During installation of diaphragms, check dams, or weirs; and
- (d) Upon completion of final grading and establishment of permanent stabilization.

(7) For nonstructural practices:

- (a) Upon completion of final grading and the establishment of permanent stabilization (except as provided for in Chapter 248 of the Cecil County Code regarding Letters of Intent applicable to final seeding during non-growing seasons); and
- (b) Before issuance of use and occupancy approval.

B. The Department of Public Works may, for enforcement purposes, use any one or a combination of the following actions:

- (1) A notice of violation shall be issued specifying the need for a violation to be corrected if stormwater management plan noncompliance is identified;

- (2) A stop work order shall be issued for the site by the Department of Public Works if a violation persists, or if the violation is of an immediate and serious nature, as determined by the Department of Public Works;
 - (3) Bonds or securities may be withheld or the case may be referred for legal action if reasonable efforts to correct the violation have not been undertaken; or
 - (4) In addition to any other sanctions, a civil action or criminal prosecution may be brought against any person in violation of this Ordinance.
- C. Any step in the enforcement process may be taken at any time, depending on the severity of the violation.
 - D. 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, except as limited by Section 251-14 of this Chapter, to ensure that constructed stormwater management practices, conveyance systems, and site grading 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 and/or approved final grading plan with what was constructed. The as-built plan certification shall be accompanied by the geotechnical certification required in Section 251-13B(16). The Department of Public Works may require additional information to assure compliance with the approved plans. For individual residential lot construction, the as-built certification shall also be submitted by either a professional engineer or professional land surveyor licensed in the State of Maryland, and shall be the responsibility of the building permit applicant.
 - E. The Department of Public Works shall submit notice of construction to the Administration on a form supplied by the Administration for each stormwater management practice within 45 days of construction completion. If BMPs requiring Soil Conservation District (SCD) approval are constructed, notice of construction completion shall also be submitted to the Cecil County Soil Conservation District.

ARTICLE IX – MAINTENANCE

251-22 Maintenance Inspection

- A. The Department of Public Works shall ensure that preventative maintenance is performed by inspecting all stormwater management systems. Inspection shall occur during the first year of operation and at least once every 3 years thereafter. In addition, an inspection and maintenance agreement between the owner and the Department of Public Works shall be executed for privately owned stormwater management systems as described in Section 251-23.
- B. Inspection reports shall be maintained by the Department of Public Works for all stormwater management systems.
- C. Inspection reports for stormwater management systems shall include the following:
 - (1) The date of inspection;

- (2) Name of inspector;
- (3) The condition of:

- (a) Vegetation or filter media;
- (b) Fences or other safety devices;
- (c) Spillways, valves, or other control structures;
- (d) Embankments, slopes, and safety benches;
- (e) Reservoir or treatment areas;
- (f) Inlet and outlet channels or structures;
- (g) Underground drainage;
- (h) Sediment and debris accumulation in storage and forebay areas;
- (i) Any nonstructural practices to the extent practicable; and
- (j) Any other item that could affect the proper function of the stormwater management system.

- (4) Description of needed maintenance.

- D. After notification is provided to the owner of any deficiencies discovered from an inspection of a stormwater management system, the owner shall have 30 days or other time frame mutually agreed to between the Department of Public Works and the owner to correct the deficiencies. The Department of Public Works shall then conduct a subsequent inspection to ensure completion of the repairs.
- E. If repairs are not undertaken or are not found to be done properly, then enforcement procedures following Section 251-23C shall be followed by the Department of Public Works.
- F. If, after an inspection by the Department of Public Works, the condition of a stormwater management facility presents an immediate danger to the public health or safety, because of an unsafe condition or improper maintenance, the Department of Public Works shall take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by the County shall be assessed against the owner(s), as provided in Section 251-23C.

251-23 Inspection and Maintenance Agreement

- A. Prior to the issuance of any building permit for which stormwater management is required, the Department of Public Works 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 Department of Public Works or its authorized representative to ensure that the facility is maintained in proper working condition to meet design standards.
- B. The agreement shall be recorded by the applicant and/or owner in the land records of Cecil County.
- C. The agreement shall also provide that, if after notice by the Department of Public Works to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within 30 days, the Department of Public Works 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 County.

251-24 Maintenance Responsibility

- A. The owner of the property on which work has been done pursuant to this Ordinance for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.
- B. A maintenance schedule shall be developed for the life of any stormwater management facility and shall state the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be printed on the approved stormwater management plan.

ARTICLE X - APPEALS

251-25 – Right to Appeal Action

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 Circuit Court for Cecil County. The appeal shall be filed in writing within 30 days of the date of official transmittal of the final decision or determination to the applicant and shall state clearly the grounds on which the appeal is based.

ARTICLE XI - SEVERABILITY

251-26 – 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 Board of County Commissioners of Cecil County that this Ordinance shall stand, even if a section, subsection, sentence, clause, phrase, or portion may be found invalid.

ARTICLE XII - PENALTIES

251-27 – Violations and Penalties

Any person convicted of violating the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) or imprisonment not exceeding 1 year or both for each violation with costs imposed in the discretion of the court. Each day that a violation continues shall be a separate offense. In addition, the Board of County Commissioners of Cecil County may institute injunctive, mandamus or other appropriate action or proceedings of law to correct violations of

this Ordinance. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.

ARTICLE XIII – EFFECTIVE DATE

251-28 - Effective Date of Ordinance

And be it further enacted that this Ordinance shall take effect on February 19, 2002. Developments without an approved stormwater management plan by July 31, 2001, shall be subject to the provisions of this Ordinance.

ARTICLE XIV - PRIOR STORMWATER MANAGEMENT PLAN APPROVAL

251-29 – Prior Stormwater Management Approvals

Stormwater management plan approvals (including exemptions, waivers, variances, and stormwater management plans) granted prior to the effective date of this Ordinance, shall expire December 31, 2004.