

**Cecil County Department of Public Works
Soil Erosion and Sediment Control Ordinance
Chapter 248 of the Cecil County Code**

ARTICLE I
Definitions; Purpose

§ 248-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADVERSE IMPACT - Any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses. Such deleterious effect is or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity or stability or which unreasonably interferes with the enjoyment of life or property, including outdoor recreation.

AGRICULTURAL LAND MANAGEMENT PRACTICES - 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. Logging and timber removal operations may not be considered a part of this definition.

APPLICANT - Any person who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

CLEAR - The cutting of trees and understory (brush) without the removal of stumps or the grading of soil.

DEVELOPER - A person undertaking or for whose benefit any or all the activities covered by this chapter are commenced or carried on. General contractors or subcontractors, or both, without a proprietary interest in a project are not included within this definition.

DISTURB - 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.

DPW - The Cecil County Department of Public Works.

DRAINAGE AREA - That area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridgeline.

EARTH - Clay, sand, silt, loam, gravels, topsoils and combinations thereof.

EROSION - The process by which the land surface is worn away by the action of wind, water, ice or gravity.

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EROSION AND SEDIMENT CONTROL - A system of structural and vegetative measures that minimize soil erosion and off-site sedimentation.

EROSION AND SEDIMENT CONTROL PLAN - An erosion and sediment control strategy or plan, to minimize erosion and prevent off-site sedimentation by containing sediment on-site or by passing sediment-laden runoff through a sediment control measure, prepared and approved in accordance with the specific requirements of the Cecil County Soil Conservation District and this chapter and designed in accordance with the Standards and Specifications.

EXEMPTION - Those land development activities that are not subject to the erosion and sediment control requirements contained in this chapter.

GRADE - To cause disturbance of the earth. This shall include but not be limited to any excavation, filling, stockpiling of earth materials, grubbing, root mat or topsoil disturbance or any combination of them.

INSPECTION AGENCY - The Maryland Department of the Environment or, if delegation of enforcement authority is granted, then the appropriate local inspection agency.

PERMITTEE - Any person(s) listed as the Owner or Builder on a Building Permit or Grading Permit.

PERSON - Includes 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 of their affiliates, or any other entity.

RESPONSIBLE PERSONNEL - Any foreman, superintendent or project engineer who is in charge of on-site clearing and grading operations or sediment control associated with earth changes or disturbances.

SEDIMENT - Soils or other surficial materials transported or deposited by the action of wind, water, ice, gravity or artificial means.

SITE - Any tract, lot or parcel of land or combination of tracts, lots or parcels land which are in one (1) ownership or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision or project.

STABILIZATION - The minimization of soil movement by any of various vegetative and/or structural means.

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STANDARDS AND SPECIFICATIONS - The 1994 Maryland Standards and Specifications for Soil Erosion and Sediment Control or any subsequent revisions.

VARIANCE - Modification of the criteria set forth in the Standards and Specifications.

WATERCOURSE – A permanent stream, intermittent stream, river, brook, creek, channel, ditch, river, lake, or bay.

WATERSHED - The total drainage area contributing runoff to a single point.

WETLANDS - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

§ 248-2 Purpose and authority.

- A. The purpose of this chapter is to safeguard the natural resources of the county by establishing minimum requirements for grading, earthmoving and creation of impervious surfaces; for control of soil erosion and sedimentation; and to establish procedures by which these requirements are to be administered and enforced.
- B. The provisions of this chapter, pursuant to Title 26, Subtitle 09, Department of the Environment, Authority, Environmental Article, 4-101, Annotated Code of Maryland, as amended, shall apply to all grading occurring within Cecil County.

ARTICLE II
Grading Permits

§ 248-3 When required.

- A. A grading permit, issued by the Cecil County Department of Public Works (hereinafter called DPW) shall be required prior to the start of any development or activity where such proposed development or activity may, in the judgement of DPW:
 - (1) Introduce sediment into any watercourse of the county or state; or
 - (2) Move more than one hundred (100) cubic yards of earth or disturb more than 5,000 square feet of earth; or

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(3) Create undue erosion and sediment damage to lands adjacent to or in the vicinity of the subject site or the stream itself; or

(4) Involves grading or disturbance in the Critical Area.

B. Where proposed development or activity requires a building permit, no such permit shall be granted unless a valid grading permit exists for the subject development or activity.

§ 284-4 Exemptions

A. No grading permit shall be required for the following:

(1) Agricultural land management practices approved by and installed under supervisions of the Cecil County Soil Conservation District. This exemption, however, shall not apply to agriculture land management practices and agriculture activities that do not conform to the applicable provisions of the Cecil County Critical Area Program.

(2) Construction or maintenance of county roads for which an erosion and sediment control plan has been approved by the Cecil County Soil Conservation District.

(3) Quarry operations and the mining of stockpiling of sand, stone and gravel at quarries, concrete, asphalt and material processing plants or storage yards and all other operations for which a surface mining permit has been issued by the State of Maryland, Department of the Environment, provided that sediment and erosion control measures are employed to protect off-site damage in accordance with a plan approved by the Cecil County Soil Conservation District.

B. No exemption shall be granted for the requirement of a grading permit for any grading, stripping, excavations or filling of land in the Buffer portion of the Cecil County Critical Area District. However, upon evaluation of the site, the Resource Inspector may grant the exception for those portions of the site located outside the designated Buffer if the inspector determines that the development activity is classified as insignificant in impact to water quality and plant, fish and wildlife habitats as set forth in the County's Critical Area Program.

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§ 248-5 Variances

The Erosion and Sediment Control Committee, comprised of a member of the Cecil County Department of Public Works, Department of Planning and Zoning and the Cecil County Soil Conservation District, may grant a written variance from the requirements in this chapter if strict adherence to the requirements will result in substantial unnecessary hardship and not fulfill the intent of this chapter. The Committee shall determine that the hardship substantially outweighs the potential environmental damage. The developer shall submit a written request for a variance to the Committee. The request shall state the specific variances sought and reasons for requesting the variance. The Committee shall not grant a variance unless and until sufficient specific reasons justifying the variance are provided by the developer.

§ 248-6 Permit application procedure

- A. The applicant for a grading permit shall complete an application form, which forms are available in the Department of Permit and Inspections office. The applicant shall submit with the application documented evidence that an erosion and sedimentation control plan (and, when required, a stormwater management plan) for the proposed development or activity has been prepared by land surveyor, engineer, architect or landscape architect licensed by the State of Maryland and has been approved by the Cecil County Soil Conservation District.
- B. Such plan(s) shall be considered a part of the grading permit, and any violation of the provisions of said plan(s) shall constitute a violation of this chapter.
- C. For minor earth disturbance of no more than twenty thousand (20,000) square feet and 500 cubic yards of earth, the signature of the applicant on a standard sediment and erosion control plan (authorized by the Natural Resources Conservation Service) for minor earth disturbances may serve in lieu of such documentation.

**ARTICLE III
Erosion and Sediment Control Plans**

§ 248-7 Review and approval.

- A. A person may not clear or grade land, in accordance with Section 248-3, without first obtaining an erosion and sediment control plan approved by the Cecil County Soil Conservation District, or Standard Plan from the Cecil County Department of Public Works.

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- B. The applicant shall submit an erosion and sediment control plan and any supporting computations to the Cecil County Soil Conservation District for review and approval. The erosion and sediment control plan shall contain sufficient information, drawings and notes to describe how soil erosion and off-site sedimentation will be minimized. The Cecil County Soil Conservation District shall review the plan to determine compliance with this chapter and the Standards and Specifications prior to approval. The plan shall serve as a basis for all subsequent grading and stabilization.
- C. In approving the plan, the Cecil County Soil Conservation District may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this chapter, the State Sediment Control Regulations, COMAR 26.09.01, the Standards and Specifications or the preservation of public health and safety.
- D. The Cecil County Soil Conservation District shall notify the applicant of approval or reasons for the disapproval or modification within thirty (30) days after submission of the completed erosion and sediment control plan. If a decision is not made within thirty (30) days, the Cecil County Soil Conservation District shall inform the applicant of the status of the review process and the anticipated completion date. The erosion and sediment control plan shall not be considered approved without the inclusion of the signature and date of signature of the Cecil County Soil Conservation District on the plan.
- E. Approved plans may remain valid for two (2) years from the date of approval unless renewed by the Cecil County Soil Conservation District.

§ 248-8 Contents

- A. The applicant is responsible for submitting an erosion and sediment control plan which meets the requirements of the Cecil County Soil Conservation District, this chapter, the State Sediment Control Regulations, COMAR 26.09.01 and the Standards and Specifications. The plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation. The applicant shall certify on the drawings that all clearing, grading, drainage, construction and development shall be conducted in strict accordance with the plan.
- B. Applicants shall submit the following information:
 - (1) A letter of transmittal.

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- (2) A vicinity sketch indicating North arrow, scale and other information necessary to easily locate the property.
- (3) A plan, at an appropriate scale, indicating at least:
 - (a) The name, address and telephone number of:
 - [1] The owner of the property where the grading is proposed.
 - [2] The developer
 - [3] The applicant
 - (b) The existing and proposed topography.
 - (c) The proposed grading and earth disturbance, including:
 - [1] The surface area involved.
 - [2] The volume of spoil material.
 - [3] The volume of borrow material.
 - [4] The limits of grading, including limitation of mass clearing and grading whenever possible.
 - (d) Storm drainage provisions, including:
 - [1] Velocities and quantities of Q_{10} flow at outfalls.
 - [2] Site conditions around points of all surface water discharge from the site.
 - (e) Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation, including:
 - [1] Provisions to preserve topsoil and limit disturbance.
 - [2] Details of grading practices.
 - [3] Design details for structural controls.
 - [4] Details of temporary and permanent stabilization measures, including placement of the following statement on the plan. Following initial soil disturbance, permanent or temporary stabilization shall be completed within:
 - [a] Seven (7) calendar days as to the surface of all perimeter dikes, swales, ditches, perimeter slopes and all slopes greater than three (3) horizontal to one (1) vertical.
 - [b] Fourteen (14) days as to all other disturbed or graded areas on the project site.

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The requirements of Subsection B(3)(e)[4IIa] and [b] do not apply to those areas which are shown on the plan and are currently being used for material storage or for those areas on which actual construction activities are currently being performed or to interior areas of a surface mine site where the stabilization material would contaminate the recoverable resource. Maintenance shall be performed as necessary to ensure that the stabilized areas continuously meet the appropriate requirements of the 1994 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

- (f) The sequence of construction describing the relationship between the implementation and maintenance of controls, including permanent and temporary stabilization and the various stages or phases of earth disturbance and construction. The sequence of construction shall, as a minimum, include a schedule and time frame for the following activities.
 - [1] Clearing and grubbing for those areas necessary for installation of perimeter controls.
 - [2] Construction of perimeter controls.
 - [3] Remaining clearing and grubbing.
 - [4] Road grading.
 - [5] Grading for the remainder of the site.
 - [6] Utility installation and whether storm drains will be used or blocked after construction.
 - [7] Final grading, landscaping or stabilization.
 - [8] Removal of controls.

- (g) A statement placed on the plan indicating that the developer shall request that the inspection agency approve work completed in accordance with the approved erosion and sediment control plan, the grading or building permit and this chapter.
 - [1] On all sites with disturbed areas in excess of two (2) acres, approval of the inspection agency shall be requested upon completion of installation of perimeter erosion and sediment controls, but before proceeding with any other earth disturbance or grading. Other building or grading inspection approvals may not be authorized until this initial approval by the inspection agency is made.

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- [2] Approval shall be requested upon final stabilization of all sites with disturbed areas in excess of two (2) acres before removal of controls.
- (h) Certification by the owner or developer that any clearing, grading, construction or development, or all of these, will be done pursuant to this plan and that responsible personnel involved in the construction project will have a certification of training at a Maryland Department of the Environment approved training program for the control of sediment and erosion before beginning the project.
- (i) A statement placed on the plan indicating that the permittee shall notify the inspection agency forty-eight (48) hours before commencing any land disturbing activity.
- (j) Any additional information or data deemed appropriate by the Cecil County Soil Conservation District.

§ 248-9 Modifications

The Cecil County Soil Conservation District may revise approved plans as necessary. Modifications may be requested by a permittee, the inspection agency and the Cecil County Department of Public Works.

ARTICLE IV
Permit Conditions and Requirements

§ 248-10 Approval conditions

- A. The Department of Public Works may impose such conditions on the grading permit as may be reasonable to prevent creation of a nuisance or dangerous conditions and to deny the grading permit where the proposed work would cause hazards adverse to the public safety and welfare. Issuance of the grading permit does not eliminate the requirement for compliance with any other applicable county, state or federal law or regulation.
- B. Existing activities and structures. Whenever and wherever the Department of Public Works finds that any existing grading, drainage or ground condition (irrespective of when, or by whom brought about, or of its resulting from work accomplished under prior permit) is defective or deficient under the requirements of this chapter and constitutes or creates a nuisance or endangers or adversely affects the safety, use or stability of any public or private property on site or elsewhere, then, and in such event the owner or lessee or both of the property

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upon which such condition is located, upon receipt of notice, in writing, from the Department of Public Works, shall, within the period specified therein, secure the required plan approved by the Cecil County Soil Conservation District and permit, perform or cause to be performed the required remedial work, repairs or maintenance so as to correct and remedy the defect or condition and to be in conformance with the requirement of this chapter. The Department of Public Works may require that all work stop except that necessary for correction of the violation. In the event that no person is present at the site, the Department of Public Works may issue a stop work order onsite directing the property owner to contact the Department of Public Works before resuming work.

§ 248-11 Suspension of permits

- A. In the event that work performed does not conform to the provisions of the grading permit or to the approved plans and specifications or to any written instructions of the Maryland Department of the Environment (MDE) or Cecil County Department of Public Works, a written notice to comply shall be given to the permittee, with copies to the Cecil County Soil Conservation District. Such notice shall set forth the nature of the corrections required and the time within which corrections shall be made, not to exceed fourteen (14) days after receipt of notification; however, corrective action must be initiated within three (3) business days after receipt of notification, unless otherwise extended by action of the Maryland Department of the Environment or Cecil County Department of Public Works. Failure to comply with such written notice shall be deemed justification for suspension of the permit and shall require that all work stop, except that necessary for correction of the violation. Upon correction of the violation, the permittee may apply for a release of the suspension of the permit. Reinstatement of the permit will require payment of a reinstatement fee and all other outstanding fees.
- B. The Maryland Department of the Environment or the Department of Public Works may post a site with an order directing the permittee to cease all land disturbing activity being performed under the sediment and erosion control plan approved by the Soil Conservation District 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 shall have been furnished to the permittee.
 - (2) Said notice includes the nature of the corrective measures required and time within which corrections shall be made.
- C. The Maryland Department of the Environment or the Department of Public Works may also post any site with an order directing the owner or contractor to cease all land disturbing action which requires an approved sediment and erosion control plan but for which a plan has not been obtained.

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§ 248-12 Permit cancellation

After suspension of a grading permit, if corrections required are not completed within the time period specified in 248-11A above, the permit shall be canceled. In the event of cancellation, any bonds or cash deposits posted with the County shall be used for work on the site to prevent erosion and to otherwise protect the site as approved by the Cecil County Soil Conservation District.

§ 248.13 Guaranty of completion

- A. The permittee shall be required, prior to the issuance of a grading permit, to post with the County a cash deposit performance bond from an approved corporate surety or other collateral acceptable to the County in an amount equal to one hundred percent (100%) of the total cost of stormwater management and sediment and erosion control to guarantee that in the event that provisions of the permit are not completed satisfactorily or that the permit is canceled, the site can be restored to a condition meeting the minimum requirements of the standards for erosion control, such work and conditions to be approved satisfactory by the Cecil County Department of Public Works.
- B. The requirements in Subsection A above may be waived by the Department of Public Works under the following circumstances:
 - (1) Where duplication of bonding requirements would exist.
 - (2) For all State or County-funded projects.
 - (3) For projects where the total estimated project cost is less than one thousand dollars (\$1,000.).
 - (4) For projects where the work is performed under the standard sediment and erosion control plan for minor earth disturbance.

§ 248.14 Time Limitations

A grading permit shall be valid for a period of one (1) year from the date of issuance. Upon request and adequate justification of a permittee, the Department of Public Works may grant a six-month extension of validity.

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ARTICLE V
Administration and Enforcement

§ 248.15 Inspections

- A. The Maryland Department of the Environment shall be responsible for detecting violations of an approved designed site specific sediment and erosion control plan, requiring compliance with provisions of approved grading permits and initiating appropriate action against offenders. The Maryland Department of the Environment shall make a final on-site inspection when the work covered by an application is reported completed and shall forward its report to the Cecil County Soil Conservation District.
- (1) The Maryland Department of the Environment shall make inspections at the following stages of work or as otherwise deemed appropriate.
 - (a) Prior to initiating any grading operations to inspect the natural site and to approve a written description of the sequence of construction. The permittee shall notify the Maryland Department of the Environment forty-eight (48) hours before commencing any land disturbing activity.
 - (b) Upon completion of preparation of ground to receive fill, but prior to beginning any placement.
 - (c) Upon completion of final grading, installation of the permanent stormwater management facilities and erosion control facilities, but prior to any seeding, sodding or planting.
 - (d) Upon completion of installation of all vegetative measures and all work in accordance with grading permit.
 - (2) The Maryland Department of the Environment shall make any additional inspections deemed necessary and may waive any of the inspections listed above except the final on-site inspection.
- B. The Cecil County Department of Public Works shall be responsible for inspection of all sites where the construction activity is authorized by the standard sediment and erosion control plan for minor earth disturbance. The Department of Public Works shall inspect the site at the following stages.
- (1) Periodically during construction to ensure that the standard erosion control plan is being followed.
 - (2) Upon completion of the site, before the certificate of occupancy is issued.

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- (3) In response to complaint of a violation of this chapter for a site covered by the Cecil County Department of Public Works inspection authority.

- C. The Cecil County Department of Public Works shall make any additional inspections deemed necessary and may waive any of the inspections listed above except for the final on-site inspection.

- D. A certificate of occupancy for single lot sites shall not be issued until the Department of Public Works signs the certificate indicating that a final inspection has been approved.

- E. In the event that final inspection is performed during the time when seeding is not recommended, other means of approved stabilization may be allowed. The Cecil County Department of Public Works reserves the right to accept a Letter of Intent for final stabilization by no later than a specified date. The minimum requirements prior to acceptance of a Letter of Intent will be that site grading (in accordance with any stormwater management requirements, as applicable), topsoil, temporary mulch, and silt fence be in place to the satisfaction of the Department of Public Works. Acceptance of a Letter of Intent is at the sole discretion of the Department of Public Works. Failure to comply with the requirements of the Letter of Intent shall result in a finding of non-compliance against the signatories of the Letter of Intent.

- F. The Department of Public Works inspector shall maintain written reports after each inspection. The inspection report shall describe:
 - (1) The date and location of the site inspection.
 - (2) Whether or not the plan has been implemented properly.
 - (3) Any practice deficiencies or erosion and sediment control plan deficiencies.
 - (4) If a violation exists, the type of enforcement action taken.

- G. The Department of Public Works inspector shall notify the on-site personnel or the owner/developer, in writing, when violations are observed, describing:
 - (1) The nature of the violation.
 - (2) The required corrective action.
 - (3) The time period in which to have the violation corrected.

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§ 248-16 Complaints

The Department of Public Works shall receive all formal complaints in writing and initiate enforcement proceedings when violations are confirmed. Any complaint received shall be acted upon routinely within three (3) working days, and the complainant shall be notified of any action or proposed action routinely within seven (7) working days of receipt of complaint.

§ 248-17 Violations and penalties

- A. Any violation of this chapter shall be deemed a misdemeanor, and the person, partnership or corporation who is found guilty of such violation shall be subject to a fine not exceeding five thousand dollars (\$5,000.00), or one (1) year of imprisonment for each and every violation.
- B. Any agency whose approval is required under this chapter or any person in interest may seek an injunction against any person, partnership or corporation, whether public or private, violation or threatening violation of any provisions of this Article. Notice of violation of the provision of this Article shall be filed with the Maryland Department of the Environment, as well as with appropriate county agencies, including the Cecil County Soil Conservation District.
- C. It shall be a condition of every grading or building permit that the inspection agency has the right to enter property periodically to inspect for compliance with this chapter.

§ 248-18 Enforcement procedures

- A. When the inspection agency or an inspector determines that a violation of the approved erosion and sediment control plan has occurred, the inspector shall notify the on-site personnel or the permittee, in writing, of the violation and describe the required corrective action and the time period in which to have the violation corrected.
- B. If the violation persists after the date specified for corrective action the notice of violation, the inspection agency shall stop work on the site. The inspection agency shall determine the extent to which work is stopped, which may include all work on the site except that work necessary to correct the violation.
- C. If reasonable efforts to correct the violation are not undertaken by the permittee, the inspection agency may deliver a citation to the permittee. A copy of the citation shall be retained by the inspector and shall bear certification attesting to the truth of the matters set forth. The citation shall contain:
 - (a) The name and address of the person charged;

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- (b) The nature of the violation;
 - (c) The place and time where the violation occurred;
 - (d) The actions being taken by the Department of Public Works (i.e., suspension of permit, cancellation of permit, referral for legal action, etc.);
- E. The Department of Public Works may deny the issuance of any permits to an applicant when it determines that the applicant is not in compliance with the provisions of any building or grading permit or an approved erosion and sediment control plan. Furthermore, the Department of Public Works may also withhold inspections for those sites not in compliance with an approved erosion and sediment plan.
- F. Any step in the enforcement process may be taken at any time depending upon the severity of the violation.
- G. If a person is working without a permit, the inspection agency shall stop work on the site except activities necessary to provide erosion and sediment control, until such time as a Grading Permit is obtained and the site is brought into compliance.

§ 248-19 Permit fees

Fees shall be applied to the granting of grading permits, renewal of suspended or cancelled permits, and for the inspection of properties for compliance with the provision of this Ordinance. Follow-up inspections resulting for the inaction of a permittee on a previous inspection may be subject to fees. Fees for the above-described actions shall be established from time to time by Resolution of the Board of County Commissioners of Cecil County.

§ 248-20 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 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.

[Note: This unofficial excerpt of the Cecil County Code is made available in this form for the convenience of interested parties and only the official Cecil County Code should be relied upon.]