

## CHAPTER 13

### STORMWATER MANAGEMENT ORDINANCE

#### ARTICLE 1. PURPOSE AND AUTHORITY

##### **Section 13-101. 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 any 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 and stream channel erosion, assist in the attainment and maintenance of water quality standards, reduce local flooding, and maintain after development, as nearly as possible, the predevelopment runoff characteristics.

The provisions of the Ordinance pursuant to subsection 8-11A- 02 Natural Resources Article, Annotated Code of Maryland, 1983 replacement volume are adopted under the authority of the Town of Rising Sun and shall apply to all development occurring within the incorporated area of Rising Sun. The application of this Ordinance and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. The Town of Rising Sun shall be responsible for the coordination and enforcement of the provisions of this Ordinance.

## ARTICLE 2. DEFINITIONS

### Section 13-201. Definitions

For the purposes of this Ordinance, the following definitions describe the meaning of the terms used in this Ordinance:

**Adverse impact.** The words "adverse impact" shall mean 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,

**Agricultural land management practices.** The words "agricultural land management practices" shall mean those methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

**Applicant.** The word "applicant" shall mean any person, firm, or governmental agency who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

**Aquifer.** The word "aquifer" shall mean a porous water bearing geological formation generally restricted to materials capable of yielding an appreciable supply of water.

**Clearing.** The word "clearing" shall mean the removal of trees and brush from the land but shall not include the ordinary mowing of grass.

**Detention Structure.** The words "detention structure" shall mean a permanent structure for the temporary storage of runoff which is designed so as not to create a permanent pool of water.

**Develop land.** The words "develop land" shall mean to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.

**Drainage area.** The words "drainage area" shall mean that area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.

**Easement.** The word "easement" shall mean those land development activities that are not subject to the stormwater management requirements contained in this Ordinance.

**Flow attenuation.** The words "flow attenuation" shall mean prolonging the flow time of runoff to reduce the peak discharge.

**Grading.** The word "grading" shall mean any act by which soil is cleared, stripped,

stockpiled, excavated, scarified, filled or any combination thereof.

**Infiltration.** The word "infiltration" shall mean the passage or movement of water into the soil surface.

**On-site stormwater management.** The words "on-site stormwater management" shall mean the design and construction of a facility necessary to control stormwater from more than one development.

**Porous paving.** The words "porous paving" shall mean an open reticular concrete, graded asphaltic or other material which allows water to pass through it.

**Retention structure.** The words "retention structure" shall mean a permanent structure that provides for the storage of runoff by means of a permanent pool of water.

**Sediment.** The word "sediment" shall mean soils or other surface materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.

**Site.** The word "site" shall mean 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.

**Stabilization.** The "stabilization" shall mean the prevention of soil movement by any various vegetative and/or structural means.

**Stormwater management.** The words "Stormwater Management" shall mean:

- (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.

**Stormwater Management Committee.** Consists of one voting representative of the Cecil Soil Conservation District, the Cecil County Department of Public Works and the Cecil County Department of Planning and Economic Development for areas outside of incorporated towns; and for areas inside of corporate limits of participating towns, it shall consist of one voting representative of the Cecil Soil Conservation District, the Cecil County Department of Public Works and the affected Town.

**Stormwater Management Plan.** The words "stormwater management plan" shall mean 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.

**Stripping.** The word "stripping" shall mean any activity which removes the vegetative surface cover including tree removal, clearing, grubbing, and storage or removal of topsoil.

**Variance.** The word "variance" shall mean the modification of the minimum stormwater management requirements for specific circumstances such that strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of the Ordinance.

**Waiver.** The word "waiver" shall mean the relinquishment from stormwater management requirements by the Stormwater Management Committee on a case-by-case review basis.

**Watercourse.** The word "watercourse" shall mean any natural or artificial stream, river, creek, ditch, channel, conduit, culvert, drain, waterway, gully, ravine, or wash, in/ and including any area adjacent thereto which is subject to inundation by reason of overflow or flood water.

**Watershed.** The word "watershed" shall mean the total drainage area contributing runoff to a single point.

**Wetlands.** The word "wetlands" shall mean an area that has saturated soils or periodic high groundwater levels and vegetation adapted to wet conditions and periodic flooding.

## ARTICLE 3. APPLICABILITY

### Section 1301. Scope.

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

### Section 1302. Exemptions

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

- (a) Agricultural land management activities:
- (b) Additions or modifications to existing single-family detached residential structures;
- (c) Developments that do not disturb over 5,000 square feet of land area;
- (d) Land development activities which the Water Resources Administration determines will be regulated under specific State laws which provide for managing stormwater runoff; or
- (e) Residential developments consisting of single-family houses, each on a lot of two acres or greater.

### Section 13-303. Waivers

The Stormwater Management Committee may grant a waiver of the stormwater management requirements for individual developments 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 development receiving a waiver. Eligibility for a waiver shall be determined if the applicant can conclusively demonstrate to a major of the Stormwater Management Committee that:

- (a) The proposed development will not generate more than a ten (10) percent increase in the two-year pre-development peak discharge rate and will not cause an adverse impact on the receiving wetlands, watercourse, or waterbody; or
- (b) A site is completely surrounded by existing developed areas which are served by an existing network of public storm drainage systems of adequate capacity to accommodate the runoff from the additional development; or

- (c) Provisions to control direct outfall to tidewater are provided when the first inch of rainfall is managed according to infiltration standards and specifications promulgated by the Water Resource Administration.

**Section 13-304. Variance**

The Stormwater Management Committee may grant a written variance from any requirements of Article 6 of this Chapter, Stormwater Management Criteria of the Ordinance, if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of this Ordinance will result in unnecessary hardship and not fulfill the intent of the Ordinance. A written request of a variance shall be provided to the Stormwater Management Committee and shall state the specific variances sought and reasons for their granting. The Stormwater Management Committee shall not grant a variance unless and until sufficient specific reasons justifying the variance are provided by the person developing the land.

## ARTICLE 4. STORMWATER MANAGEMENT PLANS

### Section 13-401. Review and Approval of Stormwater Management

- (a) A stormwater management plan or an application for a waiver shall be submitted to the Cecil County Department of Public Works by the developer for review and approval for any proposed development, 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 Cecil County 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 thirty days after submission of the completed stormwater plan. If a decision is not made within thirty 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 Cecil County Department of Public Works on the Plan.

### Section 13-402. Contents of the Stormwater Management Plan

The developer is responsible for submitting a stormwater management plan which meets the design requirements provided by this ordinance. The plan shall include sufficient information to evaluate the environmental characteristics of the 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 the clearing, grading, drainage, construction and development shall be conducted in strict accordance with the plan. The minimum information submitted for support of a stormwater management plan or application for a waiver shall be as follows:

- (a) Site Characteristics
  - (1) Topography survey showing existing and proposed contours, including area necessary to determine downstream analysis for proposed stormwater management facility.
  - (2) Soils investigation including borings for construction of small ponds and infiltration practices.
  - (3) Description of all watercourses, impoundments, and wetlands on or

adjacent to the site or into which stormwater flows.

- (4) Delineation of one hundred (100) year floodplain, if applicable.
  - (5) Structure classification (SCS Pond Standards 378)
- (b) Computations:
- (1) Hydrology
  - (2) Hydraulic. and
  - (3) Structural.

In addition to the information listed above stormwater management design plan shall include:

- (a) Stormwater management plans:
- (1) Vicinity map.
  - (2) Drainage area map showing the watershed boundaries, drainage area, and stormwater flow path.
  - (3) Proposed improvements including location of buildings or other structures, impervious surfaces, and storm drainage facilities, if applicable.
  - (4) Location of utilities.
  - (5) Structural details for all components of the proposed drainage systems and stormwater management facilities.
  - (6) Timing schedules and sequence of development clearing, including stripping, rough grading, construction, final grading, and vegetative stabilization.
  - (7) Maintenance schedule.
  - (8) Notes on drawings specifying materials to be used.
  - (9) Construction specifications.
  - (10) Location of easements and evidence of recordation.
- (b) Estimate of stormwater management construction cost.
- (c) Other information as required.

## ARTICLE 5. PERMITS

### Section 13-501. Permits Requirements

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 form a public right-of-way;
- (b) A recorded stormwater management maintenance agreement.
- (c) Performance Guarantee

### Section 13-502. 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 County Commissioners of Cecil County shall establish a fee schedule by separate resolution which shall take into effect, whether or not a fee schedule has been established, the developer shall, at a minimum, pay the actual cost incurred by the town in the review, permit, and inspection process.

### Section 13-503. 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 a waiver was granted.
- (c) Construction not in accordance with approved plans.
- (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

**Section 13-504. Permit Conditions**

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

## ARTICLE 6. STORMWATER MANAGEMENT CRITERIA

### Section 13-601. Minimum Control Requirements

- (a) The minimum stormwater control requirements shall require that all developments provide management measures necessary to maintain the post-development peak discharges for a 24-hour, town and ten-year frequency storm event at a level that is equal to or less than the respective, 24-hour, town and ten-year pre-development peak discharge rates, through stormwater management practices that control the volume, timing, and rate of flows. Where runoff is discharged into an off-site stormwater management facility, the control requirements and procedures shall be in accordance with subsection 13-603 (c)
- (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 Water Resources Administration in accordance with the Flood hazard Management Act of 1976 (subsection 8-9A-01 et seq., Natural Resources Article).

### Section 13-602. Stormwater Management Measures

- (a) Stormwater management measures shall be required to satisfy the minimum control requirements. The stormwater management practices to be utilized in developing a storm-water management plan shall be according to the following order or preference:
  - (1) Infiltration of runoff on-site;
  - (2) Flow attenuation by use of open vegetate swale and natural depressions;
  - (3) Stormwater retention structures; and
  - (4) Stormwater detention structures
- (b) Infiltration practices shall be utilized to reduce volume increases to the extent possible as determined in accordance with infiltration standards and specification established by the Water Resources Administration. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the person developing land for rejecting each practice based on site conditions.

### Section 13-603. Specific Design Criteria

- (a) Infiltration systems shall be designed in accordance with standards and specifications that are developed or approved by the Water Resource Administration and shall meet the following requirements:
  - (1) Infiltration systems greater than three feet deep shall be located at least ten (10) feet from any basement wall;
  - (2) Infiltrations systems designed to handle runoff from commercial industrial impervious parking areas shall be a minimum of one hundred (100) feet from any water supply well;
  - (3) Infiltration systems may not receive runoff until the entire contributory drainage area to the infiltration system has received final stabilization; and
  - (4) The stormwater management facility design shall provide an overflow system with measures to provide a non-erosive velocity of flow along its length and the outfall
- (b) Retention and detention ponds shall be designed and constructed in accordance with the criteria of the Soil Conservation Service and shall include the following items:
  - (1) Velocity dissipation devices shall be placed at the outfall of all detention or retention structures and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the structure to a water course.
  - (2) Where deemed necessary by the Cecil County Department of Public Works, the developer shall submit to the Cecil County 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 of natural point of restricted stream-flow, established with the concurrence of the Cecil Soil Conservation District, downstream of a tributary of the following size:
    - (i) the first downstream tributary whose drainage area equals or exceeds the contributing area to the pond; or
    - (ii) the first downstream tributary whose peak discharge exceeds the largest designed release rate of the pond.
  - (3) The designed release rate of the structure shall be modified if any increase in flooding or stream channel erosion would result in the downstream dam, highway, structure, or natural point of restricted stream-flow. The release rate of the structure shall;

- (i) be reduced to a level that will prevent any increase in flooding or stream channel erosion at the downstream control point;
  - (ii) Be not less than one year pre-developed this Ordinance
- (4) Small pond approval shall be obtained from the Soil Conservation District or the Water Administration pursuant to Natural Resources Article Subsection 8-803(b)
- (c) Off-site structures to be considered;
  - (1) Shall have a contributory drainage are not in excess of 400 acres unless, on a case-by-case basis, a larger drainage is approved by the Water Resources Administration;
  - (2) Shall provide for a permanent pool of water or provide for a 24-hour detention period for detaining and releasing the volume of runoff from a one-year frequency storm;
  - (3) Shall manage the increase in peak discharges for the two-(and ten-) year frequency storm event(s); and authorized by the Water Resources Administration permits issued pursuant to Natural Resources Administration in permits issued pursuant to Natural Resource Article subsection 8-803.
- {d) The pre-development peak discharge rate shall be computed assuming that all land uses in the site to be developed are in good hydrologic condition.
- {e) The developer shall give consideration to incorporation of the use of natural topography and land cover such as wetlands, ponds, natural swales, and depressions as they exist prior to development to the degree that they can accommodate the additional flow of water.
- {f) The Cecil County Department of Public Works shall give preference to the use of swales in place of the traditional use of curbs and gutters based on a case-by-case review of stormwater management plans.
- {g) Where a stormwater management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the developer to obtain from adjacent property owners any easements or other necessary property interests concerning flow of water off the premises. approval of a stormwater management plan does not create or affect any such rights.
- {h) The basis design criteria, methodologies, and construction specification, subject to the approval of the Cecil Conservation District and the Water Resources Administration shall be those of the Soil Conservation Service, general found

in the most current edition of the following publications or subsequent revisions:

- (1) "Urban Hydrology for Small Watersheds", Technical Release No. 55, January, 1975.
- (2) "Stormwater Management Pond Design Manual", Maryland Association of Soil Conservation District, June, 1975.
- (3) Soil Conservation Engineering Field Service Manual, latest addition as applicable
- (4) Soil Conservation Service Standards and Specifications for Ponds; Specifications No 378, July 1981

## ARTICLE 7. PERFORMANCE GUARANTEE

### Section 13-701. Performance Guarantee

The Department of Public Works shall require from the developer a surety or cash bond, irrevocable to the Department of Public Works prior to the issuance of any building and/or grading permit for 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 security so required in this section shall include provisions relative to forfeiture of failure to complete work specified in provisions of this Ordinance and other applicable laws and regulations, and any time limitations. The security shall not be fully released without final inspection of completed work by the Department of Public Works of the stormwater management facility as being in compliance with the approved plan and the provisions of this Ordinance. A provision may be made for partial release of the amount of the bond pro-rata upon completion and acceptance of the various stages of development as specifically delineated, described, and scheduled on the required plans and specifications. The developer shall notify the Department of Public Works upon completion of each stage that is ready for inspection

## ARTICLE 8. INSPECTION

### Section 13-801. Inspection Schedule and Reports

- (a) Prior to approval of a stormwater management plan, the developer will submit to the Department of Public Works a proposed inspection and construction control schedule. The Department of Public Works or their authorized representative shall conduct inspections and file reports for periodic inspections necessary during construction of stormwater management systems to ensure compliance with the approved plans.
- (b) 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.
- (c) Any portion of the work which does not comply will be promptly corrected by the developer, after written notice from the Department of Public Works. The notice shall set forth the nature of corrections required and the time within which corrections will be made.
- (d) The developer shall notify the Department of Public Works before commencing any work in conjunction with the stormwater management plan and upon completion of the project when a final inspection will be conducted.

### Section 13-802. Inspection Requirements During Construction

After commencing initial site operations, regular inspections shall be made of the following specified stages of construction:

- (a) Infiltration systems at the commencement, during, and upon completion of construction.
- (b) Porous paving infiltration systems-at the following stages so as to ensure proper placement and allow for infiltration into the subgrade:
  - (1) Upon completion of stripping, stockpiling, the construction of temporary sediment control and drainage facilities;
  - (2) Upon completion of subgrade section;
  - (3) Upon completion of reservoir base course;
  - (4) Throughout the placement of the porous asphaltic concrete surface course to ensure proper laying temperature and compaction.

- (c) Flow attenuation devices, such as open vegetated swales upon completion of construction.
- (d) Retention and detention structures- at the following stages:
  - (1) Upon completion of excavation to sub-foundation and where required, installation of structural supports or reinforcements for structures, including but not limited to:
    - (i) Core trenched for structural embankments;
    - (ii) Inlet-outlet structures and anti-seep structures, water tight connectors on pipes; and
    - (iii) Trenches for enclosed storm drainage facilities
  - (2) During placement of structural fill, concrete, and installation of piping and catch basins;
  - (3) During backfill of foundations and trenches;
  - (4) During embankment construction; and
  - (5) Upon completion of final grading and establishment of permanent stabilization

**Section 13-803. Final Inspection Reports**

A final inspection shall be conducted by the Department of Public Works upon completion of the stormwater management facility to determine if the completed work is constructed in accordance with approved plans and this Ordinance. "As-built" certification from the developer by a registered professional engineer licensed in Maryland is also required to certify that the facility has been constructed as shown on the "As-built" plans and meets approved plans and specifications. The developer will receive written notification of the results to the inspections. The Department of Public Works maintains a permanent file of inspection reports.

**Section 13-804. Inspection for Preventive Maintenance**

- (a) Preventive maintenance shall be ensured through inspection of all infiltration systems, retention, or detention structures by the Department of Public Works. The inspection shall occur during the first year of operation and at least once every three years thereafter.
- (b) Inspection reports shall be maintained by the Department of Public Works on all retention and detention structures and shall include the following:
  - (1) The date of inspection;

(2) Name of inspector;

(3) The condition of:

(i) vegetation;

(ii) fences;

(iii) spillways;

(iv) embankments;

(v) reservoir area

(vi) outlet channels;

(vii) underground drainage

(viii) sediment load; or

(ix) any other item that could affect the proper function of the stormwater management system

(4) Description of needed maintenance.

- (b) 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 Town of Rising Sun shall take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by the municipality shall be assessed against the owner(s) as provided in subsection 13-901(c).

## ARTICLE 9. MAINTENANCE

### Section 13-901. 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 the private stormwater management facility. Such agreement shall provide for access to the facility at reasonable times for regular inspection by the Department of Public Works or its authorized representative and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any provisions established.
- (b) The agreement shall be recorded by the applicant and/or owner in the land records of the 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) of the facility shall be assessed the cost of the work and any penalties and there shall be a lien on the property, which may be placed on the tax bill and collected as ordinary taxes by the Municipality.

### Section 13-902. Maintenance Responsibility

- (a) The owner of the property on which work has been done pursuant to the Ordinances 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 restorations, 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 stormwater management plan.

## ARTICLE 10. ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

### Section 13-1001. Purpose and Intent

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of Rising Sun through the regulation of non-stormwater discharges to the storm drainage system. 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 as follows:

- (a) Regulate the contribution of pollutants to the MS4 by stormwater discharges by any user; and
- (b) Prohibit illicit discharges and connections to the MS4;
- (c) Prevent non-stormwater discharges such as pollutants generated as a result of spills or inappropriate dumping or disposal to the MS4;
- (d) Establish legal authority to conduct all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this Ordinance.

### Section 13-1002. Definitions

For the purposes of this Ordinance, the following definitions describe the meaning of the terms used in terms shall mean:

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices regarding the discharge of pollutants directly or indirectly to storm water, receiving waters or storm water conveyance systems. BMPs also include treatment practices, operating procedures and practices of control site runoff, spillage or leaks, sludge or water disposal or drainage from raw materials storage.

Best Management Practices Minimum Control Measures. Program elements that describe how the quality of stormwater discharged from the MS4 will be controlled by incorporating activities and measurable goals:

- (a) Public Education and Outreach.

- (b) Public Involvement and Participation.
- (c) Illicit Discharge Detection and Elimination.
- (d) Construction Site Stormwater Runoff Control.
- (e) Post Construction Stormwater Management.
- (f) Pollution Prevention and Good Housekeeping.

Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating and demolition.

Good Housekeeping Plan (GHP). A document which describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems and/or receiving waters to the maximum extent practicable in complying with the State **General Permit for Stormwater Discharges Associated with Industrial Activity**.

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.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted by this Ordinance.

Illicit Connections. An illicit connection is defined as either of the following:

- (a) Any drain or conveyance, whether on the surface or subsurface, which allows any illegal discharge to enter storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater and wash water to enter storm drain system and any connections to 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,

- (b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps or equivalent records and approved by an Authorized Enforcement Agency.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Municipal Separate Storm Sewer System (MS4). The system of conveyances, owned and operated by the Town, designed, or used for collecting or conveying stormwater.

National Pollutant Discharge Elimination System (NPDES) Permit. A permit issued by EPA (or by the State of Maryland) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Oil. Any kind of oil in any form, including but not limited to petroleum, fuel oil, crude oil, synthetic oil, motor oil, bio-fuel, cooking oil, grease, sludge, oil refuse, and oil mixed with waste.

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.

Pesticide. A substance or mixture of substances intended to prevent, destroy, repel, or migrate any pest, or substances intended for use as a plant regulator, defoliant, or desiccant.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes (including grass clippings); refuse, rubbish, garbage, litter or other discarded or abandoned objects, ordinances and accumulations, so that same 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 and pet waste; wastes and residues that result from constructing a building or structure; and, noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water 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.

Stormwater. Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

### **Section 13-1003. Prohibited Discharges into MS4**

The specific prohibitions and requirements in this section do not include all the discharges prohibited, but are provided to address specific discharges that are frequently found or are known to occur.

- (a) No person shall release or allow to be released any of the following substances into MS4:
  - (1) Any new or used petroleum product.
  - (2) Any industrial waste.
  - (3) Any hazardous substance or hazardous waste, including household hazardous waste.
  - (4) Any domestic sewage or septic tank waste, grease trap or grease interceptor waste, holding tank waste, or grit trap waste.
  - (5) Any garbage, rubbish or other waste.
  - (6) Any new or used paints, including latex-based paints, oil-based paints, stains, varnish, and primers, as well as cleaning solvents and other associated products.
  - (7) Any yard waste that has been moved or gathered by a person.
  - (8) Any wastewater that contains soap, detergent, degreaser, solvent, or surfactant-based cleaner from a commercial motor vehicle wash facility; from any vehicle washing, cleaning, or maintenance at any new or used motor vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning or maintenance of any business or commercial or public service vehicle, including a truck, bus or heavy equipment.

- (9) Any wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains soap, detergent, degreaser, solvent, or any surfactant based cleaner.
- (10) Any wastewater from commercial floor, rug, or carpet cleaning.
- (11) Any wastewater from the wash down or other cleaning of pavement that contains any soap, detergent solvent, degreaser, emulsifier, dispersant, or other cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum hazardous substance has occurred, unless all such materials have been previously removed.
- (12) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emission filter, or the blowdown from a boiler.
- (13) Any ready-mixed concrete, mortar, ceramic, or asphalt base material or discharge resulting from the cleaning of vehicles or equipment containing or used in transporting or applying such material.
- (14) Any runoff, wash down water or waste from any animal pen, kennel, fowl or livestock containment area or any pet wastes, generally.
- (15) Any filter backwash from a swimming pool or fountain, except that nothing in the Ordinance shall be construed as to require the alteration of the filter discharge plumbing of an existing swimming pool, fountain or spa if such plumbing was compliant with applicable state, federal, and local regulations at the time of construction.
- (16) Any swimming pool, fountain or spa water or other water containing a harmful level of chlorine (>0.1 parts per million).
- (17) Any discharge from water line disinfection by super chlorination if it contains a harmful level of chlorine (>0.1 ppm) at the point of entry into the MS4 or surface waters.
- (18) Any contaminated runoff from a vehicle wrecking or storage yard.
- (19) Any substance or material that will damage, block, or clog the MS4.
- (20) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by leaking PST; or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST

release, unless the discharge has received an NPDES permit from the state.

- (21) Any other discharge that causes or contributes to causing the Town to violate a state water quality standard, the Town's NPDES stormwater permit, or any state-issued discharge permit for discharges from its MS4.
- (b) No person shall release or cause to be released into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation, or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures, except as allowed for in conformance with Section IV (Exempt Discharges).
- (c) No person shall use pesticides, herbicides, fertilizers except in accordance with manufacturer recommendations. Pesticides, herbicides and fertilizers shall be stored, transported, and disposed of in a manner to prevent release to the MS4.
- (d) No person shall tamper with, destroy, vandalize, or render inoperable any BMPs that have been installed for the purpose of eliminating or minimizing pollutant discharges, nor shall any person fail to install or fail to properly maintain any BMPs that have been required by Town or by other local, state, or federal jurisdictions.

**Section 13-1004.      Exempt Discharges**

Unless identified as a significant source of pollutants to waters of the State, the following non-storm water discharges are examples of activities allowed to enter the MS4. Other activities may apply if substantiated by permittees within the Best Management Practices Menu:

- (a) Water line flushing performed by a government agency.
- (b) Diverted stream flows.
- (c) Rising groundwater.
- (d) Uncontaminated groundwater infiltration to separate storm sewer.
- (e) Uncontaminated pumped groundwater.
- (f) Discharges from potable water sources.
- (g) Foundation drains.

- (h) Air conditioning condensate.
- (i) Irrigation water.
- (j) Springs.
- (k) Water from crawl space pumps.
- (l) Footing drains.
- (m) Individual residential vehicle washing.
- (n) Flows from riparian habitats and wetlands.
- (o) Dechlorinated swimming pool discharges (< 1 ppm).
- (p) Discharges or flows from firefighting activities.
- (q) Other allowable discharges to consider: Street wash waters; and, dye testing for the purpose of investigating illicit connections or discharges.

**Section 13-1005.      Prohibition of Illicit Connections**

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Town of Rising Sun any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

- (a) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
- (b) This prohibition expressly includes, without limitation, prior illicit connections, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) 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.
- (d) Any owner or person responsible for a property or premises, which is, or may be, the source of an illicit discharge, shall be required to implement, at the owner or person's expense, the BMPs necessary to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section.

**Section 13-1006.      Access and Inspection/Monitoring of Properties and Facilities**

- (a) Right of Entry.
  - (1) When any Code Official has reasonable cause to believe that a code violation exists or when entry is required for periodic inspections and monitoring to determine compliance, then they are authorized to enter the structure or premises at reasonable times to inspect.
  - (2) Prior to inspection, the Code Official must make reasonable efforts to locate the owner or other person having charge or control of the structure or premises to request entry. If entry is refused or not obtained, the Code Official is authorized to pursue recourse as provided by law.

**Section 13-1007.      Enforcement**

- (a) When the Town finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written Notice of Violation (NOV) to the responsible person. Such NOV may require without limitation the following:
  - (1) Performance of monitoring, analyses, and reporting;
  - (2) Elimination of illicit connections or discharges;
  - (3) Cease and desist of the violating discharges, practices, or operations;
  - (4) Abatement or remediation of stormwater pollution or contamination;
  - (5) Restoration of any affected property;
  - (6) Payment of a fine to cover administrative and remediation costs; and,
  - (7) Implementation of source control or treatment BMPs.
- (b) If abatement of a violation and/or restoration of the affected property is required, the NOV shall set forth a deadline within which such remediation or restoration must be completed. Said NOV shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated government agency or a contractor, and the expense thereof shall be charged to the violator.
- (c) The Town, at its discretion, may file charges in Justice of the Peace (JP) Court for violating this Ordinance. If needed, the Town will contact the Maryland Department of Environment.

- (d) Appeal of Notice of Violation (NOV). Any person receiving an NOV may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 10 days from the date of the NOV. A hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the NOV. The decision of the Town or its designee shall be final.
- (e) Enforcement Measures after Appeal. If the violation has not been corrected pursuant to the requirements set forth in the NOV, or, in the event of an appeal, within 15 days of the decision of the Town to uphold the decision of the authorized enforcement agency, representatives of the authorized enforcement agency 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.
- (f) Cost of Abatement of Violation. Within 10 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 Town 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 Ordinance shall become liable to the Town by reason of such violation.
- (g) Injunctive Relief. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this Ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities that would create further violations or compelling the person to perform abatement or remediation of the violation.
- (h) Compensatory Action. In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

- (i) Violations Deemed 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.
- (j) Criminal Prosecution. Any person who has violated or continues to violate this Ordinance shall be liable to criminal prosecution and penalties as found in Article 13 of this code. The authorized enforcement agency may recover all attorneys' fees, court costs and other expenses associated with enforcement of this Ordinance, including sampling and monitoring expenses.
- (k) 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 authorized enforcement agency to seek cumulative remedies.

## ARTICLE 11. APPEALS

### Section 13-1101. Appeals

Any person aggrieved by the action of any official charged with the interpretation or enforcement of this Ordinance as the result of the disapproval of an application for a permit, issuance of a written notice of violation, or an alleged failure to properly enforce the Ordinance, shall have the right to appeal to the Cecil County Commissioners. The appeal shall be filed in writing, along with an appeal fee to be set by separate resolution, within thirty (30) days of the date of the final decision or determination being appealed from said writing shall state clearly the ground of the appeal.

## ARTICLE 12. SEVERABILITY

### Section 13-1201. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance, it being the intent of the Town of Rising Sun that this Ordinance shall stand, notwithstanding there invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

## ARTICLE 13. PENALTIES

### Section 13-1301. 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 Hundred Dollars (\$500.00) or imprisonment not exceeding ninety (90) days or both for each and every violation. Each day that a violation continues shall be considered a separate offense. In addition, thereto, the Town of Rising Sun may institute injunctive, mandamus or other appropriate action or proceedings for the enforcement of this Ordinance or to correct violations of this Ordinance; and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent, injunctions or mandamus or other appropriate forms of remedy or relief.