

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2010 Legislative Session, Legislative Day No. : July 13, 2010

Bill No.: 1186

Expiration Date: September 16, 2010

Introduced by: Mr. Bartlett

A BILL TO REPEAL CHAPTER 164, TALBOT COUNTY CODE, *STORMWATER MANAGEMENT*, IN ITS ENTIRETY, AND RE-ENACT A NEW ORDINANCE TO IMPLEMENT NEWLY ADOPTED STORMWATER MANAGEMENT REQUIREMENTS MANDATED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) IN ACCORDANCE WITH MDE'S MODEL STORMWATER MANAGEMENT ORDINANCE, AS MODIFIED

By the Council: July 13, 2010

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, August 10, 2010 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order _____
Susan W. Moran, Secretary

A BILL TO REPEAL CHAPTER 164, TALBOT COUNTY CODE, STORMWATER MANAGEMENT, IN ITS ENTIRETY, AND RE-ENACT A NEW ORDINANCE TO IMPLEMENT NEWLY ADOPTED STORMWATER MANAGEMENT REQUIREMENTS MANDATED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) IN ACCORDANCE WITH MDE'S MODEL STORMWATER MANAGEMENT ORDINANCE, AS MODIFIED

KEY

- Boldface**..... Heading or defined term.
- Underlining..... Added to existing law by original bill.
- ~~Strikethrough~~..... Deleted from existing law by original bill.
- Double underlining..... Added to bill by amendment.
- ~~Double strikethrough~~Deleted from bill by amendment.
- * * *.....Existing law unaffected.

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that Chapter 164, of the Talbot County Code entitled *Stormwater Management*, shall be and is hereby repealed and re-enacted as set forth herein.

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47 **1.0 PURPOSE AND AUTHORITY**

48
49 The purpose of this Ordinance is to protect, maintain, and enhance the public health, safety, and
50 general welfare by establishing minimum requirements and procedures that control the adverse
51 impacts associated with increased stormwater runoff. The goal is to manage stormwater by
52 using environmental site design (ESD) to the maximum extent practicable (MEP) to maintain
53 after development as nearly as possible, the predevelopment runoff characteristics, and to reduce
54 stream channel erosion, pollution, siltation and sedimentation, and local flooding, and use
55 appropriate structural best management practices (BMPs) only when necessary. This will
56 restore, enhance, and maintain the chemical, physical, and biological integrity of streams,
57 minimize damage to public and private property, and reduce the impacts of land development.
58

59 The provisions of this Ordinance, pursuant to the Environment Article, Title 4, Subtitle 2,
60 Annotated Code of Maryland, 2009 replacement volume, are adopted under the authority of
61 Talbot County Code and shall apply to all development occurring within the
62 unincorporated/incorporated area of Talbot County. The application of this Ordinance and
63 provisions expressed herein shall be the minimum stormwater management requirements and
64 shall not be deemed a limitation or repeal of any other powers granted by State statute.
65 The County Engineer shall be responsible for the coordination and enforcement of the provisions
66 of this Ordinance. This Ordinance applies to all new and redevelopment projects that have not
67 received final approval for erosion and sediment control and stormwater management plans by
68 May 4, 2010.
69

70 **1.1 Incorporation by reference**

71
72 For the purpose of this Ordinance, the following documents are incorporated by reference:
73

- 74 A. The 2000 Maryland Stormwater Design Manual, Volumes I & II (Maryland Department
75 of the Environment, April 2000), and all subsequent revisions, is incorporated by
76 reference by Talbot County and shall serve as the official guide for stormwater
77 management principles, methods, and practices.
78
79 B. USDA Natural Resources Conservation Service Maryland Conservation Practice
80 Standard Pond Code 378 (January 2000).
81

82 **1.2 Grandfathering**

83
84 A. In this section, the following terms have the meanings indicated:
85

86 (1) Administrative waiver.

- 87 (a) "Administrative waiver" means a decision by the County Engineer
88 pursuant to this Ordinance to allow the construction of a development to
89 be governed by the stormwater management ordinance in effect as of May
90 4, 2009 in the local jurisdiction where the project will be located.
91

- 92 (b) "Administrative waiver" is distinct from a waiver granted pursuant to
93 section 3.3 of this Ordinance.
94
95 (2) Approval.
- 96 (a) "Approval" means a documented action by the County Engineer following
97 a review to determine and acknowledge the sufficiency of submitted
98 material to meet the requirements of a specified stage in a local
99 development review process.
100
101 (b) "Approval" does not mean an acknowledgement by the County Engineer
102 that submitted material has been received for review.
103
104 (3) Final project approval.
105
106 (a) "Final project approval" means approval of the final stormwater
107 management plan and erosion and sediment control plan required to
108 construct a project's stormwater management facilities.
109
110 (b) "Final project approval" also includes securing bonding or financing for
111 final development plans if either is required as a prerequisite for approval.
112
113 (4) "Preliminary project approval" means an approval as part of a local preliminary
114 development or planning review process that includes, at a minimum:
115
116 (a) The number of planned dwelling units or lots;
117
118 (b) The proposed project density;
119
120 (c) The proposed size and location of all land uses for the project;
121
122 (d) A plan that identifies:
123 (i) The proposed drainage patterns;
124 (ii) The location of all points of discharge from the site; and
125 (iii) The type, location, and size of all stormwater management measures
126 based on site-specific stormwater management requirement computations;
127 and
128 (e) Any other information required by the County Engineer including, but not
129 limited to:
130 (i) The proposed alignment, location, and construction type and standard
for all roads, access ways, and areas of vehicular traffic;

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(ii) A demonstration that the methods by which the development will be supplied with water and wastewater service are adequate; and

(iii) The size, type, and general location of all proposed wastewater and water system infrastructure.

B. The County Engineer may grant an administrative waiver to a development that received a preliminary project approval prior to May 4, 2010. Administrative waivers expire according to 1.2 C. of this Ordinance and may be extended according to 1.2 D. of this Ordinance.

C. Expiration of Administrative Waivers.

(1) Except as provided for in 1.2 D. of this Ordinance, an administrative waiver shall expire on:

(a) May 4, 2013, if the development does not receive final project approval prior to that date; or

(b) May 4, 2017, if the development receives final project approval prior to May 4, 2013.

(2) All construction authorized pursuant to an administrative waiver must be completed by May 4, 2017 or, if the waiver is extended as provided in 1.2 D. of this Ordinance, by the expiration date of the waiver extension.

D. Extension of Administrative Waivers.

(1) Except as provided in 1.2 D. (2) of this Ordinance, an administrative waiver shall not be extended.

(2) An administrative waiver may only be extended if, by May 4, 2010 the development:

(a) Has received a preliminary project approval; and

(b) Was subject to a Development Rights and Responsibilities Agreement, a Tax Increment Financing approval, or an Annexation Agreement.

(3) Administrative waivers extended according to 1.2 D. (2) of this Ordinance shall expire when the Development Rights and Responsibilities Agreement, the Tax Increment Financing approval, or the Annexation Agreement expires.

2.0 DEFINITIONS

- 177 A. The following definitions are provided for the terms used in this Ordinance:
178
179 (1) "Administration" means the Maryland Department of the Environment (MDE)
180 Water Management Administration (WMA).
181
182 (2) "Adverse impact" means any deleterious effect on waters or wetlands, including
183 their quality, quantity, surface area, species composition, aesthetics or usefulness
184 for human or natural uses which are or may potentially be harmful or injurious to
185 human health, welfare, safety or property, to biological productivity, diversity, or
186 stability or which unreasonably interfere with the enjoyment of life or property,
187 including outdoor recreation.
188
189 (3) "Agricultural land management practices" means those methods and procedures
190 used in the cultivation of land in order to further crop and livestock production
191 and conservation of related soil and water resources.
192
193 (4) "Applicant" means any person, firm, or governmental agency who executes the
194 necessary forms to procure official approval of a project or a permit to carry out
195 construction of a project.
196
197 (5) "Approving Agency" means the entity responsible for the review and approval of
198 stormwater management plans.
199
200 (6) "Aquifer" means a porous water bearing geologic formation generally restricted to
201 materials capable of yielding an appreciable supply of water.
202
203 (7) "Best management practice (BMP)" means a structural device or nonstructural
204 practice designed to temporarily store or treat stormwater runoff in order to
205 mitigate flooding, reduce pollution, and provide other amenities.
206
207 (8) "Channel protection storage volume (C_{pv})" means the volume used to design
208 structural management practices to control stream channel erosion. Methods for
209 calculating the channel protection storage volume are specified in the 2000
210 Maryland Stormwater Design Manual.
211
212 (9) "Clearing" means the removal of trees and brush from the land but shall not
213 include the ordinary mowing of grass.
214
215 (10) "Concept plan" means the first of three required plan approvals that includes the
216 information necessary to allow an initial evaluation of a proposed project.
217
218 (11) "County" means Talbot County, Maryland.
219
220 (12) "County Engineer" means the Director of the Talbot County Department of
221 Public Works, or an authorized representative of the Talbot County Department of
222 Public Works.

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- (13) "Design manual" means the 2000 Maryland Stormwater Design Manual, and all subsequent revisions, that serves as the official guide for stormwater management principles, methods, and practices.
 - (14) "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.
 - (15) "Develop land" means to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.
 - (16) "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.
 - (17) "Drainage area" means that area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.
 - (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) "Environmental site design (ESD)" means using small-scale stormwater management practices, nonstructural techniques, and better site planning to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources. Methods for designing ESD practices are specified in the Design Manual.
 - (20) "Exemption" means those land development activities that are not subject to the stormwater management requirements contained in this Ordinance.
 - (21) "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.
 - (22) "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.
 - (23) "Final stormwater management plan" means the last of three required plan approvals that includes the information necessary to allow all approvals and permits to be issued by the approving agency.

- 268 (24) "Flow attenuation" means prolonging the flow time of runoff to reduce the peak
269 discharge.
270
- 271 (25) "Grading" means any act by which soil is cleared, stripped, stockpiled, excavated,
272 scarified, filled, or any combination thereof.
273
- 274 (26) "Impervious area" means any surface that does not allow stormwater to infiltrate
275 into the ground.
276
- 277 (27) "Infiltration" means the passage or movement of water into the soil surface.
278
- 279 (28) "Maximum extent practicable (MEP)" means designing stormwater management
280 systems so that all reasonable opportunities for using ESD planning techniques
281 and treatment practices are exhausted and only where absolutely necessary, a
282 structural BMP is implemented.
283
- 284 (29) "Off-site stormwater management" means the design and construction of a facility
285 necessary to control stormwater from more than one development.
286
- 287 (30) "On-site stormwater management" means the design and construction of systems
288 necessary to control stormwater within an immediate development.
289
- 290 (31) "Overbank flood protection volume (Q_p)" means the volume controlled by
291 structural practices to prevent an increase in the frequency of out-of-bank
292 flooding generated by development. Methods for calculating the overbank flood
293 protection volume are specified in the Design Manual.
294
- 295 (32) "Person" means the federal government, the State, any county, municipal
296 corporation, or other political subdivision of the State, or any of their units, or an
297 individual receiver, trustee, guardian, executor, administrator, fiduciary, or
298 representative of any kind, or any partnership, firm, association, public or private
299 corporation, or any other entity.
300
- 301 (33) "Public Works" means Talbot County Department of Public Works.
302
- 303 (34) "Planning techniques" means a combination of strategies employed early in
304 project design to reduce the impact from development and to incorporate natural
305 features into a stormwater management plan.
306
- 307 (35) "Recharge volume (Re_v)" means that portion of the water quality volume used to
308 maintain groundwater recharge rates at development sites. Methods for
309 calculating the recharge volume are specified in the Design Manual.
310
- 311 (36) "Redevelopment" means any construction, alteration, or improvement performed
312 on sites where existing land use is commercial, industrial, institutional, or
313 multifamily residential and existing site impervious area exceeds 40 percent.

- 314
315 (37) "Retention structure" means a permanent structure that provides for the storage of
316 runoff by means of a permanent pool of water.
317
- 318 (38) "Retrofitting" means the implementation of ESD practices, the construction of a
319 structural BMP, or the modification of an existing structural BMP in a previously
320 developed area to improve water quality over current conditions.
321
- 322 (39) "Sediment" means soils or other surficial materials transported or deposited by
323 the action of wind, water, ice, or gravity as a product of erosion.
324
- 325 (40) "Site" means any tract, lot, or parcel of land, or combination of tracts, lots, parcels
326 of land that are in one ownership, or are contiguous and in diverse ownership,
327 where development is to be performed as part of a unit, subdivision, or project.
328
- 329 (41) "Site development plan" means the second of three required plan approvals that
330 includes the information necessary to allow a detailed evaluation of a proposed
331 project.
332
- 333 (42) "Stabilization" means the prevention of soil movement by any of various
334 vegetative and/or structural means.
335
- 336 (43) "Stormwater" means water that originates from a precipitation event.
337
- 338 (44) "Stormwater management system" means natural areas, ESD practices,
339 stormwater management measures, and any other structure through which
340 stormwater flows, infiltrates, or discharges from a site.
341
- 342 (45) "Stripping" means any activity that removes the vegetative surface cover
343 including tree removal, clearing, grubbing, and storage or removal of topsoil.
344
- 345 (46) "Technical Advisory Committee" or "TAC" means the committee made up of
346 government departments and agencies having review and approval authority over
347 aspects of an application for development activities, as defined in Chapter 190,
348 *Zoning, Subdivision and Land Development*, of the Talbot County Code.
349
- 350 (47) "Variance" means the modification of the minimum stormwater management
351 requirements for specific circumstances such that strict adherence to the
352 requirements would result in unnecessary hardship and not fulfill the intent of this
353 Ordinance.
354
- 355 (48) "Waiver" means the reduction of stormwater management requirements by
356 the County Engineer for a specific development on a case-by-case review basis.
357
- 358 (49) "Watercourse" means any natural or artificial stream, river, creek, ditch, channel,
359 canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including

360 any adjacent area that is subject to inundation from overflow or flood water.

361

362 (50) "Water quality volume (WQ_v)" means the volume needed to capture and treat 90
363 percent of the average annual rainfall events at a development site. Methods for
364 calculating the water quality volume are specified in the Design Manual.

365

366 (51) "Watershed" means the total drainage area contributing runoff to a single point.

367

368 **3.0 APPLICABILITY**

369

370 **3.1 Scope**

371

372 No person shall develop any land for residential, commercial, industrial, or institutional uses
373 without providing stormwater management measures that control or manage runoff from such
374 developments, except as provided within this section. Stormwater management measures must
375 be designed consistent with the Design Manual and constructed according to an approved plan
376 for new development or the policies stated in section 3.4 of this Ordinance for redevelopment.

377

378 **3.2 Exemptions**

379

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

382

383 A. Agricultural land management practices;

384

385 B. Additions or modifications to existing single family detached residential structures if they
386 comply with section 3.2 C. of this Ordinance;

387

388 C. Any developments that do not disturb over 5,000 square feet of land area; and

389

390 D. Land development activities that the Administration determines will be regulated under
391 specific State laws, which provide for managing stormwater runoff.

392

393 **3.3 Waivers/Watershed Management Plans**

394

395 A. Except as provided in 3.3. B. and D. of this ordinance, the County Engineer shall grant
396 stormwater management quantitative control waivers only to those projects within areas
397 where watershed management plans have been developed consistent with section **3.3 G.**
398 of this Ordinance. Written requests for quantitative stormwater management waivers
399 shall be submitted that contain sufficient descriptions, drawings, and any other
400 information that is necessary to demonstrate that ESD has been implemented to the MEP.
401 A separate written waiver request shall be required in accordance with the provisions of
402 this section if there are subsequent additions, extensions, or modifications to a
403 development receiving a waiver.

404

405 B. Except as provided in 3.3 D. of this ordinance, if watershed management plans consistent

406 with section 3.3 G. of this Ordinance have not been developed, stormwater management
407 quantitative control waivers may be granted to the following projects provided that it has
408 been demonstrated that ESD has been implemented to the MEP:
409

- 410 (1) That have direct discharges to tidally influenced receiving waters;
411
- 412 (2) That are in-fill development located in a Priority Funding Area where the
413 economic feasibility of the project is tied to the planned density, and where
414 implementation of the 2009 regulatory requirements would result in a loss of the
415 planned development density provided that:
 - 416 (a) Public water and sewer and stormwater conveyance exist;
417
 - 418 (b) The quantitative waiver is applied to the project for the impervious cover
419 that previously existed on the site only;
420
 - 421 (c) ESD to the MEP is used to meet the full water quality treatment
422 requirements for the entire development; and
423
 - 424 (d) ESD to the MEP is used to provide full quantity control for all new
425 impervious surfaces; or
426
- 427
- 428 (3) When the approving agency determines that circumstances exist that prevent the
429 reasonable implementation of quantity control practices.
430

431 C. Except as provided in 3.3 D. of this ordinance, stormwater management qualitative
432 control waivers apply only to:
433

- 434 (1) In-fill development projects where ESD has been implemented to the MEP and it
435 has been demonstrated that other BMPs are not feasible;
436
- 437 (2) Redevelopment projects if the requirements of section 3.4 of this Ordinance are
438 satisfied; or
439
- 440 (3) Sites where the approving agency determines that circumstances exist that prevent
441 the reasonable implementation of ESD to the MEP.
442

443 D. Stormwater management quantitative and qualitative control waivers may be granted for
444 phased development projects if a system designed to meet the 2000 regulatory
445 requirements and the Talbot County ordinance for multiple phases has been constructed
446 by May 4, 2010. If the 2009 regulatory requirements cannot be met for future phases
447 constructed after May 4, 2010, all reasonable efforts to incorporate ESD in future phases
448 must be demonstrated.
449

450 E. Waivers shall only be granted when it has been demonstrated that ESD has been
451 implemented to the MEP and must:

- 452
453 (1) Be on a case-by-case basis;
454
455 (2) Consider the cumulative effects of Talbot County waiver policy; and
456
457 (3) Reasonably ensure the development will not adversely impact stream quality.
458
459 F. If Talbot County has established an overall watershed management plan for a specific
460 watershed, then Talbot County may develop quantitative waiver and redevelopment
461 provisions that differ from sections 3.3 B and 3.4 of this Ordinance.
462
463 G. A watershed management plan developed for the purpose of implementing different
464 stormwater management policies for waivers and redevelopment shall:
465
466 (1) Include detailed hydrologic and hydraulic analyses to determine hydrograph
467 timing;
468
469 (2) Evaluate both quantity and quality management and opportunities for ESD
470 implementation;
471
472 (3) Include a cumulative impact assessment of current and proposed watershed
473 development;
474
475 (4) Identify existing flooding and receiving stream channel conditions;
476
477 (5) Be conducted at a reasonable scale;
478
479 (6) Specify where on-site or off-site quantitative and qualitative stormwater
480 management practices are to be implemented;
481
482 (7) Be consistent with the General Performance Standards for Stormwater
483 Management in Maryland found in the Design Manual; and
484
485 (8) Be approved by the Administration.
486
487

488 **3.4 Redevelopment**
489

- 490 A. Stormwater management plans are required by Talbot County for all redevelopment,
491 unless otherwise specified by watershed management plans developed according to
492 section 3.3 G. of this Ordinance. Stormwater management measures must be consistent
493 with the Design Manual.
494
495 B. All redevelopment designs shall:
496
497 (1) Reduce impervious area within the limit of disturbance (LOD) by at least 50

- 498 percent according to the Design Manual;
499
- 500 (2) Implement ESD to the MEP to provide water quality treatment for at least 50
501 percent of the existing impervious area within the LOD; or
502
- 503 (3) Use a combination of section 3.4 B. (1) and (2) of this Ordinance for at least 50
504 percent of the existing site impervious area.
505
- 506 C. Alternative stormwater management measures may be used to meet the requirements in
507 section 3.4 B. of this Ordinance if the owner/developer satisfactorily demonstrates to
508 the County Engineer that impervious area reduction has been maximized and ESD has
509 been implemented to the MEP. Alternative stormwater management measures include,
510 but are not limited to:
- 511
- 512 (1) An on-site structural BMP;
513
- 514 (2) An off-site structural BMP to provide water quality treatment for an area equal to
515 or greater than 50 percent of the existing impervious area; or
516
- 517 (3) A combination of impervious area reduction, ESD implementation, and an on-site
518 or off-site structural BMP for an area equal to or greater than 50 percent of the
519 existing site impervious area within the LOD.
520
- 521 D. Talbot County may develop separate policies for providing water quality treatment for
522 redevelopment projects if the requirements of section 3.4 B. and C. of this Ordinance
523 cannot be met. Any separate redevelopment policy shall be reviewed and approved by
524 the Administration and may include, but not be limited to:
- 525
- 526 (1) A combination of ESD and an on-site or off-site structural BMP;
527
- 528 (2) Retrofitting including existing BMP upgrades, filtering practices, and off-site
529 ESD implementation;
530
- 531 (3) Participation in a stream restoration project;
532
- 533 (4) Pollution trading with another entity;
534
- 535 (5) Payment of a fee-in-lieu; or
536
- 537 (6) A partial waiver of the treatment requirements if ESD is not practicable.
538
- 539 E. The determination of what alternatives will be available may be made by
540 the County Engineer at the appropriate point in the development review process.
541 The County Engineer shall consider the prioritization of alternatives in 3.4 D of this
542 ordinance after it has been determined that it is not practicable to meet the 2009

543 regulatory requirements using ESD. In deciding what alternatives may be required, the
544 the County Engineer may consider factors including, but not limited to:

- 545
- 546 (1) Whether the project is in an area targeted for development incentives such as a
547 Priority Funding Area, a designated Transit Oriented Development area, or a
548 designated Base Realignment and Closure Revitalization and Incentive Zone;
 - 549
 - 550 (2) Whether the project is necessary to accommodate growth consistent with
551 comprehensive plans; or
 - 552
 - 553 (3) Whether bonding and financing have already been secured based on an approved
554 development plan.
 - 555
- 556 F. Stormwater management shall be addressed according to the new development
557 requirements in the Design Manual for any net increase in impervious area.
558

559 **3.5 Variance**

560

561 The County Engineer may grant a written variance from any requirement of section 4.0,
562 Stormwater Management Criteria, if there are exceptional circumstances applicable to the site
563 such that strict adherence will result in unnecessary hardship and not fulfill the intent of this
564 Ordinance. A written request for variance shall be provided to the County Engineer and shall
565 state the specific variances sought and reasons for their granting. The County Engineer shall not
566 grant a variance unless and until sufficient justification is provided by the person developing land
567 that the implementation of ESD to the MEP has been investigated thoroughly.
568

569 **4.0 STORMWATER MANAGEMENT CRITERIA**

570

571 **4.1 Minimum Control Requirements**

- 572
- 573 A. The minimum control requirements established in this section and the Design Manual are
574 as follows:
- 575
- 576 (1) Planning techniques, nonstructural practices, and design methods specified in the
577 Design Manual shall be used to implement ESD to the MEP. The use of ESD
578 planning techniques and treatment practices must be exhausted before any
579 structural BMP is implemented. Stormwater management plans for development
580 projects subject to this Ordinance shall be designed using ESD sizing criteria,
581 recharge volume, water quality volume, and channel protection storage volume
582 criteria according to the Design Manual. The MEP standard is met when channel
583 stability is maintained, predevelopment groundwater recharge is replicated,
584 nonpoint source pollution is minimized, and structural stormwater management
585 practices are used only if determined to be absolutely necessary.
 - 586
 - 587 (2) Control of the 2-year and 10-year frequency storm event is required according to
588 the Design Manual and all subsequent revisions if the County Engineer

589 determines that additional stormwater management is necessary because historical
590 flooding problems exist, or are anticipated, and downstream floodplain
591 development and conveyance system design cannot be controlled.

592
593 (3) The County Engineer may require more than the minimum control requirements
594 specified in this Ordinance if hydrologic or topographic conditions warrant or if
595 flooding, stream channel erosion, or water quality problems exist, or are
596 anticipated, downstream from a proposed project.

597
598 B. Alternate minimum control requirements may be adopted subject to Administration
599 approval. The Administration shall require a demonstration that alternative requirements
600 will implement ESD to the MEP and control flood damages, accelerated stream erosion,
601 water quality, and sedimentation. Comprehensive watershed studies may also be
602 required.

603
604 C. Stormwater management and development plans where applicable, shall be consistent
605 with adopted and approved watershed management plans or flood management plans as
606 approved by the Maryland Department of the Environment in accordance with the Flood
607 Hazard Management Act of 1976.

608
609 **4.2 Stormwater Management Measures**

610
611 The ESD planning techniques and practices and structural stormwater management measures
612 established in this Ordinance and the Design Manual shall be used, either alone or in
613 combination in a stormwater management plan. A developer shall demonstrate that ESD has
614 been implemented to the MEP before the use of a structural BMP is considered in developing the
615 stormwater management plan.

616
617 A. ESD Planning Techniques and Practices.
618
619 (1) The following planning techniques shall be applied according to the Design
620 Manual to satisfy the applicable minimum control requirements established in
621 section 4.1 of this Ordinance:

- 622
623 (a) Preserving and protecting natural resources;
624
625 (b) Conserving natural drainage patterns;
626
627 (c) Minimizing impervious area;
628
629 (d) Reducing runoff volume;
630
631 (e) Using ESD practices to maintain 100 percent of the annual
predevelopment groundwater recharge volume;
632
633 (f) Using green roofs, permeable pavement, reinforced turf, and other
alternative surfaces ;

- 632
633 (g) Limiting soil disturbance, mass grading, and compaction;
634
635 (h) Clustering development; and
636
637 (i) Any practices approved by the Administration and as
638 allowed by the County Engineer.
639
- 640 (2) The following ESD treatment practices shall be designed according to the Design
641 Manual to satisfy the applicable minimum control requirements established in
642 section 4.1 of this Ordinance:
643
- 644 (a) Disconnection of rooftop runoff;
645
646 (b) Disconnection of non-rooftop runoff;
647
648 (c) Sheetflow to conservation areas;
649
650 (d) Rainwater harvesting;
651
652 (e) Submerged gravel wetlands;
653
654 (f) Landscape infiltration;
655
656 (g) Infiltration berms;
657
658 (h) Dry wells;
659
660 (i) Micro-bioretenion;
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662 (j) Rain gardens;
663
664 (k) Swales;
665
666 (l) Enhanced filters; and
667
668 (m) Any practices approved by the Administration and as allowed by the
669 County Engineer.
- 670 (3) The use of ESD planning techniques and treatment practices specified in this
671 section shall not conflict with existing State law or local ordinances, regulations,
672 or policies.
- 673 B. Structural Stormwater Management Measures.
674
- 675 (1) The following structural stormwater management practices shall be designed
676 according to the Design Manual to satisfy the applicable minimum control

667 requirements established in section 4.1 of this Ordinance:

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- (a) Stormwater management ponds;
- (b) Stormwater management wetlands;
- (c) Stormwater management infiltration;
- (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 regions of the County.

- C. ESD planning techniques and treatment practices and structural stormwater management measures used to satisfy the minimum requirements in section 4.1 of this Ordinance must be recorded in the land records of Talbot County and remain unaltered by subsequent property owners. Prior approval from the County Engineer shall be obtained before any stormwater management practice is altered.
- D. Alternative ESD planning techniques and treatment practices and structural stormwater measures may be used for new development runoff control if they meet the performance criteria established in the Design Manual and all subsequent revisions and are approved by the Administration and allowed by the County Engineer. Practices used for redevelopment projects shall be approved by the County Engineer.
- E. For the purposes of modifying the minimum control requirements or design criteria, the owner/developer shall submit to the County Engineer 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 County Engineer, downstream of the first downstream tributary whose drainage area equals or exceeds the contributing area to the project or stormwater management facility.

4.3 Specific Design Criteria

710 The basic design criteria, methodologies, and construction specifications, subject to the approval
711 of the County Engineer and the Administration, shall be those of the Design Manual. Some of
712
713

714 the ESD techniques and systems, of Section 4.2, may not be available due to use or limitations of
715 a specific site, as determined by the County Engineer.

716

717 **5.0 STORMWATER MANAGEMENT PLANS**

718

719 **5.1 Review and Approval of Stormwater Management Plans**

720

721 A. For any proposed development, the owner/developer shall submit phased stormwater
722 management plans to Public Works for review and approval. At a minimum, plans shall
723 be submitted for the concept, site development, and final stormwater management
724 construction phases of project design. Each plan submittal shall include the minimum
725 content specified in section 5.2 of this Ordinance and meet the requirements of the
726 Design Manual and section 4.0 of this Ordinance.

727

728 B. Public Works shall perform a comprehensive review of the stormwater
729 management plans for each phase of site design. Coordinated comments will be provided
730 for each plan phase that reflect input from all appropriate agencies including, but not
731 limited to the Talbot County Soil Conservation District (SCD) and the departments of
732 Planning & Zoning, and Public Works . All comments from Public Works and other
733 appropriate agencies shall be addressed and approval received at each phase of project
734 design before subsequent submissions.

735

736 C. Proposed projects such as subdivisions and site plans (as defined in the Talbot County
737 Zoning, Subdivision and Land Management Ordinance), which require stormwater
738 management plans, must proceed through the review and approval process defined in that
739 Ordinance concurrently with the stormwater management review and approval process
740 described herein. Larger projects may proceed through the Technical Advisory
741 Committee (TAC) review and approval process administered by the Planning and Zoning
742 Office. For these projects, the phased review milestones of this Stormwater Management
743 Chapter, “concept,” “site development” and “final” correspond to the TAC process of
744 “sketch,” “preliminary” and “final” respectively.

745 **5.2 Contents and Submission of Stormwater Management Plans**

746

747 A. Concept Plan (TAC – Sketch Plan)

748 The owner/developer shall submit a concept plan that provides sufficient information for
749 an initial assessment of the proposed project and whether stormwater management can be
750 provided according to section 4.2 of this Ordinance and the Design Manual. Plans
751 submitted for concept approval shall include, but are not limited to:

752

753 (1) A map at a scale specified by County Engineer showing site location, existing
754 natural features, water and other sensitive resources, topography, and natural
755 drainage patterns;

756

- 757 (2) The anticipated location of all proposed impervious areas, buildings, roadways,
758 parking, sidewalks, utilities, and other site improvements;
759
- 760 (3) The location of the proposed limit of disturbance, erodible soils, steep slopes, and
761 areas to be protected during construction;
762
- 763 (4) Preliminary estimates of stormwater management requirements, the selection and
764 location of ESD practices to be used, and the location of all points of discharge
765 from the site;
766
- 767 (5) A narrative that supports the concept design and describes how ESD will be
768 implemented to the MEP; and
769
- 770 (6) Any other information required by the approving agency.
771

772 B. Site Development Plan (TAC – Preliminary Plan)

773 Following concept plan approval by the County Engineer, the owner/developer shall
774 submit site development plans that reflect comments received during the previous review
775 phase. Plans submitted for site development approval shall be of sufficient detail to
776 allow site development to be reviewed and include but not be limited to:
777

- 778 (1) All information provided during the concept plan review phase;
779
- 780 (2) Final site layout, exact impervious area locations and acreages, proposed
781 topography, delineated drainage areas at all points of discharge from the site, and
782 stormwater volume computations for ESD practices and quantity control
783 structures;
784
- 785 (3) A proposed erosion and sediment control plan that contains the construction
786 sequence, any phasing necessary to limit earth disturbances and impacts to natural
787 resources and an overlay plan showing the types and locations of ESD and
788 erosion and sediment control practices to be used;
789
- 790 (4) A narrative that supports the site development design, describes how ESD will be
791 used to meet the minimum control requirements, and justifies any proposed
792 structural stormwater management measure; and
793
- 794 (5) Any other information required by the County Engineer.
795

796 C. Final Plan (TAC – Final Plan)

797 Following site development approval by the County Engineer, the owner/developer
798 shall submit final erosion and sediment control and stormwater management plans that
799 reflect the comments received during the previous review phase. Plans submitted for
800 final approval shall be of sufficient detail to allow all approvals and permits to be issued
801 according to the following:
802

- 803 (1) Final erosion and sediment control plans shall be submitted according to COMAR

- 804 26.17.01.05; and
805
- 806 (2) Final stormwater management plans shall be submitted for approval in the form of
807 construction drawings and be accompanied by a report that includes sufficient
808 information to evaluate the effectiveness of the proposed runoff control design.
809
- 810 D. Reports submitted for final stormwater management plan approval shall include, but are
811 not limited to:
812
- 813 (1) Geotechnical investigations including soil maps, borings, site specific
814 recommendations, and any additional information necessary for the final
815 stormwater management design;
816
- 817 (2) Drainage area maps depicting predevelopment and post development runoff flow
818 path segmentation and land use;
819
- 820 (3) Hydrologic computations of the applicable ESD and unified sizing criteria
821 according to the Design Manual for all points of discharge from the site;
822
- 823 (4) Hydraulic and structural computations for all ESD practices and structural
824 stormwater management measures to be used;
825
- 826 (5) A narrative that supports the final stormwater management design; and
827
- 828 (6) Any other information required by the County Engineer.
829
- 830 E. Construction drawings submitted for final stormwater management plan approval shall
831 include, but are not limited to:
832
- 833 (1) A vicinity map;
834
- 835 (2) Existing and proposed topography and proposed drainage areas, including areas
836 necessary to determine downstream analysis for proposed stormwater
837 management facilities;
838
- 839 (3) Any proposed improvements including location of buildings or other structures,
840 impervious surfaces, storm drainage facilities, and all grading;
841
- 842 (4) The location of existing and proposed structures and utilities;
843
- 844 (5) Any easements and rights-of-way;
845
- 846 (6) The delineation, if applicable, of the 100-year floodplain and any on-site
847 wetlands;
848
- 849 (7) Structural and construction details including representative cross sections for all
850 components of the proposed drainage system or systems, and stormwater

- 851 management facilities;
852
853 (8) All necessary construction specifications;
854
855 (9) A sequence of construction;
856
857 (10) Data for total site area, disturbed area, new impervious area, and total impervious
858 area;
859
860 (11) A table showing the ESD and unified sizing criteria volumes required in the
861 Design Manual;
862
863 (12) A table of materials to be used for stormwater management facility planting;
864
865 (13) All soil boring logs and locations;
866
867 (14) An inspection and maintenance schedule;
868
869 (15) Certification by the owner/developer that all stormwater management
870 construction will be done according to this plan;
871
872 (16) An as-built certification signature block to be executed after project completion;
873 and
874
875 (17) Any other information required by the County Engineer.
876
877 F. If a stormwater management plan involves direction of some or all runoff off of the site,
878 it is the responsibility of the developer to obtain from adjacent property owners any
879 easements or other necessary property interests concerning flowage of water. Approval
880 of a stormwater management plan does not create or affect any right to direct runoff onto
881 adjacent property without that property owner's permission.
882

5.3 Preparation of Stormwater Management Plans

- 883
884
885 A. The design of stormwater management plans shall be prepared by any individual whose
886 qualifications are acceptable to the County Engineer. The County Engineer may require
887 that the design be prepared by either a professional engineer, professional land surveyor,
888 or landscape architect licensed in the State, as necessary to protect the public or the
889 environment.
890
891 B. If a stormwater BMP requires either a dam safety permit from MDE or small pond
892 approval from the Talbot County Soil Conservation District, the design shall be
893 prepared by a professional engineer licensed in the State.
894

6.0 PERMITS

6.1 Permit Requirement

898
899 A grading or building permit may not be issued for any parcel or lot unless final erosion and
900 sediment control plans have been approved by Talbot County Soil Conservation District and
901 stormwater management plans have been approved by the County Engineer as meeting all the
902 requirements of the Design Manual and this Ordinance. Where appropriate, a building permit
903 may not be issued without:

- 904
905 A. Recorded easements for the stormwater management facility and easements to provide
906 adequate access for inspection and maintenance from a public right-of-way;
907
908 B. A recorded stormwater management maintenance agreement as described in section 9.2
909 of this Ordinance; and
910
911 C. A performance bond as described in section 7.0 of this Ordinance.

912
913 **6.2 Permit Fee**

914
915 Non-refundable permit fees will be collected at each phase of stormwater management plan
916 submittal. Permit fees will provide for the cost of plan review, administration, and management
917 of the permitting process, and inspection of all projects subject to this Ordinance. A permit fee
918 schedule shall be established by the Talbot County Council based upon the relative complexity
919 of the project and may be amended from time to time.

920 **6.3 Permit Suspension and Revocation**

921
922 Any grading or building permit issued by Talbot County may be suspended or revoked after
923 written notice is given to the permittee for any of the following reasons:

- 924
925 A. Any violation(s) of the conditions of the stormwater management plan approval;
926
927 B. Changes in site runoff characteristics upon which an approval or waiver was granted;
928
929 C. Construction is not in accordance with the approved plan;
930
931 D. Noncompliance with correction notice(s) or stop work order(s) issued for the construction
932 of any stormwater management practice; and
933
934 E. An immediate danger exists in a downstream area in the opinion of the County Engineer.

935
936 **6.4 Permit Conditions**

937
938 In granting an approval for any phase of site development, the County Engineer may impose
939 such conditions that may be deemed necessary to ensure compliance with the provisions of this
940 Ordinance and the preservation of public health and safety.

941
942 **7.0 PERFORMANCE BOND**

943

944 The County Engineer shall require from the developer a surety or cash bond, irrevocable letter of
945 credit, or other means of security acceptable to Talbot County prior to the issuance of any
946 building and/or grading permit for the construction of a development requiring stormwater
947 management. The amount of the security shall not be less than one hundred twenty-five percent
948 (125%) of the total estimated construction cost of all stormwater management facilities. The
949 bond required in this section shall include provisions relative to forfeiture for failure to complete
950 work specified in the approved stormwater management plan, compliance with all of the
951 provisions of this Ordinance, and other applicable laws and regulations, and any time limitations.
952 The bond shall not be fully released without a final inspection of the completed work by the
953 County Engineer or his designee, submission of "as-built" plans, and certification of completion
954 by the County Engineer or his authorized representative that all stormwater management
955 facilities comply with the approved plan and the provisions of this Ordinance.
956

957 **8.0 INSPECTION**

958 **8.1 Inspection Schedule and Reports**

- 960
- 961 A. The developer shall notify the County Engineer at least 48 hours before commencing any
962 work in conjunction with site development, the stormwater management plan, and upon
963 completion of the project.
964
- 965 B. Regular inspections shall be made and documented for each ESD planning technique and
966 practice at the stages of construction specified in the Design Manual by the County
967 Engineer, his authorized representative, or certified by a professional engineer licensed in
968 the State of Maryland. At a minimum, all ESD and other nonstructural practices shall be
969 inspected upon completion of final grading, the establishment of permanent stabilization,
970 and before issuance of use and occupancy approval.
971
- 972 C. Written inspection reports shall include:
973
- 974 (1) The date and location of the inspection;
 - 975
 - 976 (2) Whether construction was in compliance with the approved stormwater
977 management plan;
 - 978
 - 979 (3) Any variations from the approved construction specifications; and
980
 - 981 (4) Any violations that exist.
982
- 983 D. The owner/developer and on-site personnel shall be notified in writing when violations
984 are observed. Written notification shall describe the nature of the violation and the
985 required corrective action.
986
- 987 E. No work shall proceed on the next phase of development until the the County Engineer or
988 his authorized representative inspects and approves the work previously completed and
989 furnishes the developer with the results of the inspection reports as soon as possible after
990 completion of each required inspection.

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8.2 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) Wetlands – at the stages specified for pond construction in section 8.2 A (1) of this Ordinance, during and after wetland reservoir area planting, and during the second growing season to verify a vegetation survival rate of at least 50 percent.
 - (3) For infiltration trenches:
 - (a) During excavation to subgrade;
 - (b) During placement and backfill of under drain 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

- 1038 stabilization.
- 1039
- 1040 (4) For infiltration basins – at the stages specified for pond construction in section 8.2
- 1041 A. (1) of this Ordinance and during placement and backfill of under drain
- 1042 systems.
- 1043
- 1044 (5) For filtering systems:
- 1045
- 1046 (a) During excavation to subgrade;
- 1047
- 1048 (b) During placement and backfill of under drain systems;
- 1049
- 1050 (c) During placement of geotextiles and all filter media;
- 1051
- 1052 (d) During construction of appurtenant conveyance systems such as flow
- 1053 diversion structures, pre-filters and filters, inlets, outlets, orifices, and flow
- 1054 distribution structures; and
- 1055
- 1056 (e) Upon completion of final grading and establishment of permanent
- 1057 stabilization.
- 1058
- 1059 (6) For open channel systems:
- 1060
- 1061 (a) During excavation to subgrade;
- 1062
- 1063 (b) During placement and backfill of under drain systems for dry swales;
- 1064
- 1065 (c) During installation of diaphragms, check dams, or weirs; and
- 1066
- 1067 (d) Upon completion of final grading and establishment of permanent
- 1068 stabilization.
- 1069
- 1070 B. The County Engineer may, for enforcement purposes, use any one or a combination of
- 1071 the following actions:
- 1072
- 1073 (1) A notice of violation shall be issued specifying the need for corrective action if
- 1074 stormwater management plan noncompliance is identified;
- 1075
- 1076 (2) A stop work order shall be issued for the site by the County if a violation persists;
- 1077
- 1078 (3) Bonds or securities shall be withheld or the case may be referred for legal action
- 1079 if reasonable efforts to correct the violation have not been undertaken; or
- 1080
- 1081 (4) In addition to any other sanctions, a civil action or criminal prosecution may be
- 1082 brought against any person in violation of the Stormwater Management Subtitle,
- 1083 the Design Manual, or this Ordinance.
- 1084

- 1085 C. Any step in the enforcement process may be taken at any time, depending on the severity
1086 of the violation.
1087
- 1088 D. Once construction is complete, "as-built" plan certification shall be submitted by either a
1089 professional engineer or professional land surveyor licensed in the State of Maryland, as
1090 approved by the County Engineer, to ensure that ESD planning techniques, treatment
1091 practices, and structural stormwater management measures and conveyance systems
1092 comply with the specifications contained in the approved plans. At a minimum, "as-
1093 built" certification shall include a set of drawings comparing the approved stormwater
1094 management plan with what was constructed. The County Engineer may require
1095 additional information.
1096
- 1097 E. Talbot County shall submit notice of construction completion to the Administration on a
1098 form supplied by the Administration for each structural stormwater management practice
1099 within 45 days of construction completion. The type, number, total drainage area, and
1100 total impervious area treated by all ESD techniques and practices shall be reported to the
1101 Administration on a site by site basis. If BMPs requiring SCD approval are constructed,
1102 notice of construction completion shall also be submitted to the appropriate SCD.

1103 **9.0 MAINTENANCE**

1104

1105 **9.1 Maintenance Inspection**

1106

- 1107 A. Talbot County shall ensure that preventative maintenance is performed by inspecting all
1108 ESD treatment systems and structural stormwater management measures. Inspection
1109 shall occur during the first year of operation and at least once every 3 years thereafter. In
1110 addition, a maintenance agreement between the owner and Talbot County shall be
1111 executed for privately-owned ESD treatment systems and structural stormwater
1112 management measures as described in section 9.2 of this Ordinance.
1113
- 1114 B. Inspection reports shall be maintained by Public Works for all ESD treatment systems
1115 and structural stormwater management measures.
1116
- 1117 C. Inspection reports for ESD treatment systems and structural stormwater management
1118 measures shall include the following:
1119
- 1120 (1) The date of inspection;
 - 1121
 - 1122 (2) Name of inspector;
 - 1123
 - 1124 (3) An assessment of the quality of the stormwater management system related to
1125 ESD treatment practice efficiency and the control of runoff to the MEP;
 - 1126
 - 1127 (4) The condition of:
1128
 - 1129 (a) Vegetation or filter media;

- 1130
- 1131 (b) Fences or other safety devices;
- 1132
- 1133 (c) Spillways, valves, or other control structures;
- 1134
- 1135 (d) Embankments, slopes, and safety benches;
- 1136
- 1137 (e) Reservoir or treatment areas;
- 1138
- 1139 (f) Inlet and outlet channels or structures;
- 1140
- 1141 (g) Underground drainage;
- 1142
- 1143 (h) Sediment and debris accumulation in storage and forebay areas;
- 1144
- 1145 (i) Any nonstructural practices to the extent practicable; and
- 1146
- 1147 (j) Any other item that could affect the proper function of the stormwater
- 1148 management system.

1149

1150 (5) Description of needed maintenance.

1151

- 1152 D. Upon notifying an owner of the inspection results, the owner shall have 30 days, or other
- 1153 time frame mutually agreed to between the County Engineer and the owner, to correct the
- 1154 deficiencies discovered. The County Engineer or his authorized representative shall
- 1155 conduct a subsequent inspection to ensure completion of the repairs.
- 1156
- 1157 E. If repairs are not properly undertaken and completed, enforcement procedures following
- 1158 section 9.2 C. of this Ordinance shall be followed by Talbot County.
- 1159
- 1160 F. If, after an inspection by the County Engineer or his authorized representative, the
- 1161 condition of a stormwater management facility is determined to present an immediate
- 1162 danger to public health or safety because of an unsafe condition, improper construction,
- 1163 or poor maintenance, Talbot County shall take such action as may be necessary to protect
- 1164 the public and make the facility safe. Any cost incurred by the County/Municipality shall
- 1165 be assessed against the owner(s), as provided in section 9.2 C. of this Ordinance.
- 1166

1167 **9.2 Maintenance Agreement**

1168

- 1169 A. Prior to the issuance of any building permit for which stormwater management is
- 1170 required, Talbot County shall require the applicant or owner to execute an inspection and
- 1171 maintenance agreement binding on all subsequent owners of land served by a private
- 1172 stormwater management facility. Such agreement shall provide for access to the facility
- 1173 at reasonable times for regular inspections by the County Engineer or his authorized
- 1174 representative to ensure that the facility is maintained in proper working condition to
- 1175 meet design standards.
- 1176

- 1177 B. The agreement shall be recorded by the applicant or owner in the land records of Talbot
1178 County.
1179
- 1180 C. The agreement shall also provide that, if after notice by the County Engineer to correct a
1181 violation requiring maintenance work, satisfactory corrections are not made by the
1182 owner(s) within a reasonable period of time (30 days maximum), Talbot County or its
1183 designee may perform all necessary work to place the facility in proper working
1184 condition. The owner(s) of the facility shall be assessed the cost of the work and any
1185 penalties. This may be accomplished by placing a lien on the property, which may be
1186 placed on the tax bill and collected as ordinary taxes by Talbot County.
1187

9.3 Maintenance Responsibility

- 1188
1189
- 1190 A. The owner of a property that contains private stormwater management facilities installed
1191 pursuant to this Ordinance, or any other person or agent in control of such property, shall
1192 maintain in good condition and promptly repair and restore all ESD practices, grade
1193 surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control
1194 measures, and other protective devices in perpetuity. Such repairs or restoration and
1195 maintenance shall be in accordance with previously approved or newly submitted plans.
1196
- 1197 B. A maintenance schedule shall be developed for the life of any structural stormwater
1198 management facility or system of ESD practices and shall state the maintenance to be
1199 completed, the time period for completion, and the responsible party what will perform
1200 the maintenance. This maintenance schedule shall be printed on the approved stormwater
1201 management plan.
1202

10.0 APPEALS

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1204

1205 Any person aggrieved by the action of any official charged with the enforcement of this
1206 Ordinance, as the result of the disapproval of a properly filed application for a permit, issuance
1207 of a written notice of violation, or an alleged failure to properly enforce the Ordinance in regard
1208 to a specific application, shall have the right to appeal the action to the Talbot County Board of
1209 Appeals. The appeal shall be filed in writing within 30 days of the date of official transmittal of
1210 the final decision or determination to the applicant, state clearly the grounds on which the appeal
1211 is based, and be processed in the manner prescribed for hearing administrative appeals under
1212 Chapter 20, *Board of Appeals*, of the Talbot County Code.
1213

11.0 SEVERABILITY

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1215

1216 If any portion of this Ordinance is held invalid or unconstitutional by a court of competent
1217 jurisdiction, such portion shall not affect the validity of the remaining portions of this Ordinance.
1218 It is the intent of Talbot County that this Ordinance shall stand, even if a section, subsection,
1219 sentence, clause, phrase, or portion may be found invalid.
1220

12.0 PENALTIES

1221
1222

1223 Any person convicted of violating the provisions of this Ordinance shall be guilty of a

1224 misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five
1225 Thousand Dollars (\$5,000.00) or imprisonment not exceeding 1 year or both for each violation
1226 with costs imposed in the discretion of the court and not to exceed Fifty Thousand Dollars
1227 (\$50,000.00). Each day that a violation continues shall be a separate offense. In addition,
1228 Talbot County may institute injunctive, mandamus or other appropriate action or proceedings of
1229 law to correct violations of this Ordinance. Any court of competent jurisdiction shall have the
1230 right to issue temporary or permanent restraining orders, injunctions or mandamus, or other
1231 appropriate forms of relief.
1232

SECTION TWO: BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage.

SECTION THREE: AND BE IT FURTHER ENACTED, That if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. _____ having been published, a public hearing was held on _____.

BY THE COUNCIL

Read the third time.

ENACTED _____

By Order _____
Susan W. Moran, Secretary

Harrison -

Pack -

Duncan -

Foster -

Bartlett -