

AN ORDINANCE OF COMMISSIONERS OF MARDELA SPRINGS, MARYLAND, ADOPTING RULES AND REGULATIONS, PURSUANT TO ARTICLE 96A, SECTION 105-110 OF THE ANNOTATED CODE OF MARYLAND, TO SAFEGUARD THE NATURAL RESOURCES OF THE MUNICIPALITY BY ESTABLISHING MINIMUM REQUIREMENTS FOR THE CONTROL OF GRADING AND EARTH MOVING; THE PURPOSE OF THIS ORDINANCE IS TO SAFEGUARD THE NATURAL RESOURCES OF THE MUNICIPALITY BY ESTABLISHING MINIMUM REQUIREMENTS FOR THE CONTROL OF GRADING AND EARTH MOVING; TO PROVIDE MEASURES TO CONTROL SOIL EROSION AND SEDIMENTATION; AND TO ESTABLISH PROCEDURES BY WHICH THESE REQUIREMENTS AND MEASURES ARE TO BE ADMINISTERED AND ENFORCED, PROVIDING FOR THE ISSUANCE OF A MUNICIPAL AND/OR COUNTY GRADING PERMIT AND PROVIDING FOR IMPLEMENTATION OF THE PENALTIES AS REQUIRED BY THE AFOREMENTIONED STATE LAW.

BE IT ENACTED AND ORDAINED by the Commissioners of Mardela Springs, Maryland, under and by virtue of the authority contained in Article 96A, Section 105-110 of the Annotated Code of Maryland (1957 Edition) the following rules, regulations and provisions be enacted, adopted and established.

Section 1: SCOPE

A. A Municipal and/or County Grading Permit must be obtained prior to the start of any grading, clearing, filling or other earth change which may:

1. Introduce sediment into any watercourse of the Municipality or County, or
2. Move more than 100 cubic yards of earth, or
3. Involve the movement of earth to an equivalent of \$100.00 or more of normal cost.

B. A grading permit shall not be required for the following:

1. Any right-of-way which is part of a subdivision for which there is a valid Public Works agreement in effect, and as part of which sediment control measures have been provided for and installed, and maintenance has been assured until the Commissioners of Mardela Springs
2. An excavation below finished grade for basements and footings of a building, for retaining walls, or similar structures attendant to the principal building authorized by a valid building permit. The resulting fill shall:

- a. not exceed a vertical height of two (2) feet at

its deepest point as measured from the natural ground surface,

b. not be placed on a surface having a slope steeper than five (5) horizontal to one (1) vertical,

c. not impair existing surface drainage, constitute a potential erosion hazard or a source of sedimentation to any adjacent land or water course,

d. have no final slopes steeper than one (1) foot vertical in three (3) feet horizontal, and

e. have all disturbed areas promptly seeded or sodded as soon as the season permits.

3. An excavation which:

a. is less than four (4) feet in vertical depth at its deepest point as measured from the natural ground surface,

b. does not result in total quantity of more than 50 cubic yards of material on any lot, parcel or subdivision thereof,

c. Does not impair existing surface drainage, constitute a potential erosion hazard, or act as a source of sedimentation to any adjacent land or water course,

d. has no final slopes steeper than one (1) foot vertical in three (3) feet horizontal, and

e. has all disturbed areas promptly seeded or sodded as soon as the season permits.

4. A fill which:

a. is less than four (4) feet in vertical height at its deepest point as measured from the natural ground surface,

b. is placed on a surface having a slope not steeper than five (5) feet horizontal to one (1) foot vertical,

c. does not exceed a total of 50 cubic yards of material on any lot, parcel or subdivision thereof,

d. does not impair existing surface drainage, constitute a potential erosion hazard or act as a source of sedimentation to any adjacent land or water course,

e. has no final slopes steeper than one (1) foot vertical in three (3) feet horizontal, and

f. has all disturbed areas promptly seeded or sodded as soon as the season permits.

5. Accepted agricultural land management practices such as plowing, and nursery operations such as the removal and/or transplanting of cultivated sod, shrubs, and trees and tree cutting at or above existing ground, leaving the stump, ground cover and root mat intact.

6. The Stockpiling, with slopes at a natural angle or repose, of raw or processed sand, stone and gravel at quarries, concrete, asphalt and material processing plants and storage yards, providing approved sediment and erosion control measures have been employed to protect against off-site damages.

7. Refuse disposal areas or sanitary landfills operated and conducted in accordance with the requirements, rules and ordinances adopted by Commissioners of Mardela Springs, Wicomico County and the State of Maryland. Exemption from permit, however, does not exempt these projects from other aspects of this Ordinance including inspection as covered in this Ordinance.

8. Grading and trenching for utility installations within:

a. Highway rights-of-way.

b. Utility easements immediately adjacent to road or street rights-of-way or in the space on abutting lot(s) needed to accommodate the respective house connections, provided, however, that all grading or trenching involved does not disturb the natural terrain, and that if during the course of utility operations any erosion and sediment control measures previously in place are disturbed or destroyed, the utility company shall restore or repair such measures to their original condition.

9. Individual private septic systems which do not disturb the material terrain.

10. Grading, as a maintenance measure, or for landscaping purposes on existing developed lots or parcels, provided:

a. The aggregate of area(s) affected, or bared at any one

time does not exceed 1,800 square feet.

b. The grade change does not exceed twelve (12) inches at any point and does not alter the drainage pattern.

c. All bare earth is promptly seeded, sodded or otherwise effectively protected from erosive actions.

d. The grading does not involve a quantity of material in excess of 50 cubic yards.

11. Authorized Commissioners of Mardela Springs Capital Improvement and Public Works Projects. Exemption from permit, however, does not exempt these projects from other aspects of this Ordinance including inspection as covered in this Ordinance.

12. Construction of single-family residences and/or their accessory buildings on lots of two (2) acres or more.

13. The construction of agricultural structures such as barns sheds, poultry house and non-commercial grain storage facilities.

c. All provisions of this article must be satisfied prior to issuance of a building permit.

Section 2: CONDITIONS OF APPROVAL OR DENIAL.

Commissioners of Mardela Springs reserves the right to impose such conditions on the grading permit as may be reasonable to prevent creation of a nuisance or dangerous conditions, and to deny the issuance of a grading permit where the proposed work would cause hazards adverse to the public safety and welfare.

Section 3: PERMIT APPLICATION.

Application forms for a "Grading Permit" will be available at the office of the Commissioners of Mardela Springs and/or the Department of Public Works of Wicomico County, Maryland or such other places as the Commissioners of Mardela Springs shall direct. The form, when completed, shall provide sufficient information to identify the applicant, the place and nature of the work to be done, and the steps or procedures to be taken to control erosion and sedimentation, and approximate beginning and ending time for soil earth moving. Acceptable standards and specifications for soil erosion and sediment control shall be

available in the office of the Wicomico Soil Conservation District. Where developments are involved (commercial, industrial, or two or more residential units or lots), the developer shall include in the application a grading and an erosion and sediment control plan designed by a professional engineer registered in the State of Maryland and a certificate that all land clearing, construction and development will be done pursuant to the said plan.

Section 4: ISSUANCE OF PERMITS.

Proposed steps and procedures to control erosion and sedimentation must be approved by the Wicomico Soil Conservation District prior to issuance of a grading permit by Commissioners of Mardela Springs. Erosion and sediment control plans, when required, must be approved by the Wicomico Soil Conservation District. Issuance of a municipal grading permit does not eliminate the requirement for obtaining a Department of Natural Resources Permit, if required under conditions specified by State Law.

Section 5: PERMIT SUSPENSION.

In the event that work performed does not conform to the provisions of the permit, or to the approved plans and specifications, or to any written instructions of the Department of Public Works of Wicomico County and/or Commissioners of Mardela Springs, a written notice to comply shall be given to the permittee. Such notice shall set forth the nature of the corrections required and the time within which corrections shall be made. Failure to comply with such written notice shall be deemed justification for suspension of the permit, which will require that all work stop except that necessary for correction of the violation. Upon correction of the violation the permittee may apply for removal of the suspension.

Section 6: PERMIT CANCELLATION.

After suspension of a grading permit, if corrections required are not completed within the time period specified as provided in

Section 5 above, the permit shall be cancelled. In event of cancellation, any bonds or cash deposits posted with the Commissioners shall be used for work on the site to prevent erosion.

Section 7: GUARANTEE OF COMPLETION.

When deemed necessary by the Department of Public Works and/or Commissioners of Mardela Springs, the permittee shall be required, prior to the issuance of grading permit, to post with Commissioners of Mardela Springs a cash deposit, performance bond from an approved corporate surety, or other collateral acceptable to said Commissioners. The amount posted shall be sufficient to guarantee that in event provisions of the permit are not completed satisfactorily, or that the permit is cancelled, the site can be restored to a condition meeting the minimum requirements of the standards for erosion control.

Section 8: TIME LIMITATIONS.

A grading permit shall be valid for a period of one (1) year from the date of issuance. Upon request and adequate justification of a permittee, the Department of Public Works of Wicomico County and/or Commissioners of Mardela Springs may grant a six (6) month extension of validity.

Section 9: INSPECTIONS.

A. The Commissioners of Mardela Springs and/or the Department of Public Works of Wicomico County shall be responsible for detecting violations of this Ordinance, requiring compliance with provisions of approved Grading Permits, and initiating appropriate action against offenders. The Department of Public Works and/or Commissioners of Mardela Springs shall make a final on-site inspection when the work covered by an application is reported completed, and shall forward its report to the Wicomico Soil Conservation District.

B. The permittee shall request the Department of Public Works and/or Commissioners of Mardela Springs to make inspections at the following stages of work:

1. Prior to initiating any grading operation, to inspect the natural site and to approve a written description of the supervision

and construction control program.

2. Upon completion of preparation of ground to receive fill but prior to beginning any placement.

3. Upon completion of final grading, permanent drainage and erosion control facilities, but prior to any seeding, sodding or planting.

4. Upon completion of installation of all vegetative measures and all work in accordance with the grading permit.

C. The Department of Public Works and/or Commissioners of Mardela Springs may make any additional inspections deemed necessary and may waive any of the inspections listed above except the final site inspection. Inspections requested shall be completed within ten (2) working days.

Section 10: ENFORCEMENT.

Any violation of this Ordinance shall be deemed a misdemeanor and the person, partnership, or corporation who is found guilty of violation shall be subject to a fine not exceeding five thousand dollars (\$5,000.00) or one year's imprisonment for each and every violation. Any agency whose approval is required under this Ordinance or any person in interest may seek an injunction against any person, partnership, or corporation, whether public or private, violating or threatening violation of any provisions of this Ordinance. Notice of violation of the provisions of this Ordinance shall be filed with the Maryland Department of Natural Resources as well as with appropriate municipal and/or County agencies.

Section 11: PERMIT FEE.

A fee of ten dollars (\$10.00) will be fixed for the granting of Grading Permits by Commissioners of Mardela Springs who shall have the right to adjust the same by resolution.

Section 12: EFFECTIVE DATE.

The provisions of this Ordinance shall become effective ten days after it has been adopted by the Commissioners of Mardela Springs.

The above Ordinance was introduced on *August 12*, 1971,
by *Celia Beach* and after having been duly advertised
as required by law, it was finally passed on the *9th* day of
Sept., 1971.

ATTEST:

Lucien Bermet

COMMISSIONERS OF MARDELA SPRINGS

BY: *George W. Dennis*
President

(5) Not from the other dwelling or business building on said lot;

((4) Said trailer and/or mobile home shall be placed on a lot or parcel of land where situate in such manner that the front of said trailer or mobile home parallels the street on which said lot or parcel of land is situate, thereby requiring said trailer or mobile home to be so placed that the length of same is parallel to and not perpendicular to said street;

(g) Each trailer and/or mobile home license issued under the provisions of this ordinance shall contain a statement that the licensee shall maintain the trailer and/or mobile home and premises upon which it is located in a neat and sanitary condition, that the licensee shall not remove the wheels and/or undercarriage of said trailer and/or mobile home and place it upon a permanent foundation, and shall abide by all rules, regulations and orders issued by proper authority affecting the occupation of trailers and/or mobile homes as places of habitation;

(h) Any trailer and/or mobile home licensee failing to maintain his trailer and/or mobile home and/or premises in a neat and sanitary manner may have his said license revoked by Commissioners of Mardela Springs;

(i) Any trailer and/or mobile home licensee removing or attempting to remove the wheels and undercarriage of any trailer and/or mobile home and placing or attempting to place said trailer and/or mobile home on a permanent foundation shall have his said license revoked by the Commissioners of Mardela Springs;

Section 2. AND BE IT FURTHER ENACTED AND ORDAINED BY COMMISSIONERS OF MARDELA SPRINGS, that any person using a trailer and/or mobile home as a place of habitation within the corporate limits of Mardela Springs without having obtained a license therefor as provided by Section 1 of this ordinance or continuing to use a trailer and/or mobile home as a place of habitation after his trailer license and/or mobile home license has been revoked shall be deemed guilty of a misdemeanor and upon conviction therefor shall pay a fine of not less than Ten Dollars

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