

**ORDINANCE NO. 41**

**AN ORDINANCE TO ADOPT CHAPTER 196 OF THE WICOMICO COUNTY CODE RELATING TO STORMWATER MANAGEMENT AND TO PERMIT EMPLOYEES AND AGENT OF WICOMICO COUNTY TO ENFORCE ITS PROVISIONS WITHIN THE TOWN OF MARDELA SPRINGS.**

**WHEREAS** the State of Maryland has required all local jurisdiction with planning and zoning authority to establish their own Stormwater Management program consistent with the laws and requirements established by the State.

**WHEREAS** Wicomico County has offered to enforce the provisions of its Stormwater Management code within the boundaries of the Town if the Town adopts that section of the County Code.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE COMMISSIONERS OF MARDELA SPRINGS, as follows:**

**SECTION ONE** – That Chapter 196, inclusive, of the Wicomico County Code, as amended from time to time, be and hereby is adopted by the Commissioners of Mardela Springs.

**SECTION TWO** – That Wicomico County, its agents and employees, be and hereby are authorized to enforce the provisions of Chapter 196 of the Wicomico County Code within the Town of Mardela Springs in the same manner and with the same authority as they would in Wicomico County.

**SECTION THREE** – That any and all provisions of the current laws and ordinances of the Town of Mardela Springs which in any way conflict with or could in any way be interpreted in a manner inconsistent with Chapter 196 of Wicomico County Code be and hereby are declared void and repealed.

**SECTION FOUR** – That this Ordinance shall take effect immediately after its final passage.

This Ordinance having been read and passed on first reading on the 19<sup>th</sup> day of August 2003, and having been published as required by law and a second reading and public hearing having been held it was finally passed on the 16<sup>th</sup> day of September, 2003.

**ATTESTED:**

**COMMISSIONERS OF MARDELA SPRINGS**

Terda Whitelock

**TOWN CLERK**

By: David Insley

**DAVID INSLEY, PRESIDENT**

**ENROLLED**

**COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND  
LEGISLATIVE SESSION (SECOND), JUNE, 2001  
SECOND LEGISLATIVE SESSION, 2001**

**BILL NO. 2001-10**

Introduced June 1, 2001

BY: Mr. Molnar, Ms. Taylor-White, Mr. Tilghman, Mr. Taylor, Mrs. Prettyman, Mr. Long, and Mr. Ennis.

AN ACT to revise Chapter 196 of the Wicomico County Code, titled "Stormwater Management" to comply with the requirements of the Maryland Department of Environment Water Management Administration established in the Code of Maryland Regulations adopted June 16, 2000.

WHEREAS, it appears advisable to revise Chapter 196 of the Wicomico County Code, upon the favorable recommendation of the Director of the Department of Public Works to adopt a uniform Stormwater Management code with modifications pertinent to Wicomico County.

WHEREAS, the County Council of Wicomico County, Maryland hereby finds that an emergency measure revising Stormwater Management regulations is required in order to provide for the health, safety and welfare of the citizens of Wicomico County, and to comply with state law as set forth in COMAR 26.17.02.03 requiring implementation prior to July 1, 2001.

**SECTION 1:** BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that Chapter 196, entitled "Stormwater Management" be and the same is hereby repealed and reenacted with amendments, to read as follows:

**CHAPTER 196  
STORMWATER MANAGEMENT**

**ARTICLE I  
GENERAL PROVISIONS**

**SECTION 196-1. PURPOSE AND AUTHORITY**

- A. THE PURPOSE OF THIS CHAPTER IS TO PROTECT, MAINTAIN AND ENHANCE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE BY ESTABLISHING MINIMUM REQUIREMENTS AND PROCEDURES TO CONTROL THE ADVERSE IMPACTS ASSOCIATED WITH INCREASED STORMWATER RUNOFF. PROPER MANAGEMENT OF STORMWATER RUNOFF WILL MINIMIZE DAMAGE TO PUBLIC AND PRIVATE PROPERTY, REDUCE THE EFFECTS OF DEVELOPMENT ON LAND, CONTROL STREAM CHANNEL EROSION, REDUCE LOCAL FLOODING, AND MAINTAIN AFTER DEVELOPMENT, AS NEARLY AS POSSIBLE, THE PRE-DEVELOPMENT RUNOFF CHARACTERISTICS.
- B. THE PROVISIONS OF THIS CHAPTER, PURSUANT TO THE ENVIRONMENT ARTICLE, TITLE 4, SUBTITLE 2, ANNOTATED CODE OF MARYLAND, 1993 REPLACEMENT VOLUME, ARE ADOPTED UNDER THE AUTHORITY OF THE WICOMICO COUNTY CODE AND SHALL APPLY TO ALL DEVELOPMENT OCCURRING WITHIN THE UNINCORPORATED AREA OF WICOMICO COUNTY.
- C. THE APPLICATION OF THIS CHAPTER AND PROVISIONS EXPRESSED HEREIN SHALL BE THE MINIMUM STORMWATER MANAGEMENT REQUIREMENTS AND SHALL NOT BE DEEMED A LIMITATION OR REPEAL OF ANY OTHER POWERS GRANTED BY STATE STATUTE. THE DEPARTMENT OF PUBLIC WORKS SHALL BE RESPONSIBLE FOR THE COORDINATION AND ENFORCEMENT OF THE PROVISIONS OF THIS CHAPTER.

**SECTION 196-2 INCORPORATION BY REFERENCE.**

FOR THE PURPOSE OF THIS CHAPTER, THE FOLLOWING DOCUMENTS ARE INCORPORATED BY REFERENCE:

- A. THE 2000 MARYLAND STORMWATER DESIGN MANUAL, VOLUMES I & II (MARYLAND DEPARTMENT OF THE ENVIRONMENT, APRIL 2000) SHALL SERVE AS THE OFFICIAL GUIDE FOR STORMWATER PRINCIPLES, METHODS, AND PRACTICES.
- B. USDA NATURAL RESOURCES CONSERVATION SERVICE MARYLAND CONSERVATION PRACTICE STANDARD POND CODE 378 (JANUARY 2000).

SECTION 196-3 DEFINITIONS

A. FOR THE PURPOSE OF THIS CHAPTER, THE FOLLOWING DEFINITIONS DESCRIBE THE MEANING OF THE TERMS USED IN THIS CHAPTER:

- (1) "ADMINISTRATION" - THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) WATER MANAGEMENT ADMINISTRATION (WMA).
- (2) "ADVERSE IMPACT" - ANY DELETERIOUS EFFECT ON WATERS OR WETLANDS, INCLUDING THEIR QUALITY, QUANTITY, SURFACE AREA, SPECIES COMPOSITION, AESTHETICS OR USEFULNESS FOR HUMAN OR NATURAL USES WHICH ARE OR MAY POTENTIALLY BE HARMFUL OR INJURIOUS TO HUMAN HEALTH, WELFARE, SAFETY OR PROPERTY, TO BIOLOGICAL PRODUCTIVITY, DIVERSITY, OR STABILITY OR WHICH UNREASONABLY INTERFERE WITH THE ENJOYMENT OF LIFE OR PROPERTY, INCLUDING OUTDOOR RECREATION.
- (3) "AGRICULTURAL LAND MANAGEMENT ACTIVITIES" - THOSE METHODS AND PROCEDURES USED IN THE CULTIVATION OF LAND IN ORDER TO FURTHER CROP AND LIVESTOCK PRODUCTION AND CONSERVATION OF RELATED SOIL AND WATER RESOURCES.
- (4) "APPLICANT" - 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.
- (5) "AQUIFER" - A POROUS WATER BEARING GEOLOGIC FORMATION GENERALLY RESTRICTED TO MATERIALS CAPABLE OF YIELDING AN APPRECIABLE SUPPLY OF WATER.
- (6) "BEST MANAGEMENT PRACTICE (BMP)" - A STRUCTURAL DEVICE OR NONSTRUCTURAL PRACTICE DESIGNED TO TEMPORARILY STORE OR TREAT STORMWATER RUNOFF IN ORDER TO MITIGATE FLOODING, REDUCE POLLUTION, AND PROVIDE OTHER AMENITIES.
- (7) "CHANNEL PROTECTION STORAGE VOLUME ( $C_{pv}$ )" - THE VOLUME USED TO DESIGN STRUCTURAL MANAGEMENT PRACTICES TO CONTROL STREAM CHANNEL EROSION. METHODS FOR CALCULATING THE CHANNEL PROTECTION STORAGE VOLUME ARE SPECIFIED IN THE 2000 MARYLAND STORMWATER DESIGN MANUAL, VOLUMES I & II.
- (8) "CLEARING" - THE REMOVAL OF TREES AND BRUSH FROM THE LAND BUT SHALL NOT INCLUDE THE ORDINARY MOWING OF GRASS.
- (9) "COUNTY" - WICOMICO COUNTY, MARYLAND, THE DEPARTMENT OF PUBLIC WORKS OR ITS AUTHORIZED REPRESENTATIVE.
- (10) "DESIGN MANUAL" - THE 2000 MARYLAND STORMWATER DESIGN MANUAL VOLUMES I & II THAT SERVES AS THE OFFICIAL GUIDE FOR STORMWATER MANAGEMENT PRINCIPLES, METHODS, AND PRACTICES

- (11) "DETENTION STRUCTURE" - A PERMANENT STRUCTURE FOR THE TEMPORARY STORAGE OF RUNOFF, WHICH IS DESIGNED SO AS NOT TO CREATE A PERMANENT POOL OF WATER.
- (12) "DEVELOP LAND" - TO CHANGE THE RUNOFF CHARACTERISTICS OF A PARCEL OF LAND IN CONJUNCTION WITH RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL CONSTRUCTION OR ALTERATION.
- (13) "DIRECT DISCHARGE" - THE CONCENTRATED RELEASE OF STORMWATER TO TIDAL WATERS OR VEGETATED TIDAL WETLANDS FROM NEW DEVELOPMENT OR REDEVELOPMENT PROJECTS IN THE CRITICAL AREA.
- (14) "DRAINAGE AREA" - THAT AREA CONTRIBUTING RUNOFF TO A SINGLE POINT MEASURED IN A HORIZONTAL PLANE, WHICH IS ENCLOSED BY A RIDGE LINE.
- (15) "EASEMENT" - 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.
- (16) "EXEMPTION" - THOSE LAND DEVELOPMENT ACTIVITIES THAT ARE NOT SUBJECT TO THE STORMWATER MANAGEMENT REQUIREMENTS CONTAINED IN THIS CHAPTER.
- (17) "EXISTING LOT" - AN UNIMPROVED LOT OR PARCEL RECORDED IN THE LAND RECORDS OF WICOMICO COUNTY PRIOR TO JULY 1, 2001.
- (18) "EXTENDED DETENTION" - 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.
- (19) "EXTREME FLOOD VOLUME ( $Q_p$ )" - 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.
- (20) "FLOW ATTENUATION" - PROLONGING THE FLOW TIME OF RUNOFF TO REDUCE THE PEAK DISCHARGE.
- (21) "GRADING" - ANY ACT BY WHICH SOIL IS CLEARED, STRIPPED, STOCKPILED, EXCAVATED, SCARIFIED, FILLED OR ANY COMBINATION THEREOF.
- (22) "INFILTRATION" - THE PASSAGE OR MOVEMENT OF WATER INTO THE SOIL SURFACE.
- (23) "NEW LOT" - A LOT OR PARCEL RECORDED IN THE LAND RECORDS OF WICOMICO COUNTY ON JULY 1, 2001, OR LATER.
- (24) "OFF-SITE STORMWATER MANAGEMENT" - THE DESIGN AND CONSTRUCTION OF A FACILITY NECESSARY TO CONTROL STORMWATER FROM MORE THAN ONE DEVELOPMENT.
- (25) "ON-SITE STORMWATER MANAGEMENT" - THE DESIGN AND CONSTRUCTION OF SYSTEMS NECESSARY TO CONTROL STORMWATER WITHIN AN IMMEDIATE DEVELOPMENT.

SEIDEL, BAKER  
& TILGHMAN, P.A.  
ATTORNEYS AT LAW  
SALISBURY, MD.

- (26) "OVERBANK FLOOD PROTECTION VOLUME ( $Q_p$ )" - THE VOLUME CONTROLLED BY STRUCTURAL PRACTICES TO PREVENT AN INCREASE IN THE FREQUENCY OF OUT OF BANK FLOODING GENERATED BY DEVELOPMENT. METHODS FOR CALCULATING THE OVERBANK FLOOD PROTECTION VOLUME ARE SPECIFIED IN THE DESIGN MANUAL.
- (27) "RECHARGE VOLUME ( $Re_v$ )" - THAT PORTION OF THE WATER QUALITY VOLUME USED TO MAINTAIN GROUNDWATER RECHARGE RATES AT DEVELOPMENT SITES. METHODS FOR CALCULATING THE RECHARGE VOLUME ARE SPECIFIED IN THE DESIGN MANUAL.
- (28) "REDEVELOPMENT" - ANY CONSTRUCTION, ALTERATION, OR IMPROVEMENT EXCEEDING 5000 SQUARE FEET OF LAND DISTURBANCE PERFORMED ON SITES WHERE EXISTING LAND USE IS COMMERCIAL, INDUSTRIAL, INSTITUTIONAL OR MULTIFAMILY RESIDENTIAL.
- (29) "RESIDENTIAL LOT" - A LOT OF ANY SIZE FOR THE PURPOSE OF CONSTRUCTING EITHER A DETACHED, SINGLY FAMILY DWELLING OR ATTACHED, SINGLE FAMILY DWELLINGS SUCH AS A DUPLEX.
- (30) "RETENTION STRUCTURE" - A PERMANENT STRUCTURE THAT PROVIDES FOR THE STORAGE OF RUNOFF BY MEANS OF A PERMANENT POOL OF WATER.
- (31) "RETROFITTING" - THE CONSTRUCTION OF A STRUCTURAL BMP IN A PREVIOUSLY DEVELOPED AREA, THE MODIFICATION OF AN EXISTING STRUCTURAL BMP, OR THE IMPLEMENTATION OF A NONSTRUCTURAL PRACTICE TO IMPROVE WATER QUALITY OVER CURRENT CONDITIONS.
- (32) "SEDIMENT" - SOILS OR OTHER SURFICIAL MATERIALS TRANSPORTED OR DEPOSITED BY THE ACTION OF WIND, WATER, ICE, OR GRAVITY AS A PRODUCT OF EROSION.
- (33) "SITE" -
  - (A) FOR "NEW DEVELOPMENT" ANY TRACT, LOT, OR PARCEL OF LAND OR COMBINATION OF TRACTS, LOTS, OR PARCELS OF LAND, WHICH ARE IN ONE OWNERSHIP, OR ARE CONTIGUOUS AND IN DIVERSE OWNERSHIP WHERE DEVELOPMENT IS TO BE PERFORMED AS PART OF A UNIT, SUBDIVISION, OR PROJECT.
  - (B) FOR "REDEVELOPMENT" THE AREA OF NEW CONSTRUCTION AS SHOWN ON AN APPROVED SITE PLAN; OR THE ORIGINAL PARCEL. FINAL DETERMINATION OF THE APPLICABLE AREA SHALL BE MADE BY THE COUNTY.
- (34) "STANDARD PLAN" - A DOCUMENT SUBMITTED BY THE OWNER OF A RESIDENTIAL LOT AS A PREREQUISITE TO OBTAINING A SIMPLIFIED STORMWATER MANAGEMENT APPROVAL, AS APPROVED BY THE ADMINISTRATION
- (35) "STABILIZATION" - THE PREVENTION OF SOIL MOVEMENT BY ANY OF VARIOUS VEGETATIVE AND/OR STRUCTURAL MEANS.
- (36) "STORMWATER MANAGEMENT" - :
  - (1) FOR QUANTITATIVE CONTROL, A SYSTEM OF VEGETATIVE AND/OR STRUCTURAL MEASURES THAT CONTROL THE INCREASED VOLUME AND RATE OF SURFACE RUNOFF CAUSED BY MAN-MADE CHANGES TO THE LAND; AND
  - (2) FOR QUALITATIVE CONTROL, A SYSTEM OF VEGETATIVE, STRUCTURAL, AND/OR OTHER MEASURES THAT REDUCE OR

ELIMINATE POLLUTANTS THAT MIGHT OTHERWISE BE CARRIED BY SURFACE RUNOFF.

- (37) "STORMWATER MANAGEMENT PLAN" - 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.
- (38) "STRIPPING" - ANY ACTIVITY WHICH REMOVES THE VEGETATIVE SURFACE COVER INCLUDING TREE REMOVAL, CLEARING, GRUBBING AND STORAGE OR REMOVAL OF TOPSOIL.
- (39) "VARIANCE" - THE MODIFICATION OF THE MINIMUM STORMWATER MANAGEMENT REQUIREMENTS FOR SPECIFIC CIRCUMSTANCES SUCH THAT STRICT ADHERENCE TO THE REQUIREMENTS WOULD RESULT IN UNNECESSARY HARDSHIP AND NOT FULFILL THE INTENT OF THE CHAPTER.
- (40) "WAIVER" - THE RELINQUISHMENT FROM STORMWATER MANAGEMENT REQUIREMENTS BY THE COUNTY FOR A SPECIFIC DEVELOPMENT ON A CASE-BY-CASE REVIEW BASIS.
  - (1) "QUALITATIVE STORMWATER MANAGEMENT WAIVER" INCLUDES WATER QUALITY VOLUME AND RECHARGE VOLUME DESIGN PARAMETERS.
  - (2) "QUANTITATIVE STORMWATER MANAGEMENT WAIVER" INCLUDES CHANNEL PROTECTION STORAGE VOLUME, OVERBANK FLOOD PROTECTION VOLUME, AND EXTREME FLOOD VOLUME DESIGN PARAMETER.
- (41) "WATERCOURSE" - ANY NATURAL OR ARTIFICIAL STREAM, RIVER, CREEK, DITCH, CHANNEL, CANAL, CONDUIT, CULVERT, DRAIN, WATERWAY, GULLY, RAVINE OR WASH, IN AND INCLUDING ANY ADJACENT AREA THAT IS SUBJECT TO INUNDATION FROM OVERFLOW OR FLOOD WATER.
- (42) "WATERSHED" - THE TOTAL DRAINAGE AREA CONTRIBUTING RUNOFF TO A SINGLE POINT.
- (43) "WATER QUALITY VOLUME (WQ<sub>v</sub>)" - THE VOLUME NEEDED TO CAPTURE AND TREAT THE RUNOFF FROM 90 PERCENT OF THE AVERAGE ANNUAL RAINFALL AT A DEVELOPMENT SITE. METHODS FOR CALCULATING THE WATER QUALITY VOLUME ARE SPECIFIED IN THE DESIGN MANUAL.

## ARTICLE II APPLICABILITY

### SECTION 196-4. SCOPE.

NO PERSON SHALL DEVELOP ANY LAND FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL USES WITHOUT HAVING PROVIDED STORMWATER MANAGEMENT MEASURES THAT CONTROL OR MANAGE RUNOFF FROM SUCH DEVELOPMENTS, EXCEPT AS PROVIDED WITHIN THIS SECTION. THE STORMWATER MANAGEMENT MEASURES MUST BE DESIGNED CONSISTENT WITH THE DESIGN MANUAL AND CONSTRUCTED ACCORDING TO AN APPROVED PLAN FOR NEW DEVELOPMENT OR THE POLICIES STATED IN SECTION 196-7 FOR REDEVELOPMENT.

### SECTION 196-5. EXEMPTIONS.

THE FOLLOWING DEVELOPMENT ACTIVITIES ARE EXEMPT FROM THE PROVISIONS OF THIS CHAPTER AND THE REQUIREMENTS OF PROVIDING STORMWATER MANAGEMENT:

- A. AGRICULTURAL LAND MANAGEMENT ACTIVITIES;
- B. ADDITIONS OR MODIFICATIONS TO EXISTING SINGLE FAMILY DETACHED RESIDENTIAL STRUCTURES IF THEY COMPLY WITH SUBPARAGRAPH C OF THIS SECTION;
- C. DEVELOPMENTS THAT DO NOT DISTURB OVER 5,000 SQUARE FEET OF LAND AREA;
- D. LAND DEVELOPMENT ACTIVITIES THAT THE ADMINISTRATION DETERMINES WILL BE REGULATED UNDER SPECIFIC STATE LAWS, WHICH PROVIDE FOR MANAGING STORMWATER RUNOFF.

**SECTION 196-6. WAIVERS / WATERSHED MANAGEMENT PLANS**

- A. STORMWATER MANAGEMENT QUANTITATIVE CONTROL WAIVERS SHALL BE GRANTED ONLY TO THOSE PROJECTS WITHIN AREAS WHERE WATERSHED MANAGEMENT PLANS HAVE BEEN DEVELOPED CONSISTENT WITH F. OF THIS SECTION.
- B. IF WATERSHED MANAGEMENT PLANS CONSISTENT WITH F. OF THIS SECTION HAVE NOT BEEN DEVELOPED, THEN STORMWATER MANAGEMENT QUANTITATIVE CONTROL WAIVERS MAY BE GRANTED TO PROJECTS:
  - (1) THAT HAVE DIRECT DISCHARGES TO TIDALLY INFLUENCED RECEIVING WATERS;
  - (2) THAT DO NOT INCREASE THE POST-DEVELOPMENT PEAK DISCHARGE FOR THE 2-YEAR STORM EVENT BY MORE THAN 10 PERCENT ACCORDING TO THE DESIGN MANUAL; OR
  - (3) WHEN THE APPROVING AGENCY DETERMINES THAT CIRCUMSTANCES EXIST THAT PREVENT THE REASONABLE IMPLEMENTATION OF QUANTITY CONTROL PRACTICES.
- C. STORMWATER MANAGEMENT QUALITATIVE CONTROL WAIVERS APPLY ONLY TO:
  - (1) IN-FILL DEVELOPMENT PROJECTS WHERE STORMWATER MANAGEMENT IMPLEMENTATION IS NOT FEASIBLE;
  - (2) REDEVELOPMENT PROJECTS IF THE REQUIREMENTS OF SECTION 196-7 OF THIS CHAPTER ARE SATISFIED; OR
  - (3) SITES WHERE THE APPROVING AGENCY DETERMINES THAT CIRCUMSTANCES EXIST THAT PREVENT THE REASONABLE IMPLEMENTATION OF QUALITY CONTROL PRACTICES.
- D. WAIVERS GRANTED MUST:
  - (1) BE ON A CASE-BY-CASE BASIS;
  - (2) CONSIDER THE CUMULATIVE EFFECTS OF THE COUNTY'S WAIVER POLICY; AND
  - (3) REASONABLY ENSURE THE DEVELOPMENT WILL NOT ADVERSELY IMPACT STREAM QUALITY.
- E. IF THE COUNTY HAS ESTABLISHED AN OVERALL WATERSHED MANAGEMENT PLAN FOR A SPECIFIC WATERSHED, THEN THE COUNTY MAY DEVELOP QUANTITATIVE WAIVER AND REDEVELOPMENT PROVISIONS THAT DIFFER FROM SECTIONS 196-6 B AND 196-7 OF THIS CHAPTER.
- F. A WATERSHED MANAGEMENT PLAN DEVELOPED FOR THE PURPOSE OF IMPLEMENTING DIFFERENT STORMWATER MANAGEMENT POLICIES FOR WAIVERS AND REDEVELOPMENT SHALL:
  - (1) INCLUDE DETAILED HYDROLOGIC AND HYDRAULIC ANALYSES TO

DETERMINE HYDROGRAPH TIMING;

- (2) EVALUATE BOTH QUANTITY AND QUALITY MANAGEMENT;
- (3) INCLUDE CUMULATIVE IMPACT ASSESSMENT OF WATERSHED DEVELOPMENT;
- (4) IDENTIFY EXISTING FLOODING AND RECEIVING STREAM CHANNEL CONDITIONS;
- (5) BE CONDUCTED AT A REASONABLE SCALE;
- (6) SPECIFY WHERE ON-SITE OR OFF-SITE QUANTITATIVE AND QUALITATIVE STORMWATER MANAGEMENT PRACTICES ARE TO BE IMPLEMENTED;
- (7) BE CONSISTENT WITH THE GENERAL PERFORMANCE STANDARDS FOR STORMWATER MANAGEMENT IN MARYLAND FOUND IN SECTION 1.2 OF THE DESIGN MANUAL; AND
- (8) BE APPROVED BY THE ADMINISTRATION.

G. THE COUNTY MAY GRANT A WAIVER OF QUANTITATIVE STORMWATER MANAGEMENT REQUIREMENTS FOR INDIVIDUAL DEVELOPMENTS IN AREAS WHERE WATERSHED MANAGEMENT PLANS HAVE BEEN DEVELOPED PROVIDED THAT A WRITTEN REQUEST IS SUBMITTED BY THE APPLICANT CONTAINING DESCRIPTIONS, DRAWINGS, AND ANY OTHER INFORMATION THAT IS NECESSARY TO EVALUATE THE PROPOSED DEVELOPMENT. A SEPARATE WRITTEN WAIVER REQUEST SHALL BE REQUIRED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION IF THERE ARE SUBSEQUENT ADDITIONS, EXTENSIONS, OR MODIFICATIONS TO A DEVELOPMENT RECEIVING A WAIVER.

H. THE COUNTY MAY ALLOW THE USE OF A STANDARD PLAN TO ADDRESS ~~WAIVE~~ BOTH QUANTITATIVE AND QUALITATIVE CONTROL FOR ~~DEVELOPMENT OF RESIDENTIAL DEVELOPMENT LOTS BY APPROVAL OF A~~ STANDARD PLAN. A FORM STANDARD PLAN SHALL BE APPROVED BY THE ADMINISTRATION.

SECTION 196-7. REDEVELOPMENT

- A. THE RECHARGE VOLUME, CHANNEL PROTECTION STORAGE VOLUME, AND OVERBANK FLOOD PROTECTION VOLUME REQUIREMENTS SPECIFIED IN THE DESIGN MANUAL DO NOT APPLY TO REDEVELOPMENT PROJECTS UNLESS REQUIRED BY THE COUNTY.
- B. ALL REDEVELOPMENT PROJECTS SHALL REDUCE EXISTING SITE IMPERVIOUS AREAS BY AT LEAST 20 PERCENT. WHERE SITE CONDITIONS PREVENT THE REDUCTION OF IMPERVIOUS AREA, THEN STORMWATER MANAGEMENT PRACTICES SHALL BE IMPLEMENTED TO PROVIDE QUALITATIVE CONTROL FOR AT LEAST 20 PERCENT OF THE SITE'S IMPERVIOUS AREA. WHEN A COMBINATION OF IMPERVIOUS AREA REDUCTION AND STORMWATER PRACTICE IMPLEMENTATION IS USED, THE COMBINED AREA SHALL EQUAL OR EXCEED 20 PERCENT OF THE SITE.
- C. WHERE CONDITIONS PREVENT IMPERVIOUS AREA REDUCTION OR ON-SITE STORMWATER MANAGEMENT, PRACTICAL ALTERNATIVES MAY BE CONSIDERED, INCLUDING BUT NOT LIMITED TO:
  - (1) FEES;
  - (2) OFF-SITE BMP IMPLEMENTATION FOR A DRAINAGE AREA COMPARABLE IN SIZE AND PERCENT IMPERVIOUSNESS TO THAT OF THE PROJECT;
  - (3) WATERSHED OR STREAM RESTORATION;



- (4) RETROFITTING; OR
- (5) OTHER PRACTICES APPROVED BY THE COUNTY.

**SECTION 196-8. VARIANCE.**

THE COUNTY MAY GRANT A WRITTEN VARIANCE FROM ANY REQUIREMENT OF ARTICLE III, STORMWATER MANAGEMENT CRITERIA, OF THIS CHAPTER IF THERE ARE EXCEPTIONAL CIRCUMSTANCES APPLICABLE TO THE SITE SUCH THAT STRICT ADHERENCE WILL RESULT IN UNNECESSARY HARDSHIP AND NOT FULFILL THE INTENT OF THE CHAPTER. A WRITTEN REQUEST FOR VARIANCE SHALL BE PROVIDED TO THE COUNTY AND SHALL STATE THE SPECIFIC VARIANCES SOUGHT AND REASONS FOR THEIR GRANTING. THE COUNTY SHALL NOT GRANT A VARIANCE UNLESS AND UNTIL SUFFICIENT JUSTIFICATION IS PROVIDED BY THE PERSON DEVELOPING LAND.

**ARTICLE III  
STORMWATER MANAGEMENT CRITERIA**

**SECTION 196-9. MINIMUM CONTROL REQUIREMENTS.**

- A. THE MINIMUM CONTROL REQUIREMENTS ESTABLISHED IN THIS SECTION AND THE DESIGN MANUAL ARE AS FOLLOWS:
  - (1) THE COUNTY SHALL REQUIRE THAT THE RECHARGE VOLUME, WATER QUALITY VOLUME, AND OVERBANK FLOOD PROTECTION VOLUME FOR THE 2-YEAR FREQUENCY STORM EVENT BE USED TO DESIGN BMP'S ACCORDING TO THE DESIGN MANUAL; AND
  - (2) THE COUNTY MAY REQUIRE MORE THAN THE MINIMUM CONTROL REQUIREMENTS SPECIFIED IN THIS CHAPTER IF HYDROLOGIC OR TOPOGRAPHIC CONDITIONS WARRANT OR IF FLOODING, STREAM CHANNEL EROSION, OR WATER QUALITY PROBLEMS EXIST DOWNSTREAM FROM A PROPOSED PROJECT.
- B. STORMWATER MANAGEMENT AND DEVELOPMENT PLANS WHERE APPLICABLE, SHALL BE CONSISTENT WITH ADOPTED AND APPROVED WATERSHED MANAGEMENT PLANS OR FLOOD MANAGEMENT PLANS AS APPROVED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT IN ACCORDANCE WITH THE FLOOD HAZARD MANAGEMENT ACT OF 1976.

**SECTION 196-10. STORMWATER MANAGEMENT MEASURES.**

THE STRUCTURAL AND NONSTRUCTURAL STORMWATER MANAGEMENT MEASURES ESTABLISHED IN THIS CHAPTER SHALL BE USED, EITHER ALONE OR IN A COMBINATION, IN DEVELOPING A STORMWATER MANAGEMENT PLAN.

- A. STRUCTURAL STORMWATER MANAGEMENT MEASURES.
  - (1) THE FOLLOWING STRUCTURAL STORMWATER MANAGEMENT PRACTICES SHALL BE DESIGNED ACCORDING TO THE DESIGN MANUAL TO SATISFY THE APPLICABLE MINIMUM CONTROL REQUIREMENTS ESTABLISHED IN SECTION 196-9 OF THIS CHAPTER.
    - (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.

**B. NONSTRUCTURAL STORMWATER MANAGEMENT MEASURES.**

- (1) THE FOLLOWING NONSTRUCTURAL STORMWATER MANAGEMENT PRACTICES SHALL BE APPLIED ACCORDING TO THE DESIGN MANUAL TO MINIMIZE INCREASES IN NEW DEVELOPMENT RUNOFF:
  - (A) NATURAL AREA CONSERVATION;
  - (B) DISCONNECTION OF ROOFTOP RUNOFF;
  - (C) DISCONNECTION OF NON-ROOFTOP RUNOFF;
  - (D) SHEET FLOW TO BUFFERS;
  - (E) GRASS CHANNELS; AND
  - (F) ENVIRONMENTALLY SENSITIVE DEVELOPMENT.
- (2) THE USE OF NONSTRUCTURAL STORMWATER MANAGEMENT PRACTICES SHALL BE ENCOURAGED TO MINIMIZE THE RELIANCE ON STRUCTURAL BMP'S.
- (3) THE MINIMUM CONTROL REQUIREMENTS LISTED IN SECTION 196-9 OF THIS CHAPTER MAY BE REDUCED WHEN NONSTRUCTURAL STORMWATER MANAGEMENT PRACTICES ARE INCORPORATED INTO SITE DESIGNS ACCORDING TO THE DESIGN MANUAL.
- (4) THE USE OF NONSTRUCTURAL STORMWATER MANAGEMENT PRACTICES MAY NOT CONFLICT WITH EXISTING STATE OR LOCAL LAWS, CHAPTERS, REGULATIONS, OR POLICIES.
- (5) NONSTRUCTURAL STORMWATER MANAGEMENT PRACTICES USED TO REDUCE THE MINIMUM CONTROL REQUIREMENTS, MUST REMAIN UNALTERED BY SUBSEQUENT PROPERTY OWNERS. PRIOR APPROVAL FROM THE COUNTY SHALL BE OBTAINED BEFORE NONSTRUCTURAL STORMWATER PRACTICES ARE ALTERED.

**C. ALTERNATIVE STRUCTURAL AND NONSTRUCTURAL STORMWATER MANAGEMENT PRACTICES MAY BE USED FOR NEW DEVELOPMENT WATER QUALITY CONTROL IF THEY MEET THE PERFORMANCE CRITERIA ESTABLISHED IN THE DESIGN MANUAL AND ARE APPROVED BY THE ADMINISTRATION. PRACTICES USED FOR REDEVELOPMENT PROJECTS SHALL BE APPROVED BY THE COUNTY.**

**D. FOR THE PURPOSES OF MODIFYING THE MINIMUM CONTROL REQUIREMENTS OR DESIGN CRITERIA, THE OWNER/DEVELOPER SHALL SUBMIT TO THE COUNTY 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, DOWNSTREAM OF THE FIRST DOWNSTREAM TRIBUTARY WHOSE DRAINAGE AREA EQUALS OR EXCEEDS THE CONTRIBUTING AREA TO THE PROJECT OR STORMWATER MANAGEMENT FACILITY.**

**SECTION 196-11. SPECIFIC DESIGN CRITERIA.**

**THE BASIC DESIGN CRITERIA, METHODOLOGIES, AND CONSTRUCTION SPECIFICATIONS, SUBJECT TO THE APPROVAL OF THE COUNTY AND THE ADMINISTRATION, SHALL BE THOSE OF THE DESIGN MANUAL.**

**ARTICLE IV  
STORMWATER MANAGEMENT PLANS**

**SECTION 196-12. REVIEW AND APPROVAL OF STORMWATER MANAGEMENT PLANS.**

- A. FOR ANY PROPOSED DEVELOPMENT, THE DEVELOPER SHALL SUBMIT A STORMWATER MANAGEMENT PLAN OR WAIVER APPLICATION TO THE COUNTY FOR REVIEW AND APPROVAL, UNLESS OTHERWISE EXEMPTED. THE STORMWATER MANAGEMENT PLAN SHALL CONTAIN SUPPORTING**

COMPUTATIONS, DRAWINGS, AND SUFFICIENT INFORMATION DESCRIBING THE MANNER, LOCATION, AND TYPE OF MEASURES IN WHICH STORMWATER RUNOFF WILL BE MANAGED FROM THE ENTIRE DEVELOPMENT. THE COUNTY SHALL REVIEW THE PLAN TO DETERMINE COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER 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 60 DAYS AFTER SUBMISSION OF THE COMPLETED STORMWATER PLAN. IF A DECISION IS NOT MADE WITHIN 60 DAYS THE APPLICANT SHALL BE INFORMED OF THE STATUS OF THE REVIEW PROCESS AND THE ANTICIPATED COMPLETION DATE. THE STORMWATER MANAGEMENT PLAN SHALL NOT BE CONSIDERED APPROVED WITHOUT THE INCLUSION OF THE SIGNATURE AND DATE OF SIGNATURE OF THE DEPARTMENT OF PUBLIC WORKS ON THE PLAN.

- C. THE APPROVAL OF A STORMWATER MANAGEMENT PLAN OR GRANT OF A WAIVER APPLICATION SHALL EXPIRE ON THE DATE THREE (3) YEARS FROM THE DATE OF APPROVAL OR GRANT OF THE WAIVER. PLANS APPROVED PRIOR TO THE EFFECTIVE DATE OF LEGISLATIVE BILL NO. 2001-10 SHALL EXPIRE ON THE DATE THREE (3) YEARS FROM SUCH EFFECTIVE DATE.

SECTION 196-13. CONTENTS OF THE STORMWATER MANAGEMENT PLAN.

- A. THE DEVELOPER IS RESPONSIBLE FOR SUBMITTING A STORMWATER MANAGEMENT PLAN THAT MEETS THE DESIGN REQUIREMENTS OF THIS CHAPTER. THE PLAN SHALL BE ACCOMPANIED BY A REPORT THAT INCLUDES SUFFICIENT INFORMATION TO EVALUATE THE ENVIRONMENTAL CHARACTERISTICS OF AFFECTED AREAS, THE POTENTIAL IMPACTS OF THE PROPOSED DEVELOPMENT ON WATER RESOURCES, AND THE EFFECTIVENESS AND ACCEPTABILITY OF MEASURES PROPOSED FOR MANAGING STORMWATER RUNOFF. THE DEVELOPER OR BUILDER SHALL CERTIFY ON THE DRAWINGS THAT ALL CLEARING, GRADING, DRAINAGE, CONSTRUCTION, AND DEVELOPMENT SHALL BE CONDUCTED IN STRICT ACCORDANCE WITH THE PLAN. IF A STORMWATER MANAGEMENT PLAN INVOLVES DIRECTION OF SOME OR ALL RUNOFF OFF OF THE SITE, IT IS THE RESPONSIBILITY OF THE DEVELOPER TO OBTAIN FROM ADJACENT PROPERTY OWNERS ANY EASEMENTS OR NECESSARY PROPERTY INTERESTS CONCERNING FLOWAGE OF WATER. APPROVAL OF A STORMWATER MANAGEMENT PLAN DOES NOT CREATE OR AFFECT ANY RIGHT TO DIRECT RUNOFF ONTO ADJACENT PROPERTY WITHOUT THAT PROPERTY OWNER'S PERMISSION. THE MINIMUM INFORMATION SUBMITTED FOR SUPPORT OF A STORMWATER MANAGEMENT PLAN OR APPLICATION FOR A WAIVER SHALL BE AS FOLLOWS.
- B. THE MINIMUM INFORMATION SUBMITTED FOR SUPPORT OF A STORMWATER MANAGEMENT PLAN OR APPLICATION FOR A WAIVER SHALL BE AS FOLLOWS:
- (1) A BRIEF NARRATIVE DESCRIPTION OF THE PROJECT;
  - (2) GEOTECHNICAL INVESTIGATIONS INCLUDING SOIL MAPS, BORINGS, SITE SPECIFIC RECOMMENDATIONS, AND ANY ADDITIONAL INFORMATION NECESSARY FOR THE PROPOSED STORMWATER MANAGEMENT DESIGN;
  - (3) DESCRIPTIONS OF ALL WATER COURSES, IMPOUNDMENTS, AND WETLANDS ON OR ADJACENT TO THE SITE OR INTO WHICH STORMWATER DIRECTLY FLOWS;
  - (4) HYDROLOGIC COMPUTATIONS, INCLUDING DRAINAGE AREA MAPS DEPICTING PRE DEVELOPMENT AND POST DEVELOPMENT RUNOFF FLOW PATH SEGMENTATION AND LAND USE;
  - (5) HYDRAULIC COMPUTATIONS;
  - (6) STRUCTURAL COMPUTATIONS;
  - (7) UNIFIED SIZING CRITERIA VOLUME COMPUTATIONS ACCORDING TO THE DESIGN MANUAL; AND
  - (8) ANY OTHER INFORMATION REQUIRED BY THE COUNTY.

**C. CONSTRUCTION DRAWINGS SUBMITTED FOR STORMWATER MANAGEMENT PLAN APPROVAL SHALL INCLUDE THE FOLLOWING:**

- (1) A VICINITY MAP;
- (2) TOPOGRAPHY SURVEY SHOWING EXISTING AND PROPOSED CONTOURS, INCLUDING THE AREA NECESSARY TO DETERMINE DOWNSTREAM ANALYSIS FOR PROPOSED STORMWATER MANAGEMENT FACILITIES;
- (3) ANY PROPOSED IMPROVEMENTS INCLUDING LOCATION OF BUILDINGS OR OTHER STRUCTURES, IMPERVIOUS SURFACES, STORM DRAINAGE FACILITIES, AND ALL GRADING;
- (4) THE LOCATION OF EXISTING AND PROPOSED STRUCTURES AND UTILITIES;
- (5) ANY EASEMENTS AND RIGHTS-OF-WAY;
- (6) THE DELINEATION, IF APPLICABLE, OF THE 100-YEAR FLOODPLAIN AND ANY ON-SITE WETLANDS;
- (7) STRUCTURAL AND CONSTRUCTION DETAILS FOR ALL COMPONENTS OF THE PROPOSED DRAINAGE SYSTEM OR SYSTEMS, AND STORMWATER MANAGEMENT FACILITIES.
- (8) ALL NECESSARY CONSTRUCTION SPECIFICATIONS;
- (9) A SEQUENCE OF CONSTRUCTION;
- (10) DATA FOR TOTAL SITE AREA, DISTURBED AREA, NEW IMPERVIOUS AREA, AND TOTAL IMPERVIOUS AREA;
- (11) A TABLE SHOWING THE UNIFIED SIZING CRITERIA VOLUMES REQUIRED IN THE DESIGN MANUAL;
- (12) A TABLE OF MATERIALS TO BE USED FOR STORMWATER MANAGEMENT FACILITY PLANTING;
- (13) ALL SOIL BORING LOGS AND LOCATIONS;
- (14) A MAINTENANCE SCHEDULE;
- (15) CERTIFICATION BY THE OWNER/DEVELOPER THAT ALL STORMWATER MANAGEMENT CONSTRUCTION WILL BE DONE ACCORDING TO THIS PLAN;
- (16) AN AS-BUILT CERTIFICATION SIGNATURE BLOCK TO BE EXECUTED AFTER PROJECT COMPLETION; AND
- (17) ANY OTHER INFORMATION REQUIRED BY THE COUNTY.

**SECTION 196-14. PREPARATION OF THE STORMWATER MANAGEMENT PLAN.**

- A. THE DESIGN OF STORMWATER MANAGEMENT PLANS SHALL BE PREPARED BY ANY INDIVIDUAL WHOSE QUALIFICATIONS ARE ACCEPTABLE TO THE COUNTY. THE COUNTY MAY REQUIRE THAT THE DESIGN BE PREPARED BY EITHER A PROFESSIONAL ENGINEER, PROFESSIONAL LAND SURVEYOR, OR LANDSCAPE ARCHITECT LICENSED IN THE STATE, AS NECESSARY TO PROTECT THE PUBLIC OR THE ENVIRONMENT.
- B. IF A STORMWATER BMP REQUIRES EITHER A DAM SAFETY PERMIT FROM THE ADMINISTRATION OR SMALL POND APPROVAL FROM THE WICOMICO SOIL CONSERVATION DISTRICT (SCD), THE COUNTY SHALL REQUIRE THAT THE DESIGN BE PREPARED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE.

**ARTICLE V  
PERMITS**

**SECTION 196-15. PERMIT REQUIREMENT.**

A GRADING OR BUILDING PERMIT MAY NOT BE ISSUED FOR ANY PARCEL OR LOT UNLESS A STORMWATER MANAGEMENT PLAN HAS BEEN APPROVED OR WAIVED BY THE COUNTY AS MEETING ALL THE REQUIREMENTS OF THIS CHAPTER. WHERE APPROPRIATE, A BUILDING PERMIT MAY NOT BE ISSUED WITHOUT:

- A. RECORDED EASEMENTS FOR THE STORMWATER MANAGEMENT FACILITY AND EASEMENTS TO PROVIDE ADEQUATE ACCESS FOR INSPECTION AND MAINTENANCE FROM A PUBLIC RIGHT-OF-WAY;
- B. A RECORDED STORMWATER MANAGEMENT MAINTENANCE AGREEMENT;

- C. A PERFORMANCE BOND; AND
- D. PERMISSION FROM ADJACENT PROPERTY OWNERS AS NECESSARY.

SECTION 196-16. PERMIT FEE.

A NON-REFUNDABLE PERMIT FEE WILL BE COLLECTED AT THE TIME THE STORMWATER MANAGEMENT PLAN OR APPLICATION FOR WAIVER IS SUBMITTED. THE PERMIT FEE WILL PROVIDE FOR THE COST OF PLAN REVIEW, ADMINISTRATION, AND MANAGEMENT OF THE PERMITTING PROCESS, AND INSPECTION OF ALL PROJECTS SUBJECT TO THIS CHAPTER. A PERMIT FEE SCHEDULE SHALL BE ESTABLISHED BY THE COUNTY BASED UPON THE RELATIVE COMPLEXITY OF THE PROJECT AND MAY BE AMENDED FROM TIME TO TIME.

SECTION 196-17. PERMIT SUSPENSION AND REVOCATION.

ANY GRADING OR BUILDING PERMIT ISSUED BY THE COUNTY MAY BE SUSPENDED OR REVOKED AFTER WRITTEN NOTICE IS GIVEN TO THE PERMITTEE FOR ANY OF THE FOLLOWING REASONS:

- A. ANY VIOLATION(S) OF THE CONDITIONS OF THE STORMWATER MANAGEMENT PLAN APPROVAL.
- B. CHANGES IN SITE RUNOFF CHARACTERISTICS UPON WHICH AN APPROVAL OR WAIVER WAS GRANTED.
- C. CONSTRUCTION IS NOT IN ACCORDANCE WITH THE APPROVED PLAN.
- D. NONCOMPLIANCE WITH CORRECTION NOTICE(S) OR STOP WORK ORDER(S) ISSUED FOR THE CONSTRUCTION OF THE STORMWATER MANAGEMENT FACILITY.
- E. AN IMMEDIATE DANGER EXISTS IN A DOWNSTREAM AREA IN THE OPINION OF THE COUNTY.

SECTION 196-18. PERMIT CONDITIONS.

IN GRANTING THE PLAN APPROVAL, THE COUNTY MAY IMPOSE SUCH CONDITIONS THAT MAY BE DEEMED NECESSARY TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER AND THE PRESERVATION OF THE PUBLIC HEALTH AND SAFETY.

SECTION 196-19. PERFORMANCE BOND

THE COUNTY SHALL REQUIRE FROM THE DEVELOPER A SURETY OR CASH BOND, IRREVOCABLE LETTER OF CREDIT, OR OTHER MEANS OF SECURITY ACCEPTABLE TO THE COUNTY PRIOR TO THE ISSUANCE OF ANY BUILDING AND/OR GRADING PERMIT FOR THE CONSTRUCTION OF A DEVELOPMENT REQUIRING A *STRUCTURAL* STORMWATER MANAGEMENT FACILITY. THE AMOUNT OF THE SECURITY SHALL NOT BE LESS THAN 110% OF THE TOTAL ESTIMATED CONSTRUCTION COST OF THE STORMWATER MANAGEMENT FACILITY. THE BOND REQUIRED IN THIS SECTION SHALL INCLUDE PROVISIONS RELATIVE TO FORFEITURE FOR FAILURE TO COMPLETE WORK SPECIFIED IN THE APPROVED STORMWATER MANAGEMENT PLAN, COMPLIANCE WITH ALL OF THE PROVISIONS OF THIS CHAPTER, AND OTHER APPLICABLE LAWS AND REGULATIONS, AND ANY TIME LIMITATIONS. THE BOND SHALL NOT BE FULLY RELEASED WITHOUT A FINAL INSPECTION OF THE COMPLETED WORK BY THE COUNTY, SUBMISSION OF "AS-BUILT" PLANS, AND CERTIFICATION OF COMPLETION BY THE COUNTY THAT THE STORMWATER MANAGEMENT FACILITIES COMPLY WITH THE APPROVED PLAN AND THE PROVISIONS OF THIS CHAPTER. A PROCEDURE MAY BE USED TO RELEASE PARTS OF THE BOND HELD BY THE COUNTY AFTER VARIOUS STAGES OF CONSTRUCTION HAVE BEEN COMPLETED AND ACCEPTED BY THE COUNTY. THE PROCEDURES USED FOR PARTIALLY RELEASING PERFORMANCE BONDS MUST BE SPECIFIED BY THE COUNTY IN WRITING PRIOR TO STORMWATER MANAGEMENT PLAN APPROVAL.

ARTICLE VI  
INSPECTION

**SECTION 196-20. INSPECTION SCHEDULE AND REPORTS.**

- A. THE DEVELOPER SHALL NOTIFY THE COUNTY AT LEAST 48 HOURS BEFORE COMMENCING ANY WORK IN CONJUNCTION WITH THE STORMWATER MANAGEMENT PLAN AND UPON COMPLETION OF THE PROJECT WHEN A FINAL INSPECTION WILL BE CONDUCTED.**
- B. INSPECTION OF STRUCTURAL STORMWATER MANAGEMENT FACILITIES SHALL BE CONDUCTED BY THE COUNTY, ITS AUTHORIZED REPRESENTATIVE, OR CERTIFIED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE. WRITTEN INSPECTION REPORTS SHALL BE MADE OF THE PERIODIC INSPECTIONS NECESSARY DURING CONSTRUCTION OF STORMWATER MANAGEMENT SYSTEMS TO ENSURE COMPLIANCE WITH THE APPROVED PLANS.**
- C. NONSTRUCTURAL STORMWATER MANAGEMENT FACILITIES SHALL BE CERTIFIED, IN WRITING, BY THE OWNER AND CONTRACTOR CONSTRUCTING THE FACILITY, THAT IT WAS BUILT IN ACCORDANCE WITH THE APPROVED PLAN AND/OR COUNTY STORMWATER MANAGEMENT CHAPTER.**
- D. WRITTEN INSPECTION REPORTS SHALL INCLUDE:**
  - (34) THE DATE AND LOCATION OF THE INSPECTION;**
  - (2) WHETHER CONSTRUCTION WAS IN COMPLIANCE WITH THE APPROVED STORMWATER MANAGEMENT PLAN;**
  - (3) ANY VARIATIONS FROM THE APPROVED CONSTRUCTION SPECIFICATIONS; AND**
  - (4) ANY VIOLATIONS THAT EXIST.**
- E. THE OWNER/DEVELOPER AND ON SITE PERSONNEL SHALL BE NOTIFIED IN WRITING WHEN VIOLATIONS ARE OBSERVED. WRITTEN NOTIFICATION SHALL DESCRIBE THE NATURE OF THE VIOLATION AND THE REQUIRED CORRECTIVE ACTION.**
- F. NO WORK SHALL PROCEED UNTIL THE COUNTY 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.**

**SECTION 196-21. INSPECTION REQUIREMENTS DURING CONSTRUCTION.**

- A. AT A MINIMUM, REGULAR INSPECTIONS SHALL BE MADE AND DOCUMENTED AT THE FOLLOWING SPECIFIED STAGES OF CONSTRUCTION:**
  - (1) FOR PONDS:**
    - (A) UPON COMPLETION OF EXCAVATION TO SUB-FOUNDATION AND WHEN REQUIRED, INSTALLATION OF STRUCTURAL SUPPORTS OR REINFORCEMENT FOR STRUCTURES, INCLUDING BUT NOT LIMITED TO:**
      - (I) CORE TRENCHES FOR STRUCTURAL EMBANKMENTS**
      - (II) INLET AND OUTLET STRUCTURES, ANTI-SEEP COLLARS OR DIAPHRAGMS, AND WATERTIGHT CONNECTORS ON PIPES; AND**
      - (III) TRENCHES FOR ENCLOSED STORM DRAINAGE FACILITIES;**
    - (B) DURING PLACEMENT OF STRUCTURAL FILL, CONCRETE, AND INSTALLATION OF PIPING AND CATCH BASINS;**
    - (C) DURING BACKFILL OF FOUNDATIONS AND TRENCHES;**
    - (D) DURING EMBANKMENT CONSTRUCTION; AND**
    - (E) UPON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION.**
  - (2) WETLANDS - AT THE STAGES SPECIFIED FOR POND CONSTRUCTION IN**

SECTION 196-21 A (1) OF THIS CHAPTER, 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 UNDERDRAIN SYSTEMS AND OBSERVATION WELLS;
  - (C) DURING PLACEMENT OF GEOTEXTILES AND ALL FILTER MEDIA;
  - (D) DURING CONSTRUCTION OF APPURTENANT CONVEYANCE SYSTEMS SUCH AS DIVERSION STRUCTURES, PRE-FILTERS AND FILTERS, INLETS, OUTLETS, AND FLOW DISTRIBUTION STRUCTURES; AND
  - (E) UPON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION;
- (4) FOR INFILTRATION BASINS - AT THE STAGES SPECIFIED FOR POND CONSTRUCTION IN SECTION 196-21 A (1) OF THIS CHAPTER AND DURING PLACEMENT AND BACKFILL OF UNDERDRAIN SYSTEMS.
- (5) FOR FILTERING SYSTEMS:
  - (A) DURING EXCAVATION TO SUBGRADE;
  - (B) DURING PLACEMENT AND BACKFILL OF UNDERDRAIN SYSTEMS;
  - (C) DURING PLACEMENT OF GEOTEXTILES AND ALL FILTER MEDIA;
  - (D) DURING CONSTRUCTION OF APPURTENANT CONVEYANCE SYSTEMS SUCH AS FLOW DIVERSION STRUCTURES, PRE-FILTERS AND FILTERS, INLETS, OUTLETS, ORIFICES, AND FLOW DISTRIBUTION STRUCTURES; AND
  - (E) UPON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION.
- (6) FOR OPEN CHANNEL SYSTEMS:
  - (A) DURING EXCAVATION TO SUBGRADE;
  - (B) DURING PLACEMENT AND BACKFILL OF UNDERDRAIN SYSTEMS FOR DRY SWALES;
  - (C) DURING INSTALLATION OF DIAPHRAGMS, CHECK DAMS, OR WEIRS; AND
  - (D) UPON COMPLETION OF FINAL GRADING AND ESTABLISHMENT OF PERMANENT STABILIZATION.
- (7) FOR NONSTRUCTURAL PRACTICES:
  - (A) UPON COMPLETION OF FINAL GRADING,
  - (B) THE ESTABLISHMENT OF PERMANENT STABILIZATION, AND
  - (C) BEFORE ISSUANCE OF OCCUPANCY PERMITS.

**B. THE COUNTY MAY, FOR ENFORCEMENT PURPOSES, USE ANY ONE OR A COMBINATION OF THE FOLLOWING ACTIONS:**

- (1) A NOTICE OF VIOLATION SHALL BE ISSUED SPECIFYING THE NEED FOR A VIOLATION TO BE CORRECTED IF STORMWATER MANAGEMENT PLAN NONCOMPLIANCE IS IDENTIFIED;
- (2) A STOP WORK ORDER SHALL BE ISSUED FOR THE SITE BY THE COUNTY IF A VIOLATION PERSISTS;
- (3) BONDS OR SECURITIES MAY BE WITHHELD OR THE CASE MAY BE REFERRED FOR LEGAL ACTION IF REASONABLE EFFORTS TO CORRECT THE VIOLATION HAVE NOT BEEN UNDERTAKEN; OR
- (4) IN ADDITION TO ANY OTHER SANCTIONS, A CIVIL ACTION OR CRIMINAL PROSECUTION MAY BE BROUGHT AGAINST ANY PERSON IN

VIOLATION OF THE STORMWATER MANAGEMENT SUBTITLE OR THIS CHAPTER.

- C. ANY STEP IN THE ENFORCEMENT PROCESS MAY BE TAKEN AT ANY TIME, DEPENDING ON THE SEVERITY OF THE VIOLATION.
- D. ONCE CONSTRUCTION IS COMPLETE, AS-BUILT PLAN CERTIFICATION SHALL BE SUBMITTED BY EITHER A PROFESSIONAL ENGINEER OR PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE TO ENSURE THAT CONSTRUCTED STORMWATER MANAGEMENT PRACTICES AND CONVEYANCE SYSTEMS COMPLY WITH THE SPECIFICATIONS CONTAINED IN THE APPROVED PLANS. AT A MINIMUM, AS-BUILT CERTIFICATION SHALL INCLUDE A SET OF DRAWINGS COMPARING THE APPROVED STORMWATER MANAGEMENT PLAN WITH WHAT WAS CONSTRUCTED. THE COUNTY MAY REQUIRE ADDITIONAL INFORMATION.
- E. THE COUNTY SHALL SUBMIT NOTICE OF CONSTRUCTION TO THE ADMINISTRATION ON A FORM SUPPLIED BY THE ADMINISTRATION FOR EACH STORMWATER MANAGEMENT PRACTICE WITHIN 60 DAYS OF CONSTRUCTION COMPLETION. IF BMPS REQUIRING SCD APPROVAL ARE CONSTRUCTED, NOTICE OF CONSTRUCTION COMPLETION SHALL ALSO BE SUBMITTED TO THE APPROPRIATE SCD.

ARTICLE VII  
MAINTENANCE

SECTION 196-22. MAINTENANCE INSPECTION.

- A. THE COUNTY SHALL ENSURE THAT PREVENTATIVE MAINTENANCE IS PERFORMED BY INSPECTING ALL **STRUCTURAL** STORMWATER MANAGEMENT SYSTEMS. INSPECTION SHALL OCCUR DURING THE FIRST YEAR OF OPERATION AND AT LEAST ONCE EVERY 3 YEARS THEREAFTER. IN ADDITION, A MAINTENANCE AGREEMENT BETWEEN THE OWNER AND COUNTY SHALL BE EXECUTED FOR PRIVATELY OWNED STORMWATER MANAGEMENT SYSTEMS AS DESCRIBED IN SECTION 196-23 OF THIS CHAPTER.
- B. INSPECTION REPORTS SHALL BE MAINTAINED BY THE COUNTY FOR ALL **STRUCTURAL** STORMWATER MANAGEMENT SYSTEMS.
- C. INSPECTION REPORTS FOR STORMWATER MANAGEMENT SYSTEMS SHALL INCLUDE THE FOLLOWING:
  - (1) THE DATE OF INSPECTION;
  - (2) NAME OF INSPECTOR;
  - (3) THE CONDITION OF:
    - (A) VEGETATION OR FILTER MEDIA;
    - (B) FENCES OR OTHER SAFETY DEVICES;
    - (C) SPILLWAYS, VALVES, OR OTHER CONTROL STRUCTURES;
    - (D) EMBANKMENTS, SLOPES, AND SAFETY BENCHES;
    - (E) RESERVOIR OR TREATMENT AREAS;
    - (F) INLET AND OUTLET CHANNELS OR STRUCTURES;
    - (G) UNDERGROUND DRAINAGE;
    - (H) SEDIMENT AND DEBRIS ACCUMULATION IN STORAGE AND FOREBAY AREAS;
    - (I) ANY NONSTRUCTURAL PRACTICES TO THE EXTENT PRACTICABLE; AND
    - (J) ANY OTHER ITEM THAT COULD AFFECT THE PROPER FUNCTION OF THE STORMWATER MANAGEMENT SYSTEM.
  - (4) DESCRIPTION OF NEEDED MAINTENANCE.
- D. AFTER NOTIFICATION IS PROVIDED TO THE OWNER OF ANY DEFICIENCIES DISCOVERED FROM AN INSPECTION OF A STORMWATER MANAGEMENT SYSTEM, THE OWNER SHALL HAVE 30 DAYS OR OTHER TIME FRAME MUTUALLY AGREED TO BETWEEN THE COUNTY AND THE OWNER, TO CORRECT THE DEFICIENCIES. THE COUNTY SHALL THEN CONDUCT A SUBSEQUENT INSPECTION TO ENSURE COMPLETION OF THE REPAIRS.



- E. IF REPAIRS ARE NOT UNDERTAKEN OR ARE NOT FOUND TO BE DONE PROPERLY, THEN ENFORCEMENT PROCEDURES FOLLOWING SECTION 196-23 C OF THIS CHAPTER SHALL BE FOLLOWED BY THE COUNTY.
- F. IF, AFTER AN INSPECTION BY THE COUNTY, 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 COUNTY SHALL TAKE SUCH ACTION AS MAY BE NECESSARY TO PROTECT THE PUBLIC AND MAKE THE FACILITY SAFE. ANY COST INCURRED BY THE COUNTY/MUNICIPALITY SHALL BE ASSESSED AGAINST THE OWNER(S), AS PROVIDED IN SECTION 196-23 C OF THIS CHAPTER.

**SECTION 196-23. MAINTENANCE AGREEMENT .**

- A. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT FOR WHICH **STRUCTURAL** STORMWATER MANAGEMENT IS REQUIRED, THE COUNTY SHALL REQUIRE THE APPLICANT OR OWNER TO EXECUTE AN INSPECTION AND MAINTENANCE AGREEMENT BINDING ON ALL SUBSEQUENT OWNERS OF LAND SERVED BY A PRIVATE STORMWATER MANAGEMENT FACILITY. SUCH AGREEMENT SHALL PROVIDE FOR ACCESS TO THE FACILITY AT REASONABLE TIMES FOR REGULAR INSPECTIONS BY THE COUNTY OR ITS AUTHORIZED REPRESENTATIVE TO ENSURE THAT THE FACILITY IS MAINTAINED IN PROPER WORKING CONDITION TO MEET DESIGN STANDARDS.
- B. THE AGREEMENT SHALL BE RECORDED IN THE LAND RECORDS OF WICOMICO COUNTY, MARYLAND.
- C. THE AGREEMENT SHALL ALSO PROVIDE THAT, IF AFTER NOTICE BY THE COUNTY TO CORRECT A VIOLATION REQUIRING MAINTENANCE WORK, SATISFACTORY CORRECTIONS ARE NOT MADE BY THE OWNER(S) WITHIN A REASONABLE PERIOD OF TIME (30 DAYS MAXIMUM), THE COUNTY MAY PERFORM ALL NECESSARY WORK TO PLACE THE FACILITY IN PROPER WORKING CONDITION. THE OWNER(S) OF THE FACILITY SHALL BE ASSESSED THE COST OF THE WORK AND ANY PENALTIES. THIS MAY BE ACCOMPLISHED BY PLACING A LIEN ON THE PROPERTY, WHICH MAY BE PLACED ON THE TAX BILL AND COLLECTED AS ORDINARY TAXES BY THE COUNTY.

**SECTION 196-24. MAINTENANCE RESPONSIBILITY.**

- A. THE OWNER OF THE PROPERTY ON WHICH WORK HAS BEEN DONE PURSUANT TO THIS CHAPTER FOR PRIVATE STORMWATER MANAGEMENT FACILITIES, OR ANY OTHER PERSON OR AGENT IN CONTROL OF SUCH PROPERTY, SHALL MAINTAIN IN GOOD CONDITION AND PROMPTLY REPAIR AND RESTORE ALL GRADE SURFACES, WALLS, DRAINS, DAMS AND STRUCTURES, VEGETATION, EROSION AND SEDIMENT CONTROL MEASURES, AND OTHER PROTECTIVE DEVICES. SUCH REPAIRS OR RESTORATION AND MAINTENANCE SHALL BE IN ACCORDANCE WITH APPROVED PLANS.
- B. A MAINTENANCE SCHEDULE SHALL BE DEVELOPED FOR THE LIFE OF ANY **STRUCTURAL** STORMWATER MANAGEMENT FACILITY AND SHALL STATE THE MAINTENANCE TO BE COMPLETED, THE TIME PERIOD FOR COMPLETION, AND WHO SHALL PERFORM THE MAINTENANCE. THIS MAINTENANCE SCHEDULE SHALL BE PRINTED ON THE APPROVED STORMWATER MANAGEMENT PLAN.

**ARTICLE VIII  
MISCELLANEOUS PROVISIONS**

**SECTION 196-25. APPEALS**

ANY PERSON AGGRIEVED BY THE ACTION OF ANY OFFICIAL CHARGED WITH THE ENFORCEMENT OF THIS CHAPTER, AS THE RESULT OF THE DISAPPROVAL OF A PROPERLY FILED APPLICATION FOR A PERMIT, ISSUANCE OF A WRITTEN NOTICE OF VIOLATION, OR AN ALLEGED FAILURE TO PROPERLY ENFORCE THE CHAPTER IN REGARD TO A SPECIFIC APPLICATION, SHALL HAVE THE RIGHT TO APPEAL THE

ACTION TO THE BOARD OF ZONING APPEALS. THE APPEAL SHALL BE FILED IN WRITING WITHIN 30 DAYS OF THE DATE OF OFFICIAL TRANSMITTAL OF THE FINAL DECISION OR DETERMINATION TO THE APPLICANT, SHALL STATE CLEARLY THE GROUNDS ON WHICH THE APPEAL IS BASED, AND SHALL BE PROCESSED IN THE MANNER PRESCRIBED FOR HEARING ADMINISTRATIVE APPEALS UNDER THE BOARD OF ZONING APPEALS RULES OF PROCEDURE.

**SECTION 196-26. SEVERABILITY**

IF ANY PORTION OF THIS CHAPTER IS HELD INVALID OR UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION, SUCH PORTION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS CHAPTER. IT IS THE INTENT OF THE COUNTY THAT THIS CHAPTER SHALL STAND, EVEN IF A SECTION, SUBSECTION, SENTENCE, CLAUSE, PHRASE, OR PORTION MAY BE FOUND INVALID.

**SECTION 196-27. PENALTIES**


ANY PERSON CONVICTED OF VIOLATING THE PROVISIONS OF THIS CHAPTER SHALL BE GUILTY OF A CIVIL INFRACTION AND SHALL BE SUBJECT TO A FINE NOT TO EXCEED \$1,000 PER VIOLATION. EACH DAY THAT A VIOLATION CONTINUES SHALL BE A SEPARATE OFFENSE. IN ADDITION, THE COUNTY MAY INSTITUTE INJUNCTIVE, MANDAMUS OR OTHER APPROPRIATE ACTION OR PROCEEDINGS OF LAW TO CORRECT VIOLATIONS OF THIS CHAPTER. ANY COURT OF COMPETENT JURISDICTION SHALL HAVE THE RIGHT TO ISSUE TEMPORARY OR PERMANENT RESTRAINING ORDERS, INJUNCTIONS OR MANDAMUS, OR OTHER APPROPRIATE FORMS OF RELIEF.

**SECTION II.** BE IT FURTHER ENACTED THAT this Bill is an emergency measure, necessary for the immediate preservation of the public health, safety and welfare. The Bill shall be known as Bill No. 2001-10 of Wicomico County, Maryland and shall take effect and become effective from the date of its passage. In the event a proper Petition for Referendum thereof shall be timely filed the Bill shall remain in force, but shall stand repealed thirty (30) days after rejection by a majority of the qualified voters of the County voting in any such referendum.

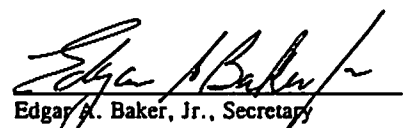
Certified correct as passed and adopted by the County Council of Wicomico County, Maryland, this 26<sup>th</sup> day of June 2001.

WICOMICO COUNTY, MARYLAND

  
BY: L. Russell Molnar, President

  
BY: Edgar A. Baker, Jr., Secretary

I HEREBY CERTIFY that twenty-five (25) copies of the above Bill are available for distribution to the public and press at the time of its introduction.

  
Edgar A. Baker, Jr., Secretary

**Explanation:**

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

Strike-out indicates material deleted from law.

~~CAPITAL - STRIKE OUT~~ indicates matter stricken from Bill by Amendment.

Underlining indicates Amendments to Bill.

**AGREEMENT  
BETWEEN THE TOWN OF MARDELA SPRINGS  
AND WICOMICO COUNTY, MARYLAND  
ASSIGNING STORMWATER MANAGEMENT OBLIGATIONS**

Recitals

WHEREAS, the State of Maryland has required that all local jurisdictions with planning and zoning authority establish their own stormwater management program under the Environment Article of the Annotated Code of Maryland, Title 4, Subtitle 2, which shall be consistent with the Code of Maryland Regulations (COMAR) 26.17.02; and

WHEREAS, the complexity of local stormwater management implementation varies depending upon the extent and nature of local development; and

WHEREAS, on June 26, 2001, the Wicomico County Council adopted Chapter 196, entitled "Stormwater Management" establishing a stormwater management program in compliance with state law; and

WHEREAS, the Town has reviewed Chapter 196 as adopted by the County and believes it is satisfactory to protect the lives and property of its municipal residents, and

WHEREAS, on July 15, 2003 the Town of Mardela Springs has adopted Chapter 196 of the Wicomico County Code, as amended from time to time, by Ordinance .

NOW, THEREFORE, in consideration of the premises, and the covenants and agreements hereinafter set forth, the Commissioners of Mardela Springs hereby covenant and agree as follows:

1. The Town of Mardela Springs, hereby assigns its obligations to administer the stormwater management program under Title 4, Subtitle 2 of the Environment Article of the Annotated Code of Maryland to Wicomico County, including, but not limited to, the review and approval of stormwater management waivers, variances, plans and supporting documents, and the inspection of stormwater management facilities including maintenance and inspection reports.
2. The Town of Mardela Springs further agrees to abide by the procedures and regulations of Chapter 196 of the Wicomico County Code, adopted by the County pursuant to the requirements of the Environmental Article of the Annotated Code of Maryland.
3. The Town of Mardela Springs further agrees to coordinate its development approval activities, including the collection of a performance bond, building permits, site plan approval, subdivision plat approval, and any grading and sediment control permits with the Wicomico County Department of Public Works.

4. The Town of Mardela Springs further agrees to coordinate with the County to obtain all necessary deeds of easement, maintenance and inspection agreements.
5. Town covenants and agrees that no building permit, site plan, subdivision plat, grading or sediment control permit shall be issued or approved until the applicant has complied with the provisions of Chapter 196 and received approval from the Wicomico County Department of Public Works, as may be required for the proposed activity.
6. It is understood and agreed that the County shall have the right and authority to fully enforce said Chapter 196 within the corporate limits of the Town of Mardela Springs.
7. It is further understood and agreed that any and all fees established by the County Council of Wicomico County for the administration of the Wicomico County Stormwater Management Program within the municipal boundaries of the town, shall be retained by Wicomico County.

AS WITNESS our hands and Seals the day and year first above written,

WITNESS

TOWN OF MARDELA SPRINGS

Jude Whitelock

BY:

David Anole

DATE 9/16/03

COUNTY CONCURRENCE

Wicomico County, Maryland hereby agrees to accept the assignment of the Town's obligation under the State Stormwater Management law upon the terms and conditions hereinabove set forth.

ATTEST:

WICOMICO COUNTY, MARYLAND

Theodore E. Shea  
Theodore E. Shea, II, Secretary

By: Anthony Sarbanes  
Anthony Sarbanes, President

DATE: 10/7/03