

STORMWATER MANAGEMENT ORDINANCE
Table of Contents

Page

Part I - Definitions and Provisions-----

- 14-401. Definitions
- 14-402. Purpose and Authority
- 14-403. Coordination/Enforcement by Department of Public Works
- 14-404. Incorporation by Reference

Part II - Applicability-----

- 14-407. Scope
- 14-408. Exemptions
- 14-409. Waivers/Watershed Management Plans
- 14-410. Standard Stormwater Management Plan
- 14-411. Redevelopment
- 14-412. Variance

Part III - Stormwater Management Criteria-----

- 14-414. Minimum Control Requirements
- 14-415. Stormwater Management Measures
- 14-416. Specific Design Criteria

Part IV - Stormwater Management Plans-----

- 14-419. Review and Approval of Stormwater Management Plans
- 14-420. Contents of the Stormwater Management Plan
- 14-421. Preparation of the Stormwater Management Plan

Part V - Permits-----

- 14-424. Permit Requirement
- 14-425. Fees
- 14-426. Permit Suspension and Revocation
- 14-427. Permit Conditions

Part VI - Security -----

- 14-430. Security Requirements from Developer

Part VII - Inspection -----

- 14-433. Inspection Schedule and Reports
- 14-434. Inspection Requirements During Construction

Part VIII - Maintenance-----

- 14-437. Inspection for Preventative Maintenance
- 14-438. Maintenance Agreement
- 14-439. Maintenance Responsibility

Part IX - Appeals-----

- 14-442. Appeals

Part X - Severability-----

- 14-445. Severability

Part XI - Penalties-----

- 14-448. Penalties

Part XII - Effective Date-----

- 14-449. Effective Date

ENVIRONMENTAL PROTECTION

Subtitle 4. Stormwater Management

Part I. Definitions and General Provisions

14-401. Definitions.

(a) *In general.*

For the purpose of this Subtitle, the following definitions describe the meaning of the terms used in this Subtitle.

(b) *Administration.*

"Administration" means the Maryland Department of the Environment (MDE) Water Management Administration (WMA).

(c) *Adverse Impact.*

"Adverse impact" means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which:

- (1) are or may potentially be harmful or injurious to human health, welfare, safety or property, or to biological productivity, diversity, or stability; or
- (2) unreasonably interferes with the enjoyment of life or property, including outdoor recreation.

(d) *Agricultural Land Management Activities.*

"Agricultural land management activities" means 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.

(e) *Applicant.*

"Applicant" means any person, firm, or governmental agency that executes the necessary forms to procure:

- (1) official approval of a project; or

(2) a permit to carry out construction of a project.

(f) ***Aquifer.***

"Aquifer" means a porous water bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.

(g) ***Best Management Practice (BMP).***

"Best Management Practice (BMP)" means 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.

(h) ***Channel Protection Storage Volume (CP_v).***

(1) "Channel Protection Storage Volume (CP_v)" means the volume used to design structural management practices to control stream channel erosion.

(2) Methods for calculating the channel protection storage volume are specified in the 2000 Maryland Stormwater Design Manual, Volumes I & II.

(i) ***Clearing.***

(1) "Clearing" means the removal of trees and brush from the land.

(2) "Clearing" shall not include the ordinary mowing of grass.

(j) ***Critical Area.***

"Critical Area" means all waters of and lands under the Chesapeake Bay and its tributaries to the head of tide, all state and private tidal wetlands, and all land and water areas within one thousand (1,000) feet of the landward boundary of heads of tides and state or private tidal wetlands, as modified pursuant to Natural Resources Article §8-1807.

(k) ***Department.***

"Department" means the Queen Anne's County Department of Public Works.

(l) ***Design Manual.***

"Design Manual" means the 2000 Maryland Stormwater Design Manual Volumes I & II that serves as the official guide for stormwater management principles, methods, and practices.

(m) ***Detention Structure.***

"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.

(n) ***Develop Land.***

"Develop land" means to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.

(o) ***Direct Discharge.***

"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.

(p) ***Drainage Area.***

"Drainage area" means that area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.

(q) ***Easement.***

"Easement" means a grant or reservation by the owner of land for the use of such land by others:

- (1) for a specific purpose or purposes, and
- (2) which must be included in the conveyance of land affected by such easement.

(r) ***Exemption.***

"Exemption" means those land development activities that are not subject to the stormwater management requirements contained in this Ordinance.

(s) ***Extended Detention.***

(1) "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.

(2) Methods for designing extended detention BMPs are specified in the Design Manual.

(t) ***Extreme Flood Volume (Q_p)***.

"Extreme flood volume (Q_p)" 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.

(u) ***Flow Attenuation***.

"Flow attenuation" means prolonging the flow time of runoff to reduce the peak discharge.

(v) ***Grading***.

"Grading" means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.

(w) ***In-Fill Development***.

"In-fill Development" means development that occurs on vacant lands within areas of existing development that does not require the subdivision of land.

(x) ***Infiltration***.

"Infiltration" means the passage or movement of water into the soil surface.

(y) ***Off-Site Stormwater Management***.

"Off-site stormwater management" means the design and construction of a facility necessary to control stormwater from more than one development.

(z) ***On-Site Stormwater Management***.

"On-site stormwater management" means the design and construction of systems necessary to control stormwater within an immediate development.

(aa) ***Overbank Flood Protection Volume (Q_p)***.

(1) "Overbank flood protection volume (Q_p)" means the volume controlled by structural practices to prevent an increase in the frequency of out of bank flooding generated by development.

(2) Methods for calculating the overbank flood protection volume are specified in the Design Manual.

(bb) **Recharge Volume (RE_v).**

(1) "Recharge volume (RE_v)" means that portion of the water quality volume used to maintain groundwater recharge rates at development sites.

(2) Methods for calculating the recharge volume are specified in the Design Manual.

(cc) **Redevelopment.**

"Redevelopment" means any construction, alteration, or improvement exceeding 5,000 square feet of land disturbance performed on sites where existing land use is commercial, industrial, institutional or multifamily residential.

(dd) **Retention Structure.**

"Retention structure" means a permanent structure that provides for the storage of runoff by means of a permanent pool of water.

(ee) **Retrofitting.**

"Retrofitting" means:

- (1) the construction of a structural BMP in a previously developed area,
- (2) the modification of an existing structural BMP, or
- (3) the implementation of a nonstructural practice to improve water quality over current conditions.

(ff) **Sediment.**

"Sediment" means soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.

(gg) **Site.**

"Site" means:

- (1) for "new development" any tract, lot or parcel of land or combination of tracts, lots or parcels of land , which are
 - (i) in one ownership, or
 - (ii) are contiguous and in diverse ownership where development is to be

performed as part of a unit, subdivision, or project.

(2) 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 Department of Public Works.

(hh) ***Stabilization.***

"Stabilization" means the prevention of soil movement by any of various vegetative and/or structural means.

(ii) ***Standard Stormwater Management Plans.***

"Standard Stormwater Management Plans" means a plan, developed by the Department, for use by an applicant for development of a single-family residential lot to meet the intent of the Ordinance through non-structural practices.

(jj) ***Stormwater Management.***

"Stormwater management" means:

(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.

(kk) ***Stormwater Management Plan.***

"Stormwater Management Plan" means 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.

(ll) ***Stripping.***

"Stripping" means any activity which removes the vegetative surface cover including tree removal, clearing, grubbing and storage or removal of topsoil.

(mm) ***Variance.***

"Variance" means the modification of the minimum stormwater management requirements for specific circumstances such that strict adherence to the requirements would:

(1) result in unnecessary hardship; and

(2) not fulfill the intent of the Ordinance.

(nn) ***Waiver.***

"Waiver" means the relinquishment from stormwater management requirements by the Department for a specific development on a case-by-case review basis.

(1) "Qualitative stormwater management waiver" includes;

- (i) water quality volume and
- (ii) recharge volume design parameters.

(2) "Quantitative stormwater management waiver" includes;

- (i) channel protection storage volume;
- (ii) overbank flood protection volume, and
- (iii) extreme flood volume design parameter.

(oo) ***Watercourse.***

"Watercourse" means 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.

(pp) ***Watershed.***

"Watershed" means the total drainage area contributing runoff to a single point.

(qq) ***Watershed Management Plan***

"Watershed Management Plan" means a plan, prepared by the Department and approved by the Administration, developed to identify and address specific concerns of a watershed.

(rr) ***Water Quality Volume (WQ_v).***

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

14-402. Purpose and Authority

(a) *Purpose.*

The purpose of this Ordinance is to protect, maintain and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with increased stormwater runoff. Proper management of stormwater runoff will;

- (1) minimize damage to public and private property,
- (2) reduce the effects of development on land,
- (3) control stream channel erosion, reduce local flooding, and
- (4) maintain after development, as nearly as possible, the pre-development runoff characteristics.

(b) *Authority.*

The provisions of this Subtitle are adopted under the authority of Title 4, Subtitle 2 of the Environment Article of Annotated Code of Maryland.

(c) *Applicability.*

The application of this Ordinance and provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other restrictions or requirements imposed by State or Federal law.

14-403. Coordination/Enforcement by Department of Public Works.

The Queen Anne County Department of Public Works shall be responsible for the coordination and enforcement of the provisions of this Ordinance.

14-404. Incorporation by Reference.

For the purpose of this Subtitle, the following documents are incorporated by reference:

(a) The 2000 Maryland Stormwater Design Manual, Volumes I & II (Maryland Department of the Environment, April 2000) is incorporated by reference by Queen Anne County Department of Public Works and 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).

14-405. Reserved.

14-406. Reserved.

PART II. Applicability

14-407. Scope.

No person shall develop any land for residential, commercial, industrial, or institutional uses in Queen Anne's County, without having provided stormwater management measures that control or manage runoff from such developments.

(a) The stormwater management measures must be:

- (1) designed to be consistent with the Design Manual and;
- (2) constructed according to an approved plan.

14-408. Exemptions.

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

- (a) Agricultural land management activities and related structures;
- (b) Additions or modifications to existing single family detached residential structure if they comply with (c) below;
- (c) Development outside of the Critical Area that does not disturb over 5,000 square feet of land area; and
- (d) Land development activities that the Administration determines will be regulated under specific State laws, which provide for managing stormwater runoff.

14-409. Waivers/Watershed Management Plans.

(a) *In general.*

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) *Waivers granted.*

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 Department determines that circumstances exist that prevent the reasonable implementation of quantity control practices.

(c) ***Application of Waivers.***

Stormwater management qualitative control waivers may be granted to:

- (1) In-fill development projects where stormwater management implementation is not feasible;
- (2) Redevelopment projects if the requirements of Section 14-411 of this Subtitle are satisfied; or
- (3) Sites where the Department determines that circumstances exist that prevent the reasonable implementation of quality control practices.

(d) ***Requirements.***

Waivers granted must:

- (1) Be on a case-by-case basis;
- (2) Consider the cumulative effects of the Department waiver policy; and
- (3) Reasonably ensure the development will not adversely impact stream quality.

(e) If the Department has established an overall watershed management plan for a specific watershed, then the Department may develop quantitative waiver and redevelopment provisions that differ from the provisions of Part II of this Subtitle.

(f) ***Watershed management plan.***

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) *Written waiver requests.*

The Department 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.

14-410. Standard Stormwater Management Plan.

In accordance with this Subtitle, no person unless exempted shall develop any land for residential use without having provided stormwater management measures to control or manage runoff from such development. In order to simplify this process, the Department shall promulgate a Standard Stormwater Management Plan to address both quantitative and qualitative control through non-structural practices for residential development that disturbs over 5,000 square feet.

(a) The Standard Stormwater Management Plan may be used as follows:

(1) Any existing single-family residential lot may use the Standard Stormwater Management Plan to address qualitative and quantitative control requirements outlined in this Subtitle.

(2) Any single family residential lot created via the subdivision process after October 30, 2001 which does not involve the creation of any new public or private road, may use the Standard Stormwater Management Plan to address stormwater management qualitative and quantitative control requirements.

14-411. Redevelopment.

(a) *Generally.*

The recharge, channel protection storage volume, and overbank flood protection volume requirements specified in the Design Manual do not apply to redevelopment projects unless specified by the Department.

(b) *Impervious areas.*

All redevelopment projects shall reduce the 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) *Alternatives.*

Where conditions prevent impervious area reduction or on-site stormwater management, practical alternatives may be considered, including but not limited to:

- (1) Off-site BMP implementation for a drainage area comparable in size and percent imperviousness to that of the project;
- (2) Watershed or stream restoration;
- (3) Retrofitting; or
- (4) Other practices approved by the Department; or
- (5) Fees.

14-412. Variance.

(a) *Variances.*

(1) The Queen Anne County Department of Public Works Director may grant a written variance from any requirement of Part III, Stormwater Management Criteria, of this Subtitle if there are exceptional circumstances applicable to the site such that strict adherence will:

- (i) result in unnecessary hardship and;
- (ii) not fulfill the intent of the Ordinance.

(2) Economic hardship is not to be considered.

(b) ***Requesting variances.***

A written request for variance shall be provided to the Department and shall state the specific variances sought and reasons for their granting.

(c) ***Granting variances.***

The Department shall not grant a variance unless and until sufficient justification is provided by the person developing the land.

14-413. Reserved.

PART III. Stormwater Management Criteria

14-414. Minimum Control Requirements.

(a) ***Requirements.***

The minimum control requirements established in this section and the Design Manual are as follows:

(1) Queen Anne's County and incorporated municipalities 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;

(2) Channel protection storage volume, as detailed in the Design Manual, is not required, unless deemed necessary by the Department; and

(3) The Department may require more than the minimum control requirements specified in this Ordinance if hydrologic or topographic conditions warrant or if flooding, stream channel erosion, or if water quality problems exist upstream or 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.

14-415. Stormwater Management Measures.

The structural and nonstructural stormwater management measures established in this Ordinance 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 14-414 of this Subtitle.

- (i) Stormwater management ponds;
- (ii) Stormwater management wetlands;
- (iii) Stormwater management infiltration;
- (iv) Stormwater management filtering systems; and
- (v) 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:

- (i) Natural area conservation;
- (ii) Disconnection of rooftop runoff;
- (iii) Disconnection of non-rooftop runoff;
- (iv) Sheet flow to buffers;
- (v) Grass channels; and
- (vi) 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 14-414 of this Subtitle 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, ordinances, regulations, or policies.

(5) Nonstructural stormwater management practices used to reduce the minimum control requirements must be recorded in the land records of Queen Anne's County and remain unaltered by subsequent property owners. Prior approval from the Department 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 Department.

(d) For the purposes of modifying the minimum control requirements or design criteria, the owner/developer shall submit to the Department 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 Department, downstream of the first downstream tributary whose drainage area equals or exceeds the contributing area to the project or stormwater management facility.

14-416. Specific Design Criteria.

The basic design criteria, methodologies, and construction specifications, subject to the approval of the Department and the WMA, shall be those of the Design Manual.

14-417. Reserved.

14-418. Reserved.

PART IV. Stormwater Management Plans.

14-419. Review and Approval of Stormwater Management Plans.

(a) *In general.*

For any proposed development, the developer shall submit a stormwater management plan or waiver application to the Department for review and approval, unless otherwise exempted.

(1) 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.

(2) The Department shall review the plan to determine compliance with the requirements of this Ordinance prior to approval.

(3) The plan shall serve as the basis for all subsequent construction.

(b) *Approval.*

Notification of approval or reasons for disapproval or modification shall be given to the applicant after submission of the completed stormwater plan.

(1) For County reviews the time frame will be in accordance with the schedule in effect at the time of the submittal and for Municipal reviews within 30 days of the submittal to the Department.

(2) If a decision is not made in a timely manner the applicant shall be informed of the status of the review process and the anticipated completion date.

(3) The stormwater management plan shall not be considered approved without the inclusion of the signature and date of signature of the Department on the plan.

14-420. Contents of the Stormwater Management Plan.

(a) *In general.*

The developer is responsible for submitting a stormwater management plan that meets the design requirements of this Ordinance.

(1) The plan shall be accompanied by a report that includes sufficient information to evaluate:

(i) the environmental characteristics of affected areas

(ii) the potential impacts of the proposed development on water resources,
and;

(iii) the effectiveness and acceptability of measures proposed for managing stormwater runoff.

(2) 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.

(3) 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.

(4) 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.

(b) ***Support Information.***

The minimum information submitted for support of a stormwater management plan or application for a waiver shall be in a bound report and contain:

(1) Signature and seal as outlined in Section 14-421(a) of this Title Preparation of the Stormwater Management Plan

(2) A narrative description of the project;

(3) Geotechnical investigations including soil maps, borings, site specific recommendations, and any additional information necessary for the proposed stormwater management design;

(4) Descriptions of all water courses, impoundments, and wetlands on or adjacent to the site or into which stormwater directly flows;

(5) Hydrologic computations, including drainage area maps depicting pre development and post development runoff flow path segmentation and land use;

(6) Hydraulic computations;

(7) Structural computations;

(8) Unified sizing criteria volume computations according to the Design Manual;
and

(9) Any information required by the Department.

(c) ***Construction drawings.***

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,

including benchmark information based on NAD87 vertical datum;

(3) Any proposed improvements including location of buildings or other structures, impervious surfaces, storm drainage facilities, and all grading;

(4) The location of existing 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 by the owner/developer after project completion; and

(17) Any information required by the Department.

14-421. Preparation of the Stormwater Management Plan.

(a) Requirements.

The design of stormwater management plans shall be prepared and sealed 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) *Special Requirements.*

If a stormwater BMP requires either a dam safety permit from the Administration or small pond approval from the Queen Anne Soil Conservation District (SCD), the Department shall require that the design and plans be prepared by a professional engineer licensed in the State.

14-422. Reserved.

14-423. Reserved.

PART V. Permits.

14-424. Permit Requirement.

(a) Approval or waiver of stormwater management plan required. A grading or building permit may not be issued for any parcel or lot unless a stormwater management plan has been approved or waived by the Department as meeting all the requirements of this Ordinance.

(b) *Other requirements.*

Where appropriate, a building permit may not be issued without:

(1) Recorded easements for the stormwater management facility and easements to provide adequate access for inspection and maintenance from a public right-of-way;

(2) A recorded stormwater management maintenance agreement; and

(3) A performance bond and an inspection fee.

(4) Permission from adjacent property owners as necessary.

14-425. Fees.

Fees for plan review, permits and inspections shall be as set out in the Queen Anne's County Development Review Fee Schedule as adopted by the County Commissioners.

14-426. Permit Suspension and Revocation.

Any grading or building permit issued by the Department 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 Department.

14-427. Permit Conditions.

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

14-428. Reserved.

14-429. Reserved.

PART VI. Security

14-430. Security Requirements from Developer.

(a) *Security requirements from developer.*

The Department shall require from the developer a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the Department prior to the issuance of any building and/or grading permit for the construction of a development requiring a stormwater management facility.

(1) The amount of the security shall not be less than the total estimated construction cost of the stormwater management facility and in an amount as established in the Queen Anne's County Development Review Fee Schedule as adopted by the County Commissioners.

(2) The security required in this section shall include:

(i) provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan,

(ii) compliance with all of the provisions of this Ordinance and other applicable laws and regulations, and

(iii) any time limitations.

(b) ***Release of the security.***

The security shall not be fully released without:

(i) a final inspection of the completed work by the Department,

(ii) submission of "as-built" plans, and

(iii) certification of completion by the Department that the stormwater management facilities comply with the approved plan and the provisions of this Ordinance.

(2) A procedure may be used to release parts of the security held by the Department after various stages of construction have been completed and accepted by the Department.

(3) The procedures used for partially releasing securities must be specified by the Department in writing prior to stormwater management plan approval.

14-431. Reserved.

14-432. Reserved.

PART VII. Inspection.

14-433. Inspection, Schedule and Reports.

(a) ***Developer must notify the Department of Public Works.***

The developer shall notify the Department of Public Works.

(i) at least 48 hours before commencing any work in conjunction with the stormwater management plan and;

(ii) upon completion of the project when a final inspection will be conducted.

(b) ***Inspections.***

(1) Inspections shall be conducted by the Department, its authorized representative, or certified by a professional engineer licensed in the State.

(2) 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) ***Written inspection reports.***

Written inspection reports shall include:

- (1) 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.

(d) ***Violations.***

- (1) The owner/developer and on-site personnel shall be notified in writing when violations are observed.
- (2) Written notification shall describe the nature of the violation and the required corrective action.

(e) ***Inspection required to proceed.***

No work shall proceed until the Department 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.

14-434. Inspection requirements during construction.

(a) ***In general.***

At a minimum, regular inspections shall be made and documented at the following specified stages of construction:

- (1) For Ponds:
 - (i) Upon completion of excavation to sub-foundation and when required, installation of structural supports or reinforcement for structures, including but not limited to:
 - (1) Core trenches for structural embankments;
 - (2) Inlet and outlet structures, anti-seep collars or diaphragms, and watertight connectors on pipes; and
 - (3) Trenches for enclosed storm drainage facilities;

and catch basins;

- (ii) During placement of structural fill, concrete, and installation of piping

- (iii) During backfill of foundations and trenches;

- (iv) During embankment construction; and

- (v) Upon completion of final grading and establishment of permanent stabilization.

(2) Wetlands - at the stages specified for pond construction in Section 14-434(a) of this Subtitle, 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:

- (i) During excavation to subgrade;

- (ii) During placement and backfill of underdrain systems and observation wells;

- (iii) During placement of geotextiles and all filter media;

- (iv) During construction of appurtenant conveyance systems such as diversion structures, pre-filters and filters, inlets, outlets, and flow distribution structures; and

- (v) Upon completion of final grading and establishment of permanent stabilization;

(4) For infiltration basins - at the stages specified for pond construction in Section 14-434(a) of this Subtitle and during placement and backfill of underdrain systems.

(5) For filtering systems:

- (i) During excavation to subgrade;

- (ii) During placement and backfill of underdrain systems;

- (iii) During placement of geotextiles and all filter media;

- (iv) During construction of appurtenant conveyance systems such as flow diversion structures, pre-filters and filters, inlets, outlets, orifices, and flow distribution structures; and

- (v) Upon completion of final grading and establishment of permanent

stabilization.

(6) For open channel systems:

- (i) During excavation to subgrade;
- (ii) During placement and backfill of underdrain systems for dry swales;
- (iii) During installation of diaphragms, check dams, or weirs; and
- (iv) Upon completion of final grading and establishment of permanent

stabilization.

(7) For nonstructural practices - upon completion of final grading, the establishment of permanent stabilization, and before issuance of use and occupancy approval.

(b) *Actions for Violations.*

The Department 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 Department 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 Ordinance.

(c) *Enforcement*

Any step in the enforcement process may be taken at any time, depending on the severity of the violation.

(d) *As-built Plan Certification.*

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.

(1) At a minimum, as-built certification shall include a set of drawings comparing the approved stormwater management plan with what was constructed.

(2) The Department may require additional information.

(e) ***Notice of Construction.***

The Department shall submit notice of construction to the Administration on a form supplied by the Administration for each stormwater management practice within 45 days of construction completion. If BMPs requiring SCD approval are constructed, notice of construction completion shall also be submitted to the appropriate SCD.

14-435. Reserved.

14-436. Reserved.

PART VIII. Maintenance

14-437. Inspection for Preventative Maintenance.

(a) ***Preventative Maintenance.***

The Department shall ensure that preventative maintenance is performed by inspecting all stormwater management systems.

(1) Inspection shall occur during the first year of operation and at least once every 3 years thereafter.

(2) In addition, a maintenance agreement between the owner and the Department shall be executed for privately owned stormwater management systems as described in Section 14-438 of this Subtitle.

(b) ***Inspection reports required.***

Inspection reports shall be maintained by the Department for all stormwater management systems.

(c) ***Contents of inspection reports.***

Inspection reports for stormwater management systems shall include the following:

(1) The date of inspection;

(2) Name of inspector;

(3) The condition of:

- (i) Vegetation or filter media;
- (ii) Fences or other safety devices;
- (iii) Spillways, valves, or other control structures;
- (iv) Embankments, slopes, and safety benches;
- (v) Reservoir or treatment areas;
- (vi) Inlet and outlet channels or structures;
- (vii) Underground drainage;
- (viii) Sediment and debris accumulation in storage and forebay areas;
- (ix) Any nonstructural practices to the extent practicable; and
- (x) Any other item that could affect the proper function of the stormwater management system.

(4) Description of needed maintenance.

(d) ***Correcting deficiencies.***

(1) 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 Department and the owner, to correct the deficiencies.

(2) The Department shall then conduct a subsequent inspection to ensure completion of the repairs.

(e) ***Enforcement procedures if repairs not complete.***

If repairs are not undertaken or are not found to be done properly, then enforcement procedures following Part VIII of this Subtitle shall be followed by the Department.

(f) ***Immediate danger.***

If, after an inspection by the Department, 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 Department shall take such action as may be necessary to

protect the public and make the facility safe. Any cost incurred by Queen Anne's County or the local municipality shall be assessed against the owner(s), as provided in Part VIII of this Subtitle.

14-438. Maintenance Agreement.

(a) ***Maintenance Agreement for Non-Structural Stormwater Management Facility.***

(1) Prior to the issuance of any residential building permit for which non-structural stormwater management is required, the Department shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by a non-structural stormwater management facility.

(2) Such agreement shall provide for access to the facility at reasonable times for regular inspections by the Department or its authorized representative to ensure that the facility is maintained in proper working condition to meet design standards.

(b) ***Maintenance Agreement for Structural Stormwater Management Facility.***

(1) Prior to the issuance of final site plan or subdivision approval for which structural stormwater management is required, the Department shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by a private structural stormwater management facility.

(2) Such agreement shall provide for access to the facility at reasonable times for regular inspections by the Department or its authorized representative to ensure that the facility is maintained in proper working condition to meet design standards.

(c) ***Recording the agreement.***

The agreement shall be recorded by the Department in the land records of Queen Anne's County or local municipality.

(d) ***Further provisions.***

(1) The agreement shall also provide that, if after notice by the Department 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 Department may perform all necessary work to place the facility in proper working condition.

(2) The owner(s) of the facility shall be assessed the cost of the work and any penalties.

(3) Such assessment shall constitute a lien against the property. The lien may be levied, collected and enforced in the same manner as real property taxes imposed by the County.

The lien will have the same priority and bear the same interest and penalties as real property taxes.

14-439. Maintenance Responsibility.

(a) *Repairs, restoration and maintenance.*

(1) The owner of the property on which work has been done pursuant to this Ordinance 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 graded surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices.

(2) Such repairs or restoration and maintenance shall be in accordance with approved plans.

(b) *Maintenance schedule.*

(1) A maintenance schedule shall be developed for the life of any stormwater management facility and shall state

(i) the maintenance to be completed,

(ii) the time period for completion, and who shall perform the maintenance.

(2) This maintenance schedule shall be printed on the approved stormwater management plan.

14-440. Reserved.

14-441. Reserved.

PART IX. Appeals

14-442. Appeals

(a) *Right to Appeal.*

Any person aggrieved by the action of any official charged with the enforcement of this Ordinance, as the result of:

(1) the disapproval of a properly filed application for a permit,

(2) issuance of a written notice of violation, or

(3) an alleged failure to properly enforce the Ordinance in regard to a specific application, shall have the right to appeal to the Queen Anne's County Board of Appeals.

(b) ***Filing appeal.***

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 and shall state clearly the grounds on which the appeal is based.

(c) ***Procedure.***

The Board of Appeals shall proceed in accordance with Title 10, Subtitle 2 of the State Government Article of the Annotated Code of Maryland.

14-443. Reserved.

14-444. Reserved.

PART X. Severability

14-445. Severability.

If any portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall not affect the validity of the remaining portions of this Ordinance. It is the intent of the Queen Anne County Department of Public Works that this Ordinance shall stand, even if a section, subsection, sentence, clause, phrase, or portion may be found invalid.

14-446. Reserved.

14-447. Reserved.

PART XI. Penalties.

14-448. Penalties.

(a) ***Violation of subtitle; penalties.***

Any person convicted of violating the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to:

- (1) a fine of not more than One Thousand Dollars (\$1,000.00) or
- (2) imprisonment not exceeding 1 year, or

(3) both for each violation with costs imposed in the discretion of the court.

(b) *Each day a separate offense.*

Each day that a violation continues shall be a separate offense.

(c) *Other actions.*

In addition, the Department may institute injunctive, mandamus or other appropriate action or proceedings of law to correct violations of this Ordinance.

(d) *Courts.*

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.

PART XII. Effective Date.

14-449. Effective date.

(a) Stormwater management plans approved prior to the effective date of this Ordinance remain valid if:

- (1) a grading permit is issued within 1 year of effective date of ordinance
- (2) and construction is completed prior to grading permit expiration.