Ordinance No. ____	ORDINANCE:	To repeal and re-enact with amendments Chapter 19 of the Rockville City Code entitled "Sediment Control and Stormwater Management" so as to comply with requirements of the Code of Maryland Regulations (COMAR) 26.17.01 and the 2011 Maryland Standards and Specifications; providing for the establishment of specific policies and procedures that require the consideration of sediment control measures at the earliest stages in the planning process and the integration of sediment control and stormwater management measures into the development program and to further amend Chapter 19 by adding certain new definitions; and by generally reorganizing, revising and amending the provisions of Chapter 19 of the Rockville City Code.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Chapter 19 of the Rockville City Code entitled "Sediment Control and Stormwater Management" is hereby repealed in its entirety and re-enacted to read as follows:

CITY OF ROCKVILLE

CHAPTER 19
SEDIMENT CONTROL AND STORMWATER MANAGEMENT

ARTICLE I. IN GENERAL

Sec. 19-1. Purpose and Authority.

(a) The purpose of this Ordinance is to protect, maintain and enhance the public health, safety and general welfare by establishing minimum requirements, procedures and maintenance responsibilities that control the adverse impacts associated with increased sedimentation and stormwater runoff as a result of grading and other land disturbing activities. Proper management of development-related stormwater runoff and

construction-related erosion will work towards restoring, enhancing and maintaining the chemical, physical and biological integrity of streams and other natural resources minimize damage to public and private property and reduce the impacts of land development.

(b) This Ordinance requires the maintenance of predevelopment runoff characteristics of land after development and the reduction of stream channel erosion, pollution, siltation and sedimentation and flooding, which will be achieved by identifying and assessing the natural characteristics on a site and then using sediment and erosion control measures and Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP) and appropriate structural stormwater management practices when necessary. It contains specific policies and procedures that require the consideration of sediment control measures at the earliest stages in the planning process and the integration of sediment control and stormwater management measures into the development program.

(c) This Ordinance satisfies the minimum requirements of Environment Article, Title 4, Subtitles 1 and 2, of the Annotated Code of Maryland pertaining to erosion and sediment control and stormwater management.

(d) This Ordinance will assist in meeting the Chesapeake Bay Total Maximum Daily Loads (TMDLs) and other local water body TMDLs as required by the Clean Water Act, 33 U.S.C. Section 1251 et. seq. and preserving water quality within the City.

(e) This Ordinance will assist in minimizing soil erosion and preventing off-site sedimentation by using erosion and sediment control practices designed in accordance with the Code of Maryland Regulations (COMAR) 26.17.01, the 2011 Maryland Standards and Specifications (Standards and Specifications) and the Stormwater Management Act of 2007 (Act).

(f) The provisions of this Ordinance pursuant to Title 4, Environment Article, Subtitle 1, of the Annotated Code of Maryland are adopted under the authority of the Rockville City Code and will apply to all Land Disturbing Activities occurring within City. The application of this Ordinance and the provisions expressed herein will be the minimum requirements and will not be deemed a limitation or repeal of any other powers granted by State statute. This Ordinance establishes a system of charges in accordance with Section 4-204(d), Environmental Article, Section 4-204(d) of the Annotated Code of Maryland to adequately and equitably finance the City's stormwater management, storm drainage and water resources programs.

Sec. 19-2. Definitions.

Various terms used in this Ordinance and the Sediment Control and Stormwater Management Regulations (Regulations) are defined below and in Chapter 23.5 (Water Quality Protection), Chapter 10 (Floodplain Management), Chapter 10.5 (Forest and Tree Preservation) and Chapter 25 (Zoning) of the Rockville City Code. This Ordinance also utilizes terms defined in the MDE 2011 Standards and Specifications for Soil Erosion and Sediment Control and 2000 Maryland Stormwater Design Manual, Volumes I and II as may be amended. Any term not so defined will be given its ordinary meaning within the context in which it is used.

For the purposes of this Ordinance and the Regulations established hereunder, certain words and terms used herein are defined as follows:

Abatement Order means an order requiring the reduction or elimination of an impact of a violation of a law or regulation.

Accelerated Stabilization means providing temporary or permanent Stabilization by the end of the work day or as directed by the Department, to prevent Erosion.

Alternative means any measure or action subject to Article IV, Division 3 (Stormwater Management Alternatives) of this Ordinance.

Alternative Surface means any surface discussed in Section 5.3 of the Design Manual. For the purposes of this Ordinance, such surfaces are considered to be both Impervious Area and SWM Systems.

Applicant means any Person, company, corporation, firm, Developer, Builder, governmental agency or any authorized representative or agent of same who executes the necessary forms to procure official approval of a Development Project or a City permit to carry out construction of a Development Project.

Approved Plan means, depending on the context in which the term is used, a Pre-Application Stormwater Management Concept, a Development Stormwater Management Concept, a Stormwater Management Construction Plan, a Preliminary Sediment and Erosion Control or Sediment Control Construction Plan or an As-Built Stormwater Management Plan approved by the Department as being adequate to meet the requirements of this Ordinance. This includes plans associated with an enforcement response or corrective action.

Builder means a general contractor or subcontractor who performs Land Disturbing Activities or Development, especially construction of Single Unit Detached Dwellings and other Buildings.

Building means a structure having one or more stories and a roof designed primarily for shelter, support or enclosure of persons, animals or property of any kind.

Channel Protection Storage Volume (Cp_v) means the volume of storage required to be captured and managed in a SWM System in order to provide 24-hour Extended Detention of the 1-year, 24-hour storm event. Methods for calculating and managing the Cp_v are specified in the Design Manual.

City means the Mayor and Council of Rockville, a municipal corporation of that name chartered by the State. The City carries out administrative functions through operations and activities of various departments. When appropriate, the term also refers to the legal boundaries of such municipal corporation and the land within it.

City Attorney means the attorney for the City of Rockville or any authorized representative.

City Manager means the City Manager for the City of Rockville or any authorized representative.

City Waterway means Watts Branch, Rock Creek, Cabin John Creek and any of their springs, seeps, marshes, Wetlands, ditches, channels, canals, conduits, culverts, drains, gullies, ravines or washes, including any named and unnamed tributaries, and area that is subject to periodic inundation from Runoff or flood water, whether natural or man-made, located in whole or in part, within the boundaries of the City.

Clear means removing trees and/or brush from the land while leaving the root mat intact, but does not include the ordinary mowing of grass.

Code means the Rockville City Code. [[of the City of Rockville.]]

Common Area means any land owned by a Home Owners Association (HOA) or any similar organization.

Community Association means a mandatory membership organization created for the maintenance of commonly owned real estate and improvements where the members are required to adhere to a set of rules and the payment of assessments. Community Associations typically pertain to residential developments where they are commonly referred to as HOA; they also may include commercial or office developments, or any combination thereof.

Condominium means a residential property that is subject to a condominium regime established under the Maryland Condominium Act.

Conveyance means, depending on the context in which it is used, either the transfer by deed in a form approved by the City Attorney, of a fee simple title in land, at no cost to the City or *Conveyance* means the process of safely carrying stormwater through Storm Drainage Systems, City Waterways, SWM Systems or other means.

County means Montgomery County in the State of Maryland.

Department means the Department of Public Works of the City of Rockville or any authorized representative.

Design Manual means MDE 2000 Maryland Stormwater Design Manual, Volumes I and II, Supplement I that serves as the official guide for SWM principles, methods and practices, except where altered by this Ordinance, its Regulations or Department guidance documents.

Developer means a Person undertaking any or all the activities in a Development Project covered by this Ordinance, or for whose benefit such activities are commenced or carried on. General contractors and subcontractors, without a proprietary interest in the Development Project, are not included within this definition.

Development means any constructing, altering, Grading or improving with construction occurring on a specific area of land. Unless where the context indicates otherwise, the term Development includes Redevelopment.

Development Project means a project for the Grading and/or construction of Buildings, structures, paving, utilities or other improvements and/or components thereof, upon a defined area of land consisting of one or more lots, tracts or parcels to be developed or redeveloped as an integrated whole, which may include adjacent road improvements and work in Rights-of-Way to be dedicated to the City, the County, the State or the Federal government. Unless where the context indicates otherwise, the term Development Project includes Redevelopment Project.

Development Stormwater Management (SWM) *Concept* means the second phase of three required approvals that includes the information necessary to allow a detailed evaluation of a Development Project for its conformance with this Ordinance and the Regulations.

Director means the Director of the Department of Public Works or any authorized representative.

Disturbed Area means the measurable area subject to Erosion where Grading, Land Disturbing Activity or Development will occur; excluding milling and overlay of pavement that does not expose ground or subgrade.

Drainage Area means the measurable area contributing Runoff to a single point.

Easement means a recorded grant or reservation by the Owner of land for the use of all or a portion of such property to the public or others, for a specific purpose.

Environmental Guidelines means the City's Environmental Guidelines.

Environmental Site Design (ESD) means the use of small-scale SWM practices, non-structural techniques (including the Alternative Surfaces, Nonstructural Practices and Micro-Scale Practices described in Chapter 5 of the Design Manual) and better site planning to mimic natural hydrologic characteristics and minimize the impact of Development on water resources.

Equivalent Residential Unit (ERU) means the statistical median Impervious Surface Measurement associated with an improved Single Unit Detached Dwelling lot in the City that serves as the base unit of assessment for the SWM Utility Fee. The designated ERU for the City is 2,330 square feet of Impervious Surface Measurement.

Equivalent Residential Unit Rate (ERU Rate) means the fee amount established by the Mayor and Council that, when multiplied by the number of ERUs on a parcel, derives the annual SWM Utility Fee.

Erosion means the process by which the ground surface and material is worn by the action of wind, Runoff, water, ice or gravity.

Erosion and Sediment Control means a system of structural and vegetative measures that minimize Erosion and sediment transport.

Existing Condition means, for the purpose of calculating Cp_v, Qp_{10} and Runoff for a Safe Conveyance Study means the hydrologic condition for the current land use cover.

Extended Detention means a stormwater design feature that provides gradual release of a volume of water in order to increase settling of pollutants and protect downstream channels from frequent storm events. Methods for designing Extended Detention SWM Systems are specified in the Design Manual.

Extreme Flood Volume (Q_f) means the storage volume of storage required to be captured and managed in a SWM System in order to prevent storm flows from reaching or exceeding the boundaries of the 100-year floodplain. Methods for calculating and managing the Q_f are specified in the Design Manual.

Federal means the federal government of the United States of America.

Floodplain means, depending on the context, a relatively flat or low land area adjoining a City Waterway which is subject to partial or complete inundation by the storm occurring, on average, once every 100 years with a Drainage Area of 30 acres or more or an area subject to the unusual and rapid accumulation of Runoff or surface waters from any source.

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

<u>*General Permit* means the permit for stormwater management associated with construction activity issued by MDE. All General Permits require the submittal of a Notice of Intent (NOI).</u>

Grade means any act by which Soil is cleared, stripped, stockpiled, excavated, scarified, filled, displaced, relocated and removed of root mat or topsoil or any combination thereof.

Grading Unit means the maximum contiguous Disturbed Area on a Site allowed to be graded at any given time, which is limited to 20 acres or as otherwise directed by the Department.

Highly Erodible Soils means those Soils with a Slope greater than 15 percent or those soils with a soil erodibility factor or K value greater than 0.35 and with slopes greater than 5 percent.

Imminent Substantial Endangerment means an actual or potential threat to human health, property, safety or the environment.

Impervious Area means an area that is covered in a [[Building, structure or]] material that prevents, restricts, or inhibits the downward passage of stormwater into the underlying soil. For purposes of Article IV of this Ordinance <u>and except as exempted by Sec. 19-41</u>, the measurement of Impervious Area also includes: surfaces within the Development Project that are proposed to be covered by an Alternative Surface as defined in the Design Manual, gravel

surfaces and surfaces proposed to be reconstructed [[resurfaced and/]]or repaved where either the subgrade or soil is exposed.

Impervious Surface Measurement means, for purposes of Article VI of this Ordinance, the number of square feet of horizontal Impervious Area including gravel and Alternative Surfaces.

Improved Townhouse or Semi-Detached Dwelling Lots means, for purposes on Article VI of this Ordinance, a parcel, regardless of zoning, improved with an existing single Townhouse or Semi-Detached Dwelling Unit. This term does not include residentially zoned parcels not used for residential purposes, or any Common Area owned by a Community Association or similar entity.

Land Disturbing Activity means any earth movement or land use changes which may result in Erosion or the movement of Sediments into a City Waterway or onto other lands.

Licensed Architect means an architect duly licensed by the State of Maryland to practice architecture in accordance with provisions of the Annotated Code of Maryland as may hereafter be amended.

Limit of Disturbance means the delineated and measurable area surrounding any Disturbed Area.

Maryland Department of the Environment (MDE) means the State agency responsible for administering environmental laws and regulations, including SWM and Erosion and Sediment Control.

Maximum Extent Practicable (MEP) means design of Development Project so that all reasonable opportunities for using ESD treatment practices are exhausted as determined by the Department and only where necessary, a Structural SWM practice or Alternative is implemented.

Mayor and Council means the Mayor and Council of the City of Rockville, Maryland.

Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) means the first of three required approvals for sediment control that includes information necessary to allow an evaluation of existing natural resources on a site for conformance with this Ordinance and the Regulations. The NRI/FSD must be a complete analysis of existing natural features, forest and tree cover on a site. [[The NRI/FSD must cover the Development Project and the first 100 feet of adjoining land around the perimeter or the width of any adjoining lots, whichever is less.]] Natural features include topography, Steep Slopes, perennial, intermittent and ephemeral streams, [[and]] major drainage courses; 100-year floodplains, Wetlands, Soils and geological conditions, critical habitats, aerial extent of forest and tree cover, cultural features and historic sites and necessary buffers.

Notice of Intent (NOI) Permit means that permit issued by MDE as a General or Individual Permit for stormwater associated with Land Disturbing Activity.

Non-erosive Velocity means a sufficiently low velocity of stormwater or Runoff to prevent Erosion.

Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture is a Federal agency that reviews and approves the technical design of small ponds in certain instances in addition to the Department and in conjunction with the Montgomery Soil Conservation District.

*Off-site Stormwater Management (*SWM) means a SWM System that is not located within a Development's Site Area but controls stormwater from the Development.

On-site Stormwater Management (SWM) means a SWM System that is located within the Development's Site Area that controls stormwater from the Development.

Ordinance means Chapter 19, Sediment Control and Stormwater Management, of the Rockville City Code, as may be amended.

Other Improved Lot, for purposes of Article VI of this Ordinance, means any improved lot or parcel in the City that is not an improved Single Unit Detached, Townhouse or Semi-Detached Dwelling lot. This includes, but is not limited to, Condominium properties, Common Areas owned by an HOA, multi-family dwellings, commercial properties, industrial properties, parking lots, hospitals, schools, government buildings, recreational and cultural facilities, hotels, offices and places of worship.

Outfall means the point where a SWM System, City Waterway or Runoff is discharged.

Overbank Flood Protection Volume (Qp_{10}) means the volume of storage required to be captured and managed in a Structural SWM System in order to release the 10-year Post-Development Condition discharge at a 10-year Pre-Development Condition rate to prevent an increase in the frequency of out-of-bank or storm drain surcharge flooding generated by Development. Methods for calculating and managing the Qp_{10} are specified in the Design Manual.

Owner means the Person, lessee, or other agent in control of a Site on which Development is, will be, or has been done.

Permit means a SWM Permit, Sediment Control Permit, Public Works Permit, Building Permit and Occupancy Permit, as may be appropriate within the context of the specific provision of this Ordinance.

Person means the Federal government, the State of Maryland, any County, municipal corporation, or other political subdivision of the state, or any of their units, or an individual receiver, trustee, guardian, executor, administrator, fiduciary or representative of any kind, or any individual, partnership, company, firm, association, nonprofit organization, public or private corporation or any other legally recognized entity.

Phase means, depending on the context used, the sequential progression of the construction of a Development Project or a specific step in a development review process.

Planning Techniques means a combination of strategies employed early in Development Project design to reduce the environmental impact from Development and to incorporate natural features into a SWM program.

Post-Development Condition means the hydrologic condition projected for a Site after the approved Development has occurred.

Preliminary Erosion and Sediment Control Plan means the second phase of three required approvals that includes the information necessary to allow a detailed evaluation of proposed integration of Erosion and Sediment Control and SWM for a Development Project for its conformance with this Ordinance and the Regulations.

Pre-Application Stormwater Management Concept (SWM) means the first phase of three required approvals that includes the information necessary to allow a preliminary evaluation of a proposed Development Project and its conformance with this Ordinance and the Regulations.

Pre-Development Condition means the hydrologic condition for land as meadow or forest, when forest is the Existing Condition prior to Development. For some calculations in the Design Manual, the Pre-Development Condition will be assumed to be meadow or forest regardless of the current land use.

Private Storm Drainage System means a system of storm drain pipes, inlets, outlets, structures, channels, swales and/or drainage Easements**,** which is not maintained by the City,

through which Runoff is collected and conveyed to a City Waterway or to another Conveyance system.

Private Stormwater Management (SWM) System means any SWM System serving one or more properties, whether in common Ownership or not, that is not structurally maintained by the City.

Professional Engineer means an engineer duly licensed by the State of Maryland to practice professional engineering in accordance with provisions of the Annotated Code of Maryland as may hereafter be amended.

Professional Land Surveyor means a land surveyor duly licensed by the State of Maryland to practice professional surveying in accordance with provisions of the Annotated Code of Maryland as may hereafter be amended.

Public Stormwater Management System (SWM) means a SWM System that is operated and structurally maintained by the City, whether it is located on publicly or privately owned land.

Recharge Volume (Re_v) means that portion of the Water Quality Volume (WQ_v) required to be captured and managed in a SWM System in order to maintain groundwater recharge rates. Methods for calculating and managing the Re_v are specified in the Design Manual.

Redevelopment means any Development performed on a Site with existing completed commercial, industrial, institutional or multi-family residential land uses and existing Site Impervious Area that exceeds 40 percent. This term does not include subsequent Phases of a multi-phase development. Redevelopment, depending on the context, also can mean a Development Project that meets the definition of Redevelopment.

Regional Stormwater Management (SWM) System means a Public or Private SWM System that serves multiple properties, which may be in different Ownership.

Regulations means the regulations to implement the provisions of this Ordinance prepared [[adopted]] by the Department and approved by the Mayor and Council.

Responsible Personnel means any Person, regardless of title, who is in charge of a Development Project's Land Disturbing Activities and/or Development.

Retrofit means the modification of an existing or in some instances the construction of a new SWM System on a previously developed Site.

Right-of-Way means an area on which the public has a right to pass or travel that was originally intended for development as a road, street or highway and was accepted on behalf of the public by plat, Easement, eminent domain, purchase, fee simple title or prescriptive use.

Runoff means that portion of the precipitation on a Drainage Area that is discharged without infiltrating into the ground, including from the surface, seeps, groundwater and springs.

Safe Conveyance means the collection and Conveyance of Runoff utilizing a Storm Drainage System in a manner that does not create Erosion, negatively impact infrastructure or pose an Imminent Substantial Endangerment to City Waterways, SWM or Storm Drainage Systems, public or private property, improvements or the environment.

Safe Conveyance Study means a study utilizing methodology as determined by the Department to analyze the collection and conveyance of Runoff in a Storm Drainage System.

Sediment means soils or other surficial materials transported or deposited by the action of wind, water or Runoff movement, ice or gravity as a product of Erosion or other artificial means.

Sediment Control Construction Plan means the third phase of three approvals necessary to implement Erosion and Sediment Control measures for a Development Project for its compliance with this Ordinance and the Regulations. The Plan includes a drawing and other

documents pertaining to minimizing Erosion and preventing off-site sedimentation, which contains information necessary to support a Sediment Control Permit.

Sediment Control Permit means the Permit issued by the Department authorizing mitigation and management of impacts associated with Land Disturbing Activities [[Land Disturbing Activities]] in accordance with the provisions of this Ordinance and the Regulations.

Semi-Detached Dwelling means one of two single unit attached dwellings located on abutting lots meeting the following criteria: the dwellings are joined by a party wall along a common lot line and extending from the basement floor to the highest point of the roof with no openings and no other buildings or structure adjoin either dwelling unit.

Single Unit Detached Dwelling means a Building designed and intended for use as a single dwelling and entirely separated from any other Building or structure on all sides. This term includes dwellings that are modified to include an accessory apartment approved by Special Exception. This term does not include the following: parcels improved with Townhouses or other Semi-Detached or attached dwelling units, or multi-unit dwellings; residentially zoned parcels not used for residential purposes or any common area owned by a community association or similar entity.

Site or Site Area means any tract, lot or parcel of land, or combination of tracts, lots or parcels of land that are in common Ownership, or are contiguous and in diverse Ownership, where Development is to be performed as part of a unit, subdivision or Development Project. For some computations (except in Article VI) pursuant to this Ordinance and the Regulations, Site Area does not include the Development in an adjacent existing Right-of-Way.

Slope means the exposed or vegetated incline of fill, excavation or natural terrain or the steepness of a surface, expressed in terms of the ratio of horizontal distance to vertical rise or in terms of percentage of that ratio.

Soil means any earth, sand, gravel, rock or other similar material.

Stabilization means to protect exposed Soils from Erosion by the use of seed and mulch, seed and matting, sod or a number of other vegetative and/or structural measures.

Standards means the laws, regulations, details and guidance relating to Sediment Control, Erosion and SWM that may now or hereafter be established or adopted by the Department, MDE or any other State or Federal government having authority to regulate.

Standard Sediment and Erosion Control Plan means a plan developed by the Department and approved by MDE that contains the minimum elements for Erosion and Sediment Control, with required details, notes and certifications for use by an Applicant to obtain certain Department approvals.

Standards and Specifications means MDE's 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

State means the State of Maryland of the United States of America.

Steep Slope means Slopes with a gradient of 25 percent or more.

Stop Work Order means an order by the Department requiring all construction business operations and other activities relating to a violation be halted until the violation is corrected to the satisfaction of the Department.

Storm Drainage System means the system, which may include storm drain pipes, inlets, outlets, structures, channels, swales, overland surface drainage and the like, through which Runoff or stormwater is conveyed to SWM Systems and City Waterways.

Stormwater Management (SWM) means any measure or practice designed to manage, treat, control, reduce or mitigate surface Runoff from storms.

Stormwater Management Alternatives (Alternatives) means measures approved by the Department in lieu of On-site SWM to provide equivalent benefits or mitigate the effects of uncontrolled Runoff.

Stormwater Management Construction Plan means the third of three approvals necessary to implement SWM on a Development Project for its conformance with this Ordinance and the Regulations. The plan includes drawings and other documents pertaining to a SWM System or other Watershed Improvement that contain information necessary to support a SWM Permit.

Stormwater Management Fund means a dedicated enterprise fund established and maintained by the City to support City SWM and Storm Drainage Systems, related Water Quality Programs and related services.

Stormwater Management Permit means the permit issued be the Department authorizing the construction of a SWM System in accordance with the provisions in this Ordinance and the Regulations.

Stormwater Management Quality Control means reducing or eliminating pollutants that might otherwise be carried by Runoff by treating the Water Quality Volume (WQ_v) and/or the Recharge Volume (Re_v) using a SWM System or by other measures as may be approved by State law or regulation.

Stormwater Management Quantity Control means managing the Channel Protection Storage Volume (Cp_v) and/or the Overbank Flood Protection Volume (Qp_{10}) and/or the Extreme Flood Volume (Q_f) using a SWM System or by other measures as may be approved by State law or regulation.

Stormwater Management System means measures or practices which may include ESD treatment practices, Structural SWM practices and/or Alternatives used alone or in combination to provide the required quantity and quality control for a Development Project. Included in the SWM System is all land, materials, Outfalls, inlets, drainage pipes, control structures and System dependent plantings and appurtenances used in the construction, maintenance and operation of the System.

Stormwater Management Utility Fee means a fee charged by the City based on the Impervious Surface Measurement to support City SWM and Strom Drainage System, Water Quality Programs and related services.

Stream Buffer means the area of a perennial or intermittent stream and the land adjacent to the stream as defined by [[Section 23.5-1 of]] the 2007 Water Quality Protection Ordinance.

Structural Maintenance means the periodic inspection, construction, reconstruction, maintenance, modification, dredging or repair of any part of a SWM System to ensure that it remains in proper working order and serves its intended purpose.

Structural Stormwater Management System means constructed SWM measures, including but not limited to ponds, Wetlands, infiltration Systems, filtering Systems, open channel Systems and underground storage systems that are designed to meet the requirements in the Design Manual.

Townhouse Dwelling (Townhouse) means one of a group of three or more single unit dwellings separated from each other by a party wall extending from the basement floor to the highest point of the roof with no openings. Each dwelling unit must have two separate entrances from the outside.

Ultimate Condition means for the purpose of calculating Cp_v, Qp_{10} and the Runoff for a Safe Conveyance Study, the hydrologic conditions for ultimate land use according to Chapter 25 (Zoning).

Unimproved Lot means any parcel, regardless of zoning or land use, which has less than 100 square feet of Impervious Surface Measurement.

USDA means the United States Department of Agriculture.

Watershed means the total Drainage Area contributing Runoff to a single point.

Watershed Improvements mean the implementation of ESD, Structural SWM Systems or stream restoration to protect water quality, improve aquatic habitat or reduce stream Erosion. Such improvements may include channel and stream bank repair and stabilization, improvement of aquatic habitat, fish passage barrier removal, wetland enhancement, protection of natural resources and features or other measures as approved by the Department.

Water Quality Program means programs by the City to improve, restore, protect and maintain City Waterways.

Water Quality Protection Ordinance means Chapter 23.5 of the Rockville City Code.

Water Quality Volume (WQ_v) means the volume of storage required to be captured and managed in a SWM System in order to treat the Runoff from 90 percent of the average annual rainfall. Methods for calculating and managing the WQ_v are specified in the Design Manual.

Wetlands means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient such that under normal circumstances supports, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Sec. 19-3. Interpretation.

The requirements contained herein are minimum requirements that are imposed and are to be conformed to and are in addition to, not in lieu of, all other legal requirements. These requirements must be liberally construed to accomplish the purposes set forth herein.

Sec. 19-4. Severability.

If any portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such portion will not affect the validity of the remaining portions of this Ordinance. It is the intent of the City that this Ordinance will stand, even if a section, subsection, sentence, clause, phrase or portion may be found to be invalid.

Sec. 19-5. Administration.

(a) The Mayor and Council will by resolution:
  (1) Establish all fees deemed necessary to cover the cost of administering the provisions of this Ordinance, including but not limited to concept review fees, plan review fees, permit fees, violation fees and inspection fees.
  (2) Establish the schedule of fees for SWM monetary contributions.
  (3) Establish the Equivalent Residential Unit Rate to be used for calculating the SWM Utility Fee.
  (4) Approve the Regulations prepared by the Department.

(b) The Department [[of Public Works]]:

(1) Will administer the provisions of this Ordinance and will have such other powers and perform such other duties as are set forth in other sections of this Ordinance and the Regulations and as may be conferred or imposed from time to time.
(2) If delegated by MDE, may exercise such inspection and enforcement authority for Erosion and Sediment Control. [[If this authority is not delegated to the City, MDE will retain such authority in accordance with COMAR 26.17.01.]]
(3) Prepare Regulations for the implementation of the provisions of this Ordinance. Said Regulations may incorporate, by reference, existing appropriate federal, State or local government documents.
(4) The Department may develop additional guidance, by whatever title, for the implementation of this Ordinance and the Regulations.

Sec. 19-6. Reserved.

ARTICLE II. COMPLIANCE MONITORING AND ENFORCEMENT

DIVISION 1. COMPLIANCE MONITORING

Sec. 19-7. Inspections.

(a) All work performed pursuant to a Permit issued under this Ordinance will be periodically inspected for compliance with the terms and conditions of the Permit, Approved Plans and supporting documents, this Ordinance and the Regulations. The inspection will be performed by the Department.
(b) The Department may, after proper identification, enter any property, public or private, to assess compliance with the requirements of this Ordinance, including a review of standards, Permit conditions, construction inspections and maintenance requirements.
(c) The Department may, at any time, after reasonable identification considering the circumstances, enter any property in emergency situations where the Department determines there is Imminent Substantial Endangerment.
(d) The Owner must allow the Department ready access to all parts of the property for the purposes of observation, inspection, sampling and examination and copying of records relating to compliance with this Ordinance or any Permit issued thereunder.
(e) If the Owner withholds or withdraws consent to enter or remain on private property, the Department may obtain an administrative or criminal search warrant, as may be applicable, from a court with jurisdiction to authorize such entry. Entry may be made without a search warrant where there are conditions on the premises that the Department determines represent Imminent Substantial Endangerment or such other exigent circumstances exist that justify a warrantless search under the law.
(f) Any temporary or permanent obstruction that in whole or in part prevents reasonable access to a public or private property to be inspected for compliance with this Ordinance must be promptly removed by, and at the expense of, the Owner upon the written or verbal request of the Department and may not be replaced.
(g) The Department may develop procedures, guidance and forms governing compliance monitoring.

[[(h) The Department will generate an inspection report detailing the status of compliance with this Ordinance.]]

Secs. 19-8 through 19-10. Reserved.

DIVISION 2. ENFORCEMENT RESPONSES, CORRECTIVE ACTIONS AND PENALTIES

Sec. 19-11. Violations.

(a) The following are violations of this Ordinance:
  (1) Failure to comply with any provision of this Ordinance or the Regulations.
  (2) Failure to comply with, or significant deviation from, the terms or conditions of any issued Permits.
  (3) Failure to comply with, or significant deviation from, any plans approved pursuant to this Ordinance.
  (4) Failure to comply with any executed agreements.
  (5) Failure to inspect SWM Systems.
  (6) Failure to maintain SWM Systems.
  (7) Failure to comply with the terms of any order, Notice of Violation, inspection report, or directive of the Department to stop work, to take corrective action, or pay fines.
  (8) Any Person who makes a false statement or report to the Department will be deemed to have committed a separate violation of this Ordinance for each such false statement or report.
  (9) Creation of an Imminent Substantial Endangerment to human health, safety or the environment.

(b) Each day that a violation continues constitutes a separate and repeat violation.

(c) Unless otherwise provided, a violation of this Ordinance constitutes a municipal infraction for which a municipal infraction citation may be issued under Section 1-9 of the Code.

(d) The Department will issue written notification of any violations to the Owner, Responsible Personnel, Applicant or other appropriate Person, which describes the nature of the violation and any [[the]] required [[corrective]] action.

(e) The Department may require additional engineering design or construction to bring the violations into compliance with the requirements of this Ordinance, the Regulations or any Permit issued thereunder.

Sec. 19-12. Enforcement.

(a) When a violation of this Ordinance is identified, the City may, in its sole discretion, take any or all of the following actions against the Person causing the violation:

(1) Issue any or all of the following administrative orders and fines:
   a. Abatement Order to the Person responsible for a violation to abate and eliminate the violation at the Person's own expense and to the satisfaction of the City.
   b. Stop Work Order requiring all construction, business operation and other activities relating to the violation to be halted until the violation is corrected to the satisfaction of the City [[Department]].
   c. Compliance order establishing a specific schedule for achieving compliance with monitoring and sampling requirements, management practices, pollution prevention practices, Watershed improvements, treatment approaches, the abatement of pollution, the repair of any damage to Rockville infrastructure, monitoring requirements and other corrective actions established in the order as the Department deems necessary and to the satisfaction of the Department. Any records, including sampling results, measurements, photos, videos and other documentation required to be generated by the compliance order [[will]] must be retained and made available to the Department upon request [[by the Department]] for a period of no less than three years.
   d. An administrative fine of $1,000 per violation per day.
   e. The issuance of any administrative order or fine under this section does not relieve liability for any previous or continuing violations. Further, the issuance of an administrative order or fine will not bar the Department from pursuing additional actions against a Person in violation of this Ordinance.
   f. The City Manager may deny, suspend or revoke any Permit issued under this Ordinance and any other permit related to the activity resulting in the violation or to the Site on which the violation is occurring, until all violations are corrected to the satisfaction of the City, and may stop work and cease any and all inspections.
   g. The City Manager may withhold bonds or other securities if reasonable efforts to correct the violation have not been undertaken. The City may withhold or reduce bonds or other securities to satisfy fines owed for violations of this Ordinance and to recoup costs incurred by the City to correct violations of this Ordinance.
   h. The Department may impose additional engineering design, Permits or construction requirements, including review and Permit fees to bring the Site into compliance with the Permit or relevant law or regulation and/or may require a revision to the Permit or the Approved Plans to accomplish this.
   i. The City may, in lieu of or in addition to other corrective measures authorized by this Ordinance, agree with the responsible Person in violation to pursue other improvements in lieu of paying some or the entire administrative fine.

(2) Proceed with judicial enforcement by:
   a. Filing a complaint requesting the issuance of a municipal infraction citation imposing a fine of $1,000.00 per violation per day.
   b. Instituting any appropriate civil or criminal action or proceeding to prevent, restrain, correct or abate any violation of this Ordinance or any administrative orders or directives issued hereunder.

(3) Secure Cost recovery as follows:
   a. Any Person found to have violated this Ordinance must reimburse the City for all costs associated with the inspection, sampling, analyses, abatement and enforcement action resulting from any violation.

b. All fines, penalties and costs owed to the City pursuant to this section may be transferred to a judgment, filed as a lien on the Property of the Person responsible for the violation and added to the tax bills for collection in the same manner as City taxes.

(4) The penalties, fines and costs recovered by the City will be deposited into the City SWM Fund.

(b) The remedies listed in this Ordinance are not sequential or exclusive. The Department may take any, all or any combination of these actions.

(c) In addition to any other remedy, sanction or penalty provided by this Ordinance, the Department may pursue any other remedies available under any applicable Federal, State or local law.

(d) All decisions, findings, orders or directives issued by the Department pursuant to (a)(1) and (3) of this Section, except for a final decision of the Department on an appeal, must contain a notice of the right to appeal, as set forth in Sec. 19-13 of this Ordinance.

Sec. 19-13. Appeals.

(a) Any Person aggrieved by any decision, finding, order or directive of the Department may file an appeal in accordance with the following procedure:

(1) Director - any Person wishing reconsideration must, within five business days of receiving written notice of any decision, finding, order or directive, submit via certified mail to the Director a written request for reconsideration stating the reasons the decision should be reconsidered [[appealed]].

(2) City Manager - if reconsideration is denied, the aggrieved Person may within 10 business days thereof, submit via certified mail; a written appeal of the Director's decision, finding, order or directive to the City Manager. The City Manager may designate another individual to hear the appeal, provided that such designee had no significant involvement in the decision, finding, order or directive for which the appeal is being made.

(3) Circuit Court - the decision of the City Manager is a final decision; however, the aggrieved party may file a petition for judicial review with the Circuit Court for the County in accordance with the Maryland Rules as set forth in Title 7, Chapter 200, as may be amended.

(b) The City Manager may establish procedures for administrating the appeal process.

(c) The appeal process provided by this section is the exclusive and sole method of review of any such decision, finding, order or directive issued pursuant to this Chapter. The failure of an aggrieved Person to file an appeal in accordance with the provisions of this section will be deemed a waiver of these appeal rights and of the right to challenge the decision, finding, order or directive in any other forum or in any other manner.

(d) While any request for reconsideration or appeal filed under this section is pending, no Person charged with being in violation of this Ordinance may continue to engage in the conduct alleged to violate this Ordinance.

Secs. 19-14 through 19-20. Reserved.

ARTICLE III. PERMITS

Sec. 19-21. Permits Required.

(a) No Person may engage in any Development covered by this Ordinance without a Sediment Control and/or a SWM Permit issued by the Department, as required by this Ordinance and the Regulations.

(b) All Permits and approvals are conditioned on the following:

(1) Compliance with plans and laws. Compliance with the Approved Plans and with all relevant laws, ordinances, regulations and Standards of any federal, state or local government agency, including any Standards established by the Department and MDE relating to Erosion and Sediment Control and SWM.

(2) Hold harmless. The agreement and obligation of the Applicant to hold the City harmless from any expense incurred through the failure of the Applicant to complete any required Erosion and Sediment Control or SWM measures, or from any damages growing out of the negligence of the Applicant.

(3) Proper operation and maintenance. The Applicant must properly operate and maintain all SWM Systems and Sediment Control measures.

(4) Duty to reapply. If the Applicant wishes to continue any activity regulated by a Permit after the expiration date of the Permit, the Applicant must apply for an extension or a new Permit.

(5) Duty to mitigate. The Applicant must take all reasonable steps to minimize or prevent any violation of this Ordinance that has a reasonable likelihood of adversely affecting public health and safety, the environment, property or public Right-of-Way.

(6) Inspection and entry. The Applicant must grant access to the Property to the Department at reasonable times for purposes of determining compliance with this Ordinance including observation, inspection, to make copies of records, to take samples or to monitor any substances or parameters at any location on the Site.

(7) Duty to provide information. The Applicant must furnish to the Department any information that the Department may request to determine whether cause exists for modifying or terminating the Permit or to determine compliance with the Permit.

(8) Reporting requirements. The Applicant must immediately report the following to the Department:

a. Changes to the Approved Plans.
b. Changes to the permitted Site conditions.
c. Any violation of this Ordinance.
d. Any event, activity or violation of this Ordinance that creates Imminent Substantial Endangerment.

(c) In addition, the Department may impose such express conditions on the Permit as are reasonable and appropriate to preserve public health and safety and to prevent the creation of an Imminent Substantial Endangerment, nuisance or dangerous conditions or as are deemed necessary to accomplish the purposes of this Ordinance and the Regulations, including but not limited to the imposition of a time sequence or time limit for performance of work.

Sec. 19-22. Fees.

Fees may be collected at each stage of sediment control and SWM plan review, plan submission or resubmission, plan revision, plan re-approval and permitting. Fees will provide for the cost of plan review, administration and management of the permitting process and construction inspection of all Development Projects subject to this Ordinance. Unless otherwise provided, all fees are
non-refundable.

Sec. 19-23. Permit Application.

(a) An application for a Permit must be filed with the Department on forms supplied by the Department. A separate application is required for each Permit, but a Permit and application may cover any number of contiguous lots being developed as a single Development Project, when deemed appropriate by the Department.
(b) Each Permit application will be supported by the following:
  (1) An application form.
  (2) Plans, computations and other information required by this Ordinance and the Regulations.
  (3) Required fees.
  (4) Required bonds or other securities.
  (5) Required agreements, maintenance plans, covenants and Easements.
  (6) Evidence of permits required by any other Federal, State or local agency having jurisdiction.
  (7) Any other information and documentation that the Department may deem necessary.
(c) By filing a Permit application, the Applicant gives implicit consent to the Department to enter the Site during plan review and construction.

Sec. 19-24. Bonds and Other Securities.

(a) A performance bond or letter of credit issued by a surety company or financial institution authorized to do business in the State of Maryland must be posted in a form acceptable to the Department and the City Attorney prior to the issuance of any Permit authorized by this Ordinance. The Department, in its sole discretion, may accept a cash bond or other security satisfactory to the Department and the City Attorney.
(b) The required security must run to the City and must secure the Permit as described in (c).
(c) The required security must be in an amount equal to the total estimated cost of constructing and installing the sediment control or SWM measures, including, but not limited to, the cost of materials. A separate security must be posted for each Permit.
(d) The Department will not release any security until:
  (1) It conducts a final inspection of the completed work, including required landscaping, and determines that all covered work complies with the applicable Permit and Approved Plans.
  (2) Supporting documents and satisfactory As-Built plans and computations of the permitted SWM System are submitted to and approved by the Department.

(3) It receives recorded copies of any required agreements, maintenance plans, covenants and Easements.

(4) All enforcement actions are satisfied and fines and penalties for violations are paid.

(e) The City may proceed to do whatever is necessary to cause the permitted work to be completed and to comply with the applicable Permit, law, regulation, or condition, including but not limited to declaring a forfeiture of the bond or other security and the Applicant will be liable for all expenses incurred thereby.

Sec. 19-25. Plan Review and Permit Issuance.

(a) All supporting plans will be reviewed for compliance with this Ordinance, the Regulations and any applicable Federal or State law.
(b) No SWM or Sediment Control Construction Plan is deemed approved until signed and dated by the Director.
(c) Sediment Control Construction Plan or SWM approvals expire six months after the plan approval date if the corresponding Sediment Control or SWM Permit is not issued within that period. The Department may require plans to be revised to address changes in Standards before the plans are re-approved.
(d) No Permit will be issued if supporting Approved Plans have expired.
(e) All required Easements, covenants and agreements must be approved by the Department and the City Attorney and, where appropriate, recorded among the land records of Montgomery County by the Applicant and at the Applicant's expense prior to approved plans or the issuance of the Permit as applicable.
(f) All necessary Federal, State and/or local permits or approvals for work within waters of the U.S., 100-year Floodplain, Wetlands or Wetlands buffer must be issued prior to issuance of a City Sediment Control Permit and SWM Permit.
(g) No Permit is deemed issued until the Applicant receives a Permit signed and dated by the Director.
(h) An Applicant may not transfer a Permit to another Person without the written consent of the Department and the posting of a new security by the new Applicant.

Sec. 19-26. Modification of Permit Requirements.

The Director, at his/her sole discretion may grant a written modification of any requirement, Standard or specification of this Article, if there are exceptional circumstances applicable to the Site such that strict adherence will result in unnecessary hardship or not fulfill the intent of the Ordinance. A written request must be provided to the Department stating the specific modifications sought and offering supporting justification. The Department will not grant a modification unless and until the Applicant provides sufficient justification.

Sec. 19-27. Permit Denial.

(a) No Permit will be issued if the Department determines that the work proposed by the Applicant is likely to cause Imminent Substantial Endangerment to any property or public Right-of-Way.

(b) If the land for which the Land Disturbing Activity is proposed lies within the 100-year Floodplain of any City Waterway, the Department will deny a Permit except where such Land Disturbing Activity is authorized by MDE, if required, and a Floodplain Variance is obtained pursuant to the provisions of Chapter 10 of the Code.
(c) Failure of the Department to observe or recognize hazardous conditions or failure to deny the Permit will not relieve the permittee from the responsibility for the hazardous conditions or damages resulting therefrom and will not result in the City or its officers or agents being responsible for the damages resulting therefrom.

Sec. 19-29. Plan and Permit Revisions.

(a) At either the request of the Applicant or at the Department's initiative based on new information, Approved Plans and Permits may be revised after issuance with such conditions as the Department may impose and in accordance with this Ordinance and the Regulations.
(b) Permit revisions may be required by the Department where deemed necessary to address new information and changes in Site conditions; to correct a violation of the Permit or applicable law, Ordinance or Regulation; or to correct inadequacies of the Approved Plan as revealed through inspection.
(c) Requests for revisions to an Approved Plan or issued Permit must be submitted in writing to the Department. Requests must include revisions clearly shown on the Approved Plans, revisions to supporting computations and such other information as may be required by the Department and as described in the Regulations. Unless otherwise approved by the Director, revisions to Plans and Permits must be approved before the changes are constructed or implemented in the field.
(d) All applicable revision fees must be paid and any bond adjustments made prior to approval of the revision request.
(e) Minor modifications as provided for in Article V, Erosion and Sediment Control do not require a revision unless otherwise required by the Department.

Sec. 19-30. Permit Expiration and Extension.

(a) Every Permit issued pursuant to this Ordinance will expire two years from the date of issuance or at the end of any shorter period of time designated by the Permit.
(b) If unable to complete the work before Permit expiration, the Applicant may, 30 days prior to expiration of the Permit, present in writing to the Department a request for an extension of the Permit, setting forth the reasons for the requested extension and demonstrating that the Applicant still has the necessary bonds or other security to support the Permit. The Director may grant up to two, one-year Permit extensions.
(c) Where deemed necessary, the Department may condition a Permit extension on the submission and approval of revised supporting plans and documentation or a Permit or Approved Plan revision.
(d) All applicable Permit extension fees must be paid, and bond adjustments made prior to granting the extension.

Secs. 19-31. through 19-35. Reserved.

ARTICLE IV. STORMWATER MANAGEMENT

DIVISION I. IN GENERAL

Sec. 19-36. SWM Policy.

(a) In the past, Development has occurred for which no Stormwater Management (SWM) was been provided. Therefore, it is the legislative goal and policy of the City that eventually SWM is provided for all new and existing developed land within the City. To this end, no Person may engage in a Development activity without providing for SWM for such Development as required by this Ordinance and the Regulations.

(b) The City recognizes the requirements of the Maryland Stormwater Act of 2007 and administrative rules promulgated thereunder. In general, stormwater controls required under this Ordinance ensure that all Land Disturbing Activity complies with applicable water quality standards. The City supports effective and innovative SWM policies and practices to protect the Chesapeake Bay and its tributaries. Accordingly, the City seeks opportunities to implement Stormwater and Watershed Management by requiring Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP) in both existing communities and new Developments with input from the Federal government, State, civic associations, residents, businesses and Developers, where appropriate.

Sec. 19-37. Watershed Management Plans.

The Department may develop or update Watershed management plans to identify specific SWM and stream protection goals, evaluate natural resource conditions, assess opportunities for Watershed Improvement and develop a schedule for City-managed Watershed Improvements to be implemented through the City's Capital Improvement Program or Alternatives.

Sec. 19-38. Qualified Preparer for SWM Submittals.

Except as provided below and/or as otherwise permitted by the Director, Pre-Application SWM Concepts, Development SWM Concepts and SWM Construction Plans including all applications, plans, details and computations will be prepared and certified by a Professional Engineer. Landscape elements of a SWM Construction Plan must be designed and certified by a Registered Landscape Architect to the extent permitted by State law.

Sec. 19-39. Reserved.

DIVISION 2. STORMWATER MANAGEMENT REQUIREMENTS

Sec. 19-40. Scope.

(a) Except as otherwise provided, the SWM provisions of this Ordinance and the Regulations apply to any Development that:
  (1) Involves 5,000 square feet or more of Disturbed Area; or
  (2) Creates or replaces 2,000 square feet or more of Impervious Area on an Single Unit Detached Dwelling, Townhouse or Semi-Detached Dwelling lot; or
  (3) Creates or replaces 250 square feet or more of Impervious Area on property other than a Single Unit Detached Dwelling, Townhouse or Semi-Detached Dwelling lot; or
  (4) Requires Federal or State authorization for alteration of any Floodplain, City Waterway, Stream Buffer, Wetlands or Wetlands buffer.

(b) Nothing in this Section may be construed to change the scope or applicability of the Erosion and Sediment Control provisions of this Ordinance and the Regulations.

Sec. 19-41. Exemptions.

The SWM provisions of this Ordinance and the Regulations do not apply to the following
(1) Development Projects:
  a. Agricultural land management activities.
  b. A Development Project that MDE determines will be regulated under specific State laws, which provide for managing Runoff.
  c. A Development Project that consists solely of excavating a trench in existing paving for replacement, maintenance or construction of utilities.
  d. Work performed pursuant to an enforcement action taken under this Ordinance or Chapter 23.5, (Water Quality Protection) to correct a violation.
  e. Maintenance activities on City owned or maintained Impervious Areas used for pedestrian, bicycle or vehicular access that do not alter the location, grade, size or purpose of the Impervious Area.
  (2) The following Development can be excluded from the measurement of Impervious Area:
    a. Vehicular or pedestrian bridges and appurtenances.
    b. Solar panels constructed on existing Impervious Areas.
    c. Construction of additional floors or roof over an existing Building as long as the Building footprint is not altered or increased.

Sec. 19-42. Variances and Modifications.

(a) The Department may only grant a variance from the requirements of the Design Manual when strict adherence will result in exceptional hardship and not fulfill the intent of this

Ordinance. The Applicant will submit a written request for a variance to the Department. The request must State the specific variance sought and the reasons for the request. The Department will not grant a variance unless and until sufficient information is provided describing the unique circumstances of the Site or Development project to justify the variance.

(b) The Director, at his/her sole discretion, may grant a written modification of any requirement, standard or specification of this Article if there are exceptional circumstances applicable to the Site or Development Project such that strict adherence will result in unnecessary hardship or not fulfill the intent of the Ordinance and/or to address environmental, hydrologic, hydraulic, topographic or other technical conditions or limitations. A written request must be submitted to the Director stating the specific modifications sought and offering supporting justification. The Director will not grant a modification unless and until the Applicant provides sufficient justification.

Sec. 19-43. Minimum SWM Criteria.

(a) Except as otherwise provided, the basic design criteria, methodologies and construction specifications, subject to the approval of the Department and MDE, will be those of the Design Manual.

(b) SWM Systems for Development Projects covered by this Ordinance must meet the minimum requirements, specifications and methodologies set forth in this Article, the Regulations, the Design Manual and Department guidance. At a minimum, SWM control must be provided on-site for:
   (1) Water Quality Volume (WQ_v) encompassing the Recharge Volume (Re_v).
   (2) Channel Protection Volume (Cp_v).
   (3) Overbank Flood Protection Volume (Qp_{10}).
   (4) Extreme Flood Control (Q_f) only in cases where the Department determines that this level of control is necessary for the protection of property, existing Buildings or other critical structures.

(c) ESD treatment practices must be used to treat Runoff from 1-inch of rainfall on all new Development Projects.

(d) Redevelopment projects may be permitted by the City to treat less than 1-inch of rainfall, if it can be demonstrated to the Department's satisfaction that treatment at this level is not feasible.

(e) Cp_v controls will be considered to be met when a Development Project's ESD measures are designed according to the Reduced Runoff Curve Method in the Design Manual.

(f) When a Development Project's Target Rainfall is not fully controlled utilizing ESD measures, then any remaining WQ_v and Cp_v requirements must be met according to the priorities listed in Sec. 19-44.

(g) The Department may, on a case-by-case basis, modify the minimum SWM criteria, requirements, specifications or methodologies to address environmental, hydrologic, hydraulic, topographic or other technical conditions or limitations.

Sec. 19-44. SWM Systems and Priorities.

(a) The ESD treatment practices and Structural SWM Systems established in this Ordinance, the Regulations and the Design Manual must be used, either alone or in combination, as a SWM System.
(b) ESD treatment practices and Structural SWM Systems not specifically included in the Design Manual may be used only if they meet the performance criteria established in the Design Manual and are accepted by the Department.
(c) All Development and Redevelopment Projects must provide SWM according to the minimum criteria established in Sec. 19-43 using the following methods, which are listed below in order of priority:
  (1) On-site ESD measures, preservation of natural resources and Planning Techniques implemented to the MEP.
  (2) On-site Structural SWM Systems.
  (3) Alternatives as described in Sec. 19-50.
(d) ESD treatment practices cannot be utilized to reduce the Q_{p10} control requirement.
(e) When an on-site Structural SWM System is being used to provide Qp_{10} control, it must provide full control for the entire drainage area to it.

Sec. 19-45. Site Area to be Treated.

(a) SWM must be provided for the Site Areas on Development and Redevelopment Projects according to the following criteria:
  (1) When the Land Disturbing Activity disturbs <u>less</u> [[more]] than 50 percent of the total Site Area, excluding the existing Right-of-Way, then SWM must be provided for the <u>Development within the</u> Site's Disturbed Area and the contiguous Rights-of-Way as required by Sec. 19-46.
  (2) When the Development Project disturbs 50 percent <u>or more</u> of the total Site Area, excluding the existing Right-of-Way, then SWM needs be provided for the <u>Development within the</u> entire Site Area and the contiguous Rights-of-Way as required by Sec. 19-46, including all Impervious Area previously existing on the Site that does not have SWM to current standards.
  (3) When the project involves the temporary disturbance of an existing vegetated field or vegetated recreational area that will be permanently stabilized with vegetation, then the temporary Disturbed Area measurement can be excluded from the computation used to determine the percent of the Site that is disturbed.
(b) Construction of new Impervious Area over existing Impervious Area must be treated as new Impervious Area for the purposes of this Ordinance and the Regulations.
(c) Resurfacing, repaving or milling of existing pavement that exposes the ground or subgrade will be considered to be Impervious Area for the purposes of this Ordinance and the Regulations.

Sec. 19-46. Contiguous Right-of-Way to be Treated.

(a) SWM also must be provided for a portion of the public or private Right-of-Way contiguous to the Site for Development and Redevelopment Projects including Single Family Detached, Townhouse and Semi-Detached Dwelling Units. Public Rights-of-Way include Federal, State, County and City roads. The Regulations contain requirements for calculating the portion of Right-of-Way to be treated for Development Projects.
(b) If it can be demonstrated to the satisfaction of the Department that SWM for all or a portion of the Right-of-Way has previously been provided through currently acceptable SWM Systems or Alternatives, then this area may be excluded from the contiguous Right-of-Way to be treated.

Sec. 19-47. Redevelopment SWM Criteria.

(a) Redevelopment, as defined in Article I, Sec. 19-2, must provide SWM according to the following criteria:
    (1) Reduce the existing Impervious Area within the Limit of Disturbance by a minimum of 50 percent in accordance with the Design Manual, regardless of whether the Redevelopment Project disturbs 50 percent or more of the total Site Area, and provide Overbank Flood Protection Volume control (Qp_{10}) and Safe Conveyance in accordance with Article IV, Division 6 or,
    (2) Provide SWM for the Site according to Secs. 19-43, utilizing the priorities listed in Sec. 19-44.
(b) Where a Redevelopment project has an existing On-site SWM System which does not meet the minimum controls listed in Sec. 19-43, the Department may consider the area treated by such System as meeting SWM requirements, if the Applicant constructs modifications to the System that provide treatment in accordance with criteria in Secs. 19-43.
(c) Regardless of the Site's On-site SWM requirements, the Applicant must provide SWM for the contiguous Right-of-Way according to Sec. 19-46.

Sec. 19-48. Grandfathering Provisions.

(a) In this section, Preliminary Project Approval means an approval as part of Rockville's preliminary or development review process that includes, at a minimum:
    (1) The number of planned dwelling units or lots.
    (2) The proposed Development Project density.
    (3) The proposed size and location of all land uses for the Development Project.
    (4) A plan that identifies:
        a. The proposed drainage patterns.
        b. The location of all points of discharge from the Site.
        c. The type, location and size of all SWM measures based on site-specific SWM requirement computations.
    (5) Any other information required including, but not limited to:
        a. The proposed alignment, location and construction type and standard for all roads, access ways and areas of vehicular traffic.

b. A demonstration that the methods by which the Development Project will be supplied with water and wastewater service are adequate.
c. The size, type and general location of all proposed water and wastewater System infrastructure.

(b) The following approvals, as defined in Chapter 25 (Zoning), qualify as Preliminary Project Approvals as long as they contain the minimum elements listed in (a) in this section. This list may include:
(1) Project Plans.
(2) Site Plans.
(3) Site Plan Amendments.
(4) Use Permits.
(5) Use Permit Amendments.
(6) Detailed Application approvals associated with Comprehensive Planned Developments and Planned Residential Units.
(7) SWM Concepts

(c) Development Projects that received Preliminary Project Approval prior to May 4, 2010 may make a written request to the Department to be governed by the SWM provisions in the Code adopted as Ordinance 05-08 by the Mayor and Council on April 4, 2008.

(d) Any project granted a request under (c) of this section must obtain both a Sediment Control and SWM Permit prior to May 4, 2013. If the Permits are not issued prior to May 4, 2013, the Development Project will be required to conform with the requirements of this Ordinance.

(e) All Development Projects granted a SWM Permit pursuant to this section must complete all construction and satisfy all Department requirements before May 4, 2017. If these requirements are not met by May 4, 2017, the Development Project must conform with this Ordinance.

(f) Extension of permission to be governed by the version of Chapter 19, as adopted by the Mayor and Council by Ordinance 05-08, are subject to the following:
(1) Except as provided in (f) (2) below, the Department will not extend permission to be governed under Ordinance 05-08 beyond the dates listed in (d) and (e) of this section.
(2) Permission to proceed under Ordinance 05-08 may only be extended if, prior to May 4, 2010, the Development Project:
a. Received a Preliminary Project Approval.
b. Was subject to an Annexation Agreement containing specific SWM requirements.
(3) Extensions granted according to (f) (2) of this section will expire when the Annexation Agreement expires.

(g) A SWM System for multi-Phase Development Projects constructed before May 4, 2010 and designed to provide WQv, Cp_v and/or Qp_{10}, may fulfill SWM requirements for future Phases that cannot be met by reasonable efforts to incorporate ESD as determined by the Department.

Sec. 19-49. Reserved.

DIVISION 3. STORMWATER MANAGEMENT ALTERNATIVES

Sec. 19-50. SWM Alternatives.

(a) The Department may, at its sole discretion, approve a request to be regulated by this section only if it is in the best interest of the City, after considering potential damage due to flooding and/or Runoff, safe collection and conveyance of Runoff, fiscal impacts to the City, effectiveness, safety, maintenance, impacts to natural resources and the environment and benefits to City Waterway.

(b) Alternatives may be utilized in lieu of On-site SWM measures and may include any measures or actions the Department deems appropriate to meet the intent of this Ordinance and the Regulations. These Alternatives may include:

(1) Granting of an Easement or land conveyance for a private or public Regional SWM System or other Watershed Improvements.

(2) Designing, permitting and/or constructing a private or public Regional SWM System or retrofit of an existing SWM System, including recordation of an Easement and maintenance agreement when required.

(3) Designing, permitting and/or constructing a Watershed Improvements on private or public lands recommended in Watershed management plans developed in accordance with Sec.19-37 including recordation of an Easement and maintenance agreement when required.

(4) Designing, permitting and/or constructing an Off-site Storm Drainage System improvements identified in a Safe Conveyance Study on private or public land only to be used as an Alternative to Overbank Flood Protection (Qp_{10}).

(5) Payment of a SWM monetary contribution to the City's SWM Fund in accordance with the Regulations, Article IV. Monetary Contributions, when permitted by the Department, will be calculated based on the Approved Plans utilizing the schedule of SWM monetary contribution rates that that are in affect at the time of Permit issuance. Any required contribution must be paid prior to the issuance of the corresponding SWM Permit. The Mayor and Council establish the SWM monetary contribution rate by resolution. Further:

a. The payment of a SWM monetary contribution in connection with prior Development on the Site does not:

i. Relieve the Applicant of the responsibility of providing On-site SWM for Redevelopment where on-site measures are deemed to be most effective and appropriate.

ii. Obligate the Department to accept a SWM monetary contribution for subsequent Development or Redevelopment on the Site.

iii. Relieve the Applicant or any other Owner of the obligation to pay the applicable SWM Utility Fee.

(c) Neither the cost of providing On-site SWM nor the loss of development density resulting from On-site SWM is sufficient justification for a request to be governed under this section.

(d) Use of Alternatives will not relieve the Applicant of the responsibility of providing Safe Conveyance of Runoff and protection of other properties or City Waterways as required

by Article II. Division 6. The Applicant may be required to construct on-site or off-site improvements including storm drainage, stream stabilization or other measures deemed necessary by the Department. The Regulations provide details concerning possible adjustments to SWM monetary contributions when Alternatives are approved for a Development Project.

(e) The Regulations contain requirements pertaining to the use of Alternatives including criteria for reviewing and approving requests to be governed by this Section.

Secs. 19-51 through 19-54. Reserved.

DIVISION 4. STORMWATER MANAGEMENT APPROVALS

Sec. 19-55. In General.

(a) For any proposed Development Project, the Applicant must submit SWM plans to the Department for review and approval. The Department will perform a comprehensive review of the SWM plans for each stage of development review process and provide coordinated comments to the Applicant that reflect input from other City departments. All comments from the City must be addressed prior to any subsequent submittal.

(b) The Department may require amendments to any Approved Plans to address applicable changes to SWM Standards as required by the Department or MDE.

(c) Unless otherwise permitted by this Ordinance, Development Projects must go through the following stages:
   (1) Pre-Application SWM Concept approval.
   (2) Development SWM Concept approval.
   (3) SWM Construction Plan approval.
   (4) SWM Permit issuance.

(d) Each plan submittal and Permit request must meet the requirements of this Ordinance, the Regulations and the Design Manual, except that:
   (1) The Department will allow a combined Pre-Application/Development SWM Concept for Development Projects that do not require a Pre-Application Meeting under Chapter 25 (Zoning) of the Code, including individual Single Unit Detached, Townhouse and Semi-Detached Dwelling Units.
   (2) The Department may allow a combined Pre-Application/Development SWM Concept when it determines, at its sole discretion, that it is in the best interest of the City.
   (3) If allowed to be a combined a Pre-Application/Development SWM Concept must be submitted at the earliest stage of development review.
   (4) The Regulations contain requirements pertaining to submission of SWM Concepts.
   (5) The Department may, at its sole discretion, determine that an Applicant is not required to submit a Pre-application SWM Concept, Development SWM Concept and/or a SWM Construction plan for a Development Project when it determines that it is in the best interest of the City. In these cases the Applicant will still be required to obtain a SWM Permit.

(e) The Applicant will be required to pay all fees associated with the review of plans and issuance of Permits, including when plans and/or permits are revised, reapproved and resubmitted.

Sec. 19-56. Pre-Application SWM Concept.

(a) The Applicant must submit a Pre-Application SWM Concept at the earliest stage of the development review process.
(b) Unless otherwise provided by the Department, a Pre-Application SWM Concept approval only establishes the level of ESD for the Development Project. It does not approve the number or type of ESD measures to be utilized nor does it approve the use of Structural SWM Systems or Alternatives. The approval also may establish the requirement for the Applicant to provide a Safe Conveyance Study demonstrating compliance with Sec. 19-75 which will be submitted as part of the Development SWM Concept submission.
(c) The Applicant must receive approval of a Pre-Application SWM Concept prior to submitting a Development SWM Concept, unless the Applicant submits a combined Pre-Application/Development Concept in accordance with Sec.19-55.
(d) The Regulations contain requirements pertaining to the submission of a Pre-Application SWM Concept.

Sec. 19-57. Development SWM Concept.

(a) Following approval of the Pre-Application SWM Concept, the Applicant must submit a Development SWM Concept that addresses comments and conditions received during the Pre-Application SWM Concept review stage.
(b) Unless otherwise provided by the Department, a Development SWM Concept approval approves the conceptual use of specific ESD measures in conformance with the level established in the Pre-Application SWM Concept approval and the conceptual use of Structural SWM Systems and Alternatives according to the priorities in Sec.19-44.
(c) If required by the Pre-Application SWM Concept approval, the Applicant must submit a Safe Conveyance Study. The Development SWM Concept will not be approved until the Safe Conveyance Study is approved. The Safe Conveyance Study will determine whether or not an existing or proposed Storm Drain System is adequate to collect and convey Runoff, will identify insufficiencies and will establish required mitigating measures for the Development Project.
(d) The Applicant must receive approval of a Development SWM Concept before submitting a SWM Construction Plan.
(e) The Regulations contain requirements pertaining to the submission of a Development SWM Concept.

Sec. 19-58. SWM Construction Plans.

(a) The SWM Construction Plan must be in conformance with the approved SWM Concepts. If the Plan does not conform, the Department may, at its sole discretion, require the Applicant to resubmit information to the Department which may include a resubmission of any and all Concepts. The Applicant will be required to pay fees associated with any resubmission.

(b) The approved SWM Construction Plan will serve as the basis for all subsequent construction. Construction contrary to the Approved Plan or any approved revision is strictly prohibited.
(c) The Regulations contain requirements pertaining to the submission of SWM Construction Plans.

Sec. 19-59. SWM Permits.

(a) No SWM System or Watershed Improvement that is subject to this Ordinance may be installed prior to issuance of a SWM Permit.
(b) No Permit allowing construction of Impervious Area may be issued prior to issuance of any related Sediment Control and SWM Permit required by this Ordinance and the Regulations.
(c) Approval of a SWM Construction Plan or issuance of a SWM Permit does not imply, create or affect any right to direct concentrated Runoff onto adjacent Property without that property Owner's permission.
(d) SWM Systems used to satisfy this Ordinance's requirements must be protected by a SWM Easement and SWM Inspection and Maintenance Agreement or a Declaration of Covenants as established by this Ordinance, which must be recorded by the Applicant in the land records of Montgomery County prior to issuance of a SWM Permit.
(e) Unless otherwise approved by the Director, it is the responsibility of the Applicant to notify property Owners that are impacted by any work associated with the Applicant's Development Project including drainage of Runoff.
(f) Once construction is complete, the Applicant must submit as-built plans and certifications as established in the Regulations for approval by the Department to ensure that constructed SWM and Conveyance Systems comply with the Approved Plans and any approved revisions. Sureties provided by the Applicant will not be released until all Permit release conditions, including approval of as-built plans, are met to the satisfaction of the Department.

Sec. 19-60. Expiration of SWM Approvals and Plans.

(a) All approvals of Pre-Application and/or Development SWM Concept, whichever is most recently approved, will expire upon the expiration of the Development Project's Site Plan under Chapter 25 (Zoning) of the Code.
(b) Notwithstanding the above, where the Department approves a Development SWM Concept, but the Applicant fails to obtain Site Plan approval within one year, the Department may review the Development SWM Concept and require the Applicant to update the submission as the Department deems necessary.
(c) The Applicant must obtain a SWM Permit, including fulfilling all Permit issuance requirements in accordance with the Regulations, within six months of approval of the SWM Construction Plan. If a SWM Permit is not issued within six months of the Stormwater Management Construction Plan approval, the Department may require the Applicant to revise the Approved Plans to meet current State and City Standards, as the Department deems necessary.
(d) All SWM submittals that are under review, but not approved, may be required to address

any new City policy or guidance that becomes effective during the review period.

Secs. 19-61 through 19-64. Reserved

DIVISION 5. MAINTENANCE AND INSPECTION AFTER CONSTRUCTION

Sec. 19-65. Maintenance Agreement and Easement for Private SWM Systems.

(a) Except as otherwise provided in Sec. 19-66, the Owner must execute an Easement and Inspection and Maintenance Agreement for SWM Systems or Watershed Improvements in a manner acceptable to the Department and the City Attorney. The document(s) must:
   (1) Require the Owner to inspect the SWM System.
   (2) Require the Owner, or any other Person or agent in control of such SWM System, to maintain in good condition and promptly repair and restore all above ground and underground SWM System components including landscaping. Such maintenance, repair and restoration must be in accordance with Approved Plans and applicable laws, standards, guidelines, policies and the Regulations.
   (3) Provide for Department access to the SWM System at reasonable times for regular inspection to ensure that the System is in proper working condition. The Easement must include sufficient provisions for access from a public road or Right-of-Way.
   (4) Provide that if after notice by the Department to correct a violation requiring maintenance work, satisfactory corrections are not made by the Owner within a reasonable period of time as determined by the Department, the Department may perform all necessary work to place the SWM System in proper working condition. The Owner of the SWM System will be assessed the cost of the work, which may be enforced by a lien on the property or which may be placed on the tax bill for all such property and collected along with ordinary taxes by the City.
   (5) Require all Owners of properties served by the SWM System to be jointly and severally responsible to the City for the maintenance of the SWM System and liable for any costs incurred by the City pursuant to the agreement and all such properties are jointly and severally subject to the imposition of liens for said costs.
   (6) Prohibit the removal, replacement or alteration of the SWM System without prior written approval from the Department.
   (7) Prohibit the construction of structures, grading or installation of landscaping within the Easement, except as allowed by the Permit or approved by the Department.
   (8) Contain any other provision as may be required by the Department or the City Attorney.
   (9) Be binding upon all subsequent Owners of land served by the SWM System.
   (10) Be recorded by and at the expense of the Owner in the land records of Montgomery County prior to the issuance of a SWM Permit unless otherwise allowed by the Director.

Sec. 19-66. Declaration of Covenants for Individual Single Unit Detached, Townhouse and Semi-Detached Dwelling Lots.

(a) The Owner of a Single Unit Detached Dwelling, Townhouse or Semi Detached Dwelling lots on which a SWM System has or will be approved, permitted and constructed must

execute a declaration of covenants for SWM Systems in a manner acceptable to the Department and the City Attorney. The document(s) must:

(1) Require the Owner to inspect the SWM System.
(2) Require the Owner of a SWM System to maintain the SWM System in good condition and promptly repair and restore all above ground and underground SWM System components including landscaping. Such maintenance, repair and restoration must be in accordance with Approved Plans and applicable laws, standards, guidelines, policies and the Regulations.
(3) Provide for access to the SWM System at reasonable times for routine inspections by the Department to ensure that the SWM System is maintained in proper working condition. The covenant must include sufficient provisions for access from a public road or Right-of-Way.
(4) Provide that if after notice by the Department to correct a violation requiring maintenance work, satisfactory corrections are not made by the Owner within a reasonable period of time as determined by the Department, the Department may perform all necessary work to place the SWM System in proper working condition. The Owner of the SWM System will be assessed the cost of the work, which may be enforced by a lien on the property or which may be placed on the tax bill for all such property and collected along with ordinary taxes by the City.
(5) Prohibit the removal or alteration of the SWM System without prior written approval from the Department.
(6) Prohibit the construction of structures, grading or installation of landscaping on, over or through the System except as approved by the Department.
(7) Contain any other provision as may be required by the Department or the City Attorney.
(8) Be binding on all subsequent Owners of land served by the SWM System.
(9) Be recorded by and at the expense of, the Owner in the land records of Montgomery County prior to the issuance of a SWM Permit unless otherwise [[allowed by]] <u>allowed by</u> the Director.

Sec. 19-67. Additional Responsibilities.

(a) In addition to the actions required under Secs. 19-65 and 19-66, the Owner of a Private SWM System must:
(1) At the Owner's expense, obtain approval from the Department prior to the removal of a SWM System.
(2) At the Owner's expense, obtain any necessary Permits and extinguish any SWM Easement, declaration of covenants and/or maintenance agreement prior to removal, as directed by the Department. The extinguishment must be in accordance with the Code and in a manner acceptable to the Department and the City Attorney.
(3) Inspect and maintain in good condition and promptly repair and restore any Storm Drain System associated with the SWM System.

Sec. 19-68. City Assumptions of Private SWM Systems.

(a) Owners of Private SWM System's may, in accordance with this Ordinance and the Regulations, request that the City assume structural operation and maintenance responsibilities for Private SWM Systems.
(b) In such instances, the City, at its sole discretion, may assume structural operation and maintenance responsibilities for any Private SWM Systems that meet the criteria established in (3) below which upon such assumption will thereafter be considered to be a Public SWM System and may subsequently be modified or improved to meet the SWM objectives of the City.
(c) The City Manager may delegate authority to the Director to accept Private SWM Systems.
(d) The City may accept a Private SWM System and assume structural operation and maintenance responsibilities only under the following conditions:
    (1) The SWM System must be certified by a Professional Engineer, at no expense to the City, as functioning properly in accordance with the original design specifications prior to acceptance.
    (2) The Owner must grant the City an Easement, in a form acceptable to the Department and the City Attorney, which provides access for inspection and maintenance and requires the Owner to continue to inspect, maintain, replace and restore any of the non-structural elements of the SWM System as determined by the Department.
    (3) Unless otherwise permitted by the Department, the Owner will be responsible for landscape and hardscape maintenance, trash removal and mowing. The Private SWM System must either be a:
        a. System that provides SWM primarily for properties improved with Single Unit Detached, Semi-Detached or Townhouses Dwellings, provided that each dwelling is located on a separate record lot; or
        b. System that provides SWM for multiple properties or
        c. System that has been identified for priority Watershed Improvement in a Watershed Management Plan or assessment study.

Sec. 19-69. Correction of Unsafe or Improper Condition.

(a) If the Director determines that the condition of any System providing SWM, Watershed Improvement, Runoff Conveyance or Storm Drainage presents Imminent Substantial Endangerment because of an unsafe condition or improper maintenance, the Director may take such actions as may be necessary to protect the public and make the System safe.
(b) The Owner will be assessed for the costs incurred by the City as a result of the Director's action. Said costs will be assessed against any or all of the Owners of the Property served by said Systems who will be jointly and severally liable for all said costs and whose property will jointly and severally be subject to a lien for said costs which may be placed on the tax bill of any and all such property and collected along with ordinary taxes.

Secs. 19-70. through 19-74. Reserved.

DIVISION 6. FLOOD CONTROL AND SAFE CONVEYANCE

Sec. 19-75. Minimum Criteria.

(a) Development and Redevelopment Projects regulated by this Ordinance must include the following SWM controls in accordance with minimum criteria, requirements, specifications and methodologies set forth in the Regulations, the Design Manual and Department guidance:
Overbank Flood Protection Volume (Qp_{10}) control.
(1) Extreme Flood Volume (Q_f) control where the Department determines that historical flooding or the threat of flooding under ultimate land use conditions exists.
(2) Safe Conveyance, which includes collection and conveyance of the 10-year Post-Development discharge, and in some instances the Ultimate Condition 10-year discharge, upstream and within the Site, including upstream drainage from the Site to any study point, as determined by the Department per the Regulations, at a Non-erosive Velocity.
(b) The Regulations contain requirements for flood control Safe Conveyance in private and public Storm Drain Systems.
(c) The Regulations contain information on opportunities to offset costs for Safe Conveyance Improvements, when applicable.
(d) The Department may, at its sole discretion, require the Applicant to obtain all necessary Easements and agreements from property Owners impacted by drainage and Runoff from the Applicant's Development Project.

Sec. 19-76 through Sec. 19-79. Reserved.

ARTICLE V. EROSION AND SEDIMENT CONTROL

DIVISION 1. IN GENERAL

Sec. 19-80. Sediment Control Policy.

a) The purpose of this Article is to establish requirements and procedures to minimize damage to property and assist in maintaining water quality.
b) Anyone engaging in Land Disturbing Activity in the City must select, design, install, inspect and maintain controls at the Development Project which minimize pollutants in the discharge, prevent erosion and prevent sediment from leaving the Site.
c) This Article incorporates the following Planning Techniques and principles as stated in MDE's Standards and Specifications:
    1. Plan the development to fit the Site.
    2. Protect and minimize impacts to natural resources.
    3. Protect and minimize impacts to Steep Slopes and Highly Erodible Soils.
    4. Minimize Disturbed Areas.
    5. Stabilize exposed Soil as soon as practicable.

6. Control and/or manage on-site and off-site Runoff.
7. Protect perimeter areas and retain sediment on-site.
8. Make provision for the inspection and maintenance of sediment control measures.

d) These principles will be used in developing the sediment control plans listed in Division 3 (Sediment Control Approvals).

e) In addition to any other requirements or conditions, any Land Disturbing Activity must comply with the requirements in Regulations, Article III, Division 4 (Sediment Control for Land Disturbing Activities.)

Sec. 19-81. Qualified Preparer for Sediment Control Submittals.

Except as otherwise authorized by the Director, Preliminary Erosion and Sediment Control Plans and Sediment Control Construction Plans including all applications, plans, details and computations will be prepared and certified by a Professional Engineer, Registered Landscape Architect, Registered Land Surveyor or Licensed Architect. Sediment Control Plans that utilize a Sediment Basin or NRCS MARYLAND MD378-1 pond must be certified by a Professional Engineer.

Secs. 19-82 through 19-84. Reserved.

DIVISION 2. SEDIMENT CONTROL REQUIREMENTS

Sec. 19-85. Scope.

(a) Except as otherwise provided, the Erosion and Sediment Control provisions of this Ordinance and the Regulations apply to any Land Disturbing Activity that meets any of the following:
   (1) Involves 5,000 square feet or more of Disturbed Area.
   (2) Involves 100 cubic yards or more of Grading.
   (3) Involves Land Disturbing Activity within a Stream Buffer.
   (4) Involves the construction of a new Single Unit Detached Dwelling, Townhouse or Semi-Detached Dwelling Unit.

(b) The Department may, at its sole discretion, require certain Land Disturbing Activities regardless of the amount of Land Disturbing Activity or Grading, follow this Ordinance and the Regulations when it determines that the impact to the environment and/or the proximity of the Land Disturbing Activities to natural resources, a SWM System and/or a Storm Drainage System warrant special protection.

(c) Nothing in this section may be construed to change the scope or applicability of the SWM provisions of this Ordinance and the Regulations.

Sec. 19-86. Exemptions.

The Erosion and Sediment Control provisions of this Ordinance and the Regulations do not apply to the following:

a. Agricultural land management activities.
b. Work performed by a utility contractor under a Washington Suburban Sanitary

Commission (WSSC) Utility Sediment Control Permit, which has been issued to the contractor pursuant to rules and regulations adopted by the Commission under Title 4, Subtitle 1, Environmental Article of the Annotated Code of Maryland.

c. Land Disturbing Activities that are subject to State approval and enforcement under State law and regulation.

Sec. 19-87. Variances and Modifications Including Minor Modifications.

(a) The Department may only grant a variance from the requirements of the Standards and Specifications when strict adherence will result in exceptional hardship and not fulfill the intent of this Ordinance. The Applicant must submit a written request for a variance to the Department. The request must state the specific variance sought and the reasons for the request. The Department will not grant a variance unless and until sufficient information is provided describing the unique circumstances of the Site and Development Project to justify the variance.

(b) The Director, at his/her sole discretion, may grant a written modification of any requirement, standard or specification of this Article, if there are exceptional circumstances applicable to the Site such that strict adherence will result in unnecessary hardship or not fulfill the intent of the Ordinance and/or to address environmental, hydrologic, hydraulic, topographic or other technical conditions or limitations. A written request must be provided to the Director stating the specific modifications sought and offering supporting justification. The Director will not grant a modification unless and until, the Applicant provides sufficient justification.

(c) The Department may approve minor modifications in the field to an approved Sediment Control Construction Plan in accordance with a list of allowable field modifications approved by MDE. Minor field modifications must be documented in a field inspection report prepared by the Department.

Sec. 19-88. Sediment Control Criteria.

(a) Except as otherwise provided, the design criteria, methodologies and construction specifications, subject to the approval of the Department and MDE, will be those of MDE's Standards and Specifications.

(b) Development activity covered by this Ordinance must meet the minimum requirements, specifications and methodologies set forth in the Regulations, the Standards and Specifications and Department guidance.

(c) Sediment Control Construction Plans must include interim measures, phasing and sequencing that comply with the 20-acre Grading Unit criteria required by COMAR 26.17.0.

(d) An exception to the Grading Unit criteria may be granted on a case-by-case basis by the Director only when the Applicant has sufficiently demonstrated that a project cannot be Phased or sequenced to meet the criteria due to the uniqueness of the Development Project or the Site. The justification for an exception:

(1) Will not include the cost of moving dirt more than once, the need to install interim sediment practices or that the total construction time will increase if the project needs to be broken into Phases.

(2) Will require the Applicant to provide additional Erosion and Sediment Control measures including redundant controls, to utilize Accelerated Stabilization and more frequent Erosion and Sediment Control inspections and to include other measures required by the Department.

Sec. 19-89. Grandfathering Provisions.

Grandfathering of Approved Plans:

a. Any Sediment Control Construction Plans that receive Department approval after January 31, 2013 must be in compliance with the requirements of this Ordinance, the Regulations and the Standards and Specification <u>except that the Department, at its sole discretion, may not require an Applicant to submit an NRI/FSD and/or a Preliminary Erosion and Sediment Control Plan if an application for Plan review or Permit has been filed with the Department prior to January 31, 2013</u>.
b. A Sediment Control Construction Plan that receives final approval before January 31, 2013 must be reapproved as originally approved if Grading activities have begun on the site by January 31, 2015.
c. Stabilization practices on all Sites must be in compliance with the requirements of this Ordinance, the Regulations and the Standards and Specifications by January 31, 2013, regardless of when a Sediment Control Construction Plan was approved or reapproved or a Sediment Control Permit was issued.

Secs. 19-90 through 19-94. Reserved.

DIVISION 3. SEDIMENT CONTROL APPROVALS

Sec. 19-95. In General.

(a) For any proposed Development or Redevelopment Project, an Applicant must submit plans to the Department for review and approval when required by this Article. The Department will perform a comprehensive review of the plans at each stage of plan submission and provide coordinated comments to the Applicant that reflects input from other Departments. All comments from the City must be addressed prior to any subsequent submittals.
(b) The Department may require revisions to any Approved Plans to address applicable changes to Standards and Specifications by the Department or MDE.
(c) Unless otherwise allowed by (d) below, Development and Redevelopment Projects must go through the following stages:
  (1) Natural Resource Inventory/Forest Stand Delineation Plan (NRI/FSD) approval.
  (2) Preliminary Erosion and Sediment Control Plan approval.
  (3) Sediment Control Construction Plan approval.
  (4) Sediment Control Permit issuance.
(d) Each plan submittal and Permit request must meet the requirements of this Ordinance, the Regulations and the Design Manual except that:
  (1) Construction with a Building Permit of a Single Unit Detached Dwelling, <u>Townhouse or Semi-Detached Dwelling unit</u> on a lot less than ½ acre <u>regardless of the amount of</u>

Disturbed Area or Grading [[that disturbs 5,000 square feet or more or involves 100 cubic yards or more of Grading]] will only require a Standard Sediment Control Plan and Sediment Control Permit.

[[(2)Construction with a Building Permit of a Single Unit Detached Dwelling on a lot less than ½ acre that disturbs less than 5,000 square feet or involves less than 100 cubic yards of Grading will only require a Standard Sediment Control Plan and Sediment Control Permit.]]

(2) Construction with a Building Permit of a Single Unit Detached Dwelling, Townhouse or Semi-Detached Dwelling unit on a lot or Site less than ½ acre by a Builder under a separate underlying Developer's Sediment Control Permit will only require a Standard Sediment Control Plan and a Sediment Control Permit regardless of the amount of Disturbed Area or Grading.

(3) Land Disturbing Activity under Sec. 19 – 85(b) [[a)(5)]] will only require a Standard Sediment Control Plan and a Sediment Control Permit. However, the Department may, in its sole discretion, authorize Land Disturbing Activity that requires only the issuance of a Sediment Control Permit, if it is deemed to be in the best interest of the City.

Sec. 19-96. Natural Resources Inventory/Forest Stand Delineation (NRI/FSD).

(a) As required by MDE's Standards and Specification, an Applicant must produce a plan that maps the physical characteristics of the Site and includes an inventory of all natural resources and forest at the earliest stage of the development review process. For purposes of this Article, the NRI/FSD Plan required by Chapter 10.5 (Forest and Tree Preservation) of the Code conforms to MDE's requirement to identify natural resources that will be used in developing plans for sediment control and SWM.

(b) When a Development Project is required to obtain a Pre-Application SWM Concept approval, the Applicant must submit a copy of the approved NRI/FSD prior to the Department's approval of the Concept.

(c) In cases where the Department does not require an NRI/FSD to be in conformance with this Ordinance, but an NRI/FSD is required by Chapter 10.5, the Applicant must provide a copy of the approved NRI/FSD to the Department prior to submission of the next Department required plan.

(d) When an NRI/FSD is required either by this Ordinance or by Chapter 10.5, the plan must be approved prior to the submission of a Preliminary Erosion and Sediment Control Plan, Sediment Control Construction Plan or Sediment Control Permit, whichever is required next by the Department.

Sec. 19-97. Preliminary Erosion and Sediment Control Plan.

(a) As required by MDE's Standards and Specification, an Applicant must produce a plan and narrative that demonstrates the integration of Erosion and Sediment Control and ESD measures into the Development Project, while protecting natural resources.

(b) The Applicant must submit a Preliminary Erosion and Sediment Control Plan at the following stages:

(c) If the Development is required to go through the CPDS Pre-Application Phase than the Preliminary Erosion and Sediment Control Plan must be submitted with the phase that follows the Pre-Application Phase. If a Development is not required to go through the CPDS Pre-Application Phase than the Preliminary Erosion and Sediment Control Plan must be submitted at the earliest stage of the development review process.
(d) Unless otherwise provided by the Department, a Preliminary Erosion and Sediment Control Plan approval must illustrate preliminary compliance with the requirement to integrate protected natural resources, ESD measures, construction sequencing and Grading with the Development Project to minimize the potential for Erosion. The approval does not grant nor imply approval of specific measures, sequencing or Limits of Disturbance.
(e) The Applicant must receive approval of a Preliminary Erosion and Sediment Control Plan before submitting a Sediment Control Construction Plan.
(f) The Regulations contain requirements pertaining to the submission of a Preliminary Erosion and Sediment Control Plan.

Sec. 19-98. Sediment Control Construction Plan.

(a) The Sediment Control Construction Plan must be in conformance with the intent of the measures, sequencing and protection of natural resources of the approved Preliminary Erosion and Sediment Control Plan when one has been required. If the Plan does not conform, the Department may, at its sole discretion, require the Applicant to resubmit information to the Department, which may include a resubmission of the Preliminary Erosion and Sediment Control Plan.
(b) The approved Sediment Control Construction Plan will serve as the basis for all subsequent construction. Construction contrary to the Approved Plan, Sediment Control Permit or any approved revisions is strictly prohibited.

Sec 19-99. Standard Erosion and Sediment Control Plan.

(a) The Department may adopt a Standard Erosion and Sediment Control Plan for certain Land Disturbing Activities.
(b) The use of a Standard Erosion and Sediment Control Plan, when authorized by the Department, does not relieve the Applicant from meeting all applicable requirements of this Ordinance and the Regulations.
(c) MDE must review and approve a Standard Erosion and Sediment Control Plan.

Sec. 19-100. Expiration and Renewal of Sediment Control Approvals.

(a) Approval of Preliminary Erosion and Sediment Control Plans will expire upon the expiration of the Development Project's Site Plans under Chapter 25 (Zoning) of the Code.
(b) Approval of Sediment Control Construction Plans will expire six months after the plan approval date, if the corresponding Permit has not been issued within that period. No Sediment Control Permit will be issued if the corresponding plans have expired.
(c) All Erosion and Sediment Control submittals that have not received approval, and are

under review by the Department, may be required to address any new Department policy, guidance or Standard that becomes effective during the review period.

(d) If a Sediment Control Permit is not issued within six months of the Sediment Control Construction Plan approval, then the Department may require the Applicant to revise the Approved Plans to meet current State and City Standards as the Department deems necessary.

(e) In order to request the renewal of an expired Sediment Control Construction Plan, the Applicant must submit to the Department:
   (1) A copy of the previously approved, but expired, Sediment Control Construction Plan.
   (2) A transmittal including an explanation of why the Sediment Control Permit has not been issued.
   (3) The minimum Sediment Control Plan review fee in affect at the time of the request.

(f) When a request to renew a previously approved, but expired, Sediment Control Plan is received, the Department will:
   (1) Review the submission and inform the Applicant of any required revisions that are a result of new policy, guidance or Standards.
   (2) Determine if additional fees are required.
   (3) Determine if a change to the established bond or security amount is required to be provided.

(g) Once all conditions of the renewal are satisfied to the satisfaction of the Department, the Director will renew the approval by signing the plan and establishing a new approval date.

(h) Renewed approvals will be valid for six months.

Sec. 19-101. Sediment Control Permits.

(a) No Land Disturbing Activity that is subject to this Ordinance is permitted prior to the issuance of a Sediment Control Permit.

(b) No City, Federal, State or local permit that requires a Sediment Control Permit will be issued until the corresponding Sediment Control Permit is issued.

(c) Approval of a Sediment Control Construction Plan or issuance of a Sediment Control Permit does not imply, create or affect any right to direct concentrated Runoff onto adjacent property without that property Owner's permission.

(d) Unless otherwise approved by the Director, it is the responsibility of the Applicant to obtain any Easements, permissions and/or other necessary property interests from property Owners that are temporarily or permanently impacted by any work associated with the Applicant's Development Project including drainage of Runoff.

Secs. 19-102 through 19-104. Reserved.

DIVISION 4. MAINTENANCE AND INSPECTION DURING CONSTRUCTION

Sec. 19-105. Responsibilities of the Applicant.

(a) Duty to Inspect the Site and Provide Records.
   (1) For the purposes of inspection and monitoring, an Applicant must do all the following:

a. During construction, maintain at the Site, the approved Erosion and Sediment Control Construction Plan, the City Sediment Control Permit and copies of any other issued permits affecting sediment control, including any NOI, if applicable.
b. During the entire period of Permit coverage, for all active and inactive Sites, conduct inspections for compliance with the Approved Sediment Control Plan and Permits of the Site at the following intervals:
   i. Weekly.
   ii. The day before a forecasted rainfall event.
   iii. The next day after a rainfall event resulting in Runoff.
   iv. At the direction of the Department.
c. Maintain written reports at the Site of all inspections conducted by the Applicant.
d. Produce the inspection reports in a manner acceptable to the Department.
e. Include in the inspection report all information requested by the Department.
f. Ensure that the inspection report includes all information as required by the Regulations.
g. Report any observed violations of this Ordinance to the Department within a reasonable time.
h. Take reasonable measures to correct and/or mitigate for any violations of this Ordinance.

(b) Duty to Provide Information.
   (1) The Applicant is required to submit complete and accurate information whenever requested by the Department.
   (2) The Applicant will furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing or terminating a Sediment Control Permit or to otherwise determine compliance with this Article.

(c) Duty to Maintain Site.
   The Applicant will maintain the Site, properly store and secure materials and collect and properly dispose of any trash and debris.

Sec. 19-106. Complaints.

The Department will accept and investigate complaints regarding Erosion and Sediment Control concerns from any interested parties. The Department will:
a. Conduct an initial investigation within three working days from receipt of the complaint.
b. Notify the complainant of the initial investigation and findings within seven days from receipt of the complaint.
c. Take appropriate action when violations are discovered during the course of the complaint investigation.

Sec. 19-107 through 19-109. Reserved.

ARTICLE VI. STORMWATER MANAGEMENT UTILITY

DIVISION 1. IN GENERAL

Sec. 19-110. SWM Utility Purpose.

To protect the public health, safety and welfare, the City's SWM, storm drainage and Water Quality Programs must be supported by an adequate, sustainable source of revenue. All real property in the City, including property owned by public and tax-exempt entities, benefits from these City programs and services. Further, those with higher amounts of Impervious Area contribute greater amounts of Runoff or pollutants to the City's SWM Systems, Storm Drainage Systems, streams and City waterways and therefore should carry a proportionate burden of the cost. Hence, the City has determined that it is in the interest of the public to enact a SWM Utility Fee which allocates program costs to all property Owners based on Impervious Surface Measurement, as described in Article VI.

Secs. 19-111 through 19-113. Reserved.

DIVISION 2. STORMWATER MANAGEMENT FUND

Sec. 19-114. SWM Fund.

(a) The City's SWM Fund is a dedicated enterprise fund. It will only be used to fund SWM, storm drainage and water resources programs and services.
(b) The following revenue will be deposited into the SWM Fund:
    1. All fees established by the Mayor and Council to cover the cost of administering the provisions of this Ordinance, including but not limited to application and Permit fees and fines.
    2. All SWM monetary contributions to meet the provisions of Sec. 19-49 regarding Alternatives.
    3. All monetary fines, penalties and costs collected during water quality protection enforcement activities as described in Chapter 23.5 (Water Quality Protection) of the Code.
    4. All revenue collected from the imposition of the SWM Utility Fee pursuant to Division 3 of Article VI.
    5. All interest from deposits in the SWM Fund.
    6. Any other revenue as may be determined by the Mayor and Council or the Director, including but not limited to grants and special appropriations.
(c) The SWM Fund will only be used for the following expenses:
    1. Regulatory review and inspection of SWM, sediment control and storm drainage for development permits.
    2. Watershed, SWM, Floodplain and storm drainage conveyance studies and planning.
    3. The study, design, purchase, construction, expansion, retrofit, repair, maintenance, landscaping, operation and/or inspection of SWM practices, storm drainage and other Watershed Improvements.

4. Land acquisition (including Easements and Rights-of-way) for SWM practices or storm drainage.
5. Water Quality Programs related to federal or state laws, including requirements for the City's National Pollution Discharge Elimination System (NPDES) permit.
6. Water quality monitoring, inspection and enforcement activities, including illicit discharge and illicit connection investigations.
7. Water quality and pollution prevention education and outreach activities, including the City's Rainscapes Program.
8. Program administration and implementation, including reasonable operating and capital reserves to meet unanticipated or emergency requirements for SWM, storm drainage and water quality.
9. Other SWM, storm drainage and Water Quality Programs that are reasonably required to protect public safety or meet applicable regulatory requirements.

Sec. 19-115. Reserved.

DIVISION 3. STORMWATER MANAGEMENT UTILITY FEE

Sec. 19-116. SWM Utility Fee.

(a) The City will charge an annual SWM Utility Fee on all improved real property in the City. The fee will be based on: the amount of Impervious Area on each property as determined by Sec. 19-117; and the cost of implementing the City's SWM, storm drainage and Water Quality Programs.
(b) Except as otherwise provided, the minimum assessed SWM Utility Fee will be equal to the fee for one ERU for all properties.
(c) Except as otherwise provided in Sec. 19-117(2), the SWM Utility Fee will be based on whole increments, rounded to the next highest number, of ERU calculated for properties.
(d) Except as otherwise provided in Sec. 19-117(2), the SWM Utility Fee will be calculated as follows:
    1. Determine the Impervious Surface Measurement in square feet for the property.
    2. Divide the property's Impervious Surface Measurement by the ERU in square feet.
    3. Round the resulting ratio to the next highest whole number. This whole number is the number of ERU on the property.
    4. Multiply the Equivalent Residential Unit Rate by the number of ERU for the property to obtain the fee in dollars.
(e) Except as otherwise provided, Impervious Surface Measurements for properties will be determined by the City using aerial photography, as-built drawings, field surveys or other appropriate engineering and mapping analysis tools.
(f) The SWM Utility Fee provisions of this Ordinance and the Regulations apply to all real property in the City, including government owned real property and real property that is tax exempt from property tax Title 7 of the Tax Property Article of the Annotated Code of Maryland, as amended.

Sec. 19-117. Classification of Property for Purposes of Determining the SWM Utility Fee.

(a) Improved Single Unit Detached Dwelling Lot Fee. Except as otherwise provided, Owners of all improved Single Unit Detached Dwelling lots will pay the fee equal to one ERU regardless of the size of the lot or the Impervious Surface Measurement of the improvements.

(b) Townhouse and Semi-Detached Dwelling Lot Fee. Owners of townhouses and semi-detached dwellings located on separate record lots and operated under a Community Association will be charged a fee calculated as follows:

1. Determine the sum total Impervious Surface Measurement in square feet for all townhouse and/or semi-detached dwelling lots within the Community Association, excluding Common Areas held in joint Ownership.
2. Divide the sum total Impervious Surface Measurement by the ERU in square feet, rounding up to the next whole number, to obtain the total number of ERU.
3. Multiply the Equivalent Residential Unit Rate by the total ERU to determine the total fee due for the aggregated lots.
4. Divide the total fee for the aggregated lots by the number of townhouse and/or semi-detached dwelling lots within the Community Association. This is the amount billed to each lot's tax account.

(c) *Condominium Properties.* Owners of residential or commercial Condominium will be charged a fee calculated as follows:

1. The SWM Utility Fee for a Condominium property will be calculated as determined in Sec. 19-X116(4).
2. The property's fee will be divided equally among the property tax accounts for all units assigned to that Condominium by the State Assessment Office or Montgomery County Department of Finance.
3. The City, at its sole discretion, may utilize alternative methodologies for billing fees associated with Condominiums.

(d) Other Improvement Lot Fee. All other improved lots in the City will be charged in accordance with Sec. 19-116(4).

(e) Unimproved Lot Fee. No SWM Utility Fee will be charged to an unimproved lot.

(f) Common Areas. Common areas owned by a Community Association will be charged based on the sum total Impervious Surface Measurement of the Common areas in the manner prescribed in Sec. 19-116(4). The fee will be billed directly to the Community Association. The City, at its sole discretion, may utilize alternative methodologies for billing fees associated with Common Areas.

(g) Roads and Rights-of-way. No Stormwater Utility Fee will be charged to public roads or other property within a public Right-of-Way. A utility fee will be charged to Owners of private alleys, streets and roads. No fee will be charged for a private street or road where the Director determines that a private street or road functions primarily as a public road or street and meets Code Standards.

(h) Mainline Tracks. No stormwater utility fee will be charged to mainline tracks devoted to movement of subway, rapid transit and railroad traffic. The fee will be charged for all other Impervious Areas associated with rail traffic, including parking lots, maintenance yards, Buildings, bridges and storage areas.

Sec. 19-118. Credits.

The City will adopt Regulations establishing a System of credits against the SWM Utility Fee for Private SWM Systems owned and maintained by the property Owner.

Sec. 19-119. Method of Collection; Interest and Penalties; Abatement.

(a) The City will prepare and forward to the Director of the Montgomery County Department of Finance the necessary data for collecting the SWM Utility Fee from Owners of City property. The data must include the identification of each parcel to be charged and the amount of the fee. The fee will be included as a separate line item on the real estate tax bill for each property subject to the fee. The bill will include information on whom to contact for questions and appeals.
(b) The SWM Utility Fee will be considered delinquent if not paid on or before the due date shown on the bill.
(c) Unless the charge billed to a property Owner is under active appeal, interest on an overdue payment accrues according to the same schedule and at the same rate charged for delinquent real property taxes until the Owner has remitted the outstanding payment and interest. Unpaid charges are subject to all penalties and remedies that apply to unpaid real property taxes. If the unpaid charges become a lien against the property, the lien has the same priority as a lien imposed for nonpayment of real property taxes.

Sec. 19-120. Adjustment of the SWM Utility Fee and Credits.

(a) Any property Owner may request an adjustment of the SWM Utility Fee by submitting a request in writing to the Director within 30 days after the date the bill is issued to the property Owner. Grounds for adjustment of the SWM Utility Fee are limited to the following:
    1. The property was incorrectly classified pursuant to Sec. 19-117.
    2. An error was made regarding the square footage of the Impervious Surface Measurement of the Property for lots other than improved Single Unit Detached Dwelling lots.
    3. There is a mathematical error in calculating the SWM Utility Fee.
    4. The identification of the property Owner invoiced for the fee is in error.
(b) The application submittal requirements for adjustment will be specified in the Regulations.
(c) The Director's decision on a SWM Utility Fee or credit adjustment is a final decision from which an aggrieved party may appeal to the Circuit Court for Montgomery County in accordance with the Maryland Rules as set forth in Title 7, Chapter 200.

Secs. 19-121 through 19-130. Reserved.

NOTE: [[Brackets]] indicate material deleted from Introduced Ordinance

<u>Underlining</u> indicates material added to Introduced Ordinance

* * * * * * * * * * * * * * * * * * *

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of

_____
Douglass Barber, City Clerk