

1 St. Mary's County  
2 Stormwater Management, Grading,  
3 Erosion and Sediment Control  
4 Ordinance  
5



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9 **BOARD OF COUNTY COMMISSIONERS**  
10 **FOR ST. MARY'S COUNTY, MARYLAND**

11  
12 Adopted: May 7, 2002  
13 Effective: May 13, 2002

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1 **ARTICLE 1. GENERAL PROVISIONS**

2  
3 **1.1 Title.**

4  
5 This document shall be known as the “St. Mary’s County Stormwater Management, Grading, Erosion and  
6 Sediment Control Ordinance”, (the “Ordinance”), and may also be referred to as the “Stormwater  
7 Management Ordinance”, “Erosion and Sediment Control Ordinance”, or the “Grading Ordinance”.

8  
9 **1.2 Authority.**

10  
11 Pursuant to Article 66B Section 10-I; Article 66B, Section 10-J; Environmental Article, Section 4-101, et  
12 seq.; and Environment Article Section 4-201, et seq. of the Maryland Annotated Code, the Board of County  
13 Commissioners of St. Mary’s County (hereinafter, “County Commissioners”) has adopted this Ordinance.

14  
15 **1.3 Purpose.**

16  
17 The purpose of this Ordinance is to protect and promote the public health, safety and general welfare, to  
18 implement the provisions of the Annotated Code of Maryland, to implement the St. Mary’s County  
19 Comprehensive Plan, and to reduce the adverse affects of erosion and sediment deposits or other earthen  
20 materials on lands and within the watersheds of St. Mary’s County. This Ordinance requires employs best  
21 management practices to minimize potential associated water quality impacts when land is disturbed by  
22 development, construction or earth-moving activities.

23  
24 **1.4 Applicability.**

25  
26 The provisions of this Ordinance shall apply to the development and use of all land within the  
27 unincorporated County, unless expressly and specifically exempted or provided otherwise in this  
28 Ordinance. No development shall be undertaken without prior authorization pursuant to this Ordinance. All  
29 development shall comply with the standards, criteria, and procedures of this Ordinance.

30  
31 **1.5 Minimum Standards.**

32  
33 The provisions of this Ordinance are minimum standards necessary to accomplish the purposes of this  
34 Ordinance, and nothing herein is intended to prevent any development or land use from exceeding the  
35 minimums. Should the interpretation and application of any requirements in this Ordinance be found to be  
36 in conflict with those imposed by other provisions of law, the more restrictive or higher standards shall  
37 prevail.

38  
39 **1.6 Vested Rights.**

40  
41 St. Mary’s County recognizes and accepts the standard of vested rights as established by Maryland case  
42 law.

43  
44 **1.7 Grandfathering Provisions.**

45  
46 a. Transitional Provisions. The following “Grandfathering” provisions are hereby adopted  
47 to provide for the continuance of certain development activities that would otherwise be  
48 subject to the requirements of this Ordinance:

- 49  
50 (1) New 1-5 lot subdivisions. For all new 1-5 lot residential subdivisions and for  
51 any subdivision with devices to be installed as part of home construction (such  
52 as dry wells and roof-top disconnect), the following note shall appear on the

1                    respective subdivision plats: *“Prior to issuance of a Building Permit for*  
2 *lot(s)\_\_\_\_\_ shown hereon, stormwater management and over-lot grading shall*  
3 *be provided in accordance with the Stormwater Management, Grading, Erosion*  
4 *and Sediment Control Ordinance”.*

5  
6                    (2)        Creation of New Lots. The following note shall appear on plats where the sole  
7 purpose of the subdivision is to create a “legal” lot around an existing structure  
8 and on other exempt subdivisions: *“This site is exempt from stormwater*  
9 *management pursuant to the St. Mary’s County Comprehensive Zoning*  
10 *Ordinance. Any further development shall be subject to the provisions of the*  
11 *Stormwater Management, Grading, Erosion and Sediment Control Ordinance.”*

12  
13                    (3)        Review Approvals Prior to July 1, 2001. For projects that have been submitted  
14 for final plan approval and have received and maintained valid approval of  
15 stormwater management designs by the Department of Public Works and  
16 Transportation, but have not received final plan approval by the Planning  
17 Commission or Department of Planning & Zoning prior to July 1, 2001,  
18 compliance with Article 3 of this Ordinance shall not be required.

19  
20                    (4)        Regional and Staged Developments. Where a stormwater management facility  
21 was reviewed / approved and / or constructed prior to July 1, 2001, for staged  
22 development and developments utilizing a SWM facility, the five criteria and  
23 design standards set forth in Chapter 2 of the Design Manual shall be addressed  
24 for sites without site plan and/or final subdivision plan approval.

25  
26                    (5)        Building Permit Applications. All Building Permit Applications shall state, in  
27 writing, referencing information and specific approval dates for determination of  
28 grand-fathering status which includes, but may not be limited to; date of plat  
29 recordation with deed book / page reference, full name of parent subdivision,  
30 etc.

31  
32                    (6)        Plan Approvals Prior to July 1, 2001. All site development plans, planned unit  
33 developments and residential subdivisions with final plan approval and all  
34 residential subdivisions with preliminary plan approval by the Planning  
35 Commission prior to July 1, 2001, are grandfathered and shall be reviewed in  
36 accordance with the regulations in effect at the time of plan approval, unless  
37 otherwise revoked or expired under the previous zoning ordinance (#90-11, as  
38 amended).

39  
40                    b.        Limitations. Grandfathering provisions shall apply only to projects for which the  
41 following plan approvals have been granted, prior to the last amendment of this  
42 Ordinance:

- 43                    (1)        Preliminary or Final subdivision approval; or  
44                    (2)        Planned Unit Development approval by the Board of County Commissioners as  
45 set forth in the adopting Ordinance; or  
46                    (3)        Final Site Plan approval.

47                    c.        Continuation of Approvals. Approvals that are Grandfathered as set forth above shall be  
48 considered valid for the following periods:

- 49                    (1)        Preliminary subdivision approval: a maximum of two (2) years; and  
50                    (2)        Final plan approval: a maximum of twenty-four (24) months in which to record  
51 the final plat, and  
52

- 1 (3) Site plan approval: as specified in accordance with the Comprehensive Zoning  
2 Ordinance; and  
3 (4) Planned Unit Development: as specified in accordance with the Comprehensive  
4 Zoning Ordinance.  
5 d. Continuation of Project. Project development may proceed in accordance with the plan  
6 approval unless such approval expires as provided above. In the case of expiration, re-  
7 approval shall be in conformity with all provisions of this Ordinance.  
8

9 **1.8 Effect of Previous Regulations.**

10  
11 To the extent that projects are grandfathered under this Article and the Vested Rights provisions of the St.  
12 Mary's County Comprehensive Zoning Ordinance, the provisions of this Ordinance in effect at the time of  
13 plan approval shall remain in full force and effect.  
14

15 **1.9 Rules for Construction of Language.**

- 16  
17 a. A reference to days is to calendar days unless otherwise indicated in this Ordinance, or  
18 specified by State law. If a deadline falls on a weekend or County holiday, the time for  
19 performing an act is extended to the next working day. A working day is defined as any  
20 day that is not a Saturday, Sunday, or Official County holiday.  
21 b. Use of "shall," "will" or "must" is mandatory; "should" is directive, but not binding, and  
22 "may" is permissive.  
23 c. Use of "including," "includes," "such as," "additional", or "supplemental" is illustrative  
24 and not intended as an exhaustive listing, unless the context clearly indicates the contrary.  
25  
26

27 **1.10 Conflict with Other Laws and Regulations.**

28  
29 Where a conflict occurs between this Ordinance and a state statute or another county ordinance or  
30 regulation, the more restrictive provision shall control.  
31

32 **1.11 Severability.**

33  
34 If a court of competent jurisdiction holds any portion of this Ordinance invalid or unconstitutional, such  
35 portion shall not affect the validity of the remaining portions of this Ordinance. It is the intent of the Board  
36 of County Commissioners that this Ordinance shall stand, even if a section, subsection, sentence, clause,  
37 phrase, or portion may be found invalid.  
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1 **ARTICLE 2. ADMINISTRATION**

2  
3 **2.1 Board of County Commissioners.**

4  
5 1. Powers and Duties. In addition to any authority granted by general or special law, the Board of  
6 County Commissioners shall have the following powers and duties under the provisions of this  
7 Ordinance:

- 8 a. To initiate, review, hear, consider and approve or disapprove the adoption of an ordinance  
9 to amend the text of this Ordinance;
- 10 b. To maintain and approve fee schedule(s) for plan review submissions and to ensure the  
11 appropriate levels of security are obtained; and
- 12 c. To work with the Soil Conservation District in ensuring the local ordinances meet the  
13 intent of the Maryland Annotated Code and applicable federal regulations.  
14

15 **2.2 Board of Appeals.**

16  
17 1. Powers and Duties. The Board shall have the following powers and duties:

- 18 a. To hear and decide appeals where it is alleged there is an error in any order, requirement,  
19 decision, or determination made in regard to the enforcement of this Ordinance or of any  
20 amendments adopted pursuant thereto.
- 21 b. Unless otherwise specified, to authorize, upon appeal in specific cases, a variance from  
22 the terms of this Ordinance as will not be contrary to the public interest, and where owing  
23 to special conditions, the enforcement of the provisions of this Ordinance will result in  
24 practical difficulty. Those variances will be allowed that most nearly accomplish the  
25 purpose and intent of the regulations of this Ordinance and in accordance with the  
26 Standards set forth in Chapter 25 of the Comprehensive Zoning Ordinance.  
27

28 **2.3 Soil Conservation District (SCD).**

29  
30 1. Powers and Duties. The Soil Conservation District shall have the following powers and duties  
31 under the provisions of this Ordinance:

- 32 a. Review and approval of erosion and sediment control plans prior to the County's  
33 issuance of grading or building permits; and
- 34 b. To apply the provisions of the most current Maryland Standards and Specifications for  
35 Soil Erosion and Sediment Control, as amended; and
- 36 c. To administer reviews and approval of stormwater management ponds requiring Small  
37 Pond approval for Dam Safety as delegated by the Maryland Department of the  
38 Environment ; and
- 39 d. To coordinate with the Maryland Department of the Environment to inspect sites and  
40 provide technical assistance to ensure compliance with the applicable provisions of this  
41 Ordinance; and
- 42 e. The Soil Conservation District shall keep records of all applicable erosion and sediment  
43 control permits reviewed and issued under this Ordinance.  
44  
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1 **2.4 Director of Department of Public Works & Transportation.**

2  
3 The Director of the Department of Public Works & Transportation (DPW&T) shall administer the  
4 provisions of this Ordinance governing public roads, drainage and stormwater management approvals, and  
5 shall have the following duties and responsibilities:

6  
7 1. Duties and Responsibilities.

- 8  
9 a. To approve or disapprove modifications and written requests for waivers and variances  
10 from provisions of this Ordinance, where specifically authorized; and  
11 b. To provide professional recommendations and technical assistance to the Board of  
12 County Commissioners, Planning Commission, Board of Appeals, Soil Conservation  
13 District, the Department of Permits and Inspections or other boards and commissions  
14 upon request; and  
15 c. To provide expertise regarding the adequacy of public facilities (APF) with respect to  
16 stormwater management, grading, drainage and adequate out-fall; and  
17 d. To serve as a member of the Technical Evaluation Committee and the, Development  
18 Review Forum; and  
19 e. To establish and track appropriate surety/bonding levels, collection of fees and schedules  
20 for the issuance of grading permits and sediment control measures; and  
21 f. To make recommendations to the Board of County Commissioners regarding  
22 improvements or revisions to the Ordinance as may be deemed necessary; and  
23 g. To perform plan reviews, construction inspections and materials testing in accordance  
24 with applicable infrastructure requirements, stormwater management specifications and  
25 standards.

26 2. Records of the Department of Public Works and Transportation Director. The Director of Public  
27 Works and Transportation shall keep records of all applicable permits reviewed, issued and  
28 inspected under this Ordinance, subject to records retention policies by the Board of County  
29 Commissioners for St. Mary's County, Maryland.

30  
31 **2.5 Director of Permits and Inspections.**

32  
33 1. Powers and Duties. The Director of Permits and Inspections shall have the following duties:

- 34 a. To administer and enforce the applicable provisions of this Ordinance; and  
35 b. To confirm the Building Permit application includes, from the record plat, existing  
36 easements, conditions, and other applicable notations such as the approved driveway  
37 entrance pipe schedules.  
38 c. To confirm that any application for a Building Permit includes all required approvals  
39 from all appropriate agencies before the permit is issued.  
40 d. To review and approve single-lot, overlot grading and water quality provisions of this  
41 Ordinance as a part of the Building Permit review and application process, except in  
42 those cases where a stormwater management and / or water quality device has been  
43 designed. Applications requiring roof-top disconnect systems shall be reviewed and  
44 approved by the Director of Permits and Inspections. To require plan revisions where  
45 there is discrepancy between the application and the grading shown on the approved Soil  
46 Conservation District plans.

- 1 e. To ensure that all requirements of this Ordinance and other applicable codes and  
2 regulations have been met prior to issuance of a Building Permit and / or Certificate of  
3 Use and Occupancy.
- 4 f. To ensure that all building complies with the currently adopted building, electrical,  
5 plumbing, livability, energy, zoning, stormwater management and other applicable codes.
- 6 g. To hold adequate instruments financial security for stormwater management inspection  
7 and maintenance bonding / surety to ensure maintenance responsibilities are at least fully  
8 reimbursable.
- 9 h. To perform required stormwater management facility maintenance inspections and secure  
10 the performance of corrective action(s) if maintenance is not performed by the property  
11 owner(s) or developer.
- 12 i. To ensure compliance with this Ordinance and other relevant laws, ordinances and  
13 regulations through administrative, negotiation and legal procedures. To assure  
14 compliance the Director of Permits and Inspections may:
  - 15 (1) Issue civil citations and penalties, in amounts prescribed by resolution adopted  
16 by the Board of County Commissioners, against any person, firm or corporation  
17 who shall violate the applicable provisions of this Ordinance; and
  - 18 (2) Post "Stop Work" orders on any lots, parcel, site, structure or property which is  
19 in violation of the applicable sections of this Ordinance or any other code  
20 relating to building and development, on behalf of the County Commissioners  
21 to:
    - 22 (i) Require that all work and activity shall immediately cease on the  
23 designated premises; and
    - 24 (ii) Remove and suspend the Zoning Permit issued for the project until the  
25 violation is rectified; and
    - 26 (iii) Fine, in accordance with the provisions of this or other applicable  
27 Codes, any person, firm or corporation who shall violate the stop work  
28 order; and
    - 29 (iv) To investigate inquiries and complaints relating to the subjects of this  
30 Ordinance and to take action when appropriate; and
    - 31 (v) To produce monthly and annual statistical reports regarding activities  
32 of the Department of Permits and Inspections.
  - 33 (3) Seek injunctive relief for any violation of this Ordinance.

- 34
- 35
- 36 2. Records of the Director of Permits and Inspections. The Director of Permits and Inspections shall  
37 keep records of all permits issued under this Ordinance as well as all information submitted with  
38 the application for such permits. The Director of Permits and Inspections shall make annual  
39 reports to the Board of County Commissioners concerning permits and regulations affecting the  
40 construction of buildings and structures.
- 41

## 42 **2.6 General Application Procedures.**

43  
44 All applications required by the provisions of this Ordinance shall be processed in accordance with the  
45 following procedures:

- 46
- 47 1. Determination of Completeness of Application. Applications for development approvals shall be  
48 submitted on the appropriate form set forth in this Ordinance. After receipt of an application, the  
49 applicable authority shall determine whether the application is complete. The time period allowed  
50 for review of an application shall not begin until the application is determined to be complete. If

1 the application is not complete, the applicant shall be notified in writing, within 7 calendar days,  
2 specifying the deficiencies of the application, the additional information that must be supplied, and  
3 advising the applicant that no further action will be taken by the County on the application until  
4 the deficiencies are corrected.

5  
6 2. Remedy of Deficiencies. If the applicant fails to correct the specified deficiencies within ten (10)  
7 days of the notification of deficiency, the application for development approval shall be deemed  
8 withdrawn and will be returned to the applicant.

9 3. Extensions of Time. The approving authorities, upon written request, may, for good cause shown  
10 and without any notice or hearing, grant extensions of any time limit imposed on an applicant by  
11 this Ordinance. The permit holder shall indicate the reasons and conditions, which have inhibited  
12 him from completing the work authorized under the permit. An extension of time may also be  
13 granted by any body acting pursuant to this Ordinance unless this Ordinance expressly provides  
14 otherwise. Extensions shall be granted for a period of up to thirty (30) months. Subsequent  
15 requests for extension shall require payment of a fee by the applicant in accordance with the  
16 current schedule of fees.

17 4. Fees. All applications shall be accompanied by all required fees in accordance with the  
18 schedule(s) established by the approving authority.

19

20 **2.7 Variances.**

21

22 As used in this Section, "Director" shall mean the Director of the Department or Agency having  
23 jurisdiction over the subject matter from which a variance is sought. A person may apply to the Director  
24 for a variance from the requirements of this Ordinance. An applicant seeking a variance from the  
25 requirements of this Ordinance may, however, request the same directly of the Board of Appeals, without  
26 first applying to the Director.  
27

28 1. Purpose. The purpose of this Section is to delegate to the Director and the St. Mary's County  
29 Board of Zoning Appeals the authority to apply the standards for variance from requirements of  
30 this Ordinance, provided such a variance does not conflict with current state law or regulations.  
31 The approving authority shall not grant a variance unless and until sufficient written justification is  
32 provided by the applicant and the intent of the stormwater management criteria are met.  
33

34 2. Application. An application for a variance shall be filed in writing with the approving authority.  
35 A written request for variance shall be provided to the approving authority that states the specific  
36 variance sought and sufficient justification for their granting. The application shall contain such  
37 additional information as the Director or Board of Appeals may require.  
38

39 3. Standards for Granting a Variance. In reaching a decision on an application, the approving  
40 authority may grant the variance only in cases where the strict compliance with the terms of this  
41 Ordinance would result in practical difficulty or unreasonable hardship which have not been  
42 caused by the act of the applicant or the applicant's predecessors in title; i.e. no "after-the-fact"  
43 application will be processed for administrative variance. The approving authority shall not grant a  
44 variance if to do so would violate the spirit and intent of the regulations, or cause or be likely to  
45 cause substantial injury to the public health, safety and general welfare.

46 4. Decision. If a request for variance is sought from the Director, the Director shall decide the issue  
47 raised by the application within fifteen (15) days of receipt of the written request. If a request for  
48 variance is sought from the St. Mary's County Board of Zoning Appeals, the Board shall decide  
49 the issue raised by the application within a reasonable time after the receipt of the application.  
50 The decision shall be in writing and provide a brief explanation of the law, the standards for  
51 variance, and facts, which support the decision.  
52

1 5. Mitigating Measures. The approving authority for any variance shall require mitigation measures  
2 as conditions of granting a variance. Prioritized steps to mitigate adverse impacts resulting from  
3 the granting of a variance shall include:  
4 (1) retrofit of an existing facility, either upstream or downstream, to satisfy the full  
5 requirements of this Ordinance;  
6 (2) construction of a new facility on an adjacent site or as close as hydrologically  
7 possible, but within the same watershed;  
8 (3) payment of a fee-in-lieu of construction in an amount equal to the estimated cost  
9 of full implementation measures, as approved by the Director of Public Works  
10 and Transportation, submitted to the County for regional storm-water  
11 management, watershed protection and restoration studies.  
12

13 6. Notice. The applicant shall send notice of the Directors' decision by registered or certified mail to  
14 all owners of contiguous property (as shown on the latest published property tax records of the  
15 Maryland Department of Assessment and Taxation), including lands across any public or private  
16 rights-of-way adjacent to the land subject to the application within 15 days of the Director's  
17 decision. Failure to provide such notice shall invalidate any approval given. Notice shall be given  
18 to each individual property owner if an affected property is held in common ownership. Required  
19 notice shall also be given to a municipality if the application concerns land adjacent to its  
20 municipal boundaries. The applicant shall provide the Director, in an approved form, with the  
21 names and addresses of all property owners required to receive notice of the variance decision  
22 pursuant to this Ordinance and proof of providing such notice. The requisite notice shall include  
23 sufficient information as to advise a reasonably prudent person of their rights to appeal the  
24 decision.  
25

26 **2.8 Appeals.**

27  
28 1. Generally. An appeal of any decision of any official charged with the enforcement of this  
29 Ordinance, as the result of the disapproval of a properly filed application for a permit, issuance of  
30 a written notice of violation, or an alleged failure to properly enforce the Ordinance in regard to a  
31 specific application may be filed by:

- 32  
33 a. any person aggrieved by any order, requirement, decision, or determination  
34 made in regard to the administration or the enforcement of this Ordinance as  
35 may be amended from time to time;  
36 b. any officer, department, board, or bureau of the County affected by any order,  
37 requirement, decision or determination made in regard to enforcement of this  
38 Ordinance as may be amended from time to time.

39 2. Appeals of Administrative Decisions. Any person having a right to appeal a decision of the  
40 Director under subpart 1, *supra*, of this Section may appeal that decision to the Board of Appeals.  
41 Notice of the time and place of such hearing shall be in accordance with the procedures set forth in  
42 the Rules of the Board of Appeals. An appeal must be filed in writing and state all basis for the  
43 appeal with clarity and detail. An appeal shall be timely if filed in writing within 30 days of the  
44 date of the final decision, or, if an appeal of an administrative variance, within thirty (30) days of  
45 the official transmittal of notice of the final decision in accordance with the notice provisions of  
46 **Section 2.7** of this Ordinance.

47 3. Appeals of a Decision of the Board of Appeals. Any person having a right to appeal a decision of  
48 the Board of Appeals under subpart 1, *supra*, of this Section may appeal that decision to the  
49 Circuit Court for St. Mary's County, Maryland. An appeal thusly authorized shall be conducted in  
50 accordance with the provisions of Maryland Rules of Procedure governing appeals from  
51 administrative agencies. An appeal must be filed in writing and state all basis for the appeal with  
52 clarity and detail. An appeal shall be timely if filed in writing within 30 days of the date of the

1 final decision, or, if an appeal of an administrative variance, within thirty (30) days of the official  
2 transmittal of notice of the final decision in accordance with the notice provisions of **Section 2.7**  
3 of this Ordinance.

4  
5 **2.9 Conflict with Other Permits.**

6  
7 Except as provided herein, no permit pertaining to the use of land or buildings shall be issued by any  
8 cooperating agency, department or employee unless a zoning permit has been issued by the Planning  
9 Director. The provisions of the zoning permit shall supersede any other permits issued in conjunction with  
10 or subsequent to it, except where the provisions of another permit(s) is (are) more stringent, the more  
11 stringent regulation shall apply. Any permit issued in conflict with the provisions of this Ordinance shall be  
12 null and void.

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1 **ARTICLE 3. STORMWATER MANAGEMENT**

2  
3 **3.1 Purpose and Authority.**

4  
5 1. Purpose. The purpose of this Ordinance is to protect, maintain, and enhance the public health,  
6 safety, and general welfare by establishing minimum requirements and procedures to control  
7 storm water runoff and any potential adverse impacts. Proper management of stormwater runoff  
8 will:

- 9  
10 a. minimize damage to public and private property;
- 11 b. reduce the effects of development on land;
- 12 c. control stream channel erosion;
- 13 d. assist in attaining and maintaining water quality standards;
- 14 e. reduce localized flooding;
- 15 f. maintain after development, as nearly as possible, the runoff characteristics, which  
16 existed prior to the proposed development; and
- 17 g. in areas with highly erodible soils, provide the runoff characteristics of a forested site.

18 2. Authority. The provisions of this Ordinance, pursuant to the Environment Article, Title 4,  
19 Subtitle 2, Maryland Annotated Code, 1996 replacement volume, as amended, are adopted under  
20 the authority of St. Mary's County Board of County Commissioners and shall apply to all  
21 development occurring within St. Mary's County, Maryland. The application of this Ordinance  
22 and provisions expressed herein shall be the minimum stormwater management requirements and  
23 shall not be deemed a limitation or repeal of any other powers granted by State statute. The  
24 Department of Public Works and Transportation and/or the Department of Permits and Inspection  
25 shall be responsible for the coordination and enforcement of the provisions of this subtitle  
26 Ordinance.

27 3. Incorporation by Reference. For the purpose of this Ordinance, the following documents are  
28 incorporated by reference:

- 29 a. The 2000 Maryland Stormwater Design Manual Volumes I & II (Maryland Department  
30 of the Environment, April 2000) is incorporated in this Ordinance by reference and shall  
31 serve as the official guide for stormwater principles, methods, and practices.
- 32 b. USDA Natural Resources Conservation Service Maryland Conservation Practice  
33 Standard Pond Code 378 (January 2000).

34 **3.2 Applicability and Validity.**

35 1. No person shall develop or redevelop any land for residential, commercial, industrial, or  
36 institutional uses without providing stormwater management quantity control for runoff from such  
37 development, and without providing water quality measures for the total developed area (existing  
38 and proposed) on the site, except as provided within this Ordinance.

39 2. Unless the particular activity is exempted by this Ordinance, a person may not develop any land  
40 without an approved stormwater management plan from the Director of the Department of Public  
41 Works and Transportation.

42 3. A grading or building permit may not be issued for a property until a stormwater management  
43 plan has been approved. No grading or clearing permits shall be issued until final site /  
44 subdivision approval is granted by the Department of Planning and Zoning and / or the Planning  
45 Commission.  
46

- 1 4. In the Critical Area, additional stormwater quality controls are required in addition to any quantity  
2 controls necessary to comply with this Ordinance. Additional removal of pollutant loading from  
3 runoff caused by developments located within the Critical Areas may be required in accordance  
4 with and consistent with State regulations.

5 **3.3 Exemptions and Waivers.**

- 6 1. Exemptions. The following development activities are exempt from the provisions of this  
7 Ordinance:

- 8 a. Agricultural land management activities;
- 9 b. Additions or modifications to existing single family detached residential structures that  
10 do not cumulatively disturb over 5,000 square feet of total land area and that do not direct  
11 runoff to highly erodible soils and do not disturb or discharge toward steep slopes. The  
12 official maps depicting highly erodible soils and steep slopes are located at the St. Mary's  
13 County Department of Planning and Zoning;
- 14 c. Developments that do not cumulatively disturb over 5,000 square feet of total land area  
15 and that do not direct runoff to highly erodible soils and do not disturb or discharge  
16 toward steep slopes; or
- 17 d. Land development activities regulated under specific State laws, which provide for  
18 managing stormwater runoff.

- 19 2. Waivers. The Director of the Department of Public Works and Transportation may grant  
20 Stormwater Management quantity control waivers (full or partial) on a case-by-case basis in  
21 accordance with the following provisions:

- 22 a. *Waiver Applicability.* Stormwater Management quantity waivers may be granted where:
- 23 (1) Sites which discharge directly to tidally influenced receiving waters; or
- 24 (2) Where the applicant conclusively demonstrates that exceptional circumstances  
25 exist on the site that prevent reasonable implementation of quantity control  
26 practices, subject to the mitigation measures in this **Section 2.7.4** ; or
- 27 (3) Development is proposed with in the area of an approved Watershed  
28 Management Plan, upon payment by the applicant of a pro-rata share for  
29 regional stormwater management structures identified in the Watershed  
30 Management Plan.
- 31 b. *Applications.* A written request must be submitted containing:
- 32 (1) Drawings and computations necessary to evaluate/justify the waiver; and
- 33 (2) An analysis of the cumulative effects of nearby developments within the  
34 watershed and contributing runoff toward the site; and
- 35 (3) An analysis showing that the increase in runoff from the development will not  
36 adversely impact adjacent property or the receiving channel by assuring non-  
37 erosive velocities and non-concentrated flows.
- 38 c. *Modifications.* A separate written waiver request and reanalysis must be submitted when  
39 an addition, or other modification to the original waiver is proposed.
- 40

- 41 **3.4 Watershed Management Plans.** Watershed Management Plans for specific watersheds may be  
42 established or approved by the County for the purpose of implementing different stormwater  
43 management policies for waivers and redevelopment, and shall:

- 44 a. Be conducted at a scale of 1"=200', unless approved by the Department of Public Works  
45 and Transportation;
- 46 b. Include detailed hydrologic and hydraulic analyses to determine hydrograph timing;

- 1 c. Evaluate both quantity and quality management;
- 2 d. Include cumulative impact assessment of watershed development;
- 3 e. Identify existing flood levels and receiving stream channel conditions;
- 4 f. Specify where on-site or off-site quantitative and qualitative stormwater management
- 5 practices are to be implemented;
- 6 g. Be consistent with the General Performance Standards for Stormwater Management in
- 7 Maryland found in Section 1.2 of the Design Manual; and
- 8 h. Be approved by the Administration.

9 **3.5 Redevelopment.**

- 10 1. Applicability. The redevelopment criteria shall only be applicable for sites where:
  - 11 a. At least 75 percent of the site has been previously developed and is covered in
  - 12 impervious surface, the runoff from which is not managed for quality control;
  - 13 b. The proposed development maintains or reduces the existing impervious cover; and
  - 14 c. The proposed redevelopment does not increase the peak discharge rates by more than ten
  - 15 (10) percent; and
  - 16 d. Downstream flooding or erosion is not occurring. If downstream flooding or erosion
  - 17 exists, the site does *not* qualify as redevelopment and all criteria in this **Chapter 3.7** of
  - 18 this Ordinance must be addressed.
- 19 2. Redevelopment Criteria. Stormwater management plans for redevelopment shall provide
- 20 minimum control requirements consistent with the Design Manual and the following:
  - 21 a. The recharge, channel protection, storage volume, and over-bank flood protection volume
  - 22 requirements specified in the Design Manual shall not apply to redevelopment sites if
  - 23 adequate out-fall has been established and approved.
  - 24 b. To the extent that site conditions allow, redevelopment project designs shall reduce
  - 25 impervious area by at least 20 percent.
    - 26 (1) Where site conditions prevent a full 20 percent reduction of impervious area, a
    - 27 combination of impervious area reduction and water quality control may be
    - 28 implemented as approved by the Director of the Department of Public Works and
    - 29 Transportation.
    - 30 (2) At a minimum, water quality control for 20% of the existing impervious area and
    - 31 100% of the additional impervious area must be provided and sized pursuant to
    - 32 the Design Manual.
  - 33 c. Where conditions prevent *any* on-site stormwater management, practical alternatives
  - 34 shall be implemented to mitigate the effects of an equivalent discharge in the same
  - 35 watershed. Possible alternatives shall include, but not be limited to:
    - 36 (1) Design and implementation of an off-site Best Management Practice (BMP) for a
    - 37 drainage area comparable in size and percent imperviousness to that of the project
    - 38 within the same drainage basin:
    - 39 (2) Retrofit of an existing stormwater BMP:
    - 40 (3) Performance of a stream or watershed restoration (on an approved watershed or
    - 41 stream):
    - 42 (4) Payment of a fee-in-lieu of stormwater management (based on the stormwater
    - 43 volume generated by the proposed development) to the County for:

- 1 (i) Installation of a regional stormwater management facility within the
- 2 development's watershed that has been at least 75% funded in the
- 3 current year of the County Capital Improvement Program;
- 4 (ii) Watershed or stream restoration, or
- 5 (iii) Other approved practices.

6  
7 3. Partially Developed Sites. For partially developed sites, where the redevelopment criteria is not  
8 applicable, stormwater management shall be provided in accordance with **Chapter 3.7** of this  
9 Ordinance. The site area shall be considered the limits of disturbance. In addition, the following  
10 shall apply:

- 11
- 12 a. To the extent that site conditions allow, project designs shall reduce existing impervious
- 13 area by at least 20 percent of the existing impervious area or shall provide and size water
- 14 quality control in accordance with the Design Manual for 20 percent of the existing
- 15 impervious area necessary to meet maximum access and parking requirements under the
- 16 Comprehensive Zoning Ordinance.
- 17
- 18 b. Where site conditions prevent a full 20 percent reduction of impervious area, a
- 19 combination of impervious area reduction and water quality control may be implemented
- 20 as approved by the Director of the Department of Public Works and Transportation.
- 21

22 **3.6 Permits and Bonding.**

23

24 1. Permit Requirements.

- 25 a. A grading, construction or building permit may not be issued for any parcel or lot
- 26 requiring a stormwater management plan until a stormwater management plan has been
- 27 approved as meeting all the requirements of this Ordinance (and any other applicable
- 28 State regulation) or waived by the Director of Public Works and Transportation.
- 29
- 30 b. A grading permit, construction permit, or building permit shall not be issued without final
- 31 approval for a site plan or recorded subdivision plat.
- 32
- 33 c. Where appropriate, grading, construction or building permits shall not be issued without:
- 34 (1) Recorded easements for the stormwater management facility and for adequate
- 35 access for inspection and maintenance from a public right-of-way;
- 36 (2) Signed Stormwater Management Notice of Construction Completion Form(s);
- 37 (3) Recorded stormwater management maintenance agreement;
- 38 (4) Performance bond; and
- 39 (5) Permission from adjacent property owners where grading, drainage or other off-
- 40 site improvements and / or easements are required.
- 41
- 42 d. A grading, construction or building permit may not be issued for any parcel or lot in the
- 43 Critical Area unless an Environmental Permit has been issued by the Department of
- 44 Planning and Zoning. Work performed in the Critical Area in accordance with a grading,
- 45 construction or building permit but in violation of or prior to obtaining an Environmental
- 46 Permit shall be subject to mitigation or fines.

47 2. Plans Review and Permit Fees. A non-refundable plan review fee will be collected at the time the stormwater management plan or application for waiver is submitted. This fee will provide for the cost of plan review and administration. A permit fee will be collected with the grading permit application, and will cover the management of the permitting process, and inspection of all

1 projects subject to this Article 3 of this Ordinance. A permit fee schedule shall be established by  
2 the Board of County Commissioners and may be amended from time to time.

3 3. Permit Suspension and Revocation. Any grading or construction permit issued by the Director of  
4 Public Works and Transportation may be suspended or revoked after written notice is given to the  
5 permittee for any of the following reasons:

- 6 a. Any violation(s) of the conditions of the stormwater management plan approval; or
- 7 b. Changes in site runoff characteristics upon which an approval or waiver was granted.
- 8 c. Construction is not in accordance with the approved plan; or
- 9 d. Noncompliance with correction notice(s) or stop work order(s) issued for the construction  
10 of the stormwater management facility; or
- 11 e. An immediate danger exists in a downstream area in the opinion of the Director of Public  
12 Works and Transportation.

13  
14 4. Bonding Requirements. The Department of Public Works and Transportation shall require from  
15 the developer a surety or cash bond, irrevocable letter of credit, or other means of security  
16 acceptable to the County Attorney prior to the issuance of any building and / or grading permit for  
17 the construction of a development requiring a stormwater management plan facility. The amount  
18 of the security shall not be less than the total estimated construction cost of the stormwater  
19 management measures (structural and nonstructural), sediment and erosion control, and  
20 stabilization, plus a ten percent (10%) contingency.

- 21 a. *The required bond shall include provisions relative to:*
  - 22 (1) Forfeiture for failure to complete work specified in the approved stormwater  
23 management plans;
  - 24 (2) Compliance with all of the provisions of this Ordinance, and other applicable  
25 State laws and regulations; and
  - 26 (3) Any time limitations.
- 27 b. *Bond Release.* The bond shall not be fully released without submission and approval of  
28 as-built plans to the Department of Public Works and Transportation, and final inspection  
29 by the Department of Permits and Inspections to verify that all work has been completed  
30 in accordance with the approved plans. A procedure may be used to release parts of the  
31 bond held by Department of Public Works and Transportation after various stages of  
32 construction have been completed, inspected and accepted by Department of Public  
33 Works and Transportation.
- 34 c. *Inspection and Maintenance Bond.* The Department of Public Works and Transportation  
35 shall not fully release the performance bond until the posting of an Inspection and  
36 Maintenance Bond has been provided by the applicant to the Department of Permits and  
37 Inspections.

38  
39 **3.7 Stormwater Management Design.**

40 1. Minimum Control Requirements. The minimum control requirements established under this  
41 Ordinance and in the Design Manual are as follows:

- 42  
43 a. The recharge volume, water quality volume, and channel protection storage volume  
44 sizing criteria shall be used to design BMP's according to the Design Manual.
- 45  
46 b. The Department of Public Works and Transportation may require more than the  
47 minimum control requirements specified in this Ordinance if hydrologic or topographic  
48 conditions warrant or if flooding, stream channel erosion, or documented water quality  
49 problems in excess of COMAR 26.08.02 Water Quality Standards exist downstream from

1 a proposed project. Control of the 10-year and/or 100 year frequency storm event is  
2 required according to the Design Manual if the Department of Public Works and  
3 Transportation determines that historical flooding problems exist and downstream  
4 floodplain development and conveyance system design cannot be controlled.  
5

6 c. Stormwater management and development plans, shall be consistent with applicable  
7 adopted and approved watershed management plans or flood management plans approved  
8 by the Maryland Department of the Environment in accordance with the Flood Hazard  
9 Management Act of 1976. (Environment Article, Title 5, Subtitle 8, Maryland Annotated  
10 Code).

11  
12 d. Pursuant to the Design Manual, developers of land uses that generate higher  
13 concentrations of hydrocarbons, trace metals, or toxicants than are found in typical  
14 stormwater runoff may be required to prepare a Stormwater Pollution Prevention Plan to  
15 reduce the generation of pollutants from the site or prevent contact of rainfall with the  
16 pollutants.

17 2. Stormwater Management Measures. The structural and nonstructural stormwater management  
18 measures established in this Ordinance shall be used, either alone or in combination, and shall  
19 accommodate for both on-site and off-site surface waters that travel to or through the site.

20 a. *Structural stormwater management practices* shall be designed according to the Design  
21 Manual and any other standards established in this Ordinance to satisfy the purpose  
22 established in this Article. Structural stormwater management devices shall be located  
23 outside of existing and/or proposed road right-of-ways, within dedicated drainage  
24 easements on commercial and other sites, and within separate lots/parcels of record  
25 within residential subdivisions. The following structural practices shall be selected based  
26 on performance criteria specified in the Design Manual and with consideration to unique  
27 hydrologic / geologic conditions of the site:

- 28 (1) Infiltration trenches and basins;
- 29 (2) Filtering systems (such as bioretention, surface sand filters, perimeter sand  
30 filters, organic filters, and pocket sand filters);
- 31 (3) Stormwater management ponds which incorporate water quality measures (such  
32 as micro-pools, wet pockets, wet ponds, multiple ponds);
- 33 (4) Wetlands; and
- 34 (5) Open Channel Systems.

35  
36 *Note:* A site may qualify for development density increase, in accordance with  
37 the Comprehensive Zoning Ordinance, if at least 50% of the  
38 impervious surfaces are treated with bioretention.

39 b. *Nonstructural stormwater management practices* shall be applied according to the Design  
40 Manual to minimize runoff from new development, to assist in removing pollutants, to  
41 reduce the size of structural practices, and to minimize reliance on structural BMP's.  
42 Non-structural practices may be partially constructed within existing or proposed road  
43 right-of-ways, but shall be designed to preclude obstructions (i.e., check dams) and  
44 maintenance considerations. The following may be applied:

- 45 (1) Nonstructural practices shall be applied according to the Design Manual and  
46 shall include natural area conservation; disconnection of rooftop runoff;  
47 disconnection of non-rooftop impervious areas; sheet flow to buffers; grass  
48 channels; and environmentally sensitive development.
- 49 (2) The use of nonstructural stormwater management practices may not conflict  
50 with existing State or local laws, ordinances, regulations, or policies.

- 1  
2 (3) The minimum control requirements (storage volume requirements listed in this  
3 Article) for structural practices may be reduced when nonstructural stormwater  
4 management credits are computed and incorporated into site designs according  
5 to the Design Manual. Where open grass channels are used to reduce the volume  
6 of runoff and pollutants, a minimum of ½ percent longitudinal grade and ten  
7 (10) minutes of residence time is required to address water quality. The ten (10)  
8 minute residence time requirement is not applicable to subdivisions consisting of  
9 five (5) residential lots or less.
- 10 (4) Nonstructural stormwater management practices for which credits are applied to  
11 reduce the minimum control requirements shall be documented on a plat and  
12 recorded in the land records of St. Mary's County and shall remain unaltered by  
13 subsequent property owners unless prior approval from the Department of  
14 Public Works and Transportation is granted.
- 15 c. *Alternative structural and nonstructural stormwater management practices* may be used  
16 for new development for water quality control if they meet the performance criteria  
17 established in the Design Manual and are approved by the Administration.
- 18 3. Specific Design Requirements. The specific design criteria, methodologies, and construction  
19 specifications shall be those of the Design Manual and shall include, but are not necessarily be  
20 limited to the following:
- 21 a. Stormwater management facilities shall not be constructed within the mapped or  
22 calculated 100-year flood plain; and
- 23 b. Within subdivisions, structural stormwater management facilities requiring an inspection  
24 and maintenance agreement shall be located on separate parcels, not within building lots;  
25 and
- 26 c. The applicant shall compute the Recharge Volume ( $Re_v$ ), Water Quality Volume ( $WQ_v$ ),  
27 Channel Protection Volume ( $Cp_v$ ), the Overbank Flood Protection Volume ( $Q_v$ ), and  
28 Extreme Flood Volume ( $Q_f$ ) in accordance with the Design Manual Computations and  
29 shall submit such calculations for review by the Director of the Department of Public  
30 Works and Transportation.
- 31 (1) Flow from BMP's shall be at non-erosive velocities in accordance with the  
32 Design Manual and meet the permissible velocities for channels pursuant to this  
33 **Section 3.7.3** and the Road Ordinance.
- 34
- 35 (2) The design release rates of structures shall be modified if any increase in the  
36 flood levels or frequency, or downstream channel erosion would result at a  
37 downstream dam, highway, storm drain system, structure, or natural point of  
38 restricted stream flow.
- 39 d. *Adequate Outfall.* For the purposes of modifying the minimum control requirements or  
40 design criteria, the applicant shall submit a written analysis of the impacts of stormwater  
41 flows downstream in the watershed. The analysis shall include hydrologic and hydraulic  
42 calculations necessary to determine the impact of hydrograph timing modifications of the  
43 proposed development upon a dam, highway, structure, or natural point of restricted  
44 stream flow. The analysis shall be conducted in the area between the point of drainage  
45 discharge and a point downstream of the first downstream tributary whose drainage area  
46 equals or exceeds the contributing area to the project or to the stormwater management  
47 facility. The area of analysis shall be established with the concurrence of the Director of  
48 the Department of Public Works and Transportation; and

- 1 e. *Retrofit.* Permissible velocities for existing unlined out-fall channels shall be 3.5 feet per  
2 second. Stormwater management measures, channel lining(s), and / or additional  
3 measures may be required to retrofit inadequate out-fall conditions; and
- 4 f. *Safety.* Special consideration for safety shall be made during the design of ponds  
5 including fencing, slope benching, access roads, flattened side slopes. Fencing is not  
6 desirable, but may be required around ponds if other more desirable safety measures are  
7 not feasible. Fencing may be required when a water depth of over two (2) feet for over  
8 24 hours after any design storm event, and safety benching or side slopes of 6:1 or flatter  
9 cannot be provided. Where provided, fencing shall be in accordance with the Format  
10 Guidelines and the following general requirements:
- 11 (1) Fencing material may be PVC (black or dark green) coated galvanized steel,  
12 aluminized steel, aluminum or wood. PVC plastic resin finish shall be a  
13 minimum 7-mil thickness. A chain link fence shall have a maximum mesh size  
14 of 2 ¼ inches and a minimum No. 12 gauge measured before any coating  
15 application;
- 16 (2) No person shall erect, construct, alter, or maintain a fencing containing barbed  
17 wire, electricity, or any other material that may injure a person;
- 18 (3) The maintenance access gate shall be equipped with a self-closing and self-  
19 latching device, shall have a lockable release located a minimum distance of 48  
20 inches from the ground, be mounted to open away from the facility and be a  
21 minimum of four feet in width; and
- 22 (4) The maximum acceptable vertical clearance between grade and the bottom of  
23 the fence shall be 4 inches measured on the side of the fence that faces away  
24 from the facility. The top of the fence must be between 60 and 72 inches above  
25 grade measured on the outside of the fence.
- 26
- 27 4. Maintenance Design Considerations. The maintenance impact of stormwater management and  
28 BMP facilities is considered to be a primary concern to the County and to the future operations of  
29 these facilities. Applicants shall include maintenance and operation of all stormwater management  
30 measures as one of the primary design considerations and shall include the following as necessary  
31 in the construction plans:
- 32
- 33 a. Access-ways.
- 34
- 35 (1) All access ways shall remain cleared, graded and passable at locations  
36 designated on the approved plans and shall be constructed concurrent with the  
37 stormwater management facility.
- 38 (2) Specific access easements shall be recorded outside of drainage easements.
- 39 (3) Construction of fences or other structures within the access easement area(s)  
40 shall be prohibited.
- 41 (4) In order to facilitate vehicular access and maintenance, grading of the access to  
42 and around facilities shall not create slopes with a grade of greater than 3 feet  
43 horizontal to 1-foot vertical.
- 44 (5) At least one cleared and passable access way with a minimum width of 10 feet  
45 and a cross slope of no more than 6 percent shall be provided.
- 46 (6) Multiple accesses should be provided on major facilities.
- 47
- 48 b. Design features.
- 49
- 50 (1) Principle spillways and other devices shall be designed to minimize tampering.
- 51 (2) The design of a dry pond bottom shall include a trickle ditch from the principal  
52 inlets to the outlets. The minimum pond floor slope shall be 2% to the trickle  
53 ditch.
- 54 (3) Normal pool depth in dry structures shall not exceed 18 inches.

- 1 (4) A minimum of two (2) feet of freeboard above the 100-year water surface  
2 elevation shall be maintained.
- 3 (5) Where trash racks are provided, they shall be removable as a unit by unbolting,  
4 without destroying the structure. Access to the structure shall be provided  
5 immediately above the rack in the underground chambers.
- 6 (6) Where pipe storage is permitted, all pipes shall be reinforced concrete with  
7 parged joints.
- 8 (7) Seepage considerations shall be addressed and include, but may not be limited  
9 to, the following: the placement of impervious material or zoning of  
10 embankment materials, cut-off trenches, drains and anti-seep collars, drainage  
11 blankets, differential settlement, local groundwater conditions and foundation  
12 under-seepage.

13  
14 c. Underground Chambers.

- 15  
16 (1) The use of underground chambers is discouraged due to maintenance concerns.  
17 Where used, underground chambers shall only be appurtenant structures to the  
18 site and through drainage storm sewer system. The storm water management  
19 facilities shall not be incorporated as an in-line system, but be designed as a  
20 parallel or perpendicular appurtenance structure.
- 21 (2) Underground chambers shall provide a smooth contoured bottom to facilitate silt  
22 and debris removal.
- 23 (3) Underground chambers shall provide more than one access point each with a 4'-  
24 0" X 4'-0" access door for ventilation, and cleaning, and shall be large enough  
25 to accommodate equipment. Generally the minimum interior height, where  
26 possible, shall be 72 inches, in order to facilitate maintenance.

27  
28 d. Trees, Shrubs and Wetland Plantings.

- 29  
30 (1) Planting shall be prohibited on side slopes and within 15 feet of the toe of a  
31 dam.
- 32 (2) Trees and shrubs and other landscaping shall be provided in accordance with the  
33 Design Manual and MD 378 Small Pond Specifications.

34  
35 **3.8 Drainage System Design.**

36 1. General Design Standards. In developments where impervious surfaces are limited to 15% of the  
37 lot area or lot frontage on the roadway is 100 feet or greater and where open grassed channels can  
38 safely handle storm water runoff, an open drainage system is preferred. In certain cases, where  
39 quantity of flow, topographic, soil or natural channel conditions preclude open systems, then the  
40 system may be fully or partially enclosed. The standards of the Road Ordinance shall apply.

41 a. *Private Development.* Private storm drain system materials shall be appropriate for the  
42 development conditions. Pipe materials should be designed for a minimum 30-year life.  
43 Where the private system serves runoff from a public system, the materials shall meet  
44 public system standards. Soil testing may be necessary to determine the appropriateness  
45 of a particular material. Where corrugated pipe is specified, aluminized steel pipe is  
46 encouraged. Materials used in stormwater management facilities shall be in conformance  
47 with MD 378 Specifications (steel pipe is not allowed).

48  
49  
50  
51  
52  
53

1   **3.9    Stormwater Management Plans.**

2    1.    Preparation of the Stormwater Management Plan.

- 3           a.       The design of stormwater management plans shall be prepared by an individual who is  
4                    licensed by the State of Maryland to prepare such plans, and whose qualifications are  
5                    acceptable to the County.
- 6           b.       If a stormwater BMP requires either a dam safety permit from the Maryland Department  
7                    of the Environment or small pond approval from the St. Mary's County Soil Conservation  
8                    District (SCD), the Director of Public Works and Transportation shall require that the  
9                    design be prepared by a professional engineer or registered land surveyor licensed in the  
10                   State of Maryland.
- 11          c.       A separate certification shall be submitted with each plan submittal certifying that the  
12                   plans and computations have been prepared in accordance with this Ordinance, the  
13                   Format Guidelines, and sound engineering practice, and that the plans have been  
14                   reviewed for accuracy and completeness prior to submission.

15   2.    Application Requirements. The design of stormwater management plans shall conform to the  
16           following requirements:

- 17          a.       In addition to an executed Inspection and Maintenance Agreement, an operation and  
18                   maintenance plan shall be required as a condition of stormwater management plan  
19                   approval.
- 20          b.       If a stormwater management plan involves direction of some or all runoff off of the site,  
21                   it shall be the responsibility of the applicant to obtain from adjacent property owners any  
22                   easements or other necessary property interests concerning flow of water prior to plan  
23                   approval. Approval of a stormwater management plan does not create or affect any right  
24                   to direct runoff onto adjacent property without the property owner's permission.
- 25          c.       The applicant shall give consideration to incorporating the use of natural topography and  
26                   land cover as they exist prior to development as part of the stormwater management  
27                   strategy.
- 28          d.       A Stormwater Management Notice of Construction Completion (NOCC) Form signed by  
29                   a Professional Engineer is required prior to issuance of the grading permit and shall be  
30                   subject to the provisions of this **Section 3.13.4** and **3.13.6**.
- 31          e.       Any existing storm drainage systems that are considered inadequate to accommodate the  
32                   proposed development must be improved prior to development. Any waiver of  
33                   stormwater management does not relieve the applicant of providing an adequate storm  
34                   drainage system. This policy may be applied to correct an existing inadequate out-fall,  
35                   and may aid in meeting the requirement for adequate drainage.
- 36          f.       The visual impact of stormwater management facilities shall be considered in the overall  
37                   design of the site and specific design of the facilities. The appropriateness of the design,  
38                   the shape and form of the structures, excavated material, plantings and fencing shall be  
39                   considered and shall be designed to relate to the surroundings and their functions.
- 40          g.       If off-site construction and easements are required to obtain adequate out-fall, a grading  
41                   permit will not be issued until the easement has been obtained. If the adjacent owner  
42                   refuses to grant such easement, the owner or developer may request condemnation of the  
43                   land by the County at the applicant's cost. Condemnation can proceed only if a public  
44                   need is demonstrated.
- 45          h.       Storm drains shall be directed into areas least likely to erode.

46  
47   3.    Review and Approval of Stormwater Management Plans.

- 48          a.       For any proposed development, the applicant shall submit a stormwater management  
49                   plan or waiver application to the Director of Public Works and Transportation for review

1 and approval, unless otherwise exempted or a waiver has been granted. The stormwater  
2 management plan shall contain supporting computations, drawings, and sufficient  
3 information describing the manner, location, and type of measures in which stormwater  
4 runoff will be managed from the entire development.

5 b. The Public Works and Transportation Director shall review the application package to  
6 determine completeness of the application prior to acceptance of the application for  
7 processing. Incomplete applications shall be returned to the applicant. Complete  
8 applications, shall be reviewed to determine compliance with the requirements of this  
9 Ordinance. The approved plan shall serve as the basis for all subsequent construction.

10 c. Notification of approval or reasons for disapproval or modification shall be given to the  
11 applicant within 30 days after submission of the completed stormwater plan. If a  
12 decision is not made within 30 days, the applicant shall be informed of the status of the  
13 review process and the anticipated completion date. The stormwater management plan  
14 shall not be considered approved without the inclusion of the signature and date of  
15 signature of the Director of Public Works and Transportation on the plan.

16 4. Contents of the Plan. The contents of the Stormwater Management Plan shall conform to the  
17 Format Guidelines and the following:

18 a. The applicant is responsible for submitting a stormwater management plan in the form of  
19 a construction drawing that meets the design requirements of this Ordinance. The plan  
20 shall be accompanied by a report that includes sufficient information to evaluate the  
21 environmental characteristics of affected areas, the potential impacts of the proposed  
22 development on water resources, and the effectiveness and acceptability of measures  
23 proposed for managing stormwater runoff. The applicant shall certify on the drawings  
24 that all cleaning, grading, drainage, construction, and development shall be conducted in  
25 strict accordance with the approved plan.

26 b. Reports submitted for stormwater management plan approval shall consider the impact  
27 on existing downstream development and/or conditions to be caused by proposed  
28 upstream development and shall include the following minimum information:

29 (1) *Narrative.* A brief narrative description of the project, the stormwater  
30 management methodology, and an analysis of existing and proposed out-fall  
31 conditions.

32 (2) *Plan.* A plan showing the facilities to be provided along with flow data and  
33 computations developed in the design and the layout of the drainage facilities.

34 (3) *Calculations.* Runoff calculations and assumptions shall be provided in an  
35 acceptable format for both closed and open systems, giving area, size, quantity,  
36 velocity, slope and depth of flows and hydraulic gradient. All closed storm drain  
37 systems will be reviewed using the Rational Method. All cross culverts and  
38 storm water management facilities draining more than five (5) acres and  
39 facilities designed under MD 378 specifications will be reviewed using the TR-  
40 20 computer program or the TR-55 tabular Hydrograph Method.

41 (4) *Summary Table.* A stormwater management summary table listing acreage of  
42 impervious areas (including pre-development and post development), method of  
43 quality control, unified sizing volume criteria per the Design Manual, required  
44 and provided water quality volume, water recharge volume, channel protection  
45 volume, overbank flood protection volume, and extreme flood volume for the  
46 overall development, each drainage area by phase of development, pre- and post  
47 development runoff rates for the 1, 2, 10, and 100- year storm events, where  
48 applicable, as well as cumulative acreage and weighted runoff curve number for  
49 incremental development of a watershed for a regional stormwater management  
50 facility, where applicable.

- 1 (5) *Hydraulic Gradient.* The hydraulic gradient must be calculated and shown on  
2 the storm drain and open channel profiles in accordance with the current State  
3 Highway Administration methodology. The hydraulic gradient is a line  
4 connecting points to which water will rise in manholes and inlets during the ten  
5 (10) year recurrent interval storm.  
6  
7 (6) *Investigations.* Geotechnical and structural investigations including soil maps,  
8 borings, site specific recommendations, and any additional information  
9 necessary for the proposed stormwater management design.  
10 (7) *Hydrologic Information.* Descriptions of all water courses, impoundments, and  
11 wetlands on or adjacent to the site. Hydrologic computations, including  
12 drainage area maps depicting pre-development and post development runoff  
13 flow path segments and land use, may including any floodplain studies or dam  
14 breach analysis.  
15 (8) *Certifications.* Certified structural computations, including computations for  
16 reinforcing, anti-floatation, trash rack, and structure classifications.  
17 (9) *Adequate Out-fall.* The Director of Public Works and Transportation shall have  
18 the right to require further downstream analysis where the submitted narrative  
19 and all related plans and plats are insufficient to show the impact of the  
20 development on other downstream properties.  
21 (10) *Additional Data.* Any other information required by this Ordinance, the Director  
22 of the Department of Public Works and Transportation or the Soil Conservation  
23 District shall also be provided by the applicant.  
24 c. Construction drawings submitted for stormwater management plan approval shall be  
25 folded and prepared in accordance with the Format Guidelines.  
26 d. As-built submission requirements shall be prepared in accordance with the provisions in  
27 this Ordinance and the Format Guidelines. After submitted, all as-built drawings shall be  
28 reviewed by the Department of Public Works and Transportation, and forwarded to the  
29 Department of Permits and Inspection for final inspection.

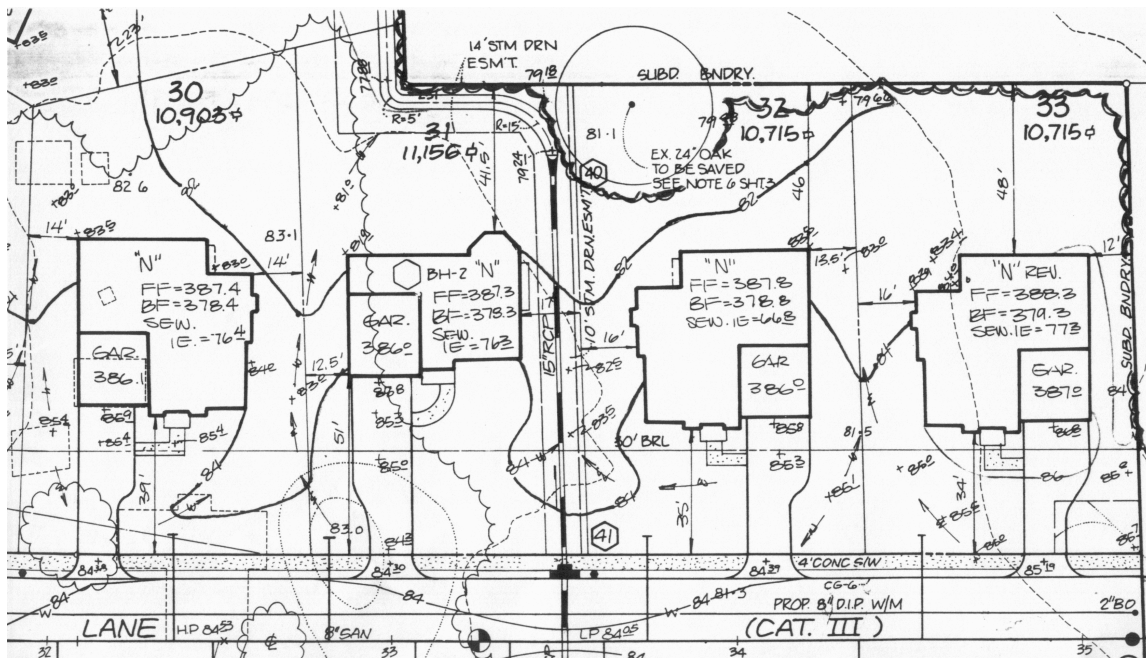
30  
31 **3.10 Drainage Easements.**  
32

- 33 1. Where a natural drainage course or stream traverses a development, there shall be provided a  
34 drainage easement, a minimum of 50 feet in width, conforming substantially with the line of such  
35 watercourse for the purpose of maintaining, improving and protecting such drainage-course or  
36 stream. This easement area shall be designed to the 100-year flood plain level.  
37 2. Drainage easements shall be provided for the ten (10) year design storm, unless otherwise  
38 specified.  
39 3. Required storm drainage easements and surface drainage easements should be identified and  
40 recorded as a part of the record plat. Stormwater management facility easements shall be identified  
41 and recorded as a part of the record plat and / or site plan. Maintenance responsibilities for surface  
42 drainage and stormwater management easements shall be identified as the landowner or  
43 homeowners association.  
44 4. Where topography or other conditions are such as to make impractical the inclusion of drainage  
45 facilities within road rights-of-way, perpetual unobstructed easements at least 20 feet in width for  
46 such drainage facilities shall be provided across property outside the road right-of-way and with  
47 satisfactory access to the road. Easements shall be indicated on the site plan and / or record plat.  
48 Drainage easements shall be carried from the road to a natural watercourse or to other drainage  
49 facilities.

- 1 5. When a proposed drainage system will carry water across private land outside the subdivision or  
2 where off-site construction is required to obtain adequate out-fall, appropriate drainage rights and  
3 access easements must be secured and indicated on the plat. Maintenance of drainage-ways and  
4 swales shall be designated as the responsibility of the property owner(s).

5 **3.11 Over-lot Grading.**

- 6 1. Grading plans for construction of all buildings and dwelling units shall be provided and approved  
7 prior to issuance of a building permit by the Department of Permits and Inspections. The plans  
8 shall show existing and proposed easements and lot contours, on-site drainage swales, minimum  
9 first floor / basement / walk-out elevations, spot shots around the building perimeter to  
10 demonstrate accommodations of the 10 and 100-year flows and elevations, delineation of soil  
11 types, and retention and infiltration areas to assure that adequate drainage is provided. An example  
12 of such detail is set forth at **Figure 3.11**.



15 **Figure 3.11 Sample Detail Required For Overlot Grading Plans**

- 16  
17  
18 2. All residential and accessory structures shall be located at least 12" above the 100-year storm  
19 elevation. All drainage easements shall be shown on the plan. Where the on-site construction  
20 raises the water surface elevation on upstream properties, the applicant shall provide or obtain a  
21 drainage easement for the 10-year storm elevation, and provide calculations to show that the 100-  
22 year water surface elevation does not encroach on any existing structures.
- 23 3. Compliance with the grading plan shall be required to the extent that zoning setback requirements  
24 are clearly labeled, adequate drainage is maintained and the limit of clearing is honored. Over-lot  
25 grading plans shall include the approved septic field location(s) and well location(s).
- 26 4. Design of surface runoff across lots shall not result in erosive velocities. In general, when storm  
27 sewers are provided, they shall not out-fall in the front yard, but shall extend to a point to the rear  
28 of the house or lot. In addition, the building shall not be located in such a manner as to allow  
29 culvert out-falls to direct flow toward the structure. The elevation of existing and/or proposed  
30 ground surfaces at all driveway/street intersections and on adjacent lots that effect drainage  
31 towards a building or dwelling unit may be requested as part of the grading permit.

- 1 5. Lots shall be generally graded so that surface runoff does not cross more than 3 lots before it is  
2 collected into a retention and infiltration area or a stormwater sewer system. The storm sewer  
3 system may be an open channel, closed conduit or a combination of both. The Director of Public  
4 Works and Transportation may approve an open channel where the preservation of a natural  
5 drainage-way is desirable or the use of the open channel will not interfere with the use of the  
6 property.
- 7 6. In areas that are susceptible to a high water table (permanent, perched, and/or seasonal) the  
8 engineer shall provide pavement design criteria and measures to assure dry basements and to  
9 preclude wet yards.
- 10 7. Over-bank flood protection measures shall be incorporated into the design plans.
- 11 8. Adequate compaction of fill embankments at 95% density shall be required to ensure proper  
12 stability of the slopes, which shall be no steeper than two feet horizontal to one vertical. Use of  
13 retaining walls in connection with site plan or subdivision developments shall be shown at the  
14 time of building permit application.
- 15 9. In general, two-foot contour intervals shall be utilized. However, for subdivisions with lots greater  
16 than one acre, topographic data with five-foot contour intervals at a scale no greater than one inch  
17 equals 100 feet shall be acceptable. Scale shall be large enough to ensure that an accurate  
18 representation is shown on the plans.
- 19 10. For individual lots where; lot sizes are greater than one (1) acre, the disturbance on each lot is less  
20 than ½ acre, and contiguous lots are not being developed concurrently by the same owner, builder,  
21 or developer, a Standard Erosion and Sediment Control plan will be required by the Soil  
22 Conservation District. For new residential developments; where lot sizes are one (1) acre or less,  
23 or any size lot where contiguous lots are being developed concurrently by the same owner, builder  
24 or developer, an Engineered Erosion and Sediment Control Plan for the single lot development  
25 shall be required by the Soil Conservation District and shall contain the provisions of this Article.  
26 Building Permit Applications shall demonstrate conformance with the approved erosion and  
27 sediment control plan. The Director of Permits and Inspections shall compare building permit  
28 applications with the approved plan and shall disapprove building permit applications where  
29 significant deviations are noted, unless revisions have been otherwise approved by the Soil  
30 Conservation District.
- 31 11. All building permit applications subject to this **Chapter 3.11** shall state and show calculations of  
32 the chosen method of addressing the provisions of this Article. This may be accomplished with an  
33 attached sketch or specific reference (page / appendix # etc.) from the MDE Design Manual and  
34 the results of simple design calculations shown in the “notes” section of the respective building  
35 permit applications.  
36
- 37 12. Designs with walk-out basements shall be prohibited where sump conditions are created and  
38 adequate drainage cannot be properly demonstrated by the applicant.  
39
- 40 13. Lots shall be generally graded so that surface runoff is directed along property lines and shall  
41 preclude the ponding of water on adjacent lots / parcels of record unless specifically approved  
42 otherwise. Contours of the finished surfaces are to be blended with adjacent natural terrain to  
43 achieve a consistent grade and natural appearance. This provision does not apply to existing  
44 natural swales and channels.  
45
- 46 14. A building permit shall be required in accordance with the Building Code adopted by the Board of  
47 County Commissioners. A building permit may not be issued for any parcel or lot unless a  
48 stormwater management plan and erosion and sediment control plan has been approved or the  
49 requirements therefore waived by the approving authority. Where applicable, a permit may also  
50 require:

- 1 (a) Recorded easements for the stormwater management facility and easements to  
2 provide adequate access for inspection and maintenance from a public right-of-  
3 way;
- 4 (b) A recorded stormwater management maintenance agreement and Performance  
5 Bond.  
6

7 15. Surface drainage shall be diverted to a storm sewer conveyance or other approved point of  
8 collection so as not to create a hazard. Lots shall be graded so as to drain surface water away from  
9 foundation walls. The grade away from foundation walls shall fall a minimum of six (6) inches  
10 within the first ten (10) feet.  
11

12 **3.12 Inspection and Maintenance Agreement.**  
13

14 1. Maintenance Responsibility. Prior to the issuance of any permit for which stormwater  
15 management is required, the Director of the Department of Public Works and Transportation shall  
16 require the applicant or owner to execute an Inspection and Maintenance Agreement binding on all  
17 subsequent owners of land served by the private stormwater facility. The requirements for such  
18 agreement are as follows:

19 a. *Reasonable Access.* The agreement shall provide for access to the facility at reasonable  
20 times for regular inspection by either the Director of the Department of Permits and  
21 Inspections or the Director of Public Works and Transportation or their authorized  
22 representatives and for regular or special assessments of property owners to ensure that  
23 the facility is maintained in proper working condition to meet design standards and any  
24 provisions established. A minimum 20-foot access easement shall be shown on the plan  
25 and on the record plat.

26 b. *Recording.* The agreement shall be recorded by the applicant in the County land records.

27 c. *Inspection and Maintenance Agreement.* The agreement shall require the owner of the  
28 property on which work has been done pursuant to this Ordinance for private stormwater  
29 management facilities (structural and/or nonstructural) or any other person or agent in  
30 control of such property, to maintain in good condition and promptly repair and restore  
31 all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment  
32 control measures, and other protective devices. Such repairs or restoration and  
33 maintenance shall be in accordance with approved plans.

34 d. The agreement also shall provide that, should maintenance not be properly performed to  
35 the detriment of other properties or the public, a court of competent jurisdiction, after due  
36 notice, shall order the work performed and a lien for the cost of the work and any  
37 penalties placed on the property which shall be collected as real estate taxes by the  
38 County.

39 e. *Transfer of Maintenance Responsibility.* Prior to transfer of maintenance responsibility, a  
40 new Inspection and Maintenance Agreement must be recorded in the Land Records of St.  
41 Mary's County.

42 f. *Maintenance Schedule.* A maintenance schedule shall be developed for the life of any  
43 stormwater management facility/measure (structural and nonstructural.) The Inspection  
44 and Maintenance Agreement shall include the maintenance schedule which shall state the  
45 maintenance to be completed, the time period for completion, and who shall perform the  
46 maintenance. This maintenance schedule shall be printed on the stormwater management  
47 plan and shall conform to the Design Manual.

48  
49 (1) The Department of Permits and Inspections shall periodically perform  
50 maintenance inspections. The intervals for inspection shall be at one (1) year  
51 and subsequently every three (3) years following release of the respective

1 grading permit. If facility deficiencies, maintenance or repairs are needed to  
2 assure proper operation of the facility, they shall be noted and the owner shall  
3 have 90 days to complete the required work. Extensions may be granted by the  
4 Director of Public Works & Transportation due to weather or other extenuating  
5 circumstances.

6 (2) Mowing shall be performed at a minimum of twice a year, once in the spring and  
7 once in the fall.

8 g. *Failure to correct violations.* The agreement shall also provide that, if after notice by the  
9 Director of Permits and Inspections to correct a violation requiring maintenance work,  
10 satisfactory corrections are not made by the owner(s) within a reasonable period of time  
11 (30 days maximum), the Department of Permits and Inspections may perform all  
12 necessary work to place the facility in proper working condition. The owner(s) of the  
13 facility shall be assessed the cost of the work and any penalties. This may be  
14 accomplished by placing a lien on the property, which may be placed on the tax bill and  
15 collected as real estate taxes by the County, or by making a claim on the Maintenance  
16 Bond / Surety.

17 h. *Required Certifications.* The agreement shall incorporate the plans approved, which  
18 contain certification by the applicant that all land clearing, construction, development,  
19 and drainage will be done according to the plan.  
20

### 21 **3.13 Construction Inspection.**

22  
23 The applicant shall be responsible for the work to be performed in accordance with the approved plans and  
24 specifications and in conformance with the provisions of this Ordinance. The permittee shall engage  
25 consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as  
26 coordinator between the consultants, the contractor and the authorized County official(s). In the event of  
27 changed conditions, the applicant shall be responsible for informing the approving authority of such change  
28 and shall provide revised plans for approval.  
29

#### 30 1. Inspection Schedule and Reports.

31 a. The applicant shall provide:

32 (1) Written notification to the Department of Permits and Inspections that is  
33 received at least 2 working days (48 hours) prior to commencing any work in  
34 conjunction with the stormwater management system construction; and

35 (2) Engineering certification shall be required prior to final acceptance of the work  
36 authorized under the permit documenting the adherence to construction  
37 requirements contained in approved plans.

38 b. Failure to have inspection and/or certification could result in disapproval of the facility,  
39 delays of final acceptance and permit release.

40 c. Documented regular inspections during construction of stormwater management  
41 measures shall be conducted by Department of Permits and Inspections, its authorized  
42 representative, or certified by a professional engineer licensed in the State.

43 (1) Periodic inspections shall be documented and reports shall be provided to the  
44 Director of the Department of Public Works and Transportation.

45 (2) Written reports shall be prepared after every inspection and include:

46 (i) The date and location of the inspection; and

47 (ii) Whether construction was in compliance with the approved stormwater  
48 management plan; and

49 (iii) Any variations from the approved construction specifications; and

- 1 (iv) Any violations that exist and the type of enforcement action taken.
- 2 (3) The applicant and on site personnel shall be notified in writing when violations  
3 are observed. Written notification shall describe the nature of the violation and  
4 the required corrective action.
- 5 (4) No work shall proceed until the County inspects and approved the work  
6 previously completed and furnishes the applicant with the results of the  
7 inspection reports as soon as possible after completion of each required  
8 inspection.
- 9 2. Inspection Requirements During Construction. At a minimum, regular inspections shall be made  
10 and documented at the following specified stages of construction:
- 11 a. *For Ponds*, inspections shall be made at each of the following stages of construction:
- 12 (1) Upon completion of excavation to sub-foundation and, when required,  
13 installation of structural supports or reinforcement for structures, including but  
14 not limited to:
- 15 (i) Core trenches for structural embankments; and  
16 (ii) Inlet and outlet structures, anti-seep collars or diaphragms, and  
17 watertight connectors on pipes; and  
18 (iii) Trenches and compaction for enclosed storm drainage facilities;
- 19 (2) During placement of structural fill, concrete, and installation of piping and catch  
20 basins; and
- 21 (3) During backfill of foundations and trenches; and
- 22 (4) During embankment construction; and
- 23 (5) Upon completion of final grading and establishment of permanent stabilization.
- 24 b. *For Wetlands*, at the stages specified for pond construction in this Ordinance, during and  
25 after wetland reservoir area planting, and during the second growing season to verify a  
26 vegetation survival rate of at least 50 percent.
- 27 c. *For Infiltration Trenches*, inspections shall be made at each of the following stages of  
28 construction:
- 29 (1) During excavation to sub-grade; and  
30 (2) During placement and backfill of under-drain systems and observation wells;  
31 (3) During placement of geo-textiles and all filter media;  
32 (4) During construction of appurtenant conveyance systems such as diversion  
33 structures, pre-filters and filters, inlets, outlets, and flow distribution structures;  
34 and  
35 (5) Upon completion of final grading and establishment of permanent stabilization.  
36
- 37 d. *For Infiltration Basins*, at the stages specified for pond construction in this Article and  
38 during placement and backfill of under-drain systems.  
39
- 40 e. *For Filtering Systems*, inspections shall be made at each of the following stages of  
41 construction:
- 42 (1) During excavation to sub-grade; and  
43 (2) During placement and backfill of under-drain systems; and  
44 (3) During placement of geo-textiles and all filter media; and  
45 (4) During construction of appurtenant conveyance systems such as flow diversion  
46 structures, pre-filters and filters, inlets, outlets, orifices, and flow distribution  
47 structures; and  
48 (5) Upon completion of final grading and establishment of permanent stabilization.  
49

- 1  
2 f. *For Open Channel Systems*, inspections shall be made at each of the following stages of  
3 construction:  
4 (1) During excavation to sub-grade; and  
5 (2) During placement and backfill of under-drain systems for dry swales; and  
6 (3) During installation of diaphragms, check dams, or weirs; and  
7 (4) Upon completion of final grading and establishment of permanent stabilization.  
8  
9 g. *For Non-structural Practices*, inspections shall be made at each of the following stages of  
10 construction: Upon completion of final grading, the establishment of permanent  
11 stabilization, and before issuance of use and occupancy approval.
- 12 3. Materials Testing Requirements. The following materials tests are required, and shall be  
13 performed by a qualified licensed professional, which shall include supplier certifications for all  
14 materials:  
15 a. Classification of core trench materials; and  
16 b. Certification of all topsoil and filter media specifications (e.g. percent organic material,  
17 pH, salt content, nutrients, gradation); and  
18 c. Certification that all geo-textile meets specifications; and  
19 d. Certification that all plant materials are disease and pest free; and  
20 e. Void ratio of gravel used for storage of runoff; and  
21 f. Any other test the inspector requires.
- 22 4. As-Built Certifications. Once construction is complete, as-built plan certification shall be  
23 submitted to the Department of Permits and Inspections and the Department of Public Works and  
24 Transportation by either a professional engineer or professional land surveyor licensed in the State  
25 to ensure that constructed stormwater management practices and conveyance systems comply with  
26 the specifications contained in the approved plans. At a minimum, as-built certification shall  
27 include a set of drawings, in accordance with the Format Guidelines, comparing the approved  
28 stormwater management plan with what was constructed. Either the Director of Public Works and  
29 Transportation or the Director of Permits and Inspections may require additional information.
- 30 5. Maintenance Bond. Prior to release of the Grading Permit, a perpetual Maintenance Bond (or other  
31 acceptable surety) equal to 10% of the estimated construction cost shall be posted with the  
32 Department of Permits and Inspections to assure performance of the owner's maintenance  
33 responsibilities.
- 34 6. Notice of Construction Completion. The Director of Public Works and Transportation shall  
35 submit a Notice of Construction Completion Form to the Administration for each stormwater  
36 management practice within 45 days of construction completion and final as-built certification. If  
37 Best Management Practices requiring Soil Conservation District approval are constructed, notice  
38 of construction completion shall also be submitted to the St. Mary's County Soil Conservation  
39 District.

40  
41 **3.14 Enforcement and Penalties.**  
42

43 Any step in the enforcement process may be taken at any time, depending on the severity of the violation.  
44

- 45 1. Enforcement During Construction. The Department of Permits and Inspections is responsible for  
46 inspection and enforcement of approved stormwater management plans and may, for enforcement  
47 purposes, use any one or a combination of the following actions:  
48 a. If stormwater management plan noncompliance is identified, a notice of violation shall be  
49 issued specifying the need for a violation to be corrected; and  
50 b. If a violation persists, a stop work order shall be issued for the site by the Director of  
51 Permits and Inspections; and

- 1 c. If reasonable efforts to correct the violation have not been undertaken, bonds or securities  
2 may be withheld or the case may be referred for legal action; and
- 3 d. In addition to any other sanctions, a civil action or criminal prosecution may be brought  
4 against any person in violation of the Stormwater Management subtitle or this Ordinance.
- 5 2. Enforcement After Construction. The Department of Permits and Inspections shall ensure that  
6 preventative maintenance is performed by inspecting all stormwater management systems.
- 7 (1) The owner of the stormwater management facility shall perform or cause to be  
8 performed preventive maintenance of all completed stormwater management  
9 practices to insure proper operation. Stormwater management facilities and  
10 BMP's, structural and nonstructural shall be visually inspected by the owner at  
11 least twice a year and after major storms.
- 12 (2) The Department of Permits and Inspections shall perform inspections, or cause  
13 to be performed, inspections of private stormwater management facilities during  
14 the first year of operation and at least once every subsequent three (3) years.  
15 The Department of Permits and Inspections shall maintain all inspection reports  
16 for all stormwater management facilities and shall provide the Director of the  
17 Department of Public Works and Transportation a copy of the inspection reports  
18 which shall contain the following information:
- 19 (a) The date of inspection; and
- 20 (b) Name of inspector; and
- 21 (c) Description of needed maintenance; and
- 22 (d) The condition of:
- 23 (i) maintenance access and landscaping; and
- 24 (ii) vegetation or filter media; and
- 25 (iii) fences or other safety devices including safety benches and  
26 trash racks; and
- 27 (iv) spillways, valves, or other control structures including low  
28 orifices, risers, and forebays; and
- 29 (v) embankments, slopes, and safety benches; and
- 30 (vi) reservoir or treatment areas; and
- 31 (vii) inlet and outlet channels or structures; and
- 32 (viii) underground drainage; and
- 33 (ix) sediment and debris accumulation in storage and forebay  
34 areas; and
- 35 (x) differential settlement of the structures; and
- 36 (xi) any other item that could affect the proper function of the  
37 stormwater management system including non-structural  
38 practices and BMP's to the extent practicable.
- 39
- 40 (3) Inspection reports shall be maintained by the Department of Permits and  
41 Inspections for all stormwater management systems. A copy of the inspection  
42 reports shall be transmitted to and maintained by the Department of Public  
43 Works and Transportation.
- 44 (4) After notification is provided to the Owner of any deficiencies discovered from  
45 an inspection of a stormwater management system, the Owner shall have 30  
46 days or other time frame mutually agreed to between the Department of Permits  
47 and Inspections and the Owner, to correct the deficiencies. The Department of  
48 Permits and Inspections shall then conduct a subsequent inspection to ensure  
49 completion of the repairs.

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(5) If, after an inspection by the Department of Permits and Inspections, the condition of a stormwater management facility/system presents an immediate danger to the public health or safety, because of an unsafe condition or improper maintenance, the Department of Permits and Inspections shall take such action as may be necessary to protect the public and make the facility safe, including making a claim on the maintenance bond, if available. Any cost incurred by the County and/or Town of Leonardtown shall be assessed against the Owner(s) as provided in this Article.

3. Penalties. Any person convicted of violating the provisions of this Article shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) or imprisonment not exceeding one (1) year or both for each violation with costs imposed in the discretion of the court. Each day that a violation continues shall be a separate offense. In addition, the Board of County Commissioners may institute injunctive, mandamus or other appropriate action or proceedings of law to correct violations of this Ordinance. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.

1 **ARTICLE 4. EROSION, SEDIMENT CONTROL & GRADING**  
2

3 **4.1 Purpose and Authority.**  
4

- 5 1. Purpose. The purpose of this Article is to establish minimum requirements and procedures to  
6 control the adverse impacts associated with accelerated soil erosion and resultant sedimentation.  
7 Minimizing soil erosion and off-site sedimentation will minimize damage to public and private  
8 property; and assist in maintaining and enhancing water quality and protecting natural resources.
- 9 2. Authority. The provisions of this Article are authorized pursuant to Title 4, Subtitle 1 of the  
10 Environmental Article of the Annotated Code of Maryland.  
11

12 **4.2 Applicability and Validity.**  
13

- 14 1. No person shall develop or redevelop any land for residential, commercial, industrial, or  
15 institutional uses without meeting or exceeding the current Maryland standards and  
16 specifications for soil erosion and sediment control.
- 17 2. Unless the particular activity is exempted by this Ordinance, a person may not develop  
18 any land without an approved erosion and sediment control plan from the Soil  
19 Conservation District.
- 20 3. A grading or building permit may not be issued for a property unless a plan has been  
21 approved that is consistent with this Ordinance and applicable State law and regulations.  
22
- 23 4. In the Critical Area, additional stormwater quality controls are required in addition to any  
24 quantity controls necessary to comply with this Ordinance. Additional removal of  
25 pollutant loading from runoff caused by developments located within the Critical Areas  
26 may be required in accordance with and consistent with State regulations.  
27

28 **4.3 Exceptions.**  
29

- 30 1. A grading permit shall not be required for the following:  
31
- 32 a. Any road construction for which St. Mary's County has issued a road construction permit.  
33 Requirements for a road construction permit shall include an erosion and sediment  
34 control plan approved by the St. Mary's Soil Conservation District.  
35
- 36 b. Excavations below finished grades for basements, for retaining walls, and footings of  
37 individual dwellings authorized by a valid building permit. Requirements for a building  
38 permit shall include an erosion and sediment control plan approved by the St. Mary's Soil  
39 Conservation District.  
40
- 41 c. Any surface mining operation and the affected land covered by a surface mining permit  
42 issued by the State of Maryland, Department of Environment, under the authority of the  
43 Annotated Code of Maryland, Environment Article, Title 15, provided facilities are  
44 addressed and any improvements necessary to meet the adequate requirements shall  
45 require appropriate permits for construction in a County right-of-way.  
46
- 47 d. Any other excavation that meets all of the following criteria:  
48
- 49 (1) Does not impair existing surface drainage, constitute a potential erosion hazard,  
50 or act as a source of sedimentation to any adjacent land or water course, and  
51  
52

- 1 (2) Does not result in a total quantity of more than 1,000 cubic yards of material of
- 2 any lot, parcel or subdivision thereof, and
- 3 (3) Is less than four (4) feet in vertical depth at its deepest point as measured from
- 4 the natural ground surface, and
- 5 (4) Has no final slopes steeper than 1 foot vertical in 3 feet horizontal, and
- 6 (5) Has all disturbed areas promptly seeded or sodded within 14 days of the last
- 7 disturbance, and
- 8 (6) Has provided for appropriate stormwater management measures in accordance
- 9 with this Ordinance.
- 10 e. A fill that:
- 11
- 12 (1) Does not impair existing surface drainage, constitute a potential erosion hazard
- 13 or act as a source of sedimentation to any adjacent land or water course, and
- 14 (2) Is placed on a surface having a slope not steeper than 5 feet horizontal to 1 foot
- 15 vertical, and
- 16 (3) Does not exceed a total of 1,000 cubic yards of material of any lot, parcel or
- 17 subdivision thereof, and
- 18 (4) Is less than 4 feet in vertical height at its deepest point as measured from the
- 19 natural ground surface, and
- 20 (5) Has no final slopes steeper than 1 foot vertical in 3 feet horizontal, and
- 21 (6) Has all disturbed areas promptly seeded or sodded within 14 days of the last
- 22 disturbance, and
- 23 (7) Has provided for appropriate stormwater management measures in accordance
- 24 with this Ordinance.
- 25 f. Construction of agriculture structures and accepted agricultural land management
- 26 practices such as plowing, and nursery operations such as the removal and/or
- 27 transplanting of cultivated sod, shrubs and trees and tree cuttings at or above the existing
- 28 ground, leaving the stump, ground cover and root mat intact, if the sum of cut and fill do
- 29 not exceed 1,000 cubic yards. Agricultural activities that do not require a sediment
- 30 control plan shall require an approved Soil Conservation and Water Quality Plan.
- 31 g. The stockpiling, with slopes at a natural angle of repose, of raw or processed sand, stone
- 32 and gravel at quarries, concrete, asphalt and material processing plants at storage yards,
- 33 providing approved erosion and sediment control measures have been employed to
- 34 protect against offsite damages.
- 35 h. Refuse disposal areas or sanitary landfills operated and conducted in accordance with the
- 36 requirements, rules and ordinances adopted by St. Mary's County and the State of
- 37 Maryland. Exemption from permit, however, does not exempt these projects from other
- 38 aspects of this Ordinance including inspection.
- 39
- 40 i. Grading and trenching for utility installation within:
- 41
- 42 (1) County or State rights-of-way; and
- 43 (2) Utility easements immediately adjacent to road or street rights-of-way or in the
- 44 space on abutting lot(s) needed to accommodate the respective house
- 45 connections, provided, however, that all grading or trenching involved does not
- 46 permanently alter the existing grade and that if during the course of utility
- 47 operations any erosion and sediment control measures previously in place are
- 48 disturbed or destroyed, the utility company shall restore or repair such measures
- 49 to their original condition.
- 50 j. Individual private septic system, which does not permanently alter the existing grade.
- 51 k. Grading, as a maintenance measure, or for landscaping purposes on existing developed
- 52 lots or parcels, provided:
- 53

- 1 (1) The aggregate of area so affected, or bared at any one time, does not exceed  
2 21,780 square feet (0.5 acre); and
- 3 (2) The grade change does not exceed 12 inches at any point and does not alter the  
4 drainage pattern; and
- 5 (3) All bare earth is promptly seeded, sodded or otherwise effectively protected  
6 from erosive actions within 14 days; and  
7
- 8 (4) The grading does not involve a quantity of material in excess of 1,000 cubic  
9 yards; and
- 10 (5) Grading does not result in increased runoff to highly erodible soils; and
- 11 (6) Slopes do not exceed 25 percent or 15 percent on highly erodible soils; and  
12
- 13 l. Pursuant to COMAR 26.17.01.05, earth moving and clearing activities resulting in less  
14 than 100 cubic yards of earth and less than 5,000 square feet of disturbed area do not  
15 require an erosion & sediment control plan.  
16

#### 17 **4.4 Site Development Standards.**

- 19 1. Floodplains. Any land disturbance permitted in the floodplain must have an erosion and sediment  
20 control plan as required by this Ordinance and state regulation.
- 21 2. Existing Features. Existing natural, historic or architectural features which would add value to the  
22 development, such as trees, watercourse, falls, beaches, vistas, historic or architecturally  
23 significant buildings, should be preserved, to the extent practicable and shall be in accordance with  
24 the Resource Protection Standards in the Comprehensive Zoning Ordinance.
- 25 3. Standards. All grading plans and specifications shall be in accordance with the most recent  
26 revision of the Maryland Standards and Specifications for Soil Erosion and Sediment Control and  
27 shall meet the following standards:
  - 28 a. The development shall be fitted to the topography and soils so as to create the least  
29 erosion potential; and
  - 30 b. The natural vegetation shall be retained and protected wherever possible; and
  - 31 c. Only the smallest practical area shall be exposed for the shortest practical period of time;  
32 and
  - 33 d. Erosion control practices, such as earth dikes, permanent dikes / swales, sediment traps  
34 and silt fences, shall be installed to minimize soil and water losses; and
  - 35 e. Temporary vegetation and/or mulching shall be used to protect sensitive areas exposed  
36 during the time of development; and
  - 37 f. During and after development, provisions shall be made to effectively accommodate the  
38 increase runoff caused by changeable soil and surface conditions and not cause siltation  
39 of the receiving stream; and
  - 40 g. Permanent vegetation and structures shall be installed in the development as soon as the  
41 season permits; and
  - 42 h. In order to prevent abnormal or excessive grading, the following additional requirements  
43 shall pertain to those areas where steep slopes exist:
    - 44 (1) Development may occur within steep slope areas provided that a minimum of 30  
45 percent of the lot or parcel upon which the principal structure is to be situated is  
46 less than 15 percent grade and contiguous to a road meeting design standards.  
47 The extent of cutting and filling that will be permitted on any lot will be based

- 1 on the soil condition of the site, and as determined by the Department of Public  
2 Works & Transportation and the St. Mary's Soil Conservation District.  
3 Construction on piling and/or supports shall be permitted; and  
4 (2) All roads and streets shall be placed as close to the contour as possible to  
5 minimize cutting or filling; and  
6 (3) The construction of all structures shall be preceded by the installation of storm  
7 drainage system(s) and stabilization measures; and  
8 (4) In the case of a single lot development within such areas where no central storm  
9 drainage system exists, runoff from driveways, roofs, and other improved  
10 surfaces shall be diverted and carried to an acceptable outlet by one or a  
11 combination of the following methods: filtration beds, subsurface dry wells,  
12 storm measure systems and/or underground conduit systems or other adequate or  
13 protected outlets.  
14

15 4. Vegetative Erosion and Sediment Control Measures.

- 16  
17 a. *Temporary Vegetative Stabilization.* Where soil is subject to erosion for 14 continuous  
18 days or more as a result of grading or filling operations, temporary stabilization by  
19 seeding shall be provided. The necessary steps to be followed to attain an adequate  
20 erosion control coverage with temporary seeding shall be as follows:  
21  
22 (1) Seedbed preparation; and  
23 (2) Lime and fertilizer as required; and  
24 (3) Seeding; and  
25 (4) Mulching and mulch anchoring as required; and  
26  
27 b. *Temporary Mulch Stabilization.* Temporary mulch stabilization is acceptable only when  
28 seeding is not feasible. The necessary steps to attain effective erosion control with mulch  
29 for short periods of time shall be as follows:  
30  
31 (1) Mulching placed on a friable soil; and  
32 (2) Mulch anchoring as required.  
33  
34 c. *Mulching Final Grade.* The necessary steps to protect soil from erosion after final  
35 grading where permanent seeding is delayed until the next season shall be as follows:  
36  
37 (1) Application of required lime and fertilizer; and  
38 (2) Preparation of final seedbed; and  
39 (3) Temporary seeding; and  
40 (4) Mulching as required; and  
41 (5) Mulch anchoring as required.  
42  
43 d. *Permanent Vegetative Stabilization.* Permanent seeding shall be established as soon as  
44 possible. Adapted grasses, legumes, and other plants shall be utilized to stabilize exposed  
45 areas. The final choice of species should be determined by considering such factors as  
46 adaptability to climate, soils and terrain and degree of maintenance. Steps necessary to  
47 establish permanent vegetative stabilization are as follows:  
48 (1) Install required erosion control practices; and  
49 (2) Apply required lime and fertilizer; and  
50 (3) Prepare adequate seedbed; and  
51 (4) Seed or sod; and  
52 (5) Apply mulch and anchor.  
53  
54

- 1 5. Structural Erosion and Sediment Control Measures. All erosion and sediment control measures  
2 shall be in accordance with the latest version of Maryland Standards and Specifications for  
3 Erosion and Sediment Control for the State of Maryland and any additional controls the Soil  
4 Conservation District deems necessary to achieve the purposes of this Article, including but not  
5 limited to:  
6
- 7 a. private driveways serving multiple lots shall be designed and shown on the approved  
8 erosion and sediment control plans; and  
9
- 10 b. private driveways shall require an improved surface material on intermittent slopes in  
11 excess of 12%. The surface material shall be crushed concrete, asphalt, CR-6, blue-chip  
12 or an equivalent surface treatment acceptable to the Soil Conservation District.  
13
- 14 6. Fills and Classification. The grading plans and specification shall specify and delineate the use  
15 and extent of fills in accordance with the following classifications:  
16
- 17 a. *Type 1 Fill.* Load bearing fills proposed for support of buildings, walls, and other  
18 structures, the function thereof which would be especially impaired by settlement.  
19 b. *Type 2 Fill.* Load bearing fills proposed for support of roadways, pavements, utility lines  
20 and structures which would not be especially impaired by moderate settlement.  
21 c. *Type 3 Fill.* Common fills proposed for landscaping or for other non-land bearing usage.  
22
- 23 7. Materials. All load bearing fills shall meet the following requirements:  
24
- 25 a. No inclusions of organic or other deleterious materials which may be subject to decay  
26 shall be permitted; and
- 27 b. All fills shall also be free of inclusions of ice or snow; and
- 28 c. No rock or similar irreducible material with a maximum dimension greater than 8 inches  
29 shall be buried or placed in any load bearing fill within 2 feet of finished grade or within  
30 2 feet of foundation base elevation. When such material is placed in fills, it shall be done  
under the direction and supervision of a licensed Professional Engineer.
- 31 8. Preparation of Ground.
- 32 a. The natural ground surface shall be prepared to receive fill by removing all organic  
33 surface materials, non-complying fill and unsuitable soils in accordance with the  
34 following provisions, except as otherwise approved by the Department of Public Works  
35 and Transportation and based on the recommendation of the licensed Professional  
36 Engineer.
- 37 b. Prior to placing Type 1 and Type 2 Fills, the ground surface, if within 5 feet of finished  
38 grade or foundation base elevation, shall be compacted so as to achieve a density of not  
39 less than 90 percent of maximum density within the top 6 inches as follows: All Type 1  
40 and Type Fills shall be compacted to a minimum of ninety five and ninety percent (95%  
41 and 90%), respectively, of maximum density as determined in the laboratory by ASTM  
42 Proctor Test. Type 3 fill shall be compacted sufficiently so as to be stable and to prevent  
43 an erosion hazard. In place (field) density shall be determined by ASTM Test or  
44 AASHTO equivalent tests methods. Or by an equivalent test approved by a licensed geo-  
45 technical or structural engineer. Fills shall be placed in approximately horizontal layers,  
46 each layer having a loose thickness of not more than eight (8) inches.
- 47 c. No fill shall be placed on frozen ground.
- 48 9. Compaction. All fill will be compacted in accordance with the following provisions:  
49
- 50 a. All Type 1 and Type 2 Fills shall be compacted to a minimum of 95 percent and 90  
percent, respectively, of maximum density as determined in the laboratory by ASTM Test

- 1 Method D1557 - 66%, also known as the Proctor Test. Type 3 fill shall be compacted  
2 sufficiently so as to be stable and to prevent an erosion hazard.
- 3 b. In place (field) density shall be determined by ASTM Test or American Society of  
4 Highway Officials equivalent tests method DI 156-64T method or by an equivalent test  
5 approved by the Department of Public Works & Transportation.
- 6 c. Fills shall be placed in approximately horizontal layers, each layer having a loose  
7 thickness of not more than 8 inches.
- 8 d. *Structural Rock*. Fills constructed predominately of large rock (such as sandstone and  
9 iron concretions) will be permitted only if the specifications for such fill are prepared by  
10 and construction done under the recommendation of a licensed Professional Engineer and  
11 the direction, supervision and clarification of licensed Professional Engineer.
- 12 10. Maximum Slope for Fills.
- 13
- 14 a. No fill shall be made which creates an exposed surface steeper than slope in 2 horizontal  
15 to 1 vertical, unless the Director of the Department of Public Works & Transportation or  
16 the Soil Conservation District approves such slope.
- 17
- 18 b. The Department of Public Works & Transportation may require that the fill be  
19 constructed with an exposed surface with a grade flatter than 2 horizontal to 1 vertical.
- 20
- 21 c. Fills toeing out on natural slopes at a grade steeper than 3 horizontal to 1 vertical shall  
22 not be made unless approved by the Department of Public Works & Transportation.
- 23
- 24 11. Maximum Slope for Cut.
- 25
- 26 a. Cuts shall not be made steeper in slope than 2 horizontal to 1 vertical, unless approved by  
27 the Department of Public Works & Transportation, where upon the Department of Public  
28 Works & Transportation may require such other measures as it deems necessary for  
29 stability, vegetative establishments, and safety.
- 30
- 31 b. The Department of Public Works & Transportation shall require that excavation be made  
32 with a cut face grade flatter than 2 horizontal to 1 vertical, unless approved by the  
33 Department of Public Works & Transportation, where upon the Department of Public  
34 Works & Transportation may require such other measures as it deems necessary for  
35 stability, vegetative establishments, and safety.
- 36
- 37 12. Cut and Fills Slopes - Bench Terraces.
- 38
- 39 a. Cut and fill slopes in excess of 20 / 30 / 40 feet in height or depth and in excess of 2:1 /  
40 3:1 / 4:1 grades, respectively, shall be benched or terraced according to the Maryland  
41 Standards and Specifications for Erosion and Sediment Control.
- 42
- 43 b. Cuts and fills shall be set back from property lines, and buildings shall be set back from  
44 cut or fill slopes at a minimum distance of 6 feet.
- 45
- 46 c. All benches shall be a minimum width of 6 feet and shall drain to a stable outlet.
- 47
- 48 d. The setbacks established by this Section are minimum, and depending on soil conditions,  
49 may be increased by the Director of the Department of Public Works & Transportation  
50 based on recommendations by a licensed Professional Engineer if deemed necessary for  
51 safety or stability or to prevent possible damage from water, soil or debris.
- 52

- 1 13. Drainage. The following provisions apply to the conveyance and disposal of surface water runoff:  
2  
3 a. *Disposal*. All drainage facilities shall be designed to convey surface water in such a  
4 manner as to prevent erosion, overflow or ponding. Said water shall be conveyed  
5 according to acceptable design criteria, standards and procedures as required by this  
6 Ordinance. The ponding of water shall not be permitted above the cut or fill slopes or on  
7 drainage terraces. Adequate drainage facilities shall be provided to prevent such ponding.  
8  
9 b. *Erosion Prevention*. The applicant and the owner shall make adequate provision to  
10 prevent any surface and/or ground waters from materially damaging the face of any cut or  
11 fill. All slopes shall be protected from surface runoff from above by berms or swales.  
12  
13 c. *Grading Around Buildings*. All areas around buildings shall be graded to provide for  
14 positive drainage in accordance with the adopted building code but, in no event, be less  
15 than to provide a minimum fall of six inches within the first ten (10) feet away from  
16 structures.  
17  
18 d. Stormwater management shall be performed on each site in accordance with this  
19 Ordinance and regulations of the State of Maryland.  
20

21 **4.5 Erodible Soils Standards.**  
22

- 23 1. In areas where the erodible soil types, as identified in the Comprehensive Zoning Ordinance, are  
24 present, the applicant shall submit Engineered erosion and sediment control measures to provide  
25 long-term management of the runoff and erosion in the vicinity.  
26  
27 2. Where highly erodible soil types, as defined in the Comprehensive Zoning Ordinance,  
28 predominate on-site or on off-site areas that will receive runoff from proposed impervious  
29 surfaces, proposed grading, or other activity, applicants applying for grading permits shall comply  
30 with the following:  
31  
32 a. Identify and locate all highly erodible soil type map units within and down slope of the  
33 area of proposed grading or other activity; and  
34  
35 b. Identify and locate existing gully areas, active and inactive, within proposed development  
36 area and areas down slope of proposed grading or other activity; and  
37  
38 c. Map all proposed stormwater discharges downstream from proposed development,  
39 identifying the presence of existing gullies, steep slopes, and areas of increased  
40 concentrated flow. Document flow paths on-site from discharge source to existing blue  
41 line stream channels.  
42  
43 d. Determine and document all stormwater runoff discharges from areas proposed for  
44 development, including but not limited to roads, any impervious area, any area  
45 designated for land use change, or areas proposed for mass grading. Discharge shall be  
46 determined in each sub-watershed exiting the development area based on runoff  
47 generated from a 10-year frequency storm.  
48  
49 3. Designs shall use low impact storm water management practices to mimic runoff rates, infiltration  
50 and flow patterns of forest cover for the site, whether or not the site is currently forested.  
51  
52 4. Design plans that result in concentrated runoff shall include measures necessary to safely convey  
10-year frequency storm peak flows from discharge points within proposed development areas  
downstream to existing on- or off-site blue line stream(s) or tidal waters. Particular attention shall

1 be paid to avoid stormwater conveyance through existing gullies, across steep slopes, and through  
2 areas where concentrated storm flow did not previously occur.

3 5. Bonding to provide for long term maintenance of the installed Best Management Practices and  
4 performance bonding, in an amount recommended by the Soil Conservation District, to correct  
5 problems arising from development shall be required as a condition of approval for the grading  
6 permit.

7  
8 **4.6 Permits and Bonding.**  
9

10 1. Extent. The issuance of a grading permit shall constitute an authorization to do only the work set  
11 forth in the application for the permit, or in the site plans and specifications submitted and  
12 approved as part of the application. All work performed by the person to whom the permit is  
13 issued or by his successor, shall be in accordance with the requirements of this Ordinance.  
14 Application for permits shall authorize the County to enter upon the land for restoration of the site  
15 upon default by the landowner or applicant.  
16

17 2. Time Limitations. The Applicant shall fully complete all of the work required pursuant to the  
18 grading permit within the specified time. Within 30 days of the expiration of the permit, the  
19 applicant shall present in writing to the Department of Public Works & Transportation a request  
20 for an extension of time setting forth the reasons for the requested extension. Where, in the  
21 discretion of the Department of Public Works & Transportation and the St. Mary's Soil  
22 Conservation District such an extension is warranted, additional time may be granted if the  
23 approval has not yet expired. The grading permit expires after 2 years. If the permit expires, the  
24 grading and erosion and sedimentation control plan must be resubmitted for review and approval  
25 and a new permit issued prior to any additional work being undertaken by the applicant.  
26

27 3. Bonding. A grading permit shall not be issued for grading involving the movement of more than  
28 5,000 cubic yards of soil (total cut and fill) unless the applicant shall first post with the  
29 Department of Public Works & Transportation a performance bond executed by the owner and a  
30 corporate surety with authority to do business in this State as a surety. The bond shall be in a form  
31 approved by the County Attorney and in an amount not less than the total estimated cost of the  
32 erosion control stabilization work and construction of stormwater management facilities  
33 authorized by the permit. Said estimated cost shall be that which is approved by the Department of  
34 Public Works & Transportation after reviewing the cost estimates proposed by the applicant's  
35 licensed Professional Engineer or Professional Land Surveyor and submitted with the final plan.

36 a. The bond shall include the following provisions:

37 (1) The applicant shall comply with all of the terms and conditions of the grading  
38 permit and this Ordinance; and

39 (2) Any extension of completion time shall not release the applicant's surety on the  
40 bond; and

41 (3) Forfeiture for failure to complete the sediment control, stabilization, or  
42 stormwater management work specified in accordance with the grading permit  
43 shall constitute a default under the grading permit; and

44 (4) Upon default, the application and surety shall continue to be firmly bound under  
45 a continuing obligation for the payment of all necessary costs and expenses or  
46 liabilities which may be incurred or expended by the Department of Public  
47 Works & Transportation on behalf of St. Mary's County to meet the minimum  
48 requirements of this Ordinance with particular emphasis on stability, safety and  
49 erosion control.

50 b. The bond shall remain in full force and effect until the completion of the work to the  
51 specifications required and submission of the as-built plan. If all work of the permit is not

- 1 completed within the time specified herein, or violates any other term or condition,  
2 payment in full to St. Mary's County will be ordered.
- 3 c. All inspection application and plan review fees must be paid to the appropriate agencies  
4 in accordance with the current fee schedules prior to issuance of permits or authorization  
5 for additional work.
- 6 d. The funds, so received, will be used by the County for defraying the cost of contracting,  
7 including engineering and administration, for restoration of the site. Application for  
8 permit shall include the implied right-of-entry for restoration of the site upon default.  
9 After default, the bonding company shall complete the project (either finish the project or  
10 stabilize it). Upon assurance of a certificate of completion the bond will be released.

11  
12 **4. Other Types of Security.**

- 13 a. In lieu of a performance bond, the applicant may deposit with the Department of Public  
14 Works & Transportation cash, certified check or letter of credit or other security approved  
15 by the County Attorney in an amount, which would be required by a performance bond.
- 16 b. In the event that the posted bond or collateral is insufficient to cover the cost of  
17 restoration of the site or damage caused by improper installation of the agreed upon  
18 work, the County shall have the right to impose and levy liens against the property to  
19 reimburse the County for the cost of such restorative work.
- 20 c. Upon the satisfactory completion of the work specified in the grading permit, any unused  
21 portion of a cash deposit shall be refunded to the applicant.

22  
23 **4.7 Erosion and Sediment Control Plan.**

- 24  
25 1. Earth moving and clearing activities, which are exempted, from grading permits are required to  
26 have:
- 27  
28 a. An approved Standard Erosion and Sediment Control Plan for Forest Harvesting  
29 Activities if applicable, and  
30 b. An erosion & sediment control plan approved by the St. Mary's Soil Conservation  
31 District in accordance with this Article.  
32 c. Such plan shall serve as a permit and is subject to all other requirements of this  
33 Ordinance.

34  
35 **4.8 Grading Permit Requirements.**

- 36  
37 1. No person shall grade strip, excavate or fill land, or create borrow pits, spoil areas, quarries,  
38 material processing facilities or any other facility without first obtaining a grading permit from the  
39 Department of Public Works & Transportation.
- 40  
41 2. No grading and/or clearing permits shall be issued on a site until:  
42  
43 a. the final site plan is granted approval by the Planning Director, or  
44  
45 b. the subdivision plat is approved by the Planning Commission or Planning Director and  
46 recorded in the Land Records of the County.
- 47  
48 3. A permit may cover the grading and other site work on a single lot, or on a combination of  
49 contiguous lots in a single block, or on continuous blocks.
- 50  
51 4. Application Requirements. Prior to the issuance of a Grading Permit, applicants shall submit to the  
52 Director of the Department of Public Works & Transportation the following:

- 1 a. An application form approved by the Director of the Department of Public Works &  
2 Transportation. A separate application shall be required for each grading permit; and  
3
- 4 b. Specifications and timing schedules shall be submitted with each application for a  
5 grading permit; and  
6
- 7 c. A copy of the approved Maryland Department of the Environment Waterway Permit(s),  
8 where applicable, and evidence of any other required wetlands permits or approvals. Any  
9 proposed disturbance of a wetland requires review by MDE and any disturbance  
10 exceeding 5,000 square feet requires a joint permit. If the disturbance or if the  
11 development is in the Chesapeake Bay Critical Area, the Department of Planning and  
12 Zoning must be contacted in accordance with the Comprehensive Zoning Ordinance.  
13
- 14 d. A bond, if required, under this Article; and  
15
- 16 e. The fee for administration and inspection as covered under this Article; and  
17
- 18 f. A copy of the most current deed for the property.
- 19 5. Plan Requirements. The Grading and Erosion and Sediment Control Plan shall address site  
20 activities during all phases of construction and shall show the following:
  - 21 a. The proposed area of development and limits of disturbance; and  
22
  - 23 b. The volume of proposed grading; and  
24
  - 25 c. The necessary provision for drainage, erosion and sediment control, vegetative  
26 establishments and stormwater management facilities; and  
27
  - 28 d. Other information as required by:
    - 29 (1) St. Mary's County Format Guidelines for Preparation of Development Plans for  
30 Submission to the Department of Public Works & Transportation ("Format  
31 Guidelines").  
32
    - 33 (2) St. Mary's Soil Conservation District Submittal Requirements.  
34
    - 35 (3) Any other state or federal permits requirements.
  - 36 e. How erosion and sediment control measures will be coordinated with the required steps  
37 in construction, and how appropriate control measures must be installed prior to the  
38 construction or development; and  
39
  - 40 f. Increments of workable size on which adequate control of erosion and sediment can be  
41 provided and maintained during construction. These increments shall be included in the  
42 Sequence of Construction narrative; and  
43
  - 44 g. How operations will be staged so that the area being developed will not be exposed for a  
45 long time without stabilization, and so that the first disturbed areas are completely  
46 controlled before the next section is open; and  
47
  - 48 h. How sequentially phased controls of erosion and sediment are scheduled.

47 **4.9 Plan Referrals and Modifications.**  
48

- 49 1. Referrals. Prior to issuance of a grading permit, three (3) copies of the approved Erosion and  
50 Sediment Control Plan shall be forwarded by the St. Mary's Soil Conservation District to the St.

1 Mary's County Department of Public Works & Transportation for issuance of appropriate permits.  
2 If any developer intends to make changes in the contour of any land proposed to be subdivided,  
3 developed or changed in use by grading, excavating or the removal or destruction of the natural  
4 topsoil, trees or other vegetative covering thereon under a site plan or subdivision submitted to the  
5 County, the same shall be accomplished only after the owner or his agent has obtained the  
6 approval of a plan for erosion and sediment controls.

7

8 2. Modifications. Major modifications of the approved grading plans shall be submitted to the  
9 Department of Public Works & Transportation and St. Mary's Soil Conservation District and  
10 reprocessed in the same manner as the original plan and referred in accordance with this  
11 Ordinance. Field modifications of a minor nature may be authorized by the Department of Public  
12 Works & Transportation, provided that written authorization is given to the person performing the  
13 work with copies forwarded in a timely manner to the applicant and the St. Mary's Soil  
14 Conservation District. Field modifications for erosion and sediment control are the responsibility  
15 of the Maryland Department of the Environment

16

17 **4.10 Construction Responsibilities.**

18

19 1. Responsibility of Applicant. During grading operations, the applicant shall be responsible for the  
20 prevention of damage to any public utilities or services within the limits of grading and along any  
21 routes of travel of equipment. The Commissioners for St. Mary's County, Maryland, or the St.  
22 Mary's Soil Conservation District, shall not be responsible for damage to downstream properties  
23 for failure of any work done pursuant to this Ordinance. No person shall grade on land so close to  
24 the property line as to endanger any adjoining public street, sidewalk, alley or any other public or  
25 private property without supporting and protecting such property from settling, cracking or other  
26 damage which might result. Grading can take place on adjacent property if grading rights are  
27 secured from the property owner. Storm drains must terminate in an acceptable out-fall.

28 a. The cost of any temporary measures taken by the County shall be borne by the developer  
29 or builder, and shall be charged against the amount set forth in this Article.

30 b. *Liability.* Neither the issuance of a permit under the provisions of this Ordinance nor the  
31 compliance with the provisions hereto or with any condition imposed by the Department  
32 of Public Works & Transportation hereunder, shall release any person from any  
33 responsibility for damage to persons or property (including public utilities or services)  
34 otherwise imposed by law, nor impose any liability upon the county for damages to  
35 persons or property.

36 2. Removal of Debris. No debris shall be deposited in floodplains, watercourses, public streets,  
37 highway, sidewalks or other public thoroughfares; and the permittee shall promptly remove all  
38 soil, miscellaneous debris or other materials spilled, dumped or otherwise deposited in floodplains,  
39 watercourses, public streets, highways, sidewalks, or other thoroughfares during transit or  
40 operation. In the event the permittee does not promptly or properly remove the debris on public  
41 streets highways, sidewalks or other public facilities the permittee shall be responsible for all cost  
42 concurred by the County effecting such removal.

43 3. Maintenance of Protective Measures. The owner of any property on which grading or other work  
44 has been done pursuant to the provisions of this Article shall maintain and/or promptly repair or  
45 restore all graded surfaces, erosion control measures, vegetative covers and / or other protective  
46 measures if disturbed or destroyed during the course of operations. Such repair and/or restoration  
47 shall be in accordance with the approved plans and specifications as required by this Ordinance  
48 until permanent measures are accepted by the Department of Public Works & Transportation.

49

50 4. The applicant shall implement the measures contained in the approved erosion and sediment  
51 control plan, conduct the construction as specified in the sequence of construction and implement  
52 any sediment control measures reasonably necessary to control sediment run-off.

1 **4.11 Inspections and Notices.**  
2

- 3 1. General Procedures. The Inspection Procedures for stormwater management and grading shall be  
4 adopted by the County. The Inspection Procedures for erosion and sediment control shall be  
5 adopted by the Maryland Department of the Environment. The procedures, adopted by the  
6 respective approving authority, shall be used for all routine and required inspections.
- 7 2. Inspection Reports. Upon completion of permitted work authorized under this Ordinance, the  
8 Department of Public Works & Transportation may require the following documentation for their  
9 files and may also require copies for the St. Mary's Soil Conservation District, Department of  
10 Permits and Inspections and the St. Mary's County Department of Planning and Zoning:
- 11 a. An "As-built" plan and survey, meeting the requirements of the Format Guidelines,  
12 prepared and certified by a Professional Land Surveyor or Professional Engineer at the  
13 same scale as the original plan and showing all improvements and final grades for  
14 stormwater management; and  
15 b. Certification by the owner that all grading, drainage, erosion control measures and  
16 facilities and vegetative measures have been completed in conformance with the  
17 approved plans and specifications; and  
18 c. A report summarizing the inspection reports, field and laboratory tests and locations of  
19 tests.
- 20 3. Notification of Completion. The applicant or his agent shall notify the Department of Public  
21 Works & Transportation when the grading operation is ready for final inspection. Final approval  
22 shall be given in a timely manner when all work (including installation of all drainage structures  
23 and erosion protective devices) has been completed, as well as the required vegetative stabilization  
24 and the required reports have been submitted.
- 25 4. Notification of Non-Compliance. If at any stage the work does not conform to the grading permit,  
26 or to any instructions of the Department of Public Works & Transportation or the Maryland  
27 Department of the Environment, a written notice to comply shall be given to the applicant. Such  
28 notice shall set forth the nature of corrections required and the time within which corrections shall  
29 be made. Upon the failure to comply with the time specified, the applicant shall be considered in  
30 violation of this Ordinance, in which case the bond, or other security, will be forfeited.
- 31 5. Inspection Schedule. The inspection schedule shall be as established and published by the  
32 approving authority.
- 33 6. Notifications. The requirements for notification shall be as established and published by the  
34 approving authority.  
35

36  
37 **4.12 Remedies.**  
38

39 Violations, criminal penalties, injunctions, civil penalties and any other remedies available may be imposed  
40 in accordance with the Annotated Code of Maryland, Environment Article, Title 4, Subtitle 1.

41  
42 1. Violations  
43

- 44 a. Injunctions. In addition to all other remedies provided by the law, St. Mary's County  
45 shall have the right of injunctive relief against all violations requiring correction or abate  
46 or eliminate any violation. St. Mary's County shall have the right to ex parte relief to  
47 abate alleged violations of this Ordinance if and when the St. Mary's County Department  
48 of Public Works & Transportation determines that the alleged violation adversely affects  
49 the safety of persons or property.
- 50 b. Pursuant to Article 23A, Section 3 of the Maryland Annotated Code, the Board of County  
51 Commissioners may provide for civil penalties for any violation of this Article by  
52 passage of a resolution establishing a schedule of fines.  
53

- 1 (1) A preset fine not to exceed \$500 may be imposed for each violation. The  
2 County Commissioners shall establish a schedule of fines for each violation and  
3 shall adopt procedures for collection of these fines.
- 4 (2) Each day a violation continues shall be a separate offense.
- 5
- 6 c. The Director of Permits and Inspections or his duly authorized representative may deliver  
7 a citation to a person believed to be committing a violation thereof. A copy of the citation  
8 shall be retained by the Director of Permits and Inspections and shall bear a certification  
9 attesting to the truth of the matters set forth. The citation shall contain:
  - 10 (1) The name and address of the person charged,
  - 11 (2) The nature of the violation,
  - 12 (3) The place and time of the violation,
  - 13 (4) The amount of the fine assessed,
  - 14 (5) The manner, location, and time in which the fine may be paid, and the person's  
15 right to elect to stand trial in the District Court of St. Mary's County for the  
16 violation.
- 17
- 18 d. A person who receives a citation may elect to stand trial in the District Court of St.  
19 Mary's County, for the offense, by filing with the Director of Permits and Inspections, a  
20 Notice of Intent to Stand Trial. The notice shall be given at least five (5) days before the  
21 date of payment as set forth in the citation. On receipt of Notice of Intent to Stand Trial,  
22 the Director of Permits and Inspections shall forward to the District Court having venue,  
23 a copy of the citation and, the Notice of Intent to Stand Trial. On receipt of the citation,  
24 the District Court shall schedule the case for trial and notify the defendant of the trial  
25 date. All fines and penalties or forfeitures collected by the Court for violations shall be  
26 remitted to St. Mary's County.
- 27
- 28 2. Permit Revocation. In the event the work does not conform to the permit or to the approved plans  
29 and specifications or to any written instructions of the Department of Public Works &  
30 Transportation or violates any other term or condition, written notice to comply shall be given the  
31 applicant. Such notice shall set forth the corrective measures that must be taken and the time limit  
32 required for taking such action. If the corrective action as stipulated has not been taken within the  
33 time allotted, the Department of Public Works & Transportation may revoke the permit or plan  
34 and stop work except that necessary to correct the violation.
- 35
- 36 3. Permit Cancellation. If at any time the Department of Public Works & Transportation finds that  
37 all work of the permit is not completed within the time specified therein, or as otherwise provided  
38 for in this Chapter or violates any other term or condition, the permit may be canceled and the  
39 security shall be forfeited; or if a bond has been posted, payment in full to St. Mary's County will  
40 be ordered. The funds, so received, will be used by the County for defraying the cost of  
41 contracting, including engineering and administration, for the restoration of the site to meet the  
42 minimum requirements of this Ordinance, with particular emphasis on stability, pollution control,  
43 safety, erosion and sediment control.
- 44
- 45 4. Floodplain Hazard. If the land area for which the grading is proposed lies within the 100-year  
46 floodplain of any stream or water course and said area requires approval of a subdivision plat or  
47 site plan according to this or the Comprehensive Zoning Ordinance, such grading must also be  
48 approved by the Department of the Environment in accordance with its rules and regulations.
- 49
- 50
- 51

- 1 5. Conditions or Approval or Denial. In granting any permit pursuant to this Ordinance, the  
2 Department of Public Works & Transportation may impose such conditions, as be reasonably  
3 necessary to prevent creation of a nuisance or unreasonable hazard to person or to public or private  
4 property. Such conditions may include, but need not be limited to the following:  
5  
6 a. Improvement of any existing grading to meet the standards required under this Ordinance  
7 for new grading and for erosion and sediment control.  
8 b. Designation of easements for drainage facilities and for the maintenance of slopes.  
9 c. Adequate control of dust by watering or other control methods acceptable to the  
10 Department of Public Works & Transportation and in conformance with applicable air  
11 pollution ordinance.  
12 d. The Department of Public Works & Transportation shall have the right to deny issuance  
13 of a grading permit when the proposed grading would cause hazards adverse to the public  
14 safety and welfare.  
15  
16  
17

1 **ARTICLE 5. DEFINITIONS**

2  
3 For the purpose of this Ordinance, the following definitions describe the meaning of the terms used in this  
4 Ordinance:

5  
6 **Acceptable Outfall** means the tidewater or that point where storm water can be released to a  
7 channel without causing scouring, erosion, or resulting sedimentation to the receiving channel or  
8 its floodplain.

9 **Adverse Impact** means any deleterious effect on waters or wetlands, including their quality,  
10 quantity, surface area, species composition, aesthetics or usefulness for human or natural uses  
11 which are or may potentially be harmful or injurious to human health, welfare, safety or property,  
12 to biological productivity, diversity, or stability or which unreasonably interfere with the  
13 enjoyment of life or property, including outdoor recreation.

14 **Agricultural Land Management Practices** means those methods and procedures used in the  
15 cultivation of land in order to further crop and livestock production and conservation of related  
16 soil and water resources.

17 **Applicant** means any person (engineer, developer or owner), firm, or governmental agency that  
18 executes the necessary forms to procure official approval of a project or a permit to carry out  
19 construction of a project.

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

22 **Bench Terraces** means a relatively flat area ( i.e. less than a 3 % grade) constructed on sloping  
23 land to designed dimensions and grades. Bench terraces are applied along the contour with the  
24 length and width controlled by the natural terrain and required erosion and sediment controls.

25 **Best Management Practice (BMP)** means a structural device or nonstructural practice designed  
26 to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution, and  
27 provide other amenities.

28 **Certification** means a signed written statement that specific construction, inspections or tests  
29 (where required) have been performed and that such comply with applicable requirements of this  
30 Ordinance.

31 **Channel Protection Storage Volume (Cp<sub>v</sub>)** means the volume used to design structural  
32 management practices to control stream channel erosion. Methods for calculating the channel  
33 protection storage volume are specified in the 2000 Maryland Stormwater Design Manual,  
34 Volumes I & II.

35 **CIP** means Capital Improvement Program for St. Mary's County or the Town of Leonardtown.

36 **Clearing** means the removal of trees and brush from the land but shall not include the ordinary  
37 mowing of grass.

38 **COMAR** means the Code of Maryland Regulations promulgated pursuant to various statutory  
39 authorities by agents of the State.

40 **Construction** means land clearing, grubbing, topsoil stripping, soil movement, grading, cutting  
41 and filling, transporting or otherwise disturbing land for any purpose.

42 **Design Engineer** means a registered and authorized professional by the State of Maryland  
43 responsible for the preparation and submission of plans and plats on behalf of a developer.

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

46 **Developer** means a person with freehold, possessory or contractual interest in land proposed for  
47 development.

48 **Detention Structure** means a permanent structure for the temporary storage of runoff, which is  
49 designed so as not to create a permanent pool of water.

50

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

3       **Direct Discharge** means the concentrated release of stormwater to tidal waters or vegetated tidal  
4 wetlands from new development or redevelopment projects in the Critical Area.

5       **Drainage Area** means the area contributing runoff to a single point measured in a horizontal  
6 plane, which is enclosed by a ridgeline.

7       **Easement** means a grant or reservation by the owner of land for the use of such land by others for  
8 a specific purpose or purposes, and which must be included in the conveyance of land affected by  
9 such easement.

10       **Environmental Permit** means a permit issued, or to be issued, by the County after approval by  
11 the Environmental Planner, authorizing work of any type in resource protection areas, sensitive  
12 areas, the Critical Area and tidal waters.

13       **Erosion** means the process by which the ground surface is degraded or worn away by the action of  
14 wind or water.

15       **Excavation** means any act by which soil or rock is cut into, dug, quarried, uncovered, removed,  
16 displaced, or relocated including the conditions resulting therefrom.

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

19       **Existing Grade** means the vertical location of the existing ground surface prior to excavating or  
20 filling.

21       **Extended Detention** means a stormwater design feature that provides gradual release of a volume  
22 of water in order to increase settling of pollutants and protect downstream channels from frequent  
23 storm events. Methods for designing extended detention BMPs are specified in the Design  
24 Manual.

25       **Extreme Flood Volume ( $Q_f$ )** means the storage volume required to control those infrequent but  
26 large storm events in which overbank flows reach or exceed the boundaries of the 100- year  
27 floodplain.

28       **Fill** means a deposit of materials of any kind placed by artificial means.

29       **Finished Grade** means the final grade or elevation of the ground surface conforming to the  
30 proposed design.

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

32       **Format Guidelines** means the St. Mary's County Department of Public Works and Transportation  
33 Format Guidelines for Development Plan Submittals.

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

36       **Grading Permit** means a permit issued to authorize work to be performed under the provisions of  
37 this Ordinance.

38       **Highly Erodible Soils** means those soils with a slope greater than 15 percent; or those soils with a  
39 K (erosivity) value greater than 0.35 and on slopes greater than 5 percent.

40       **Impervious Surfaces** means all buildings, road, parking and driveways, paving, patios, decks,  
41 sidewalks, stoops, porches, steps, walkways, piers, swimming pools constructed on a lot which  
42 reduce the infiltration capacity of the land or result in increased storm water runoff.

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

44       **Land Clearing** means any activity that removes the vegetative ground cover.

45       **Off-Site Stormwater Management** means the design and construction of a facility necessary to  
46 control stormwater from more than one development.

47

1       **One-Year Design Storm** means, in St. Mary's County, a rainfall event that produces 2.8 inches of  
2 rain in a 24-hour period, causing a one-year flood. The rainfall depth is termed the 1-year design  
3 storm.

4       **One Hundred -Year Design Storm** means a flood that has a 1% chance of occurring in any given  
5 year. In St. Mary's County, 7.7 inches of rain in a 24-hour period produces a one hundred-year  
6 flood. The rainfall depth is termed the 100-year design storm.

7       **On-Site Stormwater Management** means the design and construction of systems necessary to  
8 control stormwater within an immediate development.

9       **Overbank Flood Protection Volume ( $Q_p$ )** means the volume controlled by structural practices to  
10 prevent an increase in the frequency of out of bank flooding generated by development. Methods  
11 for calculating the overbank flood protection volume are specified in the Design Manual.

12       **Permittee** means any person whom a permit is issued pursuant to the provisions of this  
13 Ordinance.

14       **Recharge Volume ( $Re_v$ )** means that portion of the water quality volume used to maintain  
15 groundwater recharge rates at development sites. Methods for calculating the recharge volume are  
16 specified in the Design Manual.

17       **Redevelopment** means any construction, alteration, or improvement cumulatively exceeding  
18 5,000 square feet of land disturbance performed on sites where existing land use is commercial,  
19 industrial, institutional or multifamily residential *and* where seventy-five percent (75%) or more  
20 of the parent parcel is currently covered by impervious material (rooftop or pavement.) Existing  
21 gravel surfaces will *not* be considered impervious in defining redevelopment. Final determination  
22 of the applicable area shall be made by the Department of Public Works and Transportation.

23       **Retention Structure** means a permanent structure that provides for the storage of runoff by means  
24 of a permanent pool of water.

25       **Retrofitting** means the construction of a structural BMP in a previously developed area, the  
26 modification of an existing structural BMP, or the implementation of a nonstructural practice to  
27 improve water quality over current conditions.

28       **SCD** means the St. Mary's Soil Conservation District.

29       **Sediment** means soils or other surface materials transported or deposited by the action of wind,  
30 water, ice, or gravity as a product of erosion.

31       **Site** means any tract, lot or parcel of land or combination of tracts, lots, or parcels of land, which  
32 are in one ownership, or are contiguous and in diverse ownership where development is to be  
33 performed as part of a unit, subdivision, or project.

34       **Soil Conservation and Water Quality Plans** means land use plans for farms that show farmers  
35 how to make the best possible use of their soil and water resources while protecting and  
36 conserving those resources for the future.

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

39       **Standard Erosion and Sediment Control Plan** means an erosion and sediment control plan that  
40 may be used for single family development when the proposed disturbed area exceeds 5,000  
41 square feet or 100 cubic yards of material, but does not exceed 0.5 acres (21,780 square feet) and  
42 contiguous lots are not being developed by the same owner, builder or developer.

43       **Steep Slope** means a slope, which is characterized by increased runoff, erosion and sediment  
44 hazards for slopes as defined in the Comprehensive Zoning Ordinance.

45

46

47

48

- 1           **Stormwater Management** means:
- 2                           (a)       For quantitative control, a system of vegetative and structural measures
- 3                                       that control the increased volume and rate of surface runoff caused by
- 4                                       man-made changes to the land; and
- 5                           (b)       For qualitative control, a system of vegetative, structural, and other
- 6                                       measures which reduce or eliminate pollutants that might otherwise be
- 7                                       carried by surface runoff.
- 8           **Stormwater Management Plan** means a set of drawings or other documents submitted by a
- 9           person as a prerequisite to obtaining a stormwater management approval, which contain all of the
- 10           information and specifications pertaining to stormwater management.
- 11           **Stripping** means any activity that removes the vegetative surface cover including tree removal,
- 12           clearing, grubbing and storage or removal of topsoil.
- 13           **Structure** means anything constructed or erected, other than a fence or retaining wall, which
- 14           requires location on the ground or if attached to something having a location on the ground.
- 15           **Ten-Year Design Storm** means a flood that has a 10% chance of occurring in any given year. In
- 16           St. Mary's County, 5.4 inches of rain in a 24-hour period produces a ten-year flood. The rainfall
- 17           depth is termed the 10-year design storm.
- 18           **Topography** means the existing configuration of the earth's surface including the relative relief,
- 19           elevation, and position of land features.
- 20           **Two-Year Design Storm** means a flood that has a 50% chance of occurring in any given year. In
- 21           St. Mary's County, 3.4 inches of rain in a 24-hour period produces a ten-year flood. The rainfall
- 22           depth is termed the 2-year design storm.
- 23           **Variance** means the modification of the minimum stormwater management requirements for
- 24           specific circumstances such that strict adherence to the requirements would result in necessary
- 25           hardship and not fulfill the intent of the Ordinance.
- 26           **Waiver** means the relinquishment from stormwater management requirements by the Department
- 27           of Public Works and Transportation for a specific development on a case-by-case review basis.
- 28           **Qualitative Stormwater Management Waiver** includes water quality volume and recharge
- 29           volume design parameters.
- 30           **Quantitative Stormwater Management Waive**” includes channel protection storage volume,
- 31           overbank flood protection volume, and extreme flood volume design parameter.
- 32           **Watercourse** means any natural or artificial stream, river, creek, ditch, channel, canal, conduit,
- 33           culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that is subject to
- 34           inundation from overflow or flood water.
- 35           **Watershed** means the total drainage area contributing runoff to a single point.
- 36           **Water Quality Volume (WQ<sub>v</sub>)** means the volume needed to capture and treat the runoff from
- 37           ninety percent (90%) of the average annual rainfall at a development site. Methods for calculating
- 38           the water quality volume are specified in the Design Manual.
- 39
- 40
- 41