

Chapter 73

STORMWATER MANAGEMENT

- § 73-1. Purpose; applicability.**
- § 73-2. Compliance required; exempt activities; waivers; variances.**
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[HISTORY: Adopted by the Town Commissioners of the Town of Perryville 12-4-84 as Ord. No. 84-4. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction – See Chapter 32.
Flood damage control – See Chapter 46.
Soil erosion and sediment control – See Chapter 71.

§ 73-1. Purpose; applicability.

- A. The purpose of this chapter is to protect, maintain and enhance the public health, safety and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with increased stormwater runoff. Proper management of stormwater runoff will minimize damage to public and private property, reduce the effects of development on land and stream channel erosion, assist in the attainment and maintenance of water quality standards, reduce local flooding and maintain after development, as nearly as possible, the predevelopment runoff characteristics.
- B. The provisions of this chapter, pursuant to § 8-11A-02 of the Natural Resources Article, Annotated Code of Maryland, 1983 replacement volume, shall apply to all development occurring within the incorporated area of Perryville. The application of this chapter and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by state statute. The Cecil County Department of Public Works shall be responsible for the coordination and enforcement of the provisions of this chapter.

§ 73-2. Compliance required; exempt activities; waivers; variances.

- A. Scope. No person shall develop any land for residential, commercial, industrial or institutional uses without having provided for appropriate stormwater management measures that control or manage runoff from such developments, except as provided within this section, in accordance with regulations promulgated in the Cecil County Stormwater Management Ordinance.
- B. Exemptions. The following development activities are exempt from the provisions of this chapter and the requirements of providing stormwater management:
 - (1) Agricultural land management activities.
 - (2) Additions or modifications to existing single-family detached residential structures.
 - (3) Developments that do not disturb over five thousand (5,000) square feet of land area.
 - (4) Land development activities which the Water Resources Administration determines will be regulated under specific state laws which provide for managing stormwater runoff.
 - (5) Residential developments consisting of single-family houses, each on a lot of two (2) acres or greater.
- C. Waivers. The Cecil County Department of Public Works may grant a waiver of the stormwater management requirements for individual developments, provided that a written request is submitted by the applicant containing descriptions, drawings and any other information that is necessary to evaluate the proposed development. A separate written waiver request shall be required in accordance with the provisions of this section if there are subsequent additions, extensions or modifications to a development receiving a waiver. Eligibility for a waiver shall be determined if the applicant can conclusively demonstrate that:
 - (1) The proposed development will not generate more than a ten-percent (10%) increase in the two-year predevelopment peak discharge rate and will not cause an adverse impact on the receiving wetland, watercourse or waterbody;
 - (2) A site is completely surrounded by existing developed areas which are served by an existing network of public storm drainage systems of adequate capacity to accommodate the runoff from the additional development; or

- (3) Provisions to control direct outfall to tidewater are provided when the first inch of rainfall is managed according to infiltration standards and specifications promulgated by the Water Resources Administration.
- D. Variances. The Cecil County Department of Public Works may grant a written variance from any requirement of Section 6.0, Stormwater Management Criteria, of the Cecil County Stormwater Ordinance, if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of this chapter will result in unnecessary hardship and not fulfill the intent of the ordinance. A written request for variance shall be provided to the Department of Public Works and shall state the specific variances sought and reasons for their granting. The Department of Public Works shall not grant a variance unless and until sufficient specific reasons justifying the variances are provided by the person developing land.

§ 73-3. Administration; fees.

- A. The stormwater management and control program of the Town of Perryville will operate under the control of and be administered by Cecil County agencies as specified in the Cecil County Stormwater Management Ordinance. A stormwater management plan or an application for a waiver shall be submitted to and approved by the Cecil County Department of Public Works.
- B. Inspections will be conducted by the Cecil County Department of Public Works. However, law or enforcement officers of Perryville may require evidence of the county stormwater management permit at any time grading or construction is under way. Failure to produce the proper stormwater management permit upon request may result in immediate suspension of the work under way and initiation of any corrective measures necessary to ensure the protection of the natural resources or health and welfare of the Town, should such elements be endangered by the work under way.
- C. Any fees associated with the stormwater management permit or subsequent inspection will be assessed by and paid to the county agency charged with administration of this program.

§ 73-4. Violations and penalties.

Any violation of this chapter shall be deemed a misdemeanor; and the person, partnership or corporation who is found guilty of such violation shall be subject to a fine not exceeding five hundred dollars (\$500.) and/or ninety (90) days' imprisonment for each and every violation. Each day that the violation continues shall be a separate offense.

§ 73-5. Private stormwater management facilities. [Amended 5-2-2006 by Ord. No. 2006-2]

- A. If a private stormwater management facility exists within a subdivision, the Town shall require that said facility be maintained to design standards of said facility by a homeowners association to be comprised of those parties owning lots within said subdivision. If a private stormwater management facility exists within the property, the Town shall require that said facility be maintained by the owner of said property. If the owners of said lots or property do not properly maintain said stormwater management facility, the Town may undertake said maintenance and shall assess the cost of said maintenance to the owners of lots within said subdivision, or the owners of said property, so that each lot or property owner shall pay an equal portion of said cost. Said assessment shall be included on the next tax bill of the owner of each lot or property within said subdivision or served by said private stormwater management facility and shall be collected in the same fashion as property tax. If not paid, said assessment shall operate as a lien against said lot and property in the same fashion as unpaid property tax operates as a lien against said property. Said lien may be collected and satisfied in the same fashion as any unpaid property tax lien.
- B. For purposes of this section, homeowners association shall include a homeowners association, a management association, a condominium association, or any other association formed to manage common spaces, open spaces, or other improvements within a residential community or subdivision. Subdivision for purposes of this section shall include a single family home subdivision, a multi-family home subdivision, a condominium complex, a townhouse or townhome subdivision, or any other development of property that is segregated into separate units, parcels, or lots, and owned by various different parties.