AS AMENDED ON SEPTEMBER 11, 2017
ORDINANCE NO. 2451

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND THE FOLLOWING SECTIONS OF TITLE 13, PUBLIC SERVICES, OF THE SALISBURY MUNICIPAL CODE: CHAPTER 13.01.030 - DEFINITIONS, CHAPTER 13.02 – GENERAL PROVISIONS – CONNECTION TO THE CITY'S WATER AND SEWER MAINS, SECTIONS .050A.3., B.1., .060G., .070A.5., A.13., B.3., B.7., B.9., B.10., D.4., D.E., AND .080G., CHAPTER 13.20 - PRIVATE WATER SYSTEMS, SECTIONS .020D. AND F, CHAPTER - 13.28 STORMWATER MANAGEMENT, SECTIONS .010, .21A.,B., .040, .050, .060, .070, ~~.090~~ AND .090, AND CHAPTER - 13.30 STORMWATER UTILITY, SECTIONS .010, .020C., .040L., .060D., G., .070A., .080B., .090B., E., F., AND .110A., BY DELETING THE REFERENCES TO THE DEPARTMENT OF BUILDING, HOUSING AND ZONING AND REPLACING THOSE REFERENCES WITH THE DEPARTMENT OF INFRASTRUCTURE AND DEVELOPMENT, BY DELETING THE REFERENCES TO PUBLIC WORKS AND REPLACING THOSE WITH INFRASTRUCTURE AND DEVELOPMENT, BY DELETING THE REFERENCES TO INTERNAL SERVICES AND REPLACING THOSE REFERENCES WITH FINANCE, BY RENUMBERING THE SUBSECTIONS TO BE CONSISTENT WITH THE SUBSECTION NUMBERING SYSTEM USED IN THE REST OF THE CODE, BY CORRECTING THE MIS-NUMBERING OF THE SUBSECTION 13.130.110 TO 13.30.110 AND TO CORRECT TYPOGRAPHICAL ERRORS.

WHEREAS, the Mayor and Council of the City of Salisbury desire to re-organize the departmental structure of the City of Salisbury; and

WHEREAS, the Department of Public Works is being divided into three separate departments, the Department of Infrastructure and Development, the Department of Water Works, and the Department of Field Operations as part of the reorganization structure for the City of Salisbury; and

WHEREAS, there is no longer a department of building, housing and zoning; and

WHEREAS, the responsibilities for the planning, permitting and licensing will be handled by the newly created Department of Infrastructure and Development; and

WHEREAS, during the review of the code for the purpose of re-organizing the departments it was found that several subsections of this chapter were numbered differently than the rest of the chapters in the Code; and

WHEREAS, the Salisbury City Council has concluded that it is in the best interest of the City to amend the City Code to accomplish the reorganization plan, which will not result in increased costs under the City's current budget and will allow the Departments to operate in a more efficient manner;

NOW, THEREFORE, be it enacted and ordained by the City of Salisbury, that Chapters 13.01, 13.02, 13.20, 13.28 and 13.30 of the City of Salisbury Municipal Code be amended as follows:

Title 13 – PUBLIC SERVICES

Chapter 13.01 – Abbreviations and Definitions.

13.01.030 – Definitions.

"Central system line unit fee" means the in-place construction cost per linear foot for eight-inch diameter water and sewer mains. The fee is calculated as the average construction contract cost for installing eight-inch water and sewer mains throughout the city of Salisbury water and sewer systems for the previous twelve (12) months as determined by **[[Salisbury public works]]***the Department of Infrastructure and Development.*

"Engineer" means the director of [**[public works]]***infrastructure and development* of the city of Salisbury or his duly authorized representative.

Chapter 13.02 – General Provisions – Connections to the City's Water and Sewer Mains.

13.02.050 – Responsibilities.

A. The director of **[[public works]]***infrastructure and development* shall:

3. Provide recommended adjustments for annual variances in the comprehensive connection charge structure in coordination with the Director of **[[Internal services]]***Finance* to the Office of the Mayor and City Council on or before March 15 of each year. The proposed comprehensive connection charge structure, if approved, shall become effective on July 1 of that same year. The specific recommendation, at a minimum, shall include:

a. The capacity unit fee based on the ten-year water and sewer capital improvement plan approved by the mayor and city council,

b. The sewer-connection and water-tap/meter fee based on the actual costs for the previous fiscal year. To provide a transition from 1999 rates, a one-time adjustment period shall be calculated as follows: actual costs in 2005 exceed the 2005 sewer-connection and water-tap/meter fee by varying amounts depending on the size of the service. There will be a phase-in period from 206 through 2008 in which the sewer-connection and water-tap/meter fee will only partially recover actual costs through 2007 but will be incrementally increased to completely recover actual costs by 2008. The computed fee in those years will be as follows:
2006 Fee = 2005 Fee + (2005 Costs – 2005 Fee) x 33%,
2007 Fee = 2006 Fee + (2006 Costs – 2006 Fee) x 66%,
2008 Fee = 2007 Fee + (2007 Costs – 2007 Fee) x 100%,

c. The central system line fee for new water and/or sewer users within the city's central system where there are existing mains. This central system line fee will be based on the average contract cost for installing eight-inch diameter water and sewer mains for the previous twelve (12) months.

A. The director of finance shall:

1. Provide a recommended comprehensive connection charge structure in coordination with the Director of **[[Public Works]]***Infrastructure and Development* on an annual basis to the Office of the Mayor and City Council on or before March 15 of each year. The proposed comprehensive connection charge structure, if approved, shall become effective on July 1 of that same year. This rate structure shall include an administrative fee for recordkeeping and payment *of* processing costs;

13.02.060 – General connection policies.

G. The director of **[[public works]]***infrastructure and development* shall have the authority to approve water and/or sewer connections to properties outside the corporate limits of the city where water and/or sewer is available when the Wicomico County health officer or designee provides a notification of the need of an immediate connection due to public health concerns, and the property owner complies with subsection F of this section.

13.02.070 – Comprehensive connection charge.

A. Overview and General Policies.

5. There are two types of new water and/or sewer users: a) property owners contiguous to the city's central system; b) property owners not contiguous to the city's central system. The city's central system is defined as the publicly owned water and sewer infrastructure that was operational on January 1, 2005.
   a. The first type of new user shall be charged a line fee for connection to existing water and/or sewer mains, called the central system line fee, in addition to other applicable fees of the comprehensive connection charge. Additional information on the central system line fee is in Section 13.02.080 of this chapter. The central system unit line fee will be established on an annual basis by the department of **[[public works]]***infrastructure and development* and approved by the city council through resolution.
   b. The second type of user shall be charged a facility fee for a new service area, in addition to other applicable fees of the comprehensive connection charge. A "new service area" consists of an area outside the "central" system.

13. Comprehensive connection charge fees shall not be paid prior to the execution of the **[[Public Works]]***Development* Agreement. Once any comprehensive connection charge fees are paid, the first water meter shall be set and/or sewer service provided within two (2) years, unless a request for an extension of time to set the water meter and/or provide sewer service at the same comprehensive connection charge fees previously paid is made to the **[[Public Works]]** Director *of Infrastructure and Development* in writing prior to the expiration of the two (2) year time limit. Any extension granted shall not exceed one (1) year. Up to two

(2), one (1) year extensions may be granted. The **[[Public Works]]** Director *of Infrastructure and Development* may refuse to grant a requested extension where the **[[Public Works]]** Director *of Infrastructure and Development* finds that the property owner is not making good faith efforts to conclude the development of the project to the point where the water meter will be set and/or sewer service is provided. If the first water meter has not been set and/or sewer service has not been provided within two (2) years of any comprehensive connection charge fee payment or any approved one (1) year extension, the comprehensive connection charge fees in effect at the time that the water meter is set and/or sewer service provided shall apply. After the expiration of the time set forth herein, the property owner will be required to pay any increase in comprehensive connection charge fees which has occurred and the property owner will not be guaranteed the same allotment of EDUs on which the prior comprehensive connection charge fees were based.

A. Capacity Fee.

1. The capacity unit fee shall be based on recent improvements and a ten-year water and sewer capital improvement plan approved by the city council. The CIP includes proposed major projects and equipment expenditures for the next ten budget years. The department of **[[public works]]***infrastructure and development* will identify the "capacity expansion" vs. "maintenance and replacement" components of all water and sewer capital improvement plan projects and equipment. The capacity expansion component is solely for additional capacity to accommodate growth and will be paid through the capacity unit fee. All water and sewer users will fund the maintenance and replacement components through user rates.

7. The director of **[[public works]]***infrastructure and development* shall define and establish capacity fees for unique customer needs, or to affect other policy goals of the city government.

9. The projected EDU value (average daily water usage) for a particular property owner will be determined initially by the city and a capacity fee collected, and the property owner may request one subsequent adjustment, based on actual daily water usage as measured and recorded by water meter. When the project/building is fully occupied, the capacity fee may then be adjusted and additions or deductions applied accordingly based on an average of a minimum two consecutive years of water meter billings and other documentation as required by **[[Salisbury public works]]***the Department of Infrastructure and Development*. The capacity fee may be increased based on average of two consecutive years of water meter billings and other documentation. Any reimbursement of capacity fee shall be without interest.

10. Capacity Fee Waiver for Public Sponsored or Affordable Housing.

a. "Public sponsored or affordable housing" means any dwelling unit built or financed under a government program, regulation, or binding agreement that limits for at least ten years the price or rent charged for the unit in order to make the unit affordable to households earning less than sixty (60) percent of the area median income, adjusted for family size.

b. Requests for a public sponsored or affordable housing capacity fee waiver are submitted to the director of **[[public works]]***infrastructure and development* for review. After review, **[[Salisbury public works]]***the Department of Infrastructure and Development* shall submit the waiver request as a resolution for city council approval.

D. Line Fee.

4. The director of **[[public works]]***infrastructure and development* shall have sole discretion in determining which proposed improvements constitute "backbone infrastructure of water/sewer facilities," subject to property owner upfront funding and reimbursement under the extension policy and which improvements are subject to the "line fee" policy.

E. Sewer-Connection and Water-Meter/Tap Fee.

1. Sewer-Connection and Water-Meter/Tap Fee's Purpose. This fee is intended to cover the cost of tapping the water and sewer mains and providing the water meter, corporation stop, and stub out for the user water and sewer connections.
2. The cost of this fee should be proportional to the projected domestic water demands, which will be reflected in the required meter size.
3. These fees shall be reviewed annually by the department of **[[public works]]***infrastructure and development* to ensure that actual costs are being captured.
4. All other tap sizes, including combinations of meter sizes and service line size, shall be computed by **[[Salisbury public works]]***the Department of Infrastructure and Development* for that particular application. The cost shall be based on time, equipment and material involved with a thirty (30) percent markup on direct labor costs and fifteen (15) percent markup on equipment and materials.

13.02.080 – City infill or redevelopment projects.

G. The projected EDU value (average daily water usage) for a particular property owner will be determined initially by the city and a capacity fee collected, and the property owner may request on subsequent adjustment, based on actual daily water usage as measured and recorded by water meter. When the project/building is fully occupied, the capacity fee may then be adjusted and additions or deductions applied accordingly based on an average of a minimum two consecutive years of water meter billings and other documentation as required by **[[Salisbury public works]]***the Department of Infrastructure and Development*. The capacity fee may be increased based on average of two consecutive years of water meter billings and other documentation. Any reimbursement of capacity fee shall be without interest.

Chapter 13.20 – Private Water Systems.

13.20.020 – Applicability of provisions – Uses – Inspections – Application procedure and fee.

D. The approving authority for individual water systems shall be the director of the **[[department of building, housing and zoning]]***Department of Infrastructure and Development.*

F. Any person contemplating the construction of a private well for domestic use, outside irrigation purposes, refrigeration cooling purposes or the filling of swimming pools shall, previous to the beginning of any construction, make a formal application. The permit fee shall be twenty-five dollars ($25.00) for each well. Applications for such permit, except wells referred to in subsection C of this section, shall be in a form provided by the bureau of inspections. Whenever, in the opinion of the director of the **[[department of building, housing and zoning]]***Department of Infrastructure and Development*, complete plans and specifications are needed to show definitely the desired installation for which the application is made, *and* the applicant shall furnish *a* duplicate. If approved, one set shall be returned to the applicant marked approved, and one set shall be retained and filed as a permanent record in the office of the **[[department of building, housing and zoning]]***Department of Infrastructure and Development.*

Chapter 13.28 – Stormwater Management.

13.28.010 – Purpose and authority.

The purpose of this chapter is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures that control the adverse impacts associated with increased stormwater runoff. The goal is to manage stormwater by using environmental site design (ESD) to the maximum extent practicable (MEP) to maintain after development as nearly as possible, the predevelopment runoff characteristics, and to reduce stream channel erosion, pollution, siltation and sedimentation, and local flooding, and use appropriate structural best management practices (BMPs) only when necessary. This will restore, enhance, and maintain the chemical, physical, and biological integrity of streams, minimize damage to public and private property, and reduce the impacts of land development.

The provisions of this chapter, pursuant to the Environment Article, Title 4, Subtitle 2, Annotated Code of Maryland, 2009 replacement volume, are adopted under the authority of the Salisbury Municipal Code and shall apply to all development occurring within the corporate limits of the city. The application of this chapter and provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by state statute.

The City of Salisbury Department of **[[Public Works]]***Infrastructure and Development* shall be responsible for the coordination and enforcement of the provisions of this chapter. This chapter applies to all new and redevelopment projects that have not received final approval for erosion and sediment control and stormwater management plans by May 4, 2010.

13.28.021 – Grandfathering.

A. In this section, the following terms have the meanings indicated:
   1. Administrative waiver.
      a. "Administrative waiver" means a decision by the department of **[[public works]]***infrastructure and development* pursuant to this chapter to allow the construction of a development to be governed by the stormwater management ordinance in effect as of May 4, 2009.
      b. "Administrative waiver" is distinct from a waiver granted pursuant to Section 13.28.040**[[(3)]]***C* of this chapter.
   2. Approval.
      a. "Approval" means a documented action by the department of **[[public works]]***infrastructure and development* following a review to determine and acknowledge the sufficiency of submitted material to meet the requirements of a specified stage in the department's development review process.
      b. "Approval" does not mean an acknowledgement by the department of **[[public works]]***infrastructure and development* that submitted material has been received for review.
   3. Final project approval.
      a. "Final project approval" means approval of the final stormwater management plan and erosion and sediment control plan required to construct a project's stormwater management facilities.
      b. "Final project approval" also includes securing bonding or financing for final development plans if either is required as a prerequisite for approval.
   4. "Preliminary project approval" means an approval as part of the department of **[[public works']]***infrastructure and development's* preliminary development or planning review process that includes, at a minimum:
      a. The number of planned dwelling units or lots;
      b. The proposed project density;
      c. The proposed size and location of all land uses for the project;
      d. A plan that identifies:
         (i) The proposed drainage patterns;
         (ii) The location of all points of discharge from the site; and
         (iii) The type, location, and size of all stormwater management measures based on site-specific stormwater management requirement computations; and
      e. Any other information required by the department of **[[public works]]***infrastructure and development* including, but not limited to:
         (i) The proposed alignment, location, and construction type and standard for all roads, accessways, and areas of vehicular traffic;

(ii) A demonstration that the methods by which the development will be supplied with water and wastewater service are adequate; and

(iii) The size, type, and general location of all proposed wastewater and water system infrastructure.

B. The department of **[[public works]]***infrastructure and development* may grant an administrative waiver to a development that received a preliminary project approval prior to May 4, 2010. Administrative waivers expire according to Section 13.28.021 C. of this chapter and may be extended according to Section 13.28.021 D. of this chapter.

13.28.030 – Definitions.

41. "Standard plan" means a simplified stormwater management plan that addresses stormwater management for a single-family residential lot through nonstructural practices. See Section 13.28.040**[[(3)G]]***C.7.*

13.28.040 – Applicability.

[[(1)]]*A.* Scope. No person shall develop any land for residential, commercial, industrial, or institutional uses without providing stormwater management measures that control or manage runoff from such developments, except as provided within this section. Stormwater management measures must be designed consistent with the design manual and constructed according to an approved plan for new development or the policies stated in Section 13.28.040**[[(4)]]***D.* of this chapter for redevelopment.

[[(2)]]*B.* Exemptions. The following development activities are exempt from the provisions of this chapter and the requirements of providing stormwater management:

[[A.]]*1.* Agricultural land management practices;

[[B.]]*2.* Additions or modifications to existing single-family detached residential structures if they comply with Section 13.28.040**[[(2)C.]]***B.3.* of this chapter;

[[C.]]*3.* Any developments that do not cumulatively disturb over five thousand (5,000) square feet of land area from the date of adoption of this chapter; and

[[D.]]*4.* Land development activities that the administration determines will be regulated under specific state laws, which provide for managing stormwater runoff.

[[(3)]]*C.* Waivers/Watershed Management Plans.

[[A.]]*1.* Except as provided in Section 13.28.040**[[(3)B.]]***C.2.* and **[[D.]]***4.* of this chapter, the department of **[[public works]]***infrastructure and development* shall grant stormwater management quantitative control waivers only to those projects within areas where watershed management plans have been developed consistent with Section 13.28.040**[[(3)G.]]***C.7.* of this chapter. Written requests for quantitative stormwater management waivers shall be submitted that contain sufficient descriptions, drawings, and any other information that is necessary to demonstrate that ESD has been implemented to the MEP. 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.

[[B.]]*2.* Except as provided in Section 13.28.040**[[(3)D.]]***C.4.* of this chapter, if watershed management plans consistent with Section 13.28.040**[[(3)G.]]***C.7.* of this chapter

have not been developed, stormwater management quantitative control waivers may be granted to the following projects provided that it has been demonstrated that ESD has been implemented to the MEP:

[[1.]]*a.* That have direct discharges to tidally influenced receiving waters; or

[[2.]]*b.* That are in-fill development located in a priority funding area where the economic feasibility of the project is tied to the planned density, and where implementation of the 2009 regulatory requirements would result in a loss of the planned development density provided that:

[[a.]]*(i)*Public water and sewer and stormwater conveyance exist;

[[b.]]*(ii)*The quantitative waiver is applied to the project for the impervious cover that previously existed on the site only;

[[c.]]*(iii)*ESD to the MEP is used to meet the full water quality treatment requirements for the entire development; and

[[d.]]*(iv)*ESD to the MEP is used to provide full quantity control for all new impervious surfaces; or

[[3.]]*c.* When the approving agency determines that circumstances exist that prevent the reasonable implementation of quantity control practices.

[[C.]]*3.* Except as provided in Section 13.28.040**[[(3)D.]]***C.4.* of this chapter, stormwater management qualitative control waivers apply only to:

[[1.]]*a.* In-fill development projects where ESD has been implemented to the MEP and it has been demonstrated that other BMPs are not feasible;

[[2.]]*b.* Redevelopment projects if the requirements of Section 13.28.040**[[(4)]]***D.* of this chapter are satisfied; or

[[3.]]*c.* Sites where the approving agency determines that circumstances exist that prevent the reasonable implementation of ESD to the MEP.

[[D.]]*4.* Stormwater management quantitative and qualitative control waivers may be granted for phased development projects if a system designed to meet the 2000 regulatory requirements and the city ordinance for multiple phases has been constructed by May 4, 2010. If the 2009 regulatory requirements cannot be met for future phases constructed after May 4, 2010, all reasonable efforts to incorporate ESD in future phases must be demonstrated.

[[E.]]*5.* Waivers shall only be granted when it has been demonstrated that ESD has been implemented to the MEP and must:

[[1.]]*a.* Be on a case-by-case basis;

[[2.]]*b.* Consider the cumulative effects of the city's waiver policy; and

[[3.]]*c.* Reasonably ensure the development will not adversely impact stream quality.

[[F.]]*6.* If the city has established an overall watershed management plan for a specific watershed, then the city may develop quantitative waiver and redevelopment provisions that differ from Section 13.28.040**[[(3)B.]]***C.2.* and **[[(4)]]***D.* of this chapter

[[G.]]*7.* A watershed management plan developed for the purpose of implementing different stormwater management policies for waivers and redevelopment shall:

[[1.]]*a.* Include detailed hydrologic and hydraulic analyses to determine hydrograph timing;

[[2.]]*b.* Evaluate both quantity and quality management and opportunities for ESD implementation;

[[3.]]*c.* Include a cumulative impact assessment of current and proposed watershed development;

[[4.]]*d.* Identify existing flooding and receiving stream channel conditions;

[[5.]]*e.* Be conducted at a reasonable scale;

[[6.]]*f.* Specify where on-site or off-site quantitative and qualitative stormwater management practices are to be implemented;

[[7.]]*g.* Be consistent with the General Performance Standards for Stormwater Management in Maryland found in the design manual; and

[[8.]]*h.* Be approved by the administration.

[[H.]]*8.* The city may allow the use of a standard plan to address both quantitative and qualitative control. A standard plan may be used if:

[[1.]]*a.* The project is single-family lot residential construction;

[[2.]]*b.* There is no contiguous land undergoing development by the same owner, builder, or developer;

[[3.]]*c.* The total site impervious cover does not exceed fifteen (15) percent of the total lot area; and

[[4.]]*d.* Total land area disturbed during construction is less than thirty thousand (30,000) square feet.

[[I.]]*9.* Issuance of a stormwater management quantitative or qualitative control waiver may be conditioned upon successful completion of a stream restoration project by the developer. All city requirements associated with the stream restoration project must be accomplished to the satisfaction of the city prior to release of the project surety.

[[(4)]]*D.* Redevelopment.

[[A.]]*1.* Stormwater management plans are required by the city for all redevelopment, unless otherwise specified by watershed management plans developed according to Section 13.28.040**[[(3)F.]]***C.6.* of this chapter. Stormwater management measures must be consistent with the design manual.

[[B.]]*2.* All redevelopment designs shall:

[[1.]]*a.* Reduce impervious area within the limit of disturbance (LOD) by at least fifty (50) percent according to the design manual;

[[2.]]*b.* Implement ESD to the MEP to provide water quality treatment for at least fifty (50) percent of the existing impervious area within the LOD; or

[[3.]]*c.* Use a combination of Section 13.28.040**[[(4)B.1.]]***D.2.a.* and **[[2.]]***b.* of this chapter for at least fifty (50) percent of the existing site impervious area.

[[C.]]*3.* Alternative stormwater management measures may be used to meet the requirements in Section 13.28.040**[[(4)B.]]***D.2.* of this chapter if the owner/developer satisfactorily demonstrates to the city that impervious area reduction has been maximized and ESD has been implemented to the MEP. Alternative stormwater management measures include, but are not limited to:

[[1.]]*a.* An on-site structural BMP;

[[2.]]*b.* An off-site structural BMP to provide water quality treatment for an area equal to or greater than fifty (50) percent of the existing impervious area; or

[[3.]]*c.* A combination of impervious area reduction, ESD implementation, and an on-site or off-site structural BMP for an area equal to or greater than fifty (50) percent of the existing site impervious area within the LOD.

[[4.]]*d.* An off-site structural BMP must be located within the corporate limits of the city. The city will consider an off-site location on a city street or other city-owned property, which location will be subject to approval by the city. Acceptable structural BMPs shall be determined by the city. The developer shall be responsible for all permitting, traffic control, material and installation costs, street repaving and other work efforts associated with the BMP design and construction. If the approved off-site location is on city property, the developer's contractor shall comply with the city's insurance requirements which may be made part of the public works agreement for the project. The off-site BMP must be accompanied by an inspection and maintenance agreement fully executed by the off-site property owner(s) per this chapter and must be constructed by the developer or his agent and accepted by the city prior to release of the project surety.

[[5.]]*e.* Retrofitting may be permitted provided that the existing stormwater management facility to be retrofitted and the retrofit BMPs to be used are acceptable to the city. All city requirements associated with the retrofit project must be accomplished to the satisfaction of the city prior to release of the project surety. The drainage area to be served by the retrofitted facility shall equal or exceed fifty (50) percent of the existing impervious area of the site to be redeveloped in accordance with Section 13.28.040**[[(4)B.]]***D.2.*

[[D.]]*4.* The city may develop separate policies for providing water quality treatment for redevelopment projects if the requirements of Section 13.28.040**[[(4)B.]]***D.2.* and **[[C.]]***3.* of this chapter cannot be met. Any separate redevelopment policy shall be reviewed and approved by the administration and may include, but not be limited to:

[[1.]]*a.* Pollution trading with another entity;

[[2.]]*b.* Payment of a fee-in-lieu; or

[[3.]]*c.* A partial waiver of the treatment requirements if ESD is not practicable.

[[E.]]*5.* The determination of what alternatives will be available may be made by the department of **[[public works]]***infrastructure and development* at the appropriate point in the development review process. The department shall consider the prioritization of alternatives in Section 13.28.040**[[(4)D.]]***D.4.* of this chapter after it has been determined that it is not practicable to meet the 2009 regulatory requirements using ESD. In deciding what alternatives may be required, the department may consider factors including, but not limited to:

[[1.]]*a.* Whether the project is in an area targeted for development incentives such as a priority funding area, a designated transit oriented development area,

or a designated base realignment and closure revitalization and incentive zone;

[[2.]]*b.* Whether the project is necessary to accommodate growth consistent with comprehensive plans; or

[[3.]]*c.* Whether bonding and financing have already been secured based on an approved development plan.

[[F.]]*6.* Stormwater management shall be addressed according to the new development requirements in the design manual for any net increase in impervious area.

[[(5)]]*E.* Variance. The city may grant a written variance from any requirement of Section 13.28.050, stormwater management criteria, if there are exceptional circumstances applicable to the site such that strict adherence will result in unnecessary hardship and not fulfill the intent of this chapter. A written request for variance shall be provided to the city and shall state the specific variances sought and reasons for their granting. The city shall not grant a variance unless and until sufficient justification is provided by the person developing land that the implementation of ESD to the MEP has been investigated thoroughly.

13.28.050 – Stormwater Management Criteria.

[[(1)]]*A.* Minimum Control Requirements.

[[A.]]*1.* The minimum control requirements established in this section and the design manual are as follows:

[[1.]]*a.* The city shall require that the planning techniques, nonstructural practices, and design methods specified in the design manual be used to implement ESD to the MEP. The use of ESD planning techniques and treatment practices must be exhausted before any structural BMP is implemented. Stormwater management plans for development projects subject to this chapter shall be designed using ESD sizing criteria, recharge volume, water quality volume, and channel protection storage volume criteria according to the design manual. The MEP standard is met when channel stability is maintained, predevelopment groundwater recharge is replicated, nonpoint source pollution is minimized, and structural stormwater management practices are used only if determined to be absolutely necessary.

[[2.]]*b.* Control of the two-year and ten-year frequency storm event is required according to the design manual and all subsequent revisions if the city determines that additional stormwater management is necessary because historical flooding problems exist and downstream floodplain development and conveyance system design cannot be controlled.

[[3.]]*c.* The city may require more than the minimum control requirements specified in this chapter if hydrologic or topographic conditions warrant or if flooding, stream channel erosion, or water quality problems exist downstream from a proposed project.

[[B.]]*2.* Alternate minimum control requirements may be adopted subject to administration approval. The administration shall require a demonstration that alternative requirements will implement ESD to the MEP and control flood

damages, accelerated stream erosion, water quality, and sedimentation. Comprehensive watershed studies may also be required.

[[C.]]*3.* Stormwater management and development plans where applicable, shall be consistent with adopted and approved watershed management plans or flood management plans as approved by the Maryland Department of the Environment in accordance with the Flood Hazard Management Act of 1976.

[[(2)]]*B.* Stormwater Management Measures. The ESD planning techniques and practices and structural stormwater management measures established in this chapter and the design manual shall be used, either alone or in combination in a stormwater management plan. A developer shall demonstrate that ESD has been implemented to the MEP before the use of a structural BMP is considered in developing the stormwater management plan.

[[A.]]*1.* ESD Planning Techniques and Practices.

[[1.]]*a.* The following planning techniques shall be applied according to the design manual to satisfy the applicable minimum control requirements established in Section 13.28.050**[[(1)]]***A.* of this chapter:

[[a.]]*(i)*Preserving and protecting natural resources;

[[b.]]*(ii)*Conserving natural drainage patterns;

[[c.]]*(iii)*Minimizing impervious area;

[[d.]]*(iv)*Reducing runoff volume;

[[e.]]*(v)*Using ESD practices to maintain one hundred (100) percent of the annual predevelopment groundwater recharge volume;

[[f.]]*(vi)*Using green roofs, permeable pavement, reinforced turf, and other alternative surfaces;

[[g.]]*(vii)*Limiting soil disturbance, mass grading, and compaction;

[[h.]]*(viii)*Clustering development; and

[[i.]]*(ix)*Any practices approved by the administration.

[[2.]]*b.* The following ESD treatment practices shall be designed according to the design manual to satisfy the applicable minimum control requirements established in Section 13.28.050**[[(1)]]***A.* of this chapter:

[[a.]]*(i)*Disconnection of rooftop runoff;

[[b.]]*(ii)*Disconnection of non-rooftop runoff;

[[c.]]*(iii)*Sheetflow to conservation areas;

[[d.]]*(iv)*Rainwater harvesting;

[[e.]]*(v)*Submerged gravel wetlands;

[[f.]]*(vi)*Landscape infiltration;

[[g.]]*(vii)*Infiltration berms;

[[h.]]*(viii)*Dry wells;

[[i.]]*(ix)*Micro-bioretention;

[[j.]]*(x)*Rain gardens;

[[k.]]*(xi)*Swales;

[[l.]]*(xii)*Enhanced filters; and

[[m.]]*(xiii)*Any practices approved by the administration.

[[3.]]*c.* The use of ESD planning techniques and treatment practices specified in this section shall not conflict with existing state law or local ordinances, regulations, or policies. The city will, with due consideration given to safety issues, investigate the feasibility of modifying planning and zoning

ordinances and public works codes to eliminate any impediments to implementing ESD to the MEP according to the design manual.

[[B.]]*2.* Structural Stormwater Management Measures.

[[1.]]*a.* The following structural stormwater management practices shall be designed according to the design manual to satisfy the applicable minimum control requirements established in Section 13.28.050**[[(1)]]***A.* of this chapter:

[[a.]]*(i)*Stormwater management ponds;

[[b.]]*(ii)*Stormwater management wetlands;

[[c.]]*(iii)*Stormwater management infiltration;

[[d.]]*(iv)*Stormwater management filtering systems; and

[[e.]]*(v)*Stormwater management open channel systems.

[[2.]]*b.* The performance criteria specified in the design manual with regard to general feasibility, conveyance, pretreatment, treatment and geometry, environment and landscaping, and maintenance shall be considered when selecting structural stormwater management practices.

[[3.]]*c.* Structural stormwater management practices shall be selected to accommodate the unique hydrologic or geologic regions of the state.

[[C.]]*3.* ESD planning techniques and treatment practices and structural stormwater management measures used to satisfy the minimum requirements in Section 13.28.050**[[(1)]]***A.* of this chapter must be recorded in the land records of the county and remain unaltered by subsequent property owners. Prior approval from the city shall be obtained before any stormwater management practice is altered.

[[D.]]*4.* Alternative ESD planning techniques and treatment practices and structural stormwater measures may be used for new development runoff control if they meet the performance criteria established in the design manual and all subsequent revisions and are approved by the administration. Practices used for redevelopment projects shall be approved by the City.

[[E.]]*5.* For the purposes of modifying the minimum control requirements or design criteria, the owner/developer shall submit to the city an analysis of the impacts of stormwater flows downstream in the watershed. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed development upon a dam, highway, structure, or natural point of restricted streamflow. The point of investigation is to be established with the concurrence of the city, downstream of the first downstream tributary whose drainage area equals or exceeds the contributing area to the project or stormwater management facility.

[[(3)]]*C.* Specific Design Criteria. The basic design criteria, methodologies, and construction specifications, subject to the approval of the city and the administration, shall be those of the design manual.

13.28.060 - Stormwater management plans.

[[(1)]]*A.* Review and Approval of Stormwater Management Plans.

[[A.]]*1.* For any proposed development, the owner/developer shall submit phased stormwater management plans to the city for review and approval. At a minimum,

plans shall be submitted for the concept, site development, and final stormwater management construction phases of project design. Each plan submittal shall include the minimum content specified in Section 13.28.060**[[(2)]]***B.* of this chapter and meet the requirements of the design manual and Section 13.28.050**[[(1)]]***A.* of this chapter.

[[B.]]*2.* The city shall perform a comprehensive review of the stormwater management plans for each phase of site design. Coordinated comments will be provided for each plan phase that reflect input from all appropriate agencies including, but not limited to the Wicomico Soil Conservation District (WSCD), the Wicomico County Planning and Zoning Department and the City of Salisbury Department of **[[Public Works]]***Infrastructure and Development*. All comments from the city and other appropriate agencies shall be addressed and approval received at each phase of project design before subsequent submissions.

[[C.]]*3.* The approval of a stormwater management plan or grant of a waiver application shall expire on the date two years from the date of approval or grant of the waiver. Plans approved prior to May 4, 2010 shall expire on the date two years from the original approval date. Projects that are not actively under construction, as determined by the city, on the plan approval expiration date must renew the plan approval before commencement of construction and may be subject to an additional plan review fee.

[[(2)]]*B.* Contents and Submission of Stormwater Management Plans.

[[A.]]*1.* The owner/developer shall submit a concept plan that provides sufficient information for an initial assessment of the proposed project and whether stormwater management can be provided according to Section 13.28.050**[[(2)]]***B.* of this chapter and the design manual. Plans submitted for concept approval shall include, but are not limited to:

[[1.]]*a.* A map at a scale specified by the city showing site location, existing natural features, water and other sensitive resources, topography, and natural drainage patterns;

[[2.]]*b.* The anticipated location of all proposed impervious areas, buildings, roadways, parking, sidewalks, utilities, and other site improvements;

[[3.]]*c.* The location of the proposed limit of disturbance, erodible soils, steep slopes, and areas to be protected during construction;

[[4.]]*d.* Preliminary estimates of stormwater management requirements, the selection and location of ESD practices to be used, and the location of all points of discharge from the site;

[[5.]]*e.* A narrative that supports the concept design and describes how ESD will be implemented to the MEP; and

[[6.]]*f.* Any other information required by the city.

[[B.]]*2.* Following concept plan approval by the city, the owner/developer shall submit site development plans that reflect comments received during the previous review phase. Plans submitted for site development approval shall be of sufficient detail to allow site development to be reviewed and include, but not be limited to:

[[1.]]*a.* All information provided during the concept plan review phase;

[[2.]]*b.* Final site layout, exact impervious area locations and acreages, proposed topography, delineated drainage areas at all points of discharge from the

site, and stormwater volume computations for ESD practices and quantity control structures;

[[3.]]*c.* A proposed erosion and sediment control plan that contains the construction sequence, any phasing necessary to limit earth disturbances and impacts to natural resources and an overlay plan showing the types and locations of ESD and erosion and sediment control practices to be used;

[[4.]]*d.* A narrative that supports the site development design, describes how ESD will be used to meet the minimum control requirements, and justifies any proposed structural stormwater management measure; and

[[5.]]*e.* Any other information required by the city.

[[C.]]*3.* Following site development approval by the city, the owner/developer shall submit final erosion and sediment control and stormwater management plans that reflect the comments received during the previous review phase. Plans submitted for final approval shall be of sufficient detail to allow all approvals and permits to be issued according to the following:

[[1.]]*a.* Final erosion and sediment control plans shall be submitted according to COMAR 26.17.01.05; and

[[2.]]*b.* Final stormwater management plans shall be submitted for approval in the form of construction drawings and be accompanied by a report that includes sufficient information to evaluate the effectiveness of the proposed runoff control design.

[[D.]]*4.* Reports submitted for final stormwater management plan approval shall include, but are not limited to:

[[1.]]*a.* Geotechnical investigations including soil maps, borings, site specific recommendations, and any additional information necessary for the final stormwater management design;

[[2.]]*b.* Drainage area maps depicting predevelopment and post development runoff flow path segmentation and land use;

[[3.]]*c.* Hydrologic computations of the applicable ESD and unified sizing criteria according to the design manual for all points of discharge from the site;

[[4.]]*d.* Hydraulic and structural computations for all ESD practices and structural stormwater management measures to be used;

[[5.]]*e.* A narrative that supports the final stormwater management design; and

[[6.]]*f.* Any other information required by the city.

[[E.]]*5.* Construction drawings submitted for final stormwater management plan approval shall include, but are not limited to:

[[1.]]*a.* A vicinity map;

[[2.]]*b.* Existing and proposed topography and proposed drainage areas, including areas necessary to determine downstream analysis for proposed stormwater management facilities;

[[3.]]*c.* Any proposed improvements including location of buildings or other structures, impervious surfaces, storm drainage facilities, and all grading;

[[4.]]*d.* The location of existing and proposed structures and utilities;

[[5.]]*e.* Any easements and rights-of-way;

[[6.]]*f.* The delineation, if applicable, of the 100-year floodplain and any on-site wetlands;

[[7.]]*g.* Structural and construction details including representative cross sections for all components of the proposed drainage system or systems, and stormwater management facilities;

[[8.]]*h.* All necessary construction specifications;

[[9.]]*i.* A sequence of construction;

[[10]]*j.* Data for total site area, disturbed area, new impervious area, and total impervious area;

[[11.]]*k.* A table showing the ESD and unified sizing criteria volumes required in the design manual;

[[12.]]*l.* A table of materials to be used for stormwater management facility planting;

[[13.]]*m.* All soil boring logs and locations;

[[14.]]*n.* An inspection and maintenance schedule;

[[15.]]*o.* Certification by the owner/developer that all stormwater management construction will be done according to this plan;

[[16.]]*p.* An as-built certification signature block to be executed after project completion; and

[[17.]]*q.* Any other information required by the city.

[[F.]]*6.* If a stormwater management plan involves direction of some or all runoff off of the site, it is the responsibility of the developer to obtain from adjacent property owners any easements or other necessary property interests concerning flowage of water. Approval of a stormwater management plan does not create or affect any right to direct runoff onto adjacent property without that property owner's permission.

[[(3)]]*C.* Preparation of Stormwater Management Plans.

[[A.]]*1.* The design of stormwater management plans shall be prepared by any individual whose qualifications are acceptable to the city. The city may require that the design be prepared by either a professional engineer, professional land surveyor, or landscape architect licensed in the state, as necessary to protect the public or the environment.

[[B.]]*2.* If a stormwater BMP requires either a dam safety permit from MDE or small pond approval from the Wicomico Soil Conservation District, the city shall require that the design be prepared by a professional engineer licensed in the state.

13.28.070 - Permits.

[[(1)]]*A.* Permit Requirement. A grading or building permit may not be issued for any parcel or lot unless final erosion and sediment control and stormwater management plans have been approved by the city as meeting all the requirements of the design manual and this chapter. Where appropriate, a building permit may not be issued without:

[[A.]]*1.* Recorded easements for the stormwater management facility and easements to provide adequate access for inspection and maintenance from a public right-of-way;

[[B.]]*2.* A recorded stormwater management maintenance agreement as described in Section 13.28.100[[(2)]]*B.* of this chapter; and

[[C.]]*3.* A performance bond as described in Section 13.28.080 of this chapter.

[[(2)]]*B.* Permit Fee. Nonrefundable permit fees will be collected at each phase of stormwater management plan submittal. Permit fees will provide for the cost of plan review, administration, and management of the permitting process, and inspection of all projects subject to this chapter. A permit fee schedule shall be established by the city based upon the relative complexity of the project and may be amended from time to time.

[[(3)]]*C.* Permit Suspension and Revocation. Any grading or building permit issued by the city may be suspended or revoked after written notice is given to the permittee for any of the following reasons:

[[A.]]*1.* Any violation(s) of the conditions of the stormwater management plan approval;

[[B.]]*2.* Changes in site runoff characteristics upon which an approval or waiver was granted;

[[C.]]*3.* Construction is not in accordance with the approved plan;

[[D.]]*4.* Noncompliance with correction notice(s) or stop work order(s) issued for the construction of any stormwater management practice; and

[[E.]]*5.* An immediate danger exists in a downstream area in the opinion of the city.

[[(4)]]*D.* Permit Conditions. In granting an approval for any phase of site development, the city may impose such conditions that may be deemed necessary to ensure compliance with the provisions of this chapter and the preservation of public health and safety.

13.28.090 - Inspection.

[[(1)]]*A.* Inspection Schedule and Reports.

[[A.]]*1.* The developer shall notify the city at least forty-eight (48) hours before commencing any work in conjunction with site development, the stormwater management plan, and upon completion of the project.

[[B.]]*2.* Regular inspections shall be made and documented for each ESD planning technique and practice at the stages of construction specified in the design manual by the city, its authorized representative, or certified by a professional engineer licensed in the state of Maryland. At a minimum, all ESD and other nonstructural practices shall be inspected upon completion of final grading, the establishment of permanent stabilization, and before issuance of use and occupancy approval.

[[C.]]*3.* Written inspection reports shall include:

[[1.]]*a.* The date and location of the inspection;

[[2.]]*b.* Whether construction was in compliance with the approved stormwater management plan;

[[3.]]*c.* Any variations from the approved construction specifications;

[[4.]]*d.* Any violations that exist.

[[D.]]*3.* The owner/developer and on-site personnel shall be notified in writing when violations are observed. Written notification shall describe the nature of the violation and the required corrective action.

[[E.]]*4.* No work shall proceed on the next phase of development until the city inspects and approves the work previously completed and furnishes the developer with the

results of the inspection reports as soon as possible after completion of each required inspection.

[[(2)]]*B.* Inspection Requirements During Construction.

[[A.]]*1.* At a minimum, regular inspections shall be made and documented at the following specified stages of construction:

[[1.]]*a.* For ponds:

[[a.]]*(i)* Upon completion of excavation to sub-foundation and when required, installation of structural supports or reinforcement for structures, including, but not limited to:

[[(i)]]*(A)* Core trenches for structural embankments;

[[(ii)]]*(B)* Inlet and outlet structures, anti-seep collars or diaphragms, and watertight connectors on pipes; and

[[(iii)]]*(C)* Trenches for enclosed storm drainage facilities;

[[b.]]*(ii)* During placement of structural fill, concrete, and installation of piping and catch basins;

[[c.]]*(iii)* During backfill of foundations and trenches;

[[d.]]*(iv)* During embankment construction; and

[[e.]]*(v)* Upon completion of final grading and establishment of permanent stabilization.

[[2.]]*b.* Wetlands: At the stages specified for pond construction in Section 13.28.090**[[(2)A.1.]]***B.1.a.* of this chapter, during and after wetland reservoir area planting, and during the second growing season to verify a vegetation survival rate of at least fifty (50) percent.

[[3.]]*c.* For infiltration trenches:

[[a.]]*(i)* During excavation to subgrade;

[[b.]]*(ii)* During placement and backfill of under drain systems and observation wells;

[[c.]]*(iii)* During placement of geotextiles and all filter media;

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

[[e.]]*(v)* Upon completion of final grading and establishment of permanent stabilization.

[[4.]]*d.* For infiltration basins: At the stages specified for pond construction in Section 13.28.090**[[(2)A.1.]]***B.1.a.* of this chapter and during placement and backfill of under drain systems.

[[5.]]*e.* For filtering systems:

[[a.]]*(i)* During excavation to subgrade;

[[b.]]*(ii)* During placement and backfill of under drain systems;

[[c.]]*(iii)* During placement of geotextiles and all filter media;

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

[[e.]]*(v)* Upon completion of final grading and establishment of permanent stabilization.

[[6.]]*f.* For open channel systems:

[[a.]]*(i)*During excavation to subgrade;

[[b.]]*(ii)*During placement and backfill of under drain systems for dry swales;

[[c.]]*(iii)*During installation of diaphragms, check dams, or weirs; and

[[d.]]*(iv)*Upon completion of final grading and establishment of permanent stabilization.

[[B.]]*2.* The city may, for enforcement purposes, use any one or a combination of the following actions:

[[1.]]*a.* A notice of violation shall be issued specifying the need for corrective action if stormwater management plan noncompliance is identified;

[[2.]]*b.* A stop work order shall be issued for the site by the city if a violation persists;

[[3.]]*c.* Bonds or securities shall be withheld or the case may be referred for legal action if reasonable efforts to correct the violation have not been undertaken; or

[[4.]]*d.* In addition to any other sanctions, a civil action or criminal prosecution may be brought against any person in violation of the stormwater management subtitle, the design manual, or this chapter.

[[C.]]*3.* Any step in the enforcement process may be taken at any time, depending on the severity of the violation.

[[D.]]*4.* Once construction is complete, "as-built" plan certification shall be submitted by either a professional engineer or professional land surveyor or property line surveyor licensed in the state of Maryland to ensure that ESD planning techniques, treatment practices, and structural stormwater management measures and conveyance systems comply with the specifications contained in the approved plans. At a minimum, "as-built" certification shall include a set of drawings comparing the approved stormwater management plan with what was constructed. The city may require additional information.

[[E.]]*5.* The city shall submit notice of construction completion to the administration on a form supplied by the administration for each structural stormwater management practice within forty-five (45) days of construction completion. The type, number, total drainage area, and total impervious area treated by all ESD techniques and practices shall be reported to the administration on a site-by-site basis. If BMPs requiring SCD approval are constructed, notice of construction completion shall also be submitted to the appropriate SCD.

13.28.100 - Maintenance.

[[(1)]]*A.* Maintenance Inspection.

[[A.]]*1.* The city shall ensure that preventative maintenance is performed by inspecting all ESD treatment systems and structural stormwater management measures. Inspection shall occur during the first year of operation and at least once every three years thereafter. In addition, a maintenance agreement between the owner and the city shall be executed for privately owned ESD treatment systems and structural stormwater management measures as described in Section 13.28.100**[[(2)]]***B.* of this chapter.

[[B.]]*2.* Inspection reports shall be maintained by the city for all ESD treatment systems and structural stormwater management measures.

[[C.]]*3.* Inspection reports for ESD treatment systems and structural stormwater management measures shall include the following:

[[1.]]*a.* The date of inspection;

[[2.]]*b.* Name of inspector;

[[3.]]*c.* An assessment of the quality of the stormwater management system related to ESD treatment practice efficiency and the control of runoff to the MEP;

[[4.]]*d.* The condition of:

[[a.]]*(i)* Vegetation or filter media;

[[b.]]*(ii)* Fences or other safety devices;

[[c.]]*(iii)* Spillways, valves, or other control structures;

[[d.]]*(iv)* Embankments, slopes, and safety benches;

[[e.]]*(v)* Reservoir or treatment areas;

[[f.]]*(vi)* Inlet and outlet channels or structures;

[[g.]]*(vii)* Underground drainage;

[[h.]]*(viii)* Sediment and debris accumulation in storage and forebay areas;

[[i.]]*(ix)* Any nonstructural practices to the extent practicable; and

[[j.]]*(x)* Any other item that could affect the proper function of the stormwater management system.

[[5.]]*e.* Description of needed maintenance.

[[D.]]*4.* Upon notifying an owner of the inspection results, the owner shall have thirty (30) days, or other time frame mutually agreed to between the city and the owner, to correct the deficiencies discovered. The city shall conduct a subsequent inspection to ensure completion of the repairs.

[[E.]]*5.* If repairs are not properly undertaken and completed, enforcement procedures following Section 13.28.100**[[(2)C.]]***B.3.* of this chapter shall be followed by the city.

[[F.]]*6.* If, after an inspection by the city, the condition of a stormwater management facility is determined to present an immediate danger to public health or safety because of an unsafe condition, improper construction, or poor maintenance, the city shall take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by the city shall be assessed against the owner(s), as provided in Section 13.28.100**[[(2)C.]]***B.3.* of this chapter.

[[(2)]]*B.* Maintenance Agreement.

[[A.]]*1.* Prior to the issuance of any building permit for which stormwater management is required, the city shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by a private stormwater management facility. Such agreement shall provide for access to the facility at reasonable times for regular inspections by the city or its authorized representative to ensure that the facility is maintained in proper working condition to meet design standards.

[[B.]]*2.* The agreement shall be recorded by the applicant or owner in the land records of Wicomico County.

[[C.]]*3.* The agreement shall also provide that, if after notice by the city to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within a reasonable period of time (thirty (30) days maximum), the city may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties. This may be accomplished by placing a lien on the property, which may be placed on the tax bill and collected as ordinary taxes by the city.

[[(3)]]*C.* Maintenance Responsibility.

[[A.]]*1.* The owner of a property that contains private stormwater management facilities installed pursuant to this chapter, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all ESD practices, grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices in perpetuity. Such repairs or restoration and maintenance shall be in accordance with previously approved or newly submitted plans.

[[B.]]*2.* A maintenance schedule shall be developed for the life of any structural stormwater management facility or system of ESD practices and shall state the maintenance to be completed, the time period for completion, and the responsible party that will perform the maintenance. This maintenance schedule shall be printed on the approved stormwater management plan.

Chapter 13.30 – Stormwater Utility.

13.30.010 – Creation of Stormwater Utility.

A Stormwater Utility is hereby established for the purpose of monitoring, maintaining, improving and overseeing the operation of the Stormwater System in the City of Salisbury. The Stormwater Utility shall function under the direction and supervision of the **[[Public Works]]** Department *of Infrastructure and Development* and the Director of **[[Public Works]]***Infrastructure and Development*

13.30.020 – Definitions.

C. "Department" means the Salisbury Department of **[[Public Works]]***Infrastructure and Development.*

13.30.040 – Purposes of the Fund.

L. Grants to property owners, homeowner associations and neighborhood associations to retrofit acceptable Best Management Practices. The Director of **[[Public Works]]***Infrastructure and Development* may develop this grant program to encourage BMP's. No more than twenty (20) percent of the total annual funds collected by the Utility Fee may be expended on grants each fiscal year.

1. For residential property owners that retrofit on-site stormwater management by installing BMP's, the City will establish a grant fund to reimburse the cost of construction up to fifty (50) percent.

2. Grants to nonprofit organizations may be provided for up to seventy-five (75) percent of the construction costs for retrofitting of existing stormwater management facilities to install BMP's.

13.30.060 – Classification of property for purposes of determination of the Stormwater Utility Fee.

D. Condominium Properties. Owners of residential or Commercial Condominiums will be charged a fee calculated as follows:
   1. The Fee for a Condominium property will be calculated as determined in Section 13.30.060.C.
   2. The property's fee will be divided equally among the property tax accounts for all units assigned to that Condominium by the State Assessment Office or City Department of **[[Internal Services]]***Finance*.
   3. The Department, at its sole discretion, may utilize alternative methodologies for billing fees associated with Condominiums.

G. Roads and Rights of Ways. No Fee will be charged to public roads or other property within a public right of way. A Fee will be charged to owners of private alleys, streets and roads. No Fee will be charged for a private street or road where the Director of **[[Public Works]]***Infrastructure and Development* determines that a private street or road functions primarily as a public road or street and meets current City standards.
   1. Railroad Tracks. No Fee will be charged to mainline railroad tracks devoted to movement of railroad traffic. The Fee will be charged for all other Impervious Areas associated with rail traffic, including structures, bridges and storage areas.

13.30.070 – **[[[]]**Assessment notice.**[[]]]**

A The Director of **[[Public Works]]***Infrastructure and Development* shall send assessment notices for the Fee to property owners where the fee is calculated on the basis of Section 13.30.050 C. prior to billing the Fee.

13.30.080 – Payment terms and penalties.

B. Property owners who violate the provisions of this Chapter shall be issued a written notice of the violation, which shall be delivered via first class U.S. mail, postage prepaid, to the Owner's last known address on file with the City. If the property owner does not comply within seven days of the written notice, the property owner shall be guilty of a municipal infraction and shall be subject to a fine pursuant to City Code and state law, and fines levied hereunder shall be payable to the City of Salisbury and mailed to the Department of **[[Internal Services]]***Finance* within twenty (20) days of service of the municipal infraction citation. Notice and service of a citation shall be as directed under the Local Government Article of the Maryland Annotated Code § 6-101, et seq. and § SC5-1(38), as amended, concerning municipal infractions.

13.30.090 – Request for Adjustment of the Stormwater Utility Fee.

B. An Owner may request adjustment of the Fee by submitting the request in writing to the Director of **[[Public Works]]***Infrastructure and Development* within thirty (30) days after the date the assessment notice or the bill is mailed or issued to the property owner. Grounds for correction of the Fee include:

1. Incorrect classification of the property for the purposes of determining the Fee;
2. Errors in the square footage of the Impervious Surface Area of the property;
3. Mathematical errors in calculating the Fee to be applied to the property; and
4. Errors in the identification of the property Owner of a property subject to the Fee.

E. The Director of **[[Public Works]]***Infrastructure and Development* shall make a determination within thirty (30) days after receipt of the Owner's completed written request for adjustment of the fee. The Director of **[[Public Works]]***Infrastructure and Development* decision on a request for correction of the Fee shall be final.

F. An Owner must comply with all rules and procedures adopted by the City when submitting a request for adjustment of the Fee and must provide all information necessary for the Director of **[[Public Works]]***Infrastructure and Development* to make a determination on a request for adjustment of the Fee. Failure to comply with the provisions of this subsection shall be grounds for denial of the request.

13.**[[1]]**30.110 – Financial Hardship Exemption.

A. Exemptions for property able to demonstrate substantial hardship as a result of the Stormwater Utility Fee may be granted by the Director of **[[Public Works]]***Infrastructure and Development* for residential property that can properly document a financial hardship by meeting two of the following conditions:

1. Enrollment in a Homeowner's Property Tax Credit Program;
2. Receiving an energy assistance subsidy;
3. Receiving public assistance through supplemental security income (SSI) or food stamps;
4. Receiving veterans or social security disability benefits.

EXPLANATION:

* *ITALICIZED PRINT INDICATES MATERIAL ADDED TO EXISTING LAW.*
Deleted material from the existing Code is indicated by bold double bracketed **[[ ]]** language.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 11th day of September, 2017 and thereafter, a statement of the substance of the ordinance

having been published as required by law, in the meantime, was finally passed by the Council on the 9th day of October, 2017.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

Approved by me, this 16th day of OCTOBER, 2017.

Jacob R. Day, Mayor

City of Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: City Council

From: Julia Glanz, City Administrator

Subject: Reorganization- Charter and Code Changes

Date: August 2, 2017

During the FY18 Budget Process, the Mayor and I proposed a plan to reorganize the departments within our City government in order to more appropriately align them with the City's goals and objectives.

Substantial changes that constitute this reorganization include: a one-stop-shop for all development projects, the consolidation of our code enforcement officers by relocating them all to one department, a reworking and division of the legacy structure of our Public Works department, a new focus on GIS in all City departments, an independent Procurement department, and the revocation of a previous arrangement that placed Parking under Procurement's purview. This reorganization will be evident in the functionality of our City government and will have a minimal impact on the FY18 Budget.

To further explain this reorganization, all proposed City Code and Charter changes are attached for your review, as well as the ordinance necessary to accept those changes.