

CHAPTER 13

AN ORDINANCE FOR THE CONTROL OF EROSION AND SEDIMENTATION

SECTION 1. AUTHORITY AND JURISDICTION.

A. Authority

Pursuant to the authority granted by Section 105 to Section 110, inclusive of Article 96A of the Code of Public General Laws of Maryland, title "Water Resources," subtitle "Sediment Control," the provisions of which subtitle are hereby made a part hereof, the following regulations be and the same are hereby expressly adopted by the Mayor and Council of the Town of Williamsport.

B. Jurisdiction

These regulations shall govern all the erosion and sediment-control practices for all construction in the Town of Williamsport, Maryland.

SECTION 2. DEFINITIONS AND WORD USAGE.

A. Definitions

1. Town: Within the corporate limits of the Town of Williamsport together with adjoining areas over which the town has planning jurisdiction.
2. Town Council: The Town Council of the Town of Williamsport, Maryland.
3. Development Plan: Any legally adopted part or element of the Development plan of the Town of Williamsport or its environs. This may include, but is not limited to: Zoning Ordinance, Subdivision Ordinance, Community Facilities Plan, Major Street Plan, Capital Expenditures Program and Land Use Plan.
4. Town Specifications: The Town Specifications of the Town of Williamsport, which have been adopted by the Town Council.
5. Town Engineer: The duly designated Town Engineer of the Town of Williamsport, Maryland.
6. Embankment or Fill: A deposit of soil, rock or other materials placed by man.

7. Erosion: The process by which the ground surface is worn away by action of wind or water.

8. Excavation: Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated, and shall include the conditions resulting there from.

9. Grading: Any stripping, excavating, filling, stock-piling or any combination thereof, and shall include the land in its excavated or filled condition.

10. Major Street Plan: The Major Street Plan as adopted by the Planning Commission as an element of the Development Plan, and shown on the Plat of the Town of Williamsport.

11. Owner's Engineer: The Civil Engineer registered and in good standing with the State Board of Registration of Maryland who is the agent of the owner or applicant.

B. Approved Plan and Permit Required for Land Disturbance.

Unless otherwise provided in this Ordinance, the surface of land in this Town shall not be disturbed or changed for any non-agricultural purposes whatever including, but not limited to, the construction of buildings, roads and streets, except where performed by the Town, the mining of minerals, and the development of housing, commercial, industrial or recreation areas by any private person, partnership, corporation, association or firm, or County agency except in accordance with a plan for control of erosion and sedimentation approved by the Soil Conservation District grading permit issued by the Mayor and Council of the Town of Williamsport through the Town Engineer or its duly appointed representative as hereinafter provided.

C. Exemptions.

The provisions of this Ordinance shall not apply to agricultural land management practices, or to the construction or agricultural structures, or to the construction of single-family residences or their accessory buildings on lots of one (1) acre or more.

SECTION 3. APPLICATION FOR APPROVAL AND PERMIT.

A. Application for Plan Approval and Permit.

1. Application: Prior to issuance of a grading permit, a separate application for approval shall be required for each plan. The plan, specifications and a time schedule of work shall be submitted with each

application for approval, accompanied by the applicant's certification that all land clearing, construction and development will be done pursuant to said Plan. Plans shall be prepared or approved and signed by a professional engineer, land surveyor, landscape architect, architect or other persons acceptable to the Town Council.

2. Filing of Application: Eight (8) copies of the application, with required plans, specifications and time schedule, shall be filed with the Planning Commission, to be distributed and considered within the Town Council in the same manner as provided in the Washington County, Maryland Subdivision Ordinance, as amended, including specifically the Soil Conservation District and the Town Engineer or other duly appointed persons.

3. Application Data Required: The plan and specifications accompanying the application shall, to the extent required by the Soil Conservation District or the Town Engineer, include the following data:

(a) A vicinity map drawn to a scale of not less than two thousand (2,000) feet to one (1) inch, showing the relationship of the site to its general surroundings.

(b) A plan of the site drawn to a scale of not less than one hundred (100) feet to one (1) inch showing:

(i) The boundary lines of the site on which the work is to be performed, including the approximate acreage of the site.

(ii) Existing topography on the site and on land adjacent to the site within one hundred (100) feet of the site boundary lines.

(iii) Existing contours with intervals of not more than five (5) feet where the slope is ten percent (10%) or greater, and not more than two (2) feet where the slope is less than ten (10%) percent.

(iv) Proposed improvements on the site, including present development and future utilization, if known.

(v) All drainage provisions, erosion and sediment-control measures, vegetative practices, or other protective devices to be constructed in connection with, or as part of, the proposed work.

(vi) Provisions for erosion control during construction (temporary), and during the life of the facility (permanent). Such provision shall include a timing schedule and sequence of operations indicating the anticipated starting and completion of effective erosion and sediment-control measures, and other related data such as seeding

mixes, and rates, type of sod, seedbed preparation, lime and fertilization applications, mulching.

(vii) A complete and adequate grading plan for borrow pits, quarries, and material processing facilities where applicable.

(viii) A general description of the predominant soil types on the site.

(ix) The name and address of the owner, developer and petitioner.

(x) The applicant's certification stating that all land clearing, construction and development will be done pursuant to the approved plan.

(xi) Title, scale, north arrow, date and name of individual or organization preparing plans.

(c) The plan and specifications shall be supported by such supplemental reports, data and additional information as the Soil Conservation District or the Town Engineer may reasonably require, including, but not limited to, any of the following:

(i) Finished contours at the same interval as required or used for existing topography, proposed building and pavement grades, and the elevations, dimensions, locations, extent and slope of all proposed grading.

(ii) Storm drainage computations and studies including the estimated runoff from the area served by any drains, ditch and pipe computations, and map showing the drainage area of land tributary to the site.

(iii) Field investigation reports indicating the nature, condition and characteristics of existing drainage and flooding conditions.

(iv) Results from actual soil investigations, reports or test borings, if applicable.

B. Fees and Bonds.

1. Fees: The Town Council of the Town of Williamsport, Maryland, shall from time to time, establish by resolution such fees for filing, inspection, or others deemed necessary to cover the cost of administering the provisions of this Ordinance; except that the filing fee shall be a minimum filing fee of Ten (\$10.00) Dollars per application, which can be increased by Resolution as herein set forth.

2. Insurance Policy: The applicant shall file a bond or insurance policy conditioned to protect and save harmless the Town of Williamsport from all claims for damages to property or injury to persons by reason of such construction, alteration, clearing, grading or grubbing work.

3. Security Bond: The applicant shall file concurrently with the insurance policy, as stipulated under §3.B. Paragraph 2, a security bond from a person, firm or company qualified to transact business in the State of Maryland or residing in the State of Maryland in an amount equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the City in the event of default of the applicant; subject to approval of the Town Council.

4. Bonding and Insurance agencies, individuals, persons, firms or companies shall be released from financial responsibility upon official acceptance of the work or expiration of the guaranteed maintenance period, as may be appropriate.

C. Supervision and Control.

1. Failure to Comply: All construction, alteration, clearing, grading or grubbing work for which a permit is granted hereunder shall be under the control of the Town Council of the Town of Williamsport, Maryland, through its duly authorized representative. The Town Council or its representative shall have the authority to cause all operations for which a permit is granted hereunder to cease when the permittee fails to comply with one (1) or more of the Town standards.

2. Extension of Time: When a permit has been issued, work thereunder must be commenced within thirty (30) days and thereafter to be continued to conclusion of all work. Upon showing a reasonable necessity, the Town Engineer, or other representative of the Council, may extend the expiration date of a permit without payment of additional fee. A permit shall automatically expire one (1) year after its issuance. No extension shall be granted unless the bond filed with the permit by its terms continues in full force and effect or a new bond is filed.

3. Failure to Correct Deficient Work: Upon failure of permittee to correct deficient work within thirty (30) days of receipt of notice to do so, the Town Council may order the work appropriately revised and cost thereof recovered as stipulated under §3.B. Paragraph 3.

4. Inspection Services: Inspection services will be maintained by the Town Council of the Town of Williamsport to assure compliance with the permit.

SECTION 4. STANDARDS.

A. Design Standards for Erosion and Sediment Control.

All grading plans and specifications shall include provisions for erosion and sediment control in substantial accordance with "Design Manual for Erosion and Sediment Control for Hagerstown, Washington County, Maryland, 1970," which is hereby incorporated in this Ordinance by reference.

B. Approval of Application.

In the application conforms substantially to the requirements of this Ordinance, the Soil Conservation District shall approve same and forward one (1) copy to the Town Clerk, and two (2) copies to the Planning Commission, Williamsport, Washington County, which shall issue one (1) of such copies, with a grading permit, to the applicant forthwith. If the application does not so conform, the application shall be disapproved by the Soil Conservation District, and its written approval, with the reasons therefore, shall be forwarded and issued in the same manner as above provided for approvals. Applications may be modified at any time subsequent to filing.

In the event the application is not acted upon, passed or rejected within sixty (60) days of filing, same shall be considered approved.

C. Responsibility of Applicant.

During grading operations, the Applicant shall be responsible for carrying out the proposed work in accordance with the grading permit, approved plan, specifications and time schedule, and in compliance with all the requirements of this Ordinance.

D. Maintenance Requirements.

Persons carrying out soil erosion and sediment-control measures under this Ordinance, and all subsequent owners of property concerning which such measures have been taken, shall maintain all permanent anti-erosion devices, retaining walls, structures, plantings and other protective devices.

E. Variances and Exceptions.

The Planning Commission of Williamsport, with the approval of the Mayor and Council may, upon application to it and showing of undue hardship, grant variances and exceptions to any of the provisions of this Ordinance, provided such variance or exception is in harmony with its general purpose and intent.

F. Violations and Penalties.

Any person who violates any of the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor, punishable by fine of no greater than Five Hundred (\$500.00) Dollars, and each day of violation shall be considered a separate offense.

G. Appeals.

Any applicant who shall feel aggrieved by any action, or inaction, of the Soil Conservation District or the Town Engineer, or by any action of the Planning Commission of Williamsport, Washington County, may appeal to the Circuit Court of Washington County, which shall hear the same de novo. Such appeal shall be filed within thirty (30) days of the action complained of and within a reasonable time after inaction complained of.

H. Severability.

If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

DATE OF PASSAGE: March 6, 1972
EFFECTIVE DATE: March 26, 1972
REENACTED: September 11, 1989

Former Chapter 11 in 1989 Condification.