

Article 7. Stormwater Management Ordinance

Section 7-701. Stormwater Management

The Mayor and Commissioners of the Town of North East hereby adopts the Cecil County Stormwater Management Ordinance adopted May 4, 2010, and all subsequent amendments that may be made from time to time. The Cecil County Stormwater Management Ordinance is hereby incorporated herein by reference as fully as if set forth verbatim herein. All standards, requirements, rights and liabilities shall be applicable within the corporate boundaries of the Town of North East and any penalties or other sanctions for violations of said Ordinance shall be applicable within the corporate boundaries of the Town of North East just as they are applicable outside of said boundaries. Cecil County has agreed to administer and enforce the Ordinance within the corporate limits of the Town of North East.

(Amended 11/30/10 by Ordinance 2010-10-01)

Section 7-702. National Pollutant Discharge Elimination System

The purpose of this section is to provide for the health, safety, and general welfare of the citizens of the Town of North East through the regulations on non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This section establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this section are:

1. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user
2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

(Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-703. Definitions

As used in this article, the following terms shall be defined as follows:

Authorized Enforcement Agency

Employees or designees of the Administrator of the municipal agency designated to enforce this Ordinance.

Best Management Practices (BMPs)

Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act

The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity

Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 5 acres or more. Beginning in March 2003, NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials

Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge

Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section X of this Ordinance.

Illicit Connections

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an Authorized Enforcement Agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an Authorized Enforcement Agency.

Industrial Activity

Activities subject to National Pollutant Discharge Elimination System Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System Storm Water Discharge Permit
Means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge

Any discharge to the storm drain system that is not composed entirely of storm water.

Person

Means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant

Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, Ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises

Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System

Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water

Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan

A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater

Means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

(Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-704. Applicability

This Ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an Authorized Enforcement Agency.

(Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-705. Responsibility for Administration

The Authorized Enforcement Agency shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the Authorized Enforcement Agency may be delegated in writing by the Director of the Authorized Enforcement Agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

(Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-706. Severability

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

(Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-707. Ultimate Responsibility

The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-708. Discharge Prohibitions

1. Prohibition of Illegal Discharges – No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- a. The following discharges are exempt from discharge prohibitions established by this Ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), firefighting activities, and any other water source not containing Pollutants.
- b. Discharges specified in writing by the Authorized Enforcement Agency as being necessary to protect public health and safety.
- c. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- d. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

2. Prohibition of Illicit Connections

- a. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- b. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- c. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-709. Suspension of MS4 Access

1. Suspension due to Illicit Discharges in Emergency Situations

The Authorized Enforcement Agency may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Authorized Enforcement Agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

2. Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Authorized Enforcement Agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the Authorized Enforcement Agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Authorized Enforcement Agency.

(Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-710. Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Authorized Enforcement Agency prior to the allowing of discharges to the MS4.

(Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-711. Monitoring of Discharges

1. Applicability

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

2. Access to Facilities

- a. The Authorized Enforcement Agency shall be permitted to enter and inspect facilities subject to regulation under this Ordinance as often as may be necessary to determine compliance with this Ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Authorized Enforcement Agency.
- b. Facility operators shall allow the Authorized Enforcement Agency ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- c. The Authorized Enforcement Agency shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Authorized Enforcement Agency to conduct monitoring and/or sampling of the facility's storm water discharge.
- d. The Authorized Enforcement Agency has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

- e. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Authorized Enforcement Agency and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- f. Unreasonable delays in allowing the Authorized Enforcement Agency access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the Authorized Enforcement Agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Ordinance.
- g. If the Authorized Enforcement Agency has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Authorized Enforcement Agency may seek issuance of a search warrant from any court of competent jurisdiction.

Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-712. Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the use of Best Management Practices

The Authorized Enforcement Agency will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the

provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-713. Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-714. Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Authorized Enforcement Agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Authorized Enforcement Agency within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-715. Enforcement

Notice of Violation

Whenever the Authorized Enforcement Agency finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Authorized

Enforcement Agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illicit connections or discharges;
- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- e. Payment of a fine to cover administrative and remediation costs; and
- f. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-716. Appeal of Notice of Violation

Any person receiving a Notice of Violation may appeal the determination of the Authorized Enforcement Agency. The notice of appeal must be received within 15 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-717. Enforcement Measures after Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 15 days of the decision of the municipal authority upholding the decision of the Authorized Enforcement Agency, then representatives of the Authorized Enforcement Agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the

government agency or designated contractor to enter upon the premises for the purposes set forth above.

Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-718. Cost of Abatement of the Violation

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment and shall be collected in the same manner as unpaid municipal taxes are collected. Any person violating any of the provisions of this article shall become liable to the town by reason of such violation. The liability shall be paid in not more than twelve (12) equal payments. Interest at the rate of one (1) percent per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-719. Injunctive Relief

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Section. If a person has violated or continues to violate the provisions of this ordinance, the Authorized Enforcement Agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7- 720. Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the Authorized Enforcement Agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7- 721. Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a

threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-722. Misdemeanor Prosecution

Any person that has violated or continues to violate this Ordinance shall be liable to misdemeanor prosecution to the fullest extent of the law, and shall be subject to a misdemeanor penalty of a fine not exceeding one thousand dollars (\$1,000.00), or imprisonment not exceeding six (6) months or both such fine and imprisonment. The Authorized Enforcement Agency may recover all attorney's fees, court costs and other expenses associated with enforcement of this Ordinance, including sampling and monitoring expenses.

Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-723. Remedies not Exclusive

The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Authorized Enforcement Agency to seek cumulative remedies.

Section Added 04/12/23 by Ordinance 2023-03-01)

Section 7-724. Stormwater Management Utility Program

1. Authority:

This section is enacted pursuant to the Annotated Code of Maryland, Environment

Article § 4-204(d) which authorizes municipalities to adopt a system of charges to fund the implementation of stormwater management programs.

2. Purpose:

To protect the public health, safety and welfare, the Town's stormwater management, storm drainage, and water quality programs must be supported by an adequate, sustainable source of revenue. All real property in the Town, including property owned by public and tax-exempt entities, benefits from these Town programs and services. Those with higher amounts of impervious surface area contribute greater amounts of stormwater or pollutants to the Town's stormwater management facilities, storm drains, and streams, and therefore should carry a proportionate burden of the cost. The Town has determined that it is in the interest of the public to enact a stormwater management utility fee that allocates program costs to all property owners based on impervious surface area measurement.

3. Definitions:

For the purposes of this Section, the following terms have the meanings given:

“2000 Design Standards” means the standards established in the 2000 Maryland Stormwater Design Manual.

“Community Association” means a mandatory membership organization created for the maintenance of commonly owned real estate and improvements where the members are required to adhere to a set of rules and to pay certain assessments.

“Community Association” includes homeowners’ associations and commercial property owners’ associations.

“Commercial lot” means any lot that is used for a non-residential purpose and that is located in an RO, R-4, VC, VM, GC, LC, L1 or HI zoning district, or within the commercial component of any mixed use development.

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

“ESD to the MEP” environmental site design implemented to the maximum extent practicable, as defined in the Stormwater Management Ordinance Section 7-701 of this Article.

“Impervious surface” means a surface that is compacted or covered with material that is resistant to infiltration by water, including but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and other oiled, graveled, graded, compacted or similar surfaces that impedes the natural infiltration of surface water and from which stormwater runoff will be produced.

“Impervious surface area” means the number of square feet of horizontal surface covered by buildings and other impervious surfaces.

“Multifamily dwelling” means a building containing three or more dwelling units.

“Percent Impervious factor of PIF” means average percent impervious surface area as defined in this Section.

“Single family dwelling” means a dwelling unit designed and used exclusively by one family and surrounded on all sides by yards or other open space.

“Structural management facilities” include facilities that include recharge storage as a portion of the full water quality treatment volume if they are subject to routine structural maintenance.

“Townhouse dwelling” means one a series of two or more attached dwelling units separated from one another by continuous party walls, which are without openings from the lowest floor level to the highest point of the roof.

“Unit rate” means the stormwater management utility fee for 1,180 square feet of impervious surface area, as established by the fee schedule ordinance in effect at the time the fee is calculated.

(Section Added 05/22/19 by Ordinance 2019-05-01), (Section Renumbered 04/12/23 by Ordinance 2023-03-01)

Section 7-725. Stormwater Management Fund

1. Establishment. The Town’s Stormwater Management Fund is a dedicated enterprise fund. It will be used only to fund stormwater management, storm drainage, and water resources programs and services.
2. Revenue. The following revenue will be deposited into the Stormwater Management Fund:
 - a. All fees established by the Mayor and Commissioners to cover the cost of administering the provisions of the Town’s Stormwater Management Ordinance (Section 7-701. Of this Article), including but not limited to application and permit fees and fines and waiver fees;
 - b. All revenue collected from the imposition of the utility fee pursuant to this Section;
 - c. Any other revenue as may be determined by the Mayor and Commissioners, including but not limited to grants and special appropriations.
3. Expenses. The Town may use the Stormwater Management Fund only for the following expenses:
 - a. Regulatory review and inspection of stormwater management, sediment control, and storm drainage for development permits;

- b. Watershed, stormwater management, floodplain, and storm drainage conveyance studies and planning.
 - c. The study, design, purchase, construction, expansion, retrofit, repair, maintenance, landscaping, operation or inspection of stormwater management facilities, storm drainage, and other watershed improvements;
 - d. Land acquisition (including easements and rights-of-way) for stormwater management facilities or storm drainage;
 - e. Water quality programs related to State or Federal laws, including requirements for the Town's National Pollution Discharge Elimination System permits;
 - f. Water quality monitoring, inspection, and enforcement activities, including illicit discharge and illicit connection investigations;
 - g. Water quality and pollution prevention education and outreach activities;
 - h. Program administration and implementation, including reasonable operating and capital reserves to meet unanticipated or emergency requirements for stormwater management, storm drainage and water quality; and
 - i. Other stormwater management, storm drainage, and water quality programs that are reasonable required to protect safety or meet applicable regulatory requirements.
4. Applicability:
Except as otherwise provided in this Section, this Section applies to all improved real property in the Town, including but not limited to government-owned real property and real property that is tax exempt from property tax by Title 7 of the Tax Property Article of the Annotated Code of Maryland.
5. Administrative regulations:
The Mayor and Commissioners may develop and implement administrative regulations as needed to implement the provisions of this Section, including but not limited to procedures for the application for and granting of credits.

(Section Added 05/22/19 by Ordinance 2019-05-01), (Section Renumbered 04/12/23 by Ordinance 2023-03-01)

Section 7-726. Stormwater Management Utility Fees

1. Establishment. The Town shall charge a quarterly stormwater management utility fee on all improved real property in the Town based on the amount of impervious surface area on each property and the cost of implementing the Town's stormwater management, storm drainage, and water quality programs. Except as otherwise provided in this Section, the owner of each lot is responsible for paying the stormwater management utility fee imposed for that lot. Any real property added to the State assessment role after July 1 or annexed into the Town after July 1 may be subject to a prorated charge.
2. Single family dwellings, townhouse dwellings and condominiums. The utility fee for single family dwellings, townhouse dwellings and condominiums will be calculated on an equivalent residential unit of 1180 square feet of impervious surface regardless of the actual amount of impervious surface.
3. Apartment complexes. The utility fee for apartment complexes, will be calculated by dividing the actual square footage of impervious surface by 1180 square feet, rounded to the next whole number.
4. Commercial, Institutional and Industrial. The utility fee for commercial, institutional and industrial lots, will be calculated by dividing the actual square footage of impervious surface by 1180 square feet, rounded to the next whole number.
5. Other improved lot fees. The utility fee for other improved lots for which a calculation is not provided in this section will be calculated by dividing the actual square footage of impervious surface by 1180 square feet, rounded to the next whole number.
6. Common areas. Common areas owned by a community association will be charged based on the total impervious surface area of the common area.
7. Roads and other rights of way. The Town will not charge a stormwater utility fee for public roads or other property within a public right of way. The Town will charge a stormwater utility fee to owners of private rights of way, meaning those rights of way that have not been dedicated to public use and are not maintained by the Town or other government agency.

(Section Added 05/22/19 by Ordinance 2019-05-01), (Section Renumbered 04/12/23 by Ordinance 2023-03-01)

Section 7-727. Impervious Surface Area Measurements

1. Methods.
 - a. For the purpose of calculating stormwater management fees for residential development, all residential units comprised of single family, condominium and townhouses shall be based on an equivalent residential unit of 1180 square feet of impervious surface regardless of the actual amount of impervious surface.
 - b. For the purpose of calculating equivalent residential units for all other properties comprised of apartment complexes, commercial, institutional and industrial units, the stormwater management fee shall be calculated by dividing the actual square footage of impervious surface by 1180 square feet rounded to the next whole number.
2. Exemptions. An impervious surface area is exempt from measurement for purposes of this Section if the area is:
 - a. Less than 100 square feet and located within an unimproved lot; and
 - b. Located within a public right of way.
3. Credits. The Mayor and Commissioners may adopt by Resolution a policy for granting credits to Commercial, Institutional, Industrial and other tax exempt properties as the need arises.

Section Added 05/22/19 by Ordinance 2019-05-01), (Section Renumbered 04/12/23 by Ordinance 2023-03-01)

Section 7-728. Collection

1. Means of collection. The stormwater management fee will be billed and collected quarterly. The fee will be included as a separate line item from the quarterly water bill for each property subject to the fee. Payments received will first be applied to the stormwater management fee before any amount is applied towards the water bill.
2. Common areas. Except as otherwise provided in this subsection, the utility fee for common areas owned by community associations will be billed directly to the community association.

3. Delinquency. Any unpaid stormwater management utility fee will be a lien against the property to be collected in the same manner as unpaid municipal taxes are collected.
4. Adjustments.
 - a. Submission of request. Within 30 days after a bill is mailed or issued to a property owner, the property owner may request an adjustment of the utility fee. A request for an adjustment must be submitted to the Director of Finance in writing, stating the grounds for the request. Additional submittal requirements may be set forth in the administrative regulations.
 - b. Criteria. The Director of Finance may adjust the utility fee if:
 - (i) The property was incorrectly classified under Section 7-704;
 - (ii) The impervious surface area was measured incorrectly;
 - (iii) There is a mathematical error in calculating the utility fee;
or
 - (iv) The property owner invoiced for the fee was identified in error.
 - c. Appeals. The decision of the Director of Finance on a utility fee adjustment in a final decision from which an aggrieved party may appeal, within 30 days after the decision, to the Circuit Court of Cecil County in accordance with Title 7, Chapter 200 of the Maryland Rule.

Section Added 05/22/19 by Ordinance 2019-05-01, (Section Renumbered 04/12/23 by Ordinance 2023-03-01)

Article 8. Residential Sprinkler Program

Section 8-101. Definitions

New Residential Construction shall mean and include construction for which a construction authorization is issued for new or replacement single family dwellings, two-family dwellings, multiple-family dwellings and duplexes. New residential construction shall mean and include a new or replacement accessory dwelling unit which is constructed on the same parcel/lot as a new or replacement single family dwelling, two-family dwelling, multiple-family dwelling or a duplex.

Section 8-102. Applicability

The requirements of this Ordinance shall apply to all new residential construction on all existing lots, future lots or proposed new subdivision within the Town of North East which has received preliminary plan approval and for which a construction authorization has not been issued and is requested on or after June 1, 2007.

The requirements of this Ordinance shall supercede the requirements of the Code of Ordinances of the Town of North East Article 9 The Building Code.

Section 8-103. Requirements

Every new residential construction on all existing lots, future lots or proposed new subdivision within the Town of North East shall be required to install an interior automatic fire sprinkler system. The automatic fire sprinkler system shall be installed and maintained in accordance with the most recent version of the standards as promulgated by the National Fire Protection Association (NFPA) as may be modified and adopted by the State of Maryland Fire Prevention Code, as amended from time to time. Interior fire sprinkler systems required pursuant to this Ordinance may be connected to the domestic water supply supplying the residence, provided the water supply is of adequate pressure, capacity and sizing for the combined domestic and sprinkler system requirements and proper back flow valves are installed.

(Article Added 05/29/07 by Ordinance 2007-04-01)

Article 9. The Building Code

Section 7-901. Building Code

SECTION 1. Adoption of Building Code

That a certain document, a copy of which is on file in the office of the Administrator of the Town of North East being marked and designated as "The BOCA National Building Code, Tenth Edition, 1987" as published by the Building Officials and Code Administrators International, Inc. be and is hereby adopted as the Building Code of the President and Commissioners of the Town of North East in the State of Maryland; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Building Code, are hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 3 of this Ordinance.

SECTION 2. Inconsistent Ordinances Repealed

That all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3. Additions, Insertions and Changes

That the following sections are hereby revised as follows:

Section 100.1 (page 1, second line). Insert: Town of North East, Maryland.

Section 103.4 (page 3, first line). Insert (date)

Section 114.3.1 (page 11, third line). Insert (Parking Permit \$25.00; Zoning Permit \$10.00; Site Plan Review \$75.00)

Section 117.4 (page 13, sixth and seventh lines). Insert (offense, dollar amount, number of days)

Section 118.2 (page 13, fourth and fifth lines). Insert (dollar amounts in two locations)

Section 123.3 (page 17, second line). Insert (dollar amount)

Section 2906.1 (page 438, first, second and third lines). Insert (dollar amounts in three locations)

SECTION 4. Saving Clause

That nothing in this Ordinance or in the Building Code hereby adopted

shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 5. Date of Effect

That the Town Administrator shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force and effect twenty (20) days after this date of final passage and approval.

Article 10. Water Shortage, Emergencies and ConservationSection 7-1001. Declaration

Whenever by reason of a prolonged drought or a failure of equipment or otherwise, the Town Administrator and the President and Commissioners become aware that a shortage of water in the Town water system is anticipated unless the use of water nonessential to the public health, safety and welfare is curtailed, they may declare a water emergency and direct action be taken in accordance with the provisions set forth below.

Section 7-1002. Conservation Stages

There shall be three stages of water conservation known respectively as Conservation Stages 1, 2 and 3. The President and Commissioners may institute any of the distinct Stages depending on the seriousness of the water shortage as determined by the Board's judgment.

Section 7-1003. Stage 1 - Voluntary Conservation

When it is determined in the judgment of the President and Commissioners that a water shortage exists which warrants the institution of a voluntary effort, then at that time the Board shall make a public announcement in the news media that a Stage 1 voluntary water conservation is in effect and in said announcement persons will be urged to conserve water in every way possible in their homes and business. Persons will specifically be urged to avoid sprinkling their lawns and avoid watering gardens, shrubs or trees with a hose unless absolutely necessary.

Section 7-1004. Stage 2 - Water Rationing

Whenever it is determined in the judgment of the President and Commissioners that the water shortage warrants a Stage 2 water rationing, then at that time the Board shall declare that Stage 2 Water Rationing is in effect. Under Stage 2 water rationing, the following restrictions apply: No person shall use water to sprinkle a lawn or to water any garden, tree or shrub through a hose except between the hours of 8:00 P.M. and midnight or between the hours of 6:00 A.M. and 10:00 A.M. on any day when sprinkling is permitted. Sprinkling, within the permitted hours, shall only be allowed on even number calendar days at locations with even numbered addresses and on odd number calendar days at locations with odd numbered addresses. These restrictions shall apply to all residences and businesses; however, they shall not apply to any person, firm or corporation in the business of growing or selling plants of any kind.

Also there shall be no washing of automobiles except at places of business where automobiles are washed on every business day as part of that business.

During Stage 2 water rationing no swimming pools shall be filled; however, swimming pools that were filled prior to Stage 2 institution may have water added to them to make up for losses due to evaporation and splashing.

Section 7-1005. Stage 3 - Emergency Rationing

Whenever it is determined in the judgment of the President and Commissioners that the shortage of water warrants emergency rationing, then and in that event the Board shall declare that a Stage 3 Emergency Rationing is in effect. Under Stage 3 emergency rationing, the following restrictions apply: No person shall use any water to sprinkle any lawn or use water through a hose to water any garden, tree or shrub except that these restrictions shall not apply to any person, firm or corporation engaged in the business of growing and selling of plants of any kind.

Also there shall be no washing of automobiles except at places of business where automobiles are washed on every business day as part of that business.

Finally no swimming pools shall be filled nor shall any water be added to said swimming pools.

Section 7-1006. Status Reports

The Supervisor of the Town Water Plant will make reports to the Town Administrator at least once a week during the time that any water rationing stage is in effect. The President and Commissioners will review the reports and consider any changes that may be desirable in the regulations as set out in this Ordinance.

Section 7-1007. Termination

Whenever the Supervisor of the Town Water Plant shall inform the Board of Commissioners that a danger of a water shortage in the Town's water system no longer exists, then and in that event the President and Commissioners may take action to terminate the water emergency stages and declare the date and time of termination and shall cause a public notice to be given as to the date and time of said termination.

Section 7-1008. Notice

Whenever the President and Commissioners determine that a water shortage exists of sufficient severity to invoke any of the stages hereinbefore described, they shall give notice of such action by passing a Resolution at a regular or special meeting of the President and Commissioners and notifying the news media of such action. Notice may also be given personally by leaving flyers at the door of water consumers or by any other reasonable means. For purposes of enforcement, it shall be sufficient to have a notice published in a newspaper of general circulation in Cecil County; all effected persons will be deemed to have Legal Notice thereafter.

Section 7-1009. Emergency Provisions - Powers of Town Administrator.

When in the judgment of the Town Administrator, an emergency situation exists under which steps must be taken before the President and Commissioners can convene, the Town Administrator may invoke any of the three stages on his or her own initiative by following the notice provisions hereinbefore set forth. In such event, Town Administrator shall consult as quickly as possible with the President and the Commissioner who is designated Water Commissioner as well as the Supervisor of the Town Water Plant. When said provisions are invoked by the Town Administrator, they shall remain in effect until terminated by the Town Administrator or by a regular or special meeting of the President and Commissioners. When such measures are invoked by the Town Administrator, the President and Commissioners shall be informed at their next meeting of the circumstances prompting said action. The President and Commissioners may choose to ratify or terminate the action at that time.

Section 7-1010. Penalty

Any person, firm or corporation violating any provision of this Ordinance is guilty of a municipal infraction and shall be fined not less than \$100.00 nor more than \$400.00 for each offense, and a separate offense shall be deemed committed on each day during which the violation occurs or continues.

Section 7-1011. Emergency Repair Authority

Whenever it is determined in the judgement of the Mayor and Commissioners, their employees and/or agents that any water main, line, conduit, tap, valve, meter, crock, crock lid, curb stop, remote meter, fire hydrant, machinery or appurtenant located upon private property is in need of necessary and emergency repair to preserve the integrity of the North East Water system and safety of its users and property, and the owner or owners of such property cannot be located or fail to make the necessary and emergency repair after being notified by the Town of the need for such repairs, the Town of North East, its employees and agents may enter upon such property and perform and make all emergency repairs necessary to preserve the integrity of the North East Water system, the safety of its users, and prevent damage to public and private property.

Charges and expenses incurred by the Town shall be a lien upon the real estate and collected in the same manner as water charges and taxes.
(Section Added 12/10/95 by Ordinance 95-10-2)