



Introduced and Read First Time: 17 October 2018

Read Second Time: 7 November 2018

Adoption of Ordinance on: 12 December 2018

Effective Date: 12 January 2018

TOWN OF BRENTWOOD

ORDINANCE NO: 2018-05

An Ordinance to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with land disturbances.

Whereas the goal of this ordinance is to minimize soil erosion and prevent off-site sedimentation by using soil erosion and sediment control practices designed in accordance with the Code of Maryland Regulations (COMAR) 26.17.01, the 2011 Maryland Standards and Specifications (Standards and Specifications) and the Stormwater Management Act of 2007; and

Whereas implementing this Ordinance will help reduce the negative impacts of land development on water resources, maintain the chemical, physical, and biological integrity of streams, and minimize damage to public and private property.

The Mayor and Council of the Town of Brentwood upon adoption of this ordinance does hereby ordain as follows:

Section 1. It shall be unlawful for any person to disturb any existing vegetation, grades, and contours of land in a manner which may increase the potential for soil erosion, without first applying for a permit from the Mayor and Council of the Town of Brentwood. Applicants shall receive a letter of soil erosion and sedimentation control plan approval only after all required tree protection fencing is installed and inspected.

Before installing any approved erosion and sedimentation control measures the applicant must have received the letter of soil erosion and sedimentation control plan approval. No land disturbing activity, other than the installation of the erosion and sedimentation control measures, shall be started until the town issues a certificate of compliance to the applicant. A certificate of compliance will be issued once all the

measures shown on the approved soil erosion and sedimentation control plan are installed, inspected and approved. Sites must follow the approved soil erosion and sedimentation control plan which includes the construction sequence.

Section 2. Unless otherwise exempt, a landowner or designated agent who contracts for, allows, or engages in, an earth change in the Town shall obtain a Town permit which shall be kept current throughout all active earth change operations, before commencing an earth change which:

- (1) Disturbs one (1) or more acres of land; or
- (2) Is within five hundred (200) feet of any waters of the Town and wetlands.

An applicant is responsible for submitting erosion and sediment control plans that meet the requirements of the State of Maryland, Prince George's County, and this Ordinance. The plans shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and the effectiveness and acceptability of measures proposed to minimize soil erosion and off- site sedimentation. This ordinance therefore mandates that:

- (1) It shall be unlawful to permit, authorize or conduct an earth change without first obtaining a Town permit with approved plans from the Mayor and Council, unless a permit and/or plans are not required under the provisions of set forth by the Town.
- (2) Clearing and grading of sites greater than five (5) acres of land must be phased to minimize the total amount of disturbed land on the site at any one time.
- (3) The applicant shall submit erosion and sediment control plans and any supporting computations to the Town for review and approval. The erosion and sediment control plans shall contain sufficient information, drawings, and notes to describe how soil erosion and off-site sedimentation will be minimized. The Town shall review the plans to determine compliance with this article and the standards and specifications prior to approval. The plans shall serve as a basis for all subsequent grading, stabilizing, clearing and grading contrary to the plan is prohibited.
- (4) At a minimum, a concept plan must include the mapping of natural resources and sensitive areas including highly erodible soils and slopes greater than fifteen (15) percent. These areas are to remain undisturbed or an explanation must be included with either the concept or site development plan describing enhanced protection strategies for these areas during construction.

- (5) A site development plan submittal must include all concept plan information and indicate how proposed erosion and sediment control practices will be integrated with proposed storm water management practices. The latter is to be done through a narrative and an overlay plan showing both ESD and erosion and sediment control practices. An initial sequence of construction and proposed project phasing to achieve the grading unit restriction should be submitted with the site development plan.
- (6) An applicant shall submit a final erosion and sediment control plan to the Town for review and approval.
- (7) The Town shall notify the applicant of approval or reasons for the disapproval or modification within forty-five (45) days after submission of the erosion and sediment control plan. If a decision is not made within forty-five (45) days, the Town shall inform the applicant of the status of the review process and the anticipated completion date. The erosion and sediment control plan shall not be considered approved without the inclusion of the signature and date of signature of the Mayor and Council.
- (8) Approved plans remain valid for one (1) year from the date of approval unless otherwise specified.

Section 3. Soil erosion sedimentation control permit exemptions

No person shall disturb land without implementing soil erosion and sediment controls in accordance with the requirements of this Ordinance and the Standards and Specifications except as provided within this section.

A permit is not required for any of the following:

- (1) Normal road and driveway maintenance, such as grading or leveling, that does not increase the width or length of the road or driveway and that will not contribute sediment to lakes or streams.
- (2) An earth change of a minor nature that is stabilized within twenty-four (24) hours of the initial earth disturbance and that will not contribute sediment to lakes or streams.
- (3) Clearing or grading activities that are subject exclusively to State approval and enforcement under State law and regulations.

Section 4: Fees and Fines

- (1) The Mayor and Council of the Town shall, by resolution, establish license and registration fees, impoundment and boarding fees, and a schedule of municipal infraction fines for this chapter.
- (2) Fines for violations of this chapter shall increase with each subsequent violation, as provided by the resolution of the mayor and council.
- (3) All expenses including all administrative, attorney or other professional fees incurred by the Town to construct, implement, and maintain soil erosion and sedimentation control measures to bring land into conformance with the rules of this article shall be reimbursed to the Town by the person who owns the land.
- (4) The Town shall have a lien against nonconforming property for the expenses incurred for bringing the land into conformance with the Rules or this article.

Section 5: Provisions Severable.

The provisions of this Ordinance shall be construed as severable and should any section or part thereof be held unconstitutional or for any reason invalid or unenforceable by a court of competent jurisdiction hereto the unaffected portions thereof shall remain valid and shall be given full force and effect.

Section 6: Conflicts:

All Ordinances or parts of Ordinances in conflict with any other Ordinance and any of the provisions of this Ordinance are hereby repealed.

Section 7: Effective Date.

This Ordinance shall become effective thirty (30) days after its passage and adoption.

PASSED AND ADOPTED this 12th day of December 2018

SOIL EROSION AND SEDIMENTATION CONTROL FEES

COMMERCIAL DEVELOPMENTS

Plan Review & Permit Fee \$400

COMMERCIAL INSPECTION DEPOSITS

1 Acre or Less \$2,000 1 year permit

Over 1 Acre, Less Than 5 Acres \$2,500 1 year permit

5 Acres or More, Less Than 10 Acres \$3,000 1 year permit

Inspection Deposit – Permit Extension Amount Determined by Engineer

Security Deposit \$1,000 Min. Determined by Engineer

SUBDIVISIONS, SITE CONDOS & CLUSTER DEVELOPMENTS

Plan Review & Permit Fee \$400

Inspection Deposit \$3,000 1 year permit

Inspection Deposit – Permit Extension Amount Determined by Engineer

Security Deposit \$1,000 Min./Determined by Engineer

RESIDENTIAL NEW HOME CONSTRUCTION – PERMIT REQUIRED

Permit Application Fee \$10

Plan Review & Permit Fee \$100

Inspection Deposit \$2,000 1 year permit

Deposit – Permit Extension Amount Determined by Engineer

Security Deposit \$500 Min./Determined by Engineer

Attest:

Quianna Taylor

Quianna M. Taylor
Town Clerk

Mayor and Council of the Town of Brentwood

Rocio Treminio-Lopez

Rocio Treminio-Lopez, Mayor

Victor R. Olano

Victor R. Olano, Vice Mayor



Jerry L. Burgess

Jerry L. Burgess, Council Member

Tonya Y. Harrison

Tonya Y. Harrison, Council Member