

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2006 Legislative Session

Legislative Day # 6

BILL NO. 2006-10

Introduced by: Charles County Commissioners

GRADING AND SEDIMENTATION CONTROL

Date introduced: 05 / 1 / 06

Public Hearing: 05 / 16 / 06 @1:30 p.m.

Commissioners Action: 06 / 05 / 06 Adopt

Commissioner Votes: WC: Y, RF: Y, CK: Y, EP: Y, AS: Y

Pass/Fail: Pass

Effective Date: 07 / 20 / 06

Remarks:

NOTE: CAPITALS indicate matter added to existing text.
[Brackets] indicate matter deleted from existing law.

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2006 Legislative Session

| | |
|----------------------|------------------------------|
| Bill No. | 2006-10 |
| Chapter No. | 244 |
| Introduced by | Charles County Commissioners |
| Date of Introduction | 5/1/2006 |

BILL

1 AN ACT concerning

2 **Grading & Sedimentation Control**

3
4 FOR the purpose of

5 adding new provisions and clarifying or modifying existing provisions of the
6 Charles County Grading & Sediment Control Ordinance

7
8 BY repealing and reenacting, with amendments:

9
10 Chapter 244 - Grading & Sedimentation Control
11 *Code of Charles County, Maryland*
12 (January 1, 2001 Edition)

13
14 **SECTION 1.** BE IT ENACTED BY THE COUNTY COMMISSIONERS OF
15 CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read
16 as follows:
17
18
19
20

1 **Article I, Purpose and Authority**

2 **§ 244-1. Purpose and authority**

3
4 The purpose of this Chapter is to safeguard the natural resources of Charles County
5 by establishing minimum requirements for stripping, excavating, and filling of land; for
6 control of soil erosion and sediment; and to establish procedures by which these
7 requirements are to be administered and enforced.

8
9 The provisions of this Chapter pursuant to [Natural Resources Article Sections 8-
10 1101 through 8-1108] TITLE 4, ENVIRONMENT ARTICLE, Annotated Code of
11 Maryland are adopted under the authority of the Charles County Code and shall apply to
12 all grading occurring within the unincorporated area of Charles County, Maryland. The
13 application of this Chapter and the provisions expressed herein shall be the minimum
14 GRADING AND erosion and sediment control requirements and shall not be deemed a
15 limitation or repeal of any other powers granted by State statute. The Charles County
16 Department of [Public Works] PLANNING & GROWTH MANAGEMENT shall be
17 responsible for coordination and enforcement of the grading provisions of this Chapter.
18 The [Administration] MARYLAND DEPARTMENT OF THE ENVIRONMENT or its
19 designated County Agency OR DEPARTMENT, shall be responsible for the coordination
20 and enforcement of the erosion and sediment control provisions of this Chapter.

1 **Article II, Definitions**

2
3 **§ 244-2. Definitions**

4
5 As used in this Chapter, the words and phrases listed below shall have the following
6 meanings:

7
8 [1.] ACCEPTABLE OUTFALL - [means the Tidewater or] That point as determined
9 by the Department of [Inspections] PLANNING AND GROWTH
10 MANAGEMENT and CHARLES SOIL CONSERVATION DISTRICT where
11 storm water can be released to a channel without causing scouring, erosion, or
12 resulting sedimentation to the receiving channel or its floodplain. Where necessary,
13 the outlet shall include structural and vegetative measures to assure non-erosive
14 velocities.

15
16 [2.] ADMINISTRATION - [means] The State of Maryland Department of [Natural
17 Resources, Water Resources Administration] THE ENVIRONMENT.

18
19 [3.] ADVERSE IMPACT - [means] Any deleterious effect on waters or wetlands,
20 including their quality, quantity, surface area, species composition, aesthetics or
21 usefulness for human or natural uses. Such deleterious effect is or may potentially
22 be harmful or injurious to human health, welfare, safety or property, to biological
23 productivity, diversity, or stability or which unreasonably interfere with the
24 enjoyment of life or property, including outdoor recreation.

25
26 [4.] AGRICULTURAL LAND MANAGEMENT PRACTICES - [means] Those
27 methods and procedures used in the cultivation of land in order to further crop and
28 livestock production and conservation of related soil and water resources. Logging
29 and timber removal operations may not be considered a part of this definition.
30

- 1 [5.] APPLICANT - [means] Any person who executes the necessary forms to procure
2 official approval of a project or a permit to carry out construction of a project.
3
- 4 [6.] ASTM - [means] The American Society for Testing and Materials.
5
- 6 [7.] BEDROCK - [means] The solid undisturbed rock in-place either at the ground
7 surface or beneath surficial soil deposits.
8
- 9 [8.] BENCH TERRACE - [means] A relatively flat area (i.e. less than 2% grade)
10 constructed on sloping land to planned dimensions and grades. Bench terraces are
11 applied along the contour with the length and width controlled by the natural terrain
12 and the required erosion limitations.
13
- 14 [9.] CERTIFICATION - [means] A signed AND SEALED, written statement FROM
15 A INDIVIDUAL LICENSED IN THE STATE OF MARYLAND (ENGINEER,
16 SURVEYOR, LANDSCAPE ARCHITECT) that specific constructions, inspections
17 or tests (where required) have been performed and that such comply with the
18 applicable requirements of this Chapter.
19
- 20 [10.] CLEAR - [means] Any activity which removes the vegetative ground cover.
21
- 22 [11.] COMPACTION - [means] Densification of a soil or rockfill by mechanical or other
23 acceptable procedures.
24
- 25 [12.] CUT - See Excavation.
26
- 27 [13.] DEPARTMENT - [means] The Department of [Public Works] PLANNING &
28 GROWTH MANAGEMENT.
29
- 30 [14.] DEVELOPER - [means] A person, partnership, corporation, firm, or governmental

1 agency undertaking or proposing the construction of a building, a project consisting
2 of interrelated buildings, or other construction, and who is primarily financially
3 responsible for the proposed.
4

5 DEVELOPMENT SERVICES PERMIT - A PERMIT ISSUED TO AUTHORIZE
6 WORK TO BE PERFORMED UNDER THIS CHAPTER.
7

8 [15.] DISTRICT - [means] Charles Soil Conservation District.
9

10 [16.] DIVERSION - [means] - A channel, ditch or ridge constructed across a slope as to
11 intercept and divert surface run-off.
12

13 [17.] DRAINAGE AREA - [means] That area contributing runoff to a single point
14 measured in a horizontal plane, which is enclosed by a ridge line.
15

16 [18.] DRAINAGEWAY - See Watercourse.
17

18 [19.] EMBANKMENT - See Fill.
19

20 [20.] ENGINEER - See Professional Engineer.
21

22 [21.] EROSION - [means] The process by which the land surface is worn away by the
23 action of wind, WATER, ice or gravity.
24

25 [22.] EROSION AND SEDIMENT CONTROL - [means] A system of structural and
26 vegetative measures that minimize soil erosion and off-site sedimentation.
27

28 [23.] EROSION AND SEDIMENT CONTROL PLAN - [means] An erosion and
29 sediment control strategy or plan, to minimize erosion and prevent off-site
30 sedimentation by containing sediment on-site or by passing sediment laden runoff

1 through a sediment control measure, prepared and approved in accordance with the
2 specific requirements of the [Department] DISTRICT and this Chapter, and
3 designed AND APPROVED in accordance with the Standards and Specifications.
4

5 [24.] EXCAVATION or CUT - [means] Any act by which soil or rock is cut into, dug,
6 quarried, uncovered, removed, displaced, or relocated and shall include the
7 conditions resulting therefrom.
8

9 [25.] EXEMPTION - [means] Those land development activities that are not subject to
10 the erosion and sediment control requirements contained in this Chapter.
11

12 [26.] EXISTING GRADE - [means] - The vertical location of the existing ground surface
13 prior to excavating or filling.
14

15 [27.] FILL or EMBANKMENT - [means] A deposit of soil, rock or other materials
16 placed by man.
17

18 [28.] FINISHED GRADE - [means] - The final grade or elevation of the ground surface
19 conforming to the proposed design.
20

21 [29.] FLOODPLAIN - [means that area which would be inundated by storm run-off or
22 flood water equivalent to that which would occur with a flood of fifty (50) year
23 recurrent frequency, after total development of the watershed. Said area being
24 defined by an elevation plus (1) foot, below which no development may take place.]
25 THAT LAND TYPICALLY ADJACENT TO A BODY OF WATER WITH
26 GROUND SURFACE ELEVATIONS THAT ARE INUNDATED BY THE BASE
27 FLOOD, EXCEPTING THE LAND ADJOINING THE BANKS OF PONDS,
28 LAKES OR STORMWATER MANAGEMENT DETENTION AND
29 RETENTION FACILITIES WHEN THE BANKS OF SUCH WATER BODIES
30 PROVIDE CONTAINMENT OF THE BASE FLOOD.

1 [30.] GRADING - [means] Any stripping, excavating, filling including hydraulic fill,
2 stockpiling or any combination thereof and shall include the land in its excavated
3 or filled condition.

4
5 [31.] [GRADING PERMIT means a permit issued to authorize work to be performed
6 under this Chapter.]

7
8 HIGHLY ERODIBLE LAND - LAND WITH ERODIBLE SOIL TYPES AS
9 DEFINED IN THE UNITED STATES DEPARTMENT OF AGRICULTURE
10 (USDA) NATURAL RESOURCES CONSERVATION SERVICE (NRCS)
11 MARYLAND TECHNICAL GUIDE.

12
13 [32.] LOAD BEARING FILL - [means] Any facility, earthwork, or fill placed in a
14 controlled manner to support structural foundations or vehicular traffic, the
15 instability of which would constitute a public hazard or nuisance.

16
17 [33.] NATURAL GROUND SURFACE - [means] The ground surface in its original
18 state before grading, stripping, excavation or filling.

19
20 [34.] PERMITTEE - [shall mean] Any person to whom a permit is issued pursuant to this
21 Chapter.

22
23 [35.] PERSON - Shall include, in addition to any other meaning it may have under this
24 Chapter, an individual, a corporation, a partnership, an incorporated association, an
25 agency, or any other similar entity whatsoever.

26
27 [36.] PROFESSIONAL ARCHITECT - [means] A person who has been duly registered
28 and licensed to practice professional architecture and/or landscape architecture
29 under requirements of State Law.

1 [37.] PROFESSIONAL ENGINEER - [means] A[n engineer] PERSON [duly registered
2 by the State of Maryland to practice professional engineering under the
3 requirements of Article 75-1/2 of the Annotated Code of Maryland] LICENSED TO
4 “PRACTICE ENGINEERING” IN THE STATE OF MARYLAND.

5
6 [38.] PROFESSIONAL LAND SURVEYOR - [means] A person [who has been duly
7 registered and]licensed [under the requirements of Article 75-½ of the Annotated
8 Code of Maryland] TO “PRACTICE SURVEYING” IN THE STATE OF
9 MARYLAND.

10
11 [39.] REGULATED GRADING - [means] Any grading performed with the approval of,
12 and in accordance with, criteria established by th[e]IS Chapter.

13
14 [40.] RESPONSIBLE PERSONNEL - [means] Any foreman, superintendent or project
15 engineer who is in charge of on-site clearing and grading operations or sediment
16 control associated with earth changes or disturbances AND HAS A
17 CERTIFICATION OF TRAINING AT A MARYLAND DEPARTMENT OF THE
18 ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL
19 OF SEDIMENT AND EROSION.

20
21 [41.] SEDIMENT - [means] Soils or other surficial materials transported or deposited by
22 the action of wind, water, ice, gravity or other artificial means.

23
24 [42.] SITE - [means] Any tract, lot or parcel of land or combination of tracts, lots or
25 parcels of land which are in one ownership, or are contiguous and in diverse
26 ownership where development is to be performed as part of a unit, subdivision, or
27 project.

28
29 [43.] SLOPE - [means] The inclined exposed surface of a fill, excavation or natural
30 terrain.

- 1 [44.] SOIL - [means] All earth material of whatever origin that overlies bedrock,
2 including, but not limited to, the decomposed zone of bedrock which can be readily
3 excavated by mechanical equipment.
4
- 5 [45.] STABILIZATION - [means] The prevention of soil movement by any of various
6 vegetative and/or structural means.
7
- 8 [46.] STANDARDS AND SPECIFICATIONS - [means] the "[1983]1994 Maryland
9 Standards and Specifications for Soil Erosion and Sediment Control" or any
10 subsequent revisions.
11
- 12 [47.] STEEP SLOPE - [means] A slope over fifteen percent (15%) grade, which is
13 characterized by increased run-off, erosion and sediment hazards.
14
- 15 [48.] STRIPPING - [means] Any activity which removes the vegetative surface cover
16 including tree removal, clearing, grubbing, and storage of removal of top soil.
17
- 18 [49.] STRUCTURAL ROCK FILLS - [means] constructed predominately of rock
19 materials for the purpose of supporting structures.
20
- 21 [50.] TIMBER HARVESTING - [means] The severing of trees at or above the ground
22 level leaving the stump and root system intact.
23
- 24 [51.] VARIANCE - [means] Modification of the criteria set forth IN THIS Chapter
25 AND/OR the Standards and Specifications.
26
- 27 [52.] WATERCOURSE and/or DRAINAGEWAY - [means] Any natural or artificial
28 watercourse (including, but not limited to, streams, rivers, creeks, ditches, channels,
29 canals, conduits, culverts, drains, waterways, gullies, ravines, or washes) in which
30 water flows in a definite direction or course, either continuously or intermittently;

1 and including any area adjacent thereto which is subject to inundation by reason of
2 overflow or floodwater.

3
4 [53.] WATERSHED - [means] The total drainage area contributing runoff to a single
5 point.

6
7 [54.] WETLANDS - [means] Any area that has saturated soils or periodic high
8 groundwater levels and vegetation adapted to wet conditions and periodic flooding.

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1 **Article III, Applicability**

2
3 **§ 244-3. Scope**

4
5 No person shall clear or grade land without obtaining a [grading] DEVELOPMENT
6 SERVICES Permit AND A SEDIMENT & EROSION CONTROL PLAN APPROVED
7 BY THE COUNTY AND DISTRICT, and Chapter 298, Forest Conservation except as
8 provided within this [section] CHAPTER.
9

10 **§ 244-4. Exemptions - SEDIMENT CONTROL**

11
12 A. A sediment control plan approved by the Charles Soil Conservation District [shall]
13 IS not be required for the following:

- 14 (1) Agricultural land management practices and construction of agricultural
15 buildings.
- 16 (2) Single family residences or their accessory buildings on lots of 2 acres or
17 more THAT DISTURB AN AREA LESS THAN ONE-HALF (½) ACRE.
- 18 (3) Clearing or grading activities that disturb less than 5,000 square feet of land
19 area and disturb less than 100 cubic yards of earth.
- 20 (4) Clearing or grading activities that are subject [excessively] EXCLUSIVELY
21 to State approval and enforcement under State law and regulations.
22
23

24
25
26
27 B. The exemptions listed above shall not apply in the Critical Area Overlay Zones
28 defined in the Charles County Zoning OrdinanceEN when the following conditions
29 exist:

- 30 (1) The clearing or grading activities are located within the Buffer defined in
31 § 297-21 and/or 297-44.1 of the Charles County Zoning Ordinance.
32
- 33 (2) The clearing or grading activities are located within twenty-five (25) feet of
34 a nontidal wetland.
35
- 36 (3) Agricultural land management practices occur closer than twenty-five (25)
37 feet from the edge of mean high tide, tributary streams or tidal wetlands.
38
- 39 (4) Agricultural land management practices are inconsistent with an approved
40 Soil Conservation and Water Quality Plan to be in place by December 31,
41 1991.
42
43

- 1 (5) The proposed development activity will create undue erosion and introduce
2 sediment into any watercourse or drainageway of the county or state located
3 within a Critical Area Overlay Zone as determined by the Department.
4
5

6 **§ 244-5. Variances - SEDIMENT CONTROL**
7

- 8 A. The District may grant a written variance from the requirements of the Standards
9 and Specifications if strict adherence to the specifications will result in unnecessary
10 hardship and not fulfill the intent of this Chapter. The developer shall submit a
11 written request for a variance to the District. The request shall state the specific
12 variances sought and reasons for requesting the variance. The District shall not
13 grant a variance unless and until sufficient specific reasons justifying the variance
14 are provided by the developer.
15

16 **Article IV, Erosion and Sediment Control Plans**
17

18 **§ 244-6. Review and Approval of Erosion and Sediment Control Plans**
19

- 20 A. A person may not clear or grade land without first obtaining an erosion and
21 sediment control plan approved by the District or a Standard Erosion and Sediment
22 Control [Form] PLAN FOR MINOR EARTH DISTURBANCES approved by the
23 District [and the Department (see Appendix "A")].
24
- 25 B. In approving the plan, the District may impose such conditions thereto as may be
26 deemed necessary to ensure compliance with the provisions of this Chapter, the
27 State Sediment Control Regulations, COMAR [08.05.01] 26.17.01 - through
28 26.17.11, the Standards and Specifications, THE CHARLES SOIL
29 CONSERVATION DISTRICT PLAN SUBMITTAL GUIDELINES, and the
30 preservation of public health and safety.
31
- 32 C. [The District shall notify the applicant, in writing, of approval or reasons for the
33 disapproval or modification within 30 days after submission of the completed
34 erosion and sediment control plan. If a decision is not made within 30 days, the
35 District shall inform the applicant of the status of the review process and the
36 anticipated completion date.] The erosion and sediment control plan shall not be
37 considered approved without the inclusion of the signature and date of signature of
38 the District on the plan.
39
- 40 D. District approval will remain valid [until the assigned expiration date] FOR TWO
41 (2) YEARS FROM APPROVAL DATE unless the approval is withdrawn earlier.
42 Expiration dates will normally be either April 30 or October 31 as determined by
43 the District. Extensions of time may be granted by the District upon written request
44 providing there is sufficient justification provided.

1 **§ 244-7. Contents of the Erosion and Sediment Control Plan**
2

3 A. The applicant is responsible for submitting an erosion and sediment control plan
4 which meets the requirements of this Chapter, THE DISTRICT, the State Sediment
5 Control Regulations COMAR [08.05.01] 26.17.01, and the Standards and
6 Specifications. The plan shall include sufficient information to evaluate the
7 environmental characteristics of the affected areas, the potential impacts of the
8 proposed grading on water resources, and the effectiveness and acceptability of
9 measures proposed to minimize soil erosion and off-site sedimentation. The
10 applicant shall certify on the drawings that all clearing, grading, drainage,
11 construction, and development shall be conducted in strict accordance with the
12 plan.

13
14 B Applicants shall submit the following MINIMUM information:

- 15
16 (1) A letter of transmittal;
17
18 (2) A vicinity sketch indicating north arrow, scale and other information
19 necessary to easily locate the property (INCLUDE ADC MAP
20 REFERENCE);
21
22 (3) A plan at an [appropriate] ACCEPTABLE scale indicating at least:
23
24 (a) Name, address, and telephone number of:
25
26 [1] The owner of the property where the grading is proposed;
27
28 [2] The developer;
29
30 [3] The applicant.
31
32 (b) The existing and proposed topography AT TWO (2) FOOT
33 CONTOUR INTERVAL. TOPOGRAPHIC INFORMATION
34 MUST BE ACCURATE AND SHALL EXTEND A MINIMUM
35 OF ONE HUNDRED FEET (100') BEYOND THE LIMITS OF
36 DISTURBANCE.
37
38 (c) The proposed grading and earth disturbance including:
39
40 [1] Surface area involved;
41
42 [2] DISTINCT limits of grading including limitation of mass
43 clearing and grading whenever possible.
44

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[3] VOLUME OF SPOIL MATERIAL.

[4] VOLUME OF BORROW MATERIAL.

[5] RETAINING WALLS WITH CONSTRUCTION DETAILS.

(d) Storm drainage provisions, including:

[1] Velocities and quantities of Q_{10} (TEN-YEAR DISCHARGE) flow at outfalls; and

[2] Site conditions around points of all surface water discharge from the site;

(e) Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation including:

[1] Provisions to preserve topsoil and limit disturbance;

[2] Details of grading practices;

[3] Design details for structural controls; and

[4] Details of temporary and permanent stabilization measures including placement of the following statement on the plan. Following initial soil disturbance or re-disturbance, permanent or temporary stabilization shall be completed within:

[a] Seven calendar days as to the surface of all perimeter dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3H:1V); and

[b] Fourteen days as to all other disturbed or graded areas on the project site.

The requirements of sections 3.e.4.a. and 3.e.4.b. do not apply to those areas which are shown on the plan and are currently being used for material storage or for those areas on which actual construction activities are currently being performed or to interior areas of a surface mine site where the stabilization material would contaminate the recoverable

1 resource. Maintenance shall be performed as necessary to
2 ensure that the stabilized areas continuously meet the
3 appropriate requirements of the ["1983 Maryland] Standards
4 and Specifications [for Soil Erosion and Sediment
5 Control"].
6

7 (f) Sequence of construction describing the relationship between the
8 implementation and maintenance of controls, including permanent
9 and temporary stabilization and the various stages or phases of earth
10 disturbance and construction. The sequence of construction shall,
11 as a minimum, include a schedule and time frame for the following
12 activities.
13

14 [1] Clearing and grubbing for those areas necessary for
15 installation of perimeter controls;
16

17 [2] Construction of perimeter controls;
18

19 [3] Remaining clearing and grubbing;
20

21 [4] Road grading;
22

23 [5] Grading for the remainder of the site;
24

25 [6] Utility installation and whether storm drains will be used or
26 blocked after construction;
27

28 [7] Final grading, landscaping [or] AND stabilization; and
29

30 [8] Removal of controls.
31

32 (g) A statement placed on the plan indicating that the developer shall
33 request inspection of work completed in accordance with the
34 approved erosion and sediment control plan:
35

36 [1] On all sites with disturbed areas in excess of two (2) acres,
37 approval of the DEPARTMENT AND/OR inspection
38 agency shall be requested upon completion of installation of
39 perimeter erosion and sediment controls, but before
40 proceeding with any other earth disturbance or grading.
41 Other building or grading inspection approvals may not be
42 authorized until this initial approval by the DEPARTMENT
43 AND/OR inspection agency is made; and
44

1 [2] Approval shall be requested upon [final stabilization]
2 VEGETATIVE ESTABLISHMENT of all sites with
3 disturbed areas in excess of 2 acres before removal of
4 controls.

5
6 (h) Certification by the owner or developer that any clearing, grading,
7 construction, or development, or all of these, will be done pursuant
8 to this plan and that responsible personnel involved in the
9 construction project will have a Certification of Training at a
10 Department of [Natural Resources] THE ENVIRONMENT
11 approved training program for the control of sediment and erosion
12 beginning the project. The Certification of Training for Responsible
13 Personnel requirement may be waived by the District on any project
14 involving four or fewer residential units.

15
16 (I) A STATEMENT PLACED ON THE SEDIMENT AND EROSION
17 CONTROL PLAN INDICATING THAT THE PERMITTEE
18 SHALL NOTIFY THE DEPARTMENT AND/OR INSPECTION
19 AGENCY FORTY-EIGHT (48) HOURS BEFORE
20 COMMENCING ANY LAND DISTURBANCE ACTIVITY.

21
22 (J) A LEGEND.

23
24 (K) DRAINAGE AREA MAP FOR SEDIMENT AND EROSION
25 CONTROL PRACTICES.

26
27 [i.](L) Any additional information or data deemed appropriate by the
28 District.

29
30 **§ 244-8. Revisions to Erosion and Sediment Control Plans**

31
32 The District may REVISE approved [revised] plans as necessary. Revisions may be
33 requested by a permittee, THE DEPARTMENT AND/OR inspection agency and/or the
34 District.

35
36 **Article V, DEVELOPMENT SERVICES Permits [and Fees]**

37
38 **§ 244-9. Permit Requirements**

39
40 A. Prior to the issuance of a [Grading] DEVELOPMENT SERVICES Permit, an
41 applicant shall have submitted to the Department [two] copies of the approved
42 Sediment and Erosion Control Plan, a [Grading] DEVELOPMENT SERVICES
43 [Permit] Application, [and two (2)] copies of Grading Plans, which meet the
44 requirements of the Chapter, COPIES OF ALL OTHER PLANS AS REQUIRED

1 BY THE DEPARTMENT, the grading fee, and meet the bonding requirements of
2 this Chapter, AND ANY OTHER DOCUMENT, REPORT, APPLICATION OR
3 FORM AS REQUIRED BY THE DEPARTMENT. THE PROCEDURES FOR
4 SUBMISSION SHALL BE THOSE FOUND IN THE MOST RECENT EDITION
5 OF THE PLAN PREPARATION PACKAGE.
6

7 B. Permits issued pursuant to this Chapter shall not relieve the owner of responsibility
8 for securing required permits for work to be done which is regulated by any other
9 applicable code, act, or County Chapter. This Chapter shall not preclude the
10 inclusion in such other permit of more stringent regulations or requirements
11 concerning the grading of land.
12

13 C. Prior to the issuance of a grading permit, an applicant shall have submitted to the
14 Department an approved forest conservation plan and tree stand delineation or a
15 letter of intent as may be required by the Charles County Forest Conservation
16 Ordinance. EN A grading permit will not be issued unless the applicant complies
17 with the requirements of the Charles County Forest Conservation Ordinance,
18 including bonding, long-term forest protection agreements and
19 reforestation/afforestation maintenance agreements.
20

21 D. ONLY INDIVIDUALS ALLOWED BY STATE LAW MAY PERFORM WORK
22 AS REQUIRED BY THIS CHAPTER.
23

24 **§ 244-10. Minimum Application Data Required**
25

26 The plans and specifications accompanying the grading permit application SHALL BE
27 PREPARED ACCORDING TO THE PLAN PREPARATION PACKAGE AND contain
28 the following, subject to the provisions that the Department may waive the filing of
29 particular information, if in its judgement such information would serve no useful purpose
30 for the particular project and not contravene the purpose of this Chapter.
31

32 A. A vicinity sketch in such detail that the property may be easily found by the
33 inspector. North arrow and scale shall be indicated.
34

35 B. A boundary line survey of the site for which the permit is sought and on which the
36 work is to be performed. On approved and recorded subdivision lots, a copy of the
37 recorded plat will be submitted.
38

39 C. A plan of the site prepared by a [Professional] Engineer, Professional Land
40 Surveyor or Registered Landscape Architect at a scale of not less than one (1) inch
41 to fifty (50) feet showing:
42

43 (1) Name, address and telephone number of the owner, developer and
44 applicant.

- 1 (2) A timing schedule and sequence indicating the anticipated starting and
2 completion dates of the development sequence and the time of exposure
3 of each area prior to the completion of effective erosion and sediment
4 control measures.
5
6 (3) Location of any buildings or structures, utilities, sewers, water and storm
7 drains on the site where the work is to be performed.
8
9 (4) Location of any building or structure on land of adjacent property owners
10 which is within one hundred (100) feet of the site.
11
12 (5) Elevations, dimensions, location, extent and the slope of all proposed
13 grading (including building and driveway grades, utilities, sewer, water and
14 storm drains), all clearly indicated with finished contours at the same
15 intervals as required or used for existing topography.
16
17 (6) An estimate of the quantity of excavation and fill involved.
18
19 (7) Adequate plans of
20
21 (a) all drainage provisions, STORMWATER MANAGEMENT and
22 erosion and sediment control measures, or other protective devices
23 to be constructed in connection with, or as part of, the proposed
24 work,
25
26 (b) a map showing the drainage area of land tributary to the site, and
27
28 (c) estimated runoff from the area served by any drains. Complete
29 storm drainage studies shall be submitted for the site if not
30 previously submitted as required by [sub-division regulations] THE
31 STORMWATER MANAGEMENT & STORM DRAINAGE
32 ORDINANCE.
33
34 (8) An appropriate legend.
35
36 (9) The plan of the site will include a minimum one-hundred (100) foot-wide
37 peripheral strip immediately adjacent to the property OR GREATER IF
38 REQUESTED BY THE DEPARTMENT.
39
40 D. The estimated total costs of the intended construction together with the estimated
41 cost of the grading and/or filling and the costs of the required controls. Such
42 estimated cost shall be reviewed and verified by the Department.
43
44 E. A grading plan for borrow pits, quarries and materials processing facilities will be

1 based on the findings and evaluations of the soil investigation report.

- 2
- 3 F. Supplemental reports, data and/or additional information required to insure the
- 4 adequacy of the proposed plan.
- 5
- 6 G. A record of field observations, field test data, laboratory test data, and project
- 7 characteristics.
- 8
- 9 H. The approved forest conservation plan for the site if approval has been previously
- 10 granted. If there is no approved forest conservation plan for the site, the application
- 11 shall include a forest stand delineation and forest conservation plan or a declaration
- 12 of intent pursuant to the requirements of Chapter 298, Forest Conservation, of this
- 13 Code.
- 14

15 **§ 244-11. General Technical Requirements**

16

- 17 A. Fills and Classifications. The grading plans and specifications shall specify and
- 18 delineate the use and extent of fills in accordance with the following classifications:
- 19
- 20 (1) Type I Fill Load Bearing Fills proposed for support of buildings, walls, and
- 21 other structures, the function thereof which would be especially impaired
- 22 by settlement.
- 23
- 24 (2) Type II Fill Load Bearing Fills proposed for support of roadways,
- 25 pavements, utility lines and structures which would not be especially
- 26 impaired by moderate settlement.
- 27
- 28 (3) Type III Fill Common Fills proposed for landscaping or for other non-load
- 29 bearing usage.
- 30
- 31 B. Materials. All load bearing fills shall meet the following requirements:
- 32
- 33 (1) No inclusions of organic or other deleterious materials which may be
- 34 subject to decay shall be permitted. All fills shall also be free of inclusions
- 35 of ice or snow.
- 36
- 37 (2) No rock or similar irreducible material with a maximum dimension greater
- 38 than eight (8) inches shall be buried or placed in any load bearing fill within
- 39 two (2) feet of finished grade or within (2) two feet of foundation base
- 40 elevation. When such material is placed in fills, it shall be done under the
- 41 direction and supervision of an Engineer.
- 42
- 43 C. Preparation of Ground
- 44

1 (1) The natural ground surface shall be prepared to receive fill by removing all
2 organic [surface] materials, [noncomplying fill] and unsuitable soils in
3 accordance with the [following provisions except as otherwise approved by
4 the Department and based on the] recommendations of the [Professional]
5 Engineer AND APPROVED BY THE DEPARTMENT.
6

7 (2) Prior to Placing Type I and Type II Fills - The ground surface [if within five
8 (5) feet of finished grade or foundation base elevation shall be compacted
9 so as to achieve a density of not less than ninety (90%) percent of maximum
10 density as defined under Section I of Article V within the top six (6) inches]
11 SHALL BE PREPARED TO RECEIVE FILL ACCORDING TO THE
12 RECOMMENDATIONS OF THE ENGINEER AND APPROVED BY
13 THE DEPARTMENT.
14

15 (3) No fill shall be placed on frozen ground.
16

17 D. Compaction. All fills will be compacted in accordance with the following
18 provisions:
19

20 (1) All Type I and II Fills shall be compacted to a minimum of ninety-five
21 (95%) percent and ninety (90%) percent, respectively, of maximum density
22 as determined in the laboratory by ASTM Test Method D1557-58T, [also
23 know as the] (Modified Proctor) [Test] OR AS ESTABLISHED IN THE
24 CHARLES COUNTY STANDARDS AND SPECIFICATIONS FOR
25 CONSTRUCTION MANUAL. Type III Fill shall be compacted
26 sufficiently so as to be stable and to prevent an erosion hazard.
27

28 (2) In place (field) density shall be [determined by ASTM Test or American
29 Society of Highway Officials equivalent tests Method D1556-64T method
30 or by equivalent test] COMPLETED BY AN ENGINEER AS PER THE
31 REQUIREMENTS ESTABLISHED IN THE CHARLES COUNTY
32 STANDARDS AND SPECIFICATIONS FOR CONSTRUCTION
33 MANUAL. [approved by the Department of Inspections]. SOIL TEST
34 REPORTS SUMMARIZING RESULTS SHALL BE PREPARED BY AN
35 ENGINEER AND SUBMITTED IN A FORMAT AS APPROVED BY
36 THE DEPARTMENT. REPORTS FOR EACH FILL ACTIVITY SHALL
37 BE SUBMITTED TO THE DEPARTMENT ON A BI-WEEKLY BASIS.
38

39 (3) Fills shall be placed in approximately horizontal layers, each layer having
40 a loose thickness of not more than eight (8) inches OR AS ESTABLISHED
41 IN THE ROAD ORDINANCE, STORMWATER MANAGEMENT &
42 STORM DRAINAGE ORDINANCE, WATER AND SEWER
43 ORDINANCE, CHARLES COUNTY STANDARDS AND
44 SPECIFICATIONS FOR CONSTRUCTION MANUAL AND/OR ANY

DOCUMENT REFERENCED IN THIS CHAPTER.

(4) STORMWATER MANAGEMENT POND EMBANKMENTS MUST BE COMPACTED AS PER USDA NRCS MD 378 STANDARDS AND SPECIFICATIONS.

E. Structural Rock. Fills constructed predominately of large rock (such as sandstone and iron concretions) will be permitted only if the specifications for such fill are prepared by and construction done under the direction and supervision of an Engineer.

F. Existing Features. Existing features which would add value to development or natural or manmade assets of the County, such as trees, watercourses, falls, beaches, vistas, historic or architecturally significant buildings, and similar irreplaceable assets, should be preserved, insofar as possible, through harmonious and careful development.

G. Cut and Fill Slopes-Bench Terraces. See General Technical Appendix B.

H. Drainage. The following provisions apply to the conveyance and disposal of surface water runoff.

(1) Disposal - All drainage facilities shall be designed to convey surface water in such a manner as to prevent erosion, overflow or ponding. Said water shall be conveyed to an acceptable outlet in accordance with such applicable design criteria, standards and procedures as required by the County AND DISTRICT Specifications. The ponding of water shall not be permitted above cut or fill slopes or on drainage terraces. Adequate drainage facilities shall be provided to prevent such ponding.

(2) Erosion Prevention - The permittee and the owner shall made adequate provisions to prevent any surface and/or ground waters from materially damaging the face of any cut or fill. All slopes shall be protected from surface runoff from above by berms, swales, or brow ditches.

(3) Grading Around Buildings - All areas shall be graded to provide for positive drainage away from the building toward the approved disposal area.

(4) Retention and Infiltration - Subject to the requirements and recommendations of the DEPARTMENT [Charles Soil Conservation District] and the [Department of Water Resources], MARYLAND DEPARTMENT OF THE ENVIRONMENT measures such as infiltration beds, dry wells, and retention ponds may be used to allow storm water runoff to percolate into the soil.

- 1 I. DRIVEWAYS - FOR DRIVEWAYS OR SECTIONS OF DRIVEWAYS WITH
2 A SLOPE OF NINE PERCENT (9%) OR GREATER, BANK RUN GRAVEL IS
3 NOT AN ACCEPTABLE SURFACE TREATMENT.
4
- 5 J. ALL CUT AND FILL SLOPES OUTSIDE OF THE COUNTY RIGHT-OF-WAY
6 SHALL BE AT A MINIMUM SLOPE OF 10H:1V AND A MAXIMUM OF
7 3:H:1V OR AS APPROVED BY CHARLES COUNTY ON A CASE-BY-CASE
8 BASIS.
9

10 **§ 244-12. Modification of GRADING Plans SUBMITTED TO CHARLES**
11 **COUNTY**
12

13 Modifications of the approved grading plans shall be submitted to the Department and
14 reprocessed in the same manner as the original plan. Field modifications may be authorized
15 by the Department, provided that written authorization is given to the person performing
16 work pursuant to this Chapter, with copies forwarded to the District.
17

18 **§ 244-13. Permit Authorization**
19

- 20 A. THE DEPARTMENT SHALL NOTIFY THE APPLICANT, IN WRITING, OF
21 APPROVAL OR REASONS FOR THE DISAPPROVAL OR MODIFICATION
22 WITHIN 30 DAYS AFTER SUBMISSION OF THE GRADING PLAN. IF A
23 DECISION IS NOT MADE WITHIN 30 DAYS, THE DEPARTMENT SHALL
24 INFORM THE APPLICANT OF THE STATUS OF THE REVIEW PROCESS
25 AND THE ANTICIPATED COMPLETION DATE OF THE REVIEW PROCESS.
26

- 27 [A]B. The issuance of a [grading] DEVELOPMENT SERVICES Permit shall constitute
28 an authorization to do only the work set forth in the application for the permit, or
29 in the site plans and specifications submitted and approved as part of the
30 application. All work performed by the person to whom the permit issued or by his
31 successor, shall be in accordance with the requirements of this Chapter.
32 Application for permit shall include the implied right of entry for restoration of the
33 site upon default.
34

35 **§ 244-14. Permit Conditions**
36

- 37 A. In granting any permit pursuant to this Chapter, the Department may impose such
38 conditions as may be reasonably necessary to prevent creation of a nuisance, or
39 unreasonable hazard to persons or to public or private property or for any other
40 reason the County feels is necessary to protect the interests of the County. Such
41 conditions may include but need not be limited to the following:
42
- 43 (1) Improvement of any existing grading to meet the standards required under
44 this Chapter for new grading and for sediment control.

1 (2) Designation of easements for drainage facilities and for the maintenance of
2 slopes or erosion control facilities.

3
4 (3) Adequate control of dust by watering or other control methods acceptable
5 to the Department and in conformance with applicable air pollution
6 Ordinance.

7
8 (4) **“AREA OF SPECIAL GEOTECHNICAL CONSIDERATION”** - a
9 geotechnical report will be required for new construction in the portion of
10 the county designated as the **“Area of Special Geotechnical**
11 **Consideration”**. The geotechnical report shall be prepared by a
12 professional engineer licensed in the state of Maryland. The geotechnical
13 report shall identify all unstable soil conditions and make recommendations
14 for construction requirements where the unstable soil conditions exist.
15 Unstable soil conditions shall include but not be limited to, high
16 shrink/swell or other unstable soil conditions as determined by the
17 geotechnical engineer. These recommendations shall become a part of the
18 construction permit requirements. [added Ord. No. 01-03]

19
20 The geotechnical construction recommendations shall include all necessary
21 requirements for roads, grading, drainage, stormwater management, water
22 & sewer, buildings, foundations, landscaping, utilities, and any other
23 construction as determined by the county. A generalized map is attached on
24 Appendix [J]C. [added Ord. No. 01-03]

25
26 (5) The Director may impose any other permit conditions in the **“Area of**
27 **Special Geotechnical Consideration”** as determined by the department or
28 by studies as necessary to reduce damage to any (New or existing)
29 developments, buildings or construction. [added Ord. No. 01-03]

30
31 (6) PHASING OF PROJECTS AFTER THE ISSUANCE OF A
32 DEVELOPMENT SERVICES PERMIT WILL BE CONSIDERED ONLY
33 ON A CASE-BY-CASE BASIS AND ONLY IF THE DEVELOPER CAN
34 PROVE HARDSHIP. THE DECISION OF SUCH SHALL BE AT THE
35 DISCRETION OF THE COUNTY GRADING ENGINEER. APPEALS
36 MAY BE MADE TO THE CHIEF OF DEVELOPMENT SERVICES
37 WITH FINAL APPEAL TO THE DIRECTOR OF THE DEPARTMENT
38 WHOSE DECISION IS FINAL.

39
40 **§ 244-15. Responsibility of Permittee**

41
42 A. The permittee shall be responsible for implementation of the approved erosion and
43 sediment control plan and the prevention of damage to any public utilities or
44 services within the limits of grading and along any routes of travel of equipment.

1 Charles County, Maryland, shall not be responsible for damage to properties for
2 failure of any work done pursuant to this Chapter.

- 3
4 B. No person shall grade on land so close to the property line as to endanger any
5 adjoining public street, sidewalk, alley or any other public or private property
6 without supporting and protecting such property from settling, cracking or other
7 damage which might result. Grading can take place on adjacent property if grading
8 rights are secured from the property owner.
9

10 **§ 244-16. DEVELOPMENT SERVICES Permit Expiration**

- 11
12 A. The Permittee shall begin work within six (6) months of the date of the permit.
13
14 B. [The Permittee shall fully perform and complete all of the work required to be done
15 pursuant to the grading permit within two (2) years of the date of the permit]. THE
16 DEVELOPMENT SERVICE PERMIT SHALL EXPIRE TWO (2) YEARS FROM
17 THE DATE OF ISSUANCE OR AS DETERMINED BY THE DEPARTMENT
18 UNLESS EXTENDED AND/OR RENEWED BY THE DEPARTMENT. ALL
19 REQUESTS FOR RENEWAL AND/OR EXTENSION MUST BE MADE IN
20 WRITING SIXTY (60) DAY PRIOR TO THE DATE OF EXPIRATION. THE
21 REQUESTS FOR RENEWAL AND/OR EXTENSION SHALL INCLUDE A
22 TIME TABLE FOR THE COMPLETION OF THE PROJECT.
23
24 C. Where the applicant is unable to complete the work within the specified time,
25 within thirty (30) days of the expiration of the permit, he shall present in writing to
26 the Department a request for an extension. Where, in the sole discretion of the
27 Department such an extension is warranted, it may grant additional time.
28
29 D. If operations cease for a period of thirty (30) consecutive calendar days permanent
30 erosion and sediment control measures must be employed as set forth in Section 4.
31

32 **§ 244-17. Failure to Complete Work**

- 33
34 A. If at any time the Department finds that all work of the permit is not completed
35 within the time specified therein, or as otherwise provided for in this Chapter or
36 violates any other term or condition, the cash deposit shall be forfeited, or if a bond
37 has been posted, the bond will be called. The funds, so received, will be used by
38 the County for defraying the cost of contracting, including engineering and
39 administration for the restoration of the site to meet the minimum requirements of
40 this article with particular emphasis on stability, pollution, safety and erosion
41 control. Upon default, the Surety on any bond shall be given notice by mail and the
42 Surety shall proceed as outlined in Section 6.
43

44 **§ 244-18. Permit Suspension and Revocation**

1 A. The Department may suspend or revoke any [grading] DEVELOPMENT
2 SERVICES Permits after providing written notification to the permittee based on
3 any of the following reasons:
4

- 5 (1) Any violation(s) of the terms or conditions of the approved erosion and
6 sediment control plan or permit;
7
8 (2) Noncompliance with violation notice(s) or stop work order(s) issued; or
9
10 (3) Changes in site characteristics upon which plan approval and permit
11 issuance was based.
12
13 (4) Any violation(s) of this Chapter or any rules and regulations adopted under
14 it.
15

16 **§ 244-19. Permit Fee**
17

18 A. The fee for issuance of a permit for grading and sediment control operations shall
19 be paid to the [Department] COMMISSIONERS OF CHARLES COUNTY and
20 shall be as shown in Appendix [B]A. The permit fee shall be used to cover the
21 Department's AND THE DISTRICT'S administration, REVIEW and inspection
22 costs.
23

24 B. The fee for a [grading] DEVELOPMENT SERVICES Permit authorizing additional
25 work as set forth in Section 4 shall be the difference between the fee paid for the
26 original permit and the fee required for the entire grading and sediment control
27 project.
28

29 **§ 244-20. Permit Exceptions FOR DEVELOPMENT SERVICES PERMITS**
30

31 A. A [grading] DEVELOPMENT SERVICES Permit shall not be required for the
32 following subject to compliance with [Natural Resources Article, Sections 8-1101
33 through 8-1108] TITLE 4, ENVIRONMENT ARTICLE, Annotated Code of
34 Maryland relating to sediment control plans approved by the Charles Soil
35 Conservation District:
36

- 37 (1) An excavation below finished grade for basements and footings of a
38 building authorized by a valid building permit.
39
40 (2) Grading operations [which] THAT DISTURB LESS THAN 5,000
41 SQUARE FEET OF LAND AREA are less than four (4) feet in vertical
42 depth at the deepest point as measured from Natural ground surface, do not
43 result in a total quantity of more than one hundred (100) cubic yards of
44 material and do not impair existing surface drainage, constitute a potential

1 erosion hazard, or act as a source of sedimentation.

- 2
- 3 (3) Agricultural land management practices, nursery operations such as the
4 removal and/or transplanting of cultivated sod, shrubs, and trees and timber
5 harvesting.
- 6
- 7 (4) The stockpiling, with slopes at a natural angle or repose, of raw or
8 processed sand, stone and gravel at quarries, concrete, asphalt and material
9 processing plants and storage yards, providing approved sediment and
10 erosion control measures have been employed to protect against off-site
11 damages.
- 12
- 13 (5) Refuse disposal areas or sanitary landfills operated and conducted in
14 accordance with the requirements, rules and ordinances of Charles County
15 and the State of Maryland.
- 16
- 17 (6) Grading and trenching for utility installations provided that, if during the
18 course of utility operations any erosion and sediment control measures
19 previously in place are disturbed or destroyed, the utility company shall
20 restore or repair such measures to their original condition.
- 21
- 22 (7) Individual private septic systems which do not disturb the natural contour.
- 23
- 24 (8) The construction of single-family residences and/or their accessory building
25 on lots of two acres or more.
- 26

27 **§ 244-21. DEVELOPMENT SERVICES Permit Variance**

28

- 29 A. The Department may grant a written variance from the requirements of this
30 [Section] CHAPTER EXCEPT TO SEDIMENT AND EROSION CONTROL
31 ISSUES if strict adherence to the specifications will result in unnecessary hardship
32 and not fulfill the intent of this Chapter. The applicant shall submit a written
33 request for a variance to the Department. The request shall state the specific
34 variance sought and reasons for requesting the variance. The Department shall not
35 grant a variance unless and until sufficient specific reasons justifying the variance
36 are provided by the applicant.
- 37

38 **Article VI, Bonds**

39

40 **§ 244-22. BOND REQUIREMENTS**

41

- 42 A. A [grading] DEVELOPMENT SERVICES Permit shall not be issued for grading
43 involving the exposing of more than 1,000 cubic yards or 30,000 square feet of
44 ground surface unless the applicant shall first post with the County Commissioners

1 a bond in a form approved by the County Commissioners. The amount of the bond
2 shall be determined by the Department and based on disturbed area. The total
3 disturbed area must be computed and shown on the grading and sediment control
4 plan. The amount of the bond will be determined [by the Department] by using [a
5 cost per acre of disturbed area as shown in Appendix B] THE CURRENT
6 CHARLES COUNTY “UNIT PRICES FOR FEE ESTABLISHMENT AND
7 SECURITY AMOUNTS” AND THE PLAN PREPARATION PACKAGE.
8

9 B. The bond shall remain in full force and effect until all work and conditions
10 encompassed under permit; these regulations and any other regulations governing
11 this work, have been completed and approved by the Department and the Bond
12 officially released.
13

14 C. Whenever the permittee does not fulfill the requirements of the permits, the
15 permittee shall be declared in default by the County Commissioners and appropriate
16 remedy sought under the bond.
17

18 **Article VII, Inspections**

19 **§ 244-23. Inspection Procedure**

20
21
22 A. No work approved in accordance with the provisions of this Article shall proceed
23 until the Department inspects the site and approves the work previously completed
24 or notified the permittee otherwise. Upon notification from the permittee as
25 required in Section 7.3 of this Article, said Department shall inspect the site and
26 notify the permittee of its approval or rejection within twenty-four (24) hours,
27 exclusive of Saturdays, Sundays and holidays. If the inspector does not make an
28 inspection within the specified time period, work may proceed without presumption
29 of approval at the risk of the permittee. The Department shall have the right to
30 waive inspections, except the final inspection.
31

32 **§ 244-24. Inspection Frequency and Reports for Erosion and Sediment Control**

33
34 A. The permittee shall maintain a copy of the approved erosion and sediment control
35 plan on site.
36

37 B. Every active site having a designed erosion and sediment control plan should be
38 inspected for compliance with the plan on the average once every 2 weeks.
39

40 C. Inspectors shall prepare written reports after every inspection. The inspection
41 report shall describe:
42

43 (1) The date and location of the site inspection;
44

- 1 (2) Whether or not the approved plan has been properly implemented and
2 maintained;
- 3
- 4 (3) Any practice deficiencies or erosion and sediment control plan deficiencies;
5 and
6
- 7 (4) If a violation exists, the type of enforcement action taken.
8
- 9 (5) THE DEPARTMENT AND/OR THE INSPECTION AGENCY SHALL
10 NOTIFY ON-SITE PERSONNEL OR THE OWNER/DEVELOPER IN
11 WRITING WHEN VIOLATIONS ARE OBSERVED, DESCRIBING:
12
- 13 (a) THE NATURE OF THE VIOLATION
14
- 15 (b) THE REQUIRED CORRECTIVE ACTION: AND
16
- 17 (c). THE TIME PERIOD IN WHICH TO HAVE VIOLATIONS
18 CORRECTED.
19

20 **§ 244-25. RIGHT OF ENTRY**
21

22 IT SHALL BE A CONDITION OF EVERY GRADING AND/OR DEVELOPMENT
23 SERVICE PERMIT THAT THE DEPARTMENT AND/OR THE INSPECTION
24 AGENCY HAS THE RIGHT TO ENTER THE PROPERTY PERIODICALLY TO
25 INSPECT FOR COMPLIANCE WITH THIS CHAPTER.
26

27 **§ 244-2[5]6. Notifications to Inspect SEDIMENT & EROSION CONTROL &**
28 **Grading Operations**
29

- 30 A. After commencing initial [grading] operations, the permittee shall require
31 inspections by the Department at the following stages in the development of the
32 site, or of each subdivision thereof:
33
- 34 (1) UPON COMPLETION OF INSTALLATION OF PERIMETER EROSION
35 AND SEDIMENT CONTROLS, PRIOR TO PROCEEDING WITH ANY
36 OTHER EARTH DISTURBANCE OR GRADING. OTHER BUILDING
37 OR GRADING INSPECTION APPROVALS MAY BE NOT BE
38 AUTHORIZED UNTIL INITIAL APPROVAL BY THE DEPARTMENT
39 IS MADE;
40
- 41 [1](2) Upon completion of stripping, the stockpiling of top soil, the [construction
42 of temporary erosion control facilities and] disposal of all unsuitable
43 materials, and preparation of this ground to receive fill, but prior to
44 beginning any placement;

- 1 [2](3) Upon completion of rough grading, but prior to placing top soil, permanent
2 drainage or other site development improvements;
3
4 [3](4) Upon completion of final grading, permanent drainage and erosion control
5 facilities, but prior to any seeding, sodding or planting;
6
7 [4](5) Upon completion of installation of all vegetative measures and all other
8 work in accordance with the [grading] DEVELOPMENT SERVICES
9 Permit. The Department may make additional inspections as such
10 Department might deem appropriate;
11
12 (6) UPON FINAL STABILIZATION BEFORE REMOVAL OF SEDIMENT
13 CONTROLS; AND
14
15 (7) AFTER FINAL STABILIZATION AND AFTER THE REMOVAL OF
16 SEDIMENT CONTROLS.
17

18 **§ 244-2[6]7. Modifications to Erosion and Sediment Control Plans**
19

- 20 A. When inspection of the site indicates the approved erosion and sediment control
21 plan needs modification, the modification shall be made in compliance with the
22 erosion and sediment control criteria contained in the Standards and Specifications
23 as follows:
24
25 (1) The permittee shall submit requests for major modifications to approved
26 erosion and sediment control plans, such as the addition or deletion of a
27 sediment basin, to the plan approval agency to be processed appropriately.
28 This processing includes modifications due to plan inadequacies at
29 controlling erosion and sediment as revealed through inspection; and
30
31 (2) The inspector may approve minor modifications to approved erosion and
32 sediment control plans in the field IF PERMITTED BY THE DISTRICT'S
33 APPROVED LIST OF ALLOWABLE FIELD MODIFICATIONS AND IF
34 documented on a field inspection report. The [plan approval agency shall]
35 DISTRICT MAY, in conjunction with the DEPARTMENT AND/OR
36 inspection agency, develop a list of allowable field modifications for use by
37 the inspector.
38

39 **§ 244-2[7]8. Erosion and Sediment Control Complaints**
40

- 41 A. The DEPARTMENT AND/OR inspection agency shall receive complaints and
42 initiate enforcement procedures when violations are confirmed. Any complaint
43 received shall be acted upon, routinely within 3 days and the complainant shall be
44 notified of any action or proposed action routinely within 7 days of receipt of the

1 complaint.

2
3 **§ 244-2[8]9. Removal of Debris**
4

- 5 A. No debris is to be deposited in floodplains, watercourses, public streets, highways,
6 sidewalks or other public thoroughfares and the permittee shall promptly remove
7 all soil, miscellaneous debris or other materials spilled, dumped or otherwise
8 deposited in floodplains, watercourses, public streets, highways, sidewalks or other
9 public thoroughfares during transit or operation.

10
11 **§ 244-[29]30. Maintenance of Protective Measures**
12

- 13 A. The owner of any property on which grading or other work has been done pursuant
14 to the provisions of this Chapter (or any other person, firm or corporation in control
15 of such property) shall maintain and/or promptly repair or restore all graded
16 surfaces, erosion control measures, vegetative and/or other protective measures. If
17 disturbed or destroyed during the course of operations, such repair and/or
18 restoration shall be in accordance with the approved plans and specifications as
19 required by this Chapter until permanent measures are accepted by the Department.
20

21 **§ 244-3[0]1. Hazardous Conditions**
22

- 23 A. If the Department determines that an excavation, embankment, or fill endangers or
24 adversely affects the public safety, or stability of any public or private property, as
25 determined from the guidelines of this Chapter, the Department shall notify the
26 owner (or other person in control) of the property, in writing. Notification shall
27 include a description of the hazardous condition and a period of time for corrective
28 action. If the correction is not commenced in accordance with the provisions of this
29 Chapter within the period of time specified in said notice, the owner (or person in
30 control) shall be subject to the penalties set forth in Section [10] § 244-3[4]5. of
31 this chapter.
32

33 **§ 244-3[1]2. Engineering Reports**
34

- 35 A. When required by the Department OR DISTRICT, inspection and testing shall be
36 performed under the direction of a Professional Engineer who shall certify all
37 inspection reports and test results. Such reports shall include certification by the
38 Engineer of the adequacy of:

- 39
40 (1) Cleaned areas and benched or keyed surfaces prepared to receive fills.
41
42 (2) Removal of unsuitable materials.
43
44 (3) Construction of erosion control and drainage devices, buttress fills,

1 underdrains, retaining walls, and other grading appurtenances.

2
3 (4) The degree of compaction where tests are performed.

4
5 B. All certified inspection reports and certified test results shall be periodically
6 submitted to the Department during the performance of the work.

7
8 **§ 244-3[2]3. Final Reports**

9
10 A. The Department shall maintain permanent files on their inspections. Upon
11 completion of permitted work, the Department may require the following for their
12 files and shall also require copies for the Charles [County] Soil Conservation
13 District:

14
15 (1) An "as-built" plan and survey by a Professional Land Surveyor or
16 Professional Engineer at the same scale as the original plan and showing all
17 improvements and final grades.

18
19 (2) Certification by the Owner that all grading, drainage, erosion control
20 measures, and facilities and vegetative measures have been completed in
21 conformance with the approved plans and specifications.

22
23 (3) A report summarizing the inspection reports, field and laboratory tests and
24 location tests.

25
26 (4) "AS-BUILT" PLANS FOR PONDS APPROVED BY THE DISTRICT.
27 "AS-BUILT" PLANS SHALL BE PREPARED PER DISTRICT
28 REQUIREMENTS.

29
30 **Article VIII, Enforcement; Penalties**

31
32 **§ 244-3[3]4. Enforcement Procedures**

33
34 A. When the enforcement agency or an inspector determines that a violation of this
35 Chapter has occurred, the inspector shall notify the on-site personnel or the
36 permittee in writing of the violation, describe the required corrective action and the
37 time period in which to have the violation corrected.

38
39 B. If the violation persists after the date specified for corrective action in the notice of
40 violation the enforcement agency shall stop work on the site. The enforcement
41 agency shall determine the extent to which work is stopped, which may include all
42 work on the site except that work necessary to correct the violation.

43
44 C. If reasonable efforts to correct the violation are not undertaken by the permittee, the

1 enforcement agency shall refer the violation for legal action.

- 2
- 3 D. The Department may deny the issuance of any permits to an applicant when it
- 4 determines that the applicant is not in compliance with the provisions of a building
- 5 or [grading] DEVELOPMENT SERVICES Permit or approved erosion and
- 6 sediment control plan.
- 7
- 8 E. Any step in the enforcement process may be taken at any time, depending upon the
- 9 severity of the violation.
- 10
- 11 F. IF A PERSON IS WORKING WITHOUT A PERMIT, THE DEPARTMENT
- 12 AND/OR INSPECTION AGENCY SHALL STOP WORK ON THE SITE
- 13 EXCEPT ACTIVITY NECESSARY TO PROVIDE EROSION AND SEDIMENT
- 14 CONTROL.
- 15

16 **§ 244-3[4]5. Severability**

17

18 If any portion, section, subsection, sentence, clause, or phrase of this Chapter is for any

19 reason held invalid or unconstitutional by any court of competent jurisdiction, such portion

20 shall be deemed a separate, distinct, and independent provision and such holding shall not

21 affect the validity of the remaining portion of this Chapter, it being the intent of the County

22 Commissioners that this Chapter shall stand, notwithstanding the invalidity of any portion,

23 section, subsection, sentence, clause, or phrase, hereof.

24

25 **§ 244-3[5]6. Violations and Penalties**

26

- 27 A.. Any person who violates any provision of this Chapter is guilty of a misdemeanor,
- 28 and upon conviction in a court of competent jurisdiction is subject to a fine not
- 29 exceeding the maximum allowed by law or imprisonment not exceeding the
- 30 maximum allowed by law or both for each violation with costs imposed in the
- 31 discretion of the court. Each day upon which the violation occurs constitutes a
- 32 separate offense.
- 33
- 34 B. Any agency whose approval is required under this Chapter or any interested person
- 35 may seek an injunction against any person who violates or threatens to violate any
- 36 provision of this Chapter.
- 37
- 38 C. In addition to any other sanction under this Chapter, a person who fails to install or
- 39 to maintain erosion and sediment controls in accordance with an approved plan
- 40 shall be liable to Charles County or the State in a civil action, for damages in an
- 41 amount equal to double the cost of installing or maintaining the controls AND
- 42 CLEAN UP OF SEDIMENT DAMAGE.
- 43
- 44 D. Any governing authority that recovers damages in accordance with this subsection
- 45 shall deposit them in a special fund, to be used solely for:

- 1 (1) Correcting to the extent possible the failure to implement or maintain
2 erosion and sediment controls; and
3
4 (2) Administration of the sediment control program.
5

6 **§ 244-37. Effective Date**
7

8 And be it further enacted, that this Ordinance shall take effect on [May 1, 1986]
9 JULY 20, 2006.
10

11 **§ 244-38. Incorporation by Reference**
12

13 A. THE FOLLOWING DOCUMENTS SHALL BE INCORPORATED BY
14 REFERENCE:
15

- 16 (1) THE CHARLES SOIL CONSERVATION DISTRICT PLAN
17 SUBMITTAL GUIDELINES;
18 (2) THE STANDARD SEDIMENT CONTROL PLAN; AND
19 (3) THE CHARLES COUNTY PLAN PREPARATION PACKAGE.
20

21 **§ 244-39. Transition Provisions**
22

23 A. THE REVISIONS ESTABLISHED IN THIS CHAPTER WILL APPLY TO ALL
24 ACTIVE ISSUED PROJECTS AS WELL AS ALL UNISSUED DEVELOPMENT
25 SERVICE PERMITS AND APPLICATIONS.
26

27
28

Appendixes A through [I]C

29
30

CHARLES COUNTY COMMISSIONERS

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Wayne Cooper, President

Robert J. Fuller

Allan R. Smith

Edith J. Patterson

Candice Quinn Kelley

Denise Ferguson, Clerk

[APPENDIX A]
STANDARD EROSION AND SEDIMENT CONTROL FORM
FOR MINOR EARTH DISTURBANCES

1
2
3
4
5 Subdivision Name (if applicable) _____ Lot _____ Block _____
6 Location _____
7 _____ Number _____ Street _____ Post Office _____
8
9

10 Applicant _____ Phone _____
11 _____
12 Address _____ Zip _____
13

14 Inspection Agency (Check One)
15 _____ Maryland Department of Natural Resources _____ Charles County Department of Planning & Growth Management
16 _____ Water Resources Sediment & Stormwater Administration _____ P.O. Box 2150
17 _____ Tawes State Office Building Compliance Program _____ La Plata, Maryland 20646-2150
18 _____ Annapolis, Maryland 2140 Baltimore, MD 21224 _____ 301-645-0618
19 _____ 301/269-2641 800-633-6101
20

21 Total Lot Area: _____ square feet
22
23 Total area to be distributed by development: _____ square feet
24

- 25 1. Access to the site and this plan shall be available at all times for inspection by the inspection agency.
26 2. The applicant shall notify the inspection agency at least 48 hours prior to commencing clearing or grading.
27 3. In the event that the applicant fails to provide adequate sediment control according to the provisions of this plan, the inspection agency reserves the
28 right to require corrective action.
29 4. If there is concurrent construction on an adjoining lot, the inspection agency may require additional sediment control measures as appropriate.
30 5. Nothing herein relieves the applicant from complying with any and all other state or county regulations.
31 6. This standard erosion and sediment control plan will remain valid for two (2) years from the date of the building permit.
32

33 **GRADING**

- 34 1. Initial site grading will be limited to 5,000 sq. ft. of disturbed area or that necessary to gain entrance to the site, excavate for foundations, install utilities
35 and construct dwelling. No further grading or clearing will be done prior to the framing inspection. The total disturbed area will not exceed 5,000 sq. ft.
36 at any one time or result in movement of earth quantity in excess of 100 cubic yards.
37 2. No proposed cut or fill will exceed four (4) feet in depth or height; exclusive of excavation for foundation, basement, or pool.
38 3. All fills will be free of any organic or other deleterious material and will be compacted; all areas to receive fill will have the ground surface prepared by
39 removing all existing vegetation; no fill will be placed on any existing slope steeper than 5:1; there will be no final graded slopes steeper than 3:1.
40 4. The proposed grading will not impair existing surface grading, constitute a potential erosion hazard or a source of sedimentation to any adjacent
41 property, right-of-way, or water course.
42 5. Driveway installation and drainage will conform to all Charles County road ordinance requirements within road rights-of-way and will be no steeper than
43 15% in grade.
44 6. The permanent driveway or entrance location shall be used as a stabilized construction entrance. Two-inch stone shall be placed at least 6 inches deep,
45 30 feet long, and 10 feet wide. The entrance shall be top dressed with stone as necessary to prevent tracking of sediment onto public streets or rights-or-
46 way.
47

48 **WATER CONTROL**

- 49 1. Storm drainage will be handled by providing positive drainage into stable areas at non-erosive velocities and in a manner consistent with established
50 drainage patterns. At any location where surface runoff from disturbed or graded areas flows off the property, silt fence or straw bale dikes shall be
51 installed to prevent sediment from being transported off-site.
52 2. Areas of water concentration (driveways, ditches, rainspouts, outlets, drainage swales, etc.) will be stabilized by riprap as appropriate or as directed
53 by the inspection agency.
54

55 **STABILIZATION**

- 56 1. Immediately upon completion of grading and prior to occupancy, all disturbed areas will be stabilized with temporary or permanent vegetation, stone,
57 blacktop, concrete, etc. and in accord with the recommendations contained in Charles Soil Conservation District's " Standards and Specifications for Soil
58 Erosion and Sediment Control in Developing Areas." NO CERTIFICATE OF USE & OCCUPANCY WILL BE ISSUED, UNLESS ALL DISTURBED AREAS
59 HAVE BEEN STABILIZED.
60 2. Following initial soil disturbance, permanent or temporary stabilization shall be completed with:
61
62 A. Seven calendar days as to the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to
63 1 vertical (3:1) and
64 B. Fourteen days as to all other disturbed or graded areas on the project site.
65

66 **SPECIFICATIONS**

- 67 1. For specifications regarding silt fence or straw bale dike installation and temporary and permanent stabilization practices, reference the "1983 1994
68 Maryland Standards and Specifications for Soil Erosion and Sediment Control," or contact the Charles Soil Conservation District.
69
70 This standard sediment control plan is NOT a grading Development Services Permit. If site work exceeds limits set forth by this plan, a detailed plan and
71 grading Development Services Ppermit will be required. I recognize, acknowledge and agree to these conditions and requirements.
72
73

74 Signature of Owner, Applicant, or Other Responsible Persons _____ Date _____
75

76 _____
77 Complete Mailing Address _____ Telephone] _____
78

1 [DISCUSSION AND RECOMMENDATION REGARDING THE APPROVAL
2 USE OF THE STANDARD SEDIMENT CONTROL PLAN
3
4

5 The need for a "Standard Sediment Control Plan" to address certain limited earth disturbing
6 operations was recognized in the early 1970s. It was not until 1976, however, that a draft plan was
7 developed jointly by the Charles Soil Conservation District and the Charles County Department of
8 Public Works Planning & Growth Management and subsequently reviewed by the Maryland
9 Department of Natural Resources, Water Resources Administration. Formal approval of this locally
10 developed document was transmitted by WRA on July 27, 1979.
11

12 At that time it was clearly communicated to both the Charles County Department of Public
13 Works Planning & Growth Management and the Water Resources Administration Maryland
14 Department of the Environment that the Charles Soil Conservation District approved the "Standard
15 Sediment Control Plan" for "isolated single family residential construction on lots of less than two (2)
16 acres and other miscellaneous small projects which meet all limiting provisions of the standard plan."
17

18 It is evident that this limited approval and applicability of the Standard Sediment Control Plan
19 have not been strictly interpreted, at least during the last several years. It was never intended by the
20 Charles Soil Conservation District that the "Standard Sediment Control Plan" should replace the site-
21 specific designed "Sediment Control Plan" in residential subdivision construction as has occurred.
22

23 In order to address this situation the Charles Soil Conservation District, effective January 1,
24 1986, limits the approval of the "Standard Sediment Control Plan" to:
25

- 26 1. The construction of single family residences on isolates lots or within subdivisions of
27 five (5) or less lots in the Town of Indian Head and Charles County at large and within
28 the Town of LaPlata, minor subdivisions as defined in the Subdivision and Land
29 Development Chapter of the Code of Ordinances of the Town of LaPlata, and
30
- 31 2. other miscellaneous small projects which meet *all limiting provisions* of the Standard
32 Sediment Control Plan and which are specifically and individually reviewed and
33 approved by the Charles Soil Conservation District.]
34
35
36
37
38
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52
53

1 **APPENDIX [B]A**

2
3 **Permit Fee**

4
5 The fee(S) for the issuance of a permit for grading operations AND SEDIMENT CONTROL
6 OPERATIONS shall be as that found in the most current FEES & CHARGES schedule. THE COUNTY MAY
7 IMPOSE MINIMUM FEES, MINIMUM FEES FOR SEDIMENT AND EROSION CONTROL
8 INSPECTIONS OR ENFORCEMENT ACTIONS, ALTERNATE REVIEW AND/OR INSPECTION FEES
9 FOR MINING ACTIVITIES, AND/OR ANY OTHER FEE THE COUNTY DEEMS NECESSARY FOR ANY
10 ADMINISTRATIVE, REVIEW, INSPECTION OR ENFORCEMENT ACTION ADMINISTERED UNDER
11 THIS ORDINANCE. THE DISTRICT AND/OR THE COUNTY MAY IMPOSE A FEE OR MINIMUM FEE
12 FOR THE REVIEW AND OR ADMINISTRATION OF SEDIMENT AND EROSION CONTROL PLANS.
13

14
15 [One (1) acre or fraction thereof of
16 disturbed area _____ \$ 100.00

17
18 Greater than one (1) acre of disturbed
19 area _____ \$.002/sq. ft. of

20
21 disturbed area]

22
23 The fee shall be payable to the County Commissioners of Charles County.
24

25 **Bond Amount**

26
27 The amount of the bond for grading operations shall be BASED ON THE CURRENT UNIT
28 PRICES FOR DEVELOPMENT AGREEMENT SECURITY AMOUNTS AND PLAN REVIEW FEES
29 [computed as follows:]
30

| <u>[Disturbed Area Containing Slopes of:]</u> | <u>[Bond Amount Per Acre of Disturbed Area]</u> |
|---|---|
| [0% to 2.5%] | [\$ 3,500.00] |
| [2.6% to 5%] | [\$ 4,500.00] |
| [5.1% and Greater] | [\$ 5,500.00] |

[APPENDIX C]

[Charles County Government]

[P.O. Box 2150]

[La Plata, MD 20646]

[Associated Permit: _____]

[Permit Number: _____]

[DEVELOPMENT SERVICES PERMIT APPLICATION]

PROJECT INFORMATION:

Project Name: _____ **Section No.:** _____ **Phase No.:** _____

Commercial (VC) Residential (VR) Industrial (VI) Blanket (VB) Capital Improvement (VCI)

Property ID(s): _____ **Tax Map** _____ **Grid** _____ **Parcel(s)** _____

Project Address/Location (be specific): _____ **ADC Map Coordinates:** _____

Intended Use: _____

APPLICANT INFORMATION:

Applicant's Name: _____ **Fax No.:** _____ **Phone No.:** _____

Applicant's Address: _____

Consultant's Name: _____ **Fax No.:** _____ **Phone No.:** _____

Consultant's Address: _____

FEE CALCULATION:

| | | | | | |
|--------------------------------|------------|-----------|--|--|--------------------------|
| _____ | <u>Yes</u> | <u>No</u> | | | |
| Grading: _____ | | | Construction Cost Estimate: _____ | | Review Fee: _____ |
| Stormwater: _____ | | | Construction Cost Estimate: _____ | | Review Fee: _____ |
| Floodplains | | | | | |
| Management | | | | | |
| Drainage | | | | | |
| Utility | | | | | |
| Water Main | | | Construction Cost Estimate: _____ | | |
| Sewer Main | | | Construction Cost Estimate: _____ | | |
| Water House Conn. _____ | | | Subtotal: _____ | | Review Fee: _____ |
| Sewer House Conn. _____ | | | | | |
| County Road _____ | | | Construction Cost Estimate: _____ | | Review Fee: _____ |
| SHA _____ | | N/A | | | N/A |
| Entrance _____ | | N/A | | | N/A |
| Critical Area _____ | | N/A | | | N/A |
| Forest Cons. _____ | | N/A | | | N/A |
| | | | Total Construction Cost Estimate: | | Total Fee: _____ |

[Make Checks Payable To: Charles County Commissioners

Telephone: (301) 645-0618 or 870-3935 x618

It shall be the duty of every permit holder to give verbal or written notification to the County Inspector prior to start of construction and at least forty-eight (48) hours prior to the time when such site will be ready for inspections.

Execution of this application constitutes binding agreement between the applicant and Charles County, Maryland. The applicant will indemnify and save harmless Charles County from any work performed under this permit.

The permit holder shall begin construction within six (6) months of the issued date and shall fully perform and complete all of the work within two (2) years of the date of the permit. The permit holder will perform no work on the above property not specifically described in this application. Any requests for extensions to the above time frames should be made in writing within thirty (30) days of the expiration and be addressed to the Director of Development Services.

I have carefully examined and read the entire application and know that the same is true and correct, and that, in doing this work, all provisions of Charles County Ordinances and state laws will be complied with, whether herein specified or not.

cc: applicant, file

Applicant's signature

Date]

1 [APPENDIX D]

2
3 [AGREEMENT]

4
5 [This Agreement, made this _____ day of _____, 20____, by and between

6 _____
7 _____,
8 hereinafter referred to as DEVELOPER, and the County Commissioners of Charles County, Maryland,
9 a body corporate, hereinafter referred to as the COUNTY.

10 WHEREAS, DEVELOPER has presented to the Charles County Planning Commission a final
11 plat of a subdivision known as _____
12 in the _____ Election District of Charles County, Maryland, and

13 WHEREAS, the DEVELOPER has likewise presented to the Charles County Planning
14 Commission plans and specifications for all required improvements in the subdivision as required by any
15 applicable County law or ordinance or any other law, a copy of which said plans and specifications are
16 on file in the County's Engineer's Office, and

17 WHEREAS, as a condition precedent to the approval of said final plat, the DEVELOPER is
18 required to agree to construct said improvements within two years of the date hereof.

19 NOW, THEREFORE, this agreement witnesseth that for and in consideration of the sum of Ten
20 dollars (\$10.00), receipt of which is hereby acknowledged, the mutual covenants and promises herein
21 contained, the approval of said final subdivision plat by the Charles County Planning Commission and
22 other good valuable considerations, the developer hereby agrees to construct all required improvements
23 as described in the attached plan and specifications, and in accordance with all applicable laws and
24 regulations, within two (2) years from date hereof.]

25
26
27
28
29 [Witness the hands and seals of the DEVELOPER:]

30 [WITNESS:

31 _____ (SEAL)

32 _____ (SEAL)

33
34 STATE OF MARYLAND, CHARLES COUNTY, TO WIT:

35 I hereby certify that on the _____ day of _____, 20____, before me, the
36 subscriber, a notary public of the State and County aforesaid, personally appeared _____
37 _____, and made oath in due form of law that the foregoing

38 Agreement is his act.

39 As witness, my hand and notarial seal.]

40
41
42 _____
43 Notary Public]

1 [APPENDIX E]

2
3 [BOND]

4
5 [KNOWN ALL MEN BY THESE PRESENTS, THAT: _____,

6 as Principal, and _____, as Surety, are
7 held and firmly bound unto the County Commissioners of Charles County, Maryland, a body corporate
8 in the sum of _____, lawful money of the United States of
9 America, for which payment well and truly to be made, we bind ourselves, our heirs, personal
10 representatives, successors, and assigns, jointly and severally, firmly by these presents.

11 WHEREAS, the above bound _____ has
12 presented to the Charles County Planning Commission a final plat of a subdivision located in the
13 _____ Election District of Charles County, Maryland, known as
14 _____, and is the owner of the property, and

15 WHEREAS, under the provisions of Charles County subdivision Regulations and Road
16 Ordinance, the Charles County Soil and Sediment Control Regulations and other applicable laws and
17 ordinances, the above bound _____ is required to complete
18 certain improvements to said subdivision prior to the final approval thereof or to furnish to County
19 Commissioners of Charles County, Maryland, an acceptable bond to guarantee construction of said
20 improvements, and

21 WHEREAS, By Agreement dated the _____ day of _____, 20_____, the above bound
22 _____, has agreed to construct said
23 improvements within two years of the date hereof, a copy of said agreement and attachments thereto
24 being hereby specifically incorporated, by reference, into the terms hereof, and

25 WHEREAS, the parties hereto have agreed to execute this bond for the purpose of guaranteeing
26 the construction of said improvements in accordance with the aforesaid agreement and all applicable
27 laws and regulations.

1 NOW, THEREFORE, the condition of this obligation is such that if the above bound
2 _____ shall construct said
3 improvements as specified in the aforesaid agreement in accordance with the above referenced plans
4 and specifications and the applicable Ordinances and Regulations of Charles County, Maryland, within
5 two years from the date hereof and upon inspection and approval of said improvements by the County,
6 this obligation shall be null and void; otherwise, this obligation to remain in full force and effect.]

7 [WITNESS the hands and seals of said Principal and Surety this _____ day of
8 _____, 20____.]

9
10 [Attest:

11
12
13 _____ (Seal)
14 Principal

16
17 Attest:

18
19
20 _____ (Seal)
21 Surety

22
23
24
25
26
27
28
29
30

1 [APPENDIX F]

2
3 [LETTER OF CREDIT]

4
5
6 [County Commissioners of
7 Charles County, Maryland
8 La Plata, Maryland 20646]

9
10 [RE: (Name of Project)]

11
12 [This bank is establishing an Irrevocable Letter of Credit in your favor at the request of and for the
13 account of (Name of Developer) , in the amount of \$
14 , effectively immediately.

15
16 Funds under this Letter of Credit are available to you against your on-sight draft on us for an amount
17 not to exceed \$ accompanied by your written statement to the effect that
18 (Developer) has failed to comply with the terms and
19 conditions of Development Services Permit No. _____ for
20 (Name of Project) .

21
22 This Letter of Credit sets forth in full the terms of this Bank's obligation which shall not be modified,
23 amended, or amplified. This bank's further represents that a draft not to exceed the sum of \$
24 shall be honored as set forth herein if presented on or before the]
25 (Date).

26
27
28 Very truly yours,]
29
30

1 [APPENDIX G]

2
3
4
5 **[DEPARTMENT OF PUBLIC WORKS**
6 **OF CHARLES COUNTY La Plata, Maryland]**
7 **[GRADING PERMIT]**

8
9 **[THIS PERMIT MUST BE POSTED**
10 **BE SURE TO READ YOUR PERMIT AND CALL FOR**
11 **INSPECTIONS**
12 **301-645-06108]**

13
14 [It shall be the duty of the holder of every permit to notify the Department of Public
15 Works verbally or in writing of the time when the grading site will be ready for
16 inspection. The following inspections must be called for:]

17
18 [THE FIRST INSPECTION shall be called for upon completion of stripping,
19 stockpiling of topsoil, and construction of temporary erosion and sediment control
20 measures.]

21
22 [THE SECOND INSPECTION shall be called for upon completion of rough grading
23 but prior to placing top soil, permanent drainage, or other site improvements.]

24
25 [THE THIRD INSPECTION shall be called for upon the completion of the final
26 grading, permanent sedimentation and erosion control facilities, but prior to seeding,
27 sodding or planting.]

28
29 [THE FOURTH INSPECTION shall be called for final approval upon completion of
30 all vegetative sedimentation and erosion control measures.]

1 [APPENDIX H]
2 [Development & Capital Services Division]
3

4 **NOTICE OF CONSTRUCTION COMPLETION FORM**
5
6
7

8 [To: *Charles Soil Conservation District*
9 Jurisdiction: *Charles County*

10
11 Structure/Project Name: _____
12 Structure/Project: Address: _____
13

14 **LOCATION:**

15 NORTHING (OR LATITUDE): _____
16 EASTING (OR LONGITUDE): _____
17 ADC MAP COORDINATES: _____
18 STATE WATERSHED DESIGNATION: _____
19

20 **STRUCTURE DRAINAGE AREA:**

21 _____ FACILITY DRAINAGE AREA (ACRES) _____ TOTAL PROJECT AREA (ACRES) _____
22 _____ LANDUSE CODE _____ RUNOFF CURVE NUMBER _____
23

24 **STRUCTURE DESCRIPTION:**

25 **STRUCTURE TYPE (CHECK ONE)**

| | |
|---|--------------------------------|
| 26 Detention Structure (dry pond) _____ | Drywell _____ |
| 27 Extended Detention (dry) _____ | Extended Detention (wet) _____ |
| 28 Infiltration Basin _____ | Infiltration Trench _____ |
| 29 Oil Grit Separator/WQ Inlet _____ | Porous Pavement _____ |
| 30 Retention Structure (wet pond) _____ | Sand Filter _____ |
| 31 Shallow Marsh (artificial wetland) _____ | Underground Storage _____ |
| 32 Other (describe) _____ | _____ |

33
34 Facility Site Location: on-site facility _____ off-site facility _____
35 Permit Approval Date: _____ Permit Number _____
36 Construction Completion Date: _____ SCD Number _____
37 Inventory Number _____ Structure Number _____
38

39
40 General Comments: _____
41 _____
42 _____
43 _____
44

45 *the person completing this form should provide the following information*
46

47
48 NAME: _____ DATE: _____
49
50 TITLE: **Engineer for Charles County** PHONE: _____
51

52 Mail to:
53 SOIL CONSERVATION DISTRICT
54 PO BOX 269
55 LA PLATA, MD 20646

56 *See reverse for additional information and instructions*
57
58
59

[ADDITIONAL INSTRUCTIONS]

1. [USE THE MARYLAND GRID COORDINATES BASED ON THE 1927 DATUM. IF THE 1983 DATUM IS USED PLEASE NOTE THIS FACT ON THE FORM AND THE PLANS.
2. LOCATE THE STRUCTURE IN THE LATEST VERSION OF THE ADC MAP FOR CHARLES COUNTY. THE COORDINATES SHOULD BE WRITTEN AS MAP NUMBER, COLUMN AND ROW. FOR EXAMPLE, FOR A BMP LOCATED ON MAP 9, COLUMN C AND ROW 10, THE CORRECT COORDINATE IS 09C10. IT IS IMPORTANT TO BE CONSISTENT WITH THE CODE THAT IS USED FOR THE ADC MAP COORDINATE, AND THE USE OF FOUR NUMERALS AND A LETTER IS ACCEPTED CONVENTION. IN ADDITION, NOTE THAT THE MAP NUMBER IS NOT NECESSARILY THE SAME AS THE PAGE NUMBER THAT IS ON THE MAP.
3. THE STATE WATERSHED DESIGNATION CORRESPONDS TO MARYLAND'S 8-DIGIT WATERSHED DESIGNATION NUMBER. A COPY OF THE WATERSHEDS IN THE CURRENT DESIGNATION SYSTEM IS AVAILABLE FROM MDE. IF THIS VALUE IS NOT READILY AVAILABLE, LEAVE IT BLANK AND MDE WILL GENERATE WATERSHED DESIGNATION USING LOCATION COORDINATES.
4. THE LAND USE CODES SHOULD CORRESPOND TO THE SYSTEM OF LAND USE / COVER USED BY THE MARYLAND OFFICE OF PLANNING AS SHOWN BELOW:

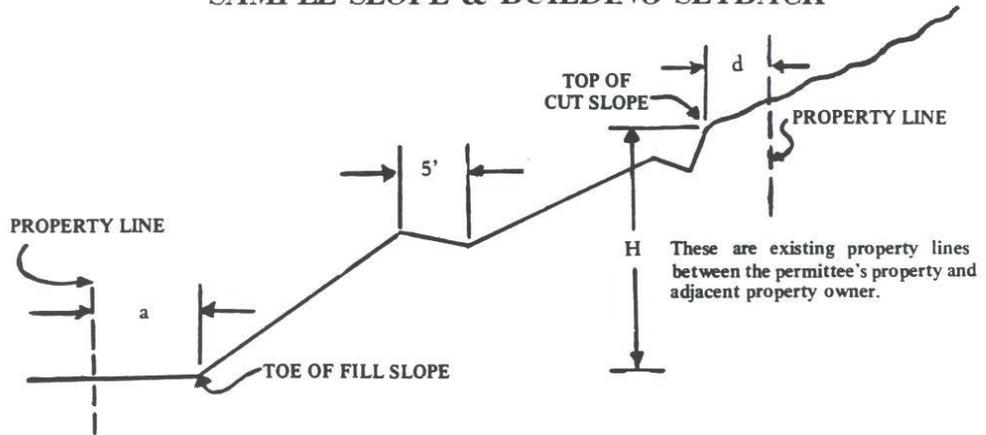
CATEGORY

SUBCATEGORY

| | | |
|-------------------|----|--|
| 10-URBAN BUILD-UP | 11 | LOW DENSITY RESIDENTIAL (0.2-2 DU/AC) |
| | | 12 MEDIUM DENSITY RESIDENTIAL (>2-8 DU/AC) |
| | | 13 HIGH DENSITY (>8 DU/AC) |
| | | 14 COMMERCIAL |
| | | 15 INDUSTRIAL |
| | | 16 INSTITUTIONAL |
| | | 17 EXTRACTIVE |
| | | 18 OPEN URBAN LAND |
| | | 191 LARGE LOT SUBDIVISION (AGRICULTURAL) |
| | | 192 LARGE LOT SUBDIVISION (FOREST) |
| 20-AGRICULTURE | 21 | CROP LAND |
| | | 22 PASTURE |
| | | 23 ORCHARDS |
| | | 24 FEEDING OPERATIONS |
| | | 241 FEEDING OPERATIONS |
| | | 242 AGRICULTURAL FACILITIES |
| 40-FOREST | 41 | DECIDUOUS FOREST |
| | | 42 EVERGREEN |
| | | 43 MIXED FOREST |
| | | 44 BRUSH |
| 50-WATER | | |
| 60-WETLANDS | | |
| 70-BARREN LAND | 71 | BEACHES |
| | | 72 BARE EXPOSED ROCK |
| | | 73 BARE GROUND] |

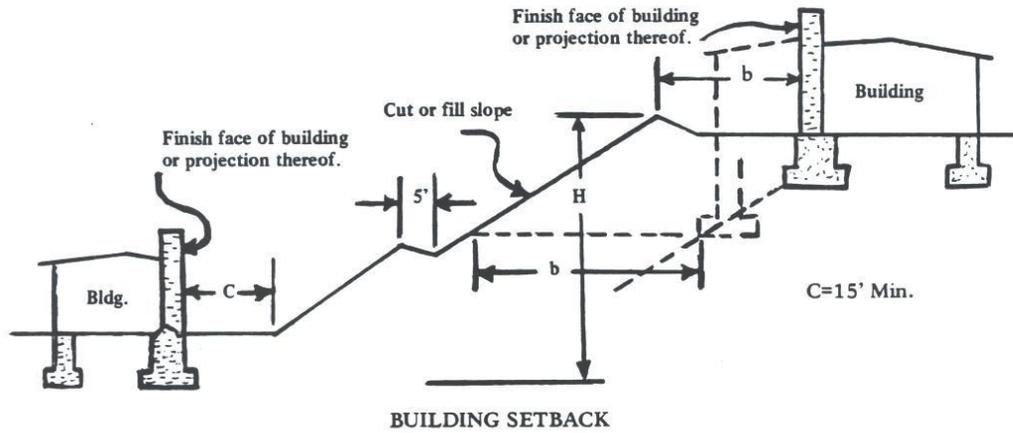
APPENDIX I|B

SAMPLE SLOPE & BUILDING SETBACK



SLOPE SETBACK FROM PROPERTY LINE

| H IN FEET | MINIMUM | SETBACK | REQUIREMENTS |
|--------------|-------------------------------------|------------------------------------|---------------------------------|
| | Toe of fill from property line a | Top of cut from property line d | Building from top of slope b |
| 0 - 10 | 2' | 2' | 5' |
| 10 - 30 | 3' | 3' | 7' |
| over 30 | 5' | 3' | 10' |



I-1 -

APPENDIX [J]C [added Ord. No. 01-03]

