

Town of Glen Echo
Ordinance
(Stormwater Drainage and Sump Pump Discharges)

Ordinance No.: 20-05
Introduced: June 8, 2020
Adopted:
Effective Date:

SUBJECT: AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO ADD BUILDING REQUIREMENTS APPLICABLE TO STORMWATER DRAINAGE AND SUMP PUMP AND SIMILAR DISCHARGES

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Glen Echo, general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Local Government Article, Section 5-211, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to make reasonable regulations concerning buildings to be erected within the limits of the municipality, including a building code and the requirement for building permits;

WHEREAS, Maryland Code, Land Use Article, Section 20-509 grants to the legislative body of incorporated municipalities in the Maryland-Washington Regional District general power to adopt building regulations for the protection of the public health, safety, and welfare; the preservation, improvement, and protection of lands, water, and improvements in the municipal corporation; and to regulate the construction, repair, or remodeling of buildings on land zoned for single-family residential uses at it relates to fences, walls, hedges, and similar barriers; signs; residential parking; residential storage; the location of structures, including setback requirements; the dimensions of structures, including height, bulk, massing, and design; and lot coverage, including impervious surfaces;

WHEREAS, Sections 413 and 415 of the Charter of the Town of Glen Echo authorize the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter of the Town of Glen Echo (the "Town");

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in an open meeting conducted on the 11th day of May, 2020;

WHEREAS, to comply with Maryland Code, Land Use Article, Section 20-509, on the ___th day of _____, 2020, a copy of following Ordinance was submitted to the Montgomery County Council for its comments;

WHEREAS, the Montgomery County Council acknowledged receipt of the Ordinance by letter dated the ___th day of _____, 2020;

WHEREAS, after proper notice to the public, and after at least thirty days from the date a copy of the following Ordinance was transmitted to the Montgomery County Council, the Town Council considered the following Ordinance in public session assembled on the ___th day of _____, 2020;

WHEREAS, due to the limited open and green space existing in the Town as a result of contemporary construction, and due to the inadequacy of the existing public stormwater drainage system and the increased amount of water runoff flowing from Town lots to adjacent properties and the public right-of-way, the Town Council finds that current stormwater drainage problems would be exacerbated unless sufficient measures are implemented to mitigate the impacts;

WHEREAS, the Town Council finds that the Town regulations do not currently separately address stormwater drainage and sump pump and similar discharges and should therefore be amended;

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the Town, and otherwise advantageous and beneficial to the Town.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing Ordinance.

BE IT ORDAINED AND ORDERED, this ___th day of _____, 2020, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town of Glen Echo Charter, the Town Code be and is hereby amended as follows:

* * *

**ARTICLE 3
BUILDING CODE**

Section 3.0 Definitions

The following terms used in this Article has have the following meanings:

* * *

“Impervious surface” means a surface which prevents or impedes infiltration of water including, but not limited to, buildings, accessory structures, and concrete or asphalt

sidewalks, walkways, stoops, stairways, patios, driveways, and parking pads, and other similar surfaces, but excluding surfaces designated as pervious by the Town Council by resolution from time to time.

* * *

Section 3.1 Building Permits

A. Building Permit Required.

1. No structure of any kind or description shall be erected or replaced, nor any modification made to the exterior of any portion of an existing structure, within the corporate limits of the Town which requires a building permit from Montgomery County, without first having obtained a permit for same from the Town Clerk or Mayor.

2. No accessory dwelling unit shall be erected or replaced, nor any existing structure modified, converted or renovated, or any part thereof, into an accessory dwelling unit, within the corporate limits of the Town, without first having obtained a permit for same from the Town Clerk or Mayor.

3. No driveway, walkway, patio, or other impervious surface of more than one hundred (100) square feet shall be constructed, within the corporate limits of the Town, without first having obtained a permit for same from the Town Clerk or Mayor.

4. No discharge from gutters, downspouts, or sump pumps shall be added, expanded, or altered, and no drainage system structure shall be added, expanded, or altered, within the corporate limits of the Town, without first having obtained a permit for same from the Town Clerk or Mayor.

(Cross reference: Section 17.8, governing discharges into right-of-way)

54. No excavation or regrading of any area, exceeding 500 square feet, of more than one hundred (100) square shall be made, within the corporate limits of the Town, without first having obtained a permit for same from the Town Clerk or Mayor.

B. Application; Approval. An application for a building permit shall be submitted to the Town Clerk containing the following information. Additional information may be requested by the Mayor. Such application shall be filed with the Town Clerk no later than seven (7) calendar days after issuance of a building permit by Montgomery County for the identical work for which the applicant seeks a permit from the Town of Glen Echo. The Town Council may prepare and require an application form. An application may be denied by the Town Clerk or Mayor for failure to provide the requested information. The Town Clerk or Mayor, upon written request of the applicant, may waive the time period for submitting the application required pursuant to this paragraph. The application shall include:

1. The signature of the owner and/or his authorized agent;

- performed;
2. The street address, of the lot upon which the proposed work is to be performed;
 3. The full name and address of each owner;
 4. A brief description of the work to be performed for which the building permit is requested;

5. An electronic copy of the building plans and all other documents submitted or anticipated to be submitted to Montgomery County as part of the application for building permit issued by Montgomery County. As a condition of a permit for construction related to an accessory dwelling unit, an applicant must submit a copy of the Montgomery County landlord license for the proposed accessory dwelling unit, prior to approval of the final inspection of the project;

5. A stormwater drainage plan, if the project would increase the existing impervious surface on a lot by more than ~~500~~ 100 square feet.

a. The drainage plan must specify the design or provisions for the control or conveyance of any increase in water runoff.

b. The design or provisions for the control or conveyance of runoff can be met with dry wells, rain barrels, cisterns, natural topography or buffers, rain gardens, biofilters, storm drains, yard drains, swales, pervious pavers, rooftop gardens, or other measures approved by the Town Council. Conveyance to a public right-of-way shall be allowed only where onsite control is not feasible, as determined by the Town Council, and an agreement to use the right-of-way is executed by the applicant, in a form required by the Town Council.

c. The development and design of the stormwater drainage plan must be consistent with the format and requirements specified in the *Town of Glen Echo Guidelines for Control of Water Runoff*, as amended, or other accepted design criteria approved by the Town Council.

d. An application for the construction of a new main building must include an erosion and sediment control plan, including stormwater management design, prepared and certified by a professional engineer, land surveyor, or landscape architect licensed by the State of Maryland.

6. ~~6.~~—A certification by the applicant that the applicant provided to the owners of adjoining and confronting private properties within the Town of Glen Echo, and to the occupants of said property if the owners are not the occupants (collectively, “neighbors”), a reasonable opportunity to inspect the building permit plans. The certification shall include an explanation of the steps taken to comply with these requirements and to identify those neighbors

who have inspected the plans. Unless there are unusual circumstances, initials of those neighbors who have inspected the permit plans are required on the building permit application;

7. ~~7.~~An application fee in the amount set forth on the fee schedule approved by the Town Council from time to time; and

8. ~~8.~~Photographic proof of the condition of adjoining streets and sidewalks prior to the beginning of construction.

C. Criteria for Issuance of Permit. The Town Clerk or Mayor shall consider, in approving or disapproving an application, such factors as:

1. Whether the application is complete and conforms to the requirements of this Section; and,

2. Whether the proposed work complies with all other applicable Town ordinances, including but not limited to all of the provisions of this Article regarding setbacks, and all of the provisions of Article 17, Streets and Sidewalks, specifically including the provisions of Section 17.2 which require a separate permit. No permit for any building shall be issued by the Clerk or Mayor or Council unless the building complies with the setback requirements of the Montgomery County Zoning Code.

In making its findings, the Town Council may rely upon the findings of the County in the issuance of the County permit. The Town Council may impose conditions on a permit as deemed necessary to assure compliance with the Town Code and/or protect the public health, safety or welfare. Such conditions may include, but are not limited to: (a) prohibiting or limiting the parking of contractors' or other construction-related vehicles in the public right-of-way or on private property; (b) limiting the locations upon public and private property where materials, equipment, and dumpsters may be stored; (c) limiting the locations where portable toilets may be placed or maintained; (d) requiring tree protection measures to protect public and private trees during construction; and I limiting the permissible work hours.

At the request of any one of the following: the applicant, the adjoining or confronting property owners, or a member of the Town Council, a public hearing may be held on the application prior to the issuance of a building permit. In such case, the Town Council shall decide whether a building permit should be issued.

D. Permit Contingent on County Permit. The Town of Glen Echo building permit is effective and valid only for the identical work authorized by a valid building permit issued by Montgomery County, as may be modified by the terms and conditions of the Town permit. The Town of Glen Echo building permit is effective and valid only for that time period for which the Montgomery County permit is valid, or such other time as may be specified in the Town permit. The Town Clerk or Mayor may grant a request for an extension, upon such terms and conditions as the Town Clerk or Mayor may find necessary to protect the public health, safety, and welfare, upon a reasonable showing by the permittee that there has been no material change in circumstances since the issuance of the permit and despite due diligence by the permittee,

additional time is necessary to accomplish the approved construction. Such a request shall be accompanied by the extension fee in the amount set forth on the fee schedule approved by the Town Council from time to time.

E. Permit Display and Enforcement.

1. Display. Upon issuance, the applicant shall promptly display the Town permit on the property in a manner visible to the public.

2. Enforcement.

a. It shall be unlawful to conduct construction except in strict compliance with the applicable Town permit, the approved plans and specifications therefor, and any and all conditions imposed by the Town Council in connection therewith.

b. The Town Council may suspend or revoke a building permit, or issue a stop work order, if construction has been undertaken in violation of an applicable Town permit, the approved plans and specifications, therefor, and any and all conditions imposed by the Town Council in connection therewith. A stop work order issued hereunder shall be posted on the property in a conspicuous location and shall be deemed sufficient service upon all persons physically on the property. If a stop work order is issued, it shall be unlawful to continue any construction activity until such time as the stop work order has been lifted by the Mayor, provided however, that any activity ordered to be undertaken by the Mayor in order to abate a violation may proceed as directed by the Mayor.

c. It shall be unlawful to remove a posted stop work order except under the express authority of the Mayor.

d. The Town Clerk or Mayor may grant a request for a modification to the approved permit, and the terms and conditions thereof, upon such further terms and conditions as the Town Clerk or Mayor may find necessary to protect the public health, safety, and welfare. Such a request shall be accompanied by the modification fee in the amount set forth on the fee schedule approved by the Town Council from time to time.

F. Judicial Review. Any person aggrieved by a decision of the Town Council with regard to an application for a building permit filed under the provisions of this Section and who appeared before the Town Council in person, by an attorney, or in writing, shall have the right to appeal the decision of the Town Council to the Circuit Court for Montgomery County, Maryland under the provisions of title 7, Chapter 200 of the Maryland Rules of Procedure.

G. Liability for Damage to Town of Glen Echo Property. As a condition for the grant of a permit, the permit holder shall be liable for any damage to Town of Glen Echo property and public rights-of-way and improvements thereon, including sidewalks, curbs, streets and green space. Permit holders shall be subject to the expense necessary to repair such damage as close to the original condition as possible. The Town may, by contract or otherwise and at the violator's expense, cause any necessary repairs to be made. The Town Council, in its discretion,

may require as a precondition to issuance of a permit the posting of a bond or other security in a form satisfactory to the Mayor and in such amount as may be established by the Town Council by resolution from time to time, to be applied toward the cost of repair of damage caused to Town of Glen Echo property and public rights-of-way and improvements thereon.

(Ord. No. 04-01, effective 1/12/04; Ord. No. 06-02, effective 11/7/06; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-01, effective 6/3/18; Ord. 19-06, effective 2/5/20; **Ord. 20-01, effective x/x/20**)

* * *

Section 17.8 ~~(Reserved)~~ Sump Pump, Roof Gutter, and Similar Discharges

No sump pump, roof gutter, or similar drainage system shall be permitted to discharge directly onto a public right-of-way, or to be terminated so that it discharges onto a public right-of-way. Such drainage system existing as of May 11, 2020 may be maintained and repaired but not replaced, provided the discharge does not create pooling or otherwise present a potential hazard or nuisance as determined by the Town Clerk or Mayor.

(Ord. No. 06-02, effective 11/7/06; Ord. No. 16-02, effective 1/30/17; Ord. No. 18-01, effective 6/3/18; **Ord. 20-01, effective x/x/20**)

* * *

Bold Underline indicates new language
~~Strikethrough~~ indicates language deleted
Asterisks * * * indicate language unchanged

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town of Glen Echo Charter, that:

1. If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and
2. This Ordinance shall take effect, twenty (20) days after passage by the Council and approval of the Mayor.

Attest:

I hereby attest that the above Ordinance was duly adopted by the Town Council on the ___ day of _____, 2020, by a vote of ___ in favor and ___ in opposition.

Beth Boa, Clerk-Treasurer
Town of Glen Echo

Approved:

Willem Polak, Mayor
Town of Glen Echo

Date: _____