



CITY OF CAMBRIDGE
STORMWATER MANAGEMENT
ORDINANCE

June 1, 2010

City of Cambridge
307 Gay Street
Cambridge, Maryland 21613

EXECUTIVE DEPARTMENT

TELEPHONE (410) 228-4020
MD RELAY (V/TTY) 711 OR 1-800-735-2258

ORDINANCE NO. 993

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND ("THE COMMISSIONERS"), TO AMEND ARTICLE IV OF CHAPTER 7 OF THE CODE OF LAWS OF THE CITY OF CAMBRIDGE.

WHEREAS, to protect the health, safety and welfare of its citizens, the Commissioners of Cambridge desire to amend in its entirety, Article IV entitled "Stormwater Management" of Chapter 7 "Grading, Erosion and Sediment Control" of the City Code.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Commissioners of Cambridge that Article IV "Stormwater Management" of the City Code, is hereby repealed and deleted in its entirety and hereby re-enacted with amendments to read as set forth on Exhibit "A" attached hereto and incorporated herein by reference.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall become effective on JUNE 1, 2010.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE


Edwin C. Kinnamon, Clerk

BY: 
VICTORIA JACKSON-STANLEY, Mayor

Introduced this 10th day of MAY, 2010
Adopted this 24th day of MAY, 2010.



**CITY OF CAMBRIDGE
STORMWATER MANAGEMENT ORDINANCE**

Table of Contents

	<u>Page</u>
1.0 Purpose and Authority	3
1.1 Incorporation by Reference	
2.0 Definitions.....	3
3.0 Applicability.....	8
3.1 Scope	
3.2 Exemptions	
3.3 Waivers/Watershed Management Plans	
3.4 Redevelopment	
3.5 Variance	
4.0 Stormwater Management Criteria	13
4.1 Minimum Control Requirements	
4.2 Stormwater Management Measures	
4.3 Specific Design Criteria	
5.0 Stormwater Management Plans.....	16
5.1 Review and Approval of Stormwater Management Plans	
5.2 Contents and Submission of Stormwater Management Plans	
5.3 Preparation of Stormwater Management Plans	
6.0 Permits	19
6.1 Permit Requirement	
6.2 Permit Fee	
6.3 Permit Suspension and Revocation	
6.4 Permit Conditions	
7.0 Performance Bond.....	20
8.0 Inspection.....	21
8.1 Inspection Schedule and Reports	
8.2 Inspection Requirements During Construction	
9.0 Maintenance.....	24
9.1 Maintenance Inspection	
9.2 Maintenance Agreement	
9.3 Maintenance Responsibility	
10.0 Appeals.....	26
11.0 Waiver of Liability.....	26
12.0 Severability.....	26
13.0 Penalties.....	26
14.0 Effective Date.....	27

CITY OF CAMBRIDGE

STORMWATER MANAGEMENT ORDINANCE

1.0 PURPOSE AND AUTHORITY

The purpose of this Ordinance is to protect, maintain and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with increased stormwater runoff. The goal is to manage stormwater by using environmental site design (ESD) to the maximum extent practicable (MEP) to maintain after development, as nearly as possible, the predevelopment runoff characteristics, and to reduce stream channel erosion, pollution, siltation and sedimentation, and local flooding, and use appropriate structural best management practices (BMPs) only when necessary. This will restore, enhance, and maintain the chemical, physical, and biological integrity of streams, minimize damage to public and private property, and reduce the impacts of land development.

The provisions of this Ordinance, pursuant to the Environment Article, Title 4, Subtitle 2, Annotated Code of Maryland, 2009 replacement volume, are adopted under the authority of the City Code of Cambridge, Maryland and shall apply to all development occurring within the incorporated area of the City of Cambridge. The application of this Ordinance and provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute.

The provisions of this Ordinance may not be construed to affect the requirements for a project located in an Intensely Developed Area of the Chesapeake and Atlantic Coastal Bays Critical Area to comply with the 10 percent Pollution Reduction Requirement under COMAR 27.01.02.03 D(3).

The City of Cambridge Department of Public Works shall be responsible for the coordination and enforcement of the provisions of this Ordinance. This Ordinance applies to all new and redevelopment projects that have not received approval for final plans by June 1, 2010.

1.1 INCORPORATION BY REFERENCE.

For the purpose of this Ordinance, the following documents are incorporated by reference:

- A. The 2000 Maryland Stormwater Design Manual, Volumes I & II (Maryland Department of the Environment, April 2000), and all subsequent revisions, is incorporated by reference by the City of Cambridge Department of Public Works and shall serve as the official guide for stormwater management principles, methods, and practices.
- B. USDA Natural Resources Conservation Service Maryland Conservation Practice Standard Pond Code 378 (January 2000).

2.0 DEFINITIONS

- A. The following definitions are provided for the terms used in this Ordinance:
 - (1) “Administration” means the Maryland Department of the Environment (MDE) Water Management Administration (WMA).
 - (2) “Administrative Waiver” means a decision by the Department of Public Works pursuant to this regulation to allow the construction of a development to be governed by the stormwater management ordinance in effect as of June 1, 2009, in the City of Cambridge. It is distinct from a waiver granted under section 3.3 of this Ordinance.

- (3) "Adverse impact" means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.
- (4) "Agricultural land management practices" means those methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.
- (5) "Applicant" means any person, firm, or governmental agency who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.
- (6) "Approval" means a documented action by the Department of Public Works following a review to determine and acknowledge the sufficiency of submitted material to meet the requirements of a specified stage in the City's stormwater management review process. It does not mean an acknowledgement by the approving agency that submitted material has been received for review.
- (7) "Approving Agency" means the entity responsible for the review and approval of stormwater management plans. In the City of Cambridge, the approving agency is The Department of Public Works.
- (8) "Aquifer" means a porous water bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.
- (9) "Best Management Practice (BMP)" means a structural device or nonstructural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities.
- (10) "Channel Protection Storage Volume (Cp_v)" means the volume used to design structural management practices to control stream channel erosion. Methods for calculating the channel protection storage volume are specified in the 2000 Maryland Stormwater Design Manual.
- (11) "Clearing" means the removal of trees and brush from the land but shall not include the ordinary mowing of grass.
- (12) "Design Manual" means the 2000 Maryland Stormwater Design Manual, and all subsequent revisions, that serves as the official guide for stormwater management principles, methods, and practices.
- (13) "Detention structure" means a permanent structure for the temporary storage of runoff, which is designed so as not to create a permanent pool of water.
- (14) "Develop land" means to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.

- (15) "Direct discharge" means the concentrated release of stormwater to tidal waters or vegetated tidal wetlands from new development or redevelopment projects in the Critical Area.
- (16) "Drainage area" means that area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.
- (17) "Easement" means a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.
- (18) "Environmental site design (ESD)" means using small-scale stormwater management practices, nonstructural techniques, and better site planning to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources. Methods for designing ESD practices are specified in the Design Manual, and include features which:
 - (a) Optimize conservation of natural features, such as drainage patterns, soils, and vegetation;
 - (b) Minimize use of impervious surfaces, such as paved surfaces, concrete channels, roofs, and pipes;
 - (c) Slow down runoff to maintain discharge timing and to increase infiltration and evapotranspiration; and
 - (d) Use other nonstructural practices or innovative stormwater management technologies approved by Maryland Department of the Environment (MDE).
- (19) "Exemption" means those land development activities that are not subject to the stormwater management requirements contained in this Ordinance.
- (20) "Extended detention" means a stormwater design feature that provides gradual release of a volume of water in order to increase settling of pollutants and protect downstream channels from frequent storm events. Methods for designing extended detention BMPs are specified in the Design Manual.
- (21) "Extreme flood volume (Q_f)" means the storage volume required to control those infrequent but large storm events in which overbank flows reach or exceed the boundaries of the 100- year floodplain.
- (22) "Final plan" means the last of three required plan submittals to the Department of Public Works for approval which includes the information necessary to allow permits to be issued by the Department of Public Works.
- (23) "Final project approval" means approval of the final stormwater management plan and erosion and sediment control plan required to construct a project's stormwater management facilities, including the securing of bonding and financing.
- (24) "Flow attenuation" means prolonging the flow time of runoff to reduce the peak discharge.

- (25) "Grading" means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.
- (26) "Impervious area" means any surface that does not allow stormwater to infiltrate into the ground.
- (27) "Infiltration" means the passage or movement of water into the soil surface.
- (28) "Maximum extent practicable (MEP)" means designing stormwater management systems so that all reasonable opportunities for using ESD planning techniques and treatment practices are exhausted and only where absolutely necessary, a structural BMP is implemented.
- (29) "Off-site stormwater management" means the design and construction of a facility necessary to control stormwater from more than one development.
- (30) "On-site stormwater management" means the design and construction of systems necessary to control stormwater within an immediate development.
- (31) "Overbank flood protection volume (Q_p)" means the volume controlled by structural practices to prevent an increase in the frequency of out of bank flooding generated by development. Methods for calculating the overbank flood protection volume are specified in the Design Manual.
- (32) "Person" means the federal government, the State, any county, municipal corporation, or other political subdivision of the State, or any of their units, or an individual receiver, trustee guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.
- (33) "Preliminary plan" means the second of three required plan submittals to the Department of Public Works for approval which includes the information necessary to allow a detailed evaluation of a proposed project.
- (34) "Preliminary project approval" means an approval as part of preliminary plan review by the Department of Public Works (DPW) and City of Cambridge Planning and Zoning Commission (Cambridge P&Z) that includes, at a minimum:
- (a) The number of planned dwelling units or lots;
 - (b) The proposed project density;
 - (c) The proposed size and location of all land uses for the project;
 - (d) A plan that identifies the proposed drainage patterns, the location of all points of discharge from the site, and the type, location, and size of all stormwater management measures based on site-specific stormwater management requirement computations; and
 - (e) Any other information required by the DPW or Cambridge P&Z including, but not limited to:

- (i) The proposed alignment, location, and construction type and standard for all roads, access ways, and areas of vehicular traffic;
 - (ii) A demonstration that the methods by which the development will be supplied with water and wastewater service are adequate; and
 - (iii) The size, type, and general location of all proposed wastewater and water system infrastructure.
- (35) “Qualitative Control” means a system of vegetative, structural, and other measures that reduces or eliminates pollutants that might otherwise be carried by surface runoff.
 - (36) “Quantitative Control” means a stormwater management system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land.
 - (37) “Recharge volume (Re_v)” means that portion of the water quality volume used to maintain groundwater recharge rates at development sites. Methods for calculating the recharge volume are specified in the Design Manual.
 - (38) “Redevelopment” means any construction, alteration, or improvement performed on a site in which existing land use is commercial, industrial, institutional, or multifamily residential and existing site impervious area exceeds 40 percent.
 - (39) "Residential Lot" means a lot or parcel of any size for the purpose of constructing either a detached, singly family dwelling or attached, single family dwellings such as a duplex.
 - (40) "Retention structure" means a permanent structure that provides for the storage of runoff by means of a permanent pool of water.
 - (41) “Retrofitting” means the implementation of ESD practices, the construction of a structural BMP, or the modification of an existing structural BMP in a previously developed area to improve water quality over current conditions.
 - (42) "Sediment" means soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.
 - (43) "Site" means any tract, lot or parcel of land or combination of tracts, lots, or parcels of land, which are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.
 - (44) “Sketch Plan” means the first of three required plan submittals to the Department of Public Works for approval which includes the information necessary to allow an initial evaluation of a proposed project.
 - (45) "Stabilization" means the prevention of soil movement by any of various vegetative and/or structural means.
 - (46) “Stormwater” means water that originates from a precipitation event.
 - (47) "Stormwater management system” means natural areas, ESD practices, stormwater management measures, and any other structure through which stormwater flows, infiltrates, or discharges from a site.

- (48) "Stormwater Management Plan" means a set of drawings or other documents submitted by a person as a prerequisite to obtaining a stormwater management approval, which contain all of the information and specifications pertaining to stormwater management. Stormwater Management Plans will typically be submitted as part of overall project plans submitted for each of the three review phases: sketch plans, preliminary plans, and final plans.
- (49) "Stripping" means any activity which removes the vegetative surface cover including tree removal, clearing, grubbing and storage or removal of topsoil.
- (50) "Variance" means the modification of the minimum stormwater management requirements for specific circumstances such that strict adherence to the requirements would result in unnecessary hardship and not fulfill the intent of the Ordinance.
- (51) "Waiver" means the reduction of stormwater management requirements by the Department of Public Works for a specific development on a case-by-case review basis.
- (52) "Watercourse" means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that is subject to inundation from overflow or flood water.
- (53) "Watershed" means the total drainage area contributing runoff to a single point.
- (54) "Water quality volume (WQ_v)" means the volume needed to capture and treat the runoff from 90 percent of the average annual rainfall at a development site. Methods for calculating the water quality volume are specified in the Design Manual.

3.0 APPLICABILITY

3.1 Scope.

No person shall develop any land for residential, commercial, industrial, or institutional uses without providing stormwater management measures that control or manage runoff from such developments, except as provided within this section. The stormwater management measures must be designed consistent with the Design Manual and constructed according to an approved plan for new development or the policies stated in section 3.4 of this Ordinance for redevelopment.

3.2 Exemptions.

The following development activities are exempt from the provisions of this Ordinance and the requirements of providing stormwater management:

- A. Agricultural land management activities;
- B. Additions or modifications to existing single family detached residential structures if they comply with section 3.2C of this Ordinance below;
- C. Any developments that do not disturb over 5,000 square feet of land area; and
- D. Land development activities that the Administration determines will be regulated under specific State laws, which provide for managing stormwater runoff.

3.3 Waivers / Watershed Management Plans

- A. The Department of Public Works shall grant stormwater management quantitative control waivers only to those projects within areas where watershed management plans have been developed consistent with section 3.3K of this Ordinance, unless the project meets the requirements detailed in section 3.3 of this Ordinance. Written requests for quantitative stormwater management waivers shall be submitted that contain sufficient descriptions, drawings, and any other information that is necessary to demonstrate that ESD has been implemented to the MEP. A separate written waiver request shall be required in accordance with the provisions of this section if there are subsequent additions, extensions, or modifications to a development receiving a waiver.
- B. Except as provided in section 3.3D of this Ordinance, a quantitative control waiver may be granted to a development project that is located in an area where a watershed management plan has not been developed in accordance with regulations adopted by MDE if:
- (1) It has been demonstrated that ESD has been implemented to the MEP;
 - (2) The project discharges directly into tidally influenced receiving waters;
 - (3) The project is an infill development located in a Priority Funding Area where:
 - (a) The economic feasibility of the project is tied to the planned density of the project;
 - (b) Implementation of the stormwater management regulations adopted by MDE in 2009 would result in a loss of planned development density; and
 - (c) The following conditions are met:
 - a) Public water, sewer, and stormwater conveyance exists;
 - b) The quantitative waiver is applied only to the existing impervious cover on the site of the project;
 - c) ESD is used to the MEP to meet the full water quality treatment requirements of the entire project; and
 - d) ESD is used to the MEP to provide for full quantity control for all new impervious surfaces.
 - (4) Redevelopment projects if the requirements of section 3.4 of this Ordinance are satisfied; or
 - (5) When the Department of Public Works determines that circumstances exist that prevent the reasonable implementation of quantity control practices.
- C. Except as provided in section 3.3 D of this Ordinance, stormwater management qualitative control waivers apply only to:
- (1) In-fill development projects where stormwater management implementation is not feasible;

- (2) Redevelopment projects if the requirements of section 3.4 are satisfied; or
 - (3) Sites where the Department of Public works determine that circumstances exist that prevent the reasonable implementation of quality control practices.
- D. A quantitative and qualitative control waiver may be granted for phased development projects if, by June 1, 2010, a stormwater system has been constructed that is designed to meet:
- (1) The regulations for stormwater management adopted by MDE in 2000; and
 - (2) The version of this Ordinance in effect for phased development at the time the stormwater system was constructed.

The following paragraph applies to a phased development project that has received a waiver under section 3.3D of this Ordinance.

- (1) If the regulations for stormwater adopted by MDE in 2009 cannot be met for future phases of a phased development project that are constructed after June 1, 2010, the Developer shall demonstrate to the Department of Public Works that all reasonable efforts were made to incorporate environmental side design into these phases of development.
- E. The Department of Public Works may grant an administrative waiver to a development project that received preliminary project approval from the Cambridge P&Z on or before June 1, 2010.
- F. Except as provided by Section 3.3K of this Ordinance an administrative waiver granted under Section 3.3D of this Ordinance shall expire on:
- (1) June 1, 2013, if the project does not receive final project approval on or before that date:
or
 - (2) June 1, 2017, if the project receives final project approval on or before June 1, 2013.
- G. The Department of Public Works may grant an extension to an administrative waiver if, by June 1, 2010, a project:
- (1) Has received preliminary project approval; and
 - (2) Was subject to:
 - (a) A development rights and responsibilities agreement;
 - (b) A tax increment financing approval; or
 - (c) An annexation agreement.
- H. An administrative waiver that is extended under section 3.3F of this Ordinance expires when an agreement or approval under Section 3.3F of this Ordinance terminates.
- I. Construction authorized by an administrative waiver granted by Section 3.3F of this Ordinance shall be completed:

- (1) On or before June 1, 2017; or
 - (2) By the expiration date of the extension to an administrative waiver granted under Section 3.3F of this Ordinance.
- J. Waivers shall only be granted when it has been demonstrated that ESD has been implemented to the MEP and must:
- (1) Be on a case-by-case basis;
 - (2) Consider the cumulative effects of the Department of Public Works waiver policy; and
 - (3) Reasonably ensure the development will not adversely impact stream quality.
- K. If the Department of Public Works has established an overall watershed management plan for a specific watershed, then they may develop quantitative waiver and redevelopment provisions that differ from sections 3.3 and 3.4 of this Ordinance.
- L. A watershed management plan developed for the purpose of implementing different stormwater management policies for waivers and redevelopment shall:
- (1) Include detailed hydrologic and hydraulic analyses to determine hydrograph timing;
 - (2) Evaluate both quantity and quality management and opportunities for ESD implementation;
 - (3) Include a cumulative impact assessment of current and proposed watershed development;
 - (4) Identify existing flooding and receiving stream channel conditions;
 - (5) Be conducted at a reasonable scale;
 - (6) Specify where on-site or off-site quantitative and qualitative stormwater management practices are to be implemented;
 - (7) Be consistent with the General Performance Standards for Stormwater Management in Maryland found in the Design Manual; and
 - (8) Be approved by the Administration.

3.4 Redevelopment

- A. Stormwater management plans are required by the Department of Public Works for all redevelopment, unless otherwise specified by watershed management plans developed according to section 3.3K of this Ordinance. Stormwater management measures must be consistent with the Design Manual.
- B. Except as provided in sections 3.4C and 3.4D of this Ordinance, all redevelopment designs shall:
- (1) Reduce impervious area within the limit of disturbance (LOD) by at least 50 percent according to the Design Manual;
 - (2) Implement ESD to the MEP to provide water quality treatment for at least 50 percent of

the existing impervious area within the LOD; or

- (3) Use a combination of section 3.4B(1) and (2) of this Ordinance for at least 50 percent of the existing site impervious area.

C. The Department of Public Works may authorize the use of alternative stormwater management measures for redevelopment if the owner/developer satisfactorily demonstrates to the Department of Public Works that impervious area reduction has been maximized and the ESD has been implemented to the MEP. Alternative stormwater measures include, but are not limited to:

- (1) On-site structural BMP's;
- (2) Off-site structural BMP's to provide water quality treatment for an area equal to or greater than 50 percent of the existing impervious area; or
- (3) A combination of impervious area reduction, ESD implementation, and on-site or off-site structural BMP's for an area equal to or greater than 50 percent of the existing site impervious area within the LOD.

D. The Department of Public Works may authorize the use of alternative stormwater management measures for redevelopment if the owner/developer satisfactorily demonstrates to the Department of Public Works that the requirements of sections 3.4B and 3.4C cannot be met. Alternative stormwater management measures may include, but not be limited to the following, in order of priority:

- (1) A combination of ESD implementation and an on-site or off-site structural BMP;
- (2) Retrofitting, including existing BMP upgrades, filtering practices, and implementation of off-site ESD;
- (3) Participation in a stream restoration project;
- (4) Pollution trading with another entity;
- (5) Design criteria based on watershed management plans developed in accordance with this Ordinance;
- (6) Payment of a fee-in-lieu; or
- (7) A partial waiver of the treatment requirement if ESD is not practicable.

E. After it has been determined that ESD has been implemented to the MEP, the Department of Public Works shall consider the order of priority when determining which alternative measures to authorize, and may consider whether:

- (1) The redevelopment project is located in an area targeted for development incentives such as a Priority Funding Area, a designated Transit Oriented Development area, or a designated Base Realignment and Closure Revitalization and Incentive Zone;
- (2) The redevelopment project is necessary to accommodate growth consistent with the comprehensive plans; or
- (3) Bonding and financing have been secured based on an approved development plan.

- F. Stormwater management shall be addressed according to the new development requirements in the Design Manual for any net increase in impervious area.

3.5 Variance.

The Department of Public Works may grant a written variance from any requirement of Section 4.0, Stormwater Management Criteria, of this Ordinance if there are exceptional circumstances applicable to the site such that strict adherence will result in unnecessary hardship and not fulfill the intent of the Ordinance. A written request for variance shall be provided to the Department of Public Works and shall state the specific variances sought and reasons for their granting. The Department of Public Works shall not grant a variance unless and until sufficient justification is provided by the person developing land that the implementation of ESD to the MEP has been investigated thoroughly.

4.0 STORMWATER MANAGEMENT CRITERIA

4.1 Minimum Control Requirements.

- A. The minimum control requirements established in this section and the Design Manual are as follows:
- (1) Planning techniques, nonstructural practices, and design methods specified in the Design Manual shall be used to implement ESD to the MEP. The use of ESD planning techniques and treatment practices must be exhausted before any structural BMP is implemented. Stormwater management plans for development projects subject to this Ordinance shall be designed using ESD sizing criteria, recharge volume, water quality volume, and channel protection storage volume criteria according to the Design Manual. The MEP standard is met when channel stability is maintained, predevelopment groundwater recharge is replicated, nonpoint source pollution is minimized, and structural stormwater management practices are used only if determined to be absolutely necessary.
 - (2) Control of both the 2-year and 10-year frequency storm event is required by the Department of Public Works. Control of higher frequency storm events than the 2-year and 10-year frequency storm may be required if the Department of Public Works determines that additional stormwater management is necessary because historical flooding problems exist and downstream floodplain development and conveyance system design cannot be controlled.
 - (3) The Department of Public Works may require more than the minimum control requirements specified in this Ordinance if hydrologic or topographic conditions warrant or if flooding, stream channel erosion, or water quality problems exist downstream from a proposed project.
 - (4) The stormwater management plan shall demonstrate that the 100-year frequency storm will not damage stormwater management facilities and will be safely conveyed to downstream areas.
- B. Alternative minimum control requirements may be adopted subject to Administration approval. The Administration shall require a demonstration that alternative requirements will implement ESD to the MEP and control flood damages, accelerated stream erosion, water quality, and sedimentation. Comprehensive watershed studies may also be required.

- C. Stormwater Management and development plans where applicable, shall be consistent with adopted and approved watershed management plans or flood management plans as approved by the Maryland Department of the Environment in accordance with the Flood Hazard Management Act of 1976.

4.2 Stormwater Management Measures.

The ESD planning techniques and practices and structural stormwater management measures established in this Ordinance and the Design Manual shall be used, either alone or in combination in a stormwater management plan. A developer shall demonstrate that ESD has been implemented to the MEP before the use of a structural BMP is considered in developing the stormwater management plan.

A. ESD Planning Techniques and Practices.

- (1) The following planning techniques shall be applied according to the Design Manual to satisfy the applicable minimum control requirements established in section 4.1 of this Ordinance:
 - (a) Preserving and protecting natural resources;
 - (b) Conserving natural drainage patterns;
 - (c) Minimizing impervious area;
 - (d) Reducing runoff volume;
 - (e) Using ESD practices to maintain 100 percent of the annual predevelopment.
 - (f) Using green roofs, permeable pavement, reinforced turf, and other alternative surfaces;
 - (g) Limiting soil disturbance, mass grading, and compaction;
 - (h) Clustering development; and
 - (i) Any practices approved by the Administration.
- (2) The following ESD treatment practices shall be designed according to the Design Manual to satisfy the applicable minimum control requirements established in section 4.1 of this Ordinance:
 - (a) Disconnection of rooftop runoff;
 - (b) Disconnection of non-rooftop runoff;
 - (c) Sheetflow to conservation areas;
 - (d) Rainwater harvesting;
 - (e) Submerged gravel wetlands;
 - (f) Landscape infiltration;

- (g) Infiltration berms;
 - (h) Drywells;
 - (i) Micro-bioretenion;
 - (j) Rain gardens;
 - (k) Swales;
 - (l) Enhanced filter; and
 - (m) Any practices approved by the Administration.
- (3) The use of ESD planning techniques and treatment practices specified in this section shall not conflict with existing State law or local ordinances, regulations, or policies. The City of Cambridge shall modify planning and zoning ordinances and public works codes to eliminate any impediments to implementing ESD to the MEP according to the Design Manual.

B. Structural Stormwater Management Measures.

- (1) The following structural stormwater management practices shall be designed according to the Design Manual to satisfy the applicable minimum control requirements established in Section 4.1 of this Ordinance.
- (a) Stormwater management ponds;
 - (b) Stormwater management wetlands;
 - (c) Stormwater management infiltration;
 - (d) Stormwater management filtering systems; and
 - (e) Stormwater management open channel systems.
- (2) The performance criteria specified in the Design Manual with regard to general feasibility, conveyance, pretreatment, treatment and geometry, environment and landscaping, and maintenance shall be considered when selecting structural stormwater management practices.
- (3) Structural stormwater management practices shall be selected to accommodate the unique hydrologic or geologic regions of the City of Cambridge.

C. ESD planning techniques and treatment practices and structural stormwater management measures used to satisfy the minimum requirements in section 4.1 of the Ordinance must be recorded in the land records of Dorchester County and remain unaltered by subsequent property owners. Prior approval from the Department of Public Works shall be obtained before any stormwater management practice is altered.

D. Alternative ESD planning techniques and treatment practices and structural stormwater measures may be used for new development runoff control if they meet the performance criteria established in the Design Manual and all subsequent revisions and are approved by the Administration.

Practices used for redevelopment projects shall be approved by the Department of Public Works.

- E. For the purposes of modifying the minimum control requirements or design criteria, the owner/developer shall submit to the Department of Public Works an analysis of the impacts of stormwater flows downstream in the watershed. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed development upon a dam, highway, structure, or natural point of restricted streamflow. The point of investigation is to be established with the concurrence of the Department of Public Works, downstream of the first downstream tributary whose drainage area equals or exceeds the contributing area to the project or stormwater management facility.

4.3 Specific Design Criteria.

The basic design criteria, methodologies, and construction specifications, subject to the approval of the Department of Public Works and the Administration, shall be those of the Design Manual, and in addition to the following:

- A. All stormwater flowing over the project site, including from off-site areas, shall be considered in the design of the stormwater management facilities.
- B. Stormwater management facilities involving a State Highway shall be subject to the review and approval of the State Highway Administration.
- C. The applicant or his agent shall demonstrate that any facilities intended to be installed and located on an individual or group of individual lots can be adequately maintained by the homeowner(s) and/or lot owner(s).

5.0 STORMWATER MANAGEMENT PLANS

5.1 Review and Approval of Stormwater Management Plans.

- A. For any proposed development, the owner/developer shall submit stormwater management plans to the Department of Public Works for each of three phases of review and approval. Plans shall be submitted for the sketch, preliminary, and final plan review phases. Each plan submittal shall include the minimum content specified in section 5.2 of this Ordinance and meet the requirements of the Design Manual and section 4.0 of this Ordinance.
- B. The Department of Public Works shall perform a comprehensive review of the stormwater management plans for each review phase. Coordinated comments will be provided for each plan phase that reflects input from all appropriate agencies including, but not limited to the Department of Public Works, Dorchester Soil Conservation District (SCD), and the City of Cambridge Planning and Zoning Department.
- C. The final plan shall not be considered approved without the inclusion of the signature and date of signature of the City Engineer on the plan.

5.2 Contents and Submission of Stormwater Management Plans.

- A. The owner/developer shall submit a **sketch plan** that provides sufficient information for an initial assessment of the proposed project and whether stormwater management can be provided according to section 4.2 of this Ordinance and the Design Manual. Plans submitted for sketch approval shall include, but are not limited to:

- (1) A map at a legible scale showing site location, existing natural features, water and other sensitive resources, topography, and natural drainage patterns;
 - (2) The anticipated location of all proposed impervious areas, buildings, roadways, parking, sidewalks, utilities, and other site improvements;
 - (3) The location of the proposed limit of disturbance, erodible soils, steep slopes, and areas to be protected during construction;
 - (4) Preliminary estimates of stormwater management requirements, the selection and location of ESD practices to be used, and the location of all points of discharge from the site;
 - (5) A narrative that supports the sketch design and describes how ESD will be implemented to the MEP; and
 - (6) Any other information required by the Department of Public Works.
- B. Following sketch plan approval by the Department of Public Works, the owner/developer shall submit **preliminary plans** that reflect comments received during the previous plan review phase. Plans submitted for preliminary approval shall be of sufficient detail to allow site development to be reviewed and include but not be limited to:
- (1) All information provided during the sketch plan review phase;
 - (2) Final site layout, exact impervious area locations and acreages, proposed topography, delineated drainage areas at all points of discharge from the site, and stormwater volume computations for ESD practices and quantity control structures;
 - (3) A proposed erosion and sediment control plan that contains the construction sequence, and phasing necessary to limit earth disturbances and impacts to natural resources and an overlay plan showing the types and locations of ESD and erosion and sediment control practices to be used;
 - (4) A narrative that supports the site development design, describes how ESD will be used to meet the minimum control requirements, and justifies any proposed structural stormwater management measure; and
 - (5) Any other information required by the Department of Public Works.
- C. Following preliminary approval by the Department of Public Works, the owner/developer shall submit **final plans** that reflect the comments received during the previous plan review phase. Plans submitted for final approval shall be of sufficient detail to allow all approvals and permits to be issued according to the following:
- (1) All information provided during the preliminary plan review phase;
 - (2) Final erosion and sediment control plans shall be submitted according to COMAR 26.17.01.05; and
 - (3) Final plans shall be submitted for approval in the form of construction drawings and be accompanied by a report that includes sufficient information to evaluate the effectiveness of the proposed runoff control design.

- D. Reports submitted for final plan approval shall include, but are not limited to:
- (1) Geotechnical investigations including soil maps, borings, site specific recommendations, and any additional information necessary for the final stormwater management design.
 - (2) Drainage area maps depicting predevelopment and post development runoff flow path segmentation and land use;
 - (3) Hydrologic computations of the applicable ESD and unified sizing criteria according to the Design Manual for all points of discharge from the site;
 - (4) Hydraulic and structural computations for all ESD practices and structural stormwater management measures to be used;
 - (5) A narrative that supports the final stormwater management design; and
 - (6) Any other information required by the Department of Public Works.
- E. Construction drawings submitted for final approval shall include, but are not limited to:
- (1) A vicinity map;
 - (2) Existing and proposed topography and proposed drainage areas, including areas necessary to determine downstream analysis for proposed stormwater management facilities;
 - (3) Any proposed improvements including location of buildings or other structures, impervious surfaces, storm drainage facilities, and all grading;
 - (4) The location of existing and proposed structures and utilities;
 - (5) Any easements and rights-of-way;
 - (6) The delineation, if applicable, of the 100-year floodplain and any on-site wetlands;
 - (7) The delineation, if applicable, of any protected wildlife areas and required development buffers.
 - (8) The delineation, if applicable, of any required forest conservation, reforestation, and/or afforestation areas as required by the latest version of the Department of Public Works Forest Conservation Ordinance.
 - (9) Structural and construction details including representative cross sections for all components of the proposed drainage system or systems, and stormwater management facilities;
 - (10) All necessary construction specifications;
 - (11) A sequence of construction;
 - (12) Data for the total site area, disturbed area, new impervious area, and total impervious area;

- (13) A table showing the ESD and unified sizing criteria volumes required in the Design Manual;
 - (14) A table of materials to be used for stormwater management facility planting;
 - (15) All soil boring logs and locations;
 - (16) An inspection and maintenance schedule;
 - (17) Certification by the owner/developer that all stormwater management construction will be done according to this plan;
 - (18) An as-built certification signature block to be executed after project completion; and
 - (19) Any other information required by the Department of Public Works.
- F. Stormwater runoff from a project site shall flow directly into a watercourse or into an existing storm sewer system, or onto adjacent properties in a manner similar to the runoff characteristics in the predevelopment condition. If a stormwater management plan involves direction of some or all runoff off of the site, it is the responsibility of the developer to obtain from the adjacent property owners any easements or other necessary property interests concerning flowage of water. Approval of a stormwater management plan does not create or affect any right to direct runoff onto adjacent property without that property owner's permission. The Department of Public Works may require proof that he or his agent has obtained necessary easements or property interests from the immediate downstream or adjacent property owner(s) of the proposed development.

Easements are required to allow the runoff discharge from the 10-year storm to be conveyed to a watercourse or existing storm sewer system. Where the downstream owner(s) will not grant such an easement, the runoff from the applicant's site shall flow onto the adjacent property in a manner similar to the runoff characteristics of the predevelopment condition. Where an easement is granted, the drainage conveyance facility within the easement shall safely handle the discharge from a 100 year storm.

5.3 Preparation of Stormwater Management Plans

- A. The design of stormwater management plans shall be prepared by any individual whose qualifications are acceptable to the Department of Public Works. The Department of Public Works may require that the design be prepared by either a professional engineer, professional land surveyor, or landscape architect licensed in the State, as necessary to protect the public or the environment.
- B. If a stormwater BMP requires either a dam safety permit from the MDE or small pond approval from the SCD, the Department of Public Works shall require that the design be prepared by a professional engineer licensed in the State.

6.0 PERMITS

6.1 Permit Requirement

A grading or building permit may not be issued for any parcel or lot unless final plans have been approved or waived by the Department of Public Works as meeting all the requirements of the Design Manual. Additionally, prior approval of the final plans is required from the SCD for issuance of a

grading permit. Where appropriate, a building permit may not be issued without:

- A. Recorded easements for the stormwater management facility and easements to provide adequate access for inspection and maintenance from a public right-of-way;
- B. A recorded stormwater management maintenance agreement as described in section 9.2 of this Ordinance;
- C. A performance bond or other approved form of security as specified in Section 7.0 of this Ordinance; and
- D. Permission from adjacent property owners as necessary.

6.2 Permit Fee.

A non-refundable permit fee will be collected for both a grading and building permit, once an application is filed for each at the Department of Public Works. The permit fee will provide for the cost of plan review, administration, management of the permitting process, and inspection of the project subject to this Ordinance. A permit fee schedule shall be established by the Cambridge City Council based upon the relative complexity of the project and may be amended from time to time.

6.3 Permit Suspension and Revocation.

Any grading or building permit issued by the Department of Public Works may be suspended or revoked after written notice is given to the permittee for any of the following reasons:

- A. Any violation(s) of the conditions of the stormwater management plan approval;
- B. Changes in site runoff characteristics upon which an approval or waiver was granted;
- C. Construction is not in accordance with the approved plan;
- D. Noncompliance with correction notice(s) or stop work order(s) issued for the construction of any stormwater management practice; and
- E. An immediate danger exists in a downstream area in the opinion of the Department of Public Works.
- F. Failure to properly and adequately maintain sediment and erosion control measures.

6.4 Permit Conditions.

In granting an approval for any phase of site development, the Department of Public Works may impose such conditions that may be deemed necessary to ensure compliance with the provisions of this Ordinance and the preservation of the public health and safety.

7.0 PERFORMANCE BOND

- A. The Department of Public Works shall require from the developer a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the Department of Public Works prior to the issuance of any building and/or grading permit for the construction of a development requiring stormwater management.

The amount of the security shall not be less than one hundred and twenty (120%) percent of the total estimated construction cost of the stormwater management facilities, and shall be based on the construction cost of all elements of the stormwater management facility including, but not limited to swales, ESD practices, structural practices, erosion and sediment control measures, final site restoration and seeding, and allowances for inspection and preparation of “as-built” plans. The bond required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan, compliance with all of the provisions of this Ordinance and other applicable laws and regulations, and any time limitations.

The bond shall not be fully released without a final inspection of the completed work by the Department of Public Works, submission of "as-built" plans, and certification of completion by the Department of Public Works that all stormwater management facilities comply with the approved plan and the provisions of this Ordinance.

A procedure may be used to release parts of the bond held by Department of Public Works after various stages of construction have been completed and accepted. The procedures used for partially releasing performance bonds must be specified by the Department of Public Works in writing prior to stormwater management plan approval.

8.0 INSPECTION

8.1 Inspection Schedule and Reports.

- A. Authorized representatives of the Department of Public Works may enter any site during project construction to investigate and inspect the condition of the subject property with regard to construction activities regulated by this Ordinance. The property owner shall grant the City of Cambridge, or its agents, access to the project site at all times while under construction for the purpose of inspecting the work.
- B. The developer shall notify the Department of Public Works at least 48 hours before commencing any work in conjunction with the installation of erosion and sediment controls, tree clearing, site development, the stormwater management plan, and upon completion of the project when a final inspection will be conducted.
- C. Regular inspections shall be made and documented for each ESD planning technique and practice at the stages of construction specified in the Design Manual by the Department of Public Works, its authorized representative, or certified by a professional engineer licensed in the State of Maryland. At a minimum, all structural, ESD, and other nonstructural practices shall be reviewed prior to construction, upon completion of final grading, once permanent stabilization is established, and before issuance of use and occupancy permits by the Department of Public Works.
- D. For nonstructural stormwater management facilities, the owner and contractor constructing the facility shall certify, in writing, that it was built in accordance with the approved plan.
- E. Written inspection reports shall include:
 - (1) The date and location of the inspection;
 - (2) Whether construction was in compliance with the approved stormwater management plan;

- (3) Any variations from the approved construction specifications;
 - (4) Any required corrections and recommendations made by the Department of Public Works; and
 - (5) Any violations that exist.
- F. The owner/developer and on-site personnel shall be notified in writing when violations are observed. Written notification shall describe the nature of the violation and the required corrective action.
- G. No work shall proceed on the next phase of development until the Department of Public Works inspects and approves the work previously completed and furnishes the developer with the results of the inspection reports as soon as possible after completion of each required inspection.

8.2 Inspection Requirements During Construction.

- A. At a minimum, regular inspections shall be made on stormwater management facilities and documented at the following specified stages of construction:
- (1) For Ponds:
 - (a) Upon completion of excavation to sub-foundation and when required, installation of structural supports or reinforcement for structures, including but not limited to:
 - (i) Core trenches for structural embankments
 - (ii) Inlet and outlet structures, anti-seep collars or diaphragms, and watertight connectors on pipes; and
 - (iii) Trenches for enclosed storm drainage facilities;
 - (b) During placement of structural fill, concrete, and installation of piping and catch basins;
 - (c) During backfill of foundations and trenches;
 - (d) During embankment construction; and
 - (e) Upon completion of final grading and establishment of permanent stabilization.
 - (2) Wetlands – at the stages specified for pond construction in 8.2A(1) of this Ordinance, during and after wetland reservoir area planting, and during the second growing season to verify a vegetation survival rate of at least 50 percent.
 - (3) For infiltration trenches:
 - (a) During excavation to subgrade;
 - (b) During placement and backfill of underdrain systems and observation wells;
 - (c) During placement of geotextiles and all filter media;

- (d) During construction of appurtenant conveyance systems such as diversion structures, pre-filters and filters, inlets, outlets, and flow distribution structures; and
- (e) Upon completion of final grading and establishment of permanent stabilization;
- (4) For infiltration basins – at the stages specified for pond construction in 8.2A(1) of this section and during placement and backfill of underdrain systems.
- (5) For filtering systems:
 - (a) During excavation to subgrade;
 - (b) During placement and backfill of underdrain systems;
 - (c) During placement of geotextiles and all filter media;
 - (d) During construction of appurtenant conveyance systems such as flow diversion structures, pre-filters and filters, inlets, outlets, orifices, and flow distribution structures; and
 - (e) Upon completion of final grading and establishment of permanent stabilization.
- (6) For open channel systems:
 - (a) During excavation to subgrade;
 - (b) During placement and backfill of underdrain systems for dry swales;
 - (c) During installation of diaphragms, check dams, or weirs; and
 - (d) Upon completion of final grading and establishment of permanent stabilization.
- (7) For nonstructural practices – upon completion of final grading, the establishment of permanent stabilization, and before issuance of use and occupancy approval.

B. The Department of Public Works may, for enforcement purposes, use any one or a combination of the following actions:

- (1) A notice of violation shall be issued specifying the need for corrective action if stormwater management plan noncompliance is identified;
- (2) A stop work order shall be issued for the site by the Department of Public Works if a violation persists;
- (3) Bonds or securities may be withheld or the case may be referred for legal action if reasonable efforts to correct the violation have not been undertaken; or
- (4) In addition to any other sanctions, a civil action or criminal prosecution may be brought against any person in violation of the Stormwater Management Subtitle, the Design Manual, or this Ordinance.

C. Any step in the enforcement process may be taken at any time, depending on the severity of the

violation.

- D. Once construction is complete, as-built plan certification shall be submitted by either a professional engineer or professional land surveyor licensed in the State of Maryland to ensure that ESD planning techniques, treatment practices, and structural stormwater management measures and conveyance systems comply with the specifications contained in the approved plans. At a minimum, as-built certification shall include a set of drawings comparing the approved stormwater management plan with what was constructed. The Department of Public Works may require additional information.
- E. The Department of Public Works shall submit notice of construction completion to the Administration on a form supplied by the Administration for each stormwater management practice within 45 days of construction completion. The type, number, total drainage area, and total impervious area treated by all ESD techniques and practices or structural measures shall be reported to the Administration on a site by site basis. If BMPs requiring SCD approval are constructed, notice of construction completion shall also be submitted to the appropriate SCD.

9.0 MAINTENANCE

9.1 Maintenance Inspection

- A. The Department of Public Works shall ensure that preventative maintenance is performed by inspecting all ESD treatment systems and structural stormwater management measures. Inspection shall occur during the first year of operation and at least once every 3 years thereafter. In addition, a Public Works Agreement shall be executed between the owner and the City of Cambridge and shall include maintenance requirements according to a maintenance agreement for privately owned ESD treatment systems and structural stormwater management measures as described in 9.2 of this Ordinance.
- B. Inspection reports shall be maintained by the Department of Public Works for all ESD treatment systems and structural stormwater management measures.
- C. Inspection reports for ESD treatment systems and structural stormwater management measures shall include the following:
 - (1) The date of inspection;
 - (2) Name of inspector;
 - (3) An assessment of the quality of the stormwater management system related to ESD treatment practice efficiency and the control of runoff to the MEP;
 - (4) The condition of:
 - (a) Vegetation or filter media;
 - (b) Fences or other safety devices;
 - (c) Spillways, valves, or other control structures;
 - (d) Embankments, slopes, and safety benches;
 - (e) Reservoir or treatment areas;

- (f) Inlet and outlet channels or structures;
 - (g) Underground drainage;
 - (h) Sediment and debris accumulation in storage and forebay areas;
 - (i) Any nonstructural practices to the extent practicable;
 - (j) Any other item that could affect the proper function of the stormwater management system; and
- (5) Description of needed maintenance and completion time frame.
- D. Upon notifying an owner of the inspection results, the owner shall have 30 days, or other time frame mutually agreed to between the Department of Public Works and the owner, to correct the deficiencies discovered. The Department of Public Works shall then conduct a subsequent inspection to ensure completion of the repairs.
- E. If repairs are not properly undertaken and completed, then enforcement procedures following section 9.2C of this Ordinance shall be followed by the Department of Public Works.
- F. If, after an inspection by the Department of Public Works, the condition of a stormwater management facility is determined to present an immediate danger to public health or safety, because of an unsafe condition, improper construction, or poor maintenance, the Department of Public Works shall take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by the City of Cambridge shall be assessed against the owner(s), as provided in section 9.2C of this Ordinance.

9.2 Maintenance Agreement

- A. Prior to the issuance of any building or grading permit for which structural stormwater management is required, the Department of Public Works shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by a private stormwater management facility. Such agreement shall provide for access to the facility at reasonable times for regular inspections by the Department of Public Works or its authorized representative to ensure that the facility is maintained in proper working condition to meet design standards.
- B. The agreement shall be recorded by the applicant and/or owner in the land records of Dorchester County.
- C. The agreement shall also provide that, if after notice by the Department of Public Works to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within a reasonable period of time (30 days maximum), the Department of Public Works may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties. This may be accomplished by placing a lien on the property, which may be placed on the tax bill and collected as ordinary taxes by the City of Cambridge.

9.3 Maintenance Responsibility

- A. The owner of a property that contains private stormwater management facilities installed pursuant to this Ordinance, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all ESD practices, grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices in perpetuity. Such repairs or restoration and maintenance shall be in accordance with previously approved or newly submitted and approved plans.
- B. A maintenance schedule shall be developed for the life of any structural stormwater management facility or system of ESD practices and shall state the maintenance to be completed, the time period for completion, and the responsible party who shall perform the maintenance. This maintenance schedule shall be printed on the approved final stormwater management plan.
- C. No person shall modify, remove, fill, landscape or alter stormwater management facilities (structural and non-structural practices, swales, etc.) which have been installed on a property unless a grading permit has been obtained to allow such activities.

10.0 Appeals

Any person aggrieved by the action of any official charged with the enforcement of this Ordinance, as the result of the disapproval of a properly filed application for a permit, issuance of a written notice of violation, or an alleged failure to properly enforce the Ordinance in regard to a specific application, shall have the right to appeal the action to the Board of Appeals. The appeal shall be filed in writing within thirty(30) days of the date of official transmittal of the final decision or determination to the applicant, shall state clearly the grounds on which the appeal is based, and shall be processed in the manner prescribed for hearing administrative appeals under the Cambridge City Code.

11.0 Waiver of Liability

Any administrative decision made by the City or any of its officials or employees shall not constitute a representation, guarantee or warranty of any kind by the City regarding the practicality or safety of any proposed structure or use with respect to damage from erosion, sedimentation, stormwater runoff, flood, or any other matter, and shall create no liability upon or give rise to any cause of action against the City or its officials or employees.

12.0 Severability

If any portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall not affect the validity of the remaining portions of this Ordinance. It is the intent of the City of Cambridge that this Ordinance shall stand, even if a section, subsection, sentence, clause, phrase, or portion may be found invalid.

13.0 Penalties

Any person convicted of violating the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) or imprisonment not exceeding 1 year or both for each violation with costs imposed in the discretion of the court and not to exceed Fifty Thousand Dollars (\$50,000.00). Each day that a violation continues shall be a separate offense. In addition, the City of Cambridge may institute injunctive, mandamus or other appropriate action or proceedings of law to correct violations of this Ordinance. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.

Permits and approvals issued pursuant to this Ordinance do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance. If more stringent requirements concerning regulation of stormwater or erosion and sediment control are contained in the other Code, rule, act or Ordinance, the more stringent regulation shall apply.

14.0 Effective Date

And be it further enacted, that this Ordinance shall take effect on June 1, 2010.