

COUNCIL OF THE CITY OF ABERDEEN
Ordinance No. 18-O-14

Date Introduced: April 23 ,2018

Sponsored By: Councilman Steven E. Goodin and Councilman Melvin T. Taylor

Public Hearing: May 7, 2018

Amendments Adopted:

Date Adopted: May 21, 2018

Date Effective: June 11, 2018

AN ORDINANCE concerning

ENVIRONMENTAL CONTROL CODE

FOR the purpose of making certain revisions to the City of Aberdeen Environmental Control Code to provide regulations prohibiting certain illicit discharges into the City's storm water system; providing for enforcement and penalties for violations, including liens on properties to cover the costs of abatement by the City; and generally relating to regulating discharges into the City's storm water system.

BY repealing and reenacting, with amendments
Chapter 250. ENVIRONMENTAL CONTROL CODE
Article I, General Provisions
Sections 250-1 and 250-33
Code of the City of Aberdeen (2010 Edition as amended)

BY adding
Chapter 250. ENVIRONMENTAL CONTROL CODE
Article XII, Illicit Discharge
Sections 250-34 through 250-42
Code of the City of Aberdeen (2010 Edition as amended)

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.

* * * indicates existing unmodified text omitted from Ordinance

SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Section 250-1 of the Code of the City of Aberdeen (2010 Edition as

amended), Chapter 250. ENVIRONMENTAL CONTROL CODE, Article I, General Provisions, and Section 250-33 of said Code, Article XI, Enforcement, are repealed and reenacted, with amendments, to read as follows:

Chapter 250. ENVIRONMENTAL CONTROL CODE

Article I, General Provisions

§ 250-1 Definitions.

As used in this chapter, the following words and phrases shall have the meanings indicated:

BEST MANAGEMENT PRACTICES (BMPS)

SCHEDULES OF ACTIVITIES, PROHIBITIONS OF PRACTICES, GENERAL GOOD HOUSEKEEPING PRACTICES, POLLUTION PREVENTION AND EDUCATIONAL PRACTICES REGARDING THE DISCHARGE OF POLLUTANTS DIRECTLY OR INDIRECTLY TO STORM WATER, RECEIVING WATERS OR STORM WATER CONVEYANCE SYSTEMS. BMPS ALSO INCLUDE TREATMENT PRACTICES, OPERATING PROCEDURES AND PRACTICES OF CONTROL SITE RUNOFF, SPILLAGE OR LEAKS, SLUDGE OR WATER DISPOSAL OR DRAINAGE FROM RAW MATERIALS STORAGE.

BEST MANAGEMENT PRACTICES MENU

A PLAN REQUIRED BY THE NPDES PERMIT THAT DESCRIBES HOW THE QUALITY OF STORM WATER DISCHARGED FROM THE MS4 WILL BE CONTROLLED BY INCORPORATING ACTIVITIES AND MEASUREABLE GOALS SUCH AS:

- (1) PUBLIC EDUCATION AND OUTREACH (WEBSITE, WORKSHOPS, TRAININGS).
- (2) PUBLIC INVOLVEMENT AND PARTICIPATION.
- (3) ILLICIT DISCHARGE DETECTION AND ELIMINATION.
- (4) CONSTRUCTION SITE STORMWATER RUNOFF CONTROL.
- (5) POST CONSTRUCTION STORMWATER MANAGEMENT.
- (6) POLLUTION PREVENTION AND GOOD HOUSEKEEPING.

CLEAN WATER ACT

THE FEDERAL WATER POLLUTION CONTROL ACT (33 U.S.C. 1251 ET SEQ.) AND ANY SUBSEQUENT AMENDMENTS THERETO.

COMMERCIAL REFUSE

The refuse and other waste materials from wholesale and retail stores, restaurants, florists, beauty shops, barbershops, variety stores, motels, hotels and other commercial enterprises.

CODE OFFICIAL

THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS OR THE
DIRECTOR'S DESIGNEE RESPONSIBLE FOR ENFORCING THIS ARTICLE.

CONSTRUCTION ACTIVITY

ACTIVITIES SUBJECT TO NPDES CONSTRUCTION PERMITS. CURRENTLY THESE
INCLUDE CONSTRUCTION PROJECTS RESULTING IN LAND DISTURBANCE OF
ONE (1) ACRE OR MORE. SUCH ACTIVITIES INCLUDE BUT ARE NOT LIMITED TO
CLEARING AND GRUBBING, GRADING, EXCAVATING AND DEMOLITION.

DISPOSAL FACILITY

A facility for the intermediate or final disposition of solid waste.

* * *

GARBAGE

The animal and vegetable wastes resulting from the handling, preparation, cooking and
consumption of foods, exclusive of recognized industries, and human and animal feces.

GRADING UNIT

THE MAXIMUM CONTIGUOUS AREA ALLOWED TO BE GRADED AT A GIVEN
TIME.

HAZARDOUS AND SPECIAL WASTE

Hazardous solid and liquid wastes, such as but not limited to highly flammable materials,
explosives, pathological waste, poisons, infectious waste from hospitals and doctors' offices
and radioactive materials.

HAZARDOUS MATERIALS

ANY MATERIAL, INCLUDING ANY SUBSTANCE, WASTE OR COMBINATION
THEREOF, WHICH BECAUSE OF ITS QUANTITY, CONCENTRATION OR
PHYSICAL, CHEMICAL OR INFECTIOUS CHARACTERISTICS MAY CAUSE, OR
SIGNIFICANTLY CONTRIBUTE TO, A SUBSTANTIAL PRESENT OR POTENTIAL
HAZARD TO HUMAN HEALTH, SAFETY, PROPERTY OR THE ENVIRONMENT
WHEN IMPROPERLY TREATED, STORED, TRANSPORTED, DISPOSED OF OR
OTHERWISE MANAGED.

ILLEGAL DISCHARGE

ANY DIRECT OR INDIRECT NON-STORM WATER DISCHARGE TO THE STORM
DRAIN SYSTEM, EXCEPT AS EXEMPTED BY THIS ORDINANCE.

ILLICIT CONNECTION

AN ILLICIT CONNECTION IS EITHER OF THE FOLLOWING:

- (1) ANY DRAIN OR CONVEYANCE, WHETHER ON THE SURFACE OR
SUBSURFACE, WHICH ALLOWS ANY ILLEGAL DISCHARGE TO ENTER

THE STORM DRAIN SYSTEM INCLUDING BUT NOT LIMITED TO ANY CONVEYANCES WHICH ALLOW ANY NON-STORM WATER DISCHARGE INCLUDING SEWAGE, PROCESS WASTEWATER AND WASH WATER TO ENTER THE STORM DRAIN SYSTEM AND ANY CONNECTIONS TO THE STORM DRAIN SYSTEM FROM INDOOR DRAINS AND SINKS, REGARDLESS OF WHETHER SAID DRAIN OR CONNECTION HAD BEEN PREVIOUSLY ALLOWED, PERMITTED OR APPROVED BY AN AUTHORIZED ENFORCEMENT AGENCY; OR,

(2) ANY DRAIN OR CONVEYANCE CONNECTED FROM A COMMERCIAL OR INDUSTRIAL LAND USE TO THE STORM DRAIN SYSTEM WHICH HAS NOT BEEN DOCUMENTED IN PLANS, MAPS OR EQUIVALENT RECORDS AND APPROVED BY AN AUTHORIZED ENFORCEMENT AGENCY.

INCINERATOR

Any equipment, device or contrivance used for the destruction of garbage, rubbish or other wastes by burning.

INDUSTRIAL ACTIVITY

ACTIVITIES SUBJECT TO NPDES INDUSTRIAL PERMITS AS DEFINED IN 40 CFR, SECTION 122.26 (B)(14).

INDUSTRIAL REFUSE

The refuse and other waste materials from factories, processing plants and other manufacturing enterprises, including putrescible garbage from food-processing plants and slaughterhouses, condemned foods, waste wood materials and all other refuse from manufacturing and industrial processes.

* * *

LIQUID WASTES

All liquid wastes generated through the use of domestic or municipal facilities, including any industrial or commercial liquids that may not be classified hazardous or listed within special waste categories.

MS-4

MUNICIPAL SEPARATE STORM SEWER SYSTEM OPERATED BY THE CITY OF ABERDEEN.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT

A PERMIT ISSUED BY EPA (OR BY THE STATE OF MARYLAND) THAT AUTHORIZES THE DISCHARGE OF POLLUTANTS TO WATERS OF THE UNITED STATES, WHETHER THE PERMIT IS APPLICABLE ON AN INDIVIDUAL, GROUP OR GENERAL AREA-WIDE BASIS.

NON-STORM WATER DISCHARGE

ANY DISCHARGE TO THE STORM DRAIN SYSTEM THAT IS NOT COMPOSED ENTIRELY OF STORM WATER.

NUISANCE

Any condition which is detrimental to public health, safety and welfare, the property of others or the use and enjoyment of property.

ODORS

Those properties of an emission which stimulate the sense of smell.

OFFAL

The waste animal matter from butcher shops and slaughterhouses or packinghouses.

OIL

ANY KIND OF OIL IN ANY FORM, INCLUDING BUT NOT LIMITED TO PETROLEUM, FUEL OIL, CRUDE OIL, SYNTHETIC OIL, MOTOR OIL, BIO-FUEL, COOKING OIL, GREASE, SLUDGE, OIL REFUSE, AND OIL MIXED WITH WASTE.

OPEN DUMP

Any land, publicly or privately owned, other than an approved sanitary landfill, in which there is a deposit or an accumulation, either temporary or permanent, of any kind of organic or inorganic refuse.

OPEN FIRE

A fire where any material is burned in the open or in a receptacle other than a furnace incinerator or other equipment designed and approved for the destruction of specific materials.

OWNER

The title holder of property. The term shall include a tenant, occupant or any person, firm or corporation in charge of or in control of property.

PERSON

ANY INDIVIDUAL, ASSOCIATION, ORGANIZATION, PARTNERSHIP, FIRM, CORPORATION OR OTHER ENTITY RECOGNIZED BY LAW AND ACTING AS EITHER THE OWNER OR AS THE OWNER'S AGENT.

PESTICIDE

A SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED TO PREVENT, DESTROY, REPEL, OR MIGRATE ANY PEST, OR SUBSTANCES INTENDED FOR USE AS A PLANT REGULATOR, DEFOLIANT, OR DESICCANT.

POLLUTANT

ANYTHING WHICH CAUSES OR CONTRIBUTES TO POLLUTION. POLLUTANTS MAY INCLUDE, BUT ARE NOT LIMITED TO PAINTS, VARNISHES AND

SOLVENTS; OIL AND OTHER AUTOMOTIVE FLUIDS; NON-HAZARDOUS LIQUID AND SOLID WASTES AND YARD WASTES (INCLUDING GRASS CLIPPINGS); REFUSE, RUBBISH, GARBAGE, LITTER OR OTHER DISCARDED OR ABANDONED OBJECTS, ORDINANCES AND ACCUMULATIONS, SO THAT SAME MAY CAUSE OR CONTRIBUTE TO POLLUTION; FLOATABLES; PESTICIDES, HERBICIDES AND FERTILIZERS; HAZARDOUS SUBSTANCES AND WASTES; SEWAGE, FECAL COLIFORM AND PATHOGENS; DISSOLVED AND PARTICULATE METALS; ANIMAL AND PET WASTE; WASTES AND RESIDUES THAT RESULT FROM CONSTRUCTING A BUILDING OR STRUCTURE; AND, NOXIOUS OR OFFENSIVE MATTER OF ANY KIND.

PREMISES

ANY BUILDING, LOT, PARCEL OF LAND, OR PORTION OF LAND WHETHER IMPROVED OR UNIMPROVED INCLUDING ADJACENT SIDEWALKS AND PARKING STRIPS.

REFUSE COLLECTION

The removal and conveyance of refuse from temporary storage points to disposal sites by municipalities, contractors and others.

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SOLID WASTE MANAGEMENT PLAN

The comprehensive plan for Aberdeen in effect and as amended from time to time which meets the requirements of the Code of Maryland Regulations (COMAR), Title 26, Subtitle 4.

STORM DRAINAGE SYSTEM

PUBLICLY-OWNED FACILITIES BY WHICH STORM WATER IS COLLECTED AND/OR CONVEYED, INCLUDING BUT NOT LIMITED TO ANY ROADS WITH DRAINAGE SYSTEMS, MUNICIPAL STREETS, GUTTERS, CURBS, INLETS, PIPED STORM DRAINS, PUMPING FACILITIES, RETENTION AND DETENTION BASINS, NATURAL AND HUMAN-MADE OR ALTERED DRAINAGE CHANNELS, RESERVOIRS AND OTHER DRAINAGE STRUCTURES.

STORMWATER

ANY SURFACE FLOW, RUNOFF AND DRAINAGE CONSISTING ENTIRELY OF WATER FROM ANY FORM OF NATURAL PRECIPITATION AND RESULTING FROM SUCH PRECIPITATION.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A DOCUMENT WHICH DESCRIBES THE BMPS AND ACTIVITIES TO BE IMPLEMENTED BY A PERSON OR BUSINESS TO IDENTIFY SOURCES OF POLLUTION OR CONTAMINATION AT A SITE AND THE ACTIONS TO ELIMINATE OR REDUCE POLLUTANT DISCHARGES TO STORM WATER, STORM WATER CONVEYANCE SYSTEMS AND/OR RECEIVING WATERS TO THE MAXIMUM

EXTENT PRACTICABLE IN COMPLYING WITH A GENERAL PERMIT FOR
DISCHARGES OF STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY.

TRASH

All waste materials, other than garbage and offal from stores, institutions, markets and other
establishments, further classified as combustible and noncombustible.

WASTE WATER

ANY WATER OR OTHER LIQUID, OTHER THAN UNCONTAMINATED STORM
WATER, DISCHARGED FROM A FACILITY.

Article XI, Enforcement

§ 250-33 Violations and penalties.

A violation of this chapter, EXCEPT FOR A VIOLATION OF ARTICLE XII, ILLICIT
DISCHARGE, is deemed to be a municipal infraction. Each twenty-four-hour period in which a
violation exists shall constitute a separate offense. Any person violating any provision of this
chapter shall be subject to the following civil penalties:

* * *

**SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY
OF ABERDEEN** that Sections 250-34 through Section 250-42 are hereby added to the Code of
the City of Aberdeen (2010 Edition as amended), Chapter 250. ENVIRONMENTAL
CONTROL CODE, to be under the new Article XII, Illicit Discharge, to follow immediately
after Section 250-33 of Article XI and to read as follows:

Chapter 250. ENVIRONMENTAL CONTROL CODE

ARTICLE XII, ILLICIT DISCHARGE

§ 250-34 PROHIBITED DISCHARGES.

A. NO PERSON SHALL RELEASE OR ALLOW TO BE RELEASED ANY OF THE
FOLLOWING SUBSTANCES INTO THE MS4:

- (1) ANY NEW OR USED PETROLEUM PRODUCT.
- (2) ANY INDUSTRIAL WASTE.
- (3) ANY HAZARDOUS SUBSTANCE OR HAZARDOUS WASTE, INCLUDING
HOUSEHOLD HAZARDOUS WASTE.
- (4) ANY DOMESTIC SEWAGE OR SEPTIC TANK WASTE, GREASE TRAP OR
GREASE INTERCEPTOR WASTE, HOLDING TANK WASTE, OR GRIT TRAP
WASTE.
- (5) ANY GARBAGE, RUBBISH OR OTHER WASTE.

- (6) ANY NEW OR USED PAINTS, INCLUDING LATEX-BASED PAINTS, OIL-BASED PAINTS, STAINS, VARNISH, AND PRIMERS, AS WELL AS CLEANING SOLVENTS AND OTHER ASSOCIATED PRODUCTS.
- (7) ANY YARD WASTE THAT HAS BEEN MOVED OR GATHERED BY A PERSON.
- (8) ANY WASTEWATER THAT CONTAINS SOAP, DETERGENT, DEGREASER, SOLVENT, OR SURFACTANT-BASED CLEANER FROM A COMMERCIAL MOTOR VEHICLE WASH FACILITY; FROM ANY VEHICLE WASHING, CLEANING, OR MAINTENANCE AT ANY NEW OR USED MOTOR VEHICLE DEALERSHIP, RENTAL AGENCY, BODY SHOP, REPAIR SHOP, OR MAINTENANCE FACILITY; OR FROM ANY WASHING, CLEANING OR MAINTENANCE OF ANY BUSINESS OR COMMERCIAL OR PUBLIC SERVICE VEHICLE, INCLUDING A TRUCK, BUS OR HEAVY EQUIPMENT.
- (9) ANY WASTEWATER FROM A COMMERCIAL MOBILE POWER WASHER OR FROM THE WASHING OR OTHER CLEANING OF A BUILDING EXTERIOR THAT CONTAINS SOAP, DETERGENT, DEGREASER, SOLVENT, OR ANY SURFACTANT BASED CLEANER.
- (10) ANY WASTEWATER FROM COMMERCIAL FLOOR, RUG, OR CARPET CLEANING.
- (11) ANY WASTEWATER FROM THE WASH DOWN OR OTHER CLEANING OF PAVEMENT THAT CONTAINS ANY SOAP, DETERGENT SOLVENT, DEGREASER, EMULSIFIER, DISPERSANT, OR OTHER CLEANING SUBSTANCE; OR ANY WASTEWATER FROM THE WASH DOWN OR OTHER CLEANING OF ANY PAVEMENT WHERE ANY SPILL, LEAK, OR OTHER RELEASE OF OIL, MOTOR FUEL, OR OTHER PETROLEUM HAZARDOUS SUBSTANCE HAS OCCURRED, UNLESS ALL SUCH MATERIALS HAVE BEEN PREVIOUSLY REMOVED.
- (12) ANY EFFLUENT FROM A COOLING TOWER, CONDENSER, COMPRESSOR, EMISSIONS SCRUBBER, EMISSION FILTER, OR THE BLOWDOWN FROM A BOILER.
- (13) ANY READY-MIXED CONCRETE, MORTAR, CERAMIC, OR ASPHALT BASE MATERIAL OR DISCHARGE RESULTING FROM THE CLEANING OF VEHICLES OR EQUIPMENT CONTAINING OR USED IN TRANSPORTING OR APPLYING SUCH MATERIAL.
- (14) ANY RUNOFF, WASH DOWN WATER OR WASTE FROM ANY ANIMAL PEN, KENNEL, FOWL OR LIVESTOCK CONTAINMENT AREA OR ANY PET WASTES GENERALLY.
- (15) ANY FILTER BACKWASH FROM A SWIMMING POOL OR FOUNTAIN, EXCEPT THAT NOTHING IN THE ARTICLE SHALL BE CONSTRUED AS TO REQUIRE THE ALTERATION OF THE FILTER DISCHARGE PLUMBING OF AN EXISTING SWIMMING POOL, FOUNTAIN OR SPA IF SUCH PLUMBING WAS COMPLIANT WITH APPLICABLE STATE, FEDERAL, AND LOCAL REGULATIONS AT THE TIME OF CONSTRUCTION.
- (16) ANY SWIMMING POOL, FOUNTAIN OR SPA WATER OR OTHER WATER CONTAINING A HARMFUL LEVEL OF CHLORINE (>0.1 PARTS PER MILLION).

- (17) ANY DISCHARGE FROM WATER LINE DISINFECTION BY SUPER CHLORINATION IF IT CONTAINS A HARMFUL LEVEL OF CHLORINE (>0.1 PPM) AT THE POINT OF ENTRY INTO THE MS4 OR SURFACE WATERS.
- (18) ANY CONTAMINATED RUNOFF FROM A VEHICLE WRECKING OR STORAGE YARD.
- (19) ANY SUBSTANCE OR MATERIAL THAT WILL DAMAGE, BLOCK, OR CLOG THE MS4.
- (20) ANY RELEASE FROM A PETROLEUM STORAGE TANK (PST), OR ANY LEACHATE OR RUNOFF FROM SOIL CONTAMINATED BY LEAKING PST; OR ANY DISCHARGE OF PUMPED, CONFINED, OR TREATED WASTEWATER FROM THE REMEDIATION OF ANY SUCH PST RELEASE, UNLESS THE DISCHARGE HAS RECEIVED AN NPDES PERMIT FROM THE STATE.
- (21) ANY OTHER DISCHARGE THAT CAUSE OR CONTRIBUTES TO CAUSING THE CITY TO VIOLATE A STATE WATER QUALITY STANDARD, THE CITY'S NPDES STORMWATER PERMIT, OR ANY STATE-ISSUED DISCHARGE PERMIT FOR DISCHARGES FROM ITS MS4.

B. NO PERSON SHALL RELEASE OR CAUSE TO BE RELEASED INTO THE MS4 ANY HARMFUL QUANTITY OF SEDIMENT, SILT, EARTH, SOIL, OR OTHER MATERIAL ASSOCIATED WITH CLEARING, GRADING, EXCAVATION OR OTHER CONSTRUCTION ACTIVITIES IN EXCESS OF WHAT COULD BE RETAINED ON SITE OR CAPTURED BY EMPLOYING SEDIMENT AND EROSION CONTROL MEASURES, EXCEPT AS ALLOWED FOR IN CONFORMANCE WITH SECTION 250-35.

C. NO PERSON SHALL USE PESTICIDES, HERBICIDES AND FERTILIZERS EXCEPT IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS. PESTICIDES, HERBICIDES AND FERTILIZERS SHALL BE STORED TRANSPORTED AND DISPOSED OF IN A MANNER TO PREVENT RELEASE TO THE MS4.

D. NO PERSON SHALL TAMPER WITH, DESTROY, VANDALIZE, OR RENDER INOPERABLE ANY BMPS THAT HAVE BEEN INSTALLED FOR THE PURPOSE OF ELIMINATING OR MINIMIZING POLLUTANT DISCHARGES, NOR SHALL ANY PERSON FAIL TO INSTALL OR FAIL TO PROPERLY MAINTAIN ANY BMPS THAT HAVE BEEN REQUIRED BY CITY OR BY OTHER LOCAL, STATE, OR FEDERAL JURISDICTIONS.

§ 507-35 EXEMPTIONS.

UNLESS IDENTIFIED AS A SIGNIFICANT SOURCE OF POLLUTANTS TO WATERS OF THE STATE, THE FOLLOWING NON-STORM WATER DISCHARGES ARE EXAMPLES OF ACTIVITIES ALLOWED TO ENTER THE MS4:

- (1) WATER LINE FLUSHING PERFORMED BY A GOVERNMENT AGENCY.
- (2) DIVERTED STREAM FLOWS.
- (3) RISING GROUNDWATER.

- (4) UNCONTAMINATED GROUNDWATER INFILTRATION TO SEPARATE STORM SEWER.
- (5) UNCONTAMINATED PUMPED GROUNDWATER.
- (6) DISCHARGES FROM POTABLE WATER SOURCES.
- (7) FOUNDATION DRAINS.
- (8) AIR CONDITIONING CONDENSATE.
- (9) IRRIGATION WATER.
- (10) SPRINGS.
- (11) WATER FROM CRAWL SPACE PUMPS.
- (12) FOOTING DRAINS.
- (13) INDIVIDUAL RESIDENTIAL VEHICLE WASHING.
- (14) FLOWS FROM RIPARIAN HABITATS AND WETLANDS.
- (15) DECHLORINATED SWIMMING POOL DISCHARGES (< 1 PPM).
- (16) DISCHARGES OR FLOWS FROM FIREFIGHTING ACTIVITIES.
- (17) OTHER ALLOWABLE DISCHARGES TO CONSIDER: STREET WASH WATERS; AND, DYE TESTING FOR THE PURPOSE OF INVESTIGATING ILLICIT CONNECTIONS OR DISCHARGES.

OTHER ACTIVITIES MAY APPLY IF SUBSTANTIATED BY PERMITTEES WITHIN THE BEST MANAGEMENT PRACTICES MENU.

§ 250-36 **PROHIBITIONS.**

- A. A PERSON MAY NOT DISCHARGE OR CAUSE TO BE DISCHARGED THROUGH AN ILLICIT CONNECTION TO THE MS4 ANY DOMESTIC SEWAGE, NON-CONTACT COOLING WATER, PROCESS WASTEWATER, OR OTHER INDUSTRIAL WASTE (OTHER THAN STORMWATER).
- B. A PERSON MAY NOT CONSTRUCT, USE, MAINTAIN OR CONTINUE THE EXISTENCE OF ILLICIT CONNECTIONS TO THE MS4, INCLUDING, WITHOUT LIMITATION, ILLICIT CONNECTIONS MADE IN THE PAST, REGARDLESS OF WHETHER THE CONNECTION WAS PERMISSIBLE UNDER LAW OR PRACTICES APPLICABLE OR PREVAILING AT THE TIME OF CONNECTION.
- C. A PERSON MAY NOT CONNECT A LINE CONVEYING SEWAGE TO THE MS4 OR ALLOW SUCH A CONNECTION TO CONTINUE.
- D. AN OWNER OR PERSON RESPONSIBLE FOR A PROPERTY OR PREMISES, WHICH IS, OR MAY BE, THE SOURCE OF AN ILLICIT DISCHARGE, SHALL IMPLEMENT, AT THE OWNER'S OR PERSON'S EXPENSE, THE BMPS NECESSARY TO PREVENT THE FURTHER DISCHARGE OF POLLUTANTS TO THE MS4. AN OWNER OR PERSON RESPONSIBLE FOR A PROPERTY OR PREMISES SHALL NOT BE IN VIOLATION OF THIS SECTION IF THE OWNER OR PERSON COMPLIES, TO THE EXTENT PRACTICABLE, WITH ALL TERMS AND CONDITIONS OF A VALID NPDES PERMIT AUTHORIZING THE DISCHARGE OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY.

§ 250-37 **RIGHT OF ENTRY.**

WHEN THE CODE OFFICIAL HAS REASONABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS ARTICLE EXISTS OR WHEN ENTRY IS REQUIRED FOR PERIODIC INSPECTIONS AND MONITORING TO DETERMINE COMPLIANCE WITH THIS ARTICLE, THE CODE OFFICIAL MAY ENTER THE STRUCTURE OR PREMISES AT REASONABLE TIMES TO INSPECT. PRIOR TO INSPECTION, THE CODE OFFICIAL MUST MAKE REASONABLE EFFORTS TO LOCATE THE OWNER OR OTHER PERSON HAVING CHARGE OR CONTROL OF THE STRUCTURE OR PREMISES TO REQUEST ENTRY. IF ENTRY IS REFUSED OR NOT OBTAINED, THE CODE OFFICIAL IS AUTHORIZED TO PURSUE RECOURSE AS PROVIDED BY LAW, INCLUDING SEEKING AN ADMINISTRATIVE SEARCH WARRANT FROM THE CIRCUIT OR DISTRICT COURTS OF HARFORD COUNTY. THE CODE OFFICIAL MAY NOT ENTER A PREMISES OR STRUCTURE UNDER THIS SECTION WITHOUT PERMISSION OR WITHOUT A SEARCH WARRANT UNLESS A CONDITION AT THE PREMISES OR STRUCTURE POSES A REASONABLE THREAT OF IMMINENT HARM TO PUBLIC HEALTH OR SAFETY BEFORE PERMISSION OR A WARRANT COULD BE OBTAINED.

§ 297-38 **NOTICE OF VIOLATION.**

A. ISSUANCE. THE CODE OFFICIAL MAY ISSUE A NOTICE OF VIOLATION (“NOV”) IF THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE PERSON TO WHOM THE NOV IS DIRECTED HAS VIOLATED:

- (1) THIS ARTICLE.
- (2) ANY RULE OR REGULATION ADOPTED PURSUANT TO THIS ARTICLE.
- (3) ANY ORDER OR PERMIT ISSUED PURSUANT TO THIS ARTICLE.

B. CONTENTS. A NOV ISSUED UNDER THIS SECTION SHALL:

- (1) SPECIFY THE PROVISION(S) THAT ALLEGEDLY HAS BEEN VIOLATED.
- (2) STATE THE FACTS IN SUPPORT OF THE ALLEGED VIOLATION.

C. ISSUANCE OF NOTICE OR ORDER. AFTER OR CONCURRENTLY WITH SERVICE OF A NOV UNDER THIS ARTICLE, THE CODE OFFICIAL MAY ISSUE AN ORDER THAT REQUIRES THE PERSON TO WHOM THE ORDER IS DIRECTED TO TAKE CORRECTIVE ACTION WITHIN THE TIME SET FORTH IN THE ORDER.

D. EFFECTIVE DATE OF ORDER. ANY ORDER ISSUED UNDER THIS SECTION IS EFFECTIVE IMMEDIATELY ACCORDING TO ITS TERMS UPON SERVICE. ANY PERSON WHO IS ISSUED AN ORDER SHALL BE REQUIRED TO TAKE ANY DIRECTED ACTION WITHIN THE TIME SPECIFIED IN THE ORDER REGARDLESS OF ANY HEARING RIGHTS PROVIDED BY THIS SECTION.

1 E. MANNER OF SERVICE. ANY NOV OR ORDER OF THE CODE OFFICIAL
2 PURSUANT TO THIS SECTION SHALL BE SERVED BY ONE OF THE METHODS IN
3 SUBSECTIONS A.(1) OR A.(2) AND BY THE METHOD IN SUBSECTION A.(3):
4

5 (1) PERSONALLY;

6 (2) BY POSTING ON OR AT THE ENTRANCEWAY TO THE PROPERTY AT WHICH
7 THE VIOLATION HAS OCCURRED; OR

8 (3) BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A
9 POSTMARK FROM THE UNITED STATES POSTAL SERVICE, TO THE LAST
10 KNOWN ADDRESS OF THE PERSON IN WHOSE NAME THE PROPERTY ON
11 WHICH THE VIOLATION OCCURRED IS ASSESSED FOR TAXATION.
12

13 F. CERTIFICATION OF SERVICE. IF SERVICE IS MADE BY CERTIFIED MAIL,
14 RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED
15 STATES POSTAL SERVICE, THE PERSON WHO MAILES THE DOCUMENT SHALL
16 RETAIN VERIFIED PROOF OF MAILING. WHERE SERVICE HAS BEEN MADE IN
17 ANOTHER AUTHORIZED MANNER, THE PERSON WHO MADE THE SERVICE
18 SHALL PREPARE AND INCLUDE IN THE CODE OFFICIAL'S FILE AN AFFIDAVIT
19 OF SERVICE.
20

21 G. HEARINGS. WITHIN TEN (10) DAYS AFTER BEING SERVED WITH A NOV OR AN
22 ORDER, THE PERSON SERVED MAY REQUEST A HEARING BEFORE THE CODE
23 OFFICIAL BY SERVING A WRITTEN REQUEST ON THE CODE OFFICIAL.
24 SERVICE SHALL BE MADE PERSONALLY OR BY CERTIFIED MAIL, RETURN
25 RECEIPT REQUESTED, BEARING A POSTMARK FROM THE U.S. POSTAL
26 SERVICE.
27

28 H. SUBPOENAS; WITNESSES.
29

30 (1) IN CONNECTION WITH ANY HEARING UNDER THIS SECTION, THE CODE
31 OFFICIAL MAY:

32 (A) SUBPOENA ANY PERSON OR EVIDENCE.

33 (B) ORDER A WITNESS TO GIVE EVIDENCE.

34 (2) A SUBPOENAED WITNESS WHO IS NOT AN EMPLOYEE OF THE CITY OF
35 ABERDEEN SHALL BE PAID THE SAME FEES AND MILEAGE
36 REIMBURSEMENT AS IF THE HEARING WERE PART OF A CIVIL ACTION IN
37 THE CIRCUIT COURT OF MARYLAND.
38

39 I. FINAL CORRECTIVE ORDER.
40

41 (1) UNLESS THE PERSON SERVED WITH AN ORDER MAKES A TIMELY REQUEST
42 FOR A HEARING PURSUANT TO SUBSECTION G. OF THIS SECTION, THE NOV
43 OR ORDER BECOMES FINAL ON THE ELEVENTH DAY AFTER SERVICE.

44 (2) IF A PERSON WHO HAS BEEN ISSUED A NOV OR AN ORDER UNDER THIS
45 SECTION MAKES A TIMELY REQUEST FOR A HEARING, THE NOV OR ORDER

BECOMES A FINAL CORRECTIVE ORDER IF THE CODE OFFICIAL AFFIRMS
THE ORDER FOLLOWING THE HEARING.

J. OTHER ACTIONS DEPENDENT ON ISSUANCE OF A NOV OR ORDER. A
PERSON WHO VIOLATES THIS ARTICLE IS ENTITLED TO THE ISSUANCE OF
A NOV OR AN ORDER PRIOR TO THE IMPOSITION OF CIVIL PENALTIES
UNDER § 297-39 OR CRIMINAL PENALTIES UNDER § 297-41. THE CITY OR
THE CODE OFFICIAL MAY TAKE WHATEVER ACTION IT DEEMS
APPROPRIATE AND WHICH IS PERMITTED BY THIS ARTICLE OR THE LAW
TO SEEK REDRESS FROM ANY PERSON WHO VIOLATES THIS ARTICLE OR
TO REMEDY A VIOLATION OR THREATENED VIOLATION OF THIS ARTICLE.

§ 297-39 **CIVIL PENALTY.**

IN ADDITION TO BEING SUBJECT TO AN INJUNCTIVE ACTION UNDER § 297-40 OF
THIS ARTICLE, ANY PERSON WHO VIOLATES ANY NOV OR ORDER ISSUED UNDER
THIS ARTICLE, IS LIABLE TO PAY A CIVIL PENALTY NOT EXCEEDING ONE
THOUSAND DOLLARS (\$1000.) PER DAY PER VIOLATION TO BE COLLECTED IN A
CIVIL ACTION. EACH DAY A VIOLATION OCCURS IS A SEPARATE VIOLATION.

§ 297-40 **INJUNCTIVE RELIEF.**

A. IN GENERAL. THE CITY MAY BRING AN ACTION FOR AN INJUNCTION
AGAINST ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE, OR
ANY PROVISION OF ANY NOV OR ORDER ISSUED UNDER THIS ARTICLE.

B. FINDINGS. IN ANY ACTION FOR AN INJUNCTION UNDER THIS SECTION, ANY
FINDING OF THE CODE OFFICIAL AFTER A HEARING IS PRIMA FACIE
EVIDENCE OF EACH FACT SO DETERMINED.

C. GROUNDS. ON A SHOWING THAT ANY PERSON IS VIOLATING OR IS ABOUT TO
VIOLATE THIS ARTICLE OR ANY NOV OR ORDER ISSUED BY THE CODE
OFFICIAL, THE COURT SHALL GRANT AN INJUNCTION WITHOUT REQUIRING A
SHOWING OF A LACK OF AN ADEQUATE REMEDY AT LAW.

D. EMERGENCY. IF AN EMERGENCY ARISES DUE TO ACTUAL OR IMMINENT
DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE, OR ACTUAL OR
IMMINENT DANGER TO THE ENVIRONMENT, THE CITY MAY SUE
IMMEDIATELY FOR AN INJUNCTION TO STOP ANY POLLUTION OR OTHER
ACTIVITY THAT IS CAUSING THE DANGER.

§ 297-41 **CRIMINAL PENALTIES.**

A. A PERSON WHO VIOLATES ANY PROVISION OR FAILS TO PERFORM ANY DUTY
IMPOSED BY ANY NOV OR ORDER ISSUED UNDER THIS ARTICLE IS GUILTY OF
A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT TO

1 EXCEED ONE THOUSAND DOLLARS (\$1000.) PER DAY PER VIOLATION OR
2 IMPRISONMENT NOT TO EXCEED SIX (6) MONTHS, OR BOTH. EACH DAY A
3 VIOLATION OCCURS IS A SEPARATE VIOLATION.
4

5 B. IN ADDITION TO ANY CRIMINAL PENALTIES IMPOSED ON A PERSON
6 CONVICTED UNDER THIS ARTICLE, THE PERSON MAY BE ENJOINED FROM
7 CONTINUING THE VIOLATION AND SUBJECT TO CIVIL PENALTIES.
8

9 § 297-42 **ABATEMENT.**
10

11 A. GENERALLY. SUBJECT TO THE REMAINING PROVISIONS OF THIS SECTION, IF
12 ANY PERSON FAILS, WITHIN THE TIME LIMIT SPECIFIED IN AN NOV OR ORDER,
13 TO ABATE ANY CONDITION THAT IS PROHIBITED UNDER THIS ARTICLE OR
14 ANY NOV OR ORDER ISSUED UNDER THIS ARTICLE, THE CITY MAY TAKE
15 WHATEVER ABATEMENT ACTION MAY BE NECESSARY TO ABATE THE
16 CONDITION BY USE OF CITY EMPLOYEES AND EQUIPMENT OR BY CONTRACT
17 WITH PRIVATE CONTRACTORS. THE COST AND EXPENSE OF ABATING THE
18 VIOLATION SHALL BE CERTIFIED BY THE CODE OFFICIAL TO THE CITY
19 TOGETHER WITH THE NAME OF THE OWNER OF THE PROPERTY ON WHICH
20 THE VIOLATION OCCURRED AS DETERMINED FROM THE PROPERTY TAX
21 ASSESSMENT RECORDS. THESE CHARGES SHALL CONSTITUTE A LIEN UPON
22 THE REAL PROPERTY AND SHALL BE COLLECTIBLE IN THE SAME MANNER AS
23 CITY REAL PROPERTY TAXES, WITH THE SAME PRIORITY, INTEREST AND
24 PENALTIES. INITIATION OF ABATEMENT ACTION SHALL NOT PRECLUDE THE
25 INITIATION OF ANY OTHER ACTION OR LEGAL PROCEEDINGS AUTHORIZED
26 OR PERMITTED UNDER THIS ARTICLE, THE LAWS OF THE STATE OF
27 MARYLAND AND THE COMMON LAW.
28

29 B. NOTICE OF ABATEMENT ACTION. AT LEAST FIFTEEN (15) DAYS BEFORE
30 COMMENCING TO ABATE A VIOLATION, THE CODE OFFICIAL SHALL ISSUE A
31 NOTICE OF ABATEMENT TO THE OWNER OF THE PROPERTY ON WHICH THE
32 ABATEMENT WILL BE UNDERTAKEN. THE NOTICE SHALL DESCRIBE THE
33 ABATEMENT TO BE UNDERTAKEN, SHALL PROVIDE AN ESTIMATE OF THE
34 COST OF ABATEMENT, AND SHALL SPECIFY THAT THE COST FOR THE
35 ABATEMENT SHALL CONSTITUTE A LIEN ON THE REAL PROPERTY OF THE
36 OWNER.
37

38 C. SERVICE. THE NOTICE OF ABATEMENT ISSUED BY THE CODE OFFICIAL SHALL
39 BE SERVED BY PERSONAL SERVICE OR BY CERTIFIED MAIL, RETURN RECEIPT
40 REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL
41 SERVICE TO THE LAST KNOWN ADDRESS OF THE PERSON IN WHOSE NAME
42 THE PROPERTY IS ASSESSED FOR TAXATION. IF THE NOTICE IS NOT
43 DELIVERED BY PERSONAL SERVICE OR BY THE POSTAL SERVICE, THE NOTICE
44 SHALL BE POSTED ON THE ENTRANCEWAY TO THE PROPERTY AT WHICH THE
45 VIOLATION HAS OCCURRED.
46

1 D. RIGHT OF PROPERTY OWNER TO HEARING. ANY PROPERTY OWNER WHO IS
2 SUBJECT TO HAVING A CONDITION ON THE OWNER'S PROPERTY ABATED BY
3 THE CITY AND A LIEN PLACED ON THE OWNER'S PROPERTY AS A RESULT OF
4 THE ABATEMENT SHALL HAVE A RIGHT TO A HEARING BEFORE THE CODE
5 OFFICIAL IF THE PROPERTY OWNER SERVES A WRITTEN REQUEST FOR A
6 HEARING ON THE CODE OFFICIAL WITHIN TEN (10) DAYS AFTER BEING
7 SERVED WITH THE NOTICE OF ABATEMENT ACTION OR THE POSTING OF THE
8 NOTICE OF ABATEMENT ACTION ON THE PROPERTY.
9

10 E. SUBPOENAS; WITNESSES. THE DIRECTOR MAY SUBPOENA OR PROCURE
11 WITNESSES AND EVIDENCE IN ACCORDANCE WITH SECTION 250-38.H. OF THIS
12 ARTICLE.
13

14 F. FINALITY OF ABATEMENT ACTION AND LIEN.
15

16 (1) AFTER SERVICE OF THE NOTICE OF ABATEMENT, UNLESS THE PERSON
17 SERVED WITH A NOTICE OF ABATEMENT MAKES A TIMELY REQUEST FOR
18 A HEARING PURSUANT TO SUBSECTION D. OF THIS SECTION, THE CODE
19 OFFICIAL MAY IMPLEMENT THE ABATEMENT SPECIFIED IN THE NOTICE
20 AND THE LIEN FOR COSTS OF ABATEMENT SHALL BECOME FINAL ON THE
21 PROPERTY UPON COMPLETION OF THE WORK.
22

23 (2) IF A PERSON MAKES A TIMELY REQUEST FOR A HEARING, ANY
24 ABATEMENT MAY PROCEED AS AUTHORIZED BY THE CODE OFFICIAL
25 FOLLOWING THE HEARING AND THE LIEN FOR THE COST OF ABATEMENT
26 SHALL BECOME FINAL AFTER COMPLETION OF ALL ABATEMENT WORK
27 AUTHORIZED BY THE CODE OFFICIAL.
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1 **SECTION 3. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY**
2 **OF ABERDEEN**, that this Ordinance shall become effective at the expiration of twenty (20)
3 calendar days following adoption.

COUNCIL OF THE CITY OF ABERDEEN

Patrick L. McGrady, Mayor

Steven E. Goodin, Councilman

Sandra J. Landbeck, Councilwoman

Timothy W. Lindecamp, Councilman

Melvin T. Taylor, Councilman

ATTEST:

SEAL:

Monica A. Correll, City Clerk

Date _____