

Excerpted from:

Howard County, MD, Code
Title 18 Public Works
Subtitle 9. Stormwater Management

Sec. 18.904. Inspection.

- (a) *Inspection during construction.* The department of public works shall inspect stormwater management systems during construction, pursuant to the schedule set forth in the design manual.
- (b) *Periodic inspection.* The department of public works shall ensure that preventative maintenance is performed by inspecting all stormwater management systems during the first year of operation and at least once every 3 years thereafter. The department of public works shall notify in writing any property owner of any deficiencies in the stormwater management system that are found during the inspections pursuant to the criteria set forth in the design manual.

Sec. 18.905. Maintenance.

- (a) *Responsibility for maintenance.* The owners of property containing private stormwater management facilities shall be responsible for maintenance of those facilities. In cases where there is joint maintenance provided by the county and the property owner or home owners association, the county shall be responsible for structural maintenance only as specified on the plans and in the developer agreement for the specific facilities.
- (b) *Enforcement of maintenance requirement.*
 - (1) When the county determines that deficiencies exist in a private stormwater management system, the county shall notify the property owner in writing of the deficiencies, describe the required corrective action, and the time period to have the deficiencies corrected.
 - (2) If the property owner fails to correct the deficiencies within the specified time frame, the county may apply to the appropriate court for an order allowing the county to enter the property and to make, at the property owner's expense, the necessary repairs or corrections to the system.
 - (3) Following entry of the order and completion of corrective action, the county shall send to the property owner a bill for the costs to correct the deficiencies. If the bill is not paid within 30 days, the county may file with the court a verified statement of costs, for the purpose of entering a civil judgment in the county's favor against the property owner.
- (c) *Maintenance agreement.* Whenever a stormwater management plan is required for property pursuant to this subtitle, no grading or building permit shall be issued until the owner of the private stormwater management system executes a maintenance

agreement to be recorded in the land records of Howard County and binding upon all subsequent owners of the property, providing that:

- (1) The property owner shall maintain all stormwater management systems in accordance with the operation and maintenance schedule.
- (2) The property owner shall permit the county to inspect the stormwater management systems at any time.
- (3) The property owner shall correct any deficiencies in the system.
- (4) If the property owner fails to correct deficiencies within 30 days of notification or fails to provide proof of intent to make corrections, the property owner will permit the department of public works upon the property to correct the deficiencies and, within 30 days of the billing, will pay the costs of correction and any administrative costs.

Sec. 18.906. Appeals.

Any party aggrieved by a decision of the department of public works or planning and zoning pursuant to this subtitle regarding the approval or disapproval of a stormwater management plan or the granting or denial of an alternative compliance or waiver in a stormwater management system may, within 30 days of the decision, appeal the decision to the Howard County Board of Appeals.

Sec. 18.907. Penalties.

- (a) *Criminal penalties.* Any person convicted of violating the provisions of this subtitle shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than \$5,000.00 or imprisonment for not more than 1 year or both for each violation. Each day that the violation continues shall be a separate offense.
- (b) *Civil penalties.* Alternatively or in addition to and concurrent with other remedies, the department of public works may enforce the provisions of this subtitle with civil penalties pursuant to the provisions of title 24, "Civil Penalties," of the Howard County Code. A violation of this subtitle shall be a class A offense.
- (c) *Injunctive and other relief.* In addition, Howard County may institute injunctive, mandamus or other appropriate legal action or proceedings for the enforcement of this subtitle. Any court of competent jurisdiction may issue restraining orders, temporary or permanent injunctions or mandamus or other appropriate forms of remedy or relief.