

Town of Somerset
Ordinance to Amend Building Regulations
(Stormwater Drainage Requirements)

Resolution No.: 9-22-2
Introduced: 10/3/22
Adopted: 11/7/22
Effective Date: 1/10/23

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES TO AMEND AND CLARIFY STORMWATER DRAINAGE REQUIREMENTS; TO REVISE THE DEFINITION OF ONE-YEAR STORM EVENT; TO REQUIRE ON-SITE INFILTRATION RATHER THAN STORAGE; AND TO EXEMPT DRIVEWAYS HAVING A SLOPE OF 5% OR MORE FROM THE PERMEABLE MATERIAL REQUIREMENT

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

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

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

WHEREAS, Section 83-17 of the Town Charter authorizes the Town Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Town Charter, as it may deem necessary for the good government of the Town; for the protection and preservation the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and

promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein;

WHEREAS, after proper notice to the public, the Town Council introduced the following Ordinance in public session assembled on the 3rd day of October, 2022;

WHEREAS, to comply with Maryland Code, Land Use Article, Section 20-509, on the 18th day of October, 2022, a copy of following Ordinance was submitted to the Montgomery County Council for its comments;

WHEREAS, the Montgomery County Council indicated receipt of the draft on 24th day of October, 2022 and provided no comments;

WHEREAS, the Town Council considered the following Ordinance in public session assembled on the 7th day of November, 2022;

WHEREAS, upon consideration of the testimony and evidence presented at the public hearing, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation the Town’s property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein.

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

BE IT ORDAINED AND ORDERED, this 7th day of November, 2022, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town Charter that the Code of Ordinances is hereby amended as follows:

* * *

§ 112-2 **Definitions.**

As used in this Part 1, the words set forth below shall be defined as follows:

* * *

ONE-YEAR STORM EVENT

A storm resulting in ~~at least 2.6 inches of rainfall within 24 hours~~ **the rainfall depth set forth in the Design Manual for a one (1) year, twenty-four (24) hour storm event occurring in Montgomery County.**

* * *

§ 112-14 **Building requirements; stormwater drainage.**

* * *

D. Other requirements.

* * *

(4) Stormwater drainage.

(a) All new building construction must include a stormwater drainage plan. The plan must provide storage **on-site infiltration** for all runoff from all rooftop surfaces. Storage **On-site infiltration** must be provided for a one-year storm event ~~in devices such as drywells, rain tanks, cisterns, green roofs, or other devices approved by the Town Council.~~

(b) All new or replacement driveways must be constructed of permeable materials. This requirement shall not apply to **the following:**

[1] An apron in front of a garage entrance, measuring no more than five feet in length and 15 feet in width. ~~This requirement shall also not apply to~~

[2] An apron within a public right-of-way; **or**

[3] A driveway having a slope of 5% or more.

* * *

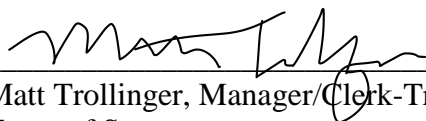
AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town Charter, that:

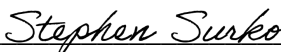
1. If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and


2. This Ordinance shall take effect on the 10th day of January, 2023 (36 calendar days after approval by the Mayor).

ATTEST:

TOWN OF SOMERSET


Matt Trollinger, Manager/Clerk-Treasurer
Town of Somerset
Approved:


Stephen Surko, President
Town Council



Jeffrey Slavin, Mayor
Town of Somerset

Date: 12/5/2022

Bold and Underline indicates new material
~~Strikethrough~~ indicates material deleted
* * * indicates material unchanged