

**Executive Regulation
of
Town of Chevy Chase**

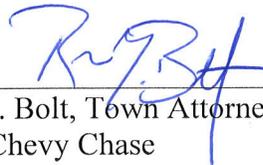
August 7, 2012

Subject: Final Regulation 2012-2 governing the use of bioretention cells, also known as “rain gardens.”

Authority: Article IV of Chapter 2 of the Municipal Code (“Code”) of the Town of Chevy Chase (the “Town”) generally authorizes the Town to adopt regulations. In addition, Section 28-15 of the Code authorizes the Town to adopt Executive Regulations deemed proper to effectuate the purpose and intent of Chapter 28 of the Code concerning water drainage.

Legal Sufficiency: Legal counsel reviewed the final regulation for legal sufficiency on the 6th day of August, 2012.

TOWN OF CHEVY CHASE



Ronald M. Bolt, Town Attorney
Town of Chevy Chase

Summary: The final regulation allows the use of bioretention cells in limited circumstances. The Town received a comment from the community concerning the use of “rain gardens.” The Mayor and Manager considered the issue and found that, rather than prohibiting bioretention cells outright, as previously set forth in the regulations, bioretention cells can be permitted if the Town Engineer finds that such devices are appropriate for the particular site and can be reasonably maintained.

Notice: On August 7, 2012, this final regulation was published in the Chevy Chase Register, and the Town Manager posted notice of this final regulation at the Town Hall in a conspicuous place and on the Town website. The notices at the Town Hall and on the Town website state where a copy of the final regulation may be reviewed and indicate the topic and the effective date of the regulation.

Comments: The proposed regulation was published in the Chevy Chase Register on July 2, 2012. Notice was provided as set forth in Sections 2-403 and 2-405 of the Code and the deadline for submitting comments to the proposed regulation was August 3, 2012. The Town received no comments concerning the proposed regulation.

Approval and Effective Date: The Mayor has reviewed and approved publication of the following final regulation on August 7, 2012. The following regulation shall be effective on August 22, 2012.

TOWN OF CHEVY CHASE

Patricia Burda, Mayor
Town of Chevy Chase

Final Regulation. Under the authority set forth above, the Town promulgates and modifies the following executive regulations:

* * *

Chapter 28

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Section 28.5 Water Drainage Criteria, Methodologies, and Construction Specifications.

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.04 Alternative Water Drainage Management Measures. Subject to the approval by the town manager, alternative water drainage management measures, such as the use of rain barrels and green roofs, may be used for water drainage management, including on-site retention requirements, if such measures meet design criteria established in this chapter and chapter 28 of the code, the measures are permitted by the Maryland Stormwater Design Manual, the measures utilize permanent equipment capable of being readily inspected, and any overflow is automatically directed into a traditional on-site infiltration system. Stormwater runoff cannot be retained with surface ponds [or bioretention cells,] as [both] they promote mosquito production. **Stormwater runoff can be retained with bioretention cells, or “rain gardens,” if the Town Engineer finds that, in addition to the above, (i) the bioretention cell can be appropriately included within a water drainage plan, based on the circumstances of the particular site, and (ii) the bioretention cell can be reasonably maintained to ensure that it remains in proper working condition.**

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Bold and Underline indicates new material
[Bold Brackets] indicates material deleted
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