

**Town of Chevy Chase
Water Drainage Ordinance
Version 52: 10/24/2006**

Resolution No.: _____
Introduced: July 12, 2006
Adopted: November 8, 2006
Effective Date: December 8, 2006

WHEREAS, Article 23A, Section 2(a) of the Maryland Code, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as they may deem 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, Section 301(a) of the Charter of the Town of Chevy Chase authorizes the Council to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town; for the protection and preservation of 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; for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and for such other police or health matters as it may deem necessary; and

WHEREAS, the Town Council considered the following ordinance in public session assembled on the 12th day of July, 2006, the 13th day of September, 2006, the 4th day of October, 2006 and the 8th day of November, 2006; and

WHEREAS, the Town Council finds that the management of water drainage is necessary to reduce stream channel erosion, pollution, siltation and sedimentation, and local flooding, all of which have adverse impacts on the water and land resources of the Town and State; and

WHEREAS, the Town Council finds that the management of water drainage from a property is necessary to reduce the flooding of nearby properties, streets and other public facilities; and

WHEREAS, the Town Council intends, by enactment of this ordinance to reduce to the extent possible, the adverse effects of water drainage and to protect and promote the health, safety, comfort, convenience, welfare and happiness of residents of the Town; and

WHEREAS, 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 of 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.

NOW, THEREFORE, the Town Council of the Town of Chevy Chase does hereby adopt the following ordinance:

AN ORDINANCE TO ADOPT A NEW CHAPTER 28 OF THE CHEVY
CHASE TOWN CODE TO IMPLEMENT A WATER DRAINAGE
MANAGEMENT PROGRAM

BE IT ORDAINED AND ORDERED, this 8th day of November, 2006, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Article 23A of the Maryland Code and the Town Charter, that a new Chapter 28 of the Town Code is hereby adopted to read as follows:

CHAPTER 28 Water drainage

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Sec. 28-1 Purpose and authority.

The purpose of this chapter 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 water drainage. Proper management of water drainage will minimize damage to public and private property, reduce the effects of development on land, control stream channel erosion, reduce local flooding, and maintain after development, as nearly as possible, the pre-development runoff characteristics.

The provisions of this chapter are adopted under the authority of Article 23A of the Annotated Code of Maryland and the Town of Chevy Chase Charter and shall apply to all development occurring within the incorporated boundaries of the Town of Chevy Chase. The application of this chapter shall be the minimum water drainage requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute.

Sec. 28-2 Definitions.

(a) In this chapter the following terms shall have the meanings indicated.

(b) Terms defined.

- (1) *Adverse impact:* Any deleterious effect on property which materially interferes with the use or enjoyment of property.
- (2) *Applicant:* Any person, as defined in chapter 1, who executes the necessary forms to procure a building permit to engage in development activity.
- (3) *Building permit:* A building permit as may be required under chapter 4.
- (4) *Clearing:* Any activity which removes the vegetative surface cover, including tree or brush removal, grubbing and storage, or removal of top soil, but shall not include the ordinary mowing of grass.
- (5) *Contributory drainage area:* That area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.
- (6) *Development Activity:* A development activity shall include:
 - a. clearing;
 - b. grading;
 - c. excavation;
 - d. demolition;
 - e. construction that alters the three-dimensional boundaries of a structure;
 - f. any activity that creates an impervious surface;
 - g. contour-altering activities; or
 - h. any other activity that can reasonably be expected to alter the flow of water.
- (7) *Design manual:* The Maryland Stormwater Design Manual as the same may be

amended, or any successor publication.

- (8) *Grading*: Any act by which soil is cleared, stockpiled, excavated, scarified, or filled, or any combination thereof.
- (9) *Impervious surface*: A surface which does not permit the infiltration of water.
- (10) *Infiltration*: The passage or movement of water into the soil.
- (11) *New impervious surface*: Any impervious surface that is created by a development activity after March 8, 2007. If an impervious surface is removed and replaced, the replacement impervious surface shall be considered new impervious surface.
- (12) *Pre-construction*: The time prior to the commencement of development activity. The conditions immediately preceding the first development activity at the site after March 8, 2007, shall establish the pre-construction condition for all subsequent development activities on the same property.
- (13) *Property*: Any tract, lot, or parcel of land or combination of contiguous tracts, lots, or parcels of land, which are in common ownership.
- (14) *Sediment*: Soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.
- (15) *Stabilization*: The prevention of soil movement by any of various vegetative and/or structural means.
- (18) *Three month storm event*: A storm event that results in one and one-quarter (1 ¼) inches of rain over a twenty-four (24) hour period.
- (19) *Ten year storm event*: A storm event that results in five and one-tenth (5.1) inches of rain over a twenty-four (24) hour period.
- (20) *Town engineer*: A professional engineer, duly registered and licensed in accordance with the requirements of Maryland State law and who has training and experience in civil engineering, either contracted with or employed by the Town of Chevy Chase.
- (21) *Town manager*: The town manager of the Town of Chevy Chase or the town manager's designee.
- (22) *Variance*: A modification as set forth in section 28-9 of this chapter of the water drainage requirements under this chapter.
- (23) *Water Board*: A board appointed by the Mayor to hear all variance and water drainage appeal cases as set forth in this chapter.
- (24) *Water drainage plan*: The drawings or other documents required to be submitted by an applicant as a prerequisite to obtaining an approved water drainage plan under section 28-4 of this chapter.

Sec. 28-3 Applicability.

(a) Water drainage plan requirement. Except as provided in this chapter, unless a water drainage plan has been approved by the town engineer, it shall be unlawful for any person to engage in a development activity.

(b) Pre-requisite for building permit. Unless a development activity is exempt from the application of this chapter, a building permit may not be issued unless a water drainage plan has been approved by the town engineer as set forth in section 28-4 of this chapter and an inspection and maintenance agreement has been executed as set forth in section 28-8(b) of this chapter.

(c) Exemptions. A water drainage plan is not required for a development activity that is exempt under this subsection. A development activity is exempt from the provisions of this chapter if:

(1) The new impervious surface created by a development activity and all other development activities within the two (2) year period prior to filing an application for a building permit is less than seven hundred (700) square feet. It is the duty of the owner of the property to ascertain whether a previous development activity occurred on the property within the prior two (2) year period; or

(2) The development activity consists solely of replacing an existing driveway, which may include the removal of impervious surface; however, the impervious surface of such replacement driveway may not be increased beyond the footprint of the existing driveway.

(d) Water drainage plan approval conditions. In granting an approval for a water drainage plan, the town engineer may impose such conditions as the town engineer deems necessary to ensure compliance with the water drainage plan and the provisions of this chapter.

Sec. 28-4 Water drainage plan.

(a) Procedures.

(1) The applicant shall submit two (2) paper copies and an electronic version, in a format acceptable to the town manager, of a water drainage plan to the town manager for review and approval, unless the development activity is exempt from the requirements of this chapter.

(2) An applicant shall pay a water drainage plan application fee in an amount established by resolution of the town council.

(3) The water drainage plan shall contain the documents and information described in subsection (b) of this section.

(4) Within seven (7) days after receipt of a proposed water drainage plan, the town manager shall:

a. Send a notice that a water drainage plan has been filed along with a summary of the water drainage plan to the owners of all adjacent and confronting properties; and

b. Post the notice on the town website and keep it on the website for at least thirty (30) days.

(5) The town engineer shall review the plan to determine compliance with the requirements of this chapter.

(6) If a water drainage plan is not approved or denied within thirty (30) days after the submission of a completed plan, the applicant shall be informed in writing of the status of the review process and the anticipated decision date.

(7) A water drainage plan may not be considered approved until the town engineer approves the plan in writing.

(8) No development activity for which a water drainage plan is required may begin until such a plan has been approved.

(9) Compliance with the approved water drainage plan shall be a condition of the town building permit for the development activity.

(10) The approved water drainage plan shall be available for public inspection during normal business hours in the town office and on the town website.

(11) Once approved, the applicant shall provide duplicate paper copies and an electronic version of the water drainage plan.

(b) Contents of a water drainage plan and report.

- (1) The water drainage plan shall meet the requirements of Section 28-5.
- (2) The water drainage plan shall be accompanied by a report that includes sufficient information to evaluate:
 - a. The potential impacts of the proposed development activity on adjacent and nearby properties, and upon the public right of ways in the vicinity of the subject property; and
 - b. The effectiveness and acceptability of measures proposed for managing water drainage.
- (3) The applicant shall certify that all development activity shall be conducted in strict compliance with the approved water drainage plan.
- (4) If a water drainage plan involves development activity on another private property, such as grading or piping, it is the responsibility of the applicant to obtain from such property owner any easements or necessary property interests to permit such development activity. Approval of a water drainage plan does not create or affect any right with respect to any adjacent or nearby property without that property owner's permission.
- (5) An application for approval of a water drainage plan shall include, at least, the following:
 - a. A brief description of the project;
 - b. Hydrologic computations and hydraulic computations;
 - c. The results of soil tests, performed by or under the supervision of a geotechnical engineer licensed by the State, supporting the design of any proposed infiltration system;
 - d. Unified sizing criteria volume computations according to the Design Manual, or other methods deemed acceptable by the town;
 - e. Location of the property within the town;
 - f. All soil boring logs and locations, if applicable;
 - g. Construction drawings;
 - h. A maintenance schedule as set forth under section 28-8(a)(2) of this chapter; and
 - i. Any other information required by the town engineer.
- (6) The water drainage plan shall include a certification that it was prepared by a licensed professional civil engineer or land surveyor, licensed in the State of Maryland

Sec. 28-5 Water drainage criteria, methodologies, and construction specifications.

The basic design criteria, methodologies, and construction specifications shall be those set forth in the Design Manual and, subject to the approval by the town engineer. In addition:

- (a) Retention and detention open-water ponds shall not be allowed on residential property.
- (b) During development activity, excavated soil used for foundation backfill shall be the only soil stored on the property. The applicant shall cover this soil to prevent migration onto adjacent properties.
- (c) All overflow pipes from containment vessels or other mechanisms that discharge water into the street shall pass under sidewalks and through curbing.
- (d) The applicant shall provide water drainage measures that retain all stormwater from all new impervious surfaces within the property for twenty-four (24) hours for a three month storm event.
- (e) For a storm event greater than a three month storm event, but not more than a ten year storm event, a water drainage system shall be designed and constructed so as not to allow site runoff to flow to any adjacent or nearby property at a rate greater than the pre-construction rate.
- (f) An infiltration system shall be located at least five (5) feet from any property line, ten (10) feet from any proposed building on the subject property with a basement or cellar foundation, twenty (20) feet from any existing building on any adjoining property with a basement or cellar foundation, and five (5) feet from any existing and proposed building that does not have a basement or cellar foundation.
- (g) An infiltration system may not receive runoff until the entire contributory drainage area to the infiltration system has received final stabilization and permission is granted by the Town engineer. An infiltration system shall be installed as late as possible in the sequence of construction.
- (h) Supplementary guidelines for water drainage plans are contained in the document *Town of Chevy Chase Water Drainage Plan Guidelines for Single Lot Residential Construction*, which the town shall make available to the public during normal business hours at the town office and on the town's website.

Sec. 28-6 Performance bonds or other security.

- (a) Prior to the issuance of a building permit for a property where a water drainage plan is required, the applicant shall post a surety or cash bond, an irrevocable letter of credit, or other means of security acceptable to the town manager to assure proper construction of all elements of the approved water drainage plan.
- (b) The amount of the security may not be less than the total estimated construction cost of the water drainage system.
- (c) The security shall provide for forfeiture of the security if the applicant fails to complete the work specified in the approved water drainage plan, or fails to comply with all the provisions of this chapter within the time specified by the town manager.

(d) The security shall be released upon the final construction inspection if:

(1) At the final construction inspection, the town engineer finds that the water drainage system was built in substantial compliance with the approved water drainage plan and specifications; and

(2) The applicant has submitted certified “as built” plans.

(e) After providing the applicant thirty (30) days to cure any deficiency, the town manager may order the security forfeited and may use the security to pay for corrective action if a water drainage system is not constructed in substantial compliance with the approved water drainage plan and specifications.

Sec. 28-7 Inspections.

(a) Inspection schedule and reports.

(1) The applicant shall notify the town manager at least forty-eight (48) hours before commencing any work in conjunction with the approved water drainage plan.

(2) The applicant shall be responsible for coordinating the required inspections under subsection (b)(1) of this section with the town manager.

(3) The applicant shall notify the town manager when the project is completed so that the town manager can conduct a final inspection.

(4) Written inspection reports.

a. Written inspection reports shall be made by the town manager of the periodic inspections during construction of water drainage systems to ensure compliance with the approved water drainage plan.

b. Written inspection reports shall include:

1. the date and location of the inspection;

2. whether construction was in compliance with the approved water drainage plan;

3. any variations from the approved construction specifications; and

4. any violations that exist.

(5) The applicant shall be notified in writing if violations are observed. The written notification shall describe the nature of the violation and the required corrective action.

(b) Inspection requirements during construction.

(1) At a minimum, inspections shall be made by the town manager and documented at the following specified stages of construction:

a. For infiltration systems:

1. during excavation to subgrade;
2. during placement and backfill of underdrain systems and observation wells;
3. during placement of geotextiles and all filter media;
4. upon completion of construction of appurtenant conveyance systems such as diversion structures, pre-filters and filters, inlets, outlets, and flow distribution structures; and
5. upon completion of final grading and establishment of permanent stabilization;

b. For open channel systems:

1. during excavation to subgrade;
2. during placement and backfill of underdrain systems for dry swales;
3. during installation of diaphragms, check dams, or weirs; and
4. upon completion of final grading and establishment of permanent stabilization; and

c. For nonstructural measures:

1. upon completion of final grading;
2. establishment of permanent stabilization; and
3. before issuance of use and occupancy approval.

(2) The town manager may require additional inspections.

Sec. 28-8 Maintenance.

(a) Maintenance Responsibility.

(1) The owner of the property upon which development activity occurs, all successors to the owner's interest to the property and any other person or agent in control of the property, shall maintain in good condition and promptly repair and restore all grade surfaces, structures, drains, and other elements as required under an approved water drainage plan.

a. The repairs or restorations and maintenance shall be in accordance with an approved water drainage plan and maintenance schedules under paragraph (2) of this subsection.

b. The obligation to repair, restore and maintain shall run with the land unless released by the town.

(2) Maintenance schedule.

a. A maintenance schedule shall be included in the water drainage plan.

b. The town manager may modify the proposed maintenance schedule.

(b) Inspection and Maintenance Agreement.

(1) Before issuing a building permit for a development activity for which a water drainage plan is required, the town manager shall require the applicant to execute an approved inspection and maintenance agreement binding on all owners and subsequent owners of land served by the water drainage system. If any part of the system is located on another property, all owners of that property must consent to the presence of the water drainage system on their property. The agreement shall provide for access to the system at reasonable times for regular inspection by the town manager.

(2) The agreement shall be recorded by the applicant and/or owner in the land records of Montgomery County, and a certified copy of the recorded document shall be given to the town manager.

(3) The agreement shall provide that if, after notice by the town manager to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within thirty (30) days, the town manager may, but is not obligated to, have all necessary work performed to place the system in proper working condition.

a. The owner(s) of the system shall be assessed the cost of the work and applicable penalties.

b. The assessment shall constitute a lien on the property. The unpaid portion of the assessment shall be placed on the tax bill and collected as property taxes or collected by a suit for damages.

Sec. 28-9 Water Board.

(a) There is hereby created a Water Board composed of three (3) members who shall be appointed to three (3) year staggered terms by the mayor.

(1) The first appointee shall serve for an initial term of three (3) years;

(2) The second appointee shall serve for an initial term of two (2) years; and

(3) The third appointee shall serve for an initial term of one (1) year.

(b) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(c) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(d) At least one member shall be a professional civil engineer or land surveyor who has training and experience in storm water management.

(e) The Board chair shall be designated by the mayor. If the mayor does not designate a chair, the Water Board shall elect its own chair.

(f) The Water Board shall have the powers and duties set forth in this section, section 28-10 to grant a variance, and section 28-11 to decide an appeal concerning a decision by the town engineer to approve or deny a water drainage plan.

(g) Two members of the Water Board shall constitute a quorum. Decisions of the Water Board shall be made by a majority vote.

28-10 Variance Request.

(a) Filing a variance. Any person may file a written request for a variance from the requirements of this chapter. The request shall be filed with the town manager, which shall include all facts warranting the variance and descriptions, drawings, and any other information that is necessary to evaluate the request.

(b) Variance procedures.

(1) Within ten (10) days of receipt of a variance, the town manager shall transmit to the Water Board the record pertaining to the variance request.

(2) The Water Board shall schedule a public hearing.

(3) The town manager shall:

a. Provide written notice of the hearing to the applicant and owners of all adjacent and confronting properties at least ten (10) days prior to the hearing;

b. Post a notice of the hearing on the town website; and

c. Post a sign on the property affected by the variance, which shall include the nature of the variance, and the date, time, and place of the hearing.

(4) At the hearing, any party may appear in person or by agent or attorney.

(5) The Water Board may grant a variance from any requirement of this chapter if the Water Board finds that:

a. There are engineering difficulties such that strict adherence to the requirements of this chapter would result in undue hardship to the applicant;

b. The proposed variance would not be detrimental to any adjoining or nearby property, or any public right of way; and

c. The proposed variance would, as nearly as practical, accomplish the intent and purpose of the requirements of this chapter.

(6) The Water Board shall issue a written decision effective on the date of issuance and the town manager shall post such decision on the town website for a period of at least thirty (30) days.

Sec. 28-11 Appeals Request.

(a) Filing an appeal. Any person aggrieved by a decision of the town manager or town engineer to approve or deny a water drainage plan may appeal the decision to the Water Board. The appeal shall be filed in writing within thirty (30) days of the date of the decision from which the appeal is taken and shall clearly state the grounds on which the appeal is based.

(b) Appeal procedures.

(1) Within ten (10) days of receipt of an appeal, the town manager shall transmit to the Water Board the record pertaining to the appeal request.

(2) The Water Board shall schedule a public hearing.

(3) The town manager shall:

a. Provide written notice of the hearing to the applicant and owners of all adjacent and confronting properties at least ten (10) days prior to the hearing;

b. Post a notice of the hearing on the town website; and

c. Post a sign on the property affected by the appeal, which shall include the nature of the appeal, and the date, time, and place of the hearing.

(4) At the hearing, any party may appear in person or by agent or attorney.

(5) The Water Board may affirm, reverse or modify the decision of the town manager or town engineer, or may approve a water drainage plan upon such conditions, terms or restrictions as the board may deem necessary, after considering the following factors:

a. The evidence presented by the applicant;

b. The recommendations of the town manager or town engineer and the reasons why the town manager or town engineer took the action from which the appeal was taken;

c. The evidence in support or opposition presented by town residents or other interested persons; and

d. The extent to which an alternative plan would more efficiently or effectively fulfill the intent of this chapter.

(6) The Water Board shall issue a written decision effective on the date of issuance and the town manager shall post such decision on the town website for a period of at least thirty (30) days.

28-12 Judicial Review.

Any party aggrieved by a decision of the Water Board under section 28-10 or section 28-11 may appeal within thirty (30) days of issuance of such decision to the Circuit Court for Montgomery County and thereafter to the appellate courts of this state within the time and manner prescribed within the Maryland Rules of Procedure relating to judicial review of administrative agency decisions.

Sec. 28-13 Remedial action.

(a) Whenever the town manager finds that work is being performed or has been performed in violation of this chapter or in a manner that may jeopardize the public health or safety, the town manager may issue a stop work order to halt any activity that violates this chapter or jeopardizes the public health or safety and may order remedial action as appropriate.

(b) A stop work order issued under this chapter shall be posted on the property in a conspicuous location and shall be sufficient service upon all persons physically on the property. A posted notice may not be removed except under the authority of the town manager. A copy of a stop work order shall be mailed to the applicant's last known address.

(c) It shall be unlawful for any person to continue work on a property after having been served with a stop work order, except such work as the town manager directs to remove a violation or to eliminate an unhealthy or unsafe condition.

(d) The approval of a water drainage plan may be suspended or revoked after written notice is given to the applicant for any of the following reasons:

(1) A violation of the conditions of an approved water drainage plan;

(2) Changes in site runoff characteristics upon which an approval or variance was granted;

(3) Construction is not in accordance with the approved water drainage plan;

(4) Noncompliance with a correction notice or stop work order; or

(5) The town manager finds that the work creates or may create an immediate danger to a person or property downstream.

(e) The town may institute injunctive or other appropriate action or proceedings at law or equity for the enforcement of this chapter in any court of competent jurisdiction.

(f) Any person violating or failing to comply with this chapter, in whole or in part, shall make or cause to be made such alteration or removal of work commenced or finished as may be necessary to remedy a condition which violates this chapter. If such remedy is not completed within fifteen (15) days from the date of notification of violation or such other date as may be specified in the notice of violation, the town may by contract or otherwise remove or demolish any construction work or parts thereof which violate this chapter and may install any approved drainage system or part thereof, and the cost of such work shall be paid by the person upon demand of the town. If not paid within fifteen (15) days of the town's demand for payment, the cost of any remedial action shall constitute a lien against the property upon which the violation existed and collected in the same manner as property taxes or collected by a suit for damages.

Sec. 28-14 Penalties.

(a) Violation of any provision of this chapter shall be a municipal infraction unless otherwise specifically provided. Any person or persons guilty of a municipal infraction shall be subject to a fine in the amount specified below:

1. First violation - \$250.00.
2. Second violation - \$500.00.
3. Third violation - \$1,000.00.

(b) Violations of the following provisions of this chapter shall be misdemeanors and subject to a fine of \$1,000.00, imprisonment for six (6) months or both:

1. Section 28-3(a) - engaging in a development activity without an approved water drainage plan.

2. Section 28-13(c) - violation of a stop work order.

3. Section 28-13(d) - engaging in a development activity when the approval of a water drainage plan has been suspended or revoked.

(c) Each day that a violation of this chapter exists shall constitute a separate violation.

(d) Any person who violates a provision of this chapter or directs another to violate a provision of this chapter, the person's employer if the person acted in the course of his or her employment, and any property owner who allows a violation of this chapter on his or her property shall be guilty of a violation and shall be jointly and severally subject to the penalties provided in subsections (a) and (b) of this section. If a violation occurs, there shall be a rebuttable presumption that all owners of the property allowed the violation.

Sec. 28-15 Regulations.

(a) The town manager is hereby authorized to adopt:

(1) Executive regulations that the town manager deems proper to effectuate the purpose and intent of this chapter; and

(2) Rules and procedural requirements that the town manager deems proper for the efficient administration of this chapter.

(b) The town engineer, in approving a water drainage plan under this chapter, may impose such reasonable conditions as the town engineer deems necessary to assure compliance with this chapter, the water drainage plan, and any executive regulations, rules or procedural requirements adopted pursuant to this chapter.

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this 8th day of November, 2006, by the Town Council of the Town of Chevy Chase, acting under and by virtue of the authority granted to it by Article 23A of 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 8th day of December, 2006

ATTEST: TOWN OF CHEVY CHASE

Kathy Strom, Secretary

Linna Barnes, Mayor
Town of Chevy Chase