



# THE COMMISSIONERS OF THURMONT

615 East Main Street  
P.O. Box 17  
Thurmont, Maryland 21788  
301-271-7313  
Fax: 301-271-2155

## ORDINANCE 2022-01

**AN ORDINANCE TO ADOPT CHAPTER 113 TO  
THE CODE OF THE TOWN OF THURMONT, MARYLAND,  
ENTITLED "STORMWATER"**

**WHEREAS**, the Charter of the Town of Thurmont requires any new Ordinance to the Code of the Town of Thurmont be adopted in the form of an ordinance;

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF THURMONT, MARYLAND, THAT**

**CHAPTER 113 be added to The Code of The Town of Thurmont as follows:**

See attached Exhibit "A"

**BE IT FURTHER ENACTED AND ORDAINED** that this Ordinance shall take effect on January 18, 2022.

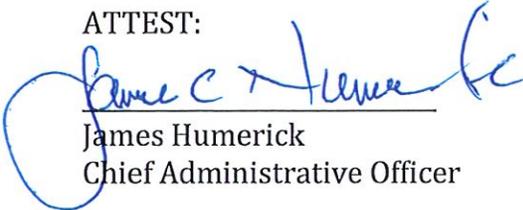
The undersigned hereby certifies that this Ordinance was approved and adopted on the 11<sup>th</sup> day of January, 2022.

Introduced: 01/04/2022

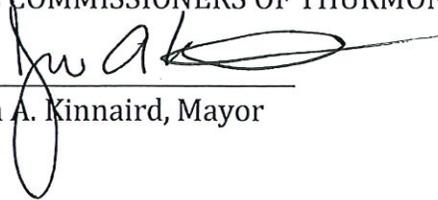
Adopted: 01/11/2022

Effective: 01/18/2022

ATTEST:

  
James Humerick  
Chief Administrative Officer

THE COMMISSIONERS OF THURMONT

  
John A. Kinnaird, Mayor

## The Town of Thurmont, MD Stormwater Ordinance

### Article I Definitions

As used in this Chapter, the following terms have the meaning indicated:

***Allowable Discharge*** – A discharge into an MS4 or surface water that is entirely composed of stormwater. Certain additional discharges may be permitted including:

- NPDES -permitted industrial sources of runoff.
- Discharges or flows from firefighting activities.
- Discharges from potable water sources including water line flushing and fire hydrant flushing, if such discharges do not contain detectable concentrations of Total Residual Chlorine (TRC).
- Non-contaminated irrigation water, water from lawn maintenance, landscape drainage and flows from riparian habitats and wetlands.
- Diverted stream flows and springs.
- Non-contaminated pumped ground water and water from foundation and footing drains and crawl space pumps.
- Non-contaminated HVAC condensation and water from geothermal systems.
- Residential (i.e., not commercial) vehicle wash water where cleaning agents are not utilized.
- Non-contaminated hydrostatic test water discharges if such discharges do not contain detectable concentrations of TRC.

***County*** – County of Frederick, Maryland

***IDDE*** – Illicit Discharge Detection and Elimination

***Illicit Discharge*** – Any discharge to an MS4 that is not composed entirely of stormwater. For example, any discharge that includes unacceptable levels of heavy metals, toxic substances, oil, gas, grease, solvents, and nutrients unless permitted pursuant to an exception.

***MD*** – Maryland (State of)

**MDE** – Maryland Department of the Environment

**MCM** – Minimum Control Measure

**MS4** – Municipal Separate Storm Sewer System

**NPDES** – National Pollutant Discharge Elimination System

**Stormwater** – water runoff generated from rain and snowmelt events that flow over land or impervious surfaces, such as paved streets, parking lots, and building rooftops, and does not soak into the ground.

**Town** – Town of Thurmont, Maryland

Article II  
Right of Entry

1. Right of Entry

- a. Any employee or agent working on behalf of the Town, after proper identification and a reasonable opportunity for the resident to respond, may enter a structure or premise containing or adjacent to stormwater conveyance or storage facilities at any reasonable time, subject to constitutional restrictions, for the purpose of duties related to inspections, investigations, maintaining compliance with, or enforcement of the Town's Stormwater Municipal Separate Storm Sewer System (MS4) permit issued by The State of Maryland including those under Article III.
- b. Any unreasonable restraint or hindrance offered by any owner, tenant, or agent or any other person to the right of entry pursuant to an administrative warrant as provided in this Article II is punishable under Article II Section 2.

2. Enforcement

- a. If a Town employee or agent entry is refused or is otherwise not obtained, the Town may seek additional legal action to obtain entry.
- b. It is unlawful for any person to interfere with a Town employee's or agent's performance of his or her duties. Violation of this Article constitutes a municipal infraction. The penalty for each violation shall be the sum of one thousand (\$1,000.00) dollars.
  - i. Interference includes but is not limited to: (i) engaging in physically threatening behavior directed at an employee or agent of the Town; (ii) engaging in or causing any intentional, reckless, or negligent physical contact with an employee/agent of the Town; or (iii) refusing, obstructing, hindering, or impeding the employee/agent of the Town's entry onto, or inspection of, the property or premises pursuant to an administrative search warrant.
  - ii. Each day of violation shall constitute a separate violation.
  - iii. Each employee/agent subject to interference shall constitute a separate violation.

Article III  
Stormwater Compliance

1. MCM 3 - Illicit Discharge Detection and Elimination:

- a. The Town prohibits non-stormwater discharges into the municipal separate storm sewer system (MS4).
- b. The Town prohibits pollutants into the MS4 in the form of intentional or accidental discharges. Any such discharge into the MS4 that violates the Town's NPDES MS4 Permit will be considered an Illicit Discharge.
- c. Illicit Discharges complaints should be reported to the Town through an online illicit discharge reporting form found on the Town's website, by calling the Town phone number, or in-person at the Town office.
- d. Illicit discharge complaints will be investigated by Town staff, and subsequently reported to MDE including date of observation, witness information, reported illicit discharge including characteristics such as color and odor, follow up investigation evidence, laboratory testing to confirm the presence of pollutants, and a final determination by the Town whether or not the complaint was an illicit discharge into the MS4. Investigations will require a Town employee/agent to access properties public or private at the site of the observed illicit discharge, as well as the corresponding utilities that are connected to the source of a reported illicit discharge.
- e. To prevent illicit discharges, the Town will conduct annual outfall screenings on public and private property where MS4 outfalls exist. Property owners will be notified in advance of all Town activity on private property. Annual screenings will be conducted between the hours of 8:00 AM Eastern Standard Time and 5:00 PM Eastern Standard Time.
- f. A summary of all illicit discharge investigations will be made available in the Town's municipal stormwater report(s) and submitted to MDE.
- g. Upon the conclusion of a publicly submitted or Town initiated IDDE investigation resulting in a suspected Illicit Discharge, individuals found to be in violation of this ordinance will be provided a Notice of Violation by US mail to the address of the property owner and/or by posting on the property where the violation occurred. The property owner may request a meeting with the Town to determine appropriate remediation. Absent an emergency (such as an immediate threat to health and safety), the property owner will have thirty (30) days from the date of Notice of Violation to remediate the violation. Upon receipt of notice of completion of remediation, the Town will inspect the work. If the work fails to meet the requirements of this Ordinance, the Town, in its discretion, may grant an additional thirty (30) day period to the property owner to eliminate the illicit discharge. If the property owner fails to undertake the remediation efforts timely, the Town may remediate the illicit discharge and assess the costs against the property owner.
- h. Individuals found to be in violation of this ordinance may be subject to a fine of fifty (\$50) dollars per day. Each day the violation continues constitutes a separate offence. Violations of this ordinance may also result in criminal prosecution as provided by the Ordinances of the Town of Thurmont and State law.

2. MCM 4 – Construction Site Stormwater Runoff Control

- a. Frederick County, Maryland Stormwater Ordinance 01-10-284, Chapter 1-10 Grading, Erosion, and Sediment Control, Articles I-V, are hereby adopted and incorporated herein.
- b. Pursuant to the Md. Code Ann., Env. Art 4-101 et seq. and the ordinances of Frederick County, Frederick County shall enforce all violations of the code sections restated herein.

3. MCM 5 – Post Construction Stormwater Management

- a. Frederick County, Maryland Stormwater Ordinance 01-10-284, Chapter 1-15.2 Stormwater Management, Articles I-XII, are hereby adopted and incorporated herein.
- b. Pursuant to those certain agreements between the Town and Frederick County, Frederick County shall enforce all violations of the code sections restated herein.