

- 3) Setbacks for supporting equipment and for alternative antenna support structures shall be as specified in the zoning regulations for the district in which the wireless telecommunication facility is located.
- P) Communication towers shall be constructed to the EIA/TIA 222-F Standards, as published by the Electronic Industries Association, which may be amended from time to time, and all applicable Town building codes. Communication towers shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties, according to EIA/TIA 222-F Standards. Further, any improvements and/or additions (i.e., antenna, satellite dishes, etc.) to existing communication towers which exceed the design of the structure or which are not routine maintenance shall require submission of site plans in accordance with the Zoning Code and which demonstrate compliance with the EIA/TIA 222-F Standards in effect at the time of said improvements or additions.

SECTION 7.0      SURFACE WATER CONTROL (5/24/05)

SECTION 7.1      APPLICABILITY (5/24/05)

The requirements of this section apply to any commercial entity responsible for erecting new dwelling unit(s) or for making modifications to existing dwelling units and or lots which cause a change in the flow of surface-water in the Town of Thurmont. These entities are referred to hereafter in this section as the "contractor."

The requirements of Section 7.2 shall apply to new dwelling units and modifications to existing dwelling units for a period of two(2)years following issuance of an occupancy permit or in the case of modifications, completion of the construction activities.

All the requirements of section 7.2 concerning damage to adjacent lots also apply to non-commercial entities erecting new dwelling unit(s) or making modifications to existing dwelling units and/or lots which cause a change in the flow of surface-water and will apply for a period of two (2) years

following issuance of the occupancy permit for new dwelling units or following completion of modifications to existing dwelling units and/or lots. These entities are referred to hereafter in this section as the "owner".

Any change to a lot causing a substantive change in the flow of surface-water made by the purchaser shall result in voiding of the contractor's responsibilities under this section for that property.

SECTION 7.2      SURFACE-WATER CONTROL TECHNICAL REQUIREMENTS  
(5/24/05)

A) Requirements for mitigating the impacts of precipitation in amounts up to and including the "1-year, 24-hour storm event <sup>1</sup>."

1) There shall be no standing water anywhere on a residential lot 24 hours after the precipitation has ended.

2) Water flow on the lot during and immediately after the precipitation event shall occur primarily on the perimeter of the lot and have a depth or no more than 3 inches, shall not cause erosion on a yard that has been stabilized with vegetation, and shall not result in the deposit of silt or other debris on the lot.

3) Those portions of the dwelling unit at or below grade level shall suffer no leakage of water or seepage into the habitable part of the structure from surface-water.

4) If active components such as sump pumps are utilized to prevent such leakage, they should be sized such that they operate no more than 50% of the time at any time during or after the precipitation.

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<sup>1</sup> Reference Maryland Stormwater Design Manual, Volumes I & II

5) Any grading performed and surface-water control devices installed on the lot shall not result in damage to adjacent lots and structures and shall not cause requirements 1) through 3) above to be violated on the adjacent lots due to actions by the contractor, or the owner.

B) Requirements for mitigating the impacts of precipitation in amounts up to and including the "10-year, 24'hour storm event <sup>1</sup>."

1) There shall be no standing water anywhere on a residential lot 48 hours after the precipitation has ended.

2) Water flow on the lot during and immediately after the precipitation event shall occur primarily on the perimeter of the lot and have a depth of no more than 5 inches, shall not cause erosion on a yard that has been stabilized with vegetation, and shall not result in the deposit of silt or other debris on the lot.

3) Those portions of the dwelling unit at or below grade level shall suffer no leakage of water or seepage into the habitable part of the structure from surface-water.

4) If active components such as sump pumps are utilized to prevent such leakage, they should be sized such that they can fully discharge the necessary quantities of water to prevent in-leakage of water into the habitable part of the structure.

5) Any grading performed and surface-water control devices installed on the lot shall not result in damage to adjacent lots and structures and shall not cause requirements 1) through 3) above to be violated on the adjacent

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<sup>1</sup> Reference Maryland Stormwater Design Manual, Volumes I & II

lots due to actions by the contractor or the owner.

- C) Requirements for mitigating the impacts of precipitation in amounts up to and including the "100-year, 24-hour storm event<sup>1</sup>."
- 1) Those portions of the dwelling unit at or below grade level shall suffer no leakage of water or seepage into the habitable part of the structure from surface-water.
  - 2) If active components such as sump pumps are utilized to prevent such leakage, they should be sized such that they can fully discharge the necessary quantities of water to prevent in leakage of water into the habitable part of the structure.
  - 3) Any grading performed and surface-water control devices installed on the lot shall not result in damage to adjacent lots and structures.
- D) All features required for storm-water control for a lot including grading, swales, channels/ditches, subsurface piping, pumps, etc. must be complete and in place prior to the issuance of an occupancy permit for the dwelling unit(s) on that property and the contractor must provide a certification to the Town to that effect.
- E) Nothing in these requirements relieves the contractor or owner from complying with all other applicable requirements identified in Town, County, State, and Federal laws, regulations, and design manuals.

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<sup>1</sup> Reference Maryland Stormwater Design Manual, Volume I & II.

SECTION 7.3

DISCLOSURE REQUIREMENTS (5/24/05)

- A) For a commercial entity responsible for erecting new dwelling unit(s), the contractor shall disclose in writing to the buyer of a dwelling unit before a purchase is consummated, the information described below. The buyer shall sign the disclosure, prior to the purchase, indicating that they have read the disclosure in full and agree:
- 1.) A copy of Section 7.0 Surface-Water Control, of Article IX of the Town's Zoning Ordinance.
  - 2.) A description of all grading and surface-water control devices to be utilized to meet the above requirements on the property being sold including, but not limited to, the use of swales, rip-rapped ditches, subsurface drainage devices, pumps, etc. (No surface-water control devices shall be connected to, or in any way direct water to, the Town's sanitary sewer system).
  - 3.) A description of the expected performance of the above devices during a 1,10, and 100- year storm event.
  - 4.) Any special conditions or restrictions required to be maintained to meet the above requirements such as the location of down-spout and sump pump discharges, limitations on vegetation in certain locations, periodic maintenance requirements for storm-water control devices, etc.
  - 5.) A statement to the effect that the contractor shall be responsible for rectifying any deficiencies in meeting the above surface-water control technical requirements and that a surety deposit has been posted with the Town for a period of two years (2) from the date of the Occupancy Permit to assure compliance.
  - 6.) A statement to the effect that any

change to a lot causing a substantive change in the flow of surface-water made by the owner shall result in voiding of the contractor's surface-water control responsibilities for the property.

- B) A copy of the signed disclosure must be provided to the Town before an occupancy permit will be issued.

7.4

SURETY REQUIREMENTS (5/24/05)

At the time of applying for a zoning certificate for each new residential dwelling unit, the contractor or owner responsible for constructing the unit shall be required to provide to the Town either a cash deposit or an irrevocable letter or credit in the amount of \$0.50 per square foot of lot area per permit to assure compliance with the above requirements. Any cash deposit will be held in an interest-bearing account by the Town and both the deposit and letter of credit are required to remain in place for a period of two(2) years following the date of the Occupancy Permit. Any deficiencies in meeting the above requirements and any resulting damage to an affected property as identified by the property owner and verified by the town, require correction by the contractor or owner responsible for constructing the dwelling unit at their expense and in a timely manner (generally within one month). Failure to correct such deficiencies and damage in a timely manner will result in utilization of these funds by the Town for these corrections. If the cost of correcting the deficiencies and damage exceeds the funds in the cash deposit or letter of credit for the dwelling in violation of the requirements of the section, the contractor or owner responsible for constructing the unit shall be responsible for providing the additional funds necessary for completion of the work.

SECTION 8.0

STRUCTURES WITH A BASEMENT NEAR WET SOILS (5/24/05)

No zoning certificate or building permit shall be issued for construction of a residential structure with a basement if proposed on or within one hundred (100) feet of "wet soils" until a soils delineation report is prepared by a licensed soils scientist or professional engineer registered in the State of Maryland. The soils report shall be submitted to the Frederick County Permits and Inspections Department for review by the Soil Conservation District and must be approved by the Permits and Inspections Department prior to the zoning administrator's approval of the certificate or permit.

In addition, if a residential structure(s) with a basement(s) is proposed within "wet soils" the developer must:

- (1) Perform one of the following:
  - a. Construct a gravity drainage system in accordance with the International Residential Code; or
  - b. Utilize another similar solution acceptable to the Frederick County Department of Permits and Inspections; or
  - c. Submit for approval to the Frederick County Permits and Inspections Department, a geotechnical report by a registered professional engineer in the State of Maryland to include a soil profile of house location and a certification of the specific basement/footer elevations; and
- (2) Place a note on the plat requiring that all construction shall be in conformance with the approved solution.