COUNCIL OF THE CITY OF ABERDEEN
Ordinance No. 26-O-09

Date Introduced: **November 23, 2026**

Sponsored by: **Council President Adam M. Hiob and Councilman Darin M. Wassum**

Public Hearing: **December 14, 2026**

Amendments Adopted:

Date Adopted:

Date Effective:

AN ORDINANCE concerning

STORMWATER MANAGEMENT FEE-IN-LIEU

FOR the purpose of amending Chapter 465, Stormwater Management, of the Code of the City of Aberdeen to permit, payment of fee-in-lieu for quantity and quality control stormwater management requirements. The Department of Public Works having obtained the review and approval by the Maryland Department of Environment of this Ordinance pursuant to COMAR 26.17.02.05(C)(1).

BY amending
Chapter 465. STORMWATER MANAGEMENT
Article III, Applicability
Section 7
Code of the City of Aberdeen (2010 Edition as amended)

EXPLANATION:
Italics indicate matter added to existing law.
((Double Parenthesis)) indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strike-Out indicates matter stricken from bill by amendment or deleted from the law by amendment.
* * * indicates existing unmodified text omitted from Ordinance.
Bold text within Appendix A, Tables 1-3, and Exhibits 1-3, indicate new matter added to existing law.

SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Section 7 of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 465. STORMWATER MANAGEMENT, Article III, Waivers; watershed management plans, is amended to provide for a new subparagraphs H, I and J to read as follows:

Chapter 465. STORMWATER MANAGEMENT

Article III, Applicability

§ 465-7 **Waivers; watershed management plans.**

* * *

H. Waivers of quantity and/or quality control as specified in Paragraphs B(2), B(3) or C(3) of this section may be granted on a case-by-case basis provided one of the following requirements, in order of preference, are satisfied:

(1) Retrofitting of an existing stormwater management system to meet the current design criteria and that compensates for the lack of treatment provided at the site.

(2) Off-site BMP implementation for a drainage area comparable in size and percent imperviousness and which compensates for the lack of treatment provided at the site. The specific practices must be reviewed and approved by the Director of the Department of Public Works and provisions must be made for the maintenance of the facility.

(3) Use of an approved stormwater management banking site within the same watershed. Criteria for debiting the bank for projects utilizing the site shall be developed by the Department for each banking site. A stormwater management permit must be issued prior to utilizing the banking site and provisions must be made for the maintenance of the facility.

(4) Watershed or stream restoration at sites identified and approved by the Department that reduce pollutant loading comparable to that which would be required of the proposed project. The scope and specific practices used in the restoration effort must be reviewed and approved by the Department and must comply with all applicable local, state and federal permit requirements and regulations.

(5) Other practices approved by the Department and the administration, including pollution trading with another entity.

(6) Fee in lieu of quantity control, at rates established be resolution of the Mayor and City Council, based on the impervious area for which quantity control cannot be achieved due to physical constraints that prevent the implementation of a stormwater management system.

(7) Fee in lieu of quality control, at rates established be resolution of the Mayor and City Council, based on the impervious area for which quality control cannot be achieved due to physical constraints that prevent the implementation of a stormwater management system.

I. Money collected as fee-in-lieu under this subsection shall be deposited into a separate account and shall be used only to fund the investigation, design, construction, acquisition of easements or property or maintenance of projects for quantitative or qualitative stormwater management or stream restoration, which may include funds necessary to bring an action pursuant to Section 465-27 and court ordered remediation of failing stormwater management facilities.

J. The Department shall post a list of all waivers granted on the City of Aberdeen's website.

SECTION 4. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that this Ordinance shall become effective at the expiration of twenty (20) calendar days following adoption.

COUNCIL OF THE CITY OF ABERDEEN

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Patrick L. McGrady, Mayor

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Adam M. Hiob, Council President

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William H. Montgomery, III, Councilman

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Tandra A. Ridgley, Councilwoman

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Darin M. Wassum, Councilman

ATTEST: **SEAL:**

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Elizabeth G. Ward, City Clerk

Date _____