

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2016 Legislative Session

Legislative Day No. 12

Resolution No. 77-2016

Introduced by: The President of the Council at the request of the County Executive

A RESOLUTION APPROVING AN AGREEMENT BETWEEN WICOMICO COUNTY, MARYLAND AND THE COMMISSIONERS OF HEBRON FOR THE ENFORCEMENT OF STORMWATER MANAGEMENT WITHIN THE CORPORATE LIMITS OF THE TOWN OF HEBRON, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE AGREEMENT.

WHEREAS, Wicomico County adopted legislation designated in Chapter 196 of the Wicomico County Code to enforce minimum requirements and procedures that control stormwater management within the County; and

WHEREAS, the Commissioners of Hebron have reviewed the County's regulations and laws for stormwater management and have determined that it is appropriate to authorize the regulation of stormwater management within its corporate boundaries; and

WHEREAS, the Commissioners of Hebron do not have any experience or expertise with stormwater management enforcement and desire to authorize Wicomico County, Maryland to fully enforce the provisions of Chapter 196 of the Wicomico County Code, amended from time to time, within its corporate limits; and

WHEREAS, Wicomico County, Maryland is willing to administer and enforce its stormwater management code and laws within the corporate limits of the Town of Hebron.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Wicomico County, Maryland that the County Executive be, and is hereby, authorized to execute, on behalf of Wicomico County, Maryland, an Agreement, in substantially the form attached hereto as Exhibit A, with the Commissioners of Hebron for the enforcement of stormwater management within the corporate limits of the Town of Hebron.

Done at Salisbury, Maryland, this 21<sup>st</sup> day of June, 2016.

ATTEST:

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

Matthew E. Creamer. Council Administrator

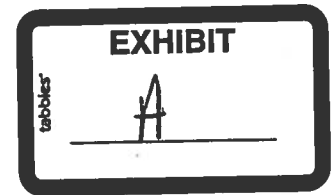
John Cannon. Council President

CERTIFICATION

This Resolution was Adopted [checked], Adopted with Amendments \_\_, Failed \_\_, Withdrawn \_\_ by the County Council on June 21, 2016.

Certified by Matthew E. Creamer, Council Administrator

Law Offices of  
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Of Counsel

June 15, 2016

Rachel B. Harris, Esquire  
Wicomico County, Maryland  
Department of Law  
125 North Division Street  
Salisbury, Maryland 21801

**Hand Delivered**

Re: Commissioners of Hebron  
Stormwater Management Agreement

Dear Rachel:

Enclosed please find the Stormwater Management Agreement by and between Wicomico County, Maryland and the Commissioners of Hebron.

The Commissioners voted to enter into the Agreement and executed the Agreement at their regularly scheduled meeting on Wednesday, June 1, 2016.

Please return the original of the Agreement to this office after the County executes it.

If you have any questions, please do not hesitate to call.

Sincerely yours,

A handwritten signature in black ink, appearing to be "SDC", written over the name "Steven D. Cox".

Steven D. Cox

SDC:wcl  
enclosure

cc: Commissioners of Hebron

**This Agreement Assigning Stormwater Management Code Obligations**, made this \_\_\_ day of June, 2016, by and between the Commissioners of Hebron, hereinafter “Commissioners”, a body politic and corporate, and Wicomico County, Maryland, hereinafter “County”, a body politic and corporate,

**W I T N E S S E T H:**

**Whereas**, the Commissioners desire to adopt adequate stormwater management regulations and recognize that certain areas of land require inspection and review services of a nature that the Commissioners cannot, at this time, provide; and,

**Whereas**, under and by virtue of the authority contained in the Local Government Article of the Annotated Code of Maryland, as amended, and further for the protection and promotion of the health, safety, comfort, and welfare of its citizens, the County is authorized to regulate stormwater management to provide for the control of adverse impacts relating to stormwater runoff, maintain after development the predevelopment runoff characteristics, and reduce stream channel erosion, pollution, siltation, sedimentation, and local flooding, and use appropriate structural best management practices; and,

**Whereas**, the County has enacted Chapter 196 of the County Code establishing county-wide stormwater management regulations; and,

**Whereas**, the County agrees to enforce the provisions of its stormwater management regulations, Wicomico County Code Chapter 196, within the boundaries of the Town of Hebron to identify and mitigate problems which can impact the health, safety, and general welfare of existing and future residents.

**Now, Therefore**, in consideration of the premises, and the covenants and agreements hereinafter set forth, the Commissioners and the County hereby covenant and agree as follows:

1. The Commissioners hereby assigns its obligations to the County, to assure compliance with the stormwater management regulations of Chapter 196 of the Wicomico County Code including, but not limited to, storm water management criteria, plan review, permitting processes, inspections, maintenance, notice, and orders, and the combined imposition of violations and penalties within the boundaries of the Town of Hebron. The County hereby accepts this assignment.

2. The Commissioners shall abide by the procedures and regulations of Chapter 196 of the Wicomico County Code.

3. The Commissioners shall coordinate the development approval activities concerning land in the Town of Hebron including, but not limited to building permits, with the requirements of Chapter 196 of the Wicomico County Code.


4. The County shall have the right and authority to fully enforce the said Chapter 196 of the Wicomico County Code within the boundaries of the Town of Hebron and shall do so.


5. That any and all fees imposed by the County for the administration of the said Chapter 196 of the Wicomico County Code, within the boundaries of the Town of Hebron, shall be retained by the County.

As Witness the corporate hands and seals of the parties the day and year first above written.

**ATTEST:**

**COMMISSIONERS OF HEBRON**

  
Amelia A. Handy, Secretary

**BY:**   
Richard S. Dwyer, President

**ATTEST:**

**WICOMICO COUNTY, MARYLAND**

\_\_\_\_\_  
R. Wayne Strausburg  
Director of Administration

**BY:** \_\_\_\_\_  
Bob Culver, County Executive