

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2016 Legislative Session

Legislative Day No. 12

Resolution No. 78-2016

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 FLOODPLAIN 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 149 of the Wicomico County Code to enforce minimum requirements and procedures that control floodplain management within the County; and

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

WHEREAS, the Commissioners of Hebron do not have any experience or expertise with floodplain management enforcement and desire to authorize Wicomico County, Maryland to fully enforce the provisions of Chapter 149 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 floodplain 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 floodplain management within the corporate limits of the Town of Hebron.

Done at Salisbury, Maryland, this 21st day of June, 2016.

ATTEST:

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND



Matthew E. Creamer, Council Administrator



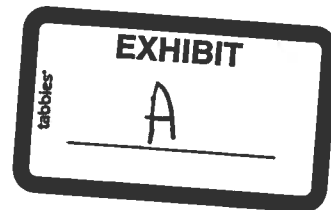
John Cannon, Council President

CERTIFICATION

This Resolution was Adopted , Adopted with Amendments , Failed , Withdrawn by the County Council on June 21, 2016.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
Floodplain Regulation Agreement

Dear Rachel:

Enclosed please find the Floodplain Regulation 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,


Steven D. Cox

SDC:wcl

enclosure

cc: Commissioners of Hebron

This Agreement Assigning Floodplain Regulation 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 of Hebron, hereinafter referred to as “Hebron”, desire to adopt adequate floodplain management regulations to comply with the National Flood Insurance Program; and,

Whereas, Hebron has determined that it is appropriate to authorize the permitting and regulating of floodplains within its corporate boundaries; however, Hebron has no current experience or expertise with floodplain management; 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, Wicomico County, Maryland is authorized to regulate the natural functions of floodplains to protect human life and health, minimize property damage, encourage appropriate construction practices to minimize future damage, protect individuals from unwittingly buying land subject to flood hazards, and to protect water supply, sanitary sewage disposal, and natural drainage; and,

Whereas, the Wicomico County Council has enacted Chapter 149 of the County Code establishing county-wide floodplain regulations; and,

Whereas, Wicomico County agrees to enforce the provisions of its floodplain regulations, Wicomico County Code Chapter 149, within the boundaries of Hebron to identify and mitigate floodplain problems which can threaten public health and safety.

Now, Therefore, in consideration of the premises, and the covenants and agreements hereinafter set forth, the Commissioners of Hebron, Maryland hereby covenants and agrees as follows:

1. Hebron hereby assigns its obligations to Wicomico County, Maryland to assure compliance with the floodplain regulations of Chapter 149 of the Wicomico County Code

including, but not limited to, investigation of compliance with minimum standards, permitting processes, notice and orders, and the imposition of violations and penalties.

2. Hebron further agrees to abide by the procedures and regulations of Chapter 149 of the Wicomico County Code.

3. Hebron further agrees to coordinate its development approval activities including, but not limited to building permits, with the requirements of Chapter 149 of the Wicomico County Code.


4. It is understood and agreed that Wicomico County shall have the right and authority to fully enforce said Chapter 149 within the corporate limits of Hebron.

5. It is further understood and agreed that any and all fees imposed by the County Council of Wicomico County for the administration of the Wicomico County Floodplain Regulations within the municipal boundaries of Hebron, shall be retained by Wicomico County, Maryland.


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