

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2016 Legislative Session

Legislative Day No. 13

Resolution No. 82-2016

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 MARDELA SPRINGS FOR THE ENFORCEMENT OF STORMWATER MANAGEMENT WITHIN THE CORPORATE LIMITS OF THE TOWN OF MARDELA SPRINGS, 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 Mardela Springs 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 Mardela Springs 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 Mardela Springs.

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 Mardela Springs for the enforcement of stormwater management within the corporate limits of the Town of Mardela Springs.

Done at Salisbury, Maryland, this 5th day of July, 2016.

ATTEST:

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

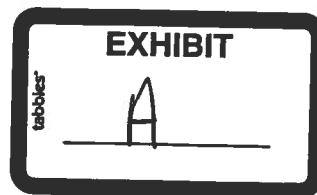
Matthew E. Creamer, Council Administrator

John T. Cannon, Council President

CERTIFICATION

This Resolution was Adopted [checked], Adopted with Amendments ____, Failed ____, Withdrawn ____ by the County Council on July 5, 2016.

Certified by Matthew E. Creamer, Council Administrator



AGREEMENT
BETWEEN THE COMMISSIONERS OF
MARDELA SPRINGS AND
WICOMICO COUNTY, MARYLAND
ASSIGNING STORMWATER MANAGEMENT CODE OBLIGATIONS

Recitals

WHEREAS, the Commissioners of Mardela Springs ("Town") desire to adopt adequate stormwater management regulations and recognizes that certain areas of land require inspection and review services of a nature that the Town of Mardela Springs cannot, at this time, provide; and

WHEREAS, under and by virtue of the authority contained in 25A 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 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 Wicomico County Council has enacted Chapter 196 of the County Code establishing county-wide stormwater management regulations; and

WHEREAS, Wicomico County agrees to enforce the provisions of its stormwater management regulations, Wicomico County Code Chapter 196, within the boundaries of the Town 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 of Mardela Springs, Maryland hereby covenant and agree as follows:

1. The Town, hereby assigns its obligations to Wicomico 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 combine imposition of violations and penalties.

2. The Town further agrees to abide by the procedures and regulations of Chapter 196 of the Wicomico County Code.

3. The Town further agrees to coordinate its development approval activities including, but not limited to building permits, with the requirements of Chapter 196 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 196 within the corporate limits of the Town.

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 Stormwater Management Code within the municipal boundaries of the Town, shall be retained by Wicomico County.

AS WITNESS our hands and Seals the day and year first above written.

ATTEST:

COMMISSIONERS OF MARDELA SPRINGS

Kortney Robinson
Town Clerk

BY: _____
Stanford Robinson

DATE: _____

ATTEST:

WICOMICO COUNTY, MARYLAND

R. Wayne Strausburg
Director of Administration

BY: _____
Bob Culver, County Executive

DATE: _____