

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2016 Legislative Session

Legislative Day No. 18

Resolution No. 125-2016

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 TOWN OF WILLARDS FOR THE ENFORCEMENT OF EROSION AND SEDIMENT CONTROL WITHIN THE CORPORATE LIMITS OF THE TOWN OF WILLARDS, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE THE AGREEMENT.

WHEREAS, Wicomico County adopted legislation designated in Chapter 140 of the Wicomico County Code to implement an erosion and sediment control program to control sediment-laden runoff from land disturbing activities within the County; and

WHEREAS, the Town of Willards has reviewed the County's regulations and laws for erosion and sediment control and have determined that it is appropriate to authorize the regulation of erosion and sediment control within its corporate boundaries; and

WHEREAS, the Town of Willards does not have any experience or expertise with erosion and sediment control and desires to authorize Wicomico County, Maryland to fully enforce the provisions of Chapter 140 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 erosion and sediment control regulations and laws within the corporate limits of the Town of Willards.

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 Town of Willards for the enforcement of erosion and sediment control within the corporate limits of the Town of Willards.

Done at Salisbury, Maryland, this 6th day of September, 2016.

ATTEST:

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND



Matthew E. Creamer, Council Administrator

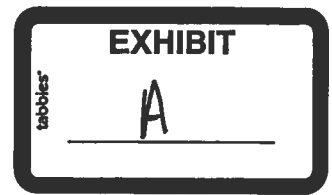


John T. Cannon, Council President

CERTIFICATION

This Resolution was Adopted , Adopted with Amendments , Failed , Withdrawn by the County Council on September 6, 2016.

Certified by 
Matthew E. Creamer, Council Administrator



**AGREEMENT
ASSIGNING EROSION AND SEDIMENT CONTROL CODE OBLIGATIONS**

THIS AGREEMENT ASSIGNING EROSION AND SEDIMENT CONTROL CODE OBLIATIONS (“Agreement”), is entered as of this ____ day of _____, 2016, by and between The Town of Willards, a body corporate and politic of the State of Maryland (“The Town”) and Wicomico County, Maryland, a body corporate and politic of the State of Maryland (“The County”), **WITNESSETH.**

WHEREAS, the Environment Article, Title 4, Subtitle 1, of the Annotated Code of Maryland requires the Maryland Department of Environment (MDE) to implement a statewide erosion and sediment control program to control sediment-laden runoff from land disturbing activities; and

WHEREAS, each county and municipality is required to adopt an erosion and sediment control ordinance that meets the intent of Maryland’s sediment control laws and the regulations; and

WHEREAS, The Town does not currently have regulations relating to erosion and sediment control regulations and laws and does not have any experience or expertise with erosion and sediment control; and

WHEREAS, under and by virtue of the authority contained in Maryland Code Local Government Article, as amended from time to time, and further for the protection and promotion of the health, safety, comfort, and welfare of its citizens, The County is authorized to regulate the erosion and sediment control to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize future damage; and

WHEREAS, The County has adopted the required erosion and sediment control regulations as more particularly set forth in Chapter 140 of the County Code titled “Erosion and Sediment Control” (the “Wicomico County Erosion and Sediment Control Code”); and

WHEREAS, The Town has requested that The County enforce the provisions of its Wicomico County Erosion and Sediment Control Code as set forth in Wicomico County Code Chapter 140 and The County has agreed to enforce its Wicomico County Erosion and Sediment Control Code within the corporate limits of The Town of Willards to identify and mitigate problems which can threaten public health and safety; and

WHEREAS, The Town has approved this Agreement between The Town of Willards and Wicomico County, Maryland for the Enforcement of the Wicomico County Erosion and Sediment Control Code within the corporate limits of The Town of Willards, and has authorized the President for The Town Council for The Town of Willards to execute this Agreement, all as set forth in Ordinance No. 2016-2; and

NOW, THEREFORE, That for and in consideration of the premises set forth above, the covenants and agreements hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, The Town of Willards and Wicomico County, Maryland hereby covenant and agree as follows:

1. The Town of Willards hereby assigns its obligations to regulate erosion and sediment control within the corporate limits of The Town of Willards unto Wicomico County, Maryland, who agrees to administer and enforce within the corporate limits of The Town of Willards the Wicomico County Erosion and Sediment Control Code as outlined in Chapter 140 of the Wicomico County Code including, but not limited to, investigation of compliance with minimum standards, permitting processes, notice and orders, and the prosecution and imposition of violations and penalties.

2. The Town of Willards further agrees to abide by the procedures and regulations of the Wicomico County Erosion and Sediment Control Code.

3. The Town of Willards further agrees to coordinate its development approval activities with Wicomico County, Maryland including, but not limited to, building permits, such that the requirements of the Wicomico County Erosion and Sediment Control Code can be implemented and enforced.

4. It is understood and agreed that Wicomico County, Maryland shall have the right and authority to fully enforce said Wicomico County Erosion and Sediment Control Code within the corporate limits of The Town of Willards.

5. It is further understood and agreed that any and all fines received and fees imposed by the County Council of Wicomico County, Maryland for the administration of the Wicomico County Erosion and Sediment Control Code within the municipal boundaries of The Town of Willards shall be retained by Wicomico County, Maryland.

6. The Town of Willards may terminate this Agreement by providing Wicomico County, Maryland with written notice thirty (30) calendar days in advance of the effective date of the termination.

7. No modification, waiver, amendment, discharge of this Agreement shall be valid unless the same is in writing and signed by the party against whom the enforcement thereof is sought.

8. Each person signing this Agreement represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Agreement. Each party represents and warrants to the other that the execution and delivery of this Agreement and the performance of such party's obligations hereunder have been duly authorized and that the Agreement is valid and legally binding on such party and enforceable in accordance with its terms.

9. If the application of any term or provision of this Agreement, whether in whole or in part, be held invalid or unenforceable in general or in any instance by a Court of competent jurisdiction, the remainder of this Agreement shall not be affected by such holding and shall be fully enforced.

10. This Agreement may be executed in multiple counterparts or in duplicate, and when so executed by all parties shall constitute one agreement.


11. This Agreement shall be construed under the laws of the State of Maryland.

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

ATTEST:

THE TOWN OF WILLARDS


Margaret E. White, Clerk/Treasurer

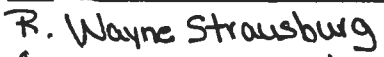
By: 
Steven E. Warren, President


COUNTY CONCURRENCE

Wicomico County, Maryland hereby agrees to accept the request of The Town of Willards to apply the obligations under Chapter 140 of the Wicomico County Code entitled Erosion and Sediment Control within the corporate limits of The Town of Willards, upon the terms and conditions hereinabove set forth.

ATTEST:

WICOMICO COUNTY, MARYLAND


R. Wayne Strausburg
County Administrator


Bob Culver
County Executive