

ORDINANCE

AN ORDINANCE FOR THE PURPOSE OF REPEALING THE CALVERT COUNTY ORDINANCES ADDRESSING EROSION AND SEDIMENT CONTROL AND ADOPTING THE CALVERT COUNTY GRADING, EROSION AND SEDIMENT CONTROL ORDINANCE

Recitals

WHEREAS, Maryland Annotated Code, *Environment Article*, Title 4, Subtitle 1 authorizes and empowers the Board of County Commissioners of Calvert County, Maryland to adopt a grading ordinance to promote the health, safety and welfare of Calvert County, and to provide for their administration, enforcement and amendment consistent with that Subtitle;

WHEREAS, Maryland Annotated Code, *Local Government Article*, Section 13-704 and Code of Maryland Regulations, Title 26, Subtitle 17, authorizes and empowers the Board of County Commissioners of Calvert County, Maryland to adopt a sediment and erosion control ordinance to control sedimentation and promote the health, safety and welfare of Calvert County, and to provide for its administration, enforcement and amendment;

WHEREAS, the Board of County Commissioners have, this day, approved such changes as have been made by the Director of Public Works and Transportation and incorporated within Exhibit “A” hereto as directed by the Maryland Department of the Environment;

WHEREAS, on March 15, 2016, for which due public notice was published in a newspaper of general circulation in Calvert County, the Board of County Commissioners of Calvert County, Maryland conducted a public hearing and accepted public comment;

WHEREAS, upon due consideration of the comments of the public and staff; and in furtherance of the public health, safety and welfare, it is in the best interest of the public health, safety and welfare of the citizens of Calvert County, Maryland, to adopt the Ordinance attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, all procedural requirements regarding due public notice and subsequent action of the Board of County Commissioners of Calvert County, Maryland have been met.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the Calvert County Sedimentation Control Ordinance, Ordinances 42-71; 61-72; 6-72; 12-85; 20-85; and 42-92, as amended; and any regulations or ordinance previously adopted by this Board regarding erosion or sediment control are hereby repealed in their entirety and reenacted with amendments as reflected in the Calvert County Grading, Erosion and Sediment Control Ordinance, Exhibit “A” hereto, incorporated herein by reference.

BE IT FURTHER ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that the Calvert County Grading, Erosion and Sediment Control Ordinance, Exhibit “A” hereto, shall be effective upon the date written below.

BE IT FURTHER ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that in the event any portion of the Calvert County Grading, Erosion and Sediment Control Ordinance is found to be unconstitutional, illegal, null or void it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid.

BE IT FURTHER ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

RE: Repeal of the Calvert County Ordinances Addressing Erosion and Sediment Control and Adopting of the Calvert County Grading, Erosion and Sediment Control Ordinance

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that this Resolution shall be effective upon June 1, 2016, upon: recordation; publication of a fair summary; and approval of the Maryland Department of the Environment pursuant to Section 4-101 of the *Environment Article* of the Maryland Annotated Code.

DONE, this _____ day of _____, 2016, by the Board of County Commissioners of Calvert County, Maryland.

Aye: _____
Nay: _____
Absent/Abstain: _____

ATTEST:

**BOARD OF COUNTY
COMMISSIONERS OF CALVERT
COUNTY, MARYLAND**

Maureen L. Frederick, Clerk

Evan K. Slaughenhaupt Jr., President

Approved for form and legal
sufficiency by:

Thomas Hejl, Vice-President

Michael Hart

John B. Norris, III, County Attorney

Pat Nutter

Steven R. Weems