

Subject: Stormwater & Erosion Control - To Amend Chapter 261 of the Code of St. Mary's County, Maryland, (St. Mary's County Stormwater Management, Grading, Erosion & Sediment Control Ordinance) to exempt bodies politic and corporate and certain other quasi-public entities from the requirement of delivering security to guarantee performance

ORDINANCE

TO AMEND CHAPTER 261 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND, (ST. MARY'S COUNTY STORMWATER MANAGEMENT, GRADING, EROSION & SEDIMENT CONTROL ORDINANCE) TO EXEMPT BODIES POLITIC AND CORPORATE AND CERTAIN OTHER QUASI-PUBLIC ENTITIES FROM THE REQUIREMENT OF DELIVERING SECURITY TO GUARANTEE PERFORMANCE.

WHEREAS, the Commissioners of St. Mary's County adopted the *St. Mary's County Stormwater Management, Grading, Erosion & Sediment Control Ordinance*, codified as Chapter 261 of the *Code of St. Mary's County, Maryland*; and

WHEREAS, the Ordinance requires applicants for permits to deliver performance bonds or other security to guarantee compliance with requirements for construction of improvements under the Ordinance; and

WHEREAS, bodies politic and corporate and certain other quasi-public entities do not pose a risk of default or expose St. Mary's County to cost arising out of noncompliance; and

WHEREAS, a notice of a public hearing was advertised on May 2, 2014 and May 9, 2014 in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on May 20, 2014 to receive public comment and consider amendment of the Ordinance to exempt bodies politic and corporate and certain other quasi-public entities from the requirement of delivering security to guarantee performance; and

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, pursuant to §§4-103(b) and 4-202 of the *Environment Article* and §13-703 of the *Local Government Article* of the *Annotated Code of Maryland*, that:

SECTION I. §3.6.4 of Chapter 261 of the *Code of St. Mary's County, Maryland*, be amended by adding:

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d. No security shall be required as a condition of the issuance of a building or grading permit for development requiring a stormwater management plan facility to a body politic and corporate or to a public or quasi-public entity.

SECTION II. §4.9.3 of Chapter 261 of the Code of St. Mary's County, Maryland, be amended by adding:

g. No security shall be required as a condition of the issuance of a grading permit for development requiring a stormwater management plan facility to a body politic and corporate or to a public or quasi-public entity.

SECTION III. This Ordinance shall be effective upon the date written below.

Those voting Aye:	<u>5</u>
Those voting Nay:	<u>0</u>
Those Abstaining:	<u>0</u>
Date of Adoption:	<u>6/3/14</u>
Effective Date:	<u>6/17/14</u>

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

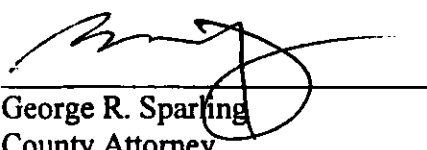
Rebecca Bridgett
Rebecca Bridgett
County Administrator

Francis Jack Russell
Francis Jack Russell, President

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

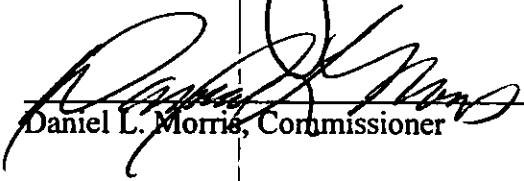
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APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


George R. Sparling
County Attorney


Cynthia L. Jones, Commissioner


Todd B. Morgan, Commissioner


Daniel L. Morris, Commissioner