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:
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.

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: 5
Those voting Nay: 0
Those Abstaining: 0
Date of Adoption: 6/13/14
Effective Date: 6/17/14

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

Rebecca Bridgett, County Administrator

Francis Jack Russell, President

Lawrence D. Jarboe, Commissioner
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.