

MEMORANDUM

TO: County Council

FROM: *MF* Michael Faden, Senior Legislative Attorney

SUBJECT: **Introduction:** Bill 60-10, Erosion and Sediment Control - Violations

Bill 60-10, Erosion and Sediment Control - Violations, sponsored by Councilmember Elrich, is scheduled to be introduced on December 14, 2010. A public hearing is tentatively scheduled for January 18, 2011 at 1:30 p.m.

Bill 60-10 would increase the maximum civil penalty for a violation of the County sediment control law from \$500 (initial offense) or \$750 (later offense) to \$1000.

This packet contains:	<u>Circle #</u>
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Bill No. 60-10
Concerning: Erosion and Sediment Control - Violations
Revised: 12-9-10 Draft No. 1
Introduced: December 14, 2010
Expires: June 14, 2012
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Elrich

AN ACT to:

- (1) increase the maximum civil penalty for violations of the County sediment control law; and
- (2) generally amend the law regarding enforcement of sediment control requirements.

By amending

Montgomery County Code
Chapter 19, Erosion, Sediment Control, and Storm Water Management
Section 19-69

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 19-69 is amended as follows:**

2 **19-69. Violations.**

3 Any violation of this Chapter is a Class A violation. However,
4 notwithstanding Section 1-19, the maximum penalty for a civil violation of Article I
5 is \$1000 for an initial or repeat offense. Each day a violation continues is a separate
6 offense.

7 *Approved:*

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Valerie Ervin, President, County Council	Date
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9 *Approved:*

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Isiah Leggett, County Executive	Date
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11 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council	Date
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LEGISLATIVE REQUEST REPORT

Bill 60-10

Erosion and Sediment Control - Violations

DESCRIPTION: Bill 60-10 would increase the maximum civil penalty for a violation of the County sediment control law from \$500 (initial offense) or \$750 (later offense) to \$1000..

PROBLEM: Inadequate level of civil fines to deter violations of the County sediment control law.

GOALS AND OBJECTIVES: Increase compliance with the County sediment control law.

COORDINATION: Department of Permitting Services, Planning Board

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Michael Faden, Senior Legislative Attorney, 240-777-7905

APPLICATION WITHIN MUNICIPALITIES: To be researched.

PENALTIES: Currently Class A.