

HARFORD COUNTY BILL NO. 24-011 As Amended

Brief Title (Sediment Control)

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Mylin A. Dixon
Council Administrator

Date 6/4/24

ENROLLED

John P. Vincent
Council President

Date June 4 2024

BY THE COUNCIL

Read the third time.

Passed: LSD 24-018

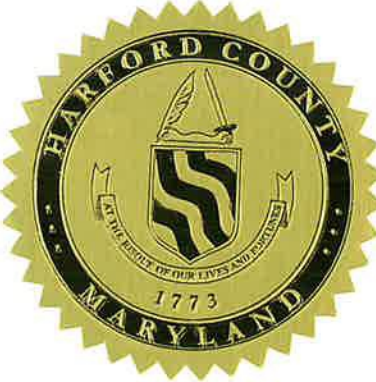
Failed of Passage: _____

By Order

Mylin A. Dixon
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 5th Day of June, 2024, at 3:00 p.m.

Mylin A. Dixon
Council Administrator



BY THE EXECUTIVE

[Signature]
COUNTY EXECUTIVE

APPROVED: Date 6/5/24

BY THE COUNCIL

This Bill No, 24-011 As Amended having been approved by the Executive and returned to the Council, becomes law on June 5, 2024.

EFFECTIVE: August 5, 2024

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 24-011 (As Amended)

Introduced by Council Member Guthrie
Legislative Day No. 24-011 Date April 2, 2024

AN ACT to repeal and reenact, with amendments, the definition of “grading unit” of Section 214-1, Definitions; to repeal and reenact, with amendments Subsection B(8)(h) of Section 214-4, Erosion and Sediment Control Plans; and to repeal and reenact with amendments, Section 214-22, Civil Citation and Fine; all of Article I, Sediment Control, of Chapter 214, Sediment Control and Stormwater Management, of the Harford County Code, as amended; to modify the definition of “grading unit”; to provide for work on more than one grading unit under certain circumstances; to increase the civil fine; and generally relating to sediment control.

By the Council, *Mylin A. Dixon*

Introduced, read first time, ordered posted and public hearing scheduled:

on: May 7, 2024

at: 6:30 PM

By Order: *Mylin A. Dixon*, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on May 7, 2024, and concluded on May 7, 2024.

Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 Section 1. Be It Enacted By The County Council of Harford County, Maryland that the definition
2 of “grading unit” of Section 214-1, Definitions, be, and it is hereby, repealed and reenacted, with
3 amendments; that Subsection B(8)(h) of Section 214-4, Erosion and Sediment Control Plans, be, and
4 it is hereby, repealed and reenacted, with amendments; and that Section 214-22, Civil citation and
5 fine, be and it is hereby, repealed and reenacted, with amendments, all of Article I, Sediment
6 Control, of Chapter 214, Sediment Control and Stormwater Management, of the Harford County
7 Code, as amended, and to read as follows:

8 **Chapter 214. Sediment Control and Stormwater Management**

9 **Article I. Sediment Control**

10 **§ 214-1. Definitions.**

11 For the purpose of this chapter, the following words and phrases shall have the meanings respectively
12 ascribed to them by this section:

13 GRADING UNIT – The maximum contiguous area allowed to be graded at a given time. **FOR THE**
14 **PURPOSES OF THIS ARTICLE A GRADING UNIT IS 20 ACRES OR LESS.**

15 **“214-4. Erosion and Sediment Control Plans.**

16 **B. Contents of erosion and sediment control plans**

17 **8. Erosion and sediment control plans including:**

18 **(h) A statement requiring the owner/developer or applicant to contact the**
19 **Department at the following stages of the project or in accordance with the**
20 **approved erosion and sediment control plan, grading permit, or building permit:**

21 **(1) Prior to the start of earth disturbance;**

22 **(2) Upon completion of the installation of perimeter erosion and sediment**
23 **controls, but before proceeding with any other earth disturbance or grading;**

24 **(3) ON SITES WHERE THE PROPOSED DISTURBANCE IS IN EXCESS**

1 OF 20 ACRES, GRADING WORK MAY PROCEED TO A SUBSEQUENT
2 GRADING UNIT WHEN AT LEAST 50% OF THE DISTURBED AREA IN
3 THE PRECEEDING GRADING UNIT HAS BEEN STABALIZED AND
4 APPROVED BY THE DEPARTMENT BUT IN NO EVENT SHALL MORE
5 THAN 2 GRADING UNITS BE ACTIVE AT ANY TIME;

6 ~~[(3)]~~ (4) Prior to the start of another phase of construction or opening of another
7 grading unit; and

8 ~~[(4)]~~(5) Prior to the removal of sediment control practices.”.

9 **§ 214-22 Civil citation and fine.**

10 A. In addition to any other penalty imposed under state or County law, a person is liable for a
11 civil fine under this section if the person violates any provision of this article.

12 B. Each day a violation continues is a separate offense.

13 C. The amount of a fine under this section is:

14 (1) For the first violation in any [12] 2-month period, [~~\$250~~] **\$500**;

15 (2) For a second violation by the same person within [12] 4 months after the first
16 violation, [~~\$500~~] **\$1,000**; and

17 (3) For a third violation and each subsequent violation by the same person within [12] 6
18 months after the first violation, [~~\$1,000~~] **\$5,000**.

19 D. A fine under this section shall be imposed in the following manner:

20 (1) An inspector who observes a violation shall report the violation to the Director or the
21 Director's designee, who shall verify that the violation exists through discussion with
22 the inspector, a site visit or other appropriate means.

- 1 (2) If a violation exists, the Director or the Director's designee shall authorize the
2 inspector to issue a citation to the person directly responsible for the violation or the
3 grading permit holder.
- 4 (3) The citation may be delivered or mailed, and shall include:
- 5 (a) The name and address of the person cited;
- 6 (b) A description of the violation;
- 7 (c) The address or location of the violation;
- 8 (d) The amount of the fine, which shall not exceed [~~\$10,000~~] **\$20,000**;
- 9 (e) The manner, location and time in which the fine may be paid to the County;
- 10 (f) A statement of the person's right to file an administrative appeal of the
11 citation, the procedure to be followed in order to file an administrative appeal
12 and the person's right to be represented by an attorney at the hearing of the
13 administrative appeal; and
- 14 (g) The address and telephone number of the Department.
- 15 E. A person who receives a citation shall, within 30 calendar days after receiving the citation:
- 16 (1) Pay the fine; or
- 17 (2) Appeal the citation in accordance with Subsection F of this section.
- 18 F. A person who receives a citation may appeal the citation by filing with the Director of
19 Administration a request for a hearing in accordance with [§] **Section R-2.4** of the County
20 administrative rules of procedure for regulations and hearings.
- 21 G. The County shall take the steps necessary to collect the fine if:
- 22 (1) The fine is not paid by the required date; or
- 23 (2) The citation is not appealed by the required date.

**BILL NO. 24-011
AS AMENDED**

1 H. Adjudication of a civil violation under this section is not a criminal conviction, nor does it
2 impose any of the civil disabilities ordinarily imposed by a criminal conviction.

3 I. A citation may be issued under this section regardless of whether a stop-work order is issued
4 for the violation.

5 J. Money collected under this section:

6 (1) Shall be used only to correct damage that is the result of the failure to implement or
7 maintain erosion or sediment controls; and

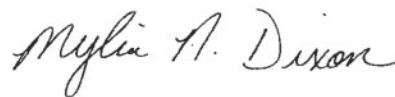
8 (2) Shall be deposited in a separate sediment control account.

9 Section 2. And Be It Further Enacted that projects and sites with preliminary plan or site
10 approval as of the effective date of the Act shall not be subject to the 20 acre grading unit limitation
11 imposed by this Act.

12 Section 3. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date
13 it becomes law.

EFFECTIVE: August 5, 2024

The Council Administrator does hereby certify that seven (7) copies of this Bill are immediately available for distribution to the public and the press.



Council Administrator