

## **REQUEST FOR BOARD ACTION**

### **HENDERSON COUNTY BOARD OF COMMISSIONERS**

**MEETING:** March 12, 2007

**SUBJECT:** Soil Erosion and Sedimentary Control Ordinance Enforcement

**ATTACHMENTS:** 1. Resolution for enforcement of the Soil Erosion and Sedimentation Control Ordinance within municipal jurisdictions.

#### **SUMMARY OF REQUEST:**

In November 2006, the Board of Commissioner approved the Soil Erosion Sedimentation Control Ordinance. State approval of the Ordinance allows Henderson County to enforce the Ordinance throughout the county including within any municipalities that permit County enforcement. The attached Resolution states that Henderson County will enforce the Ordinance in any municipality which accepts County assistance.

Acceptance is defined as any municipality which has approved a corresponding resolution permitting County enforcement. These municipal resolutions must be approved by the effective date of the County Ordinance, October 1, 2007.

By accepting County enforcement, participating municipalities permit the Ordinance Administrator to investigate, inspect, and enforce the Ordinance within municipal boundaries. The municipalities also allow the County to request any appropriate civil or criminal penalties or injunctive relief on their behalf. The County takes responsibility for plan and permit review for applicants within the municipalities.

#### **BOARD ACTION REQUESTED:**

Planning and Legal Staff recommend adoption of the attached resolution to allow enforcement of the new Ordinance within consenting municipal jurisdictions of Henderson County.

#### **Suggested motion:**

I move that the Board adopt the Resolution attached to the agenda materials accompanying this item.

HENDERSON COUNTY, NORTH CAROLINA

**RESOLUTION**

**BY THE BOARD OF COMMISSIONERS FOR HENDERSON COUNTY SOIL EROSION  
AND SEDIMENTARY CONTROL ORDINANCE ENFORCEMENT**

**WHEREAS** Henderson County is a body politic promoting environmental stability throughout the County;

**WHEREAS** preventing accelerated erosion and sedimentation is important to protect our water sources and public and private property;

**WHEREAS** environmental protections are crucial to ensure the economic and ecological strength of the County;

**WHEREAS** Henderson County passed the Soil Erosion and Sedimentation Control Ordinance, hereinafter “the Ordinance”;

**WHEREAS** a uniformed enforcement effort in the county and municipalities will provide for consistent procedures throughout the county;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Henderson County, as follows:

1. Henderson County will enforce the Ordinance as approved by the State of North Carolina in any and all municipalities within Henderson County accepting the County’s assistance.
2. Acceptance of the County’s assistance by the municipal governments will be shown by the approval of a resolution permitting enforcement of the soil erosion and sedimentation ordinance within the municipal jurisdiction.
3. The primary Enforcement officer under the Ordinance in Henderson County, the Ordinance Administrator, is directed to provide the enforcement, inspection, and investigation services authorized under the Ordinance to any participating municipality.
4. Henderson County will relieve the municipality of the responsibility under the Ordinance to review plans and permit applications. All appeals under the Ordinance will be heard by the Henderson County Board of Adjustment.
5. Any criminal or civil penalties or injunctive relief for violations will be requested by Henderson County on behalf of the municipalities by the Ordinance Administrator in conjunction with the Henderson County Attorney’s Office. Funds received from the enforcement of the Ordinance are retained by the County to offset enforcement costs.

6. Enforcement under the Ordinance will commence October 1, 2007. Any resolutions by Henderson County municipalities accepting enforcement assistance must be approved and effective by that date.

**ADOPTED** this the 12th day of March, 2007.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: \_\_\_\_\_  
WILLIAM MOYER, Chairman

ATTESTED BY:

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Elizabeth W. Corn, Clerk to the Board

[OFFICIAL SEAL]