

RESOLUTION NO. 1076

WHEREAS, In accordance with Section 2-416 of the Public Local Laws of Somerset County, the Somerset County Commissioners enacted Ordinance No. 1070 in December 2013, which provides the authority to implement an Emergency Burn Ban during drought conditions in order to protect the safety and welfare of the citizens of this County and the preservation of property; and

WHEREAS, Ordinance No. 1070 authorizes and empowers the Board of County Commissioners to enact a Resolution that establishes a fine and procedure for issuance of such fine, for any person who violates any provision of Ordinance No. 1070 or fails to comply with a duly authorized order issued by the Sheriff (or Sheriff's Deputy) pursuant to the Ordinance; and

WHEREAS, during their meeting of Tuesday, June 10, 2014, the Board of County Commissioners reviewed the proposed procedure and fines for violations of Ordinance No. 1070 as outlined below, and voted to adopt Resolution No. 1075.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR SOMERSET COUNTY, MARYLAND: that the following procedures are hereby adopted and fines set for violation of any provision of Ordinance No. 1070:

SECTION I: Enforcement and Penalties

Any person found in violation of Ordinance No. 1070, shall be subject to the following:

- a) The Somerset County Sheriff or Sheriff's Deputy may issue a warning notice or citation for violation of Ordinance No.1070, based upon the following:

First Offense	\$50
Second Offense	\$250
Third Offense	\$500

- b) Failure or refusal by the violator to immediately extinguish the fire in violation of Ordinance No. 1070 shall also result in the Fire Department having the authority, upon order by the Sheriff or Sheriff's Deputy, to go upon private property to extinguish said fire. Furthermore, in such instances where a fire in violation of Ordinance No. 1070 results in damage to property other than the violators, including damage to public property, or results in injury to another person, or causes imminent threat of damage to other party's property including public property, that said fire is determined to be caused by negligence and the willful disregard of, and violation of this Ordinance. In these instances, the cost expended by the fire department to respond fire suppression personnel and equipment to the location shall be estimated by the fire department. This cost shall represent a fine, enforced by the Sheriff's Department, with said fine not to exceed One Thousand Dollars (\$1,000).

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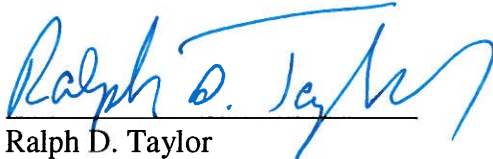
- c) Each subsequent starting, kindling, causing or allowing of a new fire after notice of violation has been issued shall be considered a separate offense.
- d) All fines issued by the Sheriff's Office resulting from violation of Ordinance No. 1070, shall be remitted to District Court and subsequently credited to the Board of County Commissioners.
- e) Nothing contained herein shall be construed to preclude prosecution under an applicable local, state or federal statute, ordinance, rule, order, or regulation; nor shall this prohibit or supersede any civil remedy otherwise available to any person or entity.

BE IT FURTHER RESOLVED: that this Resolution shall become effective June 10, 2014.

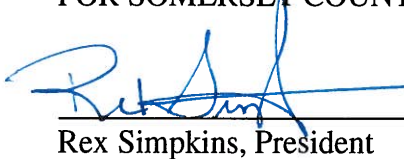
Passed and adopted on this 10<sup>th</sup> day of June, 2014.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
FOR SOMERSET COUNTY, MARYLAND



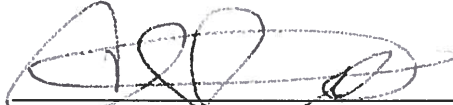
Ralph D. Taylor  
County Administrator-Clerk



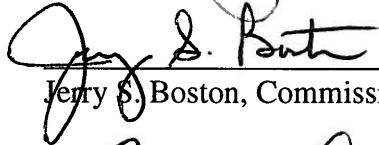
Rex Simpkins, President



Charles F. Fisher, Commissioner



Craig N. Mathies, Commissioner



Jerry S. Boston, Commissioner



Randy Laird, Commissioner

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LIBER NO. 6 THEODORE PHOEBUS, CLK. CI. CT.

BY per DEPUTY

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