

Johnston County

DEPARTMENT OF PUBLIC UTILITIES

POST OFFICE BOX 2263
SMITHFIELD, N.C. 27577
(919) 989-5075

MEMORANDUM

TO: Ashley Rodgers

FROM: Carlos S. Bagley, PE
Johnston County Public Utilities

DATE: October 15, 2014

RE: **Town of Archer Lodge**
Requests for Enforcement of Erosion and Sediment Control Ordinance

Johnston County's Erosion and Sediment Control Ordinance became effective on December 1, 2013. Several towns within the County have expressed interest in the County enforcing the ordinance within their jurisdictions to replace the current State enforcement.

The Town of Archer Lodge passed a "Joint Resolution for Erosion and Sediment Control Enforcement" on September 8, 2014 at the Town Council meeting requesting Johnston County enforce the ordinance within their planning jurisdiction.

Johnston County has approved both resolutions and respectfully requests the Sediment and Erosion Control Commission to consider the joint resolutions.

Please contact me if you have any questions.

cc: Chandra C. Coats, PE

**JOINT RESOLUTION OF
THE TOWN OF ARCHER LODGE AND JOHNSTON COUNTY**

WHEREAS, the Town of Archer Lodge has requested that Johnston County exercise and enforce Chapter 14, Article XII, Erosion and Sediment Control, County of Johnston, North Carolina Code of Ordinances within the corporate limits and extraterritorial jurisdiction of the Town of Archer Lodge; and

WHEREAS, Johnston County does hereby agree to this request; and

WHEREAS, pursuant to the execution of this agreement, both the Town of Archer Lodge and Johnston County understand this request must be heard by the North Carolina Sediment Control Commission for their endorsement prior to enforcement action of the Erosion Control Ordinance by the County in said jurisdiction; and

WHEREAS, by General Statute, the North Carolina Sediment Control Commission is the controlling authority for approval of such requests as the final action in the condoning process in the matter specific to Chapter 14, Article XII, Erosion and Sediment Control.

NOW, THEREFORE, it is hereby resolved by Joint Resolution of the Town Council of the Town of Archer Lodge and the Board of Commissioners of Johnston County, acting in separate regular sessions of each respective body, as follows:

1. The Town of Archer Lodge relinquishes its jurisdiction within its corporate limits and extraterritorial zoning jurisdiction with regard to local enforcement of the erosion and sediment program pursuant to GS 113A-60, and hereby by agreement and resolution, grants to Johnston County jurisdiction within said areas for the purpose of administering a joint program pursuant to such statute as provided in Chapter 14, Article XII, Erosion and Sediment Control, County of Johnston, North Carolina Code of Ordinances.
2. Johnston County Board of Commissioners does agree to exercise jurisdiction to enforce the ordinance identified herein, within the corporate limits and extraterritorial zoning jurisdiction, pursuant to the authority set forth herein.

3. The initial terms of this Agreement shall be for a period of one (1) year, commencing on the 1st day of October 2014, and terminating on the 1st day of October 2015. Either party may terminate the Agreement at the end of the initial term. Thereafter, this Agreement shall automatically renew for a successive one year term at the end of each term unless notice is given by either part at least four (4) months prior to the end of the current one year term that the party wishes to terminate the Agreement at the end of the current term. This Agreement may be terminated at any time upon mutual agreement of both parties.
4. Should any claims arise out of services provided by Johnston County under this agreement, the Town of Archer Lodge agrees to indemnify and hold Johnston County, its employees, agents, and contractors harmless from any and all claims for liability, loss, injury, damages to persons or property, cost or attorney's fees resulting from any action brought against Johnston County, its employees, agents, contractors and Commissioners arising as a result of these services performed on behalf to the Town of Archer Lodge that are the subject matter of this Agreement, except where such claims result from actionable acts of negligence by Johnston County.

ADOPTED by the Town Council of the Town of Archer Lodge, North Carolina, meeting in regular session on the 8th day of September, 2014, and by the Board of Commissioners of Johnston County meeting in regular session on the 6 day of October, 2014.

TOWN OF ARCHER LODGE

BY: *Michelle Jordan*

Mayor

JOHNSTON COUNTY

BY: *Jeffrey P. Carr*

Chairman, Board of Commissioners

ATTEST:

Janet Woodard
Town Clerk

ATTEST:

Paula C. Woodard
Clerk to Board of Commissioners

