

# HOUSE BILL 766

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By: **Delegates Frush and Vitale**

Introduced and read first time: February 6, 2013

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Landscape Architects and Land Surveyors – Plan**  
3 **Certification**

4 FOR the purpose of authorizing professional land surveyors and licensed landscape  
5 architects to certify silt and erosion control plans in the Severn River  
6 Watershed; authorizing professional land surveyors and licensed landscape  
7 architects to certify certain site plans for certain purposes; and generally  
8 relating to certification of silt and erosion control plans and site plans.

9 BY repealing and reenacting, with amendments,  
10 Article – Environment  
11 Section 4–308 and 9–206(b)(2)  
12 Annotated Code of Maryland  
13 (2007 Replacement Volume and 2010 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Environment**

17 4–308.

18 (a) Anne Arundel County or the City of Annapolis may issue a grading or  
19 building permit within the Severn River Watershed only after the developer submits a  
20 plan of development approved by the soil conservation district. If the development  
21 plan contains any septic or private sewer facility, the Department of the Environment  
22 shall approve it only if the facility will not contribute in any way to pollution of the  
23 Severn River. The developer shall submit a certificate from a professional engineer, A  
24 **PROFESSIONAL LAND SURVEYOR, OR A LICENSED LANDSCAPE ARCHITECT**  
25 stating that the developer’s plan to control silt and erosion is adequate to contain the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 silt and erosion on the property covered by the plan. Also, the developer shall submit  
2 another certificate stating that any construction or development will be done according  
3 to the plan. A subdivision developer shall obtain approval of the plan at the time of  
4 approving and recording of the subdivision plat. In addition to any other penalty  
5 provided in this subtitle, if a developer violates his certificate, then every permit  
6 issued pursuant to the certificate is void.

7 (b) A State, county, or municipal road, building, or structure may not be  
8 constructed, relocated, or enlarged within the Severn River Watershed until plans  
9 have been submitted to and approved by the soil conservation district.

10 9-206.

11 (b) (2) Subsections (f) through (i) do not apply to an application for  
12 approval of a residential subdivision under § 9-512(e) of this title if:

13 (i) 1. By October 1, 2012, a submission for preliminary plan  
14 approval is made to a local jurisdiction that includes, at a minimum, the preliminary  
15 engineering, density, road network, lot layout, and existing features of the proposed  
16 site development;

17 2. By July 1, 2012, in a local jurisdiction that requires a  
18 soil percolation test before a submission for preliminary approval:

19 A. An application for a soil percolation test approval for  
20 all lots that will be included in the submission for preliminary approval is made to the  
21 local health department; and

22 B. Within 18 months after approval of the soil  
23 percolation tests for the lots that will be included in the submission for preliminary  
24 approval, a submission for preliminary approval is made to a local jurisdiction that  
25 includes, at a minimum, the preliminary engineering, density, road network, lot  
26 layout, and existing features of the proposed site development; or

27 3. By July 1, 2012, in a local jurisdiction that requires a  
28 soil percolation test before a submission for preliminary approval and the local  
29 jurisdiction does not accept applications for soil percolation tests year round:

30 A. Documentation that a Maryland professional engineer  
31 **[or], A PROFESSIONAL LAND** surveyor, **OR A LICENSED LANDSCAPE ARCHITECT**  
32 has prepared and certified under seal a site plan in anticipation of an application for  
33 soil percolation tests;

34 B. An application for a soil percolation test approval for  
35 all lots that will be included in the submission for preliminary approval is made to the  
36 local health department at the next available soil percolation test season; and

1                   C. Within 18 months after approval of the soil  
2 percolation tests for the lots that will be included in the submission for preliminary  
3 approval, a submission for preliminary approval is made to a local jurisdiction that  
4 includes, at a minimum, the preliminary engineering, density, road network, lot  
5 layout, and existing features of the proposed site development; and

6                   (ii) By October 1, 2016, the preliminary plan is approved.

7                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2013.