
By: Senator Baker

Introduced and read first time: January 12, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Cecil County - Construction on Piers**

3 FOR the purpose of adding Cecil County to the list of jurisdictions that are exempt from
4 certain restrictions on the construction of certain structures on piers located on
5 certain State or private wetlands; and generally relating to construction on piers in
6 Cecil County.

7 BY repealing and reenacting, with amendments,
8 Article - Environment
9 Section 16-104
10 Annotated Code of Maryland
11 (1993 Replacement Volume and 1995 Supplement)

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

14 **Article - Environment**

15 16-104.

16 (a) This section does not apply to any project involving the construction of a
17 dwelling unit or other non-water dependent structure on a pier located on State or
18 private wetlands in CECIL COUNTY OR Prince George's County.

19 (b) (1) Except as provided in paragraphs (2) and (3) of this subsection,
20 notwithstanding any other provision of law, the Board of Public Works may not issue a
21 license under this title for any project involving the construction of a dwelling unit or
22 other non-water dependent structure on a pier located on State wetlands.

23 (2) This section does not prohibit or restrict the Board of Public Works from
24 issuing a license for a project involving the construction of a dwelling unit or other
25 non-water dependent structure on a pier located within the Critical Area that was issued
26 a permit by the Secretary on or before January 1, 1989.

27 (3) The Board of Public Works may issue a license for a project involving
28 the construction of a dwelling unit or other non-water dependent structure on a pier
29 located on State wetlands if:

1 (i) The project is constructed on a pier in existence as of December 1,
2 1985 that can be verified by a Department of Natural Resources aerial photograph dated
3 1985, accompanied by a map of the area;

4 (ii) The project does not require an expansion of the pier greater than
5 25% of the area of piers or dry docks removed on the same property; however, additional
6 expansion may be allowed in the amount of 10% of the water coverage eliminated by
7 removing complete piers from the same or other properties. If the horizontal surface area
8 of a pier to be removed is not intact but the remaining pilings identify its previous size,
9 that area may be used in determining the additional expansion permitted. The project
10 expansion based on water coverage eliminated can be considered only if all nonfunctional
11 piers on the property are removed except for the project pier. The total expansion may
12 not exceed 35% of the original size of the piers and dry docks removed;

13 (iii) The project is approved by local planning and zoning authorities;

14 (iv) The project is located in an intensely developed area, as
15 designated in programs adopted or approved by the Chesapeake Bay Critical Area
16 Commission under Title 8, Subtitle 18 of the Natural Resources Article; and

17 (v) The project allows public access to tidal waters, if appropriate.

18 (4) Except for projects under paragraph (2) of this subsection, and in
19 addition to all other provisions of this section, all projects involving the construction of a
20 dwelling unit or other non-water dependent facility on a pier located on State or private
21 wetlands within the Chesapeake Bay Critical Area may not be issued a wetlands permit
22 unless:

23 (i) The applicant demonstrates that the construction and operation of
24 the project will not have a long term adverse effect on the water quality of the adjacent
25 body of water in accordance with standards established by the local jurisdiction's critical
26 areas program;

27 (ii) The applicant is required to improve the water quality of existing
28 stormwater runoff from the project site into adjoining waters in accordance with
29 standards established by the local jurisdiction's critical areas program; and

30 (iii) The applicant demonstrates that any sewer lines or other utility
31 lines extended for the pier will not adversely affect the water quality of adjoining waters
32 in accordance with standards established by the local jurisdiction's critical areas program.

33 (c) (1) Except as provided in paragraph (2) of this subsection, notwithstanding
34 any other provision of law, the Secretary may not issue a permit under this title for any
35 project involving the construction of a dwelling unit or other non-water dependent
36 structure on a pier located on private wetlands.

37 (2) The Secretary may issue a permit for a project involving the construction
38 of a dwelling unit or other non-water dependent structure on a pier located on private
39 wetlands if:

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1 (i) The project is constructed on a pier in existence as of December 1,
2 1985 that can be verified by a Department of Natural Resources aerial photograph dated
3 1985, accompanied by a map of the area;

4 (ii) The project does not require an expansion of the pier greater than
5 25% of the area of piers or dry docks removed on the same property; however, additional
6 expansion may be allowed in the amount of 10% of the water coverage eliminated by
7 removing complete piers from the same or other properties. If the horizontal surface area
8 of a pier to be removed is not intact but the remaining pilings identify its previous size,
9 that area may be used in determining the additional expansion permitted. The project
10 expansion based on water coverage eliminated can be considered only if all nonfunctional
11 piers on the property are removed except for the project pier. The total expansion may
12 not exceed 35% of the original size of the piers and dry docks removed;

13 (iii) The project is approved by local planning and zoning authorities;

14 (iv) The project is located in an intensely developed area, as
15 designated in programs adopted or approved by the Chesapeake Bay Critical Area
16 Commission under Title 8, Subtitle 18 of the Natural Resources Article; and

17 (v) The project allows public access to tidal waters, if appropriate.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 1996.