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1996 Regular Session  
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**By: Senator Baker**

Introduced and read first time: January 12, 1996  
Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: February 28, 1996

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CHAPTER \_\_\_\_

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; providing for the termination of this Act; and  
6 generally relating to construction on piers in 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.

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

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

8 (i) The project is constructed on a pier in existence as of December 1,  
9 1985 that can be verified by a Department of Natural Resources aerial photograph dated  
10 1985, accompanied by a map of the area;

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

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

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

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

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

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

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

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

40 (c) (1) Except as provided in paragraph (2) of this subsection, notwithstanding  
41 any other provision of law, the Secretary may not issue a permit under this title for any

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1 project involving the construction of a dwelling unit or other non-water dependent  
2 structure on a pier located on private wetlands.

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

6 (i) The project is constructed on a pier in existence as of December 1,  
7 1985 that can be verified by a Department of Natural Resources aerial photograph dated  
8 1985, accompanied by a map of the area;

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

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

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

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 1996. It shall remain effective for a period of 1 year and, at the end of  
25 September 30, 1997, with no further action required by the General Assembly, this Act  
26 shall be abrogated and of no further force and effect.