
By: **Delegates Bozman, Conway, and McClenahan**
Introduced and read first time: February 4, 1998
Assigned to: Appropriations

Committee Report: Favorable
House action: Adopted
Read second time: March 27, 1998

CHAPTER _____

1 AN ACT concerning

2 **Beach Erosion Control District - Boardwalk Widening - Ocean City**

3 FOR the purpose of providing for certain construction in the Beach Erosion Control
4 District of Ocean City; and generally relating to construction in the Beach
5 Erosion Control District.

6 BY repealing and reenacting, with amendments,
7 Article - Natural Resources
8 Section 8-1102
9 Annotated Code of Maryland
10 (1990 Replacement Volume and 1997 Supplement)

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

13 **Article - Natural Resources**

14 8-1102.

15 (a) (1) For the purposes of maintaining the Atlantic Coast beaches of the
16 State and the Beach Erosion Control District, the integrity and continuity of the
17 dunal system and assuring adequate maintenance of the beaches, Beach Erosion
18 Control District, and dunal system, to provide for shore erosion and sediment control
19 and storm protection, and to minimize structural interference with the littoral drift of
20 sand and any anchoring vegetation, any land clearing, construction activity, or the
21 construction or placement of permanent structures within the Beach Erosion Control
22 District is prohibited.

1 (2) This prohibition does not apply to any project or activity approved by
2 the Department and the appropriate soil conservation district specifically for storm
3 control; beach erosion and sediment control; maintenance projects designed to benefit
4 the Beach Erosion Control District; THE WIDENING OF THE BOARDWALK IN OCEAN
5 CITY UP TO AN ADDITIONAL 40 FEET TO THE EAST BETWEEN SOUTH SECOND STREET
6 AND THE SOUTH SIDE OF WORCESTER STREET AND FROM THE SOUTH SIDE OF
7 SOMERSET STREET TO THE SOUTHERLY TERMINUS OF THE STEEL AND CONCRETE
8 BULKHEAD AT 4TH STREET, AND AN ADDITIONAL 80 FEET TO THE EAST BETWEEN
9 THE SOUTH SIDE OF WORCESTER STREET AND THE SOUTH SIDE OF SOMERSET
10 STREET TO INCLUDE ASSOCIATED APPURTENANCES AND CONSTRUCTION OF ONE
11 RESTROOM FACILITY IN AN EASTERLY DIRECTION BETWEEN SOUTH SECOND
12 STREET AND THE SOUTHERLY TERMINUS OF THE STEEL AND CONCRETE BULKHEAD
13 AT 4TH STREET FOR THE PURPOSE OF PUBLIC HEALTH, SAFETY, AND WELFARE; and
14 a planned public utility pipeline carrying treated sewage effluent from a unit not
15 exceeding 14 million gallons per day, if, in addition to the approvals required by all
16 other applicable federal and local laws and regulations, it is approved by the Board of
17 Public Works as essential to the public health, safety, and welfare of the citizens of
18 Worcester County, after having received the permission of the Secretaries of the
19 Environment and Natural Resources, and the Director of Planning, including a
20 guarantee that in any contract under this provision a person will not make any
21 significant permanent environmental disruption to the area, and the construction
22 area for the purpose of laying a single pipe with a diameter not exceeding 36 inches is
23 limited to a single 100 foot wide area perpendicular eastward from the west crest of
24 the natural dune line on Assateague Island and in Ocean City, and if the Secretaries
25 of the Environment and Natural Resources and the Director of Planning find that
26 there is no economically and environmentally feasible alternative, and that there is
27 insufficient capacity at the existing Ocean City wastewater treatment facility and
28 discharge pipe.

29 (b) The Secretary of the Environment, the Secretary of Natural Resources,
30 and the Director of Planning, with the approval of the Board of Public Works, shall
31 jointly adopt regulations in accordance with Title 10, Subtitle 1 of the State
32 Government Article for the purpose of implementing the provisions of this section.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1998.