
By: **Senator Colburn**

Introduced and read first time: February 6, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Dorchester County - Chesapeake and Atlantic Coastal Bays Critical Area**
3 **Protection Program - Piers**

4 FOR the purpose of exempting the Chesapeake and Atlantic Coastal Bays Critical
5 Area Protection Program in Dorchester County from the applicability of a
6 certain prohibition on private piers when a certain community pier is provided.

7 BY repealing and reenacting, without amendments,
8 Article - Natural Resources
9 Section 8-1808.5(a) and (c)
10 Annotated Code of Maryland
11 (2000 Replacement Volume and 2003 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Natural Resources
14 Section 8-1808.5(b)
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2003 Supplement)

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

19 **Article - Natural Resources**

20 8-1808.5.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) "Buffer" means an existing, naturally vegetated area, or an area
23 established in vegetation and managed to protect aquatic, wetlands, shoreline, and
24 terrestrial environments from man-made disturbances.

25 (3) (i) "Community pier" means a boat docking facility associated with
26 a subdivision or similar residential area, or with condominiums, apartments, or other
27 multiple-family dwelling units.

1 (ii) "Community pier" does not include a private pier or a mooring.

2 (b) (1) [This] EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS
3 SUBSECTION, THIS section applies notwithstanding:

4 [(1)] (I) Any other provision of this subtitle; and

5 [(2)] (II) Any criteria or regulation adopted by the Commission under
6 this subtitle.

7 (2) THE PROHIBITION ON PRIVATE PIERS UNDER SUBSECTION (C)(6) OF
8 THIS SECTION IS NOT APPLICABLE IN DORCHESTER COUNTY.

9 (c) Subject to the requirements under subsection (d) of this section, a new or
10 expanded community pier or other noncommercial boat docking or storage facility
11 may be permitted in the buffer if:

12 (1) The facility:

13 (i) Is water dependent;

14 (ii) Meets a recognized private right or public need;

15 (iii) Is community-owned and established and operated for the
16 benefit of the residents of a platted and recorded riparian subdivision; and

17 (iv) Is associated with a residential development approved by the
18 local jurisdiction for the Critical Area and is consistent with all criteria and local
19 regulations for the Critical Area;

20 (2) Adverse effects on water quality and fish, plant, and wildlife habitat
21 are minimized;

22 (3) Insofar as possible, nonwater dependent structures or operations
23 associated with water dependent projects or activities are located outside the buffer;

24 (4) Disturbance to the buffer is the minimum necessary to provide a
25 single point of access to the facility;

26 (5) Food, fuel, or other goods and services are not offered for sale, and
27 adequate and clean sanitary facilities are provided; and

28 (6) When a community pier with slips is provided as part of a new
29 development project, private piers are not permitted in the development area.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
31 effect July 1, 2004.