

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 493

(Senator Astle)

Education, Health, and Environmental Affairs

Environmental Matters

Municipal Corporations - Decisions of Port Wardens - Appeals

This bill authorizes an aggrieved party to appeal a decision of the port wardens of a municipality directly to the circuit court for the appropriate county, if authorized to do so by ordinance.

Fiscal Summary

State Effect: None.

Local Effect: The bill would not significantly impact circuit court operations or finances. Municipal finances would not be materially affected by altering the appeals process concerning decisions by port wardens.

Small Business Effect: None.

Analysis

Current Law: An aggrieved party can appeal a decision of the port wardens directly to the governing body of the municipality. An aggrieved party to a decision of the governing body of a municipality may further appeal the decision to the circuit court for the county where the municipality is located.

Background: Generally, port wardens of a municipality are a five-member panel of municipal citizens appointed by the mayor who regulate the placement, erection, and construction of structures and other barriers within or on the waters of the municipality.

There are 156 municipalities in Maryland. Not all municipalities are near navigable waters; therefore, most would have no need for a board of port wardens as authorized by current law.

The City of Annapolis is the only municipality currently with a board of port wardens. Annapolis advises that only 10 instances have required decisions by the board in the last 25 years; however, a majority of these instances have occurred in the last two years.

Additional Information

Prior Introductions: None.

Cross File: HB 1133 (Delegate V. Clagett, *et al.*) – Environmental Matters.

Information Source(s): Baltimore City, City of Bowie, City of Havre de Grace, Town of Elkton, Town of Thurmont, City of Takoma Park, City of Annapolis, Maryland Municipal League, Department of Legislative Services

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