

# SENATE BILL 408

L2, M1

71r1570  
CF HB 549

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By: **Anne Arundel County Senators**

Introduced and read first time: February 2, 2007

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2007

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Anne Arundel County – Chesapeake Bay Critical Area – Violations of Local**  
3 **Law**

4 FOR the purpose of requiring that a prosecution seeking a criminal penalty or civil  
5 fine for an offense that occurs in the Chesapeake Bay Critical Area and is a  
6 violation of a certain local law in Anne Arundel County that relates to  
7 environmental protection or natural resource conservation be instituted within  
8 a certain time after the commission of the offense; providing a certain exception  
9 to the imposition of a criminal penalty or civil fine under certain circumstances;  
10 and generally relating to the prosecution of offenses that occur in the  
11 Chesapeake Bay Critical Area.

12 BY adding to

13 Article – Courts and Judicial Proceedings  
14 Section 5–106(bb)  
15 Annotated Code of Maryland  
16 (2006 Replacement Volume)

17 BY repealing and reenacting, with amendments,

18 Article – Natural Resources  
19 Section 8–1815

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland  
2 (2000 Replacement Volume and 2006 Supplement)

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

5 **Article – Courts and Judicial Proceedings**

6 5–106.

7 **(BB) (1) THIS SUBSECTION APPLIES IN ANNE ARUNDEL COUNTY TO**  
8 **AN OFFENSE THAT:**

9 **(I) OCCURS IN THE CHESAPEAKE BAY CRITICAL AREA, AS**  
10 **DEFINED IN § 8–1807 OF THE NATURAL RESOURCES ARTICLE; AND**

11 **(II) IS A VIOLATION OF A LOCAL LAW THAT RELATES TO**  
12 **ENVIRONMENTAL PROTECTION OR NATURAL RESOURCE CONSERVATION,**  
13 **INCLUDING A LOCAL LAW REGULATING:**

- 14 **1. GRADING;**
- 15 **2. SEDIMENT CONTROL;**
- 16 **3. STORMWATER MANAGEMENT;**
- 17 **4. ZONING;**
- 18 **5. CONSTRUCTION; OR**
- 19 **6. HEALTH AND PUBLIC SAFETY.**

20 **(2) A PROSECUTION SEEKING A CRIMINAL PENALTY OR CIVIL**  
21 **FINE FOR AN OFFENSE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION**  
22 **SHALL BE INSTITUTED WITHIN 3 YEARS AFTER THE COMMISSION OF THE**  
23 **OFFENSE.**

24 **Article – Natural Resources**

25 **8–1815.**

1           (a) (1) Violators of the provisions of programs approved or adopted by the  
2 Commission shall be subject to prosecution or suit by local authorities, who may  
3 invoke the sanctions and remedies afforded by State or local law.

4           (2) A local authority may request:

5                   (i) Assistance from the Commission in an enforcement action;  
6 or

7                   (ii) That the chairman refer an enforcement action to the  
8 Attorney General.

9           (b) Whenever the chairman has reason to believe that a local jurisdiction is  
10 failing to enforce the requirements of a program applicable to a particular  
11 development, the chairman shall serve notice upon the local enforcement authorities.  
12 If within 30 days after service of the notice, the local authorities have failed to initiate  
13 an action to remedy or punish the violation, the chairman may refer the matter to the  
14 Attorney General.

15           (c) Upon referral of an alleged violation under subsection (a) or (b) of this  
16 section, the Attorney General may invoke any sanction or remedy available to local  
17 authorities, in any court of competent jurisdiction in which the local authorities would  
18 be authorized to prosecute or sue the violator.

19           (D) NOTWITHSTANDING SUBSECTION (A), (B), OR (C) OF THIS SECTION,  
20 THIS SECTION MAY NOT BE CONSTRUED TO PERMIT THE IMPOSITION OF A  
21 CRIMINAL PENALTY OR CIVIL FINE ON AN INNOCENT PURCHASER OF THE LAND  
22 ON WHICH AN ALLEGED VIOLATION OCCURRED.

23           [(d)] (E) In addition to any other sanction or remedy available, the Attorney  
24 General may bring an action in equity to compel compliance or restrain noncompliance  
25 with the requirements of approved project plans, and to compel restoration of lands or  
26 structures to their condition prior to any modification which was done in violation of  
27 approved project plans.

28           [(e)] (F) Notwithstanding any other provision of this section, whenever a  
29 development in the Critical Area is proceeding in violation of approved project plans  
30 and threatens to immediately and irreparably degrade the quality of tidal waters or  
31 fish, wildlife, or plant habitat, the Attorney General, upon request of the chairman,  
32 may bring an action to restrain the violation and, as appropriate, to compel restoration  
33 of any land or water areas affected by the development.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2007.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.