

HOUSE BILL 496

L2, N1
HB 1224/22 – ENT

3lr1994

By: **Delegate Chisholm**

Introduced and read first time: January 30, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Restriction on Use – Construction of Private Piers**

3 FOR the purpose of prohibiting a certain restriction on use of real property in Anne Arundel
4 County from prohibiting a riparian landowner to construct a private pier on the
5 riparian landowner’s land if the riparian landowner obtains all public approvals
6 required for the construction of the pier; and generally relating to real property in
7 Anne Arundel County.

8 BY adding to

9 Article – Real Property

10 Section 2–126

11 Annotated Code of Maryland

12 (2015 Replacement Volume and 2022 Supplement)

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

15 **Article – Real Property**

16 **2–126.**

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
18 INDICATED.

19 (2) “PIER” HAS THE MEANING INDICATED IN § 18–1–101 OF ARTICLE
20 18 OF THE ANNE ARUNDEL COUNTY CODE.

21 (3) “PRIVATE PIER” MEANS A PIER, PRIVATE AS DEFINED IN §
22 18–1–101 OF ARTICLE 18 OF THE ANNE ARUNDEL COUNTY CODE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(4) “RESTRICTION ON USE” INCLUDES ANY COVENANT,**
2 **RESTRICTION, OR CONDITION CONTAINED IN:**

3 **(I) A DEED;**

4 **(II) A DECLARATION;**

5 **(III) A CONTRACT;**

6 **(IV) THE BYLAWS OR RULES OF A COMMUNITY OR**
7 **NEIGHBORHOOD ASSOCIATION, A CONDOMINIUM, OR A HOMEOWNERS**
8 **ASSOCIATION;**

9 **(V) A SECURITY INSTRUMENT; OR**

10 **(VI) ANY OTHER INSTRUMENT AFFECTING:**

11 **1. THE TRANSFER OR SALE OF REAL PROPERTY; OR**

12 **2. ANY OTHER INTEREST IN REAL PROPERTY.**

13 **(5) “RIPARIAN LANDOWNER” MEANS A PROPERTY OWNER WHOSE**
14 **LAND BORDERS ON TIDAL WETLANDS OR WATERS OF THE STATE.**

15 **(B) THIS SECTION APPLIES ONLY TO ANNE ARUNDEL COUNTY.**

16 **(C) A RESTRICTION ON USE REGARDING LAND USE THAT REQUIRES A**
17 **RIPARIAN LANDOWNER TO OBTAIN WRITTEN PERMISSION FROM A COMMUNITY OR**
18 **NEIGHBORHOOD ASSOCIATION, A CONDOMINIUM, OR A HOMEOWNERS ASSOCIATION**
19 **BEFORE CONSTRUCTING A PIER MAY NOT BE ENFORCED TO PROHIBIT THE RIPARIAN**
20 **LANDOWNER FROM CONSTRUCTING A PRIVATE PIER ON THE RIPARIAN**
21 **LANDOWNER’S LAND, PROVIDED THAT THE RIPARIAN LANDOWNER OBTAINS ALL**
22 **PUBLIC APPROVALS, INCLUDING ANY PERMITS, LICENSES, AND AUTHORIZATIONS,**
23 **REQUIRED BY:**

24 **(1) THE FEDERAL GOVERNMENT;**

25 **(2) THE STATE; AND**

26 **(3) ANNE ARUNDEL COUNTY.**

27 **(D) THIS SECTION DOES NOT APPLY TO A RESTRICTION ON USE ON HISTORIC**
28 **PROPERTY THAT IS LISTED IN OR DETERMINED BY THE DIRECTOR OF THE**

1 **MARYLAND HISTORICAL TRUST TO BE ELIGIBLE FOR INCLUSION IN THE MARYLAND**
2 **REGISTER OF HISTORIC PROPERTIES.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2023.