

HOUSE BILL 573

M3

9lr2431
CF SB 465

By: **Delegates Cane, Holmes, Manno, Mathias, Minnick, and Sophocleus**

Introduced and read first time: February 6, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Floating Vessel Platforms**

3 FOR the purpose of authorizing a person to construct, install, operate, or maintain a
4 floating vessel platform without having to obtain a license from the Board of
5 Public Works or a permit from the Department of the Environment under
6 certain circumstances; and generally relating to floating vessel platforms.

7 BY repealing and reenacting, with amendments,
8 Article – Environment
9 Section 16–105
10 Annotated Code of Maryland
11 (2007 Replacement Volume and 2008 Supplement)

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

14 **Article – Environment**

15 16–105.

16 (a) The Department, jointly with the Critical Area Commission for the
17 Chesapeake and Atlantic Coastal Bays, shall:

18 (1) Review existing regulations applicable to the construction of piers
19 and bulkheads in the tidal wetlands of the State and in the Chesapeake Bay Critical
20 Area; and

21 (2) By regulation, develop a procedure to avoid duplication of
22 regulatory jurisdiction by the State and local jurisdictions concerning the construction
23 of piers and bulkheads in the tidal wetlands of the State and in the Chesapeake Bay
24 Critical Area.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The procedure that the Department and Commission develop under
2 subsection (a) of this section shall include provision for recognition of:

3 (1) State jurisdiction over the construction of piers and bulkheads in
4 State and private wetlands designated under this title; and

5 (2) Local jurisdiction over:

6 (i) The construction of piers and bulkheads landward of the
7 boundary lines of State and private wetlands as mapped under this title; and

8 (ii) Zoning divisional lines and building codes.

9 (c) **A PERSON MAY CONSTRUCT, INSTALL, OPERATE, OR MAINTAIN A
10 FLOATING VESSEL PLATFORM WITHOUT HAVING TO OBTAIN A LICENSE FROM
11 THE BOARD OF PUBLIC WORKS OR A PERMIT FROM THE DEPARTMENT IF THE
12 FLOATING VESSEL PLATFORM:**

13 (1) **FLOATS AT ALL TIMES IN THE WATER FOR THE SOLE PURPOSE
14 OF SUPPORTING A VESSEL SO THAT THE VESSEL IS OUT OF THE WATER WHEN
15 NOT IN USE;**

16 (2) **DOES NOT EXCEED 500 SQUARE FEET AND IS ATTACHED TO A
17 DOCK, PIER, BULKHEAD, OR PARCEL OF LAND;**

18 (3) **IS NOT USED FOR MOORING A VESSEL THAT REMAINS IN THE
19 WATER WHEN NOT IN USE;**

20 (4) **DOES NOT SUBSTANTIALLY IMPEDE THE FLOW OF WATER,
21 CREATE A NAVIGATIONAL HAZARD, OR UNREASONABLY INFRINGE ON THE
22 RIPARIAN RIGHTS OF ADJACENT PROPERTY OWNERS; AND**

23 (5) **IS CONSTRUCTED, INSTALLED, OPERATED, AND MAINTAINED
24 IN A MANNER THAT MINIMIZES ADVERSE IMPACTS TO SUBMERGED LANDS,
25 WETLANDS, SHELLFISH AREAS, AQUATIC PLANT AND ANIMAL SPECIES, AND
26 OTHER BIOLOGICAL COMMUNITIES.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2009.