

CHAPTER 282

(Senate Bill 493)

AN ACT concerning

Municipal Corporations - Decisions of Port Wardens - Appeals

FOR the purpose of authorizing an aggrieved party to appeal a decision of a board of port wardens concerning the discharge of the duties of the port wardens to the circuit court for the appropriate county if authorized by the municipal corporation by ordinance; and generally relating to appeals from the decisions of a board of port wardens created by a municipal corporation.

BY repealing and reenacting, with amendments,

Article 23A - Corporations - Municipal

Section 2(b)(23A)

Annotated Code of Maryland

(2001 Replacement Volume and 2003 Supplement)

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

Article 23A - Corporations - Municipal

2.

(b) In addition to, but not in substitution of, the powers which have been, or may hereafter be, granted to it, such legislative body also shall have the following express ordinance-making powers:

(23A) The municipal corporation may provide for the creation, appointment, duties, and powers of a board of port wardens to exercise jurisdiction within the limits of the municipal corporation.

(i) A board of port wardens may regulate the placement, erection, or construction of structures or other barriers within or on the waters of the municipality, including but not limited to the issuing of licenses to create or build wharves or piers and the issuing of permits for mooring piles, floating wharves, buoys, or anchors, taking into account the present and proposed uses, and the effect of present and proposed uses on marine life, wildlife, conservation, water pollution, erosion, navigational hazards, the effect of the proposed use on congestion within the waters, the effect on other riparian property owners, and the present and projected needs for any proposed commercial or industrial use. The port wardens shall have the power to regulate the materials and construction for the aforesaid improvements and to make certain that any improvements in the waters within the municipality do not render the navigation too close and confined. This provision in no way intends to affect or conflict with any zoning power of a municipality.

(ii) No person may build any wharf or pier, or carry out any earth or other material for the purpose of building a wharf or pier, nor shall any persons place