

(K) MONEY DEPOSITED IN A LOCAL FOREST CONSERVATION FUND UNDER SUBSECTION (J) OF THIS SECTION CAN MAY BE USED BY THE LOCAL AUTHORITY FOR PURPOSES RELATED TO IMPLEMENTING THIS SUBTITLE.

~~5-1612. 5-1611.~~

~~THE DEPARTMENT, ITS AUTHORIZED AGENTS, OR ANY LOCAL AUTHORITY THAT HAS A FOREST CONSERVATION PROGRAM SHALL HAVE THE RIGHT TO ENTER UPON ANY PROPERTY WHERE THERE IS NO EXPECTATION OF PRIVACY FOR ANY PURPOSE CONSISTENT WITH DETERMINING COMPLIANCE WITH ENFORCEMENT OF THIS SUBTITLE. ENTRY SHALL BE CONSTRUED AS EXERCISE OF THE POLICE POWER FOR THE PROTECTION OF PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE AND SHALL NOT BE CONSTRUED AS AN ACT OF CONDEMNATION OF PROPERTY OR TRESPASS.~~

(A) IN THE PREPARATION OF THE STATE OR LOCAL FOREST CONSERVATION PROGRAMS, THE STATE AND LOCAL AUTHORITIES SHALL PROVIDE FOR THE GRANTING OF VARIANCES TO THE REQUIREMENTS OF THIS SUBTITLE, WHERE OWING TO SPECIAL FEATURES OF A SITE OR OTHER CIRCUMSTANCES, IMPLEMENTATION OF THIS SUBTITLE WOULD RESULT IN UNWARRANTED HARDSHIP TO AN APPLICANT.

(B) VARIANCE PROCEDURES ADOPTED UNDER THIS SECTION SHALL:

(1) BE DESIGNED IN A MANNER CONSISTENT WITH THE SPIRIT AND INTENT OF THIS SUBTITLE; AND

(2) ASSURE THAT THE GRANTING OF A VARIANCE WILL NOT ADVERSELY AFFECT WATER QUALITY.

~~5-1613. 5-1612.~~

(A) (1) THE ENFORCEMENT PROVISIONS IN THIS SECTION AND § ~~5-1609 § 5-1608~~ OF THIS SUBTITLE ARE IN LIEU OF ANY OTHER PROVISION IN THIS TITLE.

(2) IN ADDITION TO THE ENFORCEMENT AUTHORITY GRANTED THE DEPARTMENT, THE ENFORCEMENT PROVISIONS OF THIS SECTION MAY BE EXERCISED BY ANY LOCAL AUTHORITY THAT HAS ADOPTED A FOREST CONSERVATION PROGRAM, IN ADDITION TO ANY ENFORCEMENT PROVISIONS AVAILABLE TO THE LOCAL AUTHORITY.

(B) THE DEPARTMENT MAY REVOKE AN APPROVED FOREST CONSERVATION PLAN FOR CAUSE, INCLUDING VIOLATION OF CONDITIONS OF THE PLAN, OBTAINING A PLAN APPROVAL BY MISREPRESENTATION, FAILING TO DISCLOSE A RELEVANT OR MATERIAL FACT, OR CHANGE IN CONDITIONS. THE DEPARTMENT SHALL NOTIFY THE VIOLATOR IN WRITING AND PROVIDE AN OPPORTUNITY FOR A HEARING.