

## Chapter 121, PUBLIC LANDINGS

### § 121-1. Applicability; definition.

A. This chapter shall apply to public landings. All public landings are open for use by the general public for water-related activities, subject to the restrictions of this chapter.

B. As used in this chapter, the term "public landings" shall include all public landings, public wharves, public docks, public piers, public marinas, and public harbors, including the riparian waterways, real property, and adjacent public rights-of-way owned, maintained, and operated by Talbot County.

### § 121-2. Delegation of authority Management and Control.

A. The County Council may issue rules and regulations, establish permit classifications, permit fees, and slip rental fees from time to time by duly adopted resolution.

B. Subject to the direction and control of the County Manager, the Director of Parks and Recreation, or his/her designee (the "Administrator") is authorized to supervise, manage, and oversee the operation and maintenance of all public landings. This shall include authority to review, issue, and revoke permits required by ordinance or resolution, to review slip rental applications, to execute Slip Rental Agreements, and to enforce the terms of this chapter and all resolutions, rules, and regulations now or hereafter adopted.

C. The Administrator shall adopt written procedures, rules, and regulations for the operation and maintenance of public landings, the issuance of permits, and rental of slips consistent with and subject to this chapter and to all resolutions now or hereafter adopted by the County Council.

D. All receipts from permits and slip rentals shall be placed in a County revenue fund to be used for operation and maintenance of public landings.

### § 121-3. Ramp permit; dealer permit.

A. Required. Ramp permits shall authorize the holder to launch and remove any vessel from the water at any public landing designed for that purpose, and to park any boat trailer at the public landing. It shall be unlawful for any person to launch or remove any vessel from the water or to park any boat trailer at a public landing without a ramp permit, except for emergency,

state, County, and local government vehicles and vessels. Small vessels, canoes, and kayaks may be launched and removed without a permit when unaccompanied by a trailer. Marine contractors may utilize boat ramps without a permit to load or unload vessels, barges, materials, or equipment used in marine construction projects.

B. Bona fide boat dealers may obtain a dealer permit. A dealer permit shall be transferable among dealer-owned vehicles or trailers only, and may be used only for launching or removing a vessel purchased, sold, rented, or repaired by the dealer.

C. Ramps to be kept clear. Except when in use as permitted by this chapter, ramps at all public landings shall be kept clear of all vehicles, vessels, trailers, equipment, materials and other obstructions. Violators shall be subject to the provisions of § 121-7.

#### § 121-4. Slip rentals.

A. General. The Administrator shall manage slip rentals by numbered slips, written applications, a written waiting list, and written slip rental agreements renewed annually in accordance with written rules and procedures.

B. Temporary slip transfer. No vessel other than one owned and registered to the slip renter may dock at the leased slip, except that use of the slip may be temporarily transferred by notification to the Administrator using prescribed forms which include the slip number, the transferor's name, address, and telephone number; the duration of the transfer including beginning and ending dates; the registration of the vessel to be docked at the slip; and the transferee's name, address, and telephone number. The form must be signed by both parties. Temporary slip transfers may not exceed 21 days.

#### § 121-5. Loading, unloading, and docking. and rafting.

A. The Administrator may designate areas at any public landing which shall be used exclusively for the loading and unloading of vessels. No vessel shall dock or raft at any such location other than temporarily, not to exceed thirty (30) minutes, while loading or unloading. (30 minutes maximum) Except in designated loading and unloading areas, vessels may dock and raft daily and overnight at public landings with a docking/rafting/mooring permit. A docking/rafting/mooring permit shall not authorize a holder to dock or raft at a numbered slip.

B. Exceptions:

(1) Dogwood Harbor. Docking and rafting for overnight or permanent docking at bulkheads and wharves in Dogwood Harbor shall be allowed by a docking/rafting permit, limited to vessels under 50 feet, skipjacks or buy boats. Skipjacks are to be assigned a permanent location. Dogwood Harbor permit holders may also dock, raft, or moor, as the case may be, in any other public landing. [Amended 4-24-2001 by Bill No. 810]

(2) Other public landings. Docking, rafting and mooring is open to all vessels at Tonger's Basin, Bellevue, Neavitt Landing, Trappe Landing, Sherwood Pier, Lowe's Wharf, Tilghman Creek Dock, Wye Landing, Cummings Creek Landing and Grace Creek Dock at all other County owned and maintained landings, except at areas designated for loading and unloading only. No vessel shall be assigned a permanent place to dock, raft, or moor except as permitted in § 121-4, Slip rentals. No holder of a docking/rafting /mooring permit may dock or raft at a numbered slip.

#### § 121-6. Commercial use.

All public landings may be used for any commercial water-related activity unless specifically prohibited by this chapter, by the terms and conditions of any slip rental agreement or any permit, rule, regulation, or notice issued by the Administrator. A commercial use permit is required to engage in any commercial activity at any public landing. For purposes of this chapter, commercial use is defined as any activity carried out for pecuniary gain and that is deemed water dependent by the Administrator. Users with an active State of Maryland commercial fisheries license and that work primarily out of their vessel are not required to obtain a commercial use permit. Unloading facilities such as conveyers, guy poles, ramps, etc., may be erected only with written permission from the Administrator, who may require their removal by giving 10 days' written notice to the owner or operator.

#### § 121-7. Obstructions.

No vessel, vehicle, trailer, material, or equipment shall be used or placed to interfere with or obstruct the reasonable use and enjoyment of any public landing. Any person who violates this section shall immediately cease any such interference and remove any such obstruction. Upon the failure or refusal to do so, the Administrator may immediately remove the same at the owner's risk and expense. If necessary to preserve or protect the property, the Administrator may take temporary possession of the same. In that event the Administrator shall mail a notice as required by Subsection E of this section.

A. Sunken vessels. The Administrator may require the owner or operator to immediately haul, pump, repair, or remove any vessel that is sinking or that poses an unreasonable threat of sinking. The owner of any vessel that sinks at any public landing shall immediately, and in no event later than five days after the sinking, notify the Administrator of the vessel's size and location and the water depth where the vessel sank. The owner shall raise and remove the sunken vessel within 21 days after sinking. The Administrator may require immediate removal or

otherwise shorten that time if the vessel poses a navigational or environmental hazard or interferes with the reasonable use of the public landing. If the owner of the sunken vessel fails to notify the Administrator as set forth herein, and if the vessel poses no hazard and does not interfere with the use of the public landing, the Administrator shall mail a notice to the owner as required by Subsection E of this section.

B. Inoperable vessels. The owner of any vessel which is inoperable shall remove it from the public landing. The Administrator shall mail a notice to the owner as required by Subsection E.

C. Abandoned equipment. No person shall abandon any marine or other equipment at any public landing. Any such item left longer than five consecutive days at any public landing is presumed abandoned and is subject to removal and disposal by the County. The Administrator may grant permission for temporary storage of equipment for a reasonable period of time. Absent permission, the owner or former owner, possessor, or claimant of any such equipment, if known, shall be given 24 hours' notice to remove any such equipment it, and upon failure to do so, the County may remove and either store it at the owner's former's expense or dispose of it without further notice. If the owner or former owner, possessor, or claimant is unknown, the Administrator shall provide notice by publication as provided in Subsection E(2).

D. Health or environmental hazard. No person may cause or create any hazard or potential hazard at any public landing. Any such person, including he owner, possessor, or claimant of any vessel, vehicle, trailer, material, or equipment creating a hazard or potential health or environmental hazard, shall immediately eliminate the potential hazard, remove it from the public landing, and mitigate any environmental or other damages. In the event the owner any person fails or neglects to do so, the Administrator may immediately remove the same take whatever action that may be reasonable and necessary under the circumstances at the owner's risk and expense. Except where immediate action is required to eliminate the hazard or mitigate any damages, The Administrator shall mail a notice to the owner, possessor, or claimant as required by in compliance with Subsection E.

E. Notice.

(1) Whenever notice is required by the terms of this chapter or by law, the Administrator shall mail such notice to the registered owner, possessor, or claimant by certified mail, return receipt requested, and by first class mail, postage prepaid. The notice shall be effective upon mailing. The notice shall describe the vessel, vehicle, trailer, material, or equipment, if any, and its location, shall notify the owner recipient of the action required and the prescribed time for compliance, not exceeding 21 days. The notice shall also advise the owner recipient that upon failure to comply the property may be sold or otherwise disposed of at the owner's risk and expense, the owner recipient may be subject to additional penalties as provided in this chapter, including without limitation issuance of civil citation(s), administrative abatement orders, administrative sanctions, revocation, cancellation, or termination of public landing permits or slip rental agreements, loss of title, and/or payment of liability for all costs incurred by the County in

raising, moving, removing, storing, and/ or disposing of the property and/or eliminating any environmental hazard, and mitigating any damages.

(2) If the Administrator is unable to determine the last registered identity of the owner, possessor, or claimant of any item described in Subsections A through D, or if the any notice sent by certified mail is returned as undeliverable or is unclaimed, the Administrator shall give the required notice by publication in at least one newspaper of general circulation in the County. The notice shall describe the item and its location, inform the owner of the right to reclaim the item within 21 days upon payment to the County of any expenses incurred to remove and store the item, including any cost incurred to eliminate any health or environmental hazard. The notice shall also state that failure to claim the item within 21 days will constitute an abandonment and waiver of all right, title, and interest in the item and that the Administrator shall thereafter dispose of the item without further notice.

(3) If the owner fails to claim any vessel, remove any vessel from a public landing or slip, or salvage any sunken vessel within 21 days after notice was given, the Administrator may salvage the vessel, sell the vessel at public auction, proceed to receive title to the vessel pursuant to § 8-722 of the Natural Resources Article, Annotated Code of Maryland, or otherwise remove, acquire, transfer, or dispose of the vessel.

#### § 121-8. Debris.

All public landings shall be kept free of debris and trash. All rubbish or trash shall be disposed of in receptacles provided for that purpose, if available, or transported and disposed of off site. No person shall dump or dispose of refuse, garbage or rubbish on, or about, any public landing except in designated receptacles, or bring garbage, refuse or rubbish generated off site into any public landing and deposit it in public trash receptacles. No household garbage or trash shall be deposited in or about any trash receptacle at any public landing. Any dumping or unauthorized use of any trash receptacle shall be a violation of this chapter. A violation of this section shall be punishable by a fine not to exceed \$500.

#### § 121-9. Parking and hours of operation.

A. Generally. The Administrator may propose regulations governing the location, hours, and availability of parking at public landings subject to review and approval by the County Council. Parking shall be permitted in designated areas only.

B. Parking. No vehicles shall be parked at any public landing between the hours of 11:00 p.m. and 4:00 a.m. Any unauthorized parking shall be a violation of this chapter, and the vehicle may be immediately removed at the owner's expense. The Director of Parks and Recreation may issue a written waiver from the requirements of this section.

C. Hours. Public landings shall be closed between the hours of 11:00 p.m. and 4:00 a.m. During this time there shall be no trespassing at any public landing. The Director of Parks and Recreation may issue a written waiver from the requirements of this section.

§ 121-10. Swimming. [Amended 8-24-2001 by Bill No. 837]

Swimming at any public landing is prohibited in any area not specifically designated for swimming by the Administrator. Any person swimming at a public landing in an area not designated for swimming by the Administrator does so at his or her own risk. Swimming in any area other than a designated area is a violation of this chapter.

§ 121-11. Electrical service.

Unless provided by the County, no person shall extend or operate electrical service at a public landing without written authorization from the Administrator. At public landings with electrical service provided by the County, no person may utilize these services to operate any heating or air-conditioning system without prior written authorization from the Administrator.

§ 121-12. Camping, loitering, or sleeping in vehicles or vessels.

No person shall camp, loiter, or sleep in a vehicle or vessel at any public landing between the hours of 11:00 p.m. and 4:00 a.m. Such activity shall be a violation of this chapter. The Director of Parks and Recreation may issue a written waiver from the requirements of this section.

§ 121-13. Closure of public landings.

If the Administrator determines that the condition of any public landing or portion thereof may endanger the safety of any person using the landing, the Administrator may close the landing. Notice to that effect shall be prominently posted. Use of the public landing when closed is prohibited, and any such use is a violation of this chapter.

§ 121-14. Violations and penalties.

A. The Administrator shall enforce the provisions of this chapter.

B. The Administrator may be assisted by such other persons as the County Manager may direct, and the Administrator may delegate such duties and responsibilities in connection with the administration and enforcement of this chapter as are appropriate.

C. Any person who shall violate any of the provisions of this chapter or fail to comply therewith, shall be guilty of a municipal infraction and shall be issued a citation subject to a fine not less than \$25 nor more than \$100. Each day that a violation continues shall be considered a separate violation for purposes of the penalties specified herein. The citation shall contain the name and address of the person charged or the person's vehicle or vessel registration number, the nature of the violation, the location and time of the violation, the amount of the fine assessed, the manner, location, and time within which the fine may be paid, and the right to elect to stand trial for the violation.

D. A person who receives a citation may elect to stand trial for the offense by filing, with the Administrator, a notice of intention to stand trial. The Administrator shall forward a copy of the citation and the notice of intention to stand trial to the District Court having jurisdiction. On receipt of the citation, the District Court shall schedule the case for trial and notify the Defendant of the trial date. All fines, penalties, or forfeitures collected by the District Court for any violation shall be remitted to the County.

E. If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice shall be sent to the person's last known address notifying the defendant that if the citation is not satisfied within 15 calendar days from the date of the notice, the person is liable for an additional fine, not exceeding twice the original fine. If, after 35 calendar days, the citation is not satisfied, the Administrator may request adjudication of the case through the District Court. The District Court shall schedule the case for trial and summon the defendant to appear.

F. Adjudication of any violation of this chapter is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

G. In addition to any other penalty prescribed by law, if any permit holder or slip holder commits serious or repeated violations of any provision of this chapter, any provision of any permit issued pursuant to this chapter, or any provision of any slip rental agreement issued pursuant to this chapter, the Administrator may suspend, cancel, or revoke any such permit or slip rental agreement. Before taking any such action, the Administrator shall give the permit or slip holder notice of alleged violation(s), notice of the proposed action, and an opportunity to be heard.