COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2015 Legislative Session, Legislative Day No. : January 27, 2015

Bill No.: 1298

Expiration Date: April 2, 2015

Introduced by: Mr. Callahan, Mr. Pack, Ms. Price, Ms. Williams

A BILL TO PROVIDE THAT REGULATED ACTIVITIES WITHIN NONTIDAL WETLANDS AND THEIR BUFFERS THAT ARE AUTHORIZED BY A PERMIT OR LETTER OF EXEMPTION FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, AND DEVELOPMENT ACTIVITIES THAT DO NOT REQUIRE A PERMIT OR LETTER OF EXEMPTION FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, ARE NOT SUBJECT TO THE REQUIREMENT FOR A TWENTY-FIVE FOOT BUFFER FROM THE EDGE OF NONTIDAL WETLANDS UNDER § 190-123 C AND § 190-140 B, TALBOT COUNTY CODE

By the Council: January 28, 2015

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, March 10, 2015 at 2:00 p.m. at the Bradley Meeting Room, Talbot County Court House, South Wing, 11 North Washington Street, Easton, Maryland 21601.

By Order Susan W. Moran

Susan W. Moran, Secretary

A BILL TO PROVIDE THAT REGULATED ACTIVITIES WITHIN NONTIDAL WETLANDS AND THEIR BUFFERS THAT ARE AUTHORIZED BY A PERMIT OR LETTER OF EXEMPTION FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, AND DEVELOPMENT ACTIVITIES THAT DO NOT REQUIRE A PERMIT OR LETTER OF EXEMPTION FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, ARE NOT SUBJECT TO THE REQUIREMENT FOR A TWENTY-FIVE FOOT BUFFER FROM THE EDGE OF NONTIDAL WETLANDS UNDER § 190-123 C AND § 190-140 B, TALBOT COUNTY CODE

KEY

Boldface..... Heading or defined term

Underlining..... Added to existing law by original bill

~~Strikethrough~~..... Deleted from existing law by original bill

Double underlining..... Added to bill by amendment

~~Double strikethrough~~ .....Deleted from bill by amendment

* * *.....Existing law unaffected

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that § 190-123 C and § 190-140 B shall be and are hereby amended as follows:

§ 190-123. Buffers from streams and nontidal wetlands outside Critical Area

* * *

C. A twenty-five-foot buffer from nontidal wetlands shall be required for all development activity, measured from the edge of the wetland. Regulated activities within nontidal wetlands and their buffers authorized by a permit or letter of exemption from the Maryland Department of the Environment, and development activities that do not require a permit or letter of exemption from the Maryland Department of the Environment, are not subject to this requirement.

* * *

§ 190-140. Nontidal wetlands [critical area]

A. A permit shall be obtained from the Maryland Department of the Environment for any activity regulated under COMAR 26.23 (Nontidal Wetlands) that is proposed as part of a development activity in or within 25 feet of nontidal wetlands.

B. A minimum twenty-five-foot buffer around nontidal wetlands shall be maintained. Regulated activities within nontidal wetlands and their buffers authorized by a permit or letter of exemption from the Maryland Department of the Environment, and development activities that do not require a permit or letter of exemption from the Maryland Department of the Environment, are not subject to this requirement.

C. Nontidal wetlands and a twenty-five-foot buffer shall be shown on all required plans and plats, including, but not limited to, concept plans, subdivision plans, forest preservation plans, and site plans.

* * *

SECTION TWO: BE IT FURTHER ENACTED, that the title and a summary of this Bill shall be published once on the first publication date after enactment of the Bill in accordance with County Charter § 213 (c). The title is not a substantive part of this Bill. If the Bill is amended, the title may be administratively revised if required to conform the title to the content of the Bill as finally enacted.

SECTION THREE: AND BE IT FURTHER ENACTED, that if any provision of this Bill or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of the Bill which can be given effect without the invalid provision or application, and for this purpose the provisions of this Bill are declared severable.

SECTION FOUR: AND BE IT FURTHER ENACTED, that the Publishers of the Talbot County Code or the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, may make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation included in this Bill, as finally adopted, that are incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION FIVE: AND BE IT FURTHER ENACTED, that the amendment of §190-140 B shall be forwarded to the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays for review and approval as an amendment or refinement to the Talbot County Critical Area Program, and this section of the Bill shall not become effective until so approved.

SECTION SIX: AND BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage, except that the amendment to § 190-140 B shall take effect sixty (60) days from the date of its passage or upon approval by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, whichever is later.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1298 having been published, a public hearing was held on Tuesday, March 10, 2015 in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 N. Washington St., Easton Maryland.

BY THE COUNCIL

Read the third time.

ENACTED: **March 24, 2015**

By Order Susan W. Moran
Susan W. Moran, Secretary

Pack - Aye

Williams - Aye

Bartlett - Recused

Price - Nay

Callahan - Aye

Effective date: **May 23, 2015**

*...except that the amendment to § 190-140 B shall take effect sixty (60) days from the date of its passage or upon approval by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, whichever is later.