COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2019 Legislative Session, Legislative Day No. : November 12, 2019

Bill No.: 1436

Expiration Date: January 16, 2020

Introduced by: Mr. Callahan, Mr. Divilio

A BILL TO AMEND CHAPTER 121 OF THE TALBOT COUNTY CODE (PUBLIC LANDINGS) TO TEMPORARILY GRANDFATHER FOR A PERIOD OF ONE YEAR CERTAIN SLIP HOLDERS WHO CURRENTLY HOLD MORE THAN ONE COUNTY SLIP, THEREBY DELAYING THE EFFECT OF THE PROHIBITION ON RENTING MORE THAN ONE BOAT SLIP ESTABLISHED BY TALBOT COUNTY BILL 1407 AND GIVING SUCH QUALIFYING SLIP HOLDERS ADDITIONAL TIME TO FIND ALTERNATIVE AFFORDABLE SLIP ACCOMMODATIONS

By the Council: November 12, 2019

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, December 10, 2019 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

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

A BILL TO AMEND CHAPTER 121 OF THE TALBOT COUNTY CODE (PUBLIC LANDINGS) TO TEMPORARILY GRANDFATHER FOR A PERIOD OF ONE YEAR CERTAIN SLIP HOLDERS WHO CURRENTLY HOLD MORE THAN ONE COUNTY SLIP, THEREBY DELAYING THE EFFECT OF THE PROHIBITION ON RENTING MORE THAN ONE BOAT SLIP ESTABLISHED BY TALBOT COUNTY BILL 1407 AND GIVING SUCH QUALIFYING SLIP HOLDERS ADDITIONAL TIME TO FIND ALTERNATIVE AFFORDABLE SLIP ACCOMMODATIONS

WHEREAS, the Talbot County Council adopted Bill 1407, titled "A Bill to Amend Chapter 121 (Public Landings) of the Talbot County Code to Disallow More Than One Slip Rental Per Person, To Require Vessels Docked in Rented Slips to Be in Working Order, to Set the Number of Allowed Transfers Per Year, And to Reduce the Amount of Time for Abandoned Equipment to Be Removed," which Bill established a prohibition on renting more than one boat slip at a time; and,

WHEREAS, an underlying purpose of Bill 1407 was to address the lack of affordable slip capacity in Talbot County to assist working watermen, whose efforts support the local seafood economy. The County maintains waitlists for all of the public landings, some of which are comparatively long and have had little movement from year to year. The cost of renting a slip at a public landing is generally less than renting one from a private marina. To free up additional capacity and make progress on the waitlist, Bill 1407 restricts rentals to a single slip, promotes slip transfers, and facilitate the removal of derelict vessels; and,

WHEREAS, prior to the adoption of Bill 1407, there was no prohibition on renting more than one boat slip at a time, and certain watermen elected to rent more than one slip in order to have access to commercial fishing on both the Miles River and the Choptank River. Moving a workboat from the Miles River to the Choptank River and vice versa takes substantial time due to the distance, adds wear and tear to workboats, and is costly due to the additional fuel needed to make the trip. Having a slip on both the Miles and Choptank avoids these problems and improves the holder's commercial catch and profitability; and,

WHEREAS, after adopting Bill 1407, the County allowed individuals renting more than one slip to keep their second slip for the 2019 season. The County believed that this would allow sufficient time for individuals renting more than one slip to find a second slip. However, while certain dual slip holders were able to find alternative slip accommodations or consolidate into a single slip, others may not have been able to due to financial considerations; and,

WHEREAS, the County desires to avoid creating a hardship for those watermen with more than one slip who have been unable to find alternative accommodations by temporarily grandfathering their dual slip status as provided herein.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that:

SECTION ONE: Chapter 121 of the *Talbot County Code* is hereby amended as follows:

KEY	
Boldface	Heading or defined term
Underlining	Added by Bill
~~Strikethrough~~	Deleted from law by Bill
* * *	Existing law unaffected

* * *

§ 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. No person or entity may rent more than one slip, provided that any person renting more than one County slip as of November 12, 2019, who demonstrates to the Administrator's satisfaction that he or she meets the following criteria may rent up two slips for the 2020 calendar year: (1) State-licensed commercial waterman; (2) rents one County slip with access to the Miles River and a second County slip with access to the Choptank River; and, (3) has tried to find, but been unsuccessful in finding, an affordable alternative second slip during the 2019 calendar year.

C. All vessels docked at a rented slip must be in working order, unless written permission is obtained from the Administrator.

* * *

SECTION TWO: If any provision of this Ordinance 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 this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

SECTION THREE: The Publishers of the Talbot County Code, the Talbot County Office of Law, or the Talbot County Department of Planning and Zoning, in consultation with and subject to the approval of the County Manager, shall be authorized to make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation to the Code that is 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 FOUR: This Ordinance shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. _____ having been published, a public hearing was held on _____ at ____ p.m. and on _____ at ____ p.m. in the Bradley Meeting Room, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: _____

By Order _____
Susan W. Moran, Secretary

Pack -

Divilio -

Callahan -

Price -

Lesher -

EFFECTIVE DATE: _____