

First Reading July 6, 2020

Second Reading July 20, 2020

ORDINANCE 2020 -06

**AN ORDINANCE TO AMEND CHAPTER 106,
ENTITLED WATERWAYS OF
THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND**

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY, THAT CHAPTER 106, ENTITLED WATERWAYS, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND BE, AND IT IS HEREBY AMENDED BY AMENDING SECTIONS 106-31, 106-32, 106-33, 106-34, 106-35, 106-36, 106-37, 106-38, 106-39, 106-40, 106-41, 106-42, AND 106-43 AS FOLLOWS:

Chapter 106 - WATERWAYS

...

ARTICLE II. - SHORELAND DEVELOPMENT

Footnotes:

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State Law reference— Wetlands, Ann. Code of Md., Natural Resources article, § 9-101 et seq.

Sec. 106-31. - Definitions.

As used in this article, the following words shall have the meanings respectively ascribed to them in this section:

Board of Port Wardens. The Board of Port Wardens as established by this Aarticle and the Charter of the Mayor and City Council of Ocean City.

Designated authority. The Harbor Master, as appointed by the Mayor and City Council, and other ~~individuals employed by~~ DESIGNATED EMPLOYEES OF the Mayor and City Council of Ocean City.

Developable waterway area. The developable waterway area is the area bounded by the shoreline, the harbor line and the lateral lines of a waterfront lot or tract.

Harbor line location. The projection-LIMIT OF OF MARINE CONSTRUCTION, BEYOND WHICH NO PIERS, WHARVES, BULKHEADS, OR OTHER STRUCTURES SHALL BE EXTENDED. ~~Docks, wharves and piers into waterways beyond the waterway line, lot lines or established bulkhead lines, or the placing of mooring piles or buoys, shall be limited by applicable ordinances, state laws and applicable regulations of the United States Army Corps of Engineers. Approved docks, wharves, piers or mooring piles may extend into the waterway for a maximum distance of 20 percent of the width of the waterway, not to exceed a total of 50 feet over wetlands and waterway from the fastland, provided that a distance of at least 40 feet in width shall remain open between either side of the waterway for navigation purposes. The location of the harbor line shall be utilized as a guide by the port wardens in approving or disapproving permits for construction under this article, but shall not restrict the authority of the port wardens to limit or proscribe or to approve the placement, erection or construction of any structure in the waters of Ocean City on a case-by-case basis; provided however, that in no event shall a dock, wharf or pier extend more than 50 feet over a wetland.~~

Harbor Master. The individual who serves as the CHIEF building official for Ocean City.

Issuing department. ~~Theat~~ Department OF PLANNING AND COMMUNITY DEVELOPMENT IS designated by the Mayor and City Council for the issuance of permits under this Aarticle. ~~The Mayor and City Council may, at its discretion, appoint municipal departments within Ocean City as the "issuing department" pursuant to this section.~~

NAVIGABLE WATERWAY. MINIMUM DEPTH OF 3.0 FEET FROM MEAN LOW WATER (MLW), AND MINIMUM WIDTH OF 40 FEET MEASURED FROM FACE OF WHALER BEAM TO FACE OF WHALER BEAM, OR FACE OF WHALER BEAM TO FAR EDGE OF NAVIGABLE WATERWAY IF ONE SIDE IS NOT DEVELOPED.

Major construction on a shoreline. Any construction or repair, including, without limiting, riprapping, bulkheading, diking, wharfing, dock, BOARDWALK, WALKWAY OR ~~building,~~ pier building, pile driving, breakwater, jetty, groin or levee building or any unnatural alteration of the shoreline taking place on a shoreline involving any one of the following:

- (1) Any work done more than six feet channelward of the mean high-water line.
- (2) Any fill of more than five cubic yards of material placed channelward of the mean high-water line.
- (3) Any digging or excavation involving an alteration of the shoreline, including, without limitation, the digging of canals, harbors, lagoons, boat slips or guts which extend more than six feet landward of the mean high-water line.

Minor construction on a shoreline. All other construction or repairs done along a shoreline not included in the definition herein of "major construction on a shoreline."

Shoreline. The shoreline of any tidal waters of Ocean City, but not including the Atlantic Ocean.

(Code 1972, § 75-3; Ord. No. 2001-16, 9-4-2001; Ord. No. 2002-23, 10-7-2002)

Sec. 106-32. - Violations.

- (a) Any ~~offender~~ PERSON, PARTNERSHIP, CORPORATION, UNINCORPORATED ASSOCIATION OR OTHER BUSINESS ENTITY WHO SHALL VIOLATE ~~violating~~ any of the provisions of this ~~a~~Article or ~~committing~~-COMMIT any of the acts herein declared to be unlawful shall be deemed to have committed a municipal infraction. EACH DAY A VIOLATION CONTINUES IS A SEPARATE VIOLATION.
- (b) In addition to the fines and penalties herein described, the Mayor and City Council of Ocean City may avail itself of any and all civil and equitable remedies for the purpose of STOPPING VIOLATIONS AND ~~stopping~~ continuing offenses VIOLATIONS of this Aarticle.

(Code 1972, § 75-12)

Sec. 106-33. - Purpose; intent; severability.

- (a) The purpose of this ~~a~~Article is to provide regulations for the orderly development, control and management of the waterways, structures installed in the waterways and associated waterfront areas within the corporate limits of Ocean City.
- (b) This ~~a~~Article is not intended to deprive a riparian owner of any right or privilege associated with riparian ownership of land, nor do the provisions of this Aarticle transfer the title or ownership of any waterway or interest in a waterway.
- (c) This Aarticle is not intended to nullify the regulatory powers of any other governmental agencies, including, but not necessarily limited to, the United States Army Corps of Engineers and the Ddepartment of ~~n~~Natural Rresources of the State of Maryland; except that this Aarticle shall be deemed to supersede legislation adopted by the eCounty eCommissioners of Worcester County covering the same subject matter.
- (d) If any court of competent jurisdiction shall adjudge any provision of this ~~a~~Article invalid, such judgment shall not affect any other provisions of this ~~a~~Article not specifically included in such judgment.
- (e) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ~~a~~Article to a particular property, building or other structure, such judgment shall not affect the application of such provisions to any other property.
- (f) Any person using any pier, dock, bulkhead or other facility owned or operated by Ocean City within the waterways of Ocean City or along the shoreline of such waterways shall assume all risk of damage or loss to his life or property. Ocean City assumes no risk on account of fire, theft, act of God or damages of any kind to watercraft and other properties within the waterways of Ocean City.

(Code 1972, § 75-1)

Sec. 106-34. - Applicability.

The provisions of this Article and any rules and regulations adopted pursuant thereto shall be applicable to and shall govern the control of all activities and the construction and use of all MARINE STRUCTURES SUCH AS wharves, piers, bulkheads, docks, mooring piles, buoys, anchors or any other construction within or on the waterways within the corporate limits of Ocean City.

(Code 1972, § 75-2)

Sec. 106-35. - Board of Port Wardens.

- (a) The Board of Port Wardens is hereby created. It shall have not less than five members, all of whom shall be appointed by the Mayor and City Council to serve terms of five years each or until their successors are appointed. The members of the Board of Port Wardens shall receive such compensation and expenses as the Mayor and City Council may, from time to time, determine reasonable. The Board members may elect a chairman and such other officers as they may deem necessary and appropriate and may establish rules of conduct for their meetings. Unless otherwise prescribed by law, a majority vote of a quorum of the Board of Port Wardens shall be required for any act of the Board.
- (b) In addition to the specific powers set forth in this Article, the Board of Port Wardens shall, at the direction of the Mayor and City Council, conduct projects and investigations with regard to the shorelines and waterways of Ocean City and make specific recommendations to the Mayor and City Council with regard to such shorelines and waterways.

(Code 1972, § 75-4)

Charter reference— Authority relative to port wardens, § C-414(48).

Sec. 106-36. - Permits for major or minor construction.

It shall be unlawful for any person to do any major or minor construction on a shoreline without first obtaining a permit as prescribed by this section, and complying with all provisions thereof OF THE PERMIT, AND COMPLYING WITH as well as ALL resolutions, and regulations AND CONSTRUCTION STANDARDS adopted pursuant TO THIS ARTICLE hereto in accordance with construction standards adopted pursuant hereto.

(A) *Procedure for permits generally.*

- a1. An applicant for a permit under this section shall make application to the issuing department upon forms provided by such department. A fee for such application may be charged as prescribed by resolution of the Mayor and City Council. The issuing department shall determine whether or not the work applied for constitutes a major construction or a minor construction. If it

constitutes a major construction, the issuing department shall proceed with the advertisement of a public hearing as hereinafter prescribed.

2b. A site plan shall be submitted with the application for a permit under this Article. The site plan shall include the following:

A1. A map at scale that shows:

- i. All properties with riparian rights within 150 LINEAL feet of the boundaries of the property that is the subject of the application, the structures permanently installed in the waterways extending therefrom and the adjacent street(s).
- ii. The location and description of any existing deterrents or aids to navigation within 500 feet of the boundaries of the property that is the subject of the application may be required.

2B. A detailed site plan at scale which shall ILLUSTRATE COMPLIANCE WITH THIS ARTICLE AND REQUIRED CONSTRUCTION STANDARDS AND SHALL INCLUDE:

- i. A CLEAR AND LEGIBLE SCALE AND NORTH ARROW;
- ii. TITLE BLOCK WITH THE NAME OF APPLICANT AND/OR PROPERTY OWNERS, NAME OF SUBDIVISION, LOT(S) AND BLOCK(S) NUMBERS, ADDRESS, SCALE AND DATE;
- iii. ALL PROPERTIES WITH RIPARIAN RIGHTS WITHIN ONE HUNDRED AND FIFTY (150) LINEAL FEET OF THE SUBJECT SITE, INCLUDING EXISTING STRUCTURES WITHIN THE WATERWAYS EXTENDING THEREFROM AND STREETS;
- iv. WIDTH OF WATERWAYS OR CHANNELS, INCLUDING mean high-water/mean low-water lines, and wetlands, if any;
- v. The location, ~~and~~ dimensions AND MATERIAL of all existing and proposed DOCKS, "T" OR "L" EXTENSIONS, piers, mooring piles, mooring buoys, shore-protection structures (including groins, jetties, ripraps and bulkheads, BOAT RAMPS AND OTHER STRUCTURES) WITHIN 150' OF THE NAVIGATION AREA – ALL REFERENCED TO THE PROPERTY LINES AND BULKHEAD FACE; ~~and material for the proposed structures within 150 feet.~~
- ~~iv. The location and dimensions of all areas to be dredged, including proposed depths, if applicable.~~
- ~~v. The location and dimensions of all boat launching ramps.~~
- vi. THE DEPTH OF WATER BELOW MHW AT THE OUTWARD MOST POINT OF THE INTENDED STRUCTURE;
- vii. THE LOCATION AND DIMENSIONS OF ALL AREAS TO BE DREDGED, INCLUDING PROPOSED DEPTHS, IF APPLICABLE;

- viii At the discretion of the Board, a bathymetry of the developable waterway area shown at one-foot intervals at mean high water;
 - iv. IF THE APPLICATION INDICATES CONDITIONS OR CONSTRUCTION BEYOND THE SCOPE OF THE EXISTING CONSTRUCTION STANDARDS OF THE BOARD, THE APPLICANT MUST SUBMIT CONSTRUCTION DETAILS CERTIFIED BY A PROFESSIONAL ENGINEER, REGISTERED IN THE STATE OF MARYLAND; AND
 - x. IN CONGESTED AREAS, INCLUDING BUT NOT LIMITED TO CORNERS, LAGOONS AND OTHER SIMILAR AREAS REFER TO THE CODE (106-38) AS TO THE RULES FOR DEVELOPABLE WATERWAY AREAS.
- e3. Other permits and approvals. State and federal permits and approvals required for, INCLUDING BUT NOT LIMITED TO, construction, modification, enlargement, reconstruction, repair, etc., for structures in the waterways or along the shoreline shall be obtained by the applicant and submitted to the building official as a prerequisite to the issuance of an Ocean City building permit. If the application approved by the BOARD OF Port Wardens is subsequently modified by State or Federal agencies, it shall be resubmitted to the Board for approval prior to the issuance of any Ocean City building permit.
- e4. Notwithstanding any other provision of this Article, a person may install mooring piles without a permit issued hereunder if the said piles are to be installed in the same location as a mooring pile that presently exists or previously existed within one year prior to making application for a building permit to install the same. A person desiring to install a mooring pile pursuant to the provisions of this subsection shall obtain all other permits, including a building permit, before commencing the construction. Before a building permit is issued he shall show, to the satisfaction of the Harbor Master, that the mooring piles to be replaced presently exist or previously existed within one year prior to the making application for the building permit to install the same and that the proposed mooring piles will be installed in the same location. All work done hereunder will be in accordance with the construction standards adopted pursuant to the provisions of this Article.
- e5. Notwithstanding any other provision of this Article, a person may repair, including repair by replacement, any existing parallel or perpendicular pier, dock, or existing previously approved boat lift or personal watercraft lift without a permit issued hereunder, provided that such repair or replacement is done in the exact same location as the existing pier, dock, boat lift, or personal watercraft lift and that the existing pier, dock, boat lift, or personal watercraft lift is not enlarged or modified in any way except to bring the same into compliance with the construction standards adopted pursuant to the provisions of this Article. A person who desires to make a repair or replacement pursuant to the provisions of this subsection shall obtain all other required permits,

including a building permit, before commencing the work. All work done hereunder shall be in accordance with the construction standards adopted pursuant to the provisions of this Article. The Harbor Master shall decide at the time of the application for a building permit whether or not the proposed repair or replacement comes within the provisions of this subsection, and any person aggrieved by the Harbor Master's decision may appeal the same to the Board of PORT Wardens.

(B2) *Procedure for minor construction permits.* Applications for minor construction will be reviewed by the Board of Port Wardens. The Board of Port Wardens may, after giving careful consideration to the matters prescribed in subsection (4) hereof, issue the permit, provided that the Board of Port Wardens may not deny an application for minor construction without first providing the applicant with an opportunity to be heard. The Board of Port Wardens may, based upon the considerations set forth in subsection (4) hereof, determine that an application for minor construction, though falling within that definition, will have such significant effect or impact upon the COUNTY, TOWN ~~county~~ or adjacent properties that it should be heard in the same manner in which an application for major construction is heard pursuant hereto.

(C3) *Procedure for major construction permits.* Applications for major construction shall be considered after notice and public hearing. Notice of the public hearing shall be published in a newspaper having general circulation in the County at least 14 days prior to the date of the hearing and by at least two insertions in the newspaper. Notice shall also be given at least five days prior to the hearing to the last known address of all contiguous property owners or their agents. In addition, the board shall cause the date, time, place and nature of the hearing to be posted conspicuously on the property, which is the subject of the application at least 14 days prior to the hearing. The applicant shall be notified BY WRITTEN LETTER as to the date of the hearing and have a right to be present and be represented by counsel. The Board of Port Wardens may establish ~~procedural guidelines~~ PROCEDURES not inconsistent herewith for any hearing it conducts.

(D4) *Consideration and grant or denial of permit applications.*

- a1. The Board of Port Wardens, in considering any applications, shall make specific findings of fact with regard to the following:
 - i. Environmental impact;
 - ii. Navigational impact;
 - iii. Recreational potential;
 - iv. Commercial benefit to Ocean City;
 - v. The impact of the proposed construction upon the surrounding neighborhood and upon property values therein; AND
 - vi. Such other matters as the Board of Port Wardens may consider appropriate and germane to the issue.

b2. The nature of the hearing shall be administrative, and the Board of Port Wardens may grant or deny the application based upon the evidence presented and upon those matters within the board's expertise.

(5E) *Expiration of permits; transfer; conditions.*

1a. Conditions and stipulations in granting permit applications. The Board of Port Wardens, in granting any application, may place such stipulations, conditions and requirements upon the permit as the Board may deem necessary and appropriate to effectuate the legislative intent of this section-ARTICLE.

2b. Unless otherwise specified by the Board, a permit issued by the Port Wardens shall be valid for work commenced within a period of six months after issuance of the building permit as hereafter required, otherwise, it shall be void and of no effect. Work shall be completed within 12 months of the date of issuance of the permit under this section, unless a longer period of time is specified in the permit or an extension is granted by the Port Wardens for good cause shown.

3. If an appeal is filed to the circuit court pursuant to the provisions of this Article, the time periods specified herein shall not commence until the completion of such appeal.

(F6) *Appeals.* Any party with standing aggrieved by a decision of the Board of Port Wardens may appeal same to the Circuit Court for Worcester County, pursuant to the Maryland Rules of Procedure, chapter 1100, subtitle B, Administrative Agencies—Appeal From.

(Code 1972, § 75-5; Ord. No. 1999-23, 7-19-1999; Ord. No. 2010-28, 10-4-2010)

Sec. 106-37. - Determination of lateral lines and developable waterway area.

The lateral lines for any waterfront property and the determination of developable waterway area shall be governed by the following criteria:

(1A) *Determination of lateral lines.*

A1. The lateral lines for any waterfront property are to be determined, from time to time, graphically on a scale drawing as follows:

i. Prepare a scale drawing showing the applicant's property and all adjacent properties within a 200-foot radius of the boundaries thereof. (See figure A.)

ii. On the scale drawing, add the shoreline and harbor lines.

iii. Intersect all property lines with the shoreline (points A, B, C, D, E and F on figure A).

iv. From the applicant's property line-shoreline intersections (points D and E on figure A), intersect a 200-foot radius with the shoreline (points No. 1 and No. 2 on figure A).

v. From the applicant's property, connect all property line-shoreline points, ending at point No. 1 and No. 2, with straight lines (D-C, C-B, B-1, D-E and E-2 on figure A).

vi. Bisect the angles formed by these straight lines and extend the lines bisecting the angle from the shoreline to the harbor line. The lines constitute the lateral lines (B-G, C-H, D-I and E-J on figure A).

b2. Any person desiring to erect a structure in the waterways of Ocean City may, at the discretion of the Board of Port Wardens, be required to have a professional land surveyor or property line surveyor prepare, according to the method described in this article, a plat showing the owners of the lateral lines. The lines shall be developed based on the shoreline as it exists at the time such plat is drawn.

(B2) *Determination of developable waterway area.* The developable waterway area shall be determined for all properties having a pair of lateral lines as shown on the applicant's drawing. For an acceptable developable waterway area, the following conditions (see figure A) must be met:

a1. If a pair of lateral lines extended to the harbor line results in a distance of 25 feet or more on the harbor line (lines C-H, H-I and I-J), the lateral lines (D-I and E-J) are satisfactory, and these lines and the harbor line and the shoreline define the developable waterway area for the applicant.

2b. If any pair of lateral lines extended to the harbor line results in a harbor line segment (G-H, H-I and I-J on figure A) of less than 25 feet, the lateral lines are unacceptable and shall be modified as indicated below.

(3C) *Modification of lateral lines.*

1a. Whenever the lateral lines are unacceptable as outlined above, the lateral lines shall be modified, as shown on figure B, by moving an imaginary line toward the shoreline and parallel to line D-E (figure B) until a 25-foot clearance is obtained (line N-O on figure B). Two additional lateral lines, N-P and O-Q, shall be drawn perpendicular to line N-O from points N and O to the harbor line. The lines D-N-P and E-O-Q shall be deemed to be the modified lateral lines for the applicant's parcel and the adjoining properties. For all modified lateral lines, construction shall be limited to the area enclosed by the shoreline, the lateral lines (D-N and E-O) and the imaginary clearance line (N-O) (figure B).

b2. These modified lateral lines, the harbor line and the shoreline define the developable waterway area.

(4D) *Waterway setbacks.*

a1. *Harbor line setbacks.* Any piers, T-heads, L-heads, mooring piles, mooring buoys and/or anchorage must be set back from the harbor line an appropriate distance to assure that no moored watercraft or permanent or temporary obstruction extends channelward beyond the harbor line.

- 2b. *Lateral line setback.* Other than parallel docks adjacent to the shoreline, no portion of the structures of a marina, yacht club and community or private pier and moorings, OR FLOATING DOCKS installed in the waterways shall be located less than five feet away from a lateral line. No watercraft shall be moored so as to cause an obstruction within five feet of a lateral line. The lateral line setback may be reduced if a letter of no objection is obtained from the adjacent property owners and filed with the Port Wardens. The mutual use of piers and/or mooring pilings by adjacent property owners is encouraged and recommended whenever possible.

FIGURE A - Insert

FIGURE B - Insert

(Code 1972, § 75-5.1)

Sec. 106-38. - Construction standards.

The Mayor and City Council may, upon recommendation of the Board of Port Wardens, MAY ~~from time to time by resolution~~ ORDINANCE, adopt, repeal or amend construction standards for construction on shorelines in Ocean City. All work done on shorelines shall be in strict accordance ~~therewith~~ WITH SAID CONSTRUCTION STANDARDS. The Board of Port Wardens may, in accordance with its normal procedures, waive or modify such construction standards in individual cases where it is determined that the imposition of such standards would be of no value and where individual circumstances regarding the specific case are such that the imposition of such standards is not necessary for the furtherance of the purposes of this ~~section~~ ARTICLE. THE CONSTRUCTION STANDARDS ARE AS FOLLOWS:

(A) APPROVED CONSTRUCTION INCLUDING DOCKS, WHARVES, PIERS OR MOORING PILES MAY EXTEND INTO THE WATERWAY FOR A MAXIMUM DISTANCE OF 20 PERCENT OF THE WIDTH OF THE WATERWAY, NOT TO EXCEED A TOTAL OF 50 FEET OVER WETLANDS AND WATERWAY FROM THE FASTLAND, PROVIDED THAT A DISTANCE OF AT LEAST 40 FEET IN WIDTH SHALL REMAIN OPEN BETWEEN EITHER SIDE OF THE WATERWAY FOR NAVIGATION PURPOSES.

(B) DOCKS, WHARVES AND PIERS EXTENDING INTO WATERWAYS BEYOND THE WATERWAY LINE, LOT LINES OR ESTABLISHED BULKHEAD LINES, OR THE PLACING OF MOORING PILES OR BUOYS, SHALL BE LIMITED BY DESIGN AND CONSTRUCTION STANDARDS OF THIS ARTICLE, OTHER APPLICABLE TOWN ORDINANCES, STATE LAWS AND APPLICABLE REGULATIONS OF THE UNITED STATES ARMY CORPS OF ENGINEERS.

(C) PROPOSED BULKHEAD REPLACEMENT PROJECTS ARE NOT PERMITTED TO REDUCE THE MINIMUM 40 FOOT WIDTH OF NAVIGABLE WATERWAY, REGARDLESS OF WHETHER THE PROJECT MEETS THE MARYLAND DEPARTMENT OF THE ENVIRONMENT GUIDELINES FOR A MAXIMUM ONE-

TIME ENCROACHMENT CHANNELWARD OF AN EXISTING, FUNCTIONAL BULKHEAD. IN CANALS WHERE THE CANAL WIDTH IS LESS THAN THE NAVIGABLE WATERWAY WIDTH, BULKHEAD REPLACEMENT SHALL BE IN THE SAME FOOTPRINT AS THE EXISTING BULKHEAD, UNLESS A LICENSED ENGINEER ASCERTAINS THAT THE STRUCTURAL INTEGRITY OF A PRIMARY STRUCTURE IS JEOPARDIZED AND THE BOARD APPROVES THE REPLACEMENT AS DESIGNED.

(D) THE HARBOR LINE LOCATION SHALL BE UTILIZED AS A GUIDE BY THE PORT WARDENS IN APPROVING OR DISAPPROVING PERMITS FOR CONSTRUCTION UNDER THIS ARTICLE, BUT SHALL NOT RESTRICT THE AUTHORITY OF THE PORT WARDENS TO LIMIT, PROSCRIBE OR TO APPROVE THE PLACEMENT, ERECTION OR CONSTRUCTION OF ANY STRUCTURE IN THE WATERS OF OCEAN CITY ON A CASE-BY-CASE BASIS; PROVIDED HOWEVER, THAT IN NO EVENT SHALL A DOCK, WHARF OR PIER EXTEND MORE THAN 50 FEET OVER A WETLAND.

(E) MINIMUM CONSTRUCTION STANDARDS - TIMBER BULKHEADS SHALL BE IN COMPLIANCE WITH THE FOLLOWING CONSTRUCTION DETAILS:

1. BULKHEAD 0' TO 4' FACE.
2. BULKHEAD 4' TO 6' FACE.
3. BULKHEAD 6' TO 8' FACE.
4. REVETMENT.
5. TYPICAL PIER, 6-FOOT MAXIMUM WIDTH.
6. TYPICAL PIER PARALLEL TO BULKHEAD.

(F) BULKHEAD WITH VINYL SHEET PILE AND MECHANICAL EARTH ANCHORING SYSTEMS SHALL BE IN COMPLIANCE WITH THE FOLLOWING CONSTRUCTION DETAILS:

1. STANDARD 4.0: BULKHEADS UP TO 4' IN HEIGHT, ALL SHORELINES.
2. STANDARD 6.0: BULKHEADS UP TO 6' IN HEIGHT, ALL SHORELINES.
3. STANDARD 6.1: BULKHEADS UP TO 6' IN HEIGHT, CANAL FRONT REPLACEMENT BULKHEADS ONLY.
4. STANDARD 8.0: BULKHEADS UP TO 8' IN HEIGHT, ALL SHORELINES.
5. STANDARD 8.1: BULKHEADS UP TO 8' IN HEIGHT, CANAL FRONT REPLACEMENT BULKHEADS ONLY.

(G) OTHER STANDARDS ARE AS FOLLOWS:

- 1.200 SQUARE FOOT MAXIMUM FOR ANY STRUCTURE PARALLEL TO SHORELINE INCLUDING FLOATING DOCKS, HOWEVER PERPENDICULAR PIERS ARE EXCLUDED FROM THIS MAXIMUM.

2. MAXIMUM 4 MOORINGS ON ANY PROPERTY.
3. MAXIMUM 1 PIER ON ANY PROPERTY, OR A COMMUNITY PIER AS DETAILED IN SEC. 30-556(E).
4. A PARALLEL DOCK AND PERPENDICULAR PIER ON SAME PROPERTY SHALL BE ATTACHED TO EACH OTHER AND NOT SEPARATED.
5. MAXIMUM 6-FOOT WIDTH FOR ANY PARALLEL DOCK OR PERPENDICULAR PIER.
6. MINIMUM 3-FOOT DEPTH FROM MLW REQUIRED FOR FLOATING DOCKS, OR 2-FOOT MINIMUM DEPTH FROM MLW REQUIRED FOR PERFORATED FLOATING DOCKS.

(Code 1972, § 75-6, RESOLUTION 2008-5)

Sec. 106-39. - Building permit.

A building permit shall also be required to construct, repair, rebuild, modify or enlarge, excavate, dredge or dig for any project or structure for which a permit is required under this Aarticle. Said building permit shall not be issued until the requisite permit from the Board of Port Wardens has first been obtained. The charge for the building permit fee shall be the same as that set forth in Chapter 10 of the Code AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY.

(Code 1972, § 75-7)

Sec. 106-40. - Inspections.

~~The issuing department or such other department as the Mayor and City Council may designate~~ shall be responsible for the inspection of all work done on shorelines in Ocean City, and for compliance with the terms hereof THIS ARTICLE, APPLICABLE, and all resolutions and regulations, AND adopted pursuant hereto, including any requirements imposed by the Board of Port Wardens REQUIREMENTS, ADOPTED pursuant hereto.

(Code 1972, § 75-8)

Sec. 106-41. - Mooring and anchoring.

- (a) The Port Wardens may designate restricted areas within the waterways of Ocean City where mooring and anchoring will not be permitted. Such areas shall be so designated for reasons of public safety and convenience. The Port Wardens may also designate areas in the waterways where anchoring is restricted to specified periods of time or purposes. The restricted areas will be posted in the water and the restrictions shall be enforced by the designated authority. ~~Violation thereof shall be a municipal infraction.~~
- (b) Any person who moors or ties his watercraft to any portion of any Ocean City dock, pier, bulkhead, mooring or other Ocean City property shall first obtain permission from the

designated authority and shall pay such fee for mooring as may be designated by the Mayor and City Council, by resolution, from time to time.

(Code 1972, § 75-9)

Sec. 106-42. - Discharge of refuse, sewage, or other waste into water.

No person shall operate the toilet fixtures of a watercraft within the waterways of Ocean City at any time so as to cause or permit to pass or to be discharged into the waters of Ocean City any sewage or other waste matter or contaminant of any kind which does not meet the sState, eCounty and fFederal requirements for water quality. No person shall discharge or permit or allow any other person on a watercraft under his control or command to discharge any human or animal excreta or other refuse from any head, toilet or similar facility on a watercraft into the waters of Ocean City. No person shall throw, discharge, deposit or leave or cause, suffer or permit to be thrown, discharged, deposited or left, either from the shore or from any pier or watercraft, oil, fuel, toxic materials or any refuse matter of any description into the waters within Ocean City or on the shore thereof where the same may be washed into the waters either by tides or by floods or otherwise. ~~Violation of this section is a municipal infraction.~~

(Code 1972, § 75-10)

Sec. 106-43. - Maintenance of shorelines.

- (a) The owner of any real property abutting landward or channelward of any tidal waters within the corporate limits of Ocean City shall maintain the shoreline of his property and any improvements erected, constructed or being along the shoreline of said property as follows:
 - (1) In such a manner that the shoreline or fast land does not erode or cause any significant silting or filling in of the abutting tidal waters; ~~or~~ AND
 - (2) In such a manner that the shoreline or any such improvements will not adversely affect or cause damage to the environment, navigation, recreational potential, property values in the surrounding neighborhood or the shorelines, and any improvements thereto, of surrounding properties or public ways.
- (b) All structures built or presently existing along the shoreline of properties abutting tidal waters within the corporate limits of Ocean City shall be maintained in accordance with permits issued by the Board of Port Wardens and in accordance with construction standards ~~adopted pursuant to~~ IN section 106-38.
- (c) Whenever it shall come to the attention of the Board of Port Wardens that the shoreline of any property or any improvements constructed along said shoreline are not maintained in accordance herewith, the Bboard shall conduct an investigation into the same. If the investigation reveals the shoreline of any such property or any improvements constructed along said shoreline are not maintained in accordance herewith, the ~~board~~ Board shall send written notice by certified mail, return receipt requested, to the owner or owners of the property of record, as shown on the records of

the STATE ~~d~~Department of ~~a~~Assessments and ~~t~~Taxation, at the address for such owner or owners as set forth ~~on the records of the department of assessments and taxation~~ IN SAID RECORDS, to appear before the ~~board~~ BOARD to show cause why the owner should not be ordered to bring the shoreline of his property or any improvements constructed along said shoreline into compliance herewith. The date of the hearing as set forth in the notice shall not be less than 30 days from the date of the notice. If the ~~b~~Board shall specifically find from the testimony and evidence presented that the shoreline or any improvements constructed along said shoreline are not maintained in compliance herewith, it shall order the property owner to bring his shoreline or any improvements located thereon into compliance with this ~~section~~ ARTICLE within a period of time set forth by the ~~b~~Board. In making such order, the ~~b~~Board may place such conditions, stipulations and requirements with regard to the method of bringing the shoreline or any improvements into compliance as the ~~b~~Board may deem necessary and appropriate to effectuate the legislative intent of this section. The ~~b~~Board may order, among others, that the property owner bulkhead or riprap the shoreline of his property, replace a structure along the shoreline, remove any construction or repair any structure.


- (d) In bringing the shoreline or improvements into compliance, the property owner shall obtain all necessary Ocean City, ~~s~~State and ~~f~~Federal permits and shall comply with all applicable municipal, county, ~~s~~State and ~~f~~Federal ordinances, statutes, laws and regulations. Any order of the ~~board~~ BOARD shall be subject to any such ordinances, statutes, laws or regulations.
- (e) In the event that any property owner fails, within 90 days of proper notice and opportunity for hearing, to construct or bring to standard, as the case may be, the shoreline, the Mayor and City Council may cause said work to be done and assess the cost thereof in the manner prescribed below.
- (f) In the event that Ocean City, pursuant to the provisions of this article, constructs or causes to be constructed any shoreline and incurs any costs therefor that, by the terms of this ~~a~~Article, should be paid by any respective property owner or owners, and IF said costs are not reimbursed to Ocean City within 30 days of billing, the City Clerk of Ocean City, Maryland, shall cause a lien in the amount of said costs to be filed among the property tax records along with the real property taxes for the respective property, to be collected in the same manner as taxes with interest from the date of said filing. In addition, Ocean City may institute civil suit at any time to collect any such sums. Any such civil suit shall be instituted by the Mayor and City Council. No person shall convey or otherwise transfer the ownership of any property within Ocean City unless all such bills or costs are paid prior thereto.

(Code 1972, § 75-11)

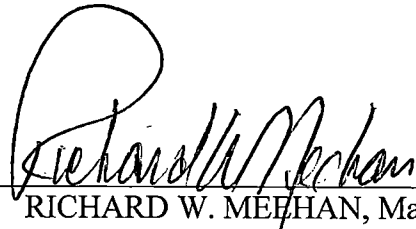
INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on July 6, 2020.

ADOPTED AND PASSED, by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on July 20, 2020.

ATTEST:

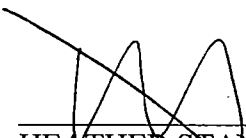


DIANA L. CHAVIS, Clerk




RICHARD W. MEEHAN, Mayor

Approved as to form:



HEATHER STANSBURY
Ayres, Jenkins, Gordy & Almand, P.A.
Office of City Solicitor



LLOYD MARTIN, President



MARY F. KNIGHT, Secretary