

1 **..Title**

2 **Port Wardens - Authority** – For the purpose of requiring the Port Wardens to consider the  
3 public’s access to the harbor line from points of access at the waterline as part of its license and  
4 permit approval processes.

5 **..Body**

6 **CITY COUNCIL OF THE**  
7 **City of Annapolis**

8 **Ordinance 3-21**

9 **Introduced by: Alderman Gay and Alderman Arnett**  
10 **Co-sponsored by:**

11 **Referred to**  
12 **Board of Port Wardens**  
13 **Environmental Matters Committee**  
14 **90 day Rule: \_\_\_\_\_**

15 **AN ORDINANCE** concerning

16 **Port Wardens - Authority**

17 **FOR** the purpose of requiring the Port Wardens to consider the public’s access to the harbor line  
18 from points of access at the waterline as part of its license and permit approval processes.

19 **BY** repealing and reenacting without amendments the following portions of the Code of the  
20 City of Annapolis, 2021 Edition  
21 15.16.020  
22 15.16.030

23 **WHEREAS,** the Chesapeake Bay, Severn River, and creeks of Annapolis are fundamental to the  
24 City’s identity, sense of place, and beauty; yet public access to these bodies of water  
25 is somewhat limited; and

26 **WHEREAS,** the City’s 2009 Comprehensive Plan called for the expansion of the park system,  
27 taking advantage of opportunities to acquire public recreation areas, providing such  
28 to underserved areas and allowing public access to the waterfront; and

29 **WHEREAS,** there are some instances where the public’s access to the Chesapeake Bay, Severn  
30 River, and creeks of Annapolis have been preserved by retaining public property,  
31 acquiring easements over private property, and recognizing long-standing  
32 practices; and

33 **WHEREAS,** while public access is limited in general, there is even less public access near certain  
34 underserved communities; a situation that may have developed over time through  
35 successive land developments reflecting institutionalized bias; and

1  
2 **WHEREAS**, what limited access exists, access to the waterline alone is of limited benefit if the  
3 access does not also include access through the nearby developable waterways and  
4 to the mapped harbor line. Public access to the water should not just include access  
5 to the waterline, but also navigable access to the harbor line; and  
6

7 **WHEREAS**, the Port Wardens are responsible to the development through the developable  
8 waterways throughout the City but currently lack the authority to consider the  
9 public's access to the harbor line from points of access at the waterline.  
10

11  
12 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
13 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:  
14

15 **Title 15 – HARBORS AND WATERFRONT AREAS**

16 **Chapter 15.16 - PORT WARDENS**  
17

18 **Section 15.16.020 - Port Wardens—Barrier regulation.**  
19

20 The Port Wardens shall regulate the placement, erection and construction of structures and other  
21 barriers within or on the waters of the City, including but not limited to, the issuing of licenses to  
22 create or build wharves or piers and the issuing of permits for mooring piles, floating wharves,  
23 buoys or anchors. The Port Wardens shall regulate the materials and construction and make certain  
24 that the placement, erection, or construction of structures or other barriers in City waters do not  
25 render navigation too close and confined and are undertaken in a manner and of materials as to be  
26 sufficiently substantial and lasting. The Port Wardens also shall make certain that the proposed  
27 structure or barrier will not increase materially water pollution or erosion, or materially impair  
28 marine life, wildlife or conservation, or have a material impact upon increasing boat congestion,  
29 **OR IMPEDE NAVIGABLE ACCESS BY THE PUBLIC TO THE HARBOR LINES FROM**  
30 **ANY POINT OF PUBLIC PROPERTY OR EASEMENT AREA ESTABLISHED FOR THE**  
31 **BENEFIT OF THE PUBLIC THAT INCLUDES SHORELINE NOTWITHSTANDING**  
32 **DEVELOPABLE WATERWAY AREAS.**  
33

34 **Section 15.16.030 - Port Wardens—Development regulation.**  
35

- 36 A. The Port Wardens shall not approve any application for a license or permit involving  
37 placement, erection, or construction OF STRUCTURES AND OTHER BARRIERS in the  
38 waters beyond the harbor lines, either fixed or provisional, as shown on the harbor line maps,  
39 but may approve or disapprove an application within the developable waterway areas as  
40 defined in this title, in accordance with the criteria set forth in this chapter. The location of the  
41 harbor lines in the waterways, as shown on the harbor line maps, shall be utilized by the Port  
42 Wardens to define the maximum channelward limits of construction.  
43 B. The Port Wardens shall approve or disapprove applications for licenses or permits to  
44 construct, enlarge, rebuild or modify any and all marinas, community or private piers,  
45 wharves, mooring piles, floating wharves, buoys, anchors, bulkheads, including any dredging  
46 and modification of the natural shoreline.

- 1 C. The Port Wardens shall consider the effect of the proposed structure alone and in concert with  
2 present and other proposed uses on marine life, wildlife, conservation, water pollution,  
3 erosion, navigational hazards, the effect of the proposed use on congestion within the waters,  
4 the effect on other riparian property owners AND ACCESS BY THE PUBLIC FOR  
5 RECREATIONAL PURPOSES, and the present and projected needs for any proposed  
6 commercial or industrial use.
- 7 D. A person neither may build a wharf or pier or carry out any earth or other material for the  
8 purpose of building a wharf or pier, nor place or erect mooring piles, floating wharves or  
9 docks with or without motors, buoys or anchors without approval of the Port Wardens.
- 10 E. THE PORT WARDENS SHALL NOT APPROVE ANY APPLICATION FOR A LICENSE  
11 OR PERMIT INVOLVING PLACEMENT, ERECTION, OR CONSTRUCTION OF  
12 STRUCTURES AND OTHER BARRIERS WITHIN THE DEVELOPABLE WATERWAY  
13 AREAS AS DEFINED IN THIS TITLE THAT WOULD INTERFERE WITH  
14 NAVIGATION BETWEEN THE SHORELINE OF ANY PUBLIC PROPERTY OR  
15 EASEMENT AREA ESTABLISHED FOR THE BENEFIT OF THE PUBLIC AND THE  
16 HARBOR LINES, EITHER FIXED OR PROVISIONAL, AS SHOWN ON THE HARBOR  
17 LINE MAPS.

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20 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
21 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date of its passage.

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24 **Explanation:**

25 UPPERCASE indicates matter added to existing law.

26 ~~Strikethrough~~ indicates matter stricken from existing law.

27 Underlining indicates amendments.

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