



## Legislation Details (With Text)

**File #:** O-3-21      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 1/28/2021      **In control:** Maritime Advisory Board

**On agenda:** 2/22/2021      **Final action:** 2/22/2021

**Title:** Port Wardens - Authority - For the purpose of requiring the Port Wardens to consider the public's access to the harbor line from points of access at the waterline as part of its license and permit approval processes.

**Sponsors:** Dajuan K. Gay, Ross Arnett, Rob Savidge, Elly Tierney, Sheila Finlayson, Brooks Schandelmeier

**Indexes:** Board of Port Wardens, Environmental Matters Committee, Maritime Advisory Board

**Code sections:**

**Attachments:** 1. O-3-21 First Reader, 2. O-3-21 Staff Report, 3. O-3-21 Fiscal Impact Note, 4. O-3-21 SIGNED

Date	Ver.	Action By	Action	Result
2/22/2021	1	City Council	adopt on second reader	Pass
2/22/2021	1	City Council	adopt on third reader	Pass
2/22/2021	1	City Council	Cosponsor added	
2/22/2021	1	City Council	declare the public hearing closed	
2/8/2021	1	City Council	refer	
2/8/2021	1	City Council	refer	
2/8/2021	1	City Council	refer	
2/8/2021	1	City Council	adopt on first reader	Pass

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

### CITY COUNCIL OF THE City of Annapolis

#### Ordinance 3-21

**Introduced by:** Alderman Gay and Alderman Arnett  
**Co-sponsored by:** Alderman Savidge, Alderwoman Tierney,  
Alderwoman Finlayson, Alderman Schandelmeier

**Referred to**  
**Board of Port Wardens**  
**Environmental Matters Committee**  
**Maritime Advisory Commission**

**AN ORDINANCE** concerning

#### Port Wardens - Authority

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

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

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

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

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

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

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

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

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

**Title 15 - HARBORS AND WATERFRONT AREAS**  
**Chapter 15.16 - PORT WARDENS**

**Section 15.16.020 - Port Wardens-Barrier regulation.**

The Port Wardens shall regulate the placement, erection and construction of structures and other barriers within or on the waters of the City, including but not limited to, the issuing of licenses to create or build wharves or piers and the issuing of permits for mooring piles, floating wharves, buoys or anchors. The Port Wardens shall regulate the materials and construction and make certain that the placement, erection, or construction of structures or other barriers in City waters do not render navigation too close and confined and are undertaken in a manner and of materials as to be sufficiently substantial and lasting. The Port Wardens also shall make certain

that the proposed structure or barrier will not increase materially water pollution or erosion, or materially impair marine life, wildlife or conservation, or have a material impact upon increasing boat congestion, OR IMPEDE NAVIGABLE ACCESS BY THE PUBLIC TO THE HARBOR LINES FROM ANY POINT OF PUBLIC PROPERTY OR EASEMENT AREA ESTABLISHED FOR THE BENEFIT OF THE PUBLIC THAT INCLUDES SHORELINE NOTWITHSTANDING DEVELOPABLE WATERWAY AREAS.

**Section 15.16.030 - Port Wardens-Development regulation.**

- A. The Port Wardens shall not approve any application for a license or permit involving placement, erection, or construction OF STRUCTURES AND OTHER BARRIERS in the waters beyond the harbor lines, either fixed or provisional, as shown on the harbor line maps, but may approve or disapprove an application within the developable waterway areas as defined in this title, in accordance with the criteria set forth in this chapter. The location of the harbor lines in the waterways, as shown on the harbor line maps, shall be utilized by the Port Wardens to define the maximum channelward limits of construction.
- B. The Port Wardens shall approve or disapprove applications for licenses or permits to construct, enlarge, rebuild or modify any and all marinas, community or private piers, wharves, mooring piles, floating wharves, buoys, anchors, bulkheads, including any dredging and modification of the natural shoreline.
- C. The Port Wardens shall consider the effect of the proposed structure alone and in concert with present and other proposed uses on marine life, wildlife, conservation, water pollution, erosion, navigational hazards, the effect of the proposed use on congestion within the waters, the effect on other riparian property owners AND ACCESS BY THE PUBLIC FOR RECREATIONAL PURPOSES, and the present and projected needs for any proposed commercial or industrial use.
- D. A person neither may build a wharf or pier or carry out any earth or other material for the purpose of building a wharf or pier, nor place or erect mooring piles, floating wharves or docks with or without motors, buoys or anchors without approval of the Port Wardens.
- E. THE PORT WARDENS SHALL NOT APPROVE ANY APPLICATION FOR A LICENSE OR PERMIT INVOLVING PLACEMENT, ERECTION, OR CONSTRUCTION OF STRUCTURES AND OTHER BARRIERS WITHIN THE DEVELOPABLE WATERWAY AREAS AS DEFINED IN THIS TITLE THAT WOULD INTERFERE WITH NAVIGATION BETWEEN THE SHORELINE OF ANY PUBLIC PROPERTY OR EASEMENT AREA ESTABLISHED FOR THE BENEFIT OF THE PUBLIC AND THE HARBOR LINES, EITHER FIXED OR PROVISIONAL, AS SHOWN ON THE HARBOR LINE MAPS.

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

**Explanation:**

UPPERCASE indicates matter added to existing law.

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

Underlining indicates amendments.