

COUNTY COUNCIL

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OF

DORCHESTER COUNTY, MARYLAND

2003 Legislative Session,
Legislative Day No. May 6, 2003

Introduced By: Councilmen Nichols, Bramble and Yockey

BILL NO. 2003- 8

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND TO REPEAL AND REENACT CHAPTER 150 OF THE DORCHESTER COUNTY CODE, ENTITLED "WHARVES, DOCKS AND MARINAS" PROVIDING FOR CLARIFICATION REGARDING REGULATIONS CONCERNING PUBLIC WHARVES, DOCKS, PIERS AND HARBOR FACILITIES

Introduced, read first time, ordered posted on official bulletin board of County, County Office Building, 501 Court Lane, Cambridge, Maryland 21613.

Ordered publication for once a week for two successive weeks, and public hearing scheduled on Tuesday, May 20, 2003, Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:40 p.m.

By order: Jane Baynard
Jane Baynard, County Manager

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND TO REPEAL AND REENACT CHAPTER 150 OF THE DORCHESTER COUNTY CODE, ENTITLED "WHARVES, DOCKS AND MARINAS" PROVIDING FOR CLARIFICATION REGARDING REGULATIONS CONCERNING PUBLIC WHARVES, DOCKS, PIERS AND HARBOR FACILITIES

SECTION ONE: Acting under Article 25 A, Section 5(B) and Section 5(S) of the Annotated Code of Maryland (the "Acts") be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland, in legislative session, that Chapter 150 of the Dorchester County Code, entitled "Wharves, Docks & Marinas", be repealed and reenacted to read as follows:

CHAPTER 150: WHARVES, DOCKS, and MARINAS, CHAPTER 150, WHARVES, DOCKS, MARINAS, PIERS AND HARBOR FACILITIES, PUBLIC

- §150-1. Applicability.
- § 150-2. Authority.
- §150-3. Swimming.
- §150-4. Trash and garbage.
- §150-5. Boat Slip Leases.
- §150-6. Rates for Berths
- §150-6A. Permits and Fees for Seafood Buyers
- §150-7. Electrical Services.
- §150-8. Reassignment of berths.
- §150-9. Exclusive use of berths.
- §150-10. Identification of berths.
- §150-11. Bulkhead areas.
- §150-12. Revocation of permit.
- §150-13. Unauthorized use of berths.
- §150-14. Sunken vessels.
- §150-15. Pets.
- §150-16. Work Areas.
- §150-17. Parking space.
- §150-18. Delegation of Authority
- §150-19. Maintenance
- §150-20. Enforcement; Violations and Penalties.

§150-1. Applicability.

The following regulations shall apply to the use of and operation of all public wharves, public docks, public piers, public marinas and public harbor facilities in Dorchester County, Maryland under the jurisdiction of the county.

§150-2. Authority.

The County Council of Dorchester County, Maryland (herein "Council") shall be in charge of all county wharves, docks, piers, marinas, public harbor facilities and all boat ramps and marinas now or hereafter maintained by the county with full power and authority to enforce all regulations that are now or may hereafter be adopted by the Council.

§150-3. Swimming.

No person shall at any time swim in any county harbor or county marina.

§150-4. Trash and garbage.

No person, firm or corporation shall dump or dispose of trash, garbage, gas, oil, bilge or any other matter whatsoever in any public harbor area. All rubbish or trash shall be disposed of in receptacles provided for that purpose, if available, in and about the harbor area. No person or persons shall dump or dispose refuse, garbage or rubbish on or about any public harbor facility except in designated receptacles or bring garbage, refuse, or rubbish into or upon any public harbor facility and deposit it in dock trash receptacles unless said garbage, refuse or rubbish is accumulated during the normal usage of the public harbor facility by the permittee of a berth, under written lease with the Council, of a berth located at the public harbor facility. No household garbage or trash shall be deposited in or about any trash container located in the public harbor facility. The Dorchester County Sheriff's Department will be responsible for enforcing this subsection.

§150-5. Boat Slip Leases.

- A. No person, firm or corporation shall moor or tie any boat or vessel to any public wharf, dock, marina, or harbor facility unless he has first obtained a boat slip lease from the Council. Emergency docking situations will be considered by the County Council on a case-by-case basis.
- B. All boat slip leases for berths shall be issued by the Council. The boat slip lease shall be for a period from July 1 to June 30, year following, and may be renewed by the Council from year to year.
- C. No one, other than the owner of the boat or vessel, may apply for a boat slip lease.
- D. The application for a boat slip lease shall contain the name of the applicant, his address, telephone number, name or number of boat, size of boat and use to be made of the boat.
- E. Boat slip lease rentals and fees shall be at such annual rates as determined from time to time by the Council. All boat slip lease rentals and fees shall be paid in advance of the issuance of the boat slip lease and any renewals thereof.
- F. No individual, firm or corporation shall have a boat slip lease for more than one (1) berth unless additional boat slip leases are approved by the Council.
- G. In order for a lease to be accepted by the Council, a completed slip rental agreement and rental fees must be collected by the Dorchester County Finance Office.

§150-6. Rates for berths.

The charge for each boat slip shall be at annual rates as determined from time to time by the Council. Leases for less than a year shall be prorated on a monthly basis for the remaining months of the permit year, and said sum is to be paid upon the execution of the boat slip lease with the Council.

§150-6A. Permits and Fees for Seafood Buyers.

- A. No person, firm or corporation shall use any County wharf, dock, marina or harbor facility for the purpose of buying seafood products, including, but not limited to, oysters, crabs or fish unless he has first obtained a permit from the Council.
- B. All permits for seafood buyers shall be issued by the Council. The permit shall be for a period from July 1st to June 30th, year following, and may be renewed by the Council from year to year, provided that a written application for renewal thereof is made within thirty (30) days prior to the expiration of the existing term and upon payment of the fee for the permit.
- C. The application for a permit shall contain the name of the applicant, his address, telephone number and tag numbers for all trucks used to purchase seafood.
- D. Permit fees shall be at such annual rates as determined from time to time by the Council. All permit fees shall be paid in advance of the issuance of the permit and renewals thereof.
- E. Upon issuance of the permit the holder thereof or its employees shall be entitled to use any County wharf or dock for the purpose of purchasing seafood products from watermen.

§150-7. Electrical Services.

No person, firm or corporation may utilize the electrical services of the county at any public wharf, dock, marina or public harbor facility for any purpose except by special written consent of the Council or as may be provided for in the lease agreement with the Council. Costs associated with the provision of electrical services at county wharves, docks and marinas, shall be included in the Roads Department's budget. The Council shall bill slip holders, as a part of their annual billing for slip rent, for costs associated with the provision of electrical services.

§150-8. Reassignment of berths.

No person, firm or corporation shall have the right to assign or sublease a boat slip lease for a boat slip which has been granted unto said person, firm or corporation, except with special written permission of the Council.

§150-9. Exclusive use of berths.

The permit for a boat slip, when issued by the Council shall give the permittee the exclusive right to use of the boat slip for the period stated in the permit or lease for the same.

§150-10. Identification of berths.

Each boat slip shall have a number or letter attached to the left pile of the berth and the holder of the permit, and with the consent of the Council, may place his name on the berth pile. No other attachments will be permitted to the berth piles, except boat tie ropes, unless prior written approval therefor is obtained from the Council.

§150-11. Bulkhead areas.

The bulkhead areas of any public wharf or public harbor facility shall be kept clear and unobstructed for loading and unloading only and not for tie-ups or storage, except with written permission of the Council. If a public wharf or public harbor facility is obstructed for a period of time in excess of three (3) days the County Council will take appropriate action to notify the person responsible for the obstruction and, if the obstruction is not removed within five (5) days, the Dorchester County Sheriff's Department will take appropriate action to remove it. In the event that the County Council is unable to contact the person responsible for the obstruction, after fifteen (15) days the Dorchester County Sheriff's Department will remove the obstruction.

§150-12. Revocation of permit.

The Council shall have the right at any time to revoke any lease granted here under upon a finding by the Council against any such person, firm or corporation of any violation of the provisions of this Chapter.

§150-13. Unauthorized use of berths.

Any unauthorized use of any boat slip shall be a violation of this Chapter.

§150-14. Sunken vessels.

- A. The owner of any sunken vessel located within the waters of any public wharf, dock or public harbor or marina facility, shall, within five (5) days after the vessel was sunk, notify the Council that the vessel has sunk, and the owner of the sunken vessel shall raise and remove the sunken vessel within twenty-one (21) days of its sinking.
- B. If the owner of the sunken vessel shall fail to give the Council the required five-day notice set forth in Subsection A., then the Council shall mail a notice, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service or an authorized agent of the Council shall hand deliver a notice to the last known registered owner of the sunken vessel. The notice shall describe the sunken vessel and give the location where the vessel has sunk. The notice shall require the owner of the sunken vessel to raise and remove the sunken vessel within twenty-one (21) days from the day of the notice. Should the owner of the sunken vessel fail to raise and remove the sunken vessel within twenty-one (21) days after the date of notice, the owner of the sunken vessel shall be subject to the penalties provided for in this chapter.
- C. The Council may seek reimbursement for expenses associated with the raising of a sunken vessel from the last known registered owner of the sunken vessel.

§150-15. Pets.

The laws of the county pertaining to the maintaining of pets shall be applicable to all county-controlled harbor and marina areas.

§150-16. Work areas.

- A. Any lessee of a boat slip wishing to obtain permission for the use of any designated work area for repair and/or maintenance of the permittee's boat must first obtain written permission from the Council. Any use of any such work or repair area without prior written approval or any holding over of the use of any such repair area after receiving such approval shall be in violation of this Chapter.
- B. Any lessee or permit holder desiring to maintain, including cleaning and painting, seafood harvesting equipment on any county wharf shall first obtain written permission from the County Council.
- C. Personal property abandoned at County wharves, docks and marinas will immediately be removed by the Dorchester County Sheriff's Department. If the property is not claimed by

the owner within 30 days of the date on which it is removed, the property will be taken to the Dorchester County Landfill at Beulah for disposal.

§150-17. Parking space.

A lessee of a boat slip will be provided the use of one (1) parking space at the public harbor facility. The lessee shall at all times display his permit issued by the Council on his vehicle while parked at the public harbor facility.

§150-18. Delegation of Authority.

The Council may, from time to time, delegate administrative functions under this chapter to authorized agents.

§150-19. Maintenance.

The Dorchester County Highway Department shall maintain and repair all county wharves and docks including, but not limited to, grass cutting, trimming and blacktop repair.

§150-20. Enforcement; Violations and Penalties.

- A. The Dorchester County Sheriff shall enforce the provisions of this chapter.
- B. The Dorchester County Sheriff's Department may issue a warning to first time offenders who are accused of violating the provisions of these regulations.
- C. Any person, firm or corporation violating any of the provisions of these regulations shall be subject, upon conviction thereof before the District Court of Maryland for Dorchester County, to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and each day that the violation continues to exist shall be considered a separate offense.

SECTION THREE: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY that General Code Publishers is directed to codify new Chapter 150 in the Dorchester County Code accordingly.

SECTION FOUR: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY that this Bill shall be known as Bill No. 2003- 8 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

PASSED this 21st day of May, 2003.

ATTEST:

COUNTY COUNCIL OF DORCHESTER COUNTY

BY: Jane Baynard
Jane Baynard, County Manager

Effie M. Elzey
Effie M. Elzey, President

APPROVED this 21st day of May, 2003.

ATTEST:

COUNTY COUNCIL OF DORCHESTER COUNTY

BY: Jane Baynard
Jane Baynard, County Manager

Effie M. Elzey
Effie M. Elzey, President

Elzey aye
 Bramble aye
 Flowers aye
 Nichols aye
 Yockey aye

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