

FILED

COUNTY COUNCIL

OF

DORCHESTER COUNTY, MARYLAND

2010 MAR -5 AM 9:19

CIRCUIT COURT  
DORCHESTER COUNTY

2010 Legislative Session,  
Legislative Day 1, 2010

Introduced By: County Council

BILL NO. 2010 - 6

An Act of the County Council of Dorchester County, Maryland pursuant to the authority of Title 8, Subtitle 18, Section 8-1808 of the Annotated Code of Maryland by adding new Section 140-10.1 to Article III of Chapter 140 of the Dorchester County Code entitled "Subdivision Regulations" to provide that no permit, approval, variance or special exception for any property located within the Critical Area shall be issued unless the person seeking the permit, approval, variance, or special exception has fully paid all administrative, civil, and criminal penalties imposed for violations for the subject property within the Critical Area, and has prepared a restoration or mitigation plan approved by the County to abate impacts to water quality or natural resources as a result of the violation; and has performed the abatement measures in the approved plan in accordance with the County's Critical Area Program, under this Chapter.

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

Ordered publication for once a week for two (2) consecutive weeks, and public hearing scheduled on Tuesday, March 2, 2010, Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 7:10 P.M.

By order:

  
Jane Baynard, County Manager

**COUNTY COUNCIL  
OF  
DORCHESTER COUNTY, MARYLAND**

BILL NO. 2010 - 6

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO THE AUTHORITY OF TITLE 8, SUBTITLE 18, SECTION 8-1808 OF THE ANNOTATED CODE OF MARYLAND BY ADDING NEW SECTION 140-10.1 TO ARTICLE III OF CHAPTER 140 OF THE DORCHESTER COUNTY CODE ENTITLED "SUBDIVISION REGULATIONS" TO PROVIDE THAT NO PERMIT, APPROVAL, VARIANCE OR SPECIAL EXCEPTION FOR ANY PROPERTY LOCATED WITHIN THE CRITICAL AREA SHALL BE ISSUED UNLESS THE PERSON SEEKING THE PERMIT, APPROVAL, VARIANCE, OR SPECIAL EXCEPTION HAS FULLY PAID ALL ADMINISTRATIVE, CIVIL, AND CRIMINAL PENALTIES IMPOSED FOR VIOLATIONS FOR THE SUBJECT PROPERTY WITHIN THE CRITICAL AREA, AND HAS PREPARED A RESTORATION OR MITIGATION PLAN APPROVED BY THE COUNTY TO ABATE IMPACTS TO WATER QUALITY OR NATURAL RESOURCES AS A RESULT OF THE VIOLATION; AND HAS PERFORMED THE ABATEMENT MEASURES IN THE APPROVED PLAN IN ACCORDANCE WITH THE COUNTY'S CRITICAL AREA PROGRAM, UNDER THIS CHAPTER.

SECTION ONE: Acting under the authority of Title 8, Subtitle 18, Section 8-1808 of the Annotated Code of Maryland, (The "Act") be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that new Section 140-10.1 be added to Article III of Chapter 140 of the Dorchester County Code to read as follows:

**ARTICLE III**

**GENERAL REGULATIONS; PENALTIES**

**§140-10.1**

**Approvals within the Critical Area.** No approval, permit, variance or special exception for any property located within the Critical Area as regulated by this Chapter, shall be issued, unless the person seeking the permit, approval, variance, or special exception has:

- (1) Fully paid all administrative, civil, and criminal penalties imposed by this Chapter for violation for the subject property within the Critical Area; and
- (2) Prepared a restoration or mitigation plan, approved by the County to abate impacts to water quality or natural resources as a result of the violation for the subject property within the Critical Area; and
- (3) Performed the abatement measures in the approved plan in accordance with the County's Critical Area Program, for the subject property, under this Chapter; and
- (4) Satisfaction of all conditions specified under this section shall be a condition precedent to the issuance of any permit, approval, variance, or special exception for the affected property; and
- (5) Unless an extension of time is appropriate because of adverse planting conditions, within 90 days of the issuance of a permit, approval, variance, or special exception for the affected property, any additional mitigation required as a condition of approval for the permit, approval, variance, or special exception shall be completed.

**SECTION TWO:** BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND that General Code Publishers is directed to codify new Section 140-10.1 of Chapter 140 in the Dorchester County Code.

**SECTION THREE:** Be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that this Bill shall be known as Bill No. 2010- 6 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage, or upon the Critical Area Commission approval whichever is the later.

PASSED THIS 2nd DAY OF March, 2010.

ATTEST:

COUNTY COUNCIL OF  
DORCHESTER COUNTY,  
MARYLAND

BY: Jane Baynard  
Jane Baynard, County Manager

Jay L. Newcomb  
Jay L. Newcomb, President

APPROVED THIS 2nd DAY OF March, 2010.

ATTEST:

COUNTY COUNCIL OF  
DORCHESTER COUNTY,  
MARYLAND

BY: Jane Baynard  
Jane Baynard, County Manager

Jay L. Newcomb  
Jay L. Newcomb, President

NICHOLS - Aye

NEWCOMB - Aye

ELZEY - Absent

PRICE - Aye

TRAVERS - Aye

cd2:Jan.10  
140-10.1Code.Bill/bmk