

FILED

COUNTY COUNCIL

2012 SEP -6 AM 9:52

OF

CIRCUIT COURT
DORCHESTER COUNTY

DORCHESTER COUNTY, MARYLAND

2012 Legislative Session,
Legislative Day No. 8Introduced By: County CouncilBILL NO. 2012- 5

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO ARTICLE 25A, SECTION 5(S) OF THE ANNOTATED CODE OF MARYLAND REPEALING AND REENACTING SECTION 150-14 ENTITLED "SUNKEN VESSELS" OF CHAPTER 150 OF THE DORCHESTER COUNTY CODE PROVIDING THAT THE OWNER OF ANY SUNKEN VESSEL WITHIN THE WATERS OF ANY PUBLIC WHARF OR PUBLIC HARBOR OR PUBLIC MARINA SHALL REMOVE AND RAISE SUCH SUNKEN VESSEL AND UPON FAILURE TO DO SO, AUTHORIZES THE COUNTY TO REMOVE SUCH SUNKEN VESSEL AT THE COST AND EXPENSE OF THE OWNER OF THE SUNKEN VESSEL.

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

Ordered publication for once a week for two (2) successive weeks, and public hearing scheduled on Tuesday, September 4, 2012, Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:25 p.m.

By order:


 Jane Baynard, County Manager

Jun.12
DorCo.BILL/mlh

BILL NO. 2012- 5

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SECTION ONE: Acting under Article 25A 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the County Council of Dorchester County, Maryland that Section 150-14 of Chapter 150 of the Dorchester County Code be repealed and reenacted to read as follows:

§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 three 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 7 days of its sinking.

B. If the owner of the sunken vessel shall fail to notify Council that the vessel has sunk, as provided for in Subsection A, or should the owner of the sunken vessel fail to remove and raise the sunken vessel, as provided for in Subsection A, then Council shall have the right to raise and remove the sunken vessel as provided for in this section.

C. Should the owner of the sunken vessel fail to remove and raise the sunken vessel as provided for in Subsection A and Subsection B, 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:

1. describe the sunken vessel; and
2. give the location of the sunken vessel; and
3. warn and notify the owner of the sunken vessel that the Council, its duly authorized agents or contractors, shall raise and remove the sunken vessel, should the owner of the sunken vessel fail to do so; and
4. give the owner of the sunken vessel ten (10) days advance written notice of the date that Council, its agents or contractors, shall raise and remove the sunken vessel; and
5. advise the owner of the sunken vessel that such owner shall be liable to the Council for the costs of raising and removing of the sunken vessel; and
6. advise the owner of the sunken vessel that such owner shall be subject to the criminal penalties provided for in this Chapter.

D. The owner of the sunken vessel shall be liable to the Council for all costs and expenses relating to the raising and removal of the sunken vessel and such amount shall be collectable in the same manner as real estate taxes and said amount shall be a first lien on any real property owned by the owner of the sunken vessel located in Dorchester County, Maryland.

SECTION TWO: Be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that General Code Publishers is directed to codify amended Section 150-14 of Chapter 150 in the Dorchester County Code accordingly.

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. 2012- 5 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

PASSED this 4th day of September, 2012.

ATTEST:

COUNTY COUNCIL OF DORCHESTER
COUNTY, MARYLAND

BY: Jane Baynard
Jane Baynard, County Manager

BY: Jay L. Newcomb
Jay L. Newcomb, President

APPROVED this 4th day of September, 2012.

ATTEST:

COUNTY COUNCIL OF DORCHESTER
COUNTY, MARYLAND

BY: Jane Baynard
Jane Baynard, County Manager

BY: Jay L. Newcomb
Jay L. Newcomb, President

Nichols - ay
Newcomb - ay
Elzey Bradshaw ay
Price - ay
Travers - ay

BY:
Jun.12
DorCo.BILL2/mlh