

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2002 Legislative Session

Bill No. CB-30-2002

Chapter No. _____

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Shapiro, Bailey and Hendershot

Co-Sponsors _____

Date of Introduction April 30, 2002

BILL

1 AN ACT concerning

2 The Chesapeake Bay Critical Area

3 For the purpose of amending sections in Subtitles 4 and 5B of the Chesapeake Bay Critical Area
4 Program; deleting references from the Code and placing them in the Conservation Manual;
5 removing definitions and references to Conservation Agreements; and generally relating to the
6 Chesapeake Bay Critical Area Program.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 4. BUILDING.

9 Sections 4-111, 4-123, 4-262, 4-271,
10 4-276, 4-316, 4-317, 4-320 and 4-345,
11 The Prince George's County Code
12 (1999 Edition, 2001 Supplement).

13 BY repealing:

14 SUBTITLE 4. BUILDING.

15 Sections 5B-101, 5B-102, 5B-103,
16 5B-104, 5B-105 and 5B-106,
17 The Prince George's County Code
18 (1999 Edition, 2001 Supplement).

19 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
20 Maryland, that Sections 4-111, 4-123, 4-262, 4-271, 4-276, 4-316, 4-317, 4-320 and 4-345 of the
21 Prince George's County Code be and the same are hereby repealed and reenacted with the

1 following amendments:

2 **SUBTITLE 4. BUILDING.**

3 **DIVISION 1. BUILDING CODE.**

4 **Subdivision 2. Amendments to the BOCA Code.**

5 **Sec. 4-111. Same; Section 107.0, Application for Permit.**

6 (a) The following amendments, additions, and/or deletions are made to Section 107.0 of
7 the BOCA Code:

8 * * * * *

9 [(8) A new Subsection 107.10, titled "Chesapeake Bay Critical Area," is added to read
10 as follows:

11 (A) Where the property is located within a Chesapeake Bay Critical Area
12 Overlay Zone, a Conservation Plan and a Conservation Agreement prepared in accordance with
13 the Conservation Manual shall be submitted for approval and, wherever grading or construction
14 are proposed, shall include an approved technical erosion and sediment control plan and an
15 approved stormwater design plan. Where the Subdivision Review Committee has not reviewed
16 and the Planning Board has not approved the Conservation Plan and Conservation Agreement,
17 these shall be transmitted in accordance with the Conservation Manual to the Subdivision
18 Review Committee for its review and to the Planning Board for approval. The Planning Board
19 shall approve the Conservation Plan and Conservation Agreement prior to the issuance of a
20 building and/or grading permit, unless waived in accordance with the Conservation Manual.
21 Where an approved Conservation Plan and Conservation Agreement includes an approved
22 technical erosion and sediment control plan and stormwater design plan, the Building Official
23 shall ensure that permits issued are consistent with the approved Conservation Plan and
24 Conservation Agreement. If an approved Conservation Plan and Conservation Agreement do not
25 include a technical erosion and sediment control plan and a stormwater design plan, the
26 Conservation Plan and Conservation Agreement shall be revised to include these approved plans
27 prior to the issuance of a building or grading permit.

28 (i) Development of land which is the subject of a Detailed Site Plan
29 approved by the Planning Board between June 1, 1984, and January 15, 1988, does not require a
30 Conservation Plan prior to the issuance of grading and building permits. In these instances, the
31 Building Official shall only approve technical sediment and erosion control plans and stormwater

1 design plans which are consistent with the approved Detailed Site Plan. Other than minor
2 revisions, as defined in the Conservation Manual, deviations from the approved Detailed Site
3 Plan necessitate the approval of a Conservation Plan and Conservation Agreement.

4 (B) If an approved Conservation Plan and Conservation Agreement are required
5 prior to the issuance of a building or grading permit, then a copy of the fully executed
6 Conservation Agreement shall be recorded among the land records of Prince George's County
7 prior to the issuance of the applicable permit.

8 (C) No permit for building within a Chesapeake Bay Critical Area Overlay Zone
9 shall be issued until the applicant has posted a cash deposit or bond in the amount of Two
10 Hundred Dollars (\$200.00) plus forty cents (\$0.40) per square foot of the total area to be
11 disturbed, to guarantee and assure the implementation of the Conservation Plan and
12 Conservation Agreement. This cash deposit or bond shall be required for work performed in any
13 such Overlay Zone, regardless of the area of disturbance.

14 (D) In the event that the entire amount of the cash deposit or bond is expended
15 prior to the implementation of the Conservation Plan and Conservation Agreement, the applicant
16 is responsible for all additional monies required to fully implement the Conservation Plan and
17 Conservation Agreement. There is created a tax lien on the real property for monies expended
18 by the County for the implementation of the Conservation Plan and the Conservation Agreement.
19 Upon certification from the County Attorney that a tax lien has been created, the amount of such
20 lien shall be collected by the Director of Finance in the same manner as other County real estate
21 taxes.

22 (E) Where building occurs within a Chesapeake Bay Critical Area Overlay Zone
23 without, or in violation of, an approved permit, Conservation Agreement, or Conservation Plan,
24 the owner of the real property and/or the contractor shall be liable for a penalty of up to One
25 Dollar and twenty cents (\$1.20) per square foot for the area cleared, graded, and/or constructed,
26 and shall be subject to the mitigation requirements contained in the Conservation Manual.

27 (F) Minor revisions of an approved Conservation Plan are defined in the
28 Conservation Manual and may be made in accordance with the procedures set forth therein.]

1 **Sec. 4-123. Definitions; Section 202.0, General Definitions.**

2 (a) The following amendments, additions, and/or deletions are made to Section 202.0 of
3 the BOCA Code:

4 (1) The following definitions are inserted alphabetically into Section 202.0:

5 * * * * *

6 **[Conservation Agreement:** A formal agreement which commits a grading or
7 building permit applicant to the execution of various approved elements of a Conservation Plan,
8 including a stormwater management concept plan, an erosion and sedimentation concept plan, a
9 vegetation management plan, and other plans which may be required by the Department of
10 Environmental Resources or the Prince George's County Planning Board.]

11 * * * * *

12 **Sec. 4-262. Coastal and wetland floodplain regulations.**

13 (a) Any development and construction in the coastal and wetland floodplains which is
14 permitted pursuant to Section 4-260 of this Division, shall, in addition to all other requirements
15 of this Division, meet the requirements of this Section.

16 (b) The development shall be subject to the provisions of [this Code]the Conservation
17 Manual regulating development in the Chesapeake Bay Critical Areas.

18 * * * * *

19 **SUBTITLE 4. BUILDING.**

20 **DIVISION 3. GRADING, DRAINAGE, AND POLLUTION CONTROL.**

21 **Sec. 4-271. Definitions.**

22 (a) Wherever the following words are used in, or in conjunction with, the administration of
23 this Division, they shall have the meaning ascribed to them in this Section.

24 * * * * *

25 **[(13)Conservation Agreement.** A formal agreement which commits a grading or
26 building permit applicant to the execution of various approved elements of a Conservation Plan,
27 including a stormwater management concept plan, an erosion and sedimentation concept plan, a
28 vegetation management plan, and other plans which may be required by the Department of
29 Environmental Resources or the Prince George's County Planning Board.]

30 **[(14)](13) Conservation Manual.** The manual which describes how a Conservation
31 Plan is to be prepared in order to meet the requirements of the Chesapeake Bay Critical Area

1 program, and which is adopted by the District Council and revised and amended from time to
2 time by the District Council.

3 [(15)](14) **Conservation Plan.** A plan developed in accordance with the Conservation
4 Manual, which demonstrates how a project has been designed to meet the specific Chesapeake
5 Bay Critical Area criteria. The Conservation Plan consists of a stormwater management concept
6 plan, an erosion/sedimentation concept plan, a vegetation management plan, and such other plans
7 relating to environmental systems as may be required by the Washington Suburban Sanitary
8 Commission, the Maryland-National Capital Park and Planning Commission, the Prince
9 George's County Health Department, the Prince George's County Department of Environmental
10 Resources, or the Prince George's Soil Conservation District.

11 [(16)](15) **Control Measures.** Structural or nonstructural devices or practices, or a
12 combination thereof, which reduce pollutant discharges through control, treatment, prevention,
13 management, or monitoring measures or processes.

14 [(17)](16) **Cultivation.** Plowing, discing, harrowing, and tilling of existing farm field
15 for the production of crops and livestock.

16 [(18)](17) **Director.** The Director of the Department of Environmental Resources or
17 the Director's designee.

18 [(19)](18) **Discharge.** Any dumping, pumping, placement, storage, use, draining,
19 handling, washing, tracking, spilling, leaking, transportation, conveyance, or disposal practice or
20 any other mechanism which results in or may allow pollutants to enter onto land or within the
21 watercourses of the County.

22 [(20)](19) **Drainage.** Stormwater runoff, snow melt runoff, surface runoff, or ground
23 water flows.

24 [(20.1)](20) **Insignificant Drainage.** Surface drainage rates that do not exceed three
25 (3) cubic feet per second.

26 * * * * *

27 **Sec. 4-276. Contents of Grading/Site Development Plan.**

28 (a) In addition to the requirements and data listed in Section 107.0 of the BOCA Code as
29 amended by Section 4-111(a)(5) of this Code, plans and specifications accompanying the
30 grading and/or combined grading and building permit application shall meet the requirements
31 and show data as follows:

* * * * *

[(15) Where the property is located within a Chesapeake Bay Critical Area Overlay Zone, a Conservation Plan and a Conservation Agreement prepared in accordance with the Conservation Manual shall be submitted for approval and, wherever grading or construction are proposed, shall include an approved technical erosion and sediment control plan and an approved stormwater design plan. Where the Subdivision Review Committee has not reviewed and the Planning Board has not approved the Conservation Plan and Conservation Agreement, these shall be transmitted in accordance with the Conservation Manual to the Subdivision Review Committee for review and to the Planning Board for approval. The Planning Board shall approve the Conservation Plan and Conservation Agreement and any amendments thereof prior to the issuance of a grading permit, unless waived in accordance with the Conservation Manual. Where an approved Conservation Plan and Conservation Agreement includes an approved technical erosion and sediment control and a stormwater design plan, the Director shall ensure that permits issued are consistent with the approved Conservation Plan and Conservation Agreement. If an approved Conservation Plan and Conservation Agreement do not include a technical erosion and sediment control plan and a stormwater design plan, the Conservation Plan and Conservation Agreement shall be revised to include these plans prior to the issuance of a building or grading permit.

(A) Development of land which is the subject of a Detailed Site Plan approved by the Planning Board between June 1, 1984, and January 15, 1988, does not require a Conservation Plan prior to the issuance of grading and building permits. In these instances, the Director shall only approve technical sediment and erosion control plans and stormwater design plans which are consistent with the approved Detailed Site Plan. Other than minor revisions, as defined in the Conservation Manual, deviation from the approved Detailed Site Plan necessitates the approval of a Conservation Plan and Conservation Agreement.

(B) If an approved Conservation Plan and Conservation Agreement are required prior to the issuance of a grading permit, a fully executed Conservation Agreement shall be recorded among the land records of Prince George's County prior to the issuance of the applicable permit.

(C) No permit for grading within a Chesapeake Bay Critical Area Overlay Zone, except for commercial forestry, shall be issued until the applicant has posted a cash deposit or

1 bond in the amount of Two Hundred Dollars (\$200.00) plus forty cents (\$0.40) per square foot of
2 the total area to be disturbed to guarantee and assure the implementation of the Conservation
3 Plan and Conservation Agreement. This cash deposit or bond shall be required for any work
4 performed in a Chesapeake Bay Critical Area Overlay Zone, regardless of the area of
5 disturbance. In the event that the entire amount of the cash deposit or bond is expended prior to
6 the implementation of the Conservation Plan and Conservation Agreement, the applicant is
7 responsible for all additional monies required to fully implement the Conservation Plan and
8 Conservation Agreement. There is created a tax lien on the real property for monies expended
9 by the County for the implementation of the Conservation Plan and the Conservation Agreement.
10 Upon certification from the County Attorney that a tax lien has been created, the amount of such
11 lien shall be collected by the Director of Finance in the same manner as other County real estate
12 taxes.

13 (D) Where grading occurs within a Chesapeake Bay Critical Area Overlay Zone
14 without, or in violation of, an approved permit, Conservation Agreement, or Conservation Plan,
15 the owner of the real property and/or the contractor shall be liable for a penalty of up to One
16 Dollar twenty cents (\$1.20) per square foot for the area cleared, graded, and/or constructed, and
17 shall be subject to the mitigation requirements contained in the Conservation Manual.]

18 [(16)(15) A Tree Conservation Plan which has been prepared in accordance with the
19 provisions of the Prince George's County Woodland Conservation and Tree Preservation Policy
20 Document.

21 **DIVISION 4. STORMWATER MANAGEMENT.**

22 **SUBDIVISION 1. GENERAL PROVISIONS.**

23 **Sec. 4-316. Short title; purpose.**

24 * * * * *

25 (d) The provisions of this Ordinance and the Conservation Manual relating to the
26 development of land within the Chesapeake Bay Critical Area are adopted pursuant to the
27 Annotated Code of Maryland, Natural Resources Article, Section 8-1801, et seq., and shall apply
28 to all development within the Chesapeake Bay Critical Area Overlay Zones.

29 **Sec. 4-317. Definitions.**

30 (a) For purposes of this Division, the following terms, phrases, and words, and their
31 derivations, shall have the meaning given herein:

* * * * *

1
2 [(2) **Conservation Agreement** shall mean a formal agreement which commits a
3 grading or building permit applicant to the execution of various approved elements of a
4 Conservation Plan, including a stormwater management plan, an approved sediment and erosion
5 control plan, a vegetation management plan, and other plans which may be required by the
6 Department of Environmental Resources or the Prince George's County Planning Board.]

7 [(3)](2) **Conservation Manual** shall mean the manual which describes how a
8 Conservation Plan is to be prepared in order to meet the requirements of the Chesapeake Bay
9 Critical Area program, and which is adopted by the District Council and revised and amended
10 from time to time by the District Council.

11 [(4)](3) **Conservation Plan** shall mean a plan developed in accordance with the
12 Conservation Manual, which demonstrates how a project has been designed to meet the specific
13 Chesapeake Bay Critical Area criteria. The Conservation Plan consists of an approved
14 stormwater management concept plan, an approved and sediment and erosion control plan, a
15 vegetation management plan, and such other plans relating to environmental systems as may be
16 required by the Washington Suburban Sanitary Commission, the Maryland-National Capital Park
17 and Planning Commission, the Prince George's County Health Department, the Prince George's
18 County Department of Environmental Resources, or the Prince George's Soil Conservation
19 District.

20 [(5)](4) **County** shall mean Prince George's County, Maryland.

21 [(6)](5) **Department** shall mean the Department of Environmental Resources.

22 [(7)](6) **Detention structure** shall mean a permanent structure for the temporary
23 storage of runoff which is designed so as not to create a permanent pool of water.

24 [(8)](7) **Director** shall mean the Director of the Department of Environmental
25 Resources.

26 [(9)](8) **Infiltration** shall mean the passage or movement of water into the soil
27 subsurface.

28 [(10)](9) **Preliminary plat** shall mean the preliminary plat of subdivision submitted
29 pursuant to the County's Subdivision Regulations.

30 [(11)](10) **Retention structure** shall mean a permanent structure that provides for the
31 storage of runoff and is designed to maintain a permanent pool of water.

1 [(12)](11) **Stormwater concept plan** shall mean the overall proposal for a storm
 2 drainage system, including stormwater management structures, and supporting documentation as
 3 specified in the Stormwater Management Design Manual for all proposed developments.

4 [(13)](12) **Stormwater design plan** shall mean the set of drawings and other
 5 documents that comprise all of the information and specifications for the systems, structures,
 6 concepts, and techniques that will be used to control stormwater as required by the approved
 7 stormwater concept plan and the Stormwater Management Design Manual.

8 [(14)](13) **Stormwater management** shall mean the collection, conveyance, storage,
 9 treatment, and disposal of stormwater runoff in a manner to prevent accelerated channel erosion,
 10 increased flood damage, and/or degradation of water quality.

11 [(15)](14) **Stormwater Management Design Manual** shall mean the manual of
 12 design, performance, and review criteria for stormwater management practices, prepared under
 13 the direction of the County Executive and approved by the Maryland Department of Natural
 14 Resources, a copy of which is filed with the Clerk of the Council.

15 [(16)](15) **Subdivision** shall mean the division of a lot, tract, or parcel of land into two
 16 or more lots, plots, sites, tracts, parcels, or other divisions by plat or deed.

17 **Sec. 4-320. Exemptions from requirements.**

18 (a) Except as provided in Subsection (b), below, the following development activities are
 19 exempt from the provisions of this Division and the requirements of providing stormwater
 20 management:

- 21 (1) Agricultural land management activities;
- 22 (2) Additions or modifications to existing detached one-family dwellings;
- 23 (3) Developments that do not disturb more than five thousand (5,000) square feet of
 24 land area;
- 25 (4) Residential developments consisting of one-family dwellings each on a lot of two
 26 acres or more;
- 27 (5) Developments within the City of Bowie where the City has approved stormwater
 28 management plans for a development either on or off the development site, which control post
 29 development peak discharge rates for the two (2), ten (10), and one hundred (100) year storm
 30 events to predevelopment peak discharge rates; and

1 (6) Land development activities which the [Water Resources Administration]
 2 Maryland Department of the Environment determines will be regulated under specific State laws
 3 which provide for managing stormwater runoff.

4 (b) Where the property is located within a Chesapeake Bay Critical Area Overlay Zone,
 5 the development activities in Subsection (a), above, except for agricultural land management
 6 activities, shall comply with the stormwater management requirements of the Conservation
 7 Manual, and a Conservation Plan[and Conservation Agreement] shall be required relating to the
 8 stormwater management activities.

9 **Sec. 4-345. Requirements for Grading, Building Construction, Removal, etc., generally.**

10
 11 * * * * *

12 [(j) In the Chesapeake Bay Critical Area Overlay Zones, trees removed pursuant to an
 13 approved Conservation Plan and Conservation Agreement shall be replaced in accordance with
 14 the Conservation Manual by reforestation or afforestation, or a fee in lieu of reforestation or
 15 afforestation may be paid prior to the issuance of any permits pursuant to this Subtitle. All fees
 16 in lieu shall be maintained in a specially created fund under the administration of the Director,
 17 Department of Environmental Resources, and shall be used solely for reforestation or
 18 afforestation of land located in the Chesapeake Bay Critical Area Overlay Zones.]

19 [(k)](j) Permits applied for prior to July 1, 1992, for sanitary landfills and for clean earth
 20 fills, when not pursuant to an approved plan of development, shall be exempted from compliance
 21 with the provisions of Section 25-117 of this Code.

22 [(l)](k) No building permit shall be recommended for approval by the Planning Board or
 23 its authorized representative, or issued by the Department of Environmental Resources, for any
 24 building or structure in Prince George's County on a lot or parcel of land that is located within
 25 the area of an adopted and approved Area Master Plan which includes a Zoning Proposal that has
 26 been prepared pursuant to the provisions of Section 27-225.01, or a Sectional Map Amendment
 27 which has been transmitted by the Planning Board to the District Council pursuant to the
 28 provisions of Section 27-225, if the lot or parcel is in a Commercial or Industrial Zone, was
 29 proposed by the Planning Board for a less intense zone in which the proposed use is not
 30 permitted, is undeveloped, and has been in the same zone for more than ten (10) years, until final
 31 action on the Sectional Map Amendment by the District Council. This Subsection shall not
 32 apply to a lot or parcel of land for which a grading permit has been issued by Prince George's

1 County, sediment and erosion control devices have been installed by the permittee, and site
 2 grading activities have been initiated by the permittee.

3 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
 4 Maryland, that Sections 5B-101, 5B-102, 5B-103, 5B-104, 5B-105 and 5B-106, of the Prince
 5 George's County Code be and the same are by repealed:

6 **[DIVISION 1. AGRICULTURAL LAND MANAGEMENT.**

7 **SUBDIVISION 1. GENERAL PROVISIONS.]**

8 **[Sec. 5B-101. Short title; purpose.**

9 (a) The provisions of this Division shall constitute and be known as the "Agricultural
 10 Ordinance of Prince George's County, Maryland."

11 (b) The purpose of this Ordinance is to provide for the management of agricultural land so
 12 that nonpoint source pollution resulting from agricultural activities is minimized and natural
 13 habitats are conserved.

14 (c) All development and utilization of property located in a Chesapeake Bay Critical Area
 15 Overlay Zone shall be in accordance with the Conservation Manual and, where appropriate, in
 16 accordance with a Conservation Plan and Conservation Agreement.]

17 **[Sec. 5B-102. Definitions.**

18 (a) For the purpose of this Division, the following terms, phrases, and words and their
 19 derivations shall have the meaning given herein:

20 (1) **Agricultural Land.** Those lands which are assessed agricultural for tax
 21 purposes.

22 (2) **Agriculture.** All methods of production and management of livestock, crops,
 23 vegetation, and soil. This includes, but is not limited to, the related activities of tillage,
 24 fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the
 25 activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep,
 26 goats, hogs, horses, and poultry, and handling their by-products.

27 (3) **Best Management Practices.** Those conservation practices or systems of
 28 practices and management measures that control soil and nutrient loss and reduce water quality
 29 degradation caused by nutrients, animal waste, toxics, and sediment, including, but not limited
 30 to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds,
 31 minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application

1 measures.

2 (4) **Buffer.** A naturally vegetated area or vegetated area established or managed to
3 protect aquatic, wetland, shoreline, and terrestrial environments from disturbances. A primary
4 buffer represents the minimum buffer required in the Chesapeake Bay Critical Area and includes
5 the area within one hundred (100) feet of the mean high tide line and the area within one hundred
6 (100) feet of each side of the channel of tributary streams. A secondary buffer includes areas
7 contiguous to the primary buffer which are essential for the buffer to perform all of its integral
8 functions, including but not limited to, palustrine nontidal wetlands, steep and severe slopes in
9 excess of fifteen percent (15%), highly erodible soils, hydrologic soil (Group D) and the one
10 hundred (100) year floodplain. The primary and secondary buffers, combined, constitute the
11 "Buffer" in a Chesapeake Bay Critical Area Overlay Zone.

12 (5) **Chesapeake Bay Critical Area or Critical Area.** All waters of and lands under
13 the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands
14 maps; and all State and private wetlands designated under the Annotated Code of Maryland,
15 Natural Resources Article, Title 9; and all land and water areas within one thousand (1,000) feet
16 beyond the landward boundaries of State or private wetlands and heads of tides designated under
17 the Annotated Code of Maryland, Natural Resources Article, Title 9, as indicated on approved
18 Chesapeake Bay Critical Area Overlay Zoning Map Amendments.

19 (6) **Conservation Agreement.** A formal agreement which commits a grading or
20 building permit applicant to the execution of various approved elements of a Conservation Plan,
21 including a stormwater management concept plan, an erosion and sedimentation concept plan, a
22 vegetation management plan, and other plans which may be required by the Department of
23 Environmental Resources or the Prince George's County Planning Board.

24 (7) **Conservation Manual.** The manual which describes how a Conservation Plan is
25 to be prepared in order to meet the requirements of the Chesapeake Bay Critical Area program, and
26 which is adopted by the District Council and revised and amended from time to time by the District
27 Council.

28 (8) **Conservation Plan.** A plan developed in accordance with the Conservation
29 Manual, which demonstrates how a project has been designed to meet the specific Chesapeake
30 Bay Critical Area criteria. The Conservation Plan consists of a stormwater management concept
31 plan, an erosion and sedimentation concept plan, a vegetation management plan, and such other

1 plans relating to environmental systems as may be required by the Washington Suburban
 2 Sanitary Commission, the Maryland-National Capital Park and Planning Commission, the Prince
 3 George's County Health Department, the Prince George's County Department of Environmental
 4 Resources, or the Prince George's Soil Conservation District.

5 (9) "**K Value.**" The soil erodibility factor in the Universal Soil Loss Equation.

6 (10) **Mean High Water Line.** The average level of high tides at a given location.

7 (11) **Nontidal wetlands.** Those lands in the Chesapeake Bay Critical Area Overlay
 8 Zones, excluding tidal wetlands regulated under the Annotated Code of Maryland, Natural
 9 Resources Article, Title 9, where the water table is usually at or near the surface, or lands where
 10 the soil or substrate is covered by shallow water at some time during the growing season. These
 11 lands are usually characterized by one or both of the following:

12 (A) At least periodically, the lands support predominantly hydrophytic
 13 vegetation;

14 (B) The substrate is predominantly undrained hydric soils.

15 (12) **Prince George's Soil Conservation District.** One of twenty-four (24) soil
 16 conservation districts created pursuant to the Annotated Code of Maryland, Agricultural Article,
 17 Subtitle 3.

18 (13) **Soil Conservation and Water Quality Plan.** Land use plans for farms that assist
 19 farmers in making the best possible use of their soil and water resources, while protecting and
 20 conserving those resources for the future.

21 (14) **Streams.** Those perennial and intermittent streams in the Chesapeake Bay
 22 Critical Area Overlay Zones which are so noted on the most recent Maryland-National Capital
 23 Park and Planning Commission Topographic Survey Maps (scale: 1 inch = 200 feet at five-foot
 24 contour intervals).

25 (15) **Tributary streams.** Those perennial and intermittent streams in the Chesapeake
 26 Bay Critical Area Overlay Zones which are so noted on the most recent U. S. Geological Survey
 27 7 1/2 minute topographic quadrangle map (scale: 1 inch = 24,000 feet).]

28 **[SUBDIVISION 2. SOIL CONSERVATION AND WATER QUALITY PLANS.]**

29 **[Sec. 5B-103. Soil Conservation and Water Quality Plans.**

30 (a) Effective May 13, 1991, each owner of agricultural land in a Chesapeake Bay Critical
 31 Area Overlay Zone is required to have in place and be implementing a Soil Conservation and

1 Water Quality Plan approved by the Prince George's Soil Conservation District.

2 (b) The Prince George's Soil Conservation District shall review and renew Plans at a
3 maximum of five (5) year intervals.

4 (c) The Soil Conservation and Water Quality Plans shall:

5 (1) Require the implementation of a grassland and manure management program,
6 where appropriate;

7 (2) Require that farming activities, including the grazing of livestock, do not disturb
8 stream banks, tidal shorelines, or other Habitat Protection Areas, as described in the
9 Conservation Manual;

10 (3) Prohibit the feeding or watering of livestock within fifty (50) feet of the Mean
11 High Water Line of tidal water and tributary streams, or from the edge of tidal wetlands,
12 whichever is further inland; and

13 (4) Prohibit the clearing of existing natural vegetation in the Buffer, as described in
14 the Conservation Manual;

15 (5) Prohibit agricultural or other use, storage, or disposal of sludge within the Buffer,
16 as defined in Section 5B-102(a)(4).]

17 **[Sec. 5B-104. Vegetated filter strip.**

18 (a) Until such time as a Soil Conservation and Water Quality Plan is implemented to the
19 satisfaction of the Department of Environmental Resources, existing farms in the Chesapeake
20 Bay Critical Area Overlay Zones are required to maintain a minimum twenty-five (25) foot
21 vegetated filter strip landward from tidal waters, tidal wetlands, and streams (excluding drainage
22 ditches), or from the edge of tidal wetlands, whichever is further inland, and further provided
23 that:

24 (1) The filter strip shall be composed of either trees with a dense ground cover, or
25 other appropriate vegetation, and shall be so managed as to provide water quality benefits and
26 habitat protection. Noxious weeds, including Johnson grass, Canada thistle, and multiflora rose,
27 which occur in the filter strip, may be controlled by authorized means; and

28 (2) The filter strip shall be expanded by a distance of four (4) feet for every one
29 percent (1%) of slope, for slopes greater than six percent (6%).]

[SUBDIVISION 3. CREATION OF NEW FARMLAND.]

[Sec. 5B-105. Prohibitions.

(a) In a Chesapeake Bay Critical Area Overlay Zone, new farmland may not be created:

(1) By diking, draining, or filling of any class or subclass of wetlands, as described in the Code of Maryland Regulations ("COMAR") 14.15.09.02 and in the Conservation Manual, which have a seasonally flooded or wetter than seasonably flooded water regime, unless mitigation is accomplished as provided by COMAR 14.15.09.02; or

(2) By clearing of forests and woodland or soils with a slope of greater than fifteen percent (15%); or on soils with "K value" greater than thirty-five percent (35%) and a slope greater than five percent (5%); or

(3) In the vegetated Buffer as defined in Section 5B-102(a)(4) existing (as of May 13, 1986) landward from the Mean High Water Line of tidal waters, tributary streams, and tidal wetlands; or

(4) If the clearing adversely affects water quality or will destroy wildlife habitat, as defined in COMAR 14.15.09 and in the Conservation Manual.

(b) The prohibitions contained in this Subdivision shall be included on every Soil Conservation and Water Quality Plan filed.]

[SUBDIVISION 4. ENFORCEMENT AND PENALTIES.]

[Sec. 5B-106. Enforcement.

(a) The Prince George's Soil Conservation District shall provide documentation and periodic updates of approved Soil Conservation and Water Quality Plans in the Chesapeake Bay Critical Area Overlay Zones to the Director of the Department of Environmental Resources.

(b) The Director of the Department of Environmental Resources, or his authorized representative, shall have the authority to enter, at any reasonable hour, any building, structure, or premises to enforce and ensure compliance with this Ordinance.

(c) The assistance and cooperation of the police, fire, and health departments and all other officials shall be available, as required, to aid the Director of the Department of Environmental Resources in enforcing this Ordinance.]

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law, or when approved by the Chesapeake Bay Critical Area Commission, whichever is later.

Adopted this ____ day of _____, 2002.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Peter A. Shapiro
Chair

ATTEST:

Redis C. Floyd
Acting Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Wayne K. Curry
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.