

# HOUSE BILL 1224

L2, N1

2lr2484

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By: **Delegates Chisholm and Saab**

Introduced and read first time: February 11, 2022

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Restriction on Use – Construction of Private Piers**

3 FOR the purpose of prohibiting a certain restriction on use of real property in Anne Arundel  
4 County from prohibiting a riparian landowner to construct a private pier on the  
5 riparian landowner’s land if the riparian landowner obtains all public approvals  
6 required for the construction of the pier; and generally relating to real property in  
7 Anne Arundel County.

8 BY adding to

9 Article – Real Property

10 Section 2–126

11 Annotated Code of Maryland

12 (2015 Replacement Volume and 2021 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
14 That the Laws of Maryland read as follows:

15 **Article – Real Property**

16 **2–126.**

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

19 (2) “RIPARIAN LANDOWNER” MEANS A PROPERTY OWNER WHOSE  
20 LAND BORDERS ON TIDAL WETLANDS OR WATERS OF THE STATE.

21 (3) “PIER” HAS THE MEANING INDICATED IN § 18–1–101 OF ARTICLE  
22 18 OF THE ANNE ARUNDEL COUNTY CODE.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(4) "PRIVATE PIER" MEANS A PIER, PRIVATE AS DEFINED IN §**  
2 **18-1-101 OF ARTICLE 18 OF THE ANNE ARUNDEL COUNTY CODE.**

3           **(5) "RESTRICTION ON USE" INCLUDES ANY COVENANT,**  
4 **RESTRICTION, OR CONDITION CONTAINED IN:**

5                   **(I) A DEED;**

6                   **(II) A DECLARATION;**

7                   **(III) A CONTRACT;**

8                   **(IV) THE BYLAWS OR RULES OF A COMMUNITY OR**  
9 **NEIGHBORHOOD ASSOCIATION, A CONDOMINIUM, OR A HOMEOWNERS**  
10 **ASSOCIATION;**

11                   **(V) A SECURITY INSTRUMENT; OR**

12                   **(VI) ANY OTHER INSTRUMENT AFFECTING:**

13                           **1. THE TRANSFER OR SALE OF REAL PROPERTY; OR**

14                           **2. ANY OTHER INTEREST IN REAL PROPERTY.**

15           **(B) THIS SECTION APPLIES ONLY TO ANNE ARUNDEL COUNTY.**

16           **(C) A RESTRICTION ON USE REGARDING LAND USE THAT REQUIRES A**  
17 **RIPARIAN LANDOWNER TO OBTAIN WRITTEN PERMISSION FROM A COMMUNITY OR**  
18 **NEIGHBORHOOD ASSOCIATION, A CONDOMINIUM, OR A HOMEOWNERS ASSOCIATION**  
19 **BEFORE CONSTRUCTING A PIER MAY NOT BE ENFORCED TO PROHIBIT THE RIPARIAN**  
20 **LANDOWNER FROM CONSTRUCTING A PRIVATE PIER ON THE RIPARIAN**  
21 **LANDOWNER'S LAND, PROVIDED THAT THE RIPARIAN LANDOWNER OBTAINS ALL**  
22 **PUBLIC APPROVALS, INCLUDING ANY PERMITS, LICENSES, AND AUTHORIZATIONS,**  
23 **REQUIRED BY:**

24                   **(1) THE FEDERAL GOVERNMENT;**

25                   **(2) THE STATE; AND**

26                   **(3) ANNE ARUNDEL COUNTY.**

27           **(D) THIS SECTION DOES NOT APPLY TO A RESTRICTION ON USE ON HISTORIC**  
28 **PROPERTY THAT IS LISTED IN, OR DETERMINED BY THE DIRECTOR OF THE**

1 MARYLAND HISTORICAL TRUST TO BE ELIGIBLE FOR INCLUSION IN, THE  
2 MARYLAND REGISTER OF HISTORIC PROPERTIES.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2022.