

SENATE BILL 543

M3
SB 663/21 – EHE

3lr2302

By: **Senators Ellis and Guzzone**

Introduced and read first time: February 3, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Charles County – Cemeteries – Sediment Control, Stormwater Management, and**
3 **Forest Conservation**

4 FOR the purpose of exempting cemeteries located in Charles County from certain sediment
5 control, stormwater management, and forest conservation requirements; making
6 stylistic changes; and generally relating to cemeteries in Charles County.

7 BY repealing and reenacting, with amendments,

8 Article – Environment

9 Section 4–102 and 4–204(a)

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2022 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Natural Resources

14 Section 5–1602(a)

15 Annotated Code of Maryland

16 (2018 Replacement Volume and 2022 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Natural Resources

19 Section 5–1602(b)(12) and (13)

20 Annotated Code of Maryland

21 (2018 Replacement Volume and 2022 Supplement)

22 BY adding to

23 Article – Natural Resources

24 Section 5–1602(b)(14)

25 Annotated Code of Maryland

26 (2018 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Environment**

4 4–102.

5 (A) The provisions of this subtitle do not apply to agricultural land management
6 practices, construction of agricultural structures, **CEMETERIES LOCATED IN CHARLES**
7 **COUNTY**, or, except in Calvert County, to construction of single–family residences or their
8 accessory buildings that disturb an area of less than one–half acre and occur on lots of two
9 acres or more.

10 (B) Regardless of planning, zoning, or subdivision controls, a county or
11 municipality may not issue a permit for grading or construction of any building, other than
12 those matters exempted by the provisions of this section, unless the grading or construction
13 conforms with plans approved as provided in this subtitle.

14 4–204.

15 (a) (1) [After July 1, 1984,] **EXCEPT FOR LAND DEVELOPED FOR USE AS A**
16 **CEMETERY IN CHARLES COUNTY OR** unless **OTHERWISE** exempted, **AFTER JULY 1,**
17 **1984**, a person may not develop any land for residential, commercial, industrial, or
18 institutional use without submitting a stormwater management plan to the county or
19 municipality that has jurisdiction, and obtaining approval of the plan from the county or
20 municipality.

21 (2) A grading or building permit may not be issued for a property unless a
22 stormwater management plan has been approved that is consistent with this subtitle.

23 **Article – Natural Resources**

24 5–1602.

25 (a) Except as provided in subsection (b) of this section, this subtitle shall apply to
26 any public or private subdivision plan or application for a grading or sediment control
27 permit by any person, including a unit of State or local government on areas 40,000 square
28 feet or greater.

29 (b) The provisions of this subtitle do not apply to:

30 (12) Any stream restoration project for which the applicant for a grading or
31 sediment control permit has executed a binding maintenance agreement of at least 5 years
32 with the affected property owner; [and]

33 (13) Maintenance or retrofitting of a stormwater management structure

1 that may include clearing of vegetation or removal and trimming of trees, so long as the
2 maintenance or retrofitting is within the original limits of disturbance for construction of
3 the existing structure, or within any maintenance easement for access to the structure;
4 **AND**

5 **(14) THE DEVELOPMENT OF LAND FOR USE AS A CEMETERY IN**
6 **CHARLES COUNTY.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
8 1, 2023.