

Chapter 139

(House Bill 766)

AN ACT concerning

Environment – ~~Landscape Architects and Land Surveyors – Plan Certification~~ Severn River Watershed – Silt and Erosion Control – Certification

FOR the purpose of authorizing professional land surveyors and licensed landscape architects to certify silt and erosion control plans in the Severn River Watershed; ~~authorizing professional land surveyors and licensed landscape architects to certify certain site plans for certain purposes;~~ and generally relating to certification of silt and erosion control plans ~~and site plans~~ in the Severn River Watershed.

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–308 ~~and 9–206(b)(2)~~
Annotated Code of Maryland
(2007 Replacement Volume and ~~2010~~ 2012 Supplement)

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

Article – Environment

4–308.

(a) Anne Arundel County or the City of Annapolis may issue a grading or building permit within the Severn River Watershed only after the developer submits a plan of development approved by the soil conservation district. If the development plan contains any septic or private sewer facility, the Department of the Environment shall approve it only if the facility will not contribute in any way to pollution of the Severn River. The developer shall submit a certificate from a professional engineer, **A PROFESSIONAL LAND SURVEYOR, OR A LICENSED LANDSCAPE ARCHITECT** stating that the developer’s plan to control silt and erosion is adequate to contain the silt and erosion on the property covered by the plan. Also, the developer shall submit another certificate stating that any construction or development will be done according to the plan. A subdivision developer shall obtain approval of the plan at the time of approving and recording of the subdivision plat. In addition to any other penalty provided in this subtitle, if a developer violates his certificate, then every permit issued pursuant to the certificate is void.

(b) A State, county, or municipal road, building, or structure may not be constructed, relocated, or enlarged within the Severn River Watershed until plans have been submitted to and approved by the soil conservation district.

~~9-206.~~

~~(b) (2) Subsections (f) through (i) do not apply to an application for approval of a residential subdivision under § 9-512(c) of this title if:~~

~~(i) 1. By October 1, 2012, a submission for preliminary plan approval is made to a local jurisdiction that includes, at a minimum, the preliminary engineering, density, road network, lot layout, and existing features of the proposed site development;~~

~~2. By July 1, 2012, in a local jurisdiction that requires a soil percolation test before a submission for preliminary approval:~~

~~A. An application for a soil percolation test approval for all lots that will be included in the submission for preliminary approval is made to the local health department; and~~

~~B. Within 18 months after approval of the soil percolation tests for the lots that will be included in the submission for preliminary approval, a submission for preliminary approval is made to a local jurisdiction that includes, at a minimum, the preliminary engineering, density, road network, lot layout, and existing features of the proposed site development; or~~

~~3. By July 1, 2012, in a local jurisdiction that requires a soil percolation test before a submission for preliminary approval and the local jurisdiction does not accept applications for soil percolation tests year round:~~

~~A. Documentation that a Maryland professional engineer [or], A PROFESSIONAL LAND surveyor, OR A LICENSED LANDSCAPE ARCHITECT has prepared and certified under seal a site plan in anticipation of an application for soil percolation tests;~~

~~B. An application for a soil percolation test approval for all lots that will be included in the submission for preliminary approval is made to the local health department at the next available soil percolation test season; and~~

~~C. Within 18 months after approval of the soil percolation tests for the lots that will be included in the submission for preliminary approval, a submission for preliminary approval is made to a local jurisdiction that includes, at a minimum, the preliminary engineering, density, road network, lot layout, and existing features of the proposed site development; and~~

~~(ii) By October 1, 2016, the preliminary plan is approved.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

Approved by the Governor, April 9, 2013.