

encroachment on the 100 year floodplain of the nontidal Jones Falls, and which would place certain limitations on other construction in the floodplain; providing a certain exception; and requiring Baltimore City or Baltimore County to impose certain conditions on the issuance of a permit or approval to make certain renovations in the Jones Falls watershed.

BY repealing and reenacting, with amendments,

Article - Natural Resources
Section 8-9A-03(g)
Annotated Code of Maryland
(1974 Volume and 1982 Supplement)

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

Article - Natural Resources

8-9A-03.

(g) (1) Each subdivision shall implement the flood management plan for its watershed. If a subdivision so elects, the Department, in consultation with the subdivision, shall prepare the rules and regulations to implement the flood management plan. The subdivision shall adopt these rules and regulations. If a municipality elects, and the county agrees, the county, in consultation with the municipality, shall prepare the rules and regulations. If the county does not agree, the Department, in consultation with the municipality, shall prepare, if requested, the rules and regulations. The municipality shall adopt the rules and regulations prepared for it. Implementation of the flood management plans shall begin within one year after they are completed.

(2) (I) BALTIMORE CITY AND BALTIMORE COUNTY SHALL INCLUDE IN THE FLOOD MANAGEMENT PLAN FOR THE JONES FALLS WATERSHED AND ADOPT RULES AND REGULATIONS PROHIBITING ANY PERSON FROM ERECTING ANY NEW RESIDENTIAL STRUCTURE OR ANY SUBSTANTIAL RESIDENTIAL STRUCTURAL CHANGES WHICH WOULD CONSTITUTE ANY AMOUNT OF ENCROACHMENT INTO THE 100 YEAR FLOODPLAIN OF THE NONTIDAL JONES FALLS, AND REQUIRING ALL NEW NONRESIDENTIAL STRUCTURES OR IMPROVEMENTS, EXCEPT FLOOD CONTROL PROJECTS, TO BE ELEVATED ABOVE THE 100 YEAR FLOOD ELEVATION. HOWEVER, ~~THIS--PROHIBITION~~ THESE RESTRICTIONS MAY BE CONSTRUED NOT TO APPLY TO ANY PUBLIC WORKS PROJECT OF BALTIMORE CITY, BALTIMORE COUNTY, OR THE STATE;

(II) IN ISSUING ANY MANNER OF PERMIT OR APPROVAL TO ANY PERSON TO MODIFY OR RENOVATE ANY EXISTING STRUCTURE OR TO MODIFY THE USE OF ANY OPEN LAND AREA IN THE 100 YEAR FLOODPLAIN OF THE NONTIDAL JONES FALLS, BALTIMORE CITY, OR BALTIMORE COUNTY SHALL IMPOSE CONDITIONS TO REQUIRE THAT RISK OF INJURY TO PERSONS OR PROPERTY SHALL BE MINIMIZED TO THE GREATEST EXTENT PRACTICABLE.