

Article - Environment

§9-223.

(a) If a water supply system that serves the public or a sewerage system that serves the public is directly available to service any property on which there is a spring, well, cesspool, privy, sink drain, or private sewage disposal system that is or could become prejudicial to health or the environment, the Secretary may order that:

(1) The property be connected with the water supply system or sewage disposal system; and

(2) The spring, well, cesspool, privy, sink drain, or private sewage disposal system be abandoned in a condition that will prevent it from being used or harming health.

(b) If the Secretary determines that a proposed well, cesspool, privy, sink drain, or private sewage disposal system would be prejudicial to health, the Secretary may prevent construction of the well, cesspool, privy, sink drain, or private sewage disposal system.

(c) (1) This subsection does not apply to:

(i) The construction of a new dwelling; or

(ii) Any addition to or renovation of an existing dwelling.

(2) The Secretary shall allow the owner of a dwelling unit to install an on-site sewage disposal system for the dwelling unit if:

(i) The dwelling unit is owner-occupied;

(ii) The dwelling unit is legally situated on a property and legally occupied; and

(iii) The Secretary finds that the on-site sewage disposal system would be a reasonable solution to sewage problems on the property and would not be an undue risk to the environment or to public health, safety, or welfare.

(d) (1) A person may not build a privy in this State unless the privy will, in the judgment of the Secretary, prevent:

(i) The soil from coming in contact with any fecal matter; and

(ii) Flies from gaining access to any fecal matter.

(2) If the Secretary finds that a person has built a privy in violation of paragraph (1) of this subsection, the Secretary shall:

(i) Condemn the privy; and

(ii) Order any change sufficient to bring about compliance with paragraph (1) of this subsection.

(3) This section does not authorize the Secretary to prohibit a bona fide religious group from the free exercise of their religious beliefs by constructing a shallow well or a privy, if the well or privy:

(i) Is built in accordance with specified standards; and

(ii) Is not prejudicial to health or to the environment.