
By: **Prince George's County Delegation and Montgomery County Delegation**

Introduced and read first time: February 10, 2000
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission - Public Utility Construction -**
3 **Violations**
4 **PG/MC 2-00**

5 FOR the purpose of providing for a certain civil monetary fine for a violation of
6 certain rules and regulations governing public utility construction; authorizing
7 the Washington Suburban Sanitary Commission to adopt rules and regulations
8 on public utility construction; repealing certain criminal penalties for a violation
9 of certain public utility construction provisions; altering a certain definition;
10 and generally relating to the authority of the Washington Suburban Sanitary
11 Commission and public utility construction.

12 BY repealing and reenacting, with amendments,
13 Article 29 - Washington Suburban Sanitary District
14 Section 18-104(a) and (g) and 18-104.2(a) and (b)
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 1999 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article 29 - Washington Suburban Sanitary District
19 Section 18-104.2(c)
20 Annotated Code of Maryland
21 (1997 Replacement Volume and 1999 Supplement)

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

Article 29 - Washington Suburban Sanitary District

18-104.

(a) A person who violates any of the following provisions is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 30 days or both:

- (1) Construction of private or municipal systems..... § 3-103(a)(3).
- (2) Service connections § 3-104.
- (3) Control and disposition of surface waters §§ 3-202 through 3-207.
- (4) Bonds and anticipation notes..... §§ 4-101 through 4-112.
- (5) WSSC rules and regulations (except for those specified in subsections (f), (g), and (h) of this section)..... § 9-101.
- (6) [Public utilities construction..... § 10-104.
- (7)] Flood control and navigation bonds § 13-102.
- [(8)] (7) Tampering with WSSC system in Anne Arundel County..... § 14-103.
- [(9)] (8)Tampering with WSSC system in Howard County § 15-105.
- [(10)] (9) Unlawful use of WSSC property, except for the rules and regulations governing publicly owned watershed property..... § 18-101.
- [(11)] (10)..... Leaving dead animals or fecal matter unburied § 18-102.

(g) A person who violates any of the following provisions has committed a WSSC infraction and shall pay to the WSSC a civil monetary fine as provided in § 18-104.2 of this article:

- (1) Rules and regulations governing sewer cleaning § 3-301.
- (2) Rules and regulations governing plumbing § 8-101, § 8-102, § 8-103, § 9-101, § 14-102, or § 15-104.
- (3) Rules and regulations governing erosion and sediment control for utility construction § 9-101.
- (4) Rules and regulations governing gasfitting § 9-102.
- (5) RULES AND REGULATIONS GOVERNING PUBLIC UTILITY CONSTRUCTION..... § 10-104 OR § 10-105.

1 18-104.2.

2 (a) In this section the following words have the meanings indicated.

3 (1) "Enforcement official" means an employee of WSSC authorized by
4 WSSC to issue a citation for a WSSC infraction under this section.

5 (2) "Regulations" means the regulations of the Washington Suburban
6 Sanitary Commission governing:

7 (i) Erosion and sediment control for utility construction in Prince
8 George's and Montgomery Counties; [or]

9 (ii) Plumbing, gasfitting, and sewer cleaning in the Washington
10 Suburban Sanitary District ;OR

11 (III) PUBLIC UTILITY CONSTRUCTION IN THE SANITARY DISTRICT.

12 (3) "Repeated infraction" means a recurring violation of the same
13 provision of the regulations by the same person.

14 (4) "WSSC infraction" means a violation of the regulations.

15 (b) (1) The WSSC is authorized to adopt the regulations as follows:

16 (i) Regulations governing erosion and sediment control for utility
17 construction, under authority of § 9-101 of this article and § 4-105 of the
18 Environment Article, and after review and approval by the soil conservation districts
19 of Prince George's and Montgomery Counties and the Department of Natural
20 Resources;

21 (ii) Regulations governing sewer cleaning, under authority of §
22 3-301 of this article;

23 (iii) Regulations governing plumbing, under authority of §§ 8-104,
24 9-101, 14-102, and 15-104 of this article; [and]

25 (iv) Regulations governing gasfitting, under authority of § 9-102 of
26 this article; AND

27 (V) REGULATIONS GOVERNING PUBLIC UTILITY CONSTRUCTION,
28 UNDER AUTHORITY OF §§ 10-104 AND 10-105 OF THIS ARTICLE.

29 (2) The regulations shall be published as provided in § 9-101(b) of this
30 article.

31 (3) The sworn certificate of any member of the WSSC of the publication
32 under this section is prima facie evidence of publication.

33 (c) (1) Any person who violates any provision of the regulations is guilty of a
34 WSSC infraction, and, upon delivery of a citation by the WSSC under subsection

1 (d)(1) of this section, shall pay to WSSC a civil monetary fine in the amount set forth
2 in subsection (c)(3) of this section.

3 (2) Each day that a violation remains uncorrected is a separate WSSC
4 infraction subject to an additional citation and fine in the amount set forth in
5 subsection (c)(3) of this section.

6 (3) The civil monetary fine for a WSSC infraction under this section is
7 \$250.

8 (4) For a repeated infraction, the following fines apply:

9 (i) 2nd violation..... \$500;

10 (ii) 3rd violation.....\$750; and

11 (iii) Each violation in excess of 3..... \$1,000.

12 (5) (i) The date for payment of the fine may not be less than 10 or
13 more than 20 calendar days from the date of delivery of the citation.

14 (ii) The recipient of the citation may elect to pay the fine before the
15 due date stated on the citation.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2000.