

HOUSE BILL 536

M3
HB 1506/10 – ENV

11r0862

By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2011

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 4, 2011

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – ~~Septic~~ On-Site Sewage Disposal System and Well**
3 **Easements – Rural Zones**

4 **MC 17-11**

5 FOR the purpose of providing that, with certain exceptions, in Montgomery County a
6 ~~subdivision septic system or well~~ located in a certain rural zone may ~~be served~~
7 ~~by a septic system or a well located on a contiguous~~ serve a certain property
8 under certain easements under certain circumstances; establishing certain
9 exceptions; ~~clarifying that this Act does not authorize the creation of additional~~
10 ~~lots~~; defining a certain ~~terms~~ term; and generally relating to ~~septic~~ on-site
11 sewage disposal system and well easements in Montgomery County.

12 BY adding to

13 Article – Environment

14 Section 9-1110

15 Annotated Code of Maryland

16 (2007 Replacement Volume and 2010 Supplement)

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

19 **Article – Environment**

20 **9-1110.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) ~~(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE~~
 2 ~~MEANINGS INDICATED.~~

3 ~~(2) "RURAL SECTION, "RURAL ZONE" MEANS AN AREA OF~~
 4 ~~MONTGOMERY COUNTY DESIGNATED AS A RURAL ZONE, RURAL CLUSTER~~
 5 ~~ZONE, RURAL DENSITY TRANSFER ZONE, RURAL NEIGHBORHOOD CLUSTER~~
 6 ~~ZONE, OR RURAL SERVICE ZONE AS DESCRIBED IN THE MONTGOMERY COUNTY~~
 7 ~~CODE ZONING ORDINANCE.~~

8 ~~(3) "SUBDIVISION" HAS THE MEANING STATED IN § 9-501 OF THIS~~
 9 ~~TITLE.~~

10 (B) (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,
 11 IN MONTGOMERY COUNTY, A SUBDIVISION AN ON-SITE SEWAGE DISPOSAL
 12 SYSTEM OR WELL LOCATED IN A RURAL ZONE MAY BE SERVED BY:

13 ~~(1) A SEPTIC SYSTEM LOCATED ON A CONTIGUOUS PROPERTY~~
 14 ~~UNDER A SEPTIC SYSTEM EASEMENT; OR~~

15 ~~(2) A WELL LOCATED ON A CONTIGUOUS PROPERTY UNDER A~~
 16 ~~WELL EASEMENT MAY ONLY SERVE ONE ADDITIONAL LOT OR PARCEL THAT HAS~~
 17 ~~BEEN SUBDIVIDED FROM A SINGLE PROPERTY ON WHICH THE ON-SITE SEWAGE~~
 18 ~~DISPOSAL SYSTEM OR WELL IS LOCATED UNDER A SEPTIC SYSTEM EASEMENT~~
 19 ~~OR WELL EASEMENT, RESPECTIVELY, PROVIDED THAT:~~

20 (I) THE PROPERTY ON WHICH THE ON-SITE SEWAGE
 21 DISPOSAL SYSTEM OR WELL IS LOCATED DOES NOT HAVE AN EXISTING ON-SITE
 22 SEWAGE DISPOSAL SYSTEM EASEMENT OR WELL EASEMENT;

23 (II) THE SUBDIVISION OF THE PROPERTY WAS MADE IN
 24 ACCORDANCE WITH A STATE OR COUNTY AGRICULTURAL LAND CONSERVATION
 25 PROGRAM IF THE PROPERTY IS SUBJECT TO AN AGRICULTURAL LAND
 26 CONSERVATION EASEMENT; AND

27 (III) ONLY ONE ON-SITE SEWAGE DISPOSAL SYSTEM
 28 EASEMENT MAY SERVE ONLY ONE SUBDIVIDED LOT OR PARCEL.

29 (2) AN EASEMENT FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM
 30 OR WELL UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE A LOT-TO-LOT
 31 OR PARCEL-TO-PARCEL EASEMENT SO LONG AS BOTH LOTS OR PARCELS
 32 ORIGINATE FROM THE SAME PROPERTY.

1 (C) A SEPTIC SYSTEM OR WELL UNDER SUBSECTION ~~(B)~~ (B)(1) OF THIS
2 SECTION MAY NOT:

3 (1) SERVE LAND THAT IS DESIGNATED BY THE STATE OR THE
4 GOVERNING BODY OF MONTGOMERY COUNTY AS A SPECIAL PROTECTION AREA
5 OR GREEN INFRASTRUCTURE; OR

6 (2) DECREASE THE LAND AVAILABLE FOR AGRICULTURAL
7 PRODUCTION BY MORE THAN 4,000 SQUARE FEET.

8 ~~(D) THIS SECTION DOES NOT AUTHORIZE THE CREATION OF ANY~~
9 ~~ADDITIONAL LOTS.~~

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 ~~October~~ July 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.