

HOUSE BILL 723

M3, L6
HB 536/11 – ENV

2lr0469

By: **Montgomery County Delegation**
Introduced and read first time: February 8, 2012
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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

4 **MC 7–12**

5 FOR the purpose of providing that, with certain exceptions, in Montgomery County an
6 on-site sewage disposal system or well located in a certain rural zone may serve
7 a certain property under certain easements under certain circumstances;
8 establishing certain exceptions; defining a certain term; and generally relating
9 to on-site sewage disposal system and well easements in Montgomery County.

10 BY adding to
11 Article – Environment
12 Section 9–1110
13 Annotated Code of Maryland
14 (2007 Replacement Volume and 2011 Supplement)

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

17 **Article – Environment**

18 **9–1110.**

19 **(A) IN THIS SECTION, “RURAL ZONE” MEANS AN AREA OF**
20 **MONTGOMERY COUNTY DESIGNATED AS A RURAL ZONE, RURAL CLUSTER**
21 **ZONE, RURAL DENSITY TRANSFER ZONE, RURAL NEIGHBORHOOD CLUSTER**
22 **ZONE, OR RURAL SERVICE ZONE AS DESCRIBED IN THE MONTGOMERY COUNTY**
23 **CODE ZONING ORDINANCE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(B) (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,**
2 **IN MONTGOMERY COUNTY, AN ON-SITE SEWAGE DISPOSAL SYSTEM OR WELL**
3 **LOCATED IN A RURAL ZONE MAY ONLY SERVE ONE ADDITIONAL LOT OR PARCEL**
4 **THAT HAS BEEN SUBDIVIDED FROM A SINGLE PROPERTY ON WHICH THE**
5 **ON-SITE SEWAGE DISPOSAL SYSTEM OR WELL IS LOCATED UNDER AN ON-SITE**
6 **SEWAGE DISPOSAL SYSTEM EASEMENT OR WELL EASEMENT, RESPECTIVELY,**
7 **PROVIDED THAT:**

8 **(I) THE PROPERTY ON WHICH THE ON-SITE SEWAGE**
9 **DISPOSAL SYSTEM OR WELL IS LOCATED DOES NOT HAVE AN EXISTING ON-SITE**
10 **SEWAGE DISPOSAL SYSTEM EASEMENT OR WELL EASEMENT;**

11 **(II) THE SUBDIVISION OF THE PROPERTY WAS MADE IN**
12 **ACCORDANCE WITH A STATE OR COUNTY AGRICULTURAL LAND CONSERVATION**
13 **PROGRAM IF THE PROPERTY IS SUBJECT TO AN AGRICULTURAL LAND**
14 **CONSERVATION EASEMENT; AND**

15 **(III) ONLY ONE ON-SITE SEWAGE DISPOSAL SYSTEM**
16 **EASEMENT MAY SERVE ONLY ONE SUBDIVIDED LOT OR PARCEL.**

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

21 **(C) AN ON-SITE SEWAGE DISPOSAL SYSTEM OR WELL UNDER**
22 **SUBSECTION (B)(1) OF THIS SECTION MAY NOT:**

23 **(1) SERVE LAND THAT IS DESIGNATED BY THE STATE OR THE**
24 **GOVERNING BODY OF MONTGOMERY COUNTY AS A SPECIAL PROTECTION AREA**
25 **OR GREEN INFRASTRUCTURE; OR**

26 **(2) DECREASE THE LAND AVAILABLE FOR AGRICULTURAL**
27 **PRODUCTION BY MORE THAN 4,000 SQUARE FEET.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 July 1, 2012.