

Chapter 675

(House Bill 723)

AN ACT concerning

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

MC 7-12

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

BY adding to

Article – Environment

Section 9-1110

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

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

Article – Environment

9-1110.

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

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

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

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

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

(2) AN EASEMENT FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM OR WELL UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE ~~A LOT TO LOT OR PARCEL TO PARCEL EASEMENT SO LONG AS BOTH LOTS OR PARCELS ORIGINATE FROM THE SAME PROPERTY~~ GRANTED FROM THE ORIGINAL PARCEL TO A NEW LOT OR PARCEL BEING CREATED AND THE EASEMENT MUST NOT BE GRANTED TO ANY LOT OR PARCEL THAT DID NOT ORIGINATE FROM THE SAME ORIGINAL PARCEL.

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

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

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

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

Approved by the Governor, May 22, 2012.