

Bill No.: _____
Requested: _____
Committee: _____

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By: **Montgomery County Delegation**

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**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9-1110.

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

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

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

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

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

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

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

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

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

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