COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2013 Legislative Session, Legislative Day No. : March 26, 2013

Bill No.: 1235

Expiration Date: May 30, 2013

Introduced by: Mr. Bartlett, Mr. Duncan, Mr. Hollis, Mr. Pack

A BILL TO AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO INSPECT AND MAINTAIN ON-SITE SEWAGE DISPOSAL SYSTEMS INSTALLED IN TALBOT COUNTY THAT HAVE BEEN APPROVED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT ("MDE") AS BEST AVAILABLE TECHNOLOGY FOR REMOVAL OF NITROGEN, TO ESTABLISH A $250 FEE FOR SUCH INSPECTION AND MAINTENANCE SERVICES, SUBJECT TO CHANGE BY THE COUNTY COUNCIL FROM TIME TO TIME, TO ESTABLISH MINIMUM TIME FRAMES, STANDARDS, AND PROCEDURES FOR ENFORCEMENT, CIVIL PENALTIES FOR NON-COMPLIANCE, AND TO AUTHORIZE COLLECTION OF UNPAID FEES OR CIVIL PENALTIES THROUGH USE OF EXISTING PROCEDURES FOR THE SALE OF REAL PROPERTY FOR NON-PAYMENT OF REAL PROPERTY TAXES

By the Council: March 26, 2013

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, April 16, 2013 at 5:00 p.m. at the Bradley Meeting Room, Talbot County Court House, South Wing, 11 North Washington Street, Easton, Maryland 21601.

By Order Susan W. Moran

Susan W. Moran, Secretary

A BILL TO AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO INSPECT AND MAINTAIN ON-SITE SEWAGE DISPOSAL SYSTEMS INSTALLED IN TALBOT COUNTY THAT HAVE BEEN APPROVED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT ("MDE") AS BEST AVAILABLE TECHNOLOGY FOR REMOVAL OF NITROGEN, TO ESTABLISH REASONABLE FEES FOR SUCH INSPECTION AND MAINTENANCE SERVICES, TO ESTABLISH MINIMUM TIME FRAMES, STANDARDS, AND PROCEDURES FOR ENFORCEMENT, CIVIL PENALTIES FOR NON-COMPLIANCE, AND TO AUTHORIZE COLLECTION OF UNPAID FEES OR CIVIL PENALTIES THROUGH USE OF EXISTING PROCEDURES FOR THE SALE OF REAL PROPERTY FOR NON-PAYMENT OF REAL PROPERTY TAXES

KEY

Boldface..... Heading or defined term

Normal font.....Added to existing law by original Bill

Underlining..... Added to Bill by amendment

~~Strikethrough~~..... Deleted from bill by amendment

* * *.....Existing law unaffected

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that Talbot County Code Chapter 119, "Public Health" is hereby amended to include "Article II" entitled "Inspection and Maintenance of On-Site Sewage Disposal Systems using Best Available Technology for Removal of Nitrogen" as follows

Chapter 119, Article II
Inspection and Maintenance of BAT On-Site Sewage Disposal Systems

§ 119-1. Definitions

"BAT System" – means an on-site sewage disposal system that has been approved by the Maryland Department of the Environment as the best available technology for removing nitrogen.

"Department" – means the Talbot County Department of Public Works.

§ 119-2. Inspection and maintenance

7 The Department shall inspect and maintain BAT Systems installed in Talbot County
8 according to an inspection and maintenance schedule approved by the Department, but not
9 less frequently than annually or the system manufacturer's recommendations, whichever is
10 less.

11 **§ 119-3. Fees**

12 The County shall bill owners of the property served by the BAT System on an annual basis,
13 commencing July 1, 2013, for inspection and maintenance services provided by the
14 Department at a rate or rates established from time to time by the County Council.

15 **§ 119-4. Lien and collection**

16 A. All unpaid fees for inspection and maintenance services provided by the Department
17 shall be first liens on the real property served by the BAT System, until paid.
18 B. The cost for the services performed by the Department under the provisions of this
19 chapter shall be levied and collected from the owner of the property in the same manner
20 as County real property taxes and shall have the same priority rights, bear the same
21 interest and penalties, and in every respect be treated as County real property taxes. The
22 interest rate charged to the property owner shall be at the maximum legal rate.

23 **§ 119-5. Right of entry**

24 The Department and its agents shall have the right to enter real property on which a BAT
25 System is installed, or which a BAT System serves, to inspect or maintain the BAT System
26 in accordance with the provisions of this Chapter.
27 A. The Department shall give not less than 48 hours advance written notice of the time and
28 date for the inspection and maintenance of the BAT System.

29 B. Provided the Department has complied with the notice requirements set forth in
30 Paragraph A., above, it shall be unlawful for any person to deny or refuse access to any
31 real property served by a BAT System or on which a BAT System is installed, or to
32 interfere with an authorized agent or employee of the Department in the performance of
33 the inspection or maintenance services required by this Chapter.
34 C. Any person who violates the provisions of Paragraph B., above, shall be subject to the
35 provisions of Chapter 58, Talbot County Code.

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SECTION TWO: BE IT FURTHER ENACTED, that the fee for inspection and maintenance services for Fiscal Year 2014 commencing July 1, 2013, shall be $250 per annum.

SECTION THREE: BE IT FURTHER ENACTED, that the title and a summary of this Bill shall be published once on the first publication date after enactment of the Bill in accordance with County Charter § 213 (c). The title is not a substantive part of this Bill. If the Bill is amended, the title may be administratively revised if required to conform the title to the content of the Bill as finally enacted.

SECTION FOUR: AND BE IT FURTHER ENACTED, That if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

SECTION FIVE: AND BE IT FURTHER ENACTED, that the Publishers of the Talbot County Code or the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, shall make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation to the Code that is incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION SIX: AND BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. _____ having been published, a public hearing was held on _____.

BY THE COUNCIL

Read the third time.

ENACTED _____

By Order _____
Susan W. Moran, Secretary

Bartlett -

Hollis -

Pack -

Price -

Duncan -

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