

COUNTY ORDINANCE NO. 08-09

A BILL ENTITLED

AN ACT CONCERNING Mandatory Pump-Out of On-Site Septic Systems;

FOR THE PURPOSE of requiring that all on-site sewage treatment systems be pumped out at least once every five (5) years; providing for inspection in lieu of sewer pump-out; providing for documentation of such pump-out; and providing penalties for non-compliance.

BY ADDING Section 24-166 to the Code of Public Local Laws of Queen Anne's County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that a new Section 24-166 be added to Chapter 24 of the Code of Public Local Laws of Queen Anne's County, Maryland to read as follows:

§24-166. Mandatory septic tank pump-out.

A. In general. Every on-site sewage treatment system in Queen Anne's County (except holding tanks and those systems capable of biological nutrient removal which are subject to a valid contractual agreement providing maintenance therefore) shall be pumped out at least once every five (5) years. In lieu of such pump-out, the owner or owners of an on-site sewage treatment system may submit documentation to the County Department of Finance, certified by a liquid waste hauler licensed by the Queen Anne's County Department of Environmental Health, that based on an internal measurement of the solids in the tank, such solids are less than one-third of effluent height as measured by such liquid waste hauler and that the on-site sewage treatment system is in good repair and functioning as originally designed.

B. Notification and Phase-In of Effective Date. Within six (6) months of the effective date of this Ordinance and annually thereafter the Queen Anne's County Department of Finance shall notify all owners of property with on-site sewage treatment systems of the requirements of this Section. On the initial notification, approximately one-fifth of such owners shall be notified that within five (5) years of such notice and every five year period thereafter, the owner of a septic system covered by these provisions shall provide the Department of Finance with documentation of pump-out of the tank or a certification in lieu

of pump-out as described in the preceding paragraph. In each of the succeeding four years, one-fifth of all owners shall receive a similar notification until all such owners have received notification hereunder. Thereafter, the Department of Finance shall establish procedures for continued notification and monitoring of the requirements of this Section so that approximately one-fifth of all owners of property with on-site sewage treatment systems subject to these provisions are notified each year of the requirements of this Section and so that all on-site sewage treatment systems subject to these requirements are pumped out every five (5) years. The Department of Finance shall also establish procedures for notifying new purchasers and persons installing new on-site sewage treatment systems of these requirements.

C. Costs of Administration. In order to defray the costs of administering and monitoring compliance with the provisions of this Section, the County Commissioners of Queen Anne's County may, by resolution, impose an assessment against each property in Queen Anne's County with an on-site sewage treatment system. Such assessment shall be a lien against the property so assessed and shall be collectible in the same manner as County property taxes.

D. Enforcement. (1) If the owner of an on-site sewage treatment system shall fail to comply with the requirements of this Section 24-166, the Department of Finance shall notify the owner of such non-compliance by certified mail, return receipt requested, sent to the owner's address as listed in the tax and assessment records of Queen Anne's County, Maryland. If such violation is not corrected within thirty (30) days of the mailing of such notice, the owner or owners of the property shall be guilty of a civil infraction and subject to a fine not exceeding \$500.00 for a first offense and not exceeding \$1,000.00 for a second or subsequent offense.

(2) The County Commissioners shall designate one or more persons or officials to enforce this Section.

(3) Civil citations issued hereunder shall be in a form designated by the District Court of Maryland and shall contain a pre-set fine of \$250.00 for a first offense and \$500.00 for a second or subsequent offense involving both the same owner or owners and the same property.

(4) Civil citations hereunder shall be governed by and prosecuted as civil infraction under Section 13C of Article 25B of the Annotated Code of Maryland.

(5) All penalties, fines and forfeiture collected by the District Court of Maryland for violations of this Section shall be remitted to the Queen Anne's County Department of Finance and deposited in the general funds of Queen Anne's County.

SECTION II

BE IT FURTHER ENACTED that this Act shall take effect on the forty-sixth (46th) day following its enactment.

INTRODUCED BY: Commissioner Wargotz

CO-SPONSORED BY: Commissioners Fordonski, Gunther and Ransom

DATE: April 8, 2008

PUBLIC HEARING HELD: April 22, 2008 @ 7:00 p.m.

VOTE: 4 Yea 1 Nay Commissioner Billups Opposed

DATE OF ADOPTION: April 22, 2008

DATE EFFECTIVE: June 7, 2008

FISCAL IMPACT NOTE

**Legislation No:** 0-08-09                      **Hearing Date:** 4-22-08  
**Date Introduced:** 4-15-08                      **Note Date:** 4-21-08

**Legislation Title:** Mandatory Pump-Out of On-Site Septic Systems  
**Description:**

The purpose of this legislation is to require that all on-site sewage treatment systems be pumped out at least once every five years, providing for inspection in lieu of such pump-out, and providing penalties for non-compliance.

**Analysis of Fiscal Impact:**

Fiscal impact resulting from this legislation would be a possible increase in revenues from penalties, and increased expenditures relating to the monitoring and enforcement of the program, but the amount of impact cannot be determined at this time.