

Introduced	<u>January 4, 2021</u>
Public Hearing	<u>January 19, 2021</u>
Council Action	<u>February 3, 2021</u>
Executive Action	<u>February 4, 2021</u>
Effective Date	<u>April 6, 2021</u>

County Council of Howard County, Maryland

2021 Legislative Session

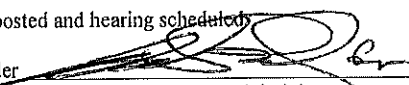
Legislative Day No. 1

Bill No. 9 -2021


Introduced by: David Yungmann

AN ACT to repeal a prohibition against the installation of certain multiuse sewerage systems; and generally relating to private sewer systems.

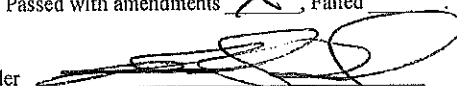
Introduced and read first time January 4, 2021. Ordered posted and hearing scheduled.

By order 
Diane Schwartz Jones, Administrator

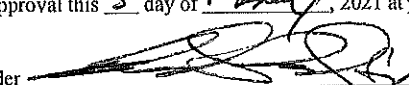
Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on January 19, 2021.

By order 
Diane Schwartz Jones, Administrator


This Bill was read the third time on February 3, 2021 and Passed , Passed with amendments , Failed

By order 
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 3rd day of February, 2021 at 4¹⁰ a.m. (P.D.)

By order 
Diane Schwartz Jones, Administrator

Approved by the County Executive February 4, 2021


Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 Whereas, by passage of CB 31-2019, single family semi-detached age restricted adult housing
2 became a conditional use in the RC and RR Zoning Districts; and

3
4 Whereas multi-used residential sewerage systems are appropriate for single family semi-
5 detached age restricted housing developments in which the septic treatment and reserve areas are
6 located on land that is under common ownership and subject to the provisions of Howard County
7 Code Title 18, Subtitle 15.

8 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard County*
9 *Code is amended as follows:*

10 *By amending:*

11 *Title 12 – Health and Social Services.*

12 *Subtitle 12 – Health Code.*

13 *Section 12.106 On-site sewage disposal; public swimming pools*
14 *and spas.*

15
16 **Title 12 – Health and Social Services.**

17 **Subtitle 12 – Health Code.**

18
19 **Sec. 12.106. - On-site sewage disposal; public swimming pools and spas.**

20 (a) On-Site Sewage Disposal:

21 ~~H~~(4) Multi-used sewerage systems.

22 (i) “Multi-used sewerage system” means a “multiuse sewerage system” as defined in
23 § 9-501 of the Environment Article of the Maryland Code. and a “multi-used sewerage system” as
24 defined in 26.03.01.01 of the Code of Maryland Regulations.

25 ~~[[~~ (ii) A person may not install a multi-used sewerage system for a project that contains
26 residential units of any kind.

27 (iii) Notwithstanding subparagraph (ii) of this paragraph, a A multi-used sewerage
28 system may be installed if the County Health Department determines that extraordinary circumstances
29 exist necessitating the use of a multi-used sewerage system to protect the public health. ~~]]~~

- 1 (iv) A multi-used sewerage system:
2 1. is subject to regulation under Title 18 of the Howard County Code; and
3 2. shall provide at least 10,000 square feet of subsurface disposal area for each
4 750 gallons of design flow for wastewater.

5 [[(v) To carry out this paragraph (4) of this subsection, the County Board of Health
6 may adopt regulations.]]
7

8 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act*
9 *shall become effective 61 days after its enactment.*
10

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 1

Bill No. 9 -2021

Introduced by: David Yungmann

AN ACT to repeal a prohibition against the installation of certain multiuse sewerage systems; and generally relating to private sewer systems.

Introduced and read first time _____, 2021. Ordered posted and hearing scheduled.

By order _____
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2021.

By order _____
Diane Schwartz Jones, Administrator

This Bill was read the third time on _____, 2021 and Passed _____, Passed with amendments _____, Failed _____.

By order _____
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2021 at ___ a.m./p.m.

By order _____
Diane Schwartz Jones, Administrator

Approved by the County Executive _____, 2021

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

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2 **Code is amended as follows:**

3 *By amending:*

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16 § 9-501 of the Environment Article of the Maryland Code. and a “multi-used sewerage system” as
17 defined in 26.03.01.01 of the Code of Maryland Regulations.

18 (ii) A person may not install a multi-used sewerage system for a project that contains
19 residential units of any kind.

20 (iii) Notwithstanding subparagraph (ii) of this paragraph, a A multi-used sewerage
21 system may be installed if the County Health Department determines that extraordinary circumstances
22 exist necessitating the use of a multi-used sewerage system to protect the public health.

23 (iv) A multi-used sewerage system:

- 24 1. is subject to regulation under Title 18 of the Howard County Code; and
25 2. shall provide at least 10,000 square feet of subsurface disposal area for each
26 750 gallons of design flow for wastewater.

27 (v) To carry out this paragraph (4) of this subsection, the County Board of Health
28 may adopt regulations.]]

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1 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act*
2 *shall become effective 61 days after its enactment.*
3

Amendment 1 to Council Bill No. 9-2021

BY: David Yungmann

Legislative Day No. 3

Date: February 1, 2021

Amendment No. 1

(This Amendment adds text to clarify the intent of eliminating the prohibition on residential uses on multi-use residential sewerage systems and retains a definition and standard.)

1 On page 2, line 1, Before "Section 1." Insert the following:

2

3 'Whereas, by passage of CB 31-2019, single family semi-detached age restricted adult housing
4 became a conditional use in the RC and RR Zoning Districts; and

5

6 Whereas multi-used residential sewerage systems are appropriate for single family semi-
7 detached age restricted housing developments in which the septic treatment and reserve areas are
8 located on land that is under common ownership and subject to the provisions of Howard County
9 Code Title 18, Subtitle 15."

10

11 On page 2, in line 14, delete "[[".

12

13 On page 2, in line 18, insert "[[" Before "(ii)".

14

15 On page 2, in line 22, insert "]" after "health."

16


17 On page 2, in line 27, insert "[[" before "(v) "

18

19

20 Renumber all sections and lines in the ordinance accordingly.

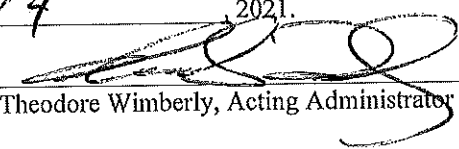
21

ADOPTED 2/3/21
FAILED _____
SIGNATURE 

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on

February 4, 2021.


Theodore Wimberly, Acting Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2021.

Theodore Wimberly, Acting Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2021.

Theodore Wimberly, Acting Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2021.

Theodore Wimberly, Acting Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2021.

Theodore Wimberly, Acting Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2021.

Theodore Wimberly, Acting Administrator to the County Council

Amendment 1 to Council Bill No. 9-2021

BY: David Yungmann

Legislative Day No. 3

Date: February 1, 2021

Amendment No. 1

(This Amendment adds text to clarify the intent of eliminating the prohibition on residential uses on multi-use residential sewerage systems and retains a definition and standard.)

1 On page 2, line 1, Before "Section 1." Insert the following:

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3 'Whereas, by passage of CB 31-2019, single family semi-detached age restricted adult housing
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20 Renumber all sections and lines in the ordinance accordingly.

21

Office of the County Auditor
Auditor's Analysis

Council Bill No. 9-2021
Introduced: January 4, 2021
Auditor: Michael Martin

Fiscal Impact:

The fiscal impact of this legislation cannot be determined at this time.

According to the Department of Public Works (DPW), there is a proposal to develop 28 duplexes utilizing a multi-used sewerage system (MSS). Should this legislation not pass, these units will not be developed resulting in the following forgone revenues and offsetting expenditures:

- Annual general fund revenues from property and income taxes
- Annual non-general fund revenues from fire taxes and ad valorem charges
- One-time revenues from transfer taxes, recordation fees, school surcharges, and road excise taxes
- Annual pupil costs from increased student enrollment
- Other costs associated with residential development

Any revenues and expenditures associated with the development may also be affected or delayed by the issues noted in Other Comments.

The Department of Public Works has stated it has no basis or historical data to provide cost or revenue estimates for this type of system. Furthermore, it is unable to provide projections of whether the required duties of an MSS can be performed within current capacity levels.

The number of County-approved MSS would dictate whether additional resources would be required. Related sewerage fees would be incurred by the developers and/or users of the systems and not the County, according to DPW.

Purpose:

This legislation would repeal a prohibition against the installation of certain multi-used sewerage systems in the County.

Other Comments:

According to the Office of Law; *“Although the prohibition on multi-used sewerage systems may be removed, as the proposed bill does, it is not clear to us how one of these systems could get approved since the relevant provisions in Title 18 no longer conform to state law.”*

According to the Administration, once installed and operational, the County will not be responsible for the system. However, the Office of Law indicated this interpretation is not consistent with State Law. According to Maryland Code, Environment Article §9-1110(a)(3), a government entity shall be the owner and “controlling authority” of an MSS.

Defined in Section 18.501 of the County Code, an MSS is not a shared septic system. A multi-used sewerage system is defined as a single system serving only one parcel of land whereas as Section 18.201 defines a shared system as one system that serves multiple residential lots.