

of violation is not complied with within the time set forth in the notice, the approving authority may request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct, or abate the violation, to require the removal or termination of the violation, and to criminally prosecute the permit holder.

(5) *Penalties.*

(i) *Criminal Penalties.* A person, firm or corporation, or other entity which individually, collectively, or through others, constructs, erects, alters, or repairs any work in violation of any provision of this subtitle is guilty of a misdemeanor and, upon conviction, is subject to a fine, not exceeding \$1,000, or imprisonment, not exceeding 30 days, or both.

(ii) *Civil Penalties.* Alternatively, and in addition to and concurrent with all other remedies at law or in equity, the approving authority may enforce the provisions of this subtitle with civil penalties, as provided in Title 24, "Civil Penalties," of the Howard County Code, as follows:

- a. For any vehicle found to be operating in Howard County without a current valid sewage scavenger permit as required by section 3.804 of this subtitle, a first violation is a Class E offense and a subsequent violation is a Class C offense;
- b. A first violation of any other provision of this subtitle is a Class C offense and a subsequent violation is a class a offense; and
- c. Each day that a violation continues is a separate offense.

(d) *Appeals.* Any person aggrieved by a decision relating to a permit that is based on a provision of this subtitle that is more strict than a

COMAR requirement may appeal to Board of Health in accordance with the provisions of 12.110(f) of this Code.

(Ord. No. 81, 2006, § 1)

Sec. 3.822. COMAR regulations.

This subtitle shall not be construed to repeal or affect any powers of the State of Maryland State Department of the Environment under the provisions of the health-environment article of the Annotated Code of Maryland or COMAR.

(Ord. No. 81, 2006, § 1)

Sec. 3.823. Severability.

If any part of this subtitle is held invalid, the invalidity shall not affect the other parts.

(Ord. No. 81, 2006, § 1)

SUBTITLE 9. INDIVIDUAL POTABLE WATER SUPPLY SYSTEMS.

Sec. 3.900. Definitions.

Terms used in this subtitle have the meanings indicated.

(a) *Approving Authority.* The Health Officer for Howard County or the Health Officer's designee.

(b) *Individual Potable Water Supply System.* A single system of pipes, pumps, and tanks using a system of ground water to supply only a single lot. An individual potable water supply system does not include a public community or non-transient, non-community water supply.

(Ord. No. 81, 2006, § 1)

Sec. 3.901. General regulations.

(a) *Application.* The regulations in this subtitle apply to any individual potable water system where plumbing fixtures are installed for human occupancy.

(b) *Authority of the Approving Authority.* The approving authority shall administer, enforce, and interpret the provisions of this subtitle. The approving authority may adopt minimum standards

for individual potable water supply and distribution systems in the implementation of this subtitle.

(c) *Pumps.* Pumps shall be installed only in wells in accordance with comar requirements and in springs and cisterns.

(d) *Permits to Install Pumps.* Only registered master plumbers, certified well drillers, or certified pump installers may apply for permits to install pumps.

(e) *Prohibited Systems.* When the approving authority finds there to be insufficient lot area or yield for an adequate individual potable water supply system for the building or land use proposed, a building permit shall not be issued and an individual potable water supply system shall not be permitted. An individual potable water supply system serving existing structures for which an addition, alteration, or change in use is proposed, shall be determined by the approving authority as capable of handling existing and foreseeable increases in water demand. A susceptibility analysis to existing or potential sources of contamination and additional water quality tests may be required at the discretion of the approving authority.

(f) *Site plans required.* Before a building permit is issued, a site plan shall be submitted to the approving authority that shall contain the following:

- (1) Detailed plans showing the location of the proposed structure to be served by the individual potable water supply system, and any existing or proposed structure within 30 feet of the property line.
- (2) Location of all existing and proposed wells and water lines on the property and within 100 feet of the property line.
- (3) Location of all existing and proposed septic systems, septic system reserve areas, building sewer lines, and public sewer facilities on the property and within 100 feet of the property line.

- (4) A minimum separation of 30 feet shall be maintained between a proposed structure and an existing water supply well.

(Ord. No. 81, 2006, § 1)

Sec. 3.902. Pumps.

(a) *Pumps.* Pumps shall be:

- (1) Certified under Water Systems Council testing and rating standards;
- (2) Installed in accordance with the manufacturer's recommendations;
- (3) Located to facilitate necessary maintenance and repair, including overhead clearance for removal of drop pipe and other accessories; and
- (4) Suitably mounted to avoid objectionable vibration and noise, and to prevent damage to pumping equipment.

(b) *Pumping Equipment.* Pumping equipment shall be installed to prevent the entrance of contamination or objectionable material either into the well or into the water that is being pumped.

(c) *Pump Controls.* The pump controls and accessories shall be protected from the weather. (Ord. No. 81, 2006, § 1)

Sec. 3.903. Controls—Devices.

The following controls are required on all pump installations:

- (a) Pressure switch;
- (b) Thermal overload switch;
- (c) Pressure relief valve on positive displacement pumps; and
- (d) Low water level cut-off switch is required on all pumps that have a capacity in excess of the source of water.

(Ord. No. 81, 2006, § 1)

Sec. 3.904. Pump housing.

Except a separate structure housing pumping equipment, a water supply shall not be located within or under any building. When a separate structure is used to house the water supply, the

pumping equipment shall have an impervious floor and rain tight walls and roof. Where a pump pit is used, it shall be of watertight construction and provided with a positive drain or sump pump to keep the pit dry.

(Ord. No. 81, 2006, § 1)

Sec. 3.905. Storage equipment.

(a) *Storage Equipment Generally.* Storage equipment shall be as follows:

- (1) All tanks shall be certified under water systems council standards for size and pressure;
- (2) All tanks shall be coated or made of material to resist corrosion;
- (3) Hydropneumatic tanks shall have a working pressure rating in excess of the maximum system pressure, but not less than 75 psi;
- (4) All tanks shall be constructed of materials and coatings that are non-toxic; and
- (5) All tanks shall be provided with a means of draining.

(b) *Atmospheric Storage Tanks.* Atmospheric storage tanks shall be provided with a cover as required in section 10.8.4. of the Howard County Plumbing Code.

(Ord. No. 81, 2006, § 1)

Sec. 3.906. Cross connection prohibited.

There shall not be cross-connection between an individual water supply system and other individual or public water supply systems.

(Ord. No. 81, 2006, § 1)

Sec. 3.907. Separate service for each property.

An individual potable water supply system shall not serve more than one property or structure unless authorized by the approving authority.

(Ord. No. 81, 2006, § 1)

Sec. 3.908. Connection to public water system required.

(a) *Public Water Connection.* Except for property located outside the planned service area for water service and the metropolitan district, wherever a water main for public use exists in any street or alley and directly abuts the property, the owner of all buildings constructed for human habitation, occupancy, or use shall connect to the public water main.

(b) *Wells prohibited.* A well for potable use shall not be constructed on a property accessible to an adequate public water supply.

(Ord. No. 81, 2006, § 1)

Sec. 3.909. Responsibility to abandon wells.

Wherever a replacement well is installed and the original well is abandoned, it is the owner's responsibility to abandon and seal a previously existing water supply in a manner satisfactory to the approving authority.

(Ord. No. 81, 2006, § 1)

Sec. 3.910. Potability requirements.

Any well intended to serve a building for human use or habitation shall meet the potability requirements of COMAR 26.04.04 and 26.04.01 prior to occupancy.

(Ord. No. 81, 2006, § 1)

Sec. 3.911. Administration and enforcement.

This subtitle shall be administered and enforced by the approving authority in accordance with the requirements of section 3.821 of the Howard County Code.

(Ord. No. 81, 2006, § 1)

Sec. 3.912. Waiver.

The approving authority may grant a waiver of a provision of this subtitle that is more stringent than the standards set forth in comar for unusual circumstances or extraordinary hardships where the approving authority believes that the modification is in compliance with the intent and purpose of this subtitle and that the modification

does not lessen the health or environmental requirements of this subtitle and the requirements of COMAR 26.04.02.

(Ord. No. 81, 2006, § 1)

Sec. 3.913. Severability.

If any part of this subtitle is held invalid, the invalidity shall not affect the other parts.

(Ord. No. 81, 2006, § 1)