

## ORDINANCE 5-2025

Introduced by: \_\_\_\_\_

### **AN ORDINANCE OF THE TOWN OF TRAPPE TO AMEND SECTION 14 OF THE TRAPPE TOWN CODE TITLED “WATER AND SEWER”, TO PROHIBIT PRIVATE POTABLE AND NON-POTABLE WELLS IN TOWN, EXCEPT UNDER CERTAIN CIRCUMSTANCES**

WHEREAS, Md. Code Ann. Environmental Article § 9-705 and the Trappe Town Charter § 707 authorize the Town to construct, operate, modify and maintain a water and sewerage system; and

WHEREAS, the Town of Trappe extends and connects the Town water and sewer system to private properties, or approves the connection thereof; and

WHEREAS, the Town of Trappe seeks to prevent unlawful and unauthorized connections to the Town’s water systems, and installation of private wells that may impact the Town’s water supply, as such connection or installation can cause severe damage and pose health risks; and

WHEREAS, the Council of Trappe has determined that it is necessary and in the public interest to amend Chapter 14 to prohibit private potable and non-potable wells in Town, except under certain circumstances in which installation or use of a private potable or non-potable well for a particular purpose is deemed to not adversely affect the public water supply.

NOW THEREFORE, the Council of the Town of Trappe hereby ordains as follows:

**Section 1:** Chapter 14, Article VII of the Trappe Town Code titled “Supplemental Water and Sewer Regulations”, is amended to include a new Section 14.32, as follows:

#### **Section 14.32 Owner requirements**

- I. Private potable wells or other private potable water sources must be discontinued within a public water system when public water supply becomes available. ~~All~~ ***Except as provided herein, new*** non-potable private wells ***are prohibited*** ~~and water systems must be installed and operated in accordance with all federal, state, and local laws.~~ Connections of potable or non-potable private wells and/or water systems to public water systems are strictly prohibited.
- J. Notwithstanding any of the provisions of this chapter, the installation, use or replacement of private non-potable wells for industrial purposes, agricultural purposes, recreational purposes (e.g., ballparks, public parks, etc.) or irrigation to serve open space owned by a homeowners association, may be permitted only upon specific prior approval of the Council after formal application thereto and hearing on the content of said application and the findings of the Town’s Engineer at one or more meetings of the Council. Applications shall not be considered by Town until all necessary state, county and federal approvals shall have been obtained. The

applicant is responsible for all costs incurred by the Town and any of its agents in reviewing the application, conducting necessary site visits, and advertising for the public hearing. Council approval shall be evidenced by a resolution adopted by the Council. Such resolution shall set forth in precise terms the exact size, location, depth, use or uses and all other pertinent details with respect to the particular private well approved. "Agricultural" purposes is not intended to apply to any gardening, planting, or other outdoor activity that is incidental to residential use.

It shall be the intent of this section to permit the use of an existing well or to replace an existing well with one of equal depth, size and capacity but not to permit increased well capacity, or new non-potable wells, except for uses permitted by this section.

No well shall be permitted nor used, if in the judgment of the Council based upon the advice of its engineering firm, the use of the well shall adversely affect the public water supply and operation of the water system of the Town, or the water supply of properties within a close proximity to the location of the well requested.

Any well permitted under this section has be examined and the well water tested by the Talbot County Department of Health or the Town of Trappe at least annually to determine whether the well is polluted or will be a menace to health. Should such a well be found to be polluted or a menace to health, it shall be abandoned and capped or closed in a manner satisfactory to the Town and in the timeframe required by the Town.

- ~~J.K.~~ In the event the owner installs plumbing which is on the Town's side of the backflow preventor to provide potable water for additional purposes, including but not limited to fire sprinkler service, such plumbing must have its own backflow preventor installed.
- ~~K.L.~~ No connection shall be made to the water supply piping of any building directly to a swimming pool or any circulating pump, filter, water softener or other apparatus or device that comes in contact with water in or from a swimming pool, unless such connection is protected by a reduced pressure principle backflow preventer.
- ~~L.M.~~ The owner shall be responsible for the payment of all fees for permits, annual or semi-annual device testing, re-testing in the case that the device fails to operate correctly, and second re-inspections for non-compliance with Town requirements.

**Section 2:** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council of Trappe hereby declare that they would have passed this Ordinance, and each section, subsection, clause or phase thereof, irrespective of the fact that any one or more sections, subsections, clauses and phrases be declared unconstitutional.

**Section 3:** This Ordinance shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Jeremy Newnam

\_\_\_\_\_  
Walter Chase

\_\_\_\_\_  
Rose Potter

\_\_\_\_\_  
Brian Schmidt

\_\_\_\_\_  
Michael Sullivan

I hereby certify that the foregoing Ordinance Number 5-2025 of the Town of Trappe was duly read and enacted in accordance with the applicable provisions of the Charter of the Town of Trappe.

Attest: \_\_\_\_\_  
Erin Braband, Town Administrator

Deleted text reflected as ~~stricken~~

New language reflected in ***italicized and bold text***