

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance 1233 concerning Amending Chapter 198 Water & Sewers by Adding New Subsection concerning Connection to City Water Supply System (Public Hearing)**

Date: **9/9/2026**

Notice: Any comments made after 5:00 p.m. on the Thursday before the Council Meeting will not be seen in the agenda packet.

Purpose:

- ☐ FYI
- ☒ **Read and Comment as Needed**
- ☒ **Action Required by September 21, 2026**
- ☐ In Confidential File Drawer

Approve:

Johnny Boker ☐ Yes ☐ No ☐ No Comment

Comment: _____

Casi Boyer ☐ Yes ☐ No ☐ No Comment

Comment: _____

Lizz Clarke ☐ Yes ☐ No ☐ No Comment

Comment: _____

Matthew Ellis ☐ Yes ☐ No ☐ No Comment

Comment: _____

David Glenn ☐ Yes ☐ No ☐ No Comment

Comment: _____

Vicki Jones ☐ Yes ☐ No ☐ No Comment

Comment: _____

Note: Legislative summary attached.



CITY OF HAVRE DE GRACE

OFFICE OF THE MAYOR

William T. Martin

MEMORANDUM

TO: The Honorable Council President Casi Boyer and
The Honorable Members of the City Council

FROM: Adam Rybczynski, Senior Aide to the Mayor

DATE: September 4, 2026

SUBJECT: Introduction of Ordinance - Chapter 198 (Water and Sewers) to Require
Connection to the City Water Supply System

1. Administrative and Legal Review

At the direction of Mayor Martin, the City Attorney and the Director of Public Works, Joe Conaway, have drafted the attached ordinance.

2. Executive Summary

On behalf of Mayor Martin, the administration requests the introduction and passage of an ordinance to amend Chapter 198 of the Havre de Grace City Code. This addition of Subsection 198-6.1 mandates that owners of improved properties connect to the City water system when service is available and adequate, while requiring the proper disconnection and abandonment of private potable water sources. This measure is essential to safeguard public health, prevent potential cross-contamination of the municipal water supply, ensure consistent water-quality oversight, and align local code with state environmental standards, specifically COMAR 26.04.02.02F.

3. Existing City Code or Legislation

- **Code Citation:** City Code Chapter 198 (Water and Sewers), supplemented by Chapter 134, Section 134-4D.
- **Current Process:**
 - Under § 134-4D, buildings with plumbing fixtures used for human occupancy within 300 feet of a public system must connect to public water if a conforming connection can be made.
 - Under § 198-7, property owners using individual sewage disposal systems are explicitly required to connect to the City sewer system once available.

- **Purpose for Legislation:** While the existing code addresses municipal sewer mandatory connections (§ 198-7) and plumbing requirements (§ 134-4D), Chapter 198 currently lacks explicit, unified procedures governing mandatory water connections, mandatory well disconnections, and well abandonment standards. This gap leaves the municipal water system vulnerable to potential cross-contamination from private wells, conflicts with state regulations (COMAR 26.04.02.02F), and creates regulatory ambiguity regarding enforcement and exceptions.

4. Proposed Changes to the City Code

The proposed ordinance creates § 198-6.1 in Chapter 198. Key subsections include:

- **Definitions (§ 198-6.1.A):** Formally defines "Available and Adequate" (premises within 300 feet of the system capable of providing service, as determined by the Director of Public Works), "City Water Supply System," "Director," and "Private Potable Water Supply System."
- **Mandatory Connection (§ 198-6.1.B):** Requires improved properties with available and adequate City water to connect all plumbing fixtures exclusively to the City system at the property owner's expense.
- **Notice & Compliance Timeline (§ 198-6.1.C):** Requires written notice from the Director of Public Works. Property owners are granted **one year** from the notice date to complete the connection, unless an immediate health or safety threat necessitates a shorter window.
- **Prohibition of Private Systems (§ 198-6.1.D):** Prohibits the construction, installation, maintenance, or use of private potable water systems where City service is available.
- **Disconnection & Abandonment Standards (§ 198-6.1.E):** Mandates that private potable systems be permanently disconnected, physically separated to prevent cross-connections, and properly abandoned or sealed in accordance with MDE, Harford County Health Department, and City rules.
- **Inspection & Certification (§ 198-6.1.F):** Grants the City inspection rights and requires property owners to submit proof of connection and private system abandonment.
- **Limited Exceptions & Scope (§ 198-6.1.G):** Grants the Director authority to issue conditional exceptions under specific circumstances:
 - o If City service is not available/adequate.
 - o Temporary emergency use during service interruptions.
 - o Systems expressly permitted by MDE that pose no threat to public health.
 - o Permanent conversion of private wells exclusively to non-potable uses (e.g., irrigation), provided they are isolated, labeled, and approved in writing.
- **Permitting Restraints & Enforcement (§ 198-6.1.H–I):** Prohibits issuing City permits contrary to this section. Establishes that violations constitute a municipal infraction, with each day after the deadline counting as a separate offense, alongside rights to seek injunctive relief and cost recovery.

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1233

Introduced by _____ Council Member Clarke _____

**AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF
HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE
AUTHORITY OF ARTICLE XI-E OF THE MARYLAND
CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE
ANNOTATED CODE OF MARYLAND, AND SECTIONS 33, 34, 68
AND 70 OF THE HAVRE DE GRACE CITY CHARTER, AND
SECTION 134-4D OF THE CITY CODE TO AMEND CHAPTER 198
OF THE CITY CODE BY ADDING NEW SUBSECTION 198-6.1
CONCERNING CONNECTION TO CITY WATER SUPPLY
SYSTEM**

On: September 8, 2026
at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

PUBLIC HEARING

A Public Hearing is scheduled for September 21, 2026 at 7:00 p.m.

EXPLANATION

Underlining indicates matter
added to existing law.

[Bold Brackets] indicate matter
deleted from existing law.

Amendments proposed prior to
final adoption will be noted on a
separate page with line
references or by handwritten
changes on the draft legislation.

34 **WHEREAS**, the City Charter authorizes the Mayor and City Council to enact ordinances
35 concerning public health, public utilities, water service, inspections, nuisances, and the general
36 welfare of the City; and

37
38 **WHEREAS**, Chapter 198 of the City Code regulates the City's water and sewer systems,
39 including individual sewage disposal systems and protection of the municipal water supply; and

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41 **WHEREAS**, § 134-4D of the City Code requires the water distribution system of a building
42 containing plumbing fixtures to be connected to a public water supply system when available and
43 provides that a public water supply system is available to premises used for human occupancy
44 when the premises is within 300 feet of the public system and a conforming connection can be
45 made; and

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47 **WHEREAS**, § 198-7 of the City Code requires an owner using an individual sewage disposal
48 system to connect to the City sewage system when it becomes available and adequate to serve the
49 property, following notice and within the period stated in that section; and

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51 **WHEREAS**, COMAR 26.04.02.02F prohibits, except as authorized by the Maryland Department
52 of the Environment, construction or installation of a well providing potable water to property
53 already connected to a community water supply system; and

54
55 **WHEREAS**, requiring use of an available and adequate municipal water supply, while preventing
56 continued use of a private potable water supply, protects public health, prevents cross-connections
57 and contamination, promotes consistent water-quality oversight, and supports the safe and efficient
58 operation of the City water supply system.

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60 **NOW, THEREFORE**, BE IT ORDAINED by the Mayor and City Council of Havre de Grace,
61 Maryland, that Chapter 198 of the Code of the City of Havre de Grace is amended as follows:

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63 **SECTION 1. ADDITION OF § 198-6.1**

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65 A new § 198-6.1 is added to Chapter 198, "Water and Sewers," to read as follows:

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67 **§ 198-6.1. Connection to City water supply system; private water supply systems.**

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69 **A. Definitions.** For purposes of this section, the following terms have the meanings indicated:

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71 **AVAILABLE AND ADEQUATE** — The City water supply system is capable of providing water
72 service to a property, as determined by the Director. For premises used for human occupancy, the
73 City water supply system shall be deemed available when the premises is located within 300 feet
74 of the City water supply system and a connection conforming to applicable City, county, and state
75 requirements can be made.

76
77 **CITY WATER SUPPLY SYSTEM** — The community water supply system owned or operated
78 by the City of Havre de Grace.

DIRECTOR — The Director of Public Works of the City of Havre de Grace or the Director's duly authorized designee.

PRIVATE POTABLE WATER SUPPLY SYSTEM — A privately owned well, spring, cistern, water supply, or other source, together with its pumps, piping, storage, treatment equipment, and appurtenances, that supplies or is capable of supplying water for human consumption to a property.

B. Connection required. The owner of any improved property for which the City water supply system is available and adequate shall connect all plumbing fixtures and all potable-water distribution systems serving the property exclusively to the City water supply system. The connection shall be made at the property owner's expense and in accordance with all applicable City, county, and state requirements.

C. Notice and time to connect. The Director shall provide written notice to the property owner that the City water supply system is available and adequate to serve the property. Unless the Director establishes a shorter period to address an immediate threat to public health or the safety of the City water supply system, the owner shall complete the required connection within one year after the date of the notice.

D. Private systems prohibited where City service is available. Except as expressly authorized under Subsection G, no person may construct, install, maintain, operate, or use a private potable water supply system on property for which the City water supply system is available and adequate.

E. Disconnection and abandonment. At the property owner's expense and no later than completion of the connection required by this section, each private potable water supply system on the property shall be:

- (1) Permanently disconnected from all potable-water plumbing and distribution systems serving the property;
- (2) Physically separated from the City water supply system so that no direct or indirect cross-connection exists or can be readily established; and
- (3) Properly abandoned, sealed, removed, or otherwise rendered incapable of use in accordance with all applicable requirements of the Maryland Department of the Environment, the Harford County Health Department, and the City.

F. Certification and inspection. The owner shall permit reasonable inspection by the City and shall submit documentation satisfactory to the Director confirming that the City connection has been completed and that each private potable water supply system has been disconnected and abandoned as required by this section.

G. Limited exceptions. Upon written application, the Director may grant a written, conditional exception only when:

- (1) The Director determines that the City water supply system is not available or is not adequate to serve the property;
- (2) Continued temporary use of the private potable water supply system is reasonably necessary during an interruption of City water service or another emergency;
- (3) The Maryland Department of the Environment or another agency having jurisdiction has

expressly authorized the private potable water supply system, and the Director determines that its continued existence or use will not threaten public health or the City water supply system; or
 (4) The private system is permanently converted to a nonpotable use approved in writing by the Director and all agencies having jurisdiction, is conspicuously identified as nonpotable, and is completely isolated from the City water supply system and all potable-water plumbing.

Any exception may include conditions concerning backflow prevention, testing, monitoring, inspection, labeling, disconnection, abandonment, duration, and any other measure reasonably necessary to protect public health and the City water supply system. An exception may be revoked upon violation of a condition or when the basis for the exception no longer exists.

H. No permit or approval contrary to section. No City permit or approval may authorize construction, installation, maintenance, operation, or use of a private potable water supply system contrary to this section.

I. Enforcement. A violation of this section constitutes a municipal infraction. Each day that a violation continues after expiration of the compliance period stated in the Director's written notice constitutes a separate offense. In addition to any fine authorized by the City Code, the City may seek injunctive relief, abatement, reimbursement of the City's reasonable abatement and enforcement costs, and any other remedy available at law or in equity.

J. Other laws. This section supplements and does not limit any requirement imposed by the City Charter, City Code § 134-4, any other provision of this Code, COMAR, or other applicable law. Where another applicable requirement is more protective of public health or the City water supply system, the more protective requirement controls.

SECTION 2. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. CONFLICTING ORDINANCES

All ordinances or portions of ordinances inconsistent with this Ordinance are repealed to the extent of the inconsistency.

ADOPTED by the City Council of Havre de Grace, Maryland this ___ day of ____, 2026.

SIGNED by the Mayor and attested by the Director of Administration this ___ day of ____, 2026.

ATTEST:

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE

Christopher Ricci
Director of Administration

William T. Martin
Mayor

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Introduced/First Reading: 9/8/2026

Public Hearing:

Second Reading/Adopted:

Effective Date:

Public Hearing