

1912, ch. 157. 1914, ch. 804, sec. 132Q. B. Co. C. (1916), sec. 278. 1928, sec. 324.

324. Whenever it happens in said county that there is any community without adequate facilities for the disposal of sewage, and said Commissioners may deem it inexpedient to construct a sewerage system at the expense of said community or at public expense, as hereinbefore provided, and there is or may be constructed or maintained by private enterprises a sewerage system or disposal plant for public use, the State Board of Health shall investigate such conditions, and if, after due notice to all persons who may be directly affected by such order and an opportunity given them to be heard, said State Board of Health shall determine the sewerage conditions and in said community are such as to be reasonably dangerous to public health or to the health of the residents of such community, it shall be the duty of said State Board of Health to pass an order so declaring, and directing the owners or occupants of such community within such reasonable time and in such reasonable manner as by said order may be prescribed to connect their respective premises with said private sewerage system; a duly certified copy of which said order shall be transmitted by said State Board of Health to the County Commissioners of said County and there kept on file and of record, and any person feeling himself aggrieved by such order may at any time within ten days from the date of the filing of the same in the office of the County Commissioners as aforesaid appeal from said order to the Circuit Court for Baltimore County, and be entitled to a jury trial upon the issue involved in such appeal; provided, if no such appeal shall be taken within the period aforesaid, said order shall become final as to all persons affected thereby and not appealing therefrom. Upon such appeal there shall be three issues presented to the jury—first, whether or not the public health requires that the appellant should be compelled to connect his premises with such private sewerage system; second, whether or not the requirement of the State Board of Health as to the time within which such connection shall be made is reasonable; and third, whether or not the requirements of the State Board of Health as to the manner in which such connections shall be made is reasonable. If the finding of the jury shall be in favor of the appellant or the first of said issues, the same shall be final, but if the finding of the jury shall be against the appellant on the first of said issues, and in his favor, on either the second or third of said issues, or on both, the papers in the cause shall be remanded to the County Commissioners, who shall transmit a record of the same to the State Board of Health, which shall forthwith pass a new order after due notice to the appellant and an opportunity given him to be heard, and transmit a copy of such order to the County Commissioners as aforesaid, where it shall again be subject to appeal upon the issue or issues not previously passed upon. Any person not complying with such order of the State Board of Health which has become final as in this section provided, shall be deemed guilty of a misdemeanor and subject to a fine of ten dollars per day for every day during which he fails to comply with such an order, such fines to be collected as other fines and penalties for misdemeanors are collectible.