

either the owner or occupant, the commission determines such condition to be a menace to health as aforesaid.]

(B) (1) AFTER THE CONSTRUCTION OR ACQUISITION OF A WATER MAIN OR SEWER, THE WSSC MAY ORDER A PROPERTY OWNER OR OCCUPANT WHO REFUSES TO CONNECT TO A WATER MAIN OR SEWER OR BOTH TO HOOK UP TO EITHER THE WATER MAIN OR SEWER OR BOTH IF:

(I) A CONDITION EXISTS WHICH APPEARS TO BE A MENACE TO THE HEALTH OF THE OCCUPANTS OF THE PROPERTY OR THE OCCUPANTS OF NEARBY OR ADJOINING PROPERTY;

(II) THE PROPERTY ON WHICH THE CONDITION EXISTS ABUTS THE WATER MAIN OR SEWER;

(III) THE WSSC GIVES THE OWNER OR OCCUPANT 10 DAYS' NOTICE AND AN OPPORTUNITY TO BE HEARD; AND

(IV) THE WSSC DETERMINES THE CONDITION TO BE A MENACE TO THE HEALTH OF THE OCCUPANTS OF THE PROPERTY OR THE OCCUPANTS OF NEARBY OR ADJOINING PROPERTY.

(2) [In the event the] IF THE [commission] WSSC [so] determines THAT A CONDITION EXISTS AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, [it] THE WSSC shall pass an order [requiring] WHICH REQUIRES THAT the [connection or connections] PROPERTY HOOKUP BE MADE in not less than [thirty] 30 [nor] OR more than [ninety] 90 days OF THE ISSUANCE OF THE ORDER[, and a].

(C) (1) [refusal] A PERSON MAY NOT REFUSE to comply with the order or [a violation of] VIOLATE any of the other provisions of this section[, is hereby declared to be a misdemeanor punishable under section 18-7 of this article].

[Either side may have a right of appeal to the circuit court as appeals are now allowed by law from justices of the peace, where the prosecution is before a justice of the peace.]

(2) AS PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, THE OWNER OR OCCUPANT OF THE PROPERTY MAY APPEAL THE DECISION OF THE WSSC TO PASS AN ORDER WHICH REQUIRES THE CONNECTION TO BE MADE.

COMMITTEE NOTE: The WSSC has been under the Administrative Procedure Act for 4 years; the APA has superseded the provisions of the last sentence of former Article 67, § 3-4, which provided certain appeal rights.

[3-5.] 3-105. Connections.