

ENROLLED

DAF - PROHIBITION

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2022 Legislative Session

Legislative Day No. 19

Legislative Bill 2022- 10

Introduced by: The President of the Council

AN ACT to amend Chapter 225 of the Wicomico County Code, titled "Zoning" Part 6, titled "Accessory and Principal Uses," Article XVII, titled "Accessory Uses," Section 225-62 titled "Outside Storage," and Article XVIII, titled "Principal Uses," Section 225-65 titled "Outside Storage," to prohibit the open top storage of a liquid organic ~~fertilizer or~~ soil amendment AND/OR DAF RESIDUALS.

WHEREAS, the County Council of Wicomico County, Maryland, hereby finds that the open top storage of a liquid organic ~~fertilizer or~~ soil amendment AND/OR DAF RESIDUALS are contrary to the interests of the County and its citizens; and

WHEREAS, the County Council of Wicomico County, Maryland, has determined that it is right and proper and within its authority to protect its residents from the adverse effects of the storage of said liquid organic ~~fertilizer or~~ soil amendment AND/OR DAF RESIDUALS in open topped ~~tanks~~ STRUCTURES.

Section I. BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that Chapter 225 of the Wicomico County Code, titled "Zoning" Part 3, titled "Accessory and Principal Uses," Article XVII, titled "Accessory Uses," Section 225-62 titled "Outside Storage," and Article XVIII titled "Principal Uses," Section 225-65 titled "Outside Storage," are hereby amended, to read as follows:

Chapter 225
Zoning

Part 6
Accessory and Principal Uses

Article XVII
Accessory Uses

§ 225-62 OUTSIDE STORAGE.

E. OPEN TOP STORAGE ~~TANK STRUCTURE~~.

1. DEFINITIONS.

~~a. OPEN TOP STORAGE TANK AN ABOVE GROUND OPEN TOPPED STRUCTURE, DESIGNED AND USED FOR THE STORAGE OF AN AGRICULTURAL PRODUCT, BY PRODUCT, FERTILIZER OR SOIL AMENDMENT.~~

a. OPEN TOP STORAGE STRUCTURE – AN OPEN OR PARTIALLY OPEN STRUCTURE, WHETHER ABOVE GROUND, PARTIALLY ABOVE OR BELOW GROUND LEVEL OR A LAGOON TYPE STRUCTURE, USED FOR THE STORAGE OF AN AGRICULTURAL PRODUCT, BY-PRODUCT, SOIL AMENDMENT AND/OR DAF RESIDUALS.

b. LIQUID ORGANIC ~~FERTILIZER OR~~ SOIL AMENDMENT-A STATE OF MARYLAND APPROVED LIQUID ORGANIC ~~FERTILIZER OR~~ SOIL AMENDMENT PRODUCED FROM POULTRY OR ~~OTHER~~ ANIMAL PROCESSING OR RENDERING PROCESS, INCLUDING DAF RESIDUALS VIA A DISSOLVED AIR FLOTATION PROCESS.

c. DAF RESIDUALS – ORGANIC BYPRODUCT MATERIAL CREATED AT AN ANIMAL PROCESSING FACILITY OR RENDERING FACILITY, INCLUDING MATERIAL COLLECTED BY MEANS OF A DISSOLVED AIR FLOTATION PROCESS.

2. OPEN TOP ~~TANK STRUCTURE~~ STORAGE OF A LIQUID ORGANIC ~~FERTILIZER OR~~ SOIL AMENDMENT AND/OR DAF RESIDUALS AS DEFINED ABOVE IS PROHIBITED IN ALL ZONING DISTRICTS, EXCEPT AS PROVIDED IN PARAGRAPH E.3. BELOW. THIS PROHIBITION IS PROSPECTIVE.

3. ~~THE PROHIBITION STATED HEREIN SHALL NOT APPLY TO LIQUID ORGANIC FERTILIZER OR SOIL AMENDMENT STORED BY A FARMER OR FARMING BUSINESS ON LAND IN THE AGRICULTURAL RURAL A-1 DISTRICT, OWNED OR LEASED BY SAID FARMER OR FARMING BUSINESS FOR USE ONLY ON LAND OWNED OR TITLED BY SAID FARMER OR FARMING BUSINESS.~~

THE PROHIBITION STATED HEREIN SHALL NOT PROHIBIT STORAGE AT THE PROCESSING LOCATION WHERE LEGALLY CREATED, NOR A FARMER OR FARMING BUSINESS FROM TEMPORARILY STORING LIQUID ORGANIC SOIL AMENDMENT AND/OR DAF RESIDUALS IN A MOBILE, CLOSED CONTAINER FOR A PERIOD OF NOT MORE THAN FORTY-FIVE (45) CONSECUTIVE DAYS DURING THE APPLICATION PROCESS, PROVIDED THAT THE LAND ON WHICH IT IS STORED IS IN THE WICOMICO COUNTY AGRICULTURAL-RURAL A-1 ZONING DISTRICT AND THAT THE STORED MATERIAL IS APPLIED TO THE SAME LAND ON WHICH IT IS STORED.

Part 6
Accessory and Principal Uses

Article XVIII
Principal Uses

§ 225-65 OUTSIDE STORAGE.

A. OPEN TOP STORAGE TANK STRUCTURE.

1. DEFINITIONS.

~~a. OPEN TOP STORAGE TANK AN ABOVE GROUND OPEN TOPPED STRUCTURE, DESIGNED AND USED FOR THE STORAGE OF AN AGRICULTURAL PRODUCT, BY PRODUCT, FERTILIZER OR SOIL AMENDMENT.~~

a. OPEN TOP STORAGE STRUCTURE – AN OPEN OR PARTIALLY OPEN STRUCTURE, WHETHER ABOVE GROUND, PARTIALLY ABOVE OR BELOW GROUND LEVEL OR A LAGOON TYPE STRUCTURE, USED FOR THE STORAGE OF AN AGRICULTURAL PRODUCT, BY-PRODUCT, SOIL AMENDMENT AND/OR DAF RESIDUALS.

b. LIQUID ORGANIC ~~FERTILIZER OR~~ SOIL AMENDMENT-A STATE OF MARYLAND APPROVED LIQUID ORGANIC ~~FERTILIZER OR~~ SOIL AMENDMENT PRODUCED FROM POULTRY OR OTHER

ANIMAL PROCESSING OR RENDERING PROCESS, INCLUDING DAF RESIDUALS VIA A DISSOLVED AIR FLOTATION PROCESS.

c. DAF RESIDUALS – ORGANIC BYPRODUCT MATERIAL CREATED AT AN ANIMAL PROCESSING FACILITY OR RENDERING FACILITY, INCLUDING MATERIAL COLLECTED BY MEANS OF A DISSOLVED AIR FLOTATION PROCESS.

2. OPEN TOP ~~TANK~~ STRUCTURE STORAGE OF A LIQUID ORGANIC FERTILIZER OR SOIL AMENDMENT AND/OR DAF RESIDUALS IS PROHIBITED IN ALL ZONING DISTRICTS, EXCEPT AS PROVIDED IN A.3 BELOW. THIS PROHIBITION IS PROSPECTIVE.

3. ~~THE PROHIBITION STATED HEREIN SHALL NOT APPLY TO LIQUID ORGANIC FERTILIZER OR SOIL AMENDMENT STORED BY A FARMER OR FARMING BUSINESS ON LAND IN THE AGRICULTURAL RURAL A-1 DISTRICT, OWNED OR LEASED BY SAID FARMER OR FARMING BUSINESS FOR USE ONLY ON LAND OWNED OR TITLED BY SAID FARMER OR FARMING BUSINESS.~~

THE PROHIBITION STATED HEREIN SHALL NOT PROHIBIT STORAGE AT THE PROCESSING LOCATION WHERE LEGALLY CREATED, NOR A FARMER OR FARMING BUSINESS FROM TEMPORARILY STORING LIQUID ORGANIC SOIL AMENDMENT AND/OR DAF RESIDUALS IN A MOBILE, CLOSED CONTAINER FOR A PERIOD OF NOT MORE THAN FORTY-FIVE (45) CONSECUTIVE DAYS DURING THE APPLICATION PROCESS, PROVIDED THAT THE LAND ON WHICH IT IS STORED IS IN THE WICOMICO COUNTY AGRICULTURAL-RURAL A-1 ZONING DISTRICT AND THAT THE STORED MATERIAL IS APPLIED TO THE SAME LAND ON WHICH IT IS STORED.

SECTION II: BE IT ENACTED that this Legislative Bill shall be known as 2022-10 of Wicomico County, Maryland, and shall take effect sixty (60) days after its final passage, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until the expiration of thirty (30) days following the approval of this Bill by a majority of the qualified voters of the County voting in any such referendum.

COUNTY COUNCIL
OF
WICOMICO COUNTY, MARYLAND

2022 Legislative Session

Legislative Day No. 22

LEGISLATIVE BILL NO. 2022-10

INTRODUCED BY: President of the Council

Bill No. 2022-10: AN ACT to amend Chapter 225 of the Wicomico County Code, titled "Zoning" Part 6, titled "Accessory and Principal Uses," Article XVII, titled "Accessory Uses," Section 225-62 titled "Outside Storage," and Article XVIII, titled "Principal Uses," Section 225-65 titled "Outside Storage," to prohibit the open top storage of a liquid organic fertilizer or soil amendment AND/OR DAF RESIDUALS.

Introduced and read first time on September 6, 2022. Ordered posted and public hearing scheduled for October 4, 2022 at 6:00 p.m.



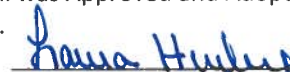
Laura Hurley, Council Administrator

PUBLIC HEARING: Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing held on October 4, 2022.



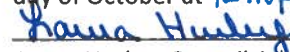
Laura Hurley, Council Administrator

CERTIFICATION: The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 4th day of October, 2022.



Laura Hurley, Council Administrator

Presented to the Acting County Executive for approval this 7th day of October at 12:10pm (5 days §411)



Laura Hurley, Council Administrator

BY THE ACTING COUNTY EXECUTIVE:

APPROVED

Date: _____
(21 days §411)

VETOED

Date: _____

Acting County Executive

BY THE COUNCIL:

Option One: This Bill, having been approved by the Acting County Executive and returned to the Council, becomes law on _____ and effective on: _____
(60 days §311)

Option Two: This Bill, having received neither the approval nor the disapproval of the Acting County Executive with 21 days of its presentation, stands enacted on October 28, 2022 and becomes effective on December 27, 2022. (60 days §311)

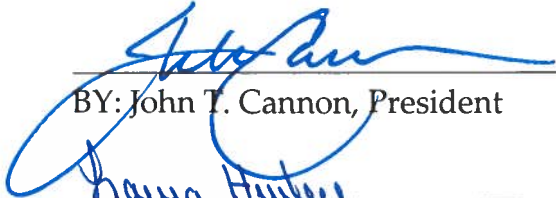
Option Three: This Bill, being exempt from the Executive Veto stands enacted on _____ and becomes effective on _____. (Charter Section 305)


ENROLLMENT: Legislative Bill No. 2022-10 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.


Laura Hurley, Council Administrator

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 4th day of October, 2022.

WICOMICO COUNTY, MARYLAND


BY: John T. Cannon, President


BY: Laura Hurley, Secretary

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.


Laura Hurley, Secretary

Explanation:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike out indicates material deleted from law.~~

~~CAPITAL STRIKE OUT~~ indicates matter stricken from Bill by Amendment.

Underlining indicates Amendments to Bill.