

# ENROLLED

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND  
LEGISLATIVE SESSION, 2020  
BILL No. 2020-13

Introduced: October 20, 2020

BY: The Council President

AN ACT TO EXTEND THE MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR A TANK TO BE USED TO STORE A WASTE BYPRODUCT (DAF MATERIAL) OF THE TREATMENT OF WASTEWATER PURSUANT TO WICOMICO COUNTY CODE CHAPTERS 225, 125 AND 128.

WHEREAS, the Wicomico County Code, Chapter 225, provides for the construction of storage tanks in the A-1 Agriculture Rural Zone and Chapters 125 and 128 describe the process for issuance of a building permit; and

WHEREAS, storage of a waste byproduct known as “DAF material,” that includes matter removed from wastewater from poultry processing and possibly other sources by the Dissolved Air Flotation (“DAF”) process, is a concern voiced by County residents who reside near locations where such material is stored before being applied on land; and

WHEREAS, the Council understands that the State of Maryland asserts that it exclusively regulates the application of such material, which is registered as a soil amendment with the State Chemist section of the Maryland Department of Agriculture, but not the storage of the material, which the State regards as a matter for regulation by local jurisdictions; and

WHEREAS, the Council desires to study whether and, if so, how the storage of such material should be permitted in Wicomico County and to avoid the issuance of permits for tanks or other facilities for such use by continuing the moratorium on the issuance of such permits imposed by Legislative Bill No. 2019-07 and Legislative Bill No 2020-02 for a period necessary for further study and possible enactment of legislation to regulate the storage of such material.

WHEREAS, due to the COVID-19 pandemic, many government agencies, including the courthouses, have been shut down and/or working remotely, which has delayed research on the storage of DAF material.

SECTION I: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, AS FOLLOWS:

- A. A Moratorium is hereby imposed and declared on the issuance of building permits for an agriculture storage tank to store DAF material as provided in Chapters 225, 125 and 128 of the Wicomico County Code.
- B. The moratorium shall apply for a period of one year, beginning on the effective date of Legislative Bill No. 2020-13.

COUNTY COUNCIL  
OF  
WICOMICO COUNTY, MARYLAND

2020 Legislative Session

Legislative Day No. 23

**LEGISLATIVE BILL NO. 2020-13**

**INTRODUCED BY:** President of the Council

**Bill No. 2020-13:** An Act to extend the Moratorium on the issuance of building permits for a tank to be used to store a waste byproduct (DAF Material) of the treatment of wastewater pursuant to Wicomico County Code Chapters 225, 125 and 128.

Introduced and read first time on October 20, 2020. Ordered posted and public hearing scheduled for November 17, 2020 at 10:00 a.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 November 17, 2020.

  
\_\_\_\_\_  
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 17<sup>th</sup> day of November, 2020.

  
\_\_\_\_\_  
Laura Hurley, Council Administrator

Presented to the Acting County Executive for approval this 18<sup>th</sup> day of November, 2020 at 9:00 a.m. (5 days §411)

  
\_\_\_\_\_  
Laura Hurley, Council Administrator

**BY THE ACTING COUNTY EXECUTIVE:**

  
\_\_\_\_\_  
Acting County Executive

APPROVED  
Date: 11.18.2020  
(21 days §411)

VETOED  
Date: \_\_\_\_\_

**BY THE COUNCIL:**

Option One: This Bill, having been approved by the Acting County Executive and returned to the Council, becomes law on November 18, 2020 and effective on: January 18, 2021.  
(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 \_\_\_\_\_ and becomes effective on \_\_\_\_\_.  
(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. 2020-13 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.

  
\_\_\_\_\_  
Laura Hurley, Council Administrator

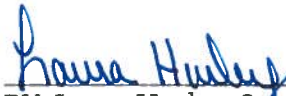
SECTION II: BE IT ENACTED that this Legislative Bill shall be known 2020-13 of Wicomico County, Maryland, and shall take effect sixty (60) days after its final passage, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until 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.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 17<sup>th</sup> day of November, 2020.

WICOMICO COUNTY, MARYLAND



BY: Larry W. Dodd, 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.