

ORDINANCE NO. 2024-

AN ORDINANCE TO ADOPT A TEMPORARY MORATORIUM CONCERNING FOOD PROCESSING RESIDUALS AND/OR DISSOLVED AIR FLOTATION RESIDUALS IN CARROLL COUNTY UNTIL DECEMBER 31, 2024, PENDING CONSIDERATION AND ADOPTION OF SUCH LEGISLATION AS THE BOARD OF COMMISSIONERS OF CARROLL COUNTY, MARYLAND MAY CONSIDER ADVISABLE TO PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE.

WHEREAS, The Board of Commissioners of Carroll County, Maryland (“the Board”), has enacted and codified the "Code of Public Local Laws and Ordinances of Carroll County, Maryland"; and

WHEREAS, the Board is authorized under the Local Government Article of the Annotated Code of Maryland to enact and amend ordinances; and

WHEREAS, the Board, pursuant to Local Government Article Section 10-328 of the Annotated Code of Maryland, has the power to enact local laws to protect and promote public safety and health, and to provide for the prevention, abatement, and removal of nuisances;

WHEREAS, residents of Carroll County have expressed concerns about the storage of food processing residuals and/or Dissolved Air Flotation Systems (“DAF”) residuals, which result in foul odors, insect infestations, decline in native wildlife, and adverse health effects in residential areas;

WHEREAS, the Board, pursuant to Local Government Article Section 13-401 of the Annotated Code of Maryland, has the power to prevent and remove nuisances and to prevent the introduction of contagious diseases into the County;

WHEREAS, pursuant to Health-General Article Sections 3-201 and 3-202, the Board is ex officio the Board of Health for Carroll County and, as such the Board, has the power to adopt and enforce rules and regulations on any nuisance or cause of disease in the County;

WHEREAS, to advance the public health and safety, the Board desires to obtain additional information regarding public health and safety concerns arising from the storage of food processing residuals and/or DAF residuals;

WHEREAS, the Board desires to impose a six (6) month moratorium on the storage of food processing residuals and/or DAF residuals, to give County staff time to study the matter in connection with enactment of legislation on this subject.

NOW, THEREFORE, BE IT ENACTED by the Board that Chapter 161– Temporary Moratorium on the storage of food processing residuals and/or DAF residuals is added as follows:

ARTICLE I

1. A temporary moratorium prohibiting the storage of food processing residuals and/or DAF residuals in Carroll County shall be and is hereby established until December 31, 2024, from and after the effective date of this Ordinance.
2. Definitions:
 - A. Food Processing Residual (as defined in COMAR 15.20.07.02) is an organic material generated by processing agricultural commodities for human or animal consumption. The term includes food residuals, food coproducts, food processing wastes, food processing sludges, or any other incidental material whose characteristics are derived from processing agricultural products for human consumption or animal consumption. Food Processing Residuals do not include:

- i. Digester Digestate;
- ii. Animal and Poultry Manures;
- iii. Class A & B Biosolids, as defined by MDE;
- iv. Compost;
- v. Spent Mushroom Soil; or
- vi. Water Plant Residuals.

B. DAF Residuals are organic byproduct material created at an animal processing facility or rendering facility, including material collected by means of a dissolved air flotation process.

3. This temporary moratorium is established to allow sufficient time to complete the pending study, finalize recommendations, and enact appropriate legislation:
 - a. To promote public health and safety by ensuring that the storage of food processing residual and/or DAF residual would not be harmful for the environment and community;
 - b. To develop suggestions to minimize any adverse effects or impacts to public health, property, infrastructure, and traffic safety;
 - c. To consider restrictions on the storage of food processing residual and/or DAF residuals in the County;
 - d. To obtain such expert advice and assistance as necessary; and
 - e. To consider such other matters as County staff deems appropriate.
4. This moratorium shall not prohibit storage at the processing location where legally created, nor a farmer or farming business from temporarily storing food processing residual 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 stored material is applied to the same land on which it is stored.

5. This temporary moratorium shall be effective immediately upon adoption of this Ordinance.
6. Pursuant to Sec 3-811 of the County Code of Public Local Laws and Ordinances, a violation of this Ordinance shall be a misdemeanor, punishable by a fine not to exceed \$1,000.00 or imprisonment not to exceed six (6) months in the Carroll County Detention Center; or a civil infraction punishable by penalty not to exceed \$1,000.00

ARTICLE II. SEVERABILITY.

Should any provision, section, paragraph, or subparagraph of this ordinance, including any code, or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction; the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph, or subparagraph is expressly declared to be and is deemed severable.

ARTICLE III. EFFECTIVE DATE.

This Ordinance shall become effective _____, 2024.

ADOPTED _____

THE COUNTY COMMISSIONERS OF
CARROLL COUNTY, MARYLAND,
a body corporate and politic
of the State of Maryland

ATTEST:

Vivian Daly, County Clerk

Kenneth A. Kiler, President

(SEAL)

Joseph A. Vigliotti, Vice-President

(SEAL)

Thomas S. Gordon III, Commissioner

(SEAL)

Michael R. Guerin, Commissioner

(SEAL)

Edward C. Rothstein, Commissioner

(SEAL)

Approved for legal sufficiency:

Timothy C. Burke, County Attorney

Notice of Public Hearing published: _____

Public Hearing held: _____

Public Meeting to adopt Ordinance: _____

Notice of Adoption of Ordinance published: _____

Ordinance filed with Clerk of Court: _____

I hereby certify that the actions described above took place on the dates referred to above and that this Ordinance is effective as of the _____ day of _____, 2024.

Timothy C. Burke, County Attorney

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