

COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND

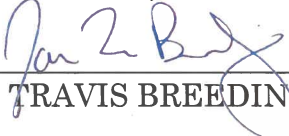
(EMERGENCY) LEGISLATIVE BILL #2025-004

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INTRODUCED BY: COMMISSIONERS BREEDING, PORTER, AND BARTZ

INTRODUCED ON: MARCH 25, 2025

ATTEST:

  
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J. TRAVIS BREEDING, PRESIDENT

PUBLIC HEARING: APRIL 8, 2025, BEGINNING AT 9:00 A.M.  
COURTHOUSE, 109 MARKET STREET,  
ROOM 106  
DENTON, MARYLAND 21629

THIRD READING: APRIL 15, 2025

ENACTED: APRIL 15, 2025

EFFECTIVE: APRIL 15, 2025

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**AN EMERGENCY BILL ENTITLED**

**An Act to repeal the definition of Wastewater Treatment Facility in §§ 175-8 B of the Code of Public Local Laws of Caroline County and to reenact the same with amendments, and to amend the Caroline County Table of Use Regulations, 175 Attachment 3:4 - of Chapter 175 – Zoning, to prohibit non-accessory wastewater treatment facilities in the R, Rural District.**

AN Act for the purpose of specifying that for a facility to meet the definition of Wastewater Treatment Facility, the purpose of the facility must be for the treatment, storage and disposal of certain wastes, **and** changing the classification of non-accessory wastewater treatment facilities from a permitted use subject to a special use exception in the R, Rural District to a non-permitted use, while adding the classification of (1) accessory wastewater treatment facilities as a permitted use subject to a special use exception in all zoning districts; and (2) non-accessory wastewater treatment facilities as a permitted use subject to special use exception in the I-2, Light Industrial and MH, Mobile Home Districts by amending, in Chapter 175 of the Code of Public Local Laws of

Caroline County, the Caroline County Table of Use Regulations, 175 Attachment 3:4, to so reflect the change; and making this Act an Emergency Bill.

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**WHEREAS**, the County Commissioners of Caroline County, Maryland (the "County Commissioners") are authorized under Article XI-F of the Maryland Constitution and §9-308 of the Local Government Article of the Annotated Code of Maryland (the "Local Government Article") to adopt public local laws in general;

**WHEREAS**, the County Commissioners are authorized under the Land Use Article, Title 4, of the Annotated Code of Maryland to enact and administer zoning and land use Bills and a Comprehensive Plan;

**WHEREAS**, the County Commissioners have concerns about the establishment of non-accessory wastewater treatment facilities in rural areas of the County, including, but not limited to, the following:

1. **Infrastructure Overload.** Transporting wastewater to a rural facility could strain existing infrastructure or necessitate the development of new infrastructure, which may be unsustainable or otherwise unnecessary for the County.
2. **Regulatory Oversight.** A wastewater treatment facility which is not directly connected to the source of the wastewater complicates regulatory oversight. The County may have less control and oversight over the facility, making it more difficult to ensure compliance with environmental standards and operational safety, particularly after the wastewater has left the generating site.
3. **Community Health and Safety.** Wastewater treatment facilities can produce odors, noise, and other pollutants. When a facility is located far from the source of the wastewater, these issues become more difficult to manage. Additionally, transporting wastewater to distant locations introduces risks of accidents, spills, or leaks, which could pose health and safety hazards to the community.
4. **Zoning and Land Use Regulations.** The County's zoning regulations are designed to protect rural landscapes, agricultural land, and natural resources. A non-accessory wastewater treatment facility could intrude on agricultural land or disrupt the natural aesthetics of the area. Such effects could have negative impacts on tourism, local agriculture, and the general character of rural communities.
5. **Environmental Concerns.** Transporting wastewater over long distances poses environmental risks, such as the potential for spills or leaks, which can contaminate local ecosystems, water supplies, and soil.

The environmental impact of wastewater transport and the associated risks outweigh the benefits of treating wastewater at a remote site.

**WHEREAS**, pursuant to §197.B of Chapter 128 of the Code of Public Local Laws of Caroline County, the County Commissioners have received the positive recommendation of the Planning Commission and the staff of the Caroline County Department of Planning and Codes regarding the provisions proposed in this Bill, which will have the effect of prohibiting non-accessory wastewater treatment facilities in the R, Rural District, and adding the classification of accessory wastewater treatment facilities as a permitted use subject to special use exception in all Districts; and

**WHEREAS**, this Bill may also be known by its short title “Chapter 175 – Zoning – Prohibiting Non-accessory Wastewater Treatment Facilities in the R, Rural District”.

**NOW, THEREFORE**, in an exercise of the County’s police power as a Code Home Rule County, be it enacted by the County Commissioners of Caroline County, Maryland that:

**SECTION 1. THE DEFINITION OF “WASTEWATER TREATMENT FACILITY” IN SUBSECTION 175-8 B OF SECTION 175-8 WORD USAGE; TERMS DEFINED OF ARTICLE II DEFINITIONS OF CHAPTER 175 ZONING** of the Code of Public Local Laws of Caroline County, Maryland is hereby **REPEALED**.

**SECTION 2. A NEW DEFINITION OF “WASTEWATER TREATMENT FACILITY” IN SUBSECTION 175-8 B OF ARTICLE II OF CHAPTER 175 ZONING** is hereby enacted in lieu thereof, to read as follows:

**WASTEWATER TREATMENT FACILITY** – Any facility or plant for the treatment, storage and disposal of waterborne or industrial wastes, including but not limited to sewage treatment plants, land application of waste products or effluent, lagoons, accessory sludge storage and disposal facilities for sludge produced on site and sludge incinerators. This definition does not include the seasonal land application of sewage sludge or other waste products to agricultural, forest or marginal land where no permanent distribution facilities are installed and where the loading rate is limited by the nutrient requirements of the crop or cover vegetation as recommended by the Department of Agriculture. This definition also does not include any facility used exclusively by a private residence, any facility utilizing septic tanks and subsoil absorption, the disposal of septage pumpings in locations licensed by the County Health Department or the disposal of sludge in a licensed sanitary landfill.

**SECTION 3. THE CAROLINE COUNTY TABLE OF USE REGULATIONS 175 ATTACHMENT 3:4, OF CHAPTER 175 – ZONING OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE COUNTY, MARYLAND** is hereby amended by interlineation to delete the reference to “wastewater treatment facilities”, and to include the following in lieu thereof:

| Use   | Zoning Districts |    |   |     |     |     |     |     |    | Additional Regulations  |
|---|------------------|----|---|-----|-----|-----|-----|-----|----|-------------------------|
|   | Primary          |    |   |     |     |     |     |     |    |                         |
|   | VC               | VN | R | R-1 | R-2 | C-1 | C-2 | I-2 | MH |                         |
| <b>INSTITUTIONAL</b>                            |                  |    |   |     |     |     |     |     |    |                         |
| Wastewater treatment facility – accessory       | E                | E  | E | E   | E   | E   | E   | E   | E  | See §§ 175-8 and 175-29 |
| Wastewater treatment facilities – non-accessory |                  |    |   |     |     |     |     | E   | E  | See §§ 175-8 and 175-29 |
|   |                  |    |   |     |     |     |     |     |    |                         |
|   |                  |    |   |     |     |     |     |     |    |                         |
|   |                  |    |   |     |     |     |     |     |    |                         |
|   |                  |    |   |     |     |     |     |     |    |                         |

**SECTION 4.** The Recitals to this Bill are incorporated herein and deemed a substantive part of this Bill.

**SECTION 5.** The provisions of this Bill are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Bill is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the same shall be deemed separate, distinct, and independent from, and such holding shall not affect the validity of, the remaining portions of this Bill, it being the intent of the County that this Bill shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

**SECTION 6.** The Publishers of the Code of Public Local Laws of Caroline County, Maryland (the “Code”), the Caroline County Office of Law, or the Caroline County Department of Planning and Codes, in consultation with and subject to the approval of the County Administrator, shall be authorized to make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, organization, and any internal or external reference or citations to the County Code or the State Code that is incorrect or obsolete, with no further action required by the County Commissioners. All such corrections shall be adequately referenced and described in the editor's note following the section affected.


**SECTION 7.** The title and summary of this Bill shall be published in at least one newspaper of general circulation in Caroline County three times, at weekly

intervals, and within the 4-week period after passage of the Bill, in accordance with §9-311 (i) of the Local Government Article of the Annotated Code of Maryland. The title of this Bill, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Bill for publication and all other purposes. The title is not a substantive part of this Bill for publication and all other purposes. If the Bill is amended, the title may be administratively revised to conform to the content of the Bill as finally enacted.

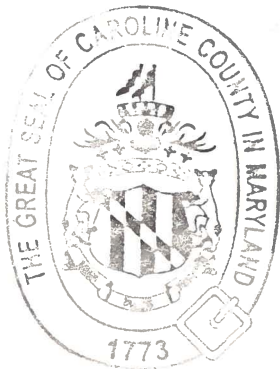
**SECTION 8. AND BE IT FURTHER ENACTED,** that this Bill is hereby declared to be an emergency ordinance and a necessary measure to address an immediate public emergency affecting the peace, health, safety, welfare and property of the residents of Caroline County, and being passed by the affirmative vote of all three County Commissioners, shall become effective upon enactment. Upon enactment, this ordinance shall be retroactive and applicable, to the maximum extent permitted by law and subject to the severability clause above, to all proceedings, and to all filed, pending, or future applications for building, use, special exception, or permits issuable by the Department.

Enacted this 15<sup>th</sup> day of April, 2025.

ATTEST:

  
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Jennifer Reibly  
Public Information Officer

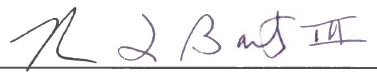
(SEAL)



**COUNTY COMMISSIONERS OF  
CAROLINE COUNTY, MARYLAND**

  
\_\_\_\_\_  
J. Travis Breeding, President

  
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Larry C. Porter, Vice-President

  
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N. Franklin Bartz III, Member

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



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Stewart Barroll  
County Attorney

