

**RESOLUTION #2024-007**

**THIS RESOLUTION SUPERCEDES RESOLUTION #2023-025**

**A RESOLUTION TO ADOPT A TEMPORARY MORATORIUM PROHIBITING THE STORAGE OF FOOD PROCESSING RESIDUAL AND/OR DAF RESIDUAL IN CAROLINE COUNTY UNTIL NOVEMBER 1, 2024, PENDING CONSIDERATION AND ADOPTION OF SUCH LEGISLATION AS THE COUNTY COMMISSIONERS MAY CONSIDER ADVISABLE TO PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE.**

**WHEREAS**, the County Commissioners of Caroline County, Maryland (the “County Commissioners”) are authorized under the Local Government Article and the Land Use Article of the Annotated Code of Maryland to enact and administer zoning and land use Resolutions and a Comprehensive Plan;

**WHEREAS**, the County Commissioners, pursuant to Local Government Article Sections 10-324 and 10-328 of the Annotated Code of Maryland, have the power to enact local laws relating to zoning and planning to protect and promote public safety and health, and to provide for the prevention, abatement, and removal of nuisances;

**WHEREAS**, the County Commissioners are authorized under the Code of Public Local Laws of Caroline County, Maryland to impose a moratorium on any activity governed by Zoning Chapter 175 and/or other chapters affecting development rights and responsibilities, including but not limited to the review and processing of subdivision or site plans, the issuance of permits or zoning certificates, and/or the granting of other approvals when the interests of public health, safety and welfare are best served by the temporary cessation of activities governed by this Chapter and any other chapters affecting development rights and responsibilities;

**WHEREAS**, residents of Caroline County have expressed concerns about the storage of food processing residual and/or DAF residual, which result in foul odors, insect infestation and adverse health effects in residential areas;

**WHEREAS**, the County Commissioners, pursuant to Local Government Article Section 13-401 of the Annotated Code of Maryland, have 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 County Commissioners are ex officio the Board of Health for Caroline County and, as such Board, have the power to adopt and enforce rules and regulations on any nuisance or cause of disease in the County;

**WHEREAS**, out of concern for public health and safety, the County Commissioners desire to obtain additional information and to review the Comprehensive Plan and the Code of Public Local Laws of Caroline County, Maryland to consider the public health and safety concerns arising from the storage of food processing residual and/or DAF residuals;

**WHEREAS**, in an exercise of the County’s police power as a Code Home Rule County, the County Commissioners desire to impose a moratorium until November 1, 2024, on that which may be contrary or hostile to such goals; and

**WHEREAS**, completion of this process is anticipated to occur by November 1, 2024 to allow the results of their studies and their recommendations to be considered by the County Commissioners in connection with enactment of legislation on this subject.

**NOW, THEREFORE, BE IT RESOLVED** by the County Commissioners for Caroline County, Maryland, that:

1. *Moratorium established.* A temporary moratorium prohibiting the storage of food processing residual and/or DAF residuals in Caroline County shall be and is hereby established until November 1, 2024, from and after the effective date of this Resolution.

2. *Definitions.*

a. Food Processing Residual (as defined in COMAR 15.20.07.02) – 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 Residual” does 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 – organic byproduct material created at an animal processing facility or rendering facility including material collected by means of a dissolved air flotation process.

3. *Purpose.* The purpose of this Moratorium is to protect the public health, safety and welfare of the residents of Caroline County and visitors to the County. The provisions of this

Resolution shall be deemed to be an exercise of the police powers of Caroline County, Maryland, for the preservation and protection of the public health, peace, safety and welfare, and all the provisions of this Resolution shall be liberally construed for that purpose.

4. *Study, recommendations, and legislation.* This temporary moratorium is established to allow sufficient time within which 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 residuals 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 the Planning Commission or County staff deem appropriate.
5. 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.
6. *Effective date.* This temporary moratorium shall be effective 10 days after adoption of this Resolution.
7. *Authority.* This Resolution was adopted in accordance with the authority authorized under the Local Government Article, the Land Use Article, and the Health-General Article of the Annotated Code of Maryland, and the Caroline County Code of Public Local Laws.
8. *Enforcement.* The provisions of §175-191 – Violations and Penalties of Chapter 175 – Zoning and Chapter 92 – Civil Infractions shall apply to violations of the provisions of this Moratorium Resolution.

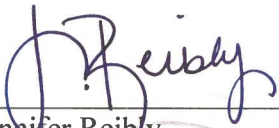
**AND BE IT FURTHER RESOLVED** that staff, Boards and Commissions are directed and requested to act in a manner consistent with the provisions of this moratorium regarding the activity covered herein;

**AND BE IT FURTHER RESOLVED** that nothing in this Resolution # 2024-007 shall be interpreted as waiving, or in contradiction of, any authority or power existing in or granted to the County Commissioners of Caroline County, Maryland to institute such a moratorium at any time, or extend such moratorium, to protect the health, safety, and welfare of the County and its residents, and that to the extent of such power, this moratorium shall be effective immediately;

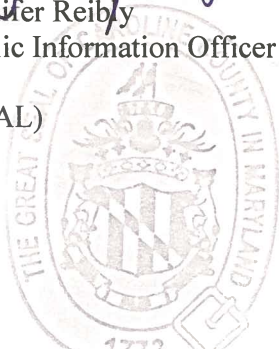
**AND BE IT FURTHER RESOLVED** that a public hearing on the subject of this moratorium will be held on Tuesday, February 27, 2024, at 12:10 p.m. at the Health and Public Service Building, located at 403 S. Seventh Street, Room 111, Denton, Maryland 21629.

**ADOPTED/EFFECTIVE:** 27 February 2024 / 8 March 2024

**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

  
\_\_\_\_\_  
N. Franklin Bartz III, Member

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:**

  
\_\_\_\_\_  
Stewart Barroll  
County Attorney

State of Maryland, Caroline County  
Filed for Record at 10:00am on  
February 28, 2024 in Liber 7 Folio 95  
one of the Resolution Books for the  
aforesaid and

 Clerk