

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY 13-20**

BILL NO. 2013-14

Title of Bill: State Sludge Permit Applications - Public Notice - Adjoining Property Owners

Synopsis: An Act to enact a new section of the Code of Cecil County to be titled Chapter 310, State Sludge Permit Applications, to provide that the Department of Planning and Zoning will notify adjoining property where a State Sludge Permit Application has been received.

Introduced by: Councilwoman Broomell

Introduced and ordered posted on: October 15, 2013

Public hearing scheduled on: November 19, 2013 **at:** 7:00 p.m.

Scheduled for consideration: December 3, 2013

By: James Massey
Council Manager

Public Hearing

Notice of time and place of public hearing and title of Bill have been posted by October 18, 2013 at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on October 23 & 30, 2013, public hearing was held on November 19, 2013, and concluded on November 19, 2013.

By: James Massey
Council Manager

Explanation: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Underlining indicates language added to a Bill by amendment.
~~Strike through~~ indicates language stricken out of a Bill by amendment

State Sludge Permit Application - Public Notice - Adjoining property owners

1 **WHEREAS**, Pursuant to Section 9-234(a) of the Environment Article of the Annotated Code of
2 Maryland, the Maryland Department of the Environment receives applications for a sludge permit
3 application; and

4 **WHEREAS**, Pursuant to Section 9-234(a) of the Environment Article of the Annotated Code of
5 Maryland, the Maryland Department of the Environment is required to mail a copy of the permit
6 applications immediately to the legislative body and elected executive of any county within 1 mile of the
7 sewage sludge utilization site; and

8 **WHEREAS**, Pursuant to Section 9-234(a) of the Environment Article of the Annotated Code of
9 Maryland, the Maryland Department of the Environment is required to publish only one notice of the
10 application for one week only in a local newspaper having a substantial circulation in the county where
11 the sewage sludge is to be applied or the facility is to be constructed; and

12 **WHEREAS**, there have been instances in Cecil County where adjoining property owners to the
13 proposed sludge site have been unaware or uninformed about the proposed application; and

14 **WHEREAS**, notices from the Maryland Department of the Environment to the Cecil County
15 Council and County Executive may not indicate the actual street location of the proposed sludge site;
16 and

17 **WHEREAS**, the Department of Planning and Zoning of Cecil County has responsibilities to oversee
18 the planning of physical development and growth of the county and maintains records for land use,
19 boundaries and property maps; and

20 **WHEREAS**, Pursuant to Section 317 of the Cecil County Zoning Ordinance, the Department of
21 Planning and Zoning of Cecil County is responsible to give notice of hearings on zoning changes,
22 applications for variances and special exceptions.

23 **NOW THEREFORE,**

24 Section 1. Be It Hereby Enacted by the County Council of Cecil County, Maryland that a new section of
25 the Code of Cecil County to be titled Chapter 310, State Sludge Permit Applications is hereby enacted to
26 read as follows:

27 301 STATE SLUDGE PERMIT APPLICATIONS

28 A. UPON RECEIPT OF THE NOTICE FROM THE MARYLAND STATE DEPARTMENT OF THE
29 ENVIRONMENT OF A PROPOSED SLUDGE PERMIT APPLICATION, THE DEPARTMENT OF PLANNING AND

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30 ZONING OF CECIL COUNTY SHALL IDENTIFY THE GEOGRAPHIC LOCATION OF THE PROPOSED SLUDGE
31 SITE AND THE ADJOINING PROPERTY PARCELS AND PROPERTY OWNERS.

32 B. WITHIN FIFTEEN (15) DAYS AFTER THE RECEIPT OF THE NOTICE OF A SLUDGE PERMIT
33 APPLICATION, THE DEPARTMENT OF PLANNING AND ZONING SHALL SEND NOTICES TO ALL PROPERTY
34 OWNERS IMMEDIATELY CONTIGUOUS TO THE APPLICATION, TO THE EXTENT POSSIBLE BASED ON BEST
35 AVAILABLE INFORMATION.

36 C. THE NOTICE REQUIRED BY THIS SECTION SHALL IDENTIFY THE SITE THAT IS SUBJECT TO THE
37 APPLICATION AND ITS GEOGRAPHICAL AREA AND EXPLAIN THAT ANY PROPERTY OWNER CAN CONTACT
38 THE CECIL COUNTY COUNCIL OR COUNTY EXECUTIVE TO REQUEST A PUBLIC INFORMATION MEETING OR
39 HEARING.


40 D. WHEN THE DEPARTMENT OF PLANNING AND ZONING RECEIVES NOTICE FROM THE MARYLAND
41 DEPARTMENT OF THE ENVIRONMENT THAT A PUBLIC INFORMATION MEETING OR HEARING HAS BEEN
42 SCHEDULED, THE DEPARTMENT SHALL SEND NOTICES WITHIN FIFTEEN (15) DAYS TO ALL PROPERTY
43 OWNERS IMMEDIATELY CONTIGUOUS TO THE APPLICATION, TO THE EXTENT POSSIBLE BASED ON BEST
44 AVAILABLE INFORMATION.

45 E. THE NOTICE REQUIRED BY THIS SECTION SHALL IDENTIFY THE SITE THAT IS SUBJECT TO THE
46 APPLICATION, ITS GEOGRAPHICAL LOCATION AND SHALL STATE THE DATE, TIME AND LOCATION OF THE
47 PUBLIC INFORMATION MEETING OR HEARING.

48 Section 2. And Be It Further Enacted that this Act shall take effect sixty (60) days following its
49 enactment.

CERTIFICATION

I, HEREBY CERTIFY that the above Bill was posted for the public on the public bulletin board with the date, time and location of the public hearing meeting, copies were made available for the public, a copy was distributed to the press, and copy was made available on the Cecil County website.


BY: Council Manager

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Title of Bill: State Sludge Permit Application - Public Notice - Adjoining Property Owners is hereby submitted to the County Council of Cecil County, Maryland for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

James Massey
Council Manager

Date: December 3, 2013

ENROLLED

[Signature]
Council President

Date: 12/3/13

BY THE COUNCIL

Read the third time.

Passed - LSD 2013-23

Passage Failed - LSD _____

BY: _____
Council Manager

SEALED WITH THE COUNTY SEAL AND PRESENTED TO THE COUNTY EXECUTIVE for approval this 4th day of December, 20 13 at 2:00 a.m. / p.m.
(10 business days from adoption §306)

BY: James Massey
Council Manager



BY THE EXECUTIVE:
Jani Moore
Cecil County Executive

APPROVED Date: 12-13-13

VETOED Date: _____
(10 business days from presentation §306)

BY THE COUNCIL

This Bill No. 2013-14 having been approved by the Executive and returned to the Council becomes law on December 13, 2013 with an effective date of February 11, 2014

BY: James Massey
Council Manager