

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY 2018-03**

BILL NO. 2018-01

Title of Bill: Amendment - Zoning Ordinance – Poultry Confined Animal Feeding Operation - CAFOS

Synopsis: A Bill to amend the Zoning Ordinance to add a new section on Poultry Contained Animal Feeding Operations, CAFO, and related definitions.

Introduced by: Council President on behalf of County Executive

Introduced, read first time and ordered posted on: February 6, 2018

Public hearing scheduled: March 6, 2018 at: 7:00 p.m.

Scheduled for Consideration: March 20, 2018

By: _____
Council Manager

Public Hearing

Notice of time and place of public hearing and title of Bill have been posted by ___ at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on ____, a public hearing was held on ____, and concluded on ____.

By: _____
Council Manager

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

Amendment - Zoning Ordinance – Poultry CAFOS

1 **WHEREAS**, pursuant to Section 402 of the Cecil County Charter (the “Charter”), the County
2 Executive (the “Executive”) shall see that the affairs of the executive branch are administered properly and
3 efficiently, and that employees of the executive branch faithfully perform their duties; and

4 **WHEREAS**, pursuant to Section 402 of the Charter, the duties and responsibilities of the Executive
5 include, but are not limited to: (a) Supervising and directing offices, agencies and divisions of the executive
6 branch and ensuring that County employees as well as County boards and commissions faithfully perform
7 their duties; and, (b) preparing and submitting to the Council the annual County Budget; and

8 **WHEREAS**, the Land Use Article of the Annotated Code of Maryland empowers Cecil County to
9 adopt a Zoning Ordinance, Zoning Maps, and Subdivision regulations; and

10 **WHEREAS**, the Land Use Article of the Annotated Code of Maryland establishes requirements
11 relative to the adoption of said regulations and maps; and

12 **WHEREAS**, public hearings were held on 2, 9, and 16 February 2011 by the Cecil County Planning
13 Commission in regard to said regulations and maps; and

14 **WHEREAS**, the Planning Commission recommended adoption of said regulations and maps to the
15 Board of County Commissioners (now the County Council); and

16 **WHEREAS**, public hearings were held by the Board of County Commissioners on 2, 9, and 16 March
17 2011 and 5 April 2011 in regard to said regulations and maps; and

18 **WHEREAS**, said regulations and maps were adopted by the Board of County Commissioners on 19
19 April 2011; and

20 **WHEREAS**, all requirements of the Land Use Article of the Annotated Code of Maryland have been
21 met in regard to the adoption of the Zoning Ordinance, Zoning Maps, and Subdivision Regulations; and

22 **WHEREAS**, the County Council of Cecil County, Maryland, appointed a Poultry CAFOs Task Force on
23 July 18, 2017, to develop any recommendations that should be implemented to the operation of poultry
24 house CAFOs in Cecil County; and

25 **WHEREAS**, the recommendations of the Poultry CAFOs Task Force were presented to the County
26 Council on September 12, 2017, and

27 **WHEREAS**, the Council reviewed and amended the poultry house CAFOs recommendations after
28 discussion on October 3, 2017; and

29 **WHEREAS**, the Council agreed to submit the recommended text amendment to the Planning
30 Commission to review and make a recommendation; and

31 **WHEREAS**, the Planning Commission met on January 17, 2018, and recommended approval of the
32 text amendment.

33 **NOW, THEREFORE, BE IT HEREBY ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY,**
34 **MARYLAND**, that the proposed amendments to the Cecil County Zoning Ordinance are hereby adopted as
35 follows:

36 Article II. Basic Definitions and Interpretations

37 **"CAFO". AN ANIMAL FEEDING OPERATION, A LOT OR FACILITY (OTHER THAN AN AQUATIC**
38 **ANIMAL PRODUCTION FACILITY) WHERE (1) ANIMALS HAVE BEEN, ARE, OR WILL BE STABLED OR**
39 **CONFINED AND FED OR MAINTAINED FOR A TOTAL OF 45 DAYS OR MORE IN ANY 12 MONTH PERIOD; (2)**
40 **CROPS, VEGETATION, FORAGE GROWTH, OR POST-HARVEST RESIDUES ARE NOT SUSTAINED IN THE**
41 **NORMAL GROWING SEASON OVER ANY PORTION OF THE LOT OR FACILITY. A CAFO IS AN AFO THAT IS A**
42 **MEDIUM OR LARGE AFO (FOR POULTRY AT LEAST 37,500 BIRDS PER FLOCK) THAT DISCHARGES OR**
43 **PROPOSES TO DISCHARGE POLLUTANTS INCLUDING, BUT NOT LIMITED TO, MANURE, POULTRY LITTER,**
44 **OR PROCESS WASTEWATER TO SURFACE WATERS OF THE STATE.**

45 **"SURFACE WATERS OF THE STATE". SURFACE WATERS WITHIN THE BOUNDARIES OF THIS STATE**
46 **SUBJECT TO ITS JURISDICTION, INCLUDING THAT PART OF THE ATLANTIC OCEAN WITHIN THE**
47 **BOUNDARIES OF THIS STATE, THE CHESAPEAKE BAY AND ITS TRIBUTARIES, AND ALL PONDS, LAKES,**
48 **RIVERS, STREAMS, TIDAL AND NON-TIDAL WETLANDS, PUBLIC DITCHES, TAX DITCHES, AND PUBLIC**
49 **DRAINAGE SYSTEMS WITHIN THIS STATE, OTHER THAN THOSE DESIGNATED AND USED TO COLLECT,**
50 **CONVEY, OR DISPOSE OF SANITARY SEWAGE; AND THE FLOOD PLAIN OF FREE-FLOWING WATERS**
51 **DETERMINED BY THE DEPARTMENT ON THE BASIS OF THE 100-YEAR FLOOD FREQUENCY.**

52 **"PRODUCTION AREA". THAT PART OF AN AFO THAT INCLUDES, BUT IS NOT LIMITED TO, THE**
53 **ANIMAL CONFINEMENT AREA, COMPOST AREA, THE MANURE STORAGE AREA, THE RAW MATERIALS**
54 **STORAGE AREA, THE WASTE CONTAINMENT AREAS, AND ANY AREA USED IN THE STORAGE, HANDLING,**
55 **TREATMENT, OR DISPOSAL OF MORTALITIES. THE ANIMAL CONFINEMENT AREA INCLUDES OPEN LOTS,**
56 **HOUSED LOTS, FEEDLOTS, CONFINEMENT HOUSES, STALL BARN, FREE STALL BARN, BARNYARDS,**
57 **MEDICATION PENS, WALKERS, ANIMAL WALKWAYS, AND STABLES. THE MANURE STORAGE AREA**
58 **INCLUDES LAGOONS, RUNOFF PONDS, STORAGE SHEDS, STOCKPILES, UNDER HOUSE OR PIT STORAGE,**
59 **LIQUID IMPOUNDMENTS, STATIC PILES, AND COMPOSTING PILES. THE RAW MATERIALS STORAGE AREA**
60 **INCLUDES BUT IS NOT LIMITED TO FEED SILOS, SILAGE BUNKERS, AND BEDDING MATERIALS. THE WASTE**

61 **CONTAINMENT AREA INCLUDES SETTLING BASINS, AND AREAS WITHIN BERMS AND DIVERSIONS WHICH**
62 **SEPARATE UNCONTAMINATED STORM WATER.**

63 **"SETBACK". AN AREA WHERE NO ANIMAL WASTE IS APPLIED BETWEEN THE FERTILIZED FIELD**
64 **AND WATERS OF THE STATE.**

65 **"BUFFER". A MANAGEMENT AREA CLOSEST TO A SENSITIVE ENVIRONMENTAL SITE (E.G.,**
66 **WETLAND, WATER BODY, ETC.) IN WHICH HUMAN ACTIVITIES ARE PROHIBITED OR LIMITED IN ORDER TO**
67 **MINIMIZE THE NEGATIVE IMPACTS FROM ADJACENT LAND USES (LIKE EROSION, FILTER RUNOFF,**
68 **POLLUTANTS, DISTURBANCES OF WILDLIFE) AFFECTING THE SENSITIVE ENVIRONMENTAL SITE.**

69 Article V: Specific Supplementary Use Regulations

70 Part 1: Agricultural Uses

71 **SECTION 67. POULTRY CAFOS (CONFINED ANIMAL FEEDING OPERATIONS)**

72 **POULTRY CAFOS SHALL BE PERMITTED IN THE NAR AND SAR ZONES, AND SHALL BE PERMITTED IN OTHER**
73 **ZONES BY SPECIAL EXCEPTION, PROVIDED THAT:**

- 74 **1. A MINIMUM VEGETATIVE BUFFER OF 25 FOOT WIDE, OR AS RECOMMENDED BY THE CECIL**
75 **COUNTY SOIL CONSERVATION DISTRICT, SHALL BE REQUIRED SURROUNDING THE PRODUCTION**
76 **AREA, INCLUDING WHERE POULTRY ARE LOADED AND UNLOADED, AT FEED BINS, TUNNEL**
77 **VENTILATION FANS, COMPOST AND MANURE SHEDS, CONSISTING OF SPECIFICALLY SELECTED**
78 **TREES, TALL GRASSES, AND SHRUBS, PLANTED IN APPROPRIATE LOCATIONS IN ORDER TO**
79 **CAPTURE ANY DUST, FEATHERS OR ODORS AND MINIMIZE ANY EMISSIONS IN THE AIR, WATER**
80 **OR SOIL.**
- 81 **2. PRODUCTION AREA SHALL BE SETBACK 100 FEET FROM ALL PROPERTY LINES AND 400 FEET**
82 **FROM ANY LEGALLY EXISTING RESIDENCES ON ADJACENT LOTS.**
- 83 **3. TUNNEL VENTILATION FANS SHALL BE LOCATED AT LEAST 600 FEET FROM ANY LEGALLY EXISTING**
84 **RESIDENCES ON ADJACENT LOTS, SCHOOL, PLACE OF WORSHIP, DAY CARE CENTER OR NURSING**
85 **HOME.**
- 86 **4. POULTRY CAFOS HOUSES LARGER THAN 250,000 SQUARE FEET SHALL REQUIRE APPROVAL OF**
87 **THE PLANNING COMMISSION.**
- 88 **5. ANY EXPANSION OF AN EXISTING POULTRY CAFOS, WHICH WAS LAWFULLY CONSTRUCTED AND**
89 **IN BONA FIDE COMMERCIAL PRODUCTION OF POULTRY, WILL BE REQUIRED TO ADHERE TO THIS**
90 **SECTION.**

91 6. ANY PROPOSED POULTRY CAFOS THAT FAILS TO HAVE OBTAINED A BUILDING PERMIT OR
92 OCCUPANCY CERTIFICATE AND PROCEEDED UNDER THE PERMIT TO EXERCISE THEIR RIGHTS ON
93 THE LAND BY A SUBSTANTIAL BEGINNING TO CONSTRUCT, SO THAT THE NEIGHBORHOOD MAY BE
94 ADVISED AS TO THE INTENDED LAND USE, MUST ADHERE TO THE NEW REGULATIONS AS SET
95 FORTH HEREWITH.
96 AND, BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,
97 that this Bill shall take effect 60 calendar days from the date it becomes law.

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