

COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND
(EMERGENCY) LEGISLATIVE BILL #2025-007

INTRODUCED BY: COMMISSIONERS BREEDING, PORTER, AND
BARTZ

INTRODUCED ON: JUNE 24, 2025

ATTEST: _____
J. TRAVIS BREEDING, PRESIDENT

PUBLIC HEARING: JULY 8, 2025, BEGINNING AT 9:15 A.M.
COURTHOUSE, 109 MARKET STREET,
ROOM 106
DENTON, MARYLAND 21629

THIRD READING: JULY 22, 2025

ENACTED:

EFFECTIVE:

AN EMERGENCY BILL ENTITLED

An Act to amend § 175 - 29 Wastewater Treatment Facilities, of Article V Supplementary Regulations, of Chapter 175 - Zoning, of the Code of Public Local Laws of Caroline County by adding a new §§ C providing that a non-accessory wastewater treatment facility may be permitted in the R, Rural Zoning District by Special Use Exception provided that the facility meets certain conditions, and to amend the Caroline County Table of Use Regulations, 175 Attachment 3:4 - of Chapter 175 – Zoning, to add a new Note 4 which states that certain non-accessory wastewater treatment facilities may be permitted in the R, Rural District by Special Use Exception under §§ 175 – 29 C.

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, 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 (the “Department”) regarding the provisions proposed in this Bill, which will have the effect of allowing the permitting of non-accessory wastewater treatment facilities in the R, Rural District by Special Use Exception if certain conditions are met; and

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

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. A NEW §§ C § 175-29 “WASTEWATER TREATMENT FACILITIES” OF ARTICLE V OF CHAPTER 175 ZONING is hereby enacted, to read as follows:

C. Notwithstanding any other provision of Chapter 175, a non-accessory wastewater treatment facility may be permitted in the R, Rural District by Special Use Exception provided that:

- (1) The facility held an active Maryland Department of the Environment (MDE) State Discharge Permit within the three (3) years immediately preceding the effective date of enactment of this §§ C; and
- (2) The proposed operation is substantially similar in use and function to the facility’s prior operation under the previously issued State Discharge Permit; and
- (3) The wastewater treatment facility and the generating facility it serves must be operated and owned by the same person or entity; and
- (4) The facility is not a shared facility as defined by either § 9-1110 (a) (4) of the Environment Article of the Annotated Code of Maryland or COMAR 26.04.05.01; and
- (5) All other local, State and federal regulations applicable to the proposed facility are met.

SECTION 2. 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 insert the footnote number 4 after the reference to “Wastewater treatment facilities – non-accessory”, as shown below:

Use	Zoning Districts									Additional Regulations
	Primary									
	VC	VN	R	R-1	R-2	C-1	C-2	I-2	MH	
INSTITUTIONAL										
Wastewater treatment facility – accessory	E	E	E	E	E	E	E	E	E	See §§ 175-8 and 175-29
Wastewater treatment facilities – non-accessory ⁴								E	E	See §§ 175-8 and 175-29

and to add the following text in numerical order under “NOTES”:

4. Certain non-accessory wastewater treatment facilities may be permitted in the R, Rural District by Special Use Exception. See §§ 175-29 C.

SECTION 3. The Recitals to this Bill are incorporated herein and deemed a substantive part of this Bill.

SECTION 4. 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 5. 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 6. 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 7. 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 ____ day of ____, 2025.

SIGNATURES ON FOLLOWING PAGE:

ATTEST:

**COUNTY COMMISSIONERS OF
CAROLINE COUNTY, MARYLAND**

Jennifer Reibly
Public Information Officer

J. Travis Breeding, President

(SEAL)

Larry C. Porter, Vice-President

N. Franklin Bartz III, Member

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

Stewart Barroll
County Attorney