

AMENDED
September 17, 2007
October 1, 2007

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2007, Legislative Day No. 36

Bill No. 64-07

Introduced by Mr. Dillon, Chairman
(by request of the County Executive)

By the County Council, August 20, 2007

Introduced and first read on August 20, 2007
Public Hearing set for and held on September 17, 2007
Public Hearing on AMENDED BILL set for and held on October 1, 2007
Bill AMENDED and VOTED on October 1, 2007
Bill Expires November 23, 2007

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN EMERGENCY ORDINANCE concerning: Combustion Ash
2
3 FOR the purpose of eliminating the zoning special exception for filling of land with
4 combustion ash; adding a limitation on use of combustion ash in connection with clay
5 and borrow pits and sand and gravel operations and rubble and land-clearing debris
6 landfills; eliminating certain provisions relating to combustion ash in grading and
7 sediment control; altering a certain definition in the Property Maintenance Code;
8 providing for the termination date of this Ordinance; and generally relating to
9 combustion ash.
10
11 BY repealing and reenacting, with amendments: §§ 13-4-106(c), 15-4-101(5), 18-1-
12 101(79) and 18-6-103
13 Anne Arundel County Code (2005, as amended)
14
15 BY repealing: §§ 16-2-101(15), 16-2-305(d), 16-2-311, 18-1-101(20) and (35), and
16 18-11-115
17 Anne Arundel County Code (2005, as amended)
18
19 BY adding: §§ 18-11-113(19) and 18-11-129(21)
20 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
2 *Maryland, That §§ 16-2-101(15), 16-2-305(d), 16-2-311, 18-1-101(20) and (35), and 18-*
3 *11-115 be and they are hereby repealed.*

4
5 SECTION 2. *And be it further enacted, That Section(s) of the Anne Arundel County*
6 *Code (2005, as amended) read as follows:*

7
8 ARTICLE 13 PUBLIC WORKS
9 TITLE 4. SOLID WASTE COLLECTION

10
11 **13-4-106. County owned or operated landfills and solid waste disposal facilities.**

12
13 (c) **Requirements and prohibitions.** All solid waste shall be contained or covered
14 so as to avoid the loss of waste from the vehicle during transportation and the creation of
15 litter. A person may not dispose of solid waste that originates or is generated outside of
16 the County and may not dispose of off-the-road equipment tires OR COMBUSTION ASH.

17
18 ARTICLE 15 CONSTRUCTION AND PROPERTY MAINTENANCE CODES
19 TITLE 4. PROPERTY MAINTENANCE CODE

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21 **15-4-101. Definitions.**

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23 In this title, the following words have the meanings indicated.

24
25 (5) “Refuse” means ashes, garbage, trash, junk, industrial waste, dead animals, or
26 other solid waste materials, including salvable waste [, but the term does not include
27 combustion ash used in fill activities with State and County approval].

28
29 ARTICLE 18 ZONING
30 TITLE 1. DEFINITIONS

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32 **18-1-101. Definitions.**

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34 Unless defined in this article, words defined elsewhere in this Code apply in this
35 article. The following words have the meanings indicated.

36
37 (79) “Refuse” means ashes, garbage, rubbish, junk, industrial waste, dead animals,
38 and salvable waste and other solid waste materials[, but the term does not include
39 combustion ash used in fill activities approved by the State or the County].

40
41 TITLE 6. INDUSTRIAL DISTRICTS

42
43 **18-6-103. Permitted, conditional, and special exception uses.**

44
45 The permitted, conditional, and special exception uses allowed in each of the
46 industrial districts are listed in the chart in this section using the following key: P =
47 permitted use; C = conditional use; SE = special exception use; and A = auxiliary use to a
48 business complex use. A blank means that the use is not allowed in the district. Except as

1 provided otherwise in this article, uses and structures customarily accessory to permitted,
 2 conditional, and special exception uses also are allowed, except that outside storage as an
 3 accessory use in W1 is limited to 15% of the allowed lot coverage.

Permitted, Conditional and Special Exception Uses	W1	W2	W3
[Combustion ash, filling of land with	SE	SE	SE]

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TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTIONS

18-11-113. Clay and borrow pits and sand and gravel operations.

A clay and borrow pit or a sand and gravel operation shall comply with all of the following requirements:

(19) COMBUSTION ASH, INCLUDING BOTTOM ASH AND FLY ASH, MAY NOT BE USED AS FILL IN RECLAMATION OF A CLAY AND BORROW PIT OR A SAND AND GRAVEL OPERATION.

18-11-129. Landfills, rubble and land-clearing debris landfills.

Rubble landfills and land-clearing debris landfills shall comply with all of the following requirements.

(21) COMBUSTION ASH, INCLUDING BOTTOM ASH AND FLY ASH, MAY NOT BE USED AS COVER MATERIAL OR FOR ANY OTHER FILL

SECTION 3. And be it further enacted, That the provisions of this Ordinance shall remain in effect for one year from the date this Ordinance becomes effective, after which it shall stand repealed and with no further action required by the County Council, be of no further force and effect.

SECTION 3 4. *And be it further enacted,* That this Ordinance is hereby declared to be an emergency ordinance and necessary for the immediate preservation of the public peace, health, safety, welfare, and property and being passed by the affirmative vote of five members of the County Council, the same shall take effect from the date it becomes law.

AMENDED: September 17 and October 1, 2007

READ AND PASSED this 1st day of October, 2007

By Order:

Judy C. Holmes
 Administrative Officer

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PRESENTED to the County Executive for his approval this 2nd day of October, 2007

Judy C. Holmes
Administrative Officer

APPROVED AND ENACTED this _____ day of October, 2007

JOHN R. LEOPOLD
County Executive

EFFECTIVE DATE: