

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2016 Legislative Session**

Bill No. CB-3-2016

Chapter No. 3

Proposed and Presented by Council Members Lehman, Taveras, Turner, Glaros, Franklin

Introduced by Council Members Lehman, Turner, Glaros and Patterson

Co-Sponsors _____

Date of Introduction March 1, 2016

ZONING BILL

1 AN ORDINANCE concerning

2 Hydraulic Fracturing

3 For the purpose of providing a definition for hydraulic fracturing in the Zoning Ordinance and
4 adding hydraulic fracturing uses, including the hydraulic fracturing of a well for the exploration
5 or production of natural gas, as a prohibited use in all zones within Prince George's County.

6 BY repealing and reenacting with amendments:

7 Sections 27-107.01 and 27-115,

8 The Zoning Ordinance of Prince George's County, Maryland,

9 being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code

12 (2015 Edition).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
14 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
15 District in Prince George's County, Maryland, that Sections 27-107.01 and 27-115 of the Zoning
16 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's
17 County Code, be and the same are hereby repealed and reenacted with the following
18 amendments:

19 **SUBTITLE 27. ZONING.**

20 **PART 2. GENERAL.**

DIVISION 1. DEFINITIONS.

Sec. 27-107.01. Definitions.

(a) Terms in the Zoning Ordinance are defined as follows:

* * * * *

(122) **Hotel:** A "Building" which contains six (6) or more "Guest Rooms," none of which have entrances from outside the "Building," and where (for compensation) temporary lodging is provided. A "Motel," "Fraternity or Sorority House," "Dormitory," "Tourist Home," "Rooming House," or "Boardinghouse" shall not be considered a "Hotel." A Hotel shall not be considered a "Bed-and-Breakfast Inn."

(122.01.01) **Hydraulic fracturing:** A drilling technique that expands existing fractures or creates new fractures in rock by injecting fluids, often a mixture of water and chemicals, sand, or other substances, and often under pressure, into or underneath the surface of the rock or purposes that include well drilling and the exploration or production of natural gas. Hydraulic fracturing includes fracking, hydrofracking, and hydrofracturing, and further includes the storage, treatment, transfer, production materials, support activities, and the disposal of flow back fluids that return to the surface after a hydraulic fracture is completed, wastewater, or drill cuttings generated by hydraulic fracturing activities in the County, for purposes of preventing detrimental economic, environmental, and health effects of the use for the protection of the public safety, health, and welfare of the citizens and residents of the County.

(122.1) **Impervious Surfaces:** Impervious surfaces consist of areas which are not water permeable as a result of pavement, buildings, or compaction of soils during construction.

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DIVISION 4. REGULATIONS APPLICABLE IN ALL ZONES.

SUBDIVISION 1. USES.

* * * * *

Sec. 27-115. Prohibited uses.

(a) The following uses are prohibited in all zones:

* * * * *

(2) Hydraulic fracturing uses, including the storage, treatment, transfer, production materials, support activities, and the disposal of flow back, wastewater, or drill cuttings generated by hydraulic fracturing activities in the County, for purposes of preventing detrimental

1 economic, environmental, and health effects of the use for the protection of the public safety,
2 health, and welfare of the citizens and residents of the County.

3 (3) The business of buying of the following items within a guest room of a hotel,
4 motel, tourist home, or tourist camp, or from any vehicle parked on any lot, or permitting the
5 business by the owner or managing agent of the property;

6 * * * * *

7 [(3)] (4) Prisons, detention centers, and corrections facilities, unless owned or operated
8 by Prince George's County.

9 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Ordinance are
10 hereby declared to be severable; and, in the event that any section, subsection, paragraph,
11 subparagraph, sentence, clause, phrase or word of this Ordinance is declared invalid or
12 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
13 not affect the remaining words, phrases, clauses, sentences, subparagraphs paragraphs,
14 subsections, or sections, being the express intent of the Council to enact this Ordinance without
15 the inclusion of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph,
16 subparagraph, subsection, or section herein.

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SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect on the date of its adoption.

Adopted this 12th day of April , 2016.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Derrick L. Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.