

# HOUSE BILL 179

M3, L1

1lr1652  
CF SB 111

---

By: **Delegate Lafferty**

Introduced and read first time: January 27, 2011

Assigned to: Environmental Matters

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2011

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment – Recycling – Apartment Buildings and Condominiums**

3 FOR the purpose of requiring owners or managers of apartment buildings or  
4 condominiums that contain a certain number of dwelling units to provide for  
5 recycling for residents on or before a certain date; requiring certain owners or  
6 managers to report annually to a county in accordance with certain  
7 requirements beginning on a certain date; requiring that the recycling required  
8 under this Act be done in accordance with certain recycling plans; providing for  
9 a civil penalty for a violation of this Act; providing for disbursement of penalties  
10 collected under this Act to certain jurisdictions; providing for the application of  
11 this Act; providing for a delayed effective date for a certain provision of this Act;  
12 clarifying that this Act does not preempt or prevail over certain other  
13 legislation; and generally relating to recycling by owners or managers of certain  
14 apartment buildings and condominiums.

15 BY repealing and reenacting, without amendments,  
16 Article – Environment  
17 Section 9–1703(a)  
18 Annotated Code of Maryland  
19 (2007 Replacement Volume and 2010 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Environment  
22 Section 9–1703(b)  
23 Annotated Code of Maryland

---

### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2007 Replacement Volume and 2010 Supplement)

2 BY adding to

3 Article – Environment

4 Section 9–1711

5 Annotated Code of Maryland

6 (2007 Replacement Volume and 2010 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article – Environment**

10 9–1703.

11 (a) Each county shall submit a recycling plan to the Secretary for approval  
12 when the county submits its county plan to the Secretary in accordance with the  
13 provisions of § 9–505 of this title.

14 (b) In preparing the recycling plan as required in § 9–505 of this title, the  
15 county shall address:

16 (1) Methods to meet the solid waste stream reduction;

17 (2) The feasibility of source separation of the solid waste stream  
18 generated within the county;

19 (3) The recyclable materials to be separated;

20 (4) The strategy for the collection, processing, marketing, and  
21 disposition of recyclable materials, including the cost-effective use of recycling centers;

22 (5) Methods of financing the recycling efforts proposed by the county;

23 (6) Methods for the separate collection and composting of yard waste;

24 (7) The feasibility of a system for the composting of mixed solid  
25 wastes;

26 (8) The feasibility of a system for the collection and recycling of white  
27 goods;

28 (9) The separate collection of other recyclable materials;

29 (10) The strategy for the collection, processing, marketing, and  
30 disposition of recyclable materials from county public schools;

1 (11) The strategy for the collection and recycling of fluorescent and  
2 compact fluorescent lights that contain mercury; [and]

3 (12) THE COLLECTION AND RECYCLING OF RECYCLABLE  
4 MATERIALS FROM RESIDENTS BY PROPERTY OWNERS OR MANAGERS OF  
5 APARTMENT BUILDINGS AND CONDOMINIUMS THAT CONTAIN 10 OR MORE  
6 DWELLING UNITS; AND

7 [(12)] (13) Any other alternative methods of recycling that will attain  
8 or exceed the solid waste stream reduction goals determined by the county.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
10 read as follows:

11 Article – Environment

12 9-1711.

13 (A) (1) THIS SECTION APPLIES ~~TO ANY~~ ONLY TO THE PROPERTY  
14 OWNER OR MANAGER OF AN APARTMENT BUILDING OR A CONDOMINIUM THAT  
15 CONTAINS 10 OR MORE DWELLING UNITS.

16 (2) THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A ~~LOCAL~~  
17 ~~GOVERNING BODY~~ COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT TO  
18 ENACT AND ENFORCE RECYCLING REQUIREMENTS, INCLUDING ESTABLISHING  
19 CIVIL PENALTIES, FOR AN APARTMENT BUILDING OR A CONDOMINIUM THAT  
20 ARE MORE STRINGENT THAN THE REQUIREMENTS OF THIS SECTION.

21 (3) THIS SECTION DOES NOT REQUIRE A COUNTY TO MANAGE OR  
22 ENFORCE THE RECYCLING ACTIVITIES OF AN APARTMENT BUILDING OR  
23 CONDOMINIUM THAT IS LOCATED WITHIN THE BOUNDARIES OF A  
24 MUNICIPALITY.

25 (B) (1) ON OR BEFORE OCTOBER 1, 2015, EACH PROPERTY OWNER  
26 OR MANAGER OF AN APARTMENT BUILDING OR A CONDOMINIUM ~~THAT~~  
27 ~~CONTAINS 10 OR MORE DWELLING UNITS~~ SHALL PROVIDE FOR RECYCLING FOR  
28 THE RESIDENTS OF THE DWELLING UNITS, INCLUDING:

29 ~~(1)~~ (I) THE COLLECTION OF RECYCLABLE MATERIALS FROM  
30 RESIDENTS OF THE DWELLING UNITS; AND

31 ~~(2)~~ (II) THE REMOVAL FOR FURTHER RECYCLING OF  
32 RECYCLABLE MATERIALS COLLECTED FROM RESIDENTS OF THE DWELLING  
33 UNITS.

1           **(2) (I) BEGINNING ON MARCH 1, 2016, AND ON OR BEFORE**  
 2 **MARCH 1 EACH YEAR THEREAFTER, EACH PROPERTY OWNER OR MANAGER OF**  
 3 **AN APARTMENT BUILDING OR A CONDOMINIUM THAT PROVIDES FOR**  
 4 **RECYCLING FOR THE RESIDENTS OF THE DWELLING UNITS IN ACCORDANCE**  
 5 **WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL REPORT TO THE COUNTY IN**  
 6 **WHICH THE APARTMENT BUILDING OR CONDOMINIUM IS LOCATED ON**  
 7 **RECYCLING ACTIVITIES IN THE PRIOR CALENDAR YEAR.**

8                           **(II) THE INFORMATION REPORTED UNDER SUBPARAGRAPH**  
 9 **(I) OF THIS PARAGRAPH SHALL INCLUDE:**

10                           **1. THE TYPE AND TONNAGE OF RECYCLABLE**  
 11 **MATERIALS COLLECTED AND RECYCLED FROM THE DWELLING UNITS;**

12                           **2. THE TONNAGE OF WASTE DISPOSED FROM THE**  
 13 **DWELLING UNITS; AND**

14                           **3. INFORMATION REGARDING THE CONTRACTORS**  
 15 **THAT COLLECTED THE RECYCLABLE MATERIALS AND THE WASTE DISPOSED.**

16           **(C) THE RECYCLING REQUIRED UNDER SUBSECTION (B) OF THIS**  
 17 **SECTION SHALL BE CARRIED OUT IN ACCORDANCE WITH THE RECYCLING PLAN**  
 18 **REQUIRED UNDER § 9-1703 OF THIS SUBTITLE FOR THE COUNTY IN WHICH THE**  
 19 **APARTMENT BUILDING OR CONDOMINIUM THAT CONTAINS 10 OR MORE**  
 20 **DWELLING UNITS IS LOCATED.**

21           **(D) A PERSON THAT VIOLATES SUBSECTION (B) OF THIS SECTION IS**  
 22 **SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$50 FOR EACH DAY ON WHICH**  
 23 **THE VIOLATION EXISTS.**

24           **(E) AN ENFORCEMENT UNIT, OFFICER, OR OFFICIAL OF ~~THE STATE OR~~**  
 25 **~~OF A COUNTY OF THE STATE~~ A COUNTY, MUNICIPALITY, OR OTHER LOCAL**  
 26 **GOVERNMENT ~~SHALL~~ MAY CONDUCT INSPECTIONS OF AN APARTMENT**  
 27 **BUILDING OR CONDOMINIUM TO ENFORCE SUBSECTION (B) OF THIS SECTION.**

28           **(F) ANY PENALTIES COLLECTED UNDER SUBSECTION (D) OF THIS**  
 29 **SECTION SHALL BE ~~DISBURSED~~ PAID TO THE COUNTY ~~WHERE THE VIOLATION~~**  
 30 **~~OCCURRED~~, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT THAT BROUGHT**  
 31 **THE ENFORCEMENT ACTION.**

32           SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act may not be  
 33 construed to preempt or prevail over any ordinance, resolution, law, or rule more  
 34 stringent than this Act.

1           SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act  
2 shall take effect October 1, ~~2011~~ 2013.

3           SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in  
4 Section 4 of this Act, this Act shall take effect October 1, 2011.

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.