

# HOUSE BILL 1

M3, L1  
HB 179/11 – ENV

(PRE-FILED)

2lr0488  
CF SB 208

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By: **Delegate Lafferty**

Requested: September 5, 2011

Introduced and read first time: January 11, 2012

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2012

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

1 AN ACT concerning

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

3 FOR the purpose of requiring a county to address the collection and recycling of  
4 certain materials by certain property owners ~~or~~, managers, and councils in a  
5 certain recycling plan; requiring a county to address, in a certain recycling plan,  
6 a method for implementing a reporting requirement for certain recyclable  
7 materials under certain circumstances; requiring certain owners ~~or~~, managers,  
8 and councils of apartment buildings or condominiums that contain a certain  
9 number of dwelling units to provide for recycling for residents on or before a  
10 certain date; clarifying that certain provisions of this Act do not affect the  
11 authority of a county, municipality, or other local government to enact and  
12 enforce certain recycling requirements; clarifying that certain provisions of this  
13 Act do not require a county to manage or enforce certain recycling activities  
14 within the boundaries of a municipality; ~~requiring certain owners or managers~~  
15 ~~to report annually to a county in accordance with certain requirements~~  
16 ~~beginning on a certain date; authorizing a county to require certain property~~  
17 owners, managers, and councils to report to the county on recycling activities;  
18 requiring that the recycling required under this Act be done in accordance with  
19 certain recycling plans; providing for a civil penalty for a violation of this Act;  
20 providing for disbursement of penalties collected under this Act to certain  
21 jurisdictions; providing for a delayed effective date for a certain provision of this  
22 Act; clarifying that this Act does not preempt or prevail over certain other  
23 legislation; and generally relating to recycling ~~by owners or managers of in~~  
24 certain apartment buildings and condominiums.

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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 BY repealing and reenacting, without amendments,  
2 Article – Environment  
3 Section 9–1703(a)  
4 Annotated Code of Maryland  
5 (2007 Replacement Volume and 2011 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article – Environment  
8 Section 9–1703(b)  
9 Annotated Code of Maryland  
10 (2007 Replacement Volume and 2011 Supplement)

11 BY adding to  
12 Article – Environment  
13 Section 9–1711  
14 Annotated Code of Maryland  
15 (2007 Replacement Volume and 2011 Supplement)

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

18 **Article – Environment**

19 9–1703.

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

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

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

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

28 (3) The recyclable materials to be separated;

29 (4) The strategy for the collection, processing, marketing, and  
30 disposition of recyclable materials, including the cost–effective use of recycling centers;

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

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

1 (7) The feasibility of a system for the composting of mixed solid  
2 wastes;

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

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

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

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

10 (12) ~~THE COLLECTION AND RECYCLING OF RECYCLABLE~~  
11 ~~MATERIALS FROM RESIDENTS BY PROPERTY OWNERS OR MANAGERS OF~~  
12 ~~APARTMENT BUILDINGS AND CONDOMINIUMS THAT CONTAIN 10 OR MORE~~  
13 ~~DWELLING UNITS; AND THE COLLECTION AND RECYCLING OF RECYCLABLE~~  
14 ~~MATERIALS FROM RESIDENTS OF APARTMENT BUILDINGS AND CONDOMINIUMS~~  
15 ~~THAT CONTAIN 10 OR MORE DWELLING UNITS BY PROPERTY OWNERS OR~~  
16 ~~MANAGERS OF APARTMENT BUILDINGS AND COUNCILS OF UNIT OWNERS OF~~  
17 ~~CONDOMINIUMS;~~

18 (13) IF APPLICABLE, A METHOD FOR IMPLEMENTING A REPORTING  
19 REQUIREMENT FOR RECYCLABLE MATERIALS GENERATED AT APARTMENT  
20 BUILDINGS AND CONDOMINIUMS THAT CONTAIN 10 OR MORE DWELLING UNITS;  
21 AND

22 [(12)] ~~(13)~~ (14) Any other alternative methods of recycling that will  
23 attain or exceed the solid waste stream reduction goals determined by the county.

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

26 Article – Environment

27 9-1711.

28 (A) (1) THIS SECTION APPLIES ONLY TO ~~THE~~;

29 (I) A PROPERTY OWNER OR MANAGER OF AN APARTMENT  
30 BUILDING THAT CONTAINS 10 OR MORE DWELLING UNITS; ~~OR A~~ AND

31 (II) A COUNCIL OF UNIT OWNERS OF A CONDOMINIUM THAT  
32 CONTAINS 10 OR MORE DWELLING UNITS.

1           (2) THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A  
2 COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT TO ENACT AND  
3 ENFORCE RECYCLING REQUIREMENTS, INCLUDING ESTABLISHING CIVIL  
4 PENALTIES, FOR AN APARTMENT BUILDING OR A CONDOMINIUM THAT ARE  
5 MORE STRINGENT THAN THE REQUIREMENTS OF THIS SECTION.

6           (3) THIS SECTION DOES NOT REQUIRE A COUNTY TO MANAGE OR  
7 ENFORCE THE RECYCLING ACTIVITIES OF AN APARTMENT BUILDING OR  
8 CONDOMINIUM THAT IS LOCATED WITHIN THE BOUNDARIES OF A  
9 MUNICIPALITY.

10          (B) (1) ON OR BEFORE OCTOBER 1, ~~2013~~ 2014, EACH PROPERTY  
11 OWNER OR MANAGER OF AN APARTMENT BUILDING OR A COUNCIL OF UNIT  
12 OWNERS OF A CONDOMINIUM SHALL PROVIDE FOR RECYCLING FOR THE  
13 RESIDENTS OF THE DWELLING UNITS, INCLUDING:

14                   (I) THE COLLECTION OF RECYCLABLE MATERIALS FROM  
15 RESIDENTS OF THE DWELLING UNITS; AND

16                   (II) THE REMOVAL FOR FURTHER RECYCLING OF  
17 RECYCLABLE MATERIALS COLLECTED FROM RESIDENTS OF THE DWELLING  
18 UNITS.

19           ~~(2) (i) BEGINNING ON MARCH 1, 2014, AND ON OR BEFORE MARCH~~  
20 ~~1 EACH YEAR THEREAFTER, EACH PROPERTY OWNER OR MANAGER OF AN~~  
21 ~~APARTMENT BUILDING OR A CONDOMINIUM THAT PROVIDES FOR RECYCLING~~  
22 ~~FOR THE RESIDENTS OF THE DWELLING UNITS IN ACCORDANCE WITH~~  
23 ~~PARAGRAPH (1) OF THIS SUBSECTION SHALL REPORT TO THE COUNTY IN WHICH~~  
24 ~~THE APARTMENT BUILDING OR CONDOMINIUM IS LOCATED ON RECYCLING~~  
25 ~~ACTIVITIES IN THE PRIOR CALENDAR YEAR.~~

26                   ~~(H) THE INFORMATION REPORTED UNDER SUBPARAGRAPH~~  
27 ~~(I) OF THIS PARAGRAPH SHALL INCLUDE:~~

28                           ~~1. THE TYPE AND TONNAGE OF RECYCLABLE~~  
29 ~~MATERIALS COLLECTED AND RECYCLED FROM THE DWELLING UNITS;~~

30                           ~~2. THE TONNAGE OF WASTE DISPOSED FROM THE~~  
31 ~~DWELLING UNITS; AND~~

32                           ~~3. THE CONTRACTOR'S NAME, CONTACT~~  
33 ~~INFORMATION, AND RELEVANT LICENSE AND REGISTRATION INFORMATION.~~

1           **(2) A COUNTY MAY REQUIRE A PROPERTY OWNER OR MANAGER**  
2 **OF AN APARTMENT BUILDING OR A COUNCIL OF UNIT OWNERS OF A**  
3 **CONDOMINIUM THAT PROVIDES FOR RECYCLING FOR THE RESIDENTS OF THE**  
4 **DWELLING UNITS IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION**  
5 **TO REPORT TO THE COUNTY ON RECYCLING ACTIVITIES IN A MANNER**  
6 **DETERMINED BY THE COUNTY.**

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

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

15           **(E) AN ENFORCEMENT UNIT, OFFICER, OR OFFICIAL OF A COUNTY,**  
16 **MUNICIPALITY, OR OTHER LOCAL GOVERNMENT MAY CONDUCT INSPECTIONS**  
17 **OF AN APARTMENT BUILDING OR CONDOMINIUM TO ENFORCE SUBSECTION (B)**  
18 **OF THIS SECTION.**

19           **(F) ANY PENALTIES COLLECTED UNDER SUBSECTION (D) OF THIS**  
20 **SECTION SHALL BE PAID TO THE COUNTY, MUNICIPALITY, OR OTHER LOCAL**  
21 **GOVERNMENT THAT BROUGHT THE ENFORCEMENT ACTION.**

22           SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be  
23 construed to preempt or prevail over any ordinance, resolution, law, or rule more  
24 stringent than this Act.

25           SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall  
26 take effect October 1, 2013.

27           SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in  
28 Section 4 of this Act, this Act shall take effect October 1, 2012.