

Chapter 191

(Senate Bill 208)

AN ACT concerning

Environment – Recycling – Apartment Buildings and Condominiums

FOR the purpose of requiring a county to address the collection and recycling of certain materials by certain property owners ~~or~~, managers, and councils in a certain recycling plan; requiring a county to address, in a certain recycling plan, a method for implementing a reporting requirement for certain recyclable materials under certain circumstances; requiring certain owners ~~or~~, managers, and councils of apartment buildings or condominiums that contain a certain number of dwelling units to provide for recycling for residents on or before a certain date; clarifying that certain provisions of this Act do not affect the authority of a county, municipality, or other local government to enact and enforce certain recycling requirements; clarifying that certain provisions of this Act do not require a county to manage or enforce certain recycling activities within the boundaries of a municipality; ~~requiring certain owners or, managers, and councils to report annually to a county in accordance with certain requirements beginning on a certain date; requiring a county to determine the types of information that should be reported annually after consultation with certain property owners, managers, and councils;~~ authorizing a county to require certain property owners, managers, and councils to report to the county on recycling activities; requiring that the recycling required under this Act be done in accordance with certain recycling plans; providing for a civil penalty for a violation of this Act; providing for disbursement of penalties collected under this Act to certain jurisdictions; providing for a delayed effective date for a certain provision of this Act; clarifying that this Act does not preempt or prevail over certain other legislation; and generally relating to recycling ~~by owners or managers of~~ in certain apartment buildings and condominiums.

BY repealing and reenacting, without amendments,

Article – Environment

Section 9–1703(a)

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–1703(b)

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

BY adding to

Article – Environment

Section 9–1711

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

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

Article – Environment

9–1703.

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

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

- (1) Methods to meet the solid waste stream reduction;
- (2) The feasibility of source separation of the solid waste stream generated within the county;
- (3) The recyclable materials to be separated;
- (4) The strategy for the collection, processing, marketing, and disposition of recyclable materials, including the cost–effective use of recycling centers;
- (5) Methods of financing the recycling efforts proposed by the county;
- (6) Methods for the separate collection and composting of yard waste;
- (7) The feasibility of a system for the composting of mixed solid wastes;
- (8) The feasibility of a system for the collection and recycling of white goods;
- (9) The separate collection of other recyclable materials;
- (10) The strategy for the collection, processing, marketing, and disposition of recyclable materials from county public schools;

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

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

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

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

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

Article – Environment

9-1711.

(A) (1) THIS SECTION APPLIES ONLY TO:

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

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

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

(3) THIS SECTION DOES NOT REQUIRE A COUNTY TO MANAGE OR ENFORCE THE RECYCLING ACTIVITIES OF AN APARTMENT BUILDING OR

CONDOMINIUM THAT IS LOCATED WITHIN THE BOUNDARIES OF A MUNICIPALITY.

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

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

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

~~(2) (I) BEGINNING ON MARCH 1, 2014 2015, AND ON OR BEFORE MARCH 1 EACH YEAR THEREAFTER, EACH PROPERTY OWNER OR MANAGER OF AN APARTMENT BUILDING OR A COUNCIL OF UNIT OWNERS OF A CONDOMINIUM THAT PROVIDES FOR RECYCLING FOR THE RESIDENTS OF THE DWELLING UNITS IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL REPORT TO THE COUNTY IN WHICH THE APARTMENT BUILDING OR CONDOMINIUM IS LOCATED ON RECYCLING ACTIVITIES IN THE PRIOR CALENDAR YEAR.~~

~~(II) THE INFORMATION REPORTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE:~~

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

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

~~3. THE CONTRACTOR'S NAME, CONTACT INFORMATION, AND RELEVANT LICENSE AND REGISTRATION INFORMATION. A COUNTY SHALL DETERMINE THE TYPES OF INFORMATION THAT SHOULD BE REPORTED ANNUALLY BY PROPERTY OWNERS OR MANAGERS OF APARTMENT BUILDINGS OR COUNCILS OF UNIT OWNERS OF CONDOMINIUMS, AFTER CONSULTATION WITH PROPERTY OWNERS OR MANAGERS OF APARTMENT BUILDINGS OR COUNCILS OF UNIT OWNERS OF CONDOMINIUMS IN THE COUNTY~~

(2) A COUNTY MAY REQUIRE A PROPERTY OWNER OR MANAGER OF AN APARTMENT BUILDING OR A COUNCIL OF UNIT OWNERS OF A CONDOMINIUM

THAT PROVIDES FOR RECYCLING FOR THE RESIDENTS OF THE DWELLING UNITS IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION TO REPORT TO THE COUNTY ON RECYCLING ACTIVITIES IN A MANNER DETERMINED BY THE COUNTY.

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

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

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

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

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

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

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

Approved by the Governor, May 2, 2012.