

HOUSE BILL 1300

L1

7lr2150

By: **Charles County Delegation**

Introduced and read first time: February 10, 2017

Assigned to: Environment and Transportation

Committee Report: Favorable

House action: Adopted

Read second time: March 15, 2017

CHAPTER _____

1 AN ACT concerning

2 **Charles County – Garbage Disposal Services – Provider Displacement**

3 FOR the purpose of requiring the County Commissioners of Charles County to hold a
4 certain public hearing and provide certain notice before taking any action that
5 results in a certain displacement of a person that has been providing garbage
6 collection, removal, or disposal services in Charles County; requiring the county
7 commissioners to provide written notice of a certain displacement to a certain person
8 within a certain time period under certain circumstances; defining a certain term;
9 providing for the application of this Act; and generally relating to the provision of
10 garbage collection, removal, and disposal services in Charles County.

11 BY repealing and reenacting, without amendments,
12 Article – Local Government
13 Section 9–302(a)
14 Annotated Code of Maryland
15 (2013 Volume and 2016 Supplement)

16 BY adding to
17 Article – Local Government
18 Section 13–402.1
19 Annotated Code of Maryland
20 (2013 Volume and 2016 Supplement)

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

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.



Article – Local Government

1
2 9–302.

3 (a) (1) There are four classes of code counties, based on the geographic region
4 of the State where the county is located.

5 (2) The geographic regions of the State are:

6 (i) Central Maryland, consisting of Anne Arundel County,
7 Baltimore City, Baltimore County, Carroll County, Frederick County, Harford County,
8 Howard County, Montgomery County, and Prince George’s County;

9 (ii) Eastern Shore, consisting of Caroline County, Cecil County,
10 Dorchester County, Kent County, Queen Anne’s County, Somerset County, Talbot County,
11 Wicomico County, and Worcester County;

12 (iii) Southern Maryland, consisting of Calvert County, Charles
13 County, and St. Mary’s County; and

14 (iv) Western Maryland, consisting of Allegany County, Garrett
15 County, and Washington County.

16 **13–402.1.**

17 **(A) (1) IN THIS SECTION, “DISPLACEMENT” MEANS THE PROVISION OF**
18 **GARBAGE COLLECTION, REMOVAL, OR DISPOSAL SERVICES BY A GOVERNING BODY**
19 **OF A COUNTY IN A MANNER THAT PRECLUDES A PRIVATE PERSON THAT HAS BEEN**
20 **PROVIDING THE SERVICES FROM CONTINUING TO PROVIDE THE SERVICES.**

21 **(2) “DISPLACEMENT” DOES NOT INCLUDE CIRCUMSTANCES IN**
22 **WHICH:**

23 **(I) A GOVERNING BODY OF A COUNTY:**

24 **1. DOES NOT RENEW A CONTRACT FOR GARBAGE**
25 **COLLECTION, REMOVAL, OR DISPOSAL SERVICES AND, AT THE END OF THE**
26 **CONTRACT TERM, PROVIDES THE SERVICES ITSELF OR CONTRACTS WITH ANOTHER**
27 **PERSON TO PROVIDE THE SERVICES; OR**

28 **2. ENTERS INTO A CONTRACT WITH ANOTHER PERSON**
29 **TO PROVIDE OTHER GARBAGE COLLECTION, REMOVAL, OR DISPOSAL SERVICES;**

1 **(II) THE PERSON THAT HAS BEEN PROVIDING THE GARBAGE**
2 **COLLECTION, REMOVAL, OR DISPOSAL SERVICES:**

3 1. **HAS ACTED IN A MANNER THREATENING TO PUBLIC**
4 **HEALTH OR SAFETY;**

5 2. **HAS ACTED IN A MANNER RESULTING IN A**
6 **SUBSTANTIAL PUBLIC NUISANCE;**

7 3. **HAS COMMITTED A MATERIAL BREACH OF A**
8 **CONTRACT FOR GARBAGE COLLECTION, REMOVAL, OR DISPOSAL SERVICES;**

9 4. **REFUSES TO CONTINUE TO PROVIDE GARBAGE**
10 **COLLECTION, REMOVAL, OR DISPOSAL SERVICES UNDER THE TERMS AND**
11 **CONDITIONS OF AN EXISTING AGREEMENT; OR**

12 5. **HAS BEEN AUTHORIZED TO PROVIDE GARBAGE**
13 **COLLECTION, REMOVAL, OR DISPOSAL SERVICES UNDER A LICENSE OR PERMIT**
14 **THAT WILL EXPIRE AND NOT BE RENEWED; OR**

15 **(III) A MAJORITY OF THE PROPERTY OWNERS IN THE SERVICE**
16 **AREA REQUEST IN WRITING THAT THE GOVERNING BODY OF THE COUNTY TAKE**
17 **OVER THE GARBAGE COLLECTION, REMOVAL, OR DISPOSAL SERVICES.**

18 **(B) THIS SECTION APPLIES ONLY TO A CODE COUNTY IN THE SOUTHERN**
19 **MARYLAND CLASS, AS PROVIDED IN § 9-302(A) OF THIS ARTICLE.**

20 **(C) BEFORE TAKING ANY ACTION THAT RESULTS IN THE DISPLACEMENT OF**
21 **A PERSON THAT HAS BEEN PROVIDING GARBAGE COLLECTION, REMOVAL, OR**
22 **DISPOSAL SERVICES IN THE COUNTY, THE COUNTY COMMISSIONERS SHALL:**

23 **(1) HOLD AT LEAST ONE PUBLIC HEARING ON THE ADVISABILITY OF**
24 **THE COUNTY PROVIDING THE GARBAGE COLLECTION, REMOVAL, OR DISPOSAL**
25 **SERVICES; AND**

26 **(2) PROVIDE NOTICE OF THE HEARING TO:**

27 **(I) EACH PERSON THAT PROVIDES THE SERVICES IN THE**
28 **COUNTY, IN WRITING SENT BY FIRST-CLASS MAIL AT LEAST 45 DAYS BEFORE THE**
29 **HEARING; AND**

30 **(II) THE PUBLIC.**

1 **(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 1**
 2 **YEAR AFTER THE PUBLIC HEARING, AND AT LEAST 5 YEARS BEFORE ANY**
 3 **DISPLACEMENT, THE COUNTY COMMISSIONERS SHALL PROVIDE WRITTEN NOTICE**
 4 **OF THE DISPLACEMENT TO THE PERSON PROVIDING THE GARBAGE COLLECTION,**
 5 **REMOVAL, OR DISPOSAL SERVICES.**

6 **(2) THE COUNTY MAY BEGIN PROVIDING GARBAGE COLLECTION,**
 7 **REMOVAL, OR DISPOSAL SERVICES OR CONTRACT WITH ANOTHER PERSON TO**
 8 **PROVIDE THE SERVICES LESS THAN 5 YEARS AFTER PROVIDING THE NOTICE**
 9 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:**

10 **(I) THE COUNTY PAYS THE PERSON THAT HAS BEEN PROVIDING**
 11 **THE SERVICES AN AMOUNT EQUAL TO THE PERSON’S GROSS RECEIPTS FOR**
 12 **PROVIDING THE SERVICES IN THE COUNTY FOR THE PRECEDING 15-MONTH PERIOD;**

13 **(II) THE COUNTY COMMISSIONERS AND THE PERSON THAT HAS**
 14 **BEEN PROVIDING THE SERVICES AGREE TO A DIFFERENT NOTICE PERIOD OR**
 15 **COMPENSATION AMOUNT; OR**

16 **(III) THE PERSON STOPS PROVIDING THE SERVICES IN THE**
 17 **COUNTY.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 19 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.