

HOUSE BILL 804

L2

8lr1329

By: **Frederick County Delegation**

Introduced and read first time: February 6, 2008

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 19, 2008

CHAPTER _____

1 AN ACT concerning

2 **Frederick County – Solid Waste Collection – Franchises and Contracts**

3 FOR the purpose of authorizing Frederick County to grant one or more exclusive or
4 nonexclusive franchises or enter into certain contracts for the collection of solid
5 waste under certain circumstances; authorizing the county to impose certain
6 franchise fees; authorizing the county to establish certain rates or charges
7 under certain circumstances; authorizing the county to adopt certain
8 regulations and licensing requirements; authorizing the county to provide for
9 the enforcement of certain regulations and licensing requirements; providing
10 that before the County Commissioners may grant certain franchises or enter
11 into certain contracts for the collection of solid waste within a municipal
12 corporation, the governing body of the municipal corporation must consent to
13 the grant of the franchise or the entering into of the contract; stating a certain
14 policy of the State; and generally relating to the solid waste collection franchises
15 or contracts in Frederick County.

16 BY adding to

17 The Public Local Laws of Frederick County

18 Section 2–13–35

19 Article 11 – Public Local Laws of Maryland

20 (2004 Edition and November 2007 Supplement, as amended)

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

23 **Article 11 – Frederick County**

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 **2-13-35.**

2 (A) IT IS THE POLICY OF THIS STATE TO AUTHORIZE THE COUNTY TO
3 DISPLACE OR LIMIT COMPETITION IN THE AREA OF COLLECTION OF SOLID
4 WASTE IN ORDER TO:

5 (1) PROVIDE FOR AN ADEQUATE, ECONOMICAL, AND EFFICIENT
6 DELIVERY OF SOLID WASTE COLLECTION SERVICES;

7 (2) AVOID DUPLICATION OF SERVICES;

8 (3) PROVIDE NECESSARY AND DESIRED SOLID WASTE
9 COLLECTION SERVICES IN THE COUNTY;

10 (4) PROMOTE RECYCLING; AND

11 (5) PROMOTE THE GENERAL WELFARE BY ESTABLISHING A
12 COMPREHENSIVE SOLID WASTE COLLECTION SYSTEM.

13 (B) THE COUNTY MAY:

14 (1) GRANT ONE OR MORE EXCLUSIVE OR NONEXCLUSIVE
15 FRANCHISES TO, OR ENTER INTO CONTRACTS ON AN EXCLUSIVE OR
16 NONEXCLUSIVE BASIS WITH, ANY PERSON FOR THE COLLECTION OF SOLID
17 WASTE;

18 (2) IMPOSE FRANCHISE FEES;

19 (3) ESTABLISH RATES AND CHARGES THAT RELATE TO A
20 FRANCHISE OR CONTRACT UNDER THIS SECTION;

21 (4) ADOPT REGULATIONS AND LICENSING REQUIREMENTS; AND

22 (5) NOTWITHSTANDING ANY ANTICOMPETITIVE EFFECT,
23 PROVIDE FOR THE ENFORCEMENT OF ANY RULES, REGULATIONS, AND
24 LICENSING REQUIREMENTS ADOPTED IN ACCORDANCE WITH THIS SUBSECTION.

25 (C) BEFORE THE COUNTY COMMISSIONERS MAY GRANT A FRANCHISE
26 OR ENTER INTO A CONTRACT FOR THE COLLECTION OF SOLID WASTE WITHIN A
27 MUNICIPAL CORPORATION, THE GOVERNING BODY OF THE MUNICIPAL
28 CORPORATION MUST CONSENT TO THE GRANT OF THE FRANCHISE OR THE
29 CONTRACTS.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.