

SENATE BILL 208

M3, L1
SB 111/11 – EHE

2lr0918
CF HB 1

By: **Senators Pinsky, Brochin, Forehand, Montgomery, and Raskin**

Introduced and read first time: January 20, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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

21 BY repealing and reenacting, without amendments,
22 Article – Environment
23 Section 9–1703(a)
24 Annotated Code of Maryland
25 (2007 Replacement Volume and 2011 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Environment
28 Section 9–1703(b)
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2007 Replacement Volume and 2011 Supplement)

2 BY adding to

3 Article – Environment

4 Section 9–1711

5 Annotated Code of Maryland

6 (2007 Replacement Volume and 2011 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 ONLY TO THE PROPERTY OWNER OR
14 MANAGER OF AN APARTMENT BUILDING OR A CONDOMINIUM THAT CONTAINS
15 10 OR MORE DWELLING UNITS.

16 (2) THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A
17 COUNTY, MUNICIPALITY, OR OTHER LOCAL GOVERNMENT TO ENACT AND
18 ENFORCE RECYCLING REQUIREMENTS, INCLUDING ESTABLISHING CIVIL
19 PENALTIES, FOR AN APARTMENT BUILDING OR A CONDOMINIUM THAT ARE
20 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, 2013, EACH PROPERTY OWNER
26 OR MANAGER OF AN APARTMENT BUILDING OR A CONDOMINIUM SHALL
27 PROVIDE FOR RECYCLING FOR THE RESIDENTS OF THE DWELLING UNITS,
28 INCLUDING:

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

31 (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, 2014, 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. THE CONTRACTOR'S NAME, CONTACT**
15 **INFORMATION, AND RELEVANT LICENSE AND REGISTRATION INFORMATION.**

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 A COUNTY,**
25 **MUNICIPALITY, OR OTHER LOCAL GOVERNMENT MAY CONDUCT INSPECTIONS**
26 **OF AN APARTMENT BUILDING OR CONDOMINIUM TO ENFORCE SUBSECTION (B)**
27 **OF THIS SECTION.**

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

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

1 SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
2 take effect October 1, 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, 2012.