

# SENATE BILL 208

M3, L1  
SB 111/11 – EHE

2lr0918  
CF HB 1

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

Introduced and read first time: January 20, 2012

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 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 certain owners ~~or~~, managers, and councils of  
6 apartment buildings or condominiums that contain a certain number of  
7 dwelling units to provide for recycling for residents on or before a certain date;  
8 clarifying that certain provisions of this Act do not affect the authority of a  
9 county, municipality, or other local government to enact and enforce certain  
10 recycling requirements; clarifying that certain provisions of this Act do not  
11 require a county to manage or enforce certain recycling activities within the  
12 boundaries of a municipality; requiring certain owners ~~or~~, managers, and  
13 councils to report annually to a county in accordance with certain requirements  
14 beginning on a certain date; requiring a county to determine the types of  
15 information that should be reported annually after consultation with certain  
16 property owners, managers, and councils; requiring that the recycling required  
17 under this Act be done in accordance with certain recycling plans; providing for  
18 a civil penalty for a violation of this Act; providing for disbursement of penalties  
19 collected under this Act to certain jurisdictions; providing for a delayed effective  
20 date for a certain provision of this Act; clarifying that this Act does not preempt  
21 or prevail over certain other legislation; and generally relating to recycling ~~by~~  
22 ~~owners or managers of~~ in certain apartment buildings and condominiums.

23 BY repealing and reenacting, without amendments,

24 Article – Environment

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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 Section 9–1703(a)  
2 Annotated Code of Maryland  
3 (2007 Replacement Volume and 2011 Supplement)

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

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

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

16 **Article – Environment**

17 9–1703.

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

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

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

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

26 (3) The recyclable materials to be separated;

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

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

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

31 (7) The feasibility of a system for the composting of mixed solid  
32 wastes;

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

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

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

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

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

16 [(12)] (13) Any other alternative methods of recycling that will attain  
17 or exceed the solid waste stream reduction goals determined by the county.

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

20 **Article – Environment**

21 **9-1711.**

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

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

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

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

1           **(3) THIS SECTION DOES NOT REQUIRE A COUNTY TO MANAGE OR**  
 2 **ENFORCE THE RECYCLING ACTIVITIES OF AN APARTMENT BUILDING OR**  
 3 **CONDOMINIUM THAT IS LOCATED WITHIN THE BOUNDARIES OF A**  
 4 **MUNICIPALITY.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.