

SENATE BILL 1049

M3, L3

3lr3376

By: **Senators Mathias and Astle**

Introduced and read first time: March 4, 2013

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 7, 2013

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 2013

CHAPTER _____

1 AN ACT concerning

2 **Recycling – Apartment Buildings and Condominiums – Ocean City**

3 FOR the purpose of providing that ~~a certain property owner or manager of an~~
4 ~~apartment building or a council of unit owners of a condominium is not required~~
5 ~~to provide for recycling for residents of any dwelling unit located in a county or~~
6 ~~municipality that does not currently provide a certain recycling service and that~~
7 ~~utilizes a certain system or facility for the disposal of waste~~ certain provisions of
8 law requiring a certain property owner or manager of an apartment building or
9 a council of unit owners of a condominium to provide for recycling for its
10 residents do not apply in Ocean City; and generally relating to recycling
11 requirements for apartment buildings and condominiums in Ocean City.

12 BY repealing and reenacting, with amendments,

13 Article – Environment

14 Section 9–1711

15 Annotated Code of Maryland

16 (2007 Replacement Volume and 2012 Supplement)

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

19 **Article – Environment**

20 9–1711.

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 (a) (1) ~~This~~ **EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS**
 2 **SUBSECTION, THIS** section applies only to:

3 (i) A property owner or manager of an apartment building that
 4 contains 10 or more dwelling units; and

5 (ii) A council of unit owners of a condominium that contains 10
 6 or more dwelling units.

7 (2) This section does not affect the authority of a county, municipality,
 8 or other local government to enact and enforce recycling requirements, including
 9 establishing civil penalties, for an apartment building or a condominium that are more
 10 stringent than the requirements of this section.

11 (3) This section does not require a county to manage or enforce the
 12 recycling activities of an apartment building or condominium that is located within the
 13 boundaries of a municipality.

14 **(4) THIS SECTION DOES NOT APPLY IN OCEAN CITY.**

15 (b) (1) ~~{On}~~ ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~
 16 ~~SUBSECTION, ON~~ or before October 1, 2014, each property owner or manager of an
 17 apartment building or a council of unit owners of a condominium shall provide for
 18 recycling for the residents of the dwelling units, including:

19 (i) The collection of recyclable materials from residents of the
 20 dwelling units; and

21 (ii) The removal for further recycling of recyclable materials
 22 collected from residents of the dwelling units.

23 ~~(2) A PROPERTY OWNER OR MANAGER OF AN APARTMENT~~
 24 ~~BUILDING OR A COUNCIL OF UNIT OWNERS OF A CONDOMINIUM IS NOT~~
 25 ~~REQUIRED TO PROVIDE FOR RECYCLING FOR THE RESIDENTS OF ANY~~
 26 ~~DWELLING UNIT LOCATED IN A COUNTY OR MUNICIPALITY THAT:~~

27 ~~(I) DOES NOT CURRENTLY PROVIDE CURBSIDE~~
 28 ~~RECYCLING; AND~~

29 ~~(II) UTILIZES A METHANE TO ENERGY SYSTEM OR~~
 30 ~~FACILITY OR A WASTE TO ENERGY SYSTEM OR FACILITY FOR THE DISPOSAL OF~~
 31 ~~WASTE.~~

32 ~~{(2)}~~ ~~(3)~~ A county may require a property owner or manager of an
 33 apartment building or a council of unit owners of a condominium that provides for

1 recycling for the residents of the dwelling units in accordance with paragraph (1) of
2 this subsection to report to the county on recycling activities in a manner determined
3 by the county.

4 (c) The recycling required under subsection (b) of this section shall be carried
5 out in accordance with the recycling plan required under § 9–1703 of this subtitle for
6 the county in which the apartment building or condominium that contains 10 or more
7 dwelling units is located.

8 (d) A person that violates subsection (b) or (c) of this section is subject to a
9 civil penalty not exceeding \$50 for each day on which the violation exists.

10 (e) An enforcement unit, officer, or official of a county, municipality, or other
11 local government may conduct inspections of an apartment building or condominium
12 to enforce subsection (b) of this section.

13 (f) Any penalties collected under subsection (d) of this section shall be paid
14 to the county, municipality, or other local government that brought the enforcement
15 action.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.