

# HOUSE BILL 1300

L1

(7lr2150)

## ENROLLED BILL

— *Environment and Transportation/Education, Health, and Environmental Affairs* —

Introduced by **Charles County Delegation**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### 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

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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.

*Italics indicate opposite chamber/conference committee amendments.*



(2013 Volume and 2016 Supplement)

BY adding to

Article – Local Government

Section 13–402.1

Annotated Code of Maryland

(2013 Volume and 2016 Supplement)

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

**Article – Local Government**

9–302.

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

(2) The geographic regions of the State are:

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

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

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

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

**13–402.1.**

**(A) (1) IN THIS SECTION, “DISPLACEMENT” MEANS THE PROVISION OF GARBAGE COLLECTION, REMOVAL, OR DISPOSAL SERVICES BY A GOVERNING BODY OF A COUNTY IN A MANNER THAT PRECLUDES A PRIVATE PERSON THAT HAS BEEN PROVIDING THE SERVICES AND IS LICENSED AND INSPECTED BY THE CHARLES COUNTY HEALTH DEPARTMENT FROM CONTINUING TO PROVIDE THE SERVICES.**

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

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

1                   1. DOES NOT RENEW A CONTRACT FOR GARBAGE  
2 COLLECTION, REMOVAL, OR DISPOSAL SERVICES AND, AT THE END OF THE  
3 CONTRACT TERM, PROVIDES THE SERVICES ITSELF OR CONTRACTS WITH ANOTHER  
4 PERSON TO PROVIDE THE SERVICES; OR

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

7                   (II) THE PERSON THAT HAS BEEN PROVIDING THE GARBAGE  
8 COLLECTION, REMOVAL, OR DISPOSAL SERVICES:

9                   1. HAS ACTED IN A MANNER THREATENING TO PUBLIC  
10 HEALTH OR SAFETY;

11                   2. HAS ACTED IN A MANNER RESULTING IN A  
12 SUBSTANTIAL PUBLIC NUISANCE;

13                   3. HAS COMMITTED A MATERIAL BREACH OF A  
14 CONTRACT FOR GARBAGE COLLECTION, REMOVAL, OR DISPOSAL SERVICES;

15                   4. REFUSES TO CONTINUE TO PROVIDE GARBAGE  
16 COLLECTION, REMOVAL, OR DISPOSAL SERVICES UNDER THE TERMS AND  
17 CONDITIONS OF AN EXISTING AGREEMENT; OR

18                   5. HAS BEEN AUTHORIZED TO PROVIDE GARBAGE  
19 COLLECTION, REMOVAL, OR DISPOSAL SERVICES UNDER A LICENSE OR PERMIT  
20 THAT WILL EXPIRE AND NOT BE RENEWED; OR

21                   (III) A MAJORITY OF THE PROPERTY OWNERS IN THE DEFINED  
22 SERVICE AREA REQUEST IN WRITING THAT THE GOVERNING BODY OF THE COUNTY  
23 TAKE OVER THE GARBAGE COLLECTION, REMOVAL, OR DISPOSAL SERVICES.

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

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

29                   (1) HOLD AT LEAST ONE PUBLIC HEARING ON THE ADVISABILITY OF  
30 THE COUNTY PROVIDING THE GARBAGE COLLECTION, REMOVAL, OR DISPOSAL  
31 SERVICES; AND

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

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

5                   **(II) THE PUBLIC, BY PUBLISHING A NOTIFICATION IN A**  
6 **NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONCE EACH WEEK FOR 2**  
7 **SUCCESSIVE WEEKS BEFORE THE HEARING.**

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

13           **(2) THE COUNTY MAY BEGIN PROVIDING GARBAGE COLLECTION,**  
14 **REMOVAL, OR DISPOSAL SERVICES OR CONTRACT WITH ANOTHER PERSON TO**  
15 **PROVIDE THE SERVICES LESS THAN ~~5~~ 4 YEARS AFTER PROVIDING THE NOTICE**  
16 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:**

17                   **(I) THE COUNTY PAYS THE DISPLACED PERSON THAT HAS BEEN**  
18 **PROVIDING THE SERVICES AN AMOUNT EQUAL TO THE PERSON'S GROSS RECEIPTS**  
19 **FOR PROVIDING THE SERVICES IN THE COUNTY FOR THE PRECEDING ~~15-MONTH~~**  
20 **12-MONTH PERIOD;**

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

24                   **(III) THE PERSON STOPS PROVIDING THE SERVICES IN THE**  
25 **COUNTY.**

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