

HOUSE BILL 179

M3, L1

11r1652
CF SB 111

By: **Delegate Lafferty**

Introduced and read first time: January 27, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Recycling – Apartment Buildings and Condominiums**

3 FOR the purpose of requiring owners or managers of apartment buildings or
4 condominiums that contain a certain number of dwelling units to provide for
5 recycling for residents on or before a certain date; requiring that the recycling
6 required under this Act be done in accordance with certain recycling plans;
7 providing for a civil penalty for a violation of this Act; providing for
8 disbursement of penalties collected under this Act to certain jurisdictions;
9 providing for the application of this Act; clarifying that this Act does not
10 preempt or prevail over certain other legislation; and generally relating to
11 recycling by owners or managers of certain apartment buildings and
12 condominiums.

13 BY repealing and reenacting, without amendments,
14 Article – Environment
15 Section 9–1703(a)
16 Annotated Code of Maryland
17 (2007 Replacement Volume and 2010 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Environment
20 Section 9–1703(b)
21 Annotated Code of Maryland
22 (2007 Replacement Volume and 2010 Supplement)

23 BY adding to
24 Article – Environment
25 Section 9–1711
26 Annotated Code of Maryland
27 (2007 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Environment**

4 9–1703.

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

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

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

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

13 (3) The recyclable materials to be separated;

14 (4) The strategy for the collection, processing, marketing, and
15 disposition of recyclable materials, including the cost-effective use of recycling centers;

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

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

18 (7) The feasibility of a system for the composting of mixed solid
19 wastes;

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

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

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

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

27 **(12) THE COLLECTION AND RECYCLING OF RECYCLABLE**
28 **MATERIALS FROM RESIDENTS BY PROPERTY OWNERS OR MANAGERS OF**
29 **APARTMENT BUILDINGS AND CONDOMINIUMS THAT CONTAIN 10 OR MORE**
30 **DWELLING UNITS; AND**

1 ~~[(12)]~~ **(13)** Any other alternative methods of recycling that will attain
2 or exceed the solid waste stream reduction goals determined by the county.

3 **9-1711.**

4 **(A) (1) THIS SECTION APPLIES TO ANY PROPERTY OWNER OR**
5 **MANAGER OF AN APARTMENT BUILDING OR A CONDOMINIUM THAT CONTAINS**
6 **10 OR MORE DWELLING UNITS.**

7 **(2) THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A LOCAL**
8 **GOVERNING BODY TO ENACT AND ENFORCE RECYCLING REQUIREMENTS FOR AN**
9 **APARTMENT BUILDING OR A CONDOMINIUM THAT ARE MORE STRINGENT THAN**
10 **THE REQUIREMENTS OF THIS SECTION.**

11 **(B) ON OR BEFORE OCTOBER 1, 2015, EACH PROPERTY OWNER OR**
12 **MANAGER OF AN APARTMENT BUILDING OR A CONDOMINIUM THAT CONTAINS**
13 **10 OR MORE DWELLING UNITS SHALL PROVIDE FOR RECYCLING FOR THE**
14 **RESIDENTS OF THE DWELLING UNITS, INCLUDING:**

15 **(1) THE COLLECTION OF RECYCLABLE MATERIALS FROM**
16 **RESIDENTS OF THE DWELLING UNITS; AND**

17 **(2) THE REMOVAL FOR FURTHER RECYCLING OF RECYCLABLE**
18 **MATERIALS COLLECTED FROM RESIDENTS OF THE DWELLING UNITS.**

19 **(C) THE RECYCLING REQUIRED UNDER SUBSECTION (B) OF THIS**
20 **SECTION SHALL BE CARRIED OUT IN ACCORDANCE WITH THE RECYCLING PLAN**
21 **REQUIRED UNDER § 9-1703 OF THIS SUBTITLE FOR THE COUNTY IN WHICH THE**
22 **APARTMENT BUILDING OR CONDOMINIUM THAT CONTAINS 10 OR MORE**
23 **DWELLING UNITS IS LOCATED.**

24 **(D) A PERSON THAT VIOLATES SUBSECTION (B) OF THIS SECTION IS**
25 **SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$50 FOR EACH DAY ON WHICH**
26 **THE VIOLATION EXISTS.**

27 **(E) AN ENFORCEMENT UNIT, OFFICER, OR OFFICIAL OF THE STATE OR**
28 **OF A COUNTY OF THE STATE SHALL ENFORCE SUBSECTION (B) OF THIS**
29 **SECTION.**

30 **(F) ANY PENALTIES COLLECTED UNDER SUBSECTION (D) OF THIS**
31 **SECTION SHALL BE DISBURSED TO THE COUNTY WHERE THE VIOLATION**
32 **OCCURRED.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
2 construed to preempt or prevail over any ordinance, resolution, law, or rule more
3 stringent than this Act.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2011.