



June 11, 2024

FISCAL AND POLICY NOTE

TO: Jennifer A. Jenkins
Council Administrator

Colette R. Gresham, Esq.
Deputy Council Administrator

THRU: Josh Hamlin 
Director of Budget and Policy Analysis

FROM: Alex Hirtle 
Legislative Budget and Policy Analyst

Policy Analysis and Fiscal Impact Statement
CB-046-2024 Refuse Collection – Container Locks

CB-046-2024 (*proposed by: Council Member Oriadha*)

Assigned to Transportation, Infrastructure, Energy, and Environment (TIEE) Committee

AN ACT CONCERNING REFUSE COLLECTION – CONTAINER LOCKS for the purpose of providing that every approved commercially available type of container, including dumpsters, shall have a lock to secure the trash and control any overflow before it is properly dumped, pursuant to the terms of this Subdivision; and generally regarding refuse.

Fiscal Summary

Direct Impact:

Expenditures: Negligible additional expenditures.

Revenues: No foreseen revenue impact.

Indirect Impact:

Potentially favorable.

Legislative Summary:

CB-046-2024 was presented by Council on May 28th, 2024, and referred to the Transportation, Infrastructure, Energy, and Environment (TIEE) Committee.

The Bill requires that every approved commercially available type of refuse container, including dumpsters, will have a lock securing the container to control overflow of trash and other contents.

Current Law/Background:

The Bill revises the current Code for Subtitle 21 (Refuse), Subdivision 1 (Refuse Collection and Disposal), and Sec. 21-113 (referring to Storage of Refuse). This section provides the regulations of premises on which refuse containers or dumpsters are utilized and includes the sanitary condition requirements of the premises itself.

This Bill has been proposed due to the challenges of trash and other materials that overflow from unlocked and/or unsecured commercial refuse containers or dumpsters. Containers and dumpsters in an unlocked condition are vulnerable to dumping of trash and materials from residents and commercial entities that do not reside or have privileges to the container and may fill and/or overflow the container with debris. These circumstances may not allow the lid(s) to close and secure the container, potentially causing trash and garbage to fall out or be blown away; this can attract rats and other vermin, create litter challenges, and may even be potentially harmful to children or individuals climbing into the container/dumpster for various reasons.

Many modern refuse containers and dumpsters have bar locks that keep the container secure, and when a refuse truck lifts the container on its side or overhead, the lid opens and releases the contents of the container with the lock still secure – this resolves the issue of the container owner or property manager having to unlock the container prior to the container being emptied.

Resource Personnel:

- Tiffany Hannon, Chief of Staff, District 7
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Discussion/Policy Analysis:

The County has various tools to manage its reduction of litter, specific to commercial trash containers, which include dumpsters. Subtitle 21 Sec. 21-113 (b) already requires “...garbage shall be stored in approved commercially available type containers with *tight fitting lids*.” The Code goes on to require occupants of any premises shall be responsible for the sanitary condition

of the premises [Sec. 21-113 (c)]. The challenge with the latter regulation is the enforcement of the law, already a current challenge for the Department of Permitting, Inspections, and Enforcement (DPIE). Additionally, dumpsters, trash collection and storage areas are already required to be in a screened in area, using fencing, walls, or an evergreen barrier. There are certain exceptions for adjacent areas zoned industrial, warehouse, or distribution.¹

Despite these current safeguards to prevent litter from accumulating in the area of commercial refuse containers and dumpsters, empirical evidence suggests more preventative measures need to be in place to reduce trash, garbage, and other refuse from coming out of commercial waste containers before being dumped. Debris overflow, and trash/garbage taken out by individuals could be reduced by locking devices to prevent opening/entering of such containers.

There are several considerations in having commercial waste containers locked- if residents of a multi-family facility need to dispose of trash and cannot access their dumpster on premises, they may leave their trash next to the container. The same could be said for unauthorized dumping by non-residents of a facility, exacerbating the litter situation. Additionally, for businesses to comply with this legislation, they may need to alter their contract with their waste hauler to upgrade their container with a locking device, or if the business owns their container, they may need to purchase a container with a locking device, or have their original container affixed with a lock. The waste hauler would also need a copy of the locking device key to access the container; an exception to this would be automatic locks that unlock when the dumpster/container is hoisted on its side/upside down by the refuse trucks (these devices are known as “gravity locks”).²

Other jurisdictions have utilized various methods to control their litter concerns near commercial containers, including the District of Columbia Commercial Compactor Demonstration Project, which helps facilitate the installation of trash or recycling compactors to restrict litter overflow and vermin challenges.³ Montgomery County (Maryland) utilizes requirements for “watertight and leakproof” dumpsters that must be specifically registered with that jurisdiction.⁴

Fiscal Impact:

- *Direct Impact*

DPIE did not respond to the fiscal impact inquiry, but enactment of CB-046-2024 should have a negligible fiscal impact on the County, mainly through staff time in coordination of enforcement with the legislative revision. This may include spot checks to ensure businesses are complying with the legislation, and complaints from residents or other business owners that a property owner is not in compliance. A positive impact could occur through enforcement that creates revenue through fines, although DPIE has noted several times in the past that they prefer not to issue violations, instead working with businesses to bring violators into compliance.

¹ M-NCPPC Landscape Manual, December 2010, page 63.

² Telephone conversation with representative of Republic Services Inc., June 10th, 2024.

³ <https://dslbd.dc.gov/compactor>

⁴ Montgomery County, Maryland Code, Sec. 48-8A(3)(B)

- *Indirect Impact*

Enactment of CB-046-2024 could have a favorable indirect impact on the County by the reduction of litter produced through commercial trash and garbage containers and dumpsters. Reduced litter could reduce the challenge of clean-ups via blown trash to areas outside of the point of origin. Reduced litter could also increase the quality of life for residents through improved environmental aesthetics, cleaner waterways, and reduced health risks, which could help increase local economic growth, as well as possibly raise property values within the County.

- *Appropriated in the Current Fiscal Year Budget*

No.

Effective Date of Proposed Legislation:

The proposed Bill shall be effective forty-five (45) calendar days after it becomes law.

If you require additional information, or have questions about this fiscal impact statement, please reach out to me via phone or email.