

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**1996 Legislative Session**

Bill No. \_\_\_\_\_ CB-60-1996

Chapter No. \_\_\_\_\_ 75

Proposed and Presented by \_\_\_\_\_ Council Members Scott, Del Giudice and Estepp

Introduced by \_\_\_\_\_ Council Members Scott, Del Giudice and Estepp

Co-Sponsors

Date of Introduction \_\_\_\_\_ October 29, 1996

**BILL**

AN ACT concerning

Refuse and Recycling Fees

For the purpose of establishing a limit on residential refuse system fees, providing for the establishment of refuse system fees for commercial properties and clarifying the procedures for the establishment of fees and special assessment taxes for refuse and recycling fees.

BY repealing and reenacting with amendments:

SUBTITLE 2. ADMINISTRATION.

Sections 2-375 and 2-384.04, and

SUBTITLE 21. REFUSE.

Section 21-137.01,

The Prince George's County Code

(1995 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 2-375, 2-384.04 and 21-137.01 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 2. ADMINISTRATION.**

**DIVISION 22. URBAN AREAS.**

**Subdivision 1. General.**

**Sec. 2-375. Tax levy for municipal functions.**

(a) The special assessment taxes levied by the Council for the costs of municipal functions, services and improvements provided in Section 2-367, "Municipal functions," except garbage and trash collection removal and disposition, site acquisition and operation, shall be by an ad valorem tax levied against all of the property assessed for County tax purposes within such area or that portion of the area where such are provided. The Council may allow credit against such levy of certain State funds, provided the requirements of the Council are complied with.

(b) The special assessment taxes levied by the Council for the costs of garbage and trash collection, removal and disposition, including site acquisition and operation shall be by an ad valorem tax against all of the improved properties assessed for County tax purposes within the area receiving trash and garbage removal and disposition service. The Council may in its discretion prescribe the method of payment and the rate of tax for the costs of the collection, removal and disposition of trash and garbage as follows: the basis of the tax to be the total costs of said service divided by the number of units served. The Council may vary the tax rate as between individual residential units and commercial establishments. Such decision as to any variance for such service by the Council shall be conclusive.

(1) The special assessment tax rate for garbage and trash disposition and the acquisition and operation of a site or sites for the disposition of such garbage and trash shall be established on a per unit basis.

(2) The special assessment tax rate for garbage and trash disposition and the acquisition and operation of a site or sites for the disposition of such garbage and trash for residential and commercial uses shall be based upon the amount of garbage and trash anticipated to be generated by each type of use. The County Executive shall collect appropriate data, analyze waste generation, and recommend a reasonable system of rates and charges for adoption by the Council in conjunction with the adoption of the annual operating budget.

(3) At the time any special assessment tax rate is implemented for commercial properties, the special assessment tax rate for residential and commercial properties shall be established at rates that are designed to generate the same total revenue previously generated by the residential rate alone, provided, however, that the rates shall be adjusted to ensure

sufficient revenue to cover the increase in the cost of providing services.

(4) The County Executive shall provide an independent process to hear the appeal by the owner of any commercial property of the assignment of the property to a business type or waste generator category or of any physical measurement of the property that is alleged to be incorrectly calculated.

**Subdivision 2. Urban Areas for Recyclables, Garbage, and Trash.**

**Sec. 2-384.04. [Method of] Procedure for establishing urban area; levying special assessments.**

(a) The [method of] procedure for establishing urban areas as provided in Section 2-384.03 shall be as set forth in Subdivision 1, above.

(b) The [method of ] procedure for levying special assessments for such urban areas shall be as set forth in Subdivision 1, above.

(c) The special assessments rates for such urban areas shall be established in accordance with Section 2-375.

**SUBTITLE 21. REFUSE.**

**DIVISION 3. COUNTY COLLECTION, RECYCLING, OR DISPOSAL FACILITIES  
-CHARGES, CREDIT SYSTEM, AND FINANCING.**

**Subdivision 1. Solid Waste Disposal and Recycling Charges; Funds; Contracts.**

**Sec. 21-137.01. Imposition; amount.**

(a) Recycling surcharges and environmental trust surcharges shall be set by action of the County Council; provided, however, that the rates may be adjusted by the Director of the Department of Environmental Resources, during the course of the fiscal year, within limits established by the Council. All other rates, fees, and charges for the use of the County recycling and disposal system and services furnished or to be furnished by the County pursuant to this Subtitle shall be fixed from time to time by the Director of the Department of Environmental Resources so as to provide funds which, together with other available amounts (including amounts available from recycling surcharges and environmental trust surcharges), will be at least sufficient at all times to pay when due:

(1) The cost of operating, maintaining and repairing the County recycling and

disposal system, including any reserves for such purposes and all amounts payable under solid waste or recycling contracts;

(2) The principal of and premium (if any) and interest on all outstanding revenue bonds and deposits to reserves therefor;

(3) An amount required to provide a margin of safety for making such payments;  
and

(4) Any amount required to fulfill the terms of any trust agreement.

(b) The rates, fees, and charges above may be based on reasonable estimates of the costs of the County recycling and disposal system for the following year. The rates, fees, and charges shall be just and equitable and may be based upon the types of services furnished, the types or quantities of solid waste and recyclable material accepted, any other factor affecting the use of the services or facilities furnished, or any combination of the foregoing.

Differential fees may be fixed to encourage recycling. The effective date of any change or revision in the rates, fees, or charges shall provide at least thirty (30) days to allow public and private agencies and organizations to make necessary billing adjustments.

(c) The Director shall have no authority pursuant to this section to establish rates or special assessments for the provision of municipal functions and services of recyclables collection, removal, disposition, and acquisition and operation of a site for the disposition of such Recyclables, and garbage and trash disposition and the acquisition and operation of a site or sites for the disposition of such garbage and trash provided within an Urban Area or Suburban Area, as provided by Subtitle 2, Division 22 of the Code.

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 26th day of November, 1996.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:  
Stephen J. Del Giudice  
Chairman

ATTEST:

Joyce T. Sweeney  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY:  
Wayne K. Curry  
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.