

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session _____ 1990

Bill No. _____ CB-57-1990

Chapter No. _____ 61

Proposed and Presented by _____ The Chairman (by request -
_____ County Executive)

Introduced by _____ Council Members Casula, Bell, MacKinnon,
_____ and Mills

Co-Sponsors _____

Date of Introduction _____ July 10, 1990

BILL

AN ACT concerning

Refuse, Solid Waste and Recyclable Material

FOR the purpose of providing for the establishment and financing of a County disposal system for waste and recyclable material generated in Prince George's County; providing for the fixing of fees and charges for the disposal of solid waste and processing of recyclables, including provisions for the extension of credit to persons utilizing the recycling or disposal system under certain conditions; authorizing the County to enter into multi-year contracts for the collection and disposal of solid waste and recyclable material under certain conditions; authorizing the County to enter into recycling, solid waste or trust agreements and specifying covenants and provisions that may be included therein; providing for the issuance of revenue bonds to finance the costs of

all or any portion of the County recycling and disposal system; specifying the security which may be pledged therefor, including the pledge by the County of the revenues and assets of the recycling and disposal system; providing for the issuance of any revenue bonds as limited and not general obligations of the County; authorizing the County Executive to determine certain details of any revenue bonds and providing for the issuance of refunding bonds; approving the initial facilities constituting a portion of the County's recycling and disposal system to be financed under the provisions of this Act; empowering the Director of the Department of Environmental Resources to require that all solid waste in the County be deposited at facilities approved by the County; providing for use and regulation of collection and hauling vehicles; and generally relating to the disposal of solid waste (and the collection, processing and transportation of recyclable material) in the County.

BY repealing and reenacting with amendments:

SUBTITLE 21. REFUSE.

Sections 21-101,

21-102,

21-103,

21-104,

21-105,

21-108,

21-109,

21-110,

21-111,

21-112,

21-120,

21-121, and

21-138,

The Prince George's County Code
(1987 Edition, 1989 Supplement).

BY adding:

SUBTITLE 21. REFUSE.

Sections 21-103.1,

21-137.1,

21-137.2,

21-137.3,

21-137.4,

21-137.5, and

21-137.6,

The Prince George's County Code
(1987 Edition, 1989 Supplement).

BY adding:

SUBTITLE 10. FINANCE AND TAXATION.

Section 10-257.2,

The Prince George's County Code,
(1987 Edition, 1989 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting concurrently as the Board of Health, that the Council hereby finds and determines as follows:

1. The maintenance of the health, welfare and public safety of the citizens of Prince George's County necessitates the proper

management of solid waste.

2. It is in the best interests of Prince George's County to establish an integrated system for the recycling, handling and disposal of solid waste.

3. The County's State-required 10-year solid waste plan provides for the disposal and recycling of solid waste generated in incorporated municipalities and unincorporated areas of the County.

4. Approximately fifteen percent of the solid waste generated within the County is currently generated within the existing boundaries of incorporated municipalities. Incorporated municipalities within the County currently provide for the collection of solid waste within their boundaries through municipally owned collection equipment or arrangements with private haulers. The County has considered the existence of these municipal collection systems in the development of the County's 10-year solid waste plan.

5. It is in the best interest of residents throughout the County that all waste generated in the County be disposed of through the County recycling or disposal system in order to (1) prevent the improper disposal of waste in the County, (2) provide for environmentally acceptable waste disposal facilities, which meet the County's high standards of cleanliness, safety and emissions and can be controlled and supervised by the County, (3) minimize and control the hauling of waste on County roads, and (4) promote orderly development and growth in the County by assuring that all residents and businesses have adequate solid waste disposal facilities

available. Solid waste disposal alternatives that require the transportation of waste to disposal facilities outside of the County are undesirable because these disposal alternatives are subject to the exercise of regulatory powers by other jurisdictions and are not subject to County supervision and control measures which are applicable to the County recycling or disposal system.

6. It is essential to the implementation of a County recycling or disposal system that facilities for the collection, recycling and disposal of solid waste be constructed, acquired and improved.

7. The County must provide for the financing of the costs of the County recycling or disposal system.

8. The financing of the construction, acquisition and improvement by the County of the processing, recycling, treatment, transfer, disposal and other facilities constituting its recycling and disposal system may best be accomplished through the issuance of revenue bonds secured by a pledge by the County of all or part of the revenues and assets of the County recycling and disposal system.

9. The County's financial advisors have advised the County that in order to market such revenue bonds effectively and at the lowest interest rates available, the County must be empowered to control waste generated throughout the County and to set rates, fees and charges in a timely fashion in order to assure that the County recycling and disposal system can be operated on an economically sound, self-supporting basis.

10. In connection with the issuance of revenue bonds, the County may also need to enter into certain agreements which may

involve, among other things, requirements that all solid waste and recyclable materials generated within the County be directed only to facilities approved by the County, that rates and charges for the collection, transfer, recycling and disposal of waste within the County be set at a level which produces revenues sufficient to pay the cost of operating the County recycling and disposal system, including the debt service on revenue bonds issued to finance the County recycling and disposal system, and that the County be obligated to maintain and operate the County recycling and disposal system.

11. There will be a significant adverse impact on the public health, safety or welfare of the citizens of the County residing in unincorporated areas of the County if the provisions of this Act do not apply in all municipalities in the County.

SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting concurrently as the Board of Health, that Sections 21-101, 21-102, 21-103, 21-104, 21-108, 21-109, 21-110, 21-111, 21-112, 21-120, 21-121, and 21-138 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 21. REFUSE.

DIVISION 1. REFUSE COLLECTION AND DISPOSAL.

Subdivision 1. Refuse Collection and Disposal.

Sec. 21-101. Definitions.

(a) As used in this Division and in Division 3 of this Subtitle:

(1) **Approved recycling facility** shall mean a County recycling facility or a private recycling facility so designated by the County. An approved recycling facility may also be a materials recovery facility as defined in Section 21-143(a) (22).

(2) **Approved solid waste acceptance facility** shall mean a County solid waste acceptance facility or a private solid waste acceptance facility so designated by the County.

_____ [(1)] (3) * * * * *

[(2)] (4) * * * * *

(5) **County recycling and disposal system** shall mean the County's system for the recycling, management and disposal of solid waste and recyclable material at any County solid waste disposal acceptance facility or County recycling facility or pursuant to any solid waste or recycling contract. The County recycling and disposal system includes but is not limited to:

_____ (A) County solid waste acceptance facilities and County recycling facilities;

_____ (B) solid waste or recycling contracts;

_____ (C) all interests in or associated with real and personal property acquired, constructed or operated by the County or by other parties pursuant to solid waste or recycling contracts; and

_____ (D) all plants, systems, facilities, equipment, properties, rights, easements or other interests in land necessary or desirable for the operation of the County recycling and disposal system, including, but not limited to, facilities for the recovery

of useful products or materials from solid waste, the processing of solid waste and recyclable material and the sale of materials or products derived from solid waste and recyclable material.

(6) **County recycling facility** shall mean a recycling facility as designated by the Department of Environmental Resources in accordance with Section 21-112.

(7) **County solid waste acceptance facility** shall mean a solid waste acceptance facility as designated by the Department of Environmental Resources in accordance with Section 21-112.

<u> </u>	[(3)]	<u>(8)</u>	*	*	*	*	*
	[(4)]	<u>(9)</u>	*	*	*	*	*
	[(5)]	<u>(10)</u>	*	*	*	*	*
	[(6)]	<u>(11)</u>	*	*	*	*	*
	[(7)]	<u>(12)</u>	*	*	*	*	*
	[(8)]	<u>(13)</u>	*	*	*	*	*

(14) **Private solid waste acceptance facility** shall mean a solid waste acceptance facility other than a County solid waste acceptance facility which has been authorized by the Department of Environmental Resources in accordance with Section 21-112(b) to accept certain types of solid waste.

(15) **Recycling facility** shall mean any facility that accepts recyclable materials for any recycling process, compacting or transfer to another recycling facility, including any materials recovery facility as defined in Section 21-143 (a) (22).

(16) **Recyclable material** shall have the meaning set forth

in Subsection 21-143(a) (30).

_____ [(9)] (17) **Refuse** shall mean ashes, commercial and industrial refuse, garbage, rubbish, offal wastes of any type and trash.

_____ [(10)] (18) * * * * *

[(11)] (19) * * * * *

[(12)] (20) * * * * *

(21) Revenue bonds shall mean any bonds, notes or other obligations of the County issued pursuant to Section 21-137.5.

[(13)] (22) * * * * *

[(14)] (23) * * * * *

[(15)] (24) * * * * *

[(16)] (25) **Solid waste[s] (refuse)** shall mean all waste materials, combustible or noncombustible, from all public and private establishments and residences, excluding those materials which are defined or designated as recyclable materials, and including yard wastes, trash, rubbish, offal, industrial refuse and commercial refuse, but not the body excrements or rubble.

(26) Solid waste acceptance facility shall mean any sanitary landfill, central processing facility, transfer station, medical/pathological waste incinerator or any other type of facility that accepts solid waste for disposal, treatment, processing, composting, compacting or the transfer to another solid waste acceptance facility.

(27) Solid waste or recycling

contract shall mean any contract or agreement executed by the County pursuant to Section 21-137.4 which is necessary or desirable for the provision of the County recycling and disposal system. Solid waste or recycling contracts include, but are not limited to, contracts and agreements that are necessary or desirable for the acquisition, construction, operation or maintenance of any portion of the County recycling and disposal system or the furnishing of services by or to any portion of the County recycling and disposal system. Solid waste or recycling contracts may provide for, among other things:

(A) a County solid waste acceptance facility or a County recycling facility;

(B) disposal or processing services for solid waste or recyclable material;

(C) acquisition of real property, easements or other real property interests or uses in furtherance of the County recycling and disposal system;

(D) transportation of solid waste or recyclable material;

(E) sale or marketing of products generated by or realized from solid waste or recyclable material;

(F) acquisition, construction, maintenance, repair or operation of County solid waste acceptance facilities or County recycling facilities and related improvements and equipment,

including but not limited to facilities for the processing of solid waste or recyclable material and other rights, interests or services which are necessary or desirable for the operation of the County recycling and disposal system.

(28) **Solid waste disposal and recycling charges** shall mean the charges established for use of the County recycling and disposal system for the acceptance of solid waste and recyclable material.

[17] (29) **Trash** shall mean rubbish and ashes.

Sec. 21-102. Purpose [of Division].

It is the intent and purpose of this Division and Division 3 and the regulations passed pursuant to [this Division] these Divisions to protect the public health and safety of the citizens of the County by setting down minimum standards for the storage, collection, transportation and disposal of solid wastes and recyclable material that originate in the County, or which originate outside of the County, but are stored and transported or disposed of within this County, and to provide for a system for the recycling, handling and disposal of such solid wastes and recyclable material.

Sec. 21-103. Collection and disposal license; special license.

(a) Any person, prior to initiating any recycling facility or solid waste acceptance facility or other system for the collection, processing or disposal of refuse or recyclable materials, or both, shall obtain a written license from the Department of Environmental Resources. No such license shall be issued unless the issuance of

such license is in conformity with the Zoning Ordinance of the County.

* * * * *

Sec. 21-103.1. Deposit of solid waste.

(a) The Director of the Department of Environmental Resources may order that all persons dispose of solid waste solely at any of the approved solid waste acceptance facilities. Any such order may specify the type, quantity and location of solid waste to be disposed of at solid waste acceptance facilities and such other limitations or specifications as the Director may determine. It shall be unlawful for any person to dispose of, dump, deposit or leave any solid waste or recyclable material within the County, on public or private property, in violation of any order of the Director of the Department of Environmental Resources.

(b) This Section shall not apply to the following:

(1) the temporary storage of solid waste or recyclable material at the premises where the solid waste or recyclable material is produced; or

(2) private compost piles for the disposal of leaves and yard wastes originating on the property; or

(3) scrap metal (excluding food and beverage containers), and construction/demolition debris.

Sec. 21-104. Disposal license; procedure.

(a) The applicant for a license for a new or existing recycling facility or solid waste acceptance facility or disposal system or for an extension or alteration of [an] such existing

facilities or disposal system shall submit complete plats drawn to scale showing the location of the area and specifications of the proposed method of operation to the Department of Environmental Resources.

* * * * *

(d) No license for a new recycling facility or solid waste acceptance facility or an extension of such existing facilities shall be issued by the Department of Environmental Resources if the issuance of the license will, in the opinion of the Director of the Department of Environmental Resources, violate any restriction on the issuance of licenses for solid waste acceptance facilities or recycling facilities contained in any trust agreement or solid waste or recycling contract entered into by the County pursuant to Section 21-137.4 or 21-137.6.

Sec. 21-105. Collection license; procedure; general provisions applicable to licensees.

(a) No solid waste or recyclable material shall be collected or transported within the County except by a collector or hauler licensed by the Department of Environmental Resources.

(b) Notwithstanding any other provision of this Subtitle to the contrary, an individual may transport his or her own household solid waste or recyclable material to an approved recycling facility or an approved solid waste acceptance facility in accordance with Section 21-109(f).

[(a)] (c) The applicant for a collection license shall submit to the Department of Environmental Resources information on the

number, type, make, age and capacity in cubic yards and tonnage of vehicles proposed to be employed in collection service.

[(b)] (d) There shall be an inspection of [the] solid waste collection equipment by the Health Officer. [If the Health Officer finds it safe and satisfactory, he shall authorize the Department of Environmental Resources to issue a general collection license and a license for each vehicle approved.] A collector's license shall not be issued unless the applicant successfully demonstrates to the Health Officer during an inspection that all collection equipment to be used by the applicant to perform solid waste collection and transportation services is safe and otherwise capable of satisfying the requirements for the collection and transportation of solid waste in the County.

(e) Each collection license shall include the following conditions:

(1) The licensee is required to comply with all applicable laws and regulations, including but not limited to laws and regulations regarding the disposal of solid waste and recyclable materials; and

(2) Failure to comply with all applicable laws and regulations is cause for revocation or suspension of all collection licenses held by the licensee or any other licensee that is owned or controlled by (A) the violating licensee, or (B) substantially the same persons or entities that own or control the violating licensee.

(f) Any licensee who delivers solid waste or recyclable material to any facility or location other than an approved

recycling facility or an approved solid waste acceptance facility is subject to revocation or suspension of its collection license as provided in Sections 21-110 and 21-111 and is also subject to the penalty for violations of this Subtitle as provided in Section 21-125.

(g) No holder of a collection license may assign by contract or otherwise the obligations and responsibilities imposed by this Subtitle. If the licensee or any party acting on behalf of the licensee fails or refuses to collect, transport and dispose of such solid waste or recyclable material as required by this Subtitle, then Section 21-110 shall apply.

Sec. 21-108. Transportation of [garbage and] sludge.

[(a) No garbage shall be transported over any public highway or street of the County except to incinerators, approved municipal waste acceptance facilities, in the County, or to destinations outside the limits of the County, or to farms in the County for the use in the feeding of hogs.

(b)] * * * * *

Sec. 21-109. [Garbage c] Collection vehicles; registration; license fee.

(a) All [garbage] solid waste shall be transported over any public highway or street of the County [to incinerators, approved municipal waste acceptance facilities, landfills, or other disposal sites within the County, or to destinations outside the limits of the County, or to hog farms, shall be transported] only in vehicles equipped with covered watertight, leak-proof bodies, or in metal

containers with tight fitting covers. The Health Officer shall have the power and authority to establish standards for [,] and inspect [and license] the vehicles that are used for the purpose of hauling [garbage] solid waste. All collection vehicles shall be kept clean so as to minimize odor and prevent insect breeding and rodent feeding.

(b) For each vehicle used in the collection or transportation of solid waste or recyclable material by a collection licensee there shall be issued a registration card by the Department of Environmental Resources which shall contain the name of the vehicle owner, the description and serial number of the vehicle and a refuse collection vehicle license number.

(c) No solid waste collection vehicle shall be registered until inspected by the Health Officer and found to be in compliance with the requirements of this Subtitle.

(d) Any vehicle found to be in an unsafe physical, mechanical or sanitary condition is subject to the suspension or revocation of its registration in accordance with Sections 21-110 and 21-111. The Health Officer shall have the power and authority to establish additional standards for the inspection of vehicles used for the collection or transportation of solid waste and the failure of a vehicle to satisfy such standards may result in the revocation or suspension of its registration in accordance with Sections 21-110 and 21-111.

[(b)] (e) The owner of each [Each operator of a garbage] collection or transportation vehicle registered under this Section

shall pay an annual [license] registration and inspection fee [of One Hundred Fifty Dollars (\$150.00) to the Health Department] established by regulation of the Department of Environmental Resources from time to time for each vehicle [used] registered.

(f) No person may collect or transport solid waste or recyclable material in any vehicle that has not been registered in accordance with this Section, provided that an individual may transport his or her own household solid waste or recyclable material to an approved recycling facility or an approved solid waste acceptance facility in a vehicle equipped with a covered water-tight, leak-proof body or in leak-proof plastic bags.

(g) Any person subject to an order issued pursuant to Section 21-103.1 or 21-146 who transports solid waste or recyclable material to any facility for the acceptance or disposal of such material in violation of any order issued pursuant to Section 21-103.1 or 21-146 is subject to suspension or revocation of the registration of all vehicles owned or operated by such person in accordance with the revocation and suspension procedures set forth in Sections 21-110 and 21-111.

(h) Vehicle registrations issued under this Section shall be valid for one (1) year and issued on a schedule established by the Director of the Department of Environmental Resources.

Sec. 21-110. Inspections; license and registration revocation, suspension or refusal to renew; report.

(a) The Health Officer or [his] the Health Officer's agents, or a representative of the Department of Environmental Resources,

shall make such inspections of [refuse storage] containers, [refuse collection] vehicles and [refuse disposal] other facilities used in the collection, storage and disposal of solid waste as [he] they deem[s] fit. The Director of the Department of Environmental Resources or his designee may inspect containers, vehicles and other facilities used in the collection, storage, processing, and transporting of recyclable materials. If, in [his] the opinion of the inspector, an applicant or any other person has violated any of the terms of [his] the license or vehicle registration, this Division or the regulations adopted pursuant to this Division, then the inspector shall inform the violator in writing of the nuisance [or] , hazard or violation that [exists] exists, and allow [him] reasonable time to correct the violations.

(b) If the violator fails to make the necessary corrections, then the Department of Environmental Resources shall have authority to revoke or suspend any license or registration issued pursuant to this Division in accordance with Section 21-111. In addition, the Health Officer or [his] agent[s] or a representative of the Department of Environmental Resources shall report any criminal violations of this Division to the State's Attorney's [o]_Office and any other violations to the County Attorney's [o]_Office for appropriate action.

(c) The Director of the Department of Environmental Resources may refuse to renew or may suspend or revoke any license or registration issued under this Subtitle in accordance with Section 21-111, or may take such other remedial action as he may deem

necessary upon a finding that the holder of the license or registration has violated any provision of this Subtitle, including any order requiring the delivery of solid waste or recyclable material generated or to be disposed of in the County to an approved recycling facility or an approved solid waste disposal facility.

Sec. 21-111. [Hearing on violations; waiver] Procedure for revocation, suspension or non-renewal of license.

[(a) Any person who is accused of violating his license, this Division or the regulations adopted pursuant to this Division shall be entitled to the privilege of a hearing; provided, that the violator shall specifically request such a hearing in writing. The request for a hearing shall be directed to the Health Officer. A hearing shall be held as soon as possible thereafter. The hearing shall be conducted informally and shall be before the Health Officer or his agents and a representative of the Department of Environmental Resources. The results of the hearing shall be promulgated in writing in the form of written findings of fact and conclusions of law.

(b) Failure to request a hearing within thirty (30) days after the violator receives notice that he is in violation of his license, this Division or the regulations adopted pursuant to this Division shall constitute a waiver to the privilege of a hearing.]

(a) In addition to the other penalties provided for under this Subtitle, the license or registration of any person who violates the provisions of this Subtitle or the regulations promulgated hereunder may be suspended or revoked, or the renewal of such license or

registration may be refused, in accordance with the following provisions:

(1) For an initial violation, the Director of the Department of Environmental Resources may issue a warning notice advising the person of the violation.

(2) If a warning notice was issued for a prior violation, for a second violation the Director of the Department of Environmental Resources may suspend a license or registration for thirty (30) days.

(3) If a warning notice was issued and a license or registration was suspended for prior violations, the Director of the Department of Environmental Resources may revoke a license or registration or refuse to renew a license or registration.

(b) For any violation which the Director of the Department of Environmental Resources finds is a risk or threat of danger to the public health, safety or welfare, the Director may either refuse to renew, or may suspend or revoke a license or registration without following the procedures set forth in Subsection (a).

(c) A written notice of warning or a written notice of revocation, suspension or refusal to renew or other action affecting a license or registration must be mailed by certified mail or delivered in person to the address shown on the application, license or registration. The notice must inform the applicant or the holder of the license or registration of a right to a hearing before the Director of the Department of Environmental Resources or his designee. The holder of the license or registration must request a

hearing under this Section within thirty (30) calendar days after the notice is issued. A request for a hearing does not stay the operation of the revocation, suspension or other action taken by the Director of the Department of Environmental Resources.

(d) If public health or safety is in immediate danger, prior notice is not required but must be given as promptly as practicable.

(e) After giving notice under Subsection (c), the Director of the Department of Environmental Resources may revoke the registration of a vehicle owned or operated by the holder of a license found to be in violation of this Subtitle or the regulations promulgated hereunder until the holder of the license puts the vehicle in compliance with the provisions of this Subtitle or the regulations promulgated hereunder or otherwise corrects the violation. Except as provided in Section 21-105(e) (2), the revocation of the registration of a particular vehicle shall not otherwise affect the license issued under this Subtitle or the registration of complying vehicles owned or operated by the holder of the license.

(f) If a license or registration of a person has been revoked, the holder of the license or registration is not eligible to apply for a new license or registration for a period of twelve (12) months from the date of revocation; provided, however, that the registration of a particular registered vehicle shall be reinstated immediately upon the correction of all violations with respect to such vehicle.

Sec. 21-112. [Responsibility when service unavailable] **Approved recycling facilities and solid waste acceptance facilities.**

[When refuse collection and disposal services are not provided or are insufficiently provided by the Department of Environmental Resources, the Health Officer shall require all persons to provide for the collection and disposal of all refuse produced at such places, at the owner's or operator's expense and in the manner to be prescribed in regulations to be issued by the Department of Environmental Resources. Provisions shall be made preventing emission of odors from such refuse during holding, transporting and final disposal.]

(a) The Department of Environmental Resources may designate any recycling facility or solid waste acceptance facility that is owned or operated by the County or by a contractor of the County pursuant to a solid waste or recycling contract as a County recycling facility or a County solid waste acceptance facility.

(b) The Department of Environmental Resources may designate any recycling facility or solid waste acceptance facility that is not owned or operated by the County or by a contractor of the County pursuant to a solid waste or recycling contract as a private recycling facility or private solid waste acceptance facility. The designation of any private recycling facility or private solid waste acceptance facility must be consistent with any restrictions contained in any trust agreement or solid waste or recycling contract entered into by the County pursuant to Section 21-137.4 or

21-137.6 and the County's obligations under the County's comprehensive solid waste management plan adopted in accordance with Section 9-505 of the Environment Article of the Annotated Code of Maryland. Designation of a facility as a private recycling facility or private solid waste acceptance facility does not create a contractual or agency relationship between the owner, operator or user of the facility and the County. The County by such designation assumes no liability or responsibility for the operations of the facility or injuries or damages arising from or as a result of the design, construction, operation, or use of the facility or designation of the facility as a private recycling facility or a private solid waste acceptance facility.

Sec. 21-120. Adoption of regulations notice.

(a) The Department of Environmental Resources shall have the authority to make any regulations, provided such regulations will carry out and promote the intent and purpose [of this Division] as stated in Section 21-102. Such regulations shall be fair and reasonable, and the consent of the Council shall be obtained before such regulations are promulgated.

* * * * *

Sec. 21-121. Exemption of specified municipalities.

(a) Except with regard to waste stream control as provided in Sections 21-103.1 and 21-146, and sludge transport as provided in Section 21-108, [I] incorporated municipalities existing in the County on September 24, 1967, are exempted from all provisions of this Division, including Section[s 21-108 and] 21-109, provided such

municipalities had an existing refuse collection or disposal system on the aforesaid date.

(b) The Director of the Department of Environmental Resources shall grant exemptions from the requirements of any order issued under Sections 21-103.1 and 21-146, on a first come, first served basis, for recyclable materials, excluding yard wastes, that are collected, processed or disposed of under any program operated by or on behalf of any incorporated municipality upon the request of such incorporated municipality, provided that the total amount of such recyclable material for which exemptions are granted under this Section in any year shall not exceed 15,000 tons.

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

Subdivision 3. Credit System.

Sec. 21-138. Availability of credit; posting of collateral.

(a) Credit shall be available to municipal corporations and to refuse collectors and business concerns, governmental agencies and other persons who use [County disposal facilities] the County recycling and disposal system, who have been properly licensed and who have been approved by the Credit Officer.

(b) The Credit Officer may, by regulation promulgated in accordance with this Division, require that, as a prerequisite for extension of credit, collateral shall be deposited with the Credit Officer in the form and amount required by the regulations.

SECTION 3. BE IT FURTHER ENACTED that new Sections 21-137.1 through 21-137.6, inclusive, be and the same are hereby

added to the Prince George's County Code to read as follows:

SUBTITLE 21. REFUSE.

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

**Subdivision 2. Solid Waste Disposal and Recycling
Charges; Funds; Contracts.**

Sec. 21-137.1. Imposition; amount.

Recycling surcharges and environmental trust surcharges shall be set by action of the County 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.

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 30 days to allow public and private agencies and organizations to make necessary billing adjustments.

Sec. 21-137.2. Persons subject to charges.

(a) Every person delivering solid waste or recyclable material to a County recycling facility or County solid waste acceptance facility shall be subject to solid waste disposal and recycling charges, if any, imposed under Section 21-137.1. All charges shall be paid at the time solid waste or recyclable material is delivered for processing or disposal to a County recycling facility or County solid waste acceptance facility except as otherwise provided in this Section.

(b) The County shall bill and collect all solid waste disposal and recycling charges imposed for the acceptance of material at the County recycling facilities and County solid waste acceptance facilities from business concerns, government agencies and other persons to which credit has been extended pursuant to Section 21-138 based upon the material received for processing or disposal from those business concerns, government agencies and other persons, as determined by records maintained by the Director of the Department of Environmental Resources.

Sec. 21-137.3. Default in payment.

Upon default by any person, company or agency in the payment of any recycling or solid waste disposal and recycling charge or charges, any collateral posted in accordance with Section 21-138 shall be applied against the amount due and the licenses, permits and registrations for and the privileges of collecting and transporting refuse or recyclable material in the County and utilizing the County recycling facilities and County solid waste acceptance facilities by all vehicles of the person, company or agency in default may be suspended immediately notwithstanding the provisions of Section 21-111 until such time as full payment, including interest and penalties, has been received by the County and collateral in the full amount required under Section 21-138 has been posted with the Director of the Department of Environmental Resources.

Sec. 21-137.4. Contracts; appropriations.

Pursuant to Section 823 of the County Charter, the County may enter into any trust agreement as provided in Section 21-137.6.

Subdivision 2. Revenue Bonds.

Sec. 21-137.5. Authorization, issuance and sale of revenue bonds; trust agreements.

(a) The County is authorized from time to time to borrow money to finance any costs relating to all or any portion of the County recycling and disposal system, including (without limitation) the costs of the design, acquisition, construction, equipping, installation, expansion, and improvement of any County recycling

facility or County solid waste acceptance facility or other facility used or useful in the operation and maintenance of the County recycling and disposal system, and in connection therewith to issue revenue bonds, all of which shall be fully negotiable. Revenue bonds may be secured by (1) a pledge of the fees, charges and other revenues received from or in connection with all or any portion of the County recycling and disposal system, (2) except to the extent prohibited under any constitutional, statutory or charter provision, a mortgage or other encumbrance upon all or any portion of the County recycling and disposal system, excluding land, or (3) a combination of (1) and (2). None of the revenue bonds shall be general obligations of the County or otherwise constitute a pledge of the faith and credit or the taxing power of the County nor shall any revenue bonds constitute indebtedness of the County within the meaning of Section 5(P)(1) of Article 25A of the Annotated Code of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the County or requiring the computation of the aggregate indebtedness of the County.

(b) The County Council shall adopt a resolution authorizing the issuance of any revenue bonds. The resolution shall (i) describe generally the system, project or undertaking to be financed in whole or in part by any such bonds, (ii) specify the maximum principal amount of any such bonds, (iii) describe the security for any such bonds within the limitations of Subsection (a) and (iv) impose such terms or conditions on the issuance and sale of such

bonds as the County Council deems appropriate.

(c) The County Executive shall specify, prescribe, determine, provide for or approve such matters, details, forms, documents or procedures as the County Executive, within any limitations imposed by the resolution of the County Council adopted pursuant to Subsection (b), shall deem appropriate to the authorization, sale, security, issuance, delivery or payment of or for any revenue bonds, including (without limitation) the following:

- (1) the dates of such bonds;
- (2) the maturities of such bonds, provided that no such bond shall mature later than 40 years from the date of its issue;
- (3) the rates of interest payable on such bonds, or the method of determining the same, and the date or dates of payment thereof;
- (4) the forms, denominations, manner of execution and the place or places of payment of such bonds and of the interest thereon, which may be at any bank or trust company within or without the State of Maryland;
- (5) terms for the redemption of such bonds before maturity, if any;
- (6) the security for such bonds;
- (7) whether such bonds shall be sold at public or private (negotiated) sale; and
- (8) provisions for the administration of such bonds, such as trust or other agreements with banks or trust companies or other fiscal agents.

(d) Any trust agreement entered into pursuant to this Section may contain such provisions as the County Executive shall deem reasonable and proper for the administration of revenue bonds and the security of the holders thereof within the limitations of any resolution of the County Council adopted pursuant to subsection (b) and Section 21-137.6. No trust agreement or other instrument adopted or entered into by the County under this Subtitle need be filed or recorded except in the records of the County.

(e) Revenue bonds, in addition to fixed rate, may be variable rate demand obligations, commercial paper or other short-term obligations, including (without limitation) obligations that are required to be purchased or redeemed prior to stated maturity dates, may bear interest at variable rates established from time to time by a remarketing agent on the basis of current market conditions, and may be converted to bear interest at fixed or different variable rates upon certain conditions, all as determined by the County Executive.

(f) The County Executive is authorized to take all actions and enter into all agreements necessary or appropriate for the establishment of any supporting credit or liquidity arrangement for any revenue bonds, including but not limited to a letter of credit, bond insurance policy, line of credit, revolving loan agreement or remarketing agreement.

(g) Revenue bonds shall be signed by the County Executive or such other officer of the Executive Branch as shall be designated by resolution of the County Council, and the seal of the County shall

be affixed thereto and attested by the Clerk to the County Council or other officer of the County designated by resolution of the County Council. If any officer whose signature appears on any such bonds ceases to be such officer before delivery of such bonds, his or her signature shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until delivery.

(h) The County is authorized by resolution of the County Council adopted in accordance with Subsection (b) to provide for the issuance of its revenue bonds for the purpose of refunding any outstanding revenue bonds or other obligations of the County issued to finance the costs of any portion of the County recycling and disposal system, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of retirement of such bonds or other obligations. The proceeds of any refunding revenue bonds may, pending their application in accordance with this Section, be invested and reinvested in such investments as shall be permitted for the investment of revenues of the County recycling and disposal system.

(i) Any holder of a revenue bond or any trustee on its behalf, except to the extent the rights herein given may be restricted by a trust agreement entered into pursuant to Section 21-137.6, may protect and enforce any and all rights granted under the trust agreement and may enforce the performance of all duties required by this Subtitle or the trust agreement to be performed by the County, including the fixing, charging and collecting of rates, fees and

charges for the use of or the services furnished by the County recycling and disposal system.

(j) Revenue bonds may be issued under the provisions of this Section without any other proceeding or the happening of any other condition or thing than those proceedings, conditions or things which are specifically required by this Section.

Sec. 21-137.6. Trust agreements.

(a) The County may enter into one or more trust agreements securing revenue bonds and any multi-year solid waste or recycling contracts approved by the County Council in accordance with Section 823 of the County Charter. The trust agreement shall be approved by resolution adopted by the County Council and approved by the County Executive and may include, among others, the following provisions:

(1) a pledge of all or part of the fees, charges and other revenues received from or in connection with the County recycling and disposal system to the payment of revenue bonds and amounts due under multi-year solid waste or recycling contracts;

(2) provisions requiring the deposit of fees, charges and other revenues received from or in connection with the County recycling and disposal system in a special fund and the establishment, maintenance and use of reserves, sinking funds and other special funds;

(3) provisions for the investment and reinvestment of the proceeds of any revenue bonds until used for the purposes for which the revenue bonds were issued, and for the disposition of any excess proceeds and the investment earnings thereon;

(4) rate covenants that require the fixing, charging and collection of fees and charges for use of the County recycling and disposal system that provide revenues sufficient to pay the costs 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, and the principal of and premium (if any) and interest on all outstanding revenue bonds and deposits to reserves therefor, and to cover the debt service requirements of the revenue bonds by an amount deemed appropriate;

(5) provisions for the collection, custody, investment, reinvestment and use of revenues or other receipts, funds or moneys pledged as security for any revenue bonds;

(6) limitations upon the issuance of additional revenue bonds as the County Council may deem proper;

(7) requirements that the County operate and maintain all or a portion of the County recycling and disposal system regardless of whether the fees, charges and other revenues received from or in connection with the County recycling and disposal system are sufficient therefor;

(8) covenants for the establishment of maintenance and insurance requirements with respect to any facilities constituting all or a portion of the County recycling and disposal system;

(9) a limitation on the County's power to sell or dispose of all or any part of the County recycling and disposal system;

(10) a declaration that holders of obligations issued to

finance costs of the County recycling and disposal system are third party beneficiaries of any particular solid waste or recycling contract;

(11) a provision that the other party to any solid waste or recycling contract may assign its rights to a trustee for holders of obligations issued to finance costs of the County recycling and disposal system;

(12) the establishment of priorities among obligations payable from the fees, charges and other revenues received from or in connection with the County recycling and disposal system;

(13) restrictions upon the power of the County to license persons under this Subtitle or designate solid waste acceptance facilities as approved solid waste acceptance facilities or recycling facilities as approved recycling facilities;

(14) a covenant by the County to enforce its powers under this Subtitle and cause to be delivered all or a portion of the solid waste and recyclable material generated in the County to County solid waste acceptance facilities or County recycling facilities; and

(15) a covenant by the County not to relinquish its powers concerning solid waste and recyclable material in a manner that would adversely affect its ability to generate sufficient revenues available to pay costs of the County recycling and disposal system and to meet the requirements of any trust agreement.

SECTION 4. BE IT FURTHER ENACTED that a new Section 10-257.2 be and the same is hereby added to the Prince George's County Code

to read as follows:

SUBTITLE 10. FINANCE AND TAXATION.

DIVISION 10. ENTERPRISE AND OTHER SPECIAL PURPOSE FUNDS.

Sec. 10-257.2. Pledge of land reclamation, refuse and recycling funds.

Amounts from time to time on deposit in the Land Reclamation Enterprise Fund, the Refuse Collection Enterprise Fund and the Environmental and Recycling Enterprise Fund, together with any other fees, charges and other revenues received from or in connection with the County's system for the recycling, processing, management and disposal of solid waste and recyclable materials under Subtitle 21, and all rights to receive the same, whether in the form of accounts receivable, contract rights, general intangibles or other rights, and the proceeds of such rights, may be pledged to secure any revenue bonds issued by the County pursuant to Subtitle 21 and any solid waste or recycling contracts entered into by the County pursuant to Subtitle 21. Such pledge shall be valid and binding from the time when the pledge is made. The amounts, revenues, and rights so pledged shall immediately be subject to the lien of any such pledge without physical delivery thereof or any further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County, whether or not such parties have notice of such pledge. No resolution, trust agreement or other agreement of the County creating such pledge need be filed or recorded.

SECTION 5. BE IT FURTHER ENACTED that the initial portions of the recycling and disposal system of the County to be financed under Subtitle 21 of the Prince George's County Code consist of costs incurred beginning in Fiscal Year 1990 for the following projects (identified by reference to the Approved Capital Improvement Program for Fiscal Years 1991 through 1996, of Prince George's County, Maryland): Brown Station Landfill Buffer Zone (CIP I.D. No. NX541123), Brown Station Landfill Expansion Cont. (CIP I.D. No. NX541113), Equipment Storage Facility (CIP I.D. No. NX547715), Landfill Garage Addition (CIP I.D. No. NX548825), Refuse & Recycling Drop-Off Facilities (CIP I.D. No. NX548815), Sandy Hill Sanitary Landfill Expansion (CIP I.D. No. NX548846), Solid Waste Recycling - Projects (CIP I.D. No. NX548915).

SECTION 6. Regulations concerning the implementation of this Act shall be promulgated by the Director of the Department of Environmental Resources and submitted to the County Council for approval by Resolution.

SECTION 7. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 31st day of July, 1990.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND
Sitting concurrently as
the Board of Health

BY: _____
Jo Ann T. Bell
Chairman

ATTEST:

Jean M. Schmuhl, CMC
Clerk of the Council

APPROVED:

DATE: August 13, 1990

BY: _____
Parris N. Glendening
County Executive

EFFECTIVE: SEPTEMBER 28, 1990

KEY:

Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that
remain unchanged.