

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2018 Legislative Session

Bill No. CB-12-2018

Chapter No. 18

Proposed and Presented by Council Members Glaros, Lehman, Taveras and Turner

Introduced by Council Members Glaros, Lehman, Taveras and Turner

Co-Sponsors _____

Date of Introduction July 2, 2018

BILL

1 AN ACT concerning

2 Solid Waste Disposal - Commercial Recycling and Food Scrap Composting

3 For the purpose of clarifying and expressly providing that hotels, motels and gas stations are
4 commercial establishments subject to the County recycling program; providing specifications for
5 recycling containers; expanding reasonable access to the County recycling program; providing
6 for the update of commercial recycling plans; enhancing the education of commercial recycling
7 and County government recycling; and enhancing the incentive for food scrap composting; and
8 generally regarding recycling, food scrap composting, and solid waste disposal.

9 BY repealing and reenacting with amendments:

10 SUBTITLE 21. REFUSE.
11 Sections 21-101, 21-113, 21-142
12 and 21-149.01,
13 The Prince George's County Code
14 (2015 Edition; 2017 Supplement).

15 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
16 Maryland, that Sections 21-101 and 21-113 of the Prince George's County Code be and the same
17 are hereby reenacted with the following amendments:

SUBTITLE 21. REFUSE.

DIVISION 1. REFUSE COLLECTION AND DISPOSAL.

SUBDIVISION 1. REFUSE COLLECTION AND DISPOSAL.

21 **Sec. 21-101. Definitions.**

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

2 * * * * *

3 (4) **Commercial refuse** shall mean the refuse from wholesale and retail stores, restaurants,
4 hotels, motels, gas stations, florists, beauty shops, barbershops, doctors' offices, variety stores,
5 hardware stores, and other enterprises of this nature.

6 * * * * *

7 **Sec. 21-113. Storage of refuse.**

8 (a) All persons shall keep their premises free from accumulations of improperly stored
9 refuse.

10 (b) All garbage shall be stored in approved commercially available type containers with
11 tight fitting lids.

12 (c) The occupant of any premises shall be responsible for the sanitary condition of the
13 premises occupied by him. No person shall place, deposit, or allow refuse to be placed or
14 deposited on his premises, except as designated by the terms of this Division and in the
15 regulations adopted pursuant to this Division. If the property is occupied by other than the
16 owner, the tenant shall be responsible for the property assigned to him. The owner shall be
17 responsible for the portions of the property not leased to the tenant and under his control.

18 (d) The following requirements apply to curbside collection of trash and recyclable
19 materials:

20 (1) Trash and recycling containers may be put at the curb for collection after 6:00 p.m. the
21 day prior to the scheduled collection and must be removed from the curb the day of the
22 scheduled collection.

23 (2) Trash must be placed in a metal or tough plastic container with handles and a tight
24 fitting lid, with a maximum weight of 60 lbs.

25 (3) A maximum of one opaque plastic bag not within a trash container that can be
26 picked up and carried without tearing and securely tied at the top to prevent spillage may be used
27 per residence per collection.

28 * * * * *

29 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
30 Maryland, that Sections 21-142 and 21-149.01 of the Prince George's County Code be and the
31 same are hereby reenacted with the following amendments:

SUBTITLE 21. REFUSE.

DIVISION 4. SOLID WASTE RECYCLING.

SUBDIVISION 1. COUNTY PROGRAM.

Sec. 21-142. Recycling program established; implementation; collection, marketing, and disposition.

(a) There is hereby established a program for the separation, collection, and disposition of designated recyclable materials under the direction of the Director of the Department of the Environment.

(b) The recycling program provides the opportunity for the voluntary source separation of designated recyclable materials from County facilities, single-family residences; condominiums; single and multifamily rental facilities; commercial establishments including, but not limited to, offices, stores, hotels, motels, gas stations, and restaurants; and industrial facilities including, but not limited to, factories, processing plants, and manufacturing enterprises.

(c) The County shall have the authority to collect or to arrange for the collection of designated recyclable materials from all single-family households, single and multifamily rental facilities and condominiums in the unincorporated areas of the County through County-sponsored curbside collection programs or drop-off centers.

(d) The goals of the Countywide voluntary recycling program established in this Division are to achieve a recycling rate in the County waste stream of at least forty-five percent (45%) by July 1, 2015; at least fifty-five percent (55%) by July 1, 2018; at least sixty (60%) by July 1, 2020.

(e) If the goals of the Countywide voluntary recycling program as set forth in Subsection (d) above, have not been met, the Director shall develop a Countywide mandatory recycling program, including mandatory source separation, or propose additional policy changes for consideration by the County Council and the Solid Waste, Resource Management and Recycling Advisory Commission. The schedule for implementation for single and multifamily rental facilities and condominiums shall be consistent with the provisions of Section 21-149 of this Code and for commercial and industrial properties shall be consistent with the provisions of Section 21-149.1 of this Code.

(f) Notification of the mandatory program shall be published in the County newspapers of record no later than thirty (30) days prior to implementation of the program.

1 (g) All collectors or haulers licensed by the Department, pursuant to Section 21-105 of this
 2 Subtitle, and all solid waste or recycling contracts executed by the County, pursuant to Section
 3 21-137.04 of this Subtitle, shall provide for an opportunity for recycling under this Subdivision
 4 or show evidence to the Director of an agreement or contract for providing recycling services
 5 through another entity.

6 (h) The Director shall assist, as needed, with the Prince George's County Public School
 7 System recycling program and shall include information on the School System recycling
 8 program within requires State and County reports.

9 (i) The Director shall implement a pilot food composting program in the County by July 1,
 10 2014 and shall evaluate the food composting program for expansion on a County-wide basis by
 11 December 31, 2015. The Department shall expand the food scrap composting program to fully
 12 utilize the expansion of the Gore Composting System and the Organics Composting Facility.

13 (j) The Director shall conduct a waste stream analysis of the waste stream to evaluate
 14 compliance with the requirements of this subdivision every two (2) years.

15 (k) As of January 1, 2014, the County's yard waste composting facility at Western Branch
 16 shall not accept yard waste in plastic bags.

17 (l) All County offices and agencies shall participate in the County Office Recycling
 18 Program (CORP).

19 (m) The Director shall include a report of the County Office Recycling Program (CORP)
 20 within the Annual Recycling Report detailing the amount of recyclables collected and
 21 compliance with the main components of the CORP program.

22 (n) The Director shall work closely with the Prince George's County Public Schools,
 23 Prince George's County Memorial Library System, and the Department of Parks and Recreation
 24 to increase recycling and reduce contribution to the waste stream.

25 * * * * *

26 **Sec. 21-149.01 Commercial and industrial recycling program; responsibilities of owners.**

27 (a) By July 1, [2014], 2019 the owners[, tenants, or operators] of commercial and
 28 industrial properties shall provide an opportunity at their properties and for all tenants, patrons,
 29 and customers[, if any,] to have access to exterior recycling collection receptacles and trash
 30 collection receptacles, including along store fronts, to voluntarily recycle designated recyclable
 31 materials. By July 1, 2019, business entities shall provide recycling receptacles in the interior of

1 their business as trash receptacles are provided, for customers to voluntarily recycle designated
 2 recyclable materials. [If after July 1, 2014 the owner of each commercial and industrial
 3 properties fails to comply with subsection (a), they shall submit to the Director for approval a
 4 plan for the separation and collection of designated recyclable materials by December 31, 2014.]
 5 Property owners[,] and/or businesses [tenants, or operators] shall submit to the Director for
 6 approval a plan by July 1, 2019 [and subsequently every two years,] or upon the request of the
 7 Director, or when there is a change in circumstances that will affect the substantive requirements
 8 of the plan. The plan shall demonstrate compatibility with the County's recycling programs. Each
 9 plan shall include at a minimum:

- 10 (1) Designation of recyclable materials to be collected;
- 11 (2) A collection system for the designated recyclable materials; and
- 12 (3) Provisions for publicizing the recycling program.

13 (b) By July 1, 2019, owners[, or tenants, or operators] of commercial and industrial
 14 properties shall provide at least equally sized and equally convenient recycling containers to
 15 accompany each trash container[.] on the exterior of the property, including along store fronts.
 16 By July 1, 2019 businesses shall provide at least equally sized and equally convenient recycling
 17 containers to accompany each trash container on the interior of their stores and offices.
 18 Recycling containers shall be clearly marked. A list of categories that can be recycled shall be
 19 clearly displayed on or near the container.

20 (c) Owners[, tenants, or operators] of commercial and industrial properties may request
 21 technical assistance from the County for the implementation of recycling programs and the
 22 preparation of recycling plans, if required. The Director shall provide assistance and best practice
 23 methods to commercial and industrial property owners or to their tenants or operators to increase
 24 recycling and to minimize their contribution to the waste stream. A template plan that also
 25 provides guidance shall be available to the owners of commercial properties or to their tenants or
 26 operators in the preparation of recycling plans.

27 (d) An annual report which accounts for the amount of designated recyclable materials
 28 collected must be submitted by the owners[, tenants, or operators] of commercial and industrial
 29 properties to the Director on a schedule established by the Director and the report shall include
 30 the method of collection, the amount collected and the disposal method of the materials.

1 (e) The Director is authorized to extend the date of compliance for operation of a
2 voluntary recycling program if satisfactory progress has been made toward implementing their
3 recycling program.

4 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
5 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
6 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
7 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
8 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
9 Act, since the same would have been enacted without the incorporation in this Act of any such
10 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
11 or section.

12 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
13 calendar days after it becomes law.

Adopted this 24th day of July, 2018.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Dannielle M. Glaros
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive