

Introduced 1-4-2021
Public Hearing 2-16-2021
Council Action 3-1-2021
Executive Action 3-2-2021
Effective Date 5-2-2021

County Council of Howard County, Maryland

2020 Legislative Session

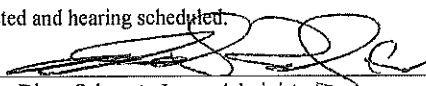
Legislative Day No. 1

Bill No. 6 -2020

Introduced by: The Chairperson at the request of the County Executive

AN ACT requiring certain recycling services for office buildings over a certain size; requiring compliance with the County's Solid Waste Management Plan; authorizing certain inspections; providing for certain penalties; and generally related to recycling in office buildings in Howard County.

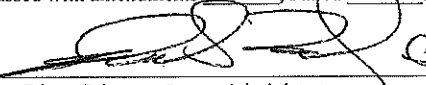
Introduced and read first time January 4, 2020. Ordered posted and hearing scheduled.

By order 
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on February 16, 2020.

By order 
Diane Schwartz Jones, Administrator


This Bill was read the third time on March 1, 2020 and Passed X, Passed with amendments X, Failed X.

By order 
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 2nd day of March, 2020 at 12:15pm a.m./p.m.

By order 
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive March 2, 2020


Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the*
2 *Howard County Code is amended as follows:*

3

4 *By adding:*

5 *Title 18, Public Works*

6 *Section 18.613 "Office Building Recycling"*

7

8

Title 18. Public Works.

9

Subtitle 6A. Solid Waste Collection.

10

11 **SECTION 18.613. – OFFICE BUILDING RECYCLING.**

12 (A) *DEFINITIONS.* IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS
13 INDICATED:

14 (1) *OFFICE BUILDING* SHALL HAVE THE MEANING SET FORTH IN SECTION 9-1714 OF THE
15 ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

16 (2) *PLAN* MEANS THE "OFFICE BUILDING RECYCLING PLAN", ADOPTED AS PART OF AND
17 IN COMPLIANCE WITH THE COUNTY'S SOLID WASTE MANAGEMENT PLAN,
18 PURSUANT TO SUBTITLE 5 AND SUBTITLE 17, BOTH OF TITLE 9 OF THE
19 ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

20 (B) *REQUIREMENTS.* IN ACCORDANCE WITH SECTION 9-1714 OF THE ENVIRONMENT
21 ARTICLE OF THE ANNOTATED CODE OF MARYLAND:

22 (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN OWNER OF AN AFFECTED
23 OFFICE BUILDING SHALL PROVIDE RECYCLING RECEPTACLES FOR THE COLLECTION
24 OF THE FOLLOWING RECYCLABLE MATERIALS:

25 (I) PAPER AND CARDBOARD;

26 (II) METAL; AND

27 (III) PLASTIC MATERIALS.

28 (2) A TENANT MAY CARRY OUT THE RECYCLING REQUIRED UNDER THIS SUBSECTION ON
29 WRITTEN AGREEMENT BETWEEN THE OWNER AND THE TENANT OF THE OFFICE
30 BUILDING.

() ()

1 (3) AN OWNER OR A TENANT OF AN OFFICE BUILDING THAT PROVIDES FOR RECYCLING
2 IN ACCORDANCE WITH THIS SUBSECTION SHALL REPORT TO THE COUNTY ON
3 RECYCLING ACTIVITIES IN ACCORDANCE WITH THE PLAN.

4 (C) *INSPECTIONS.* THE COUNTY MAY CONDUCT INSPECTIONS OF AN OFFICE BUILDING TO
5 ENFORCE THE PROVISIONS OF THIS SECTION AND THE PLAN.

6 (D) *CIVIL PENALTIES.* ALTERNATIVELY, OR IN ADDITION TO AND CONCURRENT WITH OTHER
7 REMEDIES AT LAW OR EQUITY, THE COUNTY MAY ENFORCE THE PROVISIONS OF THIS
8 SUBTITLE AND THE PLAN WITH CIVIL PENALTIES PURSUANT TO THE PROVISIONS OF TITLE
9 24, "CIVIL PENALTIES," OF THE HOWARD COUNTY CODE. A VIOLATION OF THIS SUBTITLE
10 IS A CLASS E OFFENSE. EACH DAY THAT A VIOLATION OCCURS OR CONTINUES IS A
11 SEPARATE OFFENSE.

12 (E) *INJUNCTIVE AND OTHER RELIEF.* IN ADDITION, THE COUNTY MAY INSTITUTE INJUNCTIVE,
13 MANDAMUS OR OTHER APPROPRIATE LEGAL ACTION OR PROCEEDINGS FOR THE
14 ENFORCEMENT OF OR TO CORRECT VIOLATIONS OF THIS SUBTITLE OR THE PLAN. ANY
15 COURT OF COMPETENT JURISDICTION MAY ISSUE TEMPORARY OR PERMANENT RESTRAINING
16 ORDERS, INJUNCTIONS OR MANDAMUS, OR OTHER APPROPRIATE FORMS OF RELIEF.

17
18 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
19 *Maryland, that this Act shall become effective 61 days after its enactment.*

Amendment 1 to Council Bill No. 6-2021

**BY: The Chairperson at the request
of the County Executive**

**Legislative Day 5
Date: March 1, 2021**

Amendment No. 1

(This amendment clarifies that the Office Building Recycling Plan shall also comply with the County's Solid Waste Management Plan.)

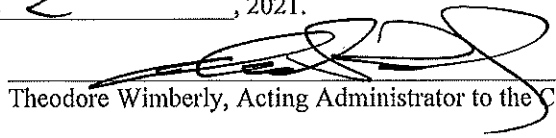
- 1 On page 1, in line 16, after "AS PART OF" insert "AND IN COMPLIANCE WITH".

ADOPTED 3/1/21
FAILED _____
SIGNATURE [Signature]



BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on March 2, 2021.


Theodore Wimberly, Acting Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2021.

Theodore Wimberly, Acting Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2021.

Theodore Wimberly, Acting Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2021.

Theodore Wimberly, Acting Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2021.

Theodore Wimberly, Acting Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2021.

Theodore Wimberly, Acting Administrator to the County Council

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2020 Legislative Session

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By order _____
Diane Schwartz Jones, Administrator

This Bill was read the third time on _____, 2020 and Passed _____, Passed with amendments _____, Failed _____.

By order _____
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2020 at ___ a.m./p.m.

By order _____
Diane Schwartz Jones, Administrator

Approved/Vetosed by the County Executive _____, 2020

Calvin Ball, County Executive

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(This amendment clarifies that the Office Building Recycling Plan shall also comply with the County's Solid Waste Management Plan.)

- 1 On page 1, in line 16, after "AS PART OF" insert "AND IN COMPLIANCE WITH".

Office of the County Auditor
Auditor's Analysis

Council Bill No. 6-2021

Introduced: January 4, 2021

Auditor: Michelle R. Harrod

Fiscal Impact:

According to the Administration, the fiscal impact of this legislation is approximately \$1,000 annually for education and outreach.

No additional costs, resources, or revenues are expected from this legislation. The Administration has indicated the following:

- Training, education, and outreach would be conducted using existing resources;
- Howard County does not collect from commercial buildings; and
- Costs to modify the County Recycling Plan will be absorbed by existing staff.

There will be no general fund revenue used to pay the expenditures associated with this bill. Revenue collected in the Environmental Services Fund will be utilized.

Purpose:

The purpose of this legislation is to amend the County Code to establish changes required by the passage of Senate Bill 370. This Senate bill requires Counties to submit an Office Building Recycling Plan (Plan) for buildings that are 150,000 gross square feet or greater. Plan stipulations include:

- Accounting for the collection and recycling of recyclable materials;
- Provision of recycling receptacles by the owner of the office building;
- Removal of recyclables, to be managed by the owner;
- Compliance with the requirements of the Plan; and
- Authorizing the County to inspect and enforce the Plan.

Civil penalties for violating the Plan stipulations are proposed as Class E Offenses, which carry a fine of \$25 to \$50 per occurrence.

The owner or tenant shall report to the County on the recycling activities noted in the Plan.

Other Comments:

Companion legislation is Council Resolution 10-2021, which proposes the Office Building Recycling Plan. This Plan must be adopted by October 1, 2021 and submitted to the Secretary of the Environment.

According to the Administration, there are currently eight buildings which are affected by this legislation. The location of those buildings is listed in **Exhibit 1** below.

Exhibit 2 (attached) is the most recent Annual Business Recycling Report Survey. The Administration has indicated that the information is reported in tons and that 2018 is the most recent verified report.

The Administration further indicated that this legislation would make it a requirement for businesses to report their recycling efforts, which should provide a more accurate indication of the County's recycling efforts.

Exhibit 1 – Howard County Buildings over 150,000 Square Feet

Property Address	City	Property Manager	Combined Sq. Ft.
6841 Benjamin Franklin Dr. (Franklin Center)	Columbia	Trans Western Real Estate	200,603
7031 Columbia Gateway Dr.	Columbia	Avison Young	247,624
6460 Dobbin Rd.	Columbia	NAI Kinb	160,200
10661 Gramercy Pl. (70 Corporate Center)	Columbia	NAI Kinb	168,647
10175 Little Patuxent Parkway	Columbia	Mackenzie	301,851
6100 Merriweather Dr.	Columbia	Howard Hughes	325,600
6011, 6021, 6031 University Parkway	Elkridge	Merritt Properties	163,900
8110-8170 Maple Lawn Blvd.	Fulton	St. John Properties	258,299

Table provided by Department of Public Works. It has indicated this list may change as properties are constructed and leased.

