Appendix F

Montgomery County Executive Regulation 6-99AM
Expansion of Leaf Vacuuming Collection

Resolution No. 14-701
Introduced: November 28, 2000
Adopted: November 28, 2000

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

SUBJECT: Approval of Regulation 6-99AM, Expansion of Leaf Vacuuming Collection District

Background

1. On October 31, 2000, the County Council received Regulation 6-99AM, Expansion of Leaf Vacuuming Collection District.

2. The Council must review the regulation under method (1) of Section 2A-15 of the County Code.

3. A regulation proposed under Method (1) is adopted when the County Council approves it by resolution. The regulation takes effect on adoption of the resolution approving it or at a later date specified in the regulation.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

Regulation 6-99AM, Expansion of Leaf Vacuuming Collection District, is approved.

This is a correct copy of Council action.

Mary A. Edgar

Mary A. Edgar, CMC
Clerk of the Council

RECEIVED
DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSIT SERVICES

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	**Number**
Leaf Vacuuming District	6-99AM
Originating Department	**Effective Date**
Department of Public Works and Transportation	November 28, 2000

Montgomery County Regulation on:

LEAF VACUUMING DISTRICT
OFFICE OF THE COUNTY EXECUTIVE

Issued by: County Executive
Regulation No.: 6-99AM
COMCOR, Title _____, Chapter _____

Authority: Montgomery County Code, 1994, Section: 48-47
Council Review: Method (1) under Code Section 2A-15
Register Vol. 16 No. 5

Effective Date: November 28, 2000
Comment Deadline:

Summary: This regulation updates recycling service areas and the recycling service process so as to provide for the curbside collection of leaves by vacuuming and authorized the collection of fees to fund curbside leaf vacuuming services.

Address for comments: Director, Department of Public Works and Transportation
Executive Office Building, 10th Floor
101 Monroe Street
Rockville, Maryland 20850

Staff Contact: John Thompson, Chief
Division of Highway Services
Montgomery County Department of
Public Works and Transportation
(240) 777-7623

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

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Background:

Chapter 68 of the Montgomery County Code authorizes the Montgomery County Suburban District. In 1927, the Maryland General Assembly created this special taxing area encompassing the urbanized areas of the lower County. The general purpose of the special taxing area was to provide and fund an enhanced level of services to property owners within the defined geographic area. One of the enhanced services created for the Suburban District was the curbside collection of leaves. The Suburban District was terminated in FY97, but the curbside collection of leaves for certain recycling districts remain. The leaves are collected each year by curbside vacuuming method and are taken to the Dickerson Composting Facility and recycled into compost material. Because this is considered a recycling function of the County's Solid Waste Management Program, the cost of leaf vacuuming services should be recovered through a solid waste service charge to those properties that receive the service.

Information:

Montgomery County Code 1994, Section 48-47(c) (1), provides for the creation of recycling service areas for the collection, processing and marketing of recyclable solid waste. Section 48-47 (c) (2) authorizes the County Council to establish rates or fees for the collection and processing of recyclable solid waste when it sets rates and fees for solid waste management and disposal.

Section 1. Definitions. For the purposes of this regulation, The definitions contained in Montgomery County Code 1994, section 48-1 and the definitions stated below apply:

(a) "Recycling Service Area" means a geographically designated area for the collection, processing and marketing of recyclable solid waste, the basis for determination of recycling activities may include

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	Number
Leaf Vacuuming District	6-99AM
Originating Department Department of Public Works and Transportation	**Effective Date** November 28, 2000

population densities; housing patterns, land use patterns, types of recyclable solid waste generated, and other factors affecting cost-effectiveness.

(b) "Leaf Vacuuming District" means the geographic area currently identified as a neighborhood/area that consists of 100 or more households (as shown in Exhibit A). Households mean either single or multifamily residences.

(c) "Leaf Vacuuming Service" means the removal of leaves, by vacuum method, which property owners have placed at the curbside of County rights-of-way.

(d) "Yard Trim" means all organic solid waste material generated in the yard, including, but not limited to, leaves, grass clippings, plant trimmings, and branches less than 4 inches in diameter.

Section 2. A map showing the Leaf Vacuuming Districts is attached hereto as Exhibit A. Collection of leaves on a twice annual basis will be provided by vacuum method. These recycling service areas are to be known as the Leaf Vacuuming Districts.

(a) The Leaf Vacuuming Districts may be updated from time to time as areas within the County are included in or excluded from the Leaf Vacuuming Districts.

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	Number
Leaf Vacuuming District	6-99AM
Originating Department Department of Public Works and Transportation	**Effective Date** November 28, 2000

Section 3. Leaf Vacuuming Service. Leaf collection in the Leaf Vacuuming Districts will be a vacuuming service at the curb of County or State rights-of-way located within the designated districts. This service is now provided by the Department of Public Works and Transportation, but may be performed by other agents at the discretion of the Department Director, and shall be based on cost-effectiveness of the program.

(a) Notice of Leaf Vacuuming Service shall be provided twice annually, primarily during the months of November and December.

(b) All leaves placed at the curb along County or State rights-of-way within the Leaf Service District during the specified period shall be collected by vacuum method.

(c) Leaves will be the only type of yard trim collected by the leaf vacuuming service.

(d) A civic association or organized group representing an existing neighborhood/area may petition the County Executive (CE) for participation in the Leaf Vacuuming Service. The petition must be submitted by April 15 of the year prior to desired services to be eligible for services in the following calendar year.

(e) The organized group or civic association must deliver to the Director of the Department of PublicWorks and Transportation (DPWT), a written petition signed by owners of at least 80% of

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	Number
Leaf Vacuuming District	6-99AM
Originating Department Department of Public Works and Transportation	**Effective Date** November 28, 2000

the households in the neighborhood/area to be included in the program. Single family units and multifamily units are counted equally in the petition process. The petition should be inclusive of a specific description of the boundaries of the affected neighborhood/area and the number of households in the neighborhood/area to be added to the Leaf Vacuuming Service. An information sheet will be provided to the neighborhood/area requesting consideration into the Leaf Vacuuming Service which will outline the particulars of the program. In the information sheet, the Director, DPWT, will notify petitioners that collection will take place in November and December of each year (weather permitting), and will include the approved fees for the prior year for single and multifamily units.

(f) The neighborhood/area proposed to be included must consist of 100 or more households; or individual streets in neighborhoods with less than 100 households may be added to the program on a block-by-block basis where practical and directly adjacent to an existing collection area. In this instance, criteria (e) will apply.

(g) After receiving the petition, the Director, DPWT, will determine if the request meets the minimum criteria established in (e) and (f). Upon verification that the request meets the minimum criteria, the Director will hold a hearing to receive public comments on the petition within 120 days of that date. Notice of the hearing must be given to the originator of the petition in the affected neighborhood/area and must be advertised in a newspaper of general circulation in the County at least ten days before the hearing.

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	Number
Leaf Vacuuming District	6-99AM
Originating Department Department of Public Works and Transportation	**Effective Date** November 28, 2000

(h) Based on the comments received from the public testimony, the Director, DPWT, will recommend approval or denial of the request to the CE.

(i) Within ninety days after the hearing, the CE will approve or disapprove the Director's recommendation. Notice of the CE's decision must be given to the County Council and to each person in the affected neighborhood/area.

(j) All non-government costs related to entry into the Leaf Vacuuming Service, to include, but not limited to, the postage, printing, etc. must be borne by the civic association or organized group of the requesting neighborhood/area.

(k) Property owners in the neighborhoods/areas that are added to the collection area will be assessed the current rate for receiving the service.

(l) Operational requirements of the County will be considered when determining participation in the Leaf Vacuuming Service to include consideration of the expansion of the program in the context of the tonnage limit at the Composting Facility.

(m) Any neighborhood/area in the Leaf Vacuuming Service can leave the program by mutual agreement of the County and the neighborhood/area. A neighborhood/area desiring to leave the Leaf Vacuuming Service must have the support of not less than 80% of the households in the neighborhood/area before soliciting the agreement of the County.

(n) The Director, DPWT, or his/her designee may deviate from the minimum criteria for determining a neighborhood's/area's participation in the Leaf Vacuuming

MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

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Leaf Vacuuming District	6-99AM
Originating Department Department of Public Works and Transportation	**Effective Date** November 28, 2000

Service as found herein when it is deemed to be in the best interest of the County. Reasons for deviation from the minimum criteria may include, but are not limited to:

- Inappropriate boundaries for efficient operation of leaf collection services, such as separation by a stream valley or major roadway;
- Operational issues that may delay an area's entry into the Leaf Vacuum Program, such as insufficient resources.

Section 4. Collection of Fee for Leaf Vacuuming Service.
The method for calculation and collection of fees for leaf collection service shall be in accordance with the provisions of sections 48-29 (d) which requires that charges must correspond as closely as practicable to the actual cost to the County to perform the service.

Douglas M. Duncan
County Executive

APPROVED AS TO FORM AND LEGALITY
OFFICE OF COUNTY ATTORNEY
BY Eileen O. Basseri
DATE 9/29/2000

Attachment to Resolution No. 14-701
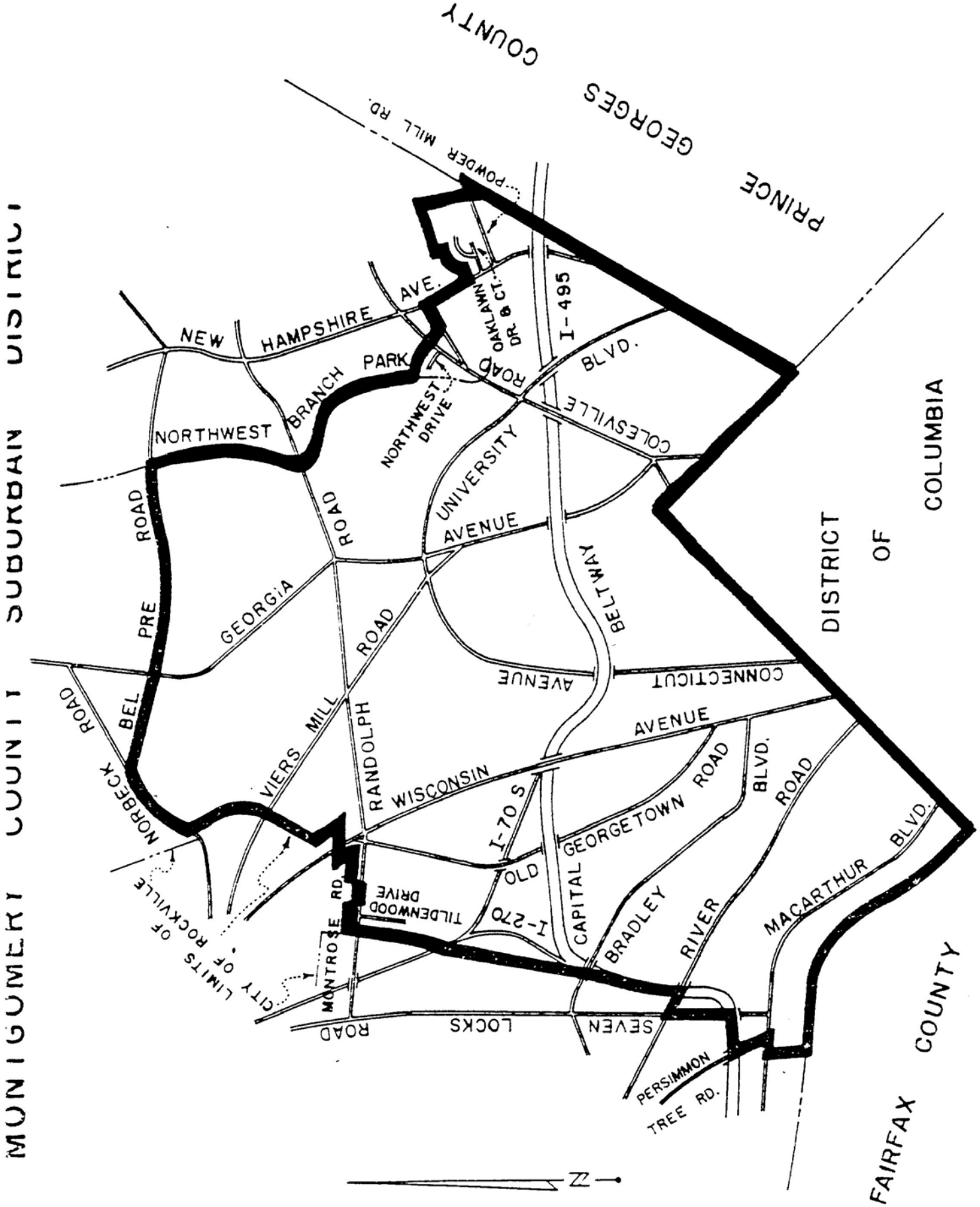
EXHIBIT A