

**CITY OF BALTIMORE  
COUNCIL BILL 07-0582  
(First Reader)**

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Introduced by: Councilmember Kraft, President Rawlings-Blake, Councilmembers Holton,  
Clarke, Harris, Curran, Spector, Branch

Introduced and read first time: February 12, 2007

Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and  
Community Development, Department of Public Works, Health Department, Department of  
Recreation and Parks, Department of Transportation, Department of Finance, Baltimore City  
Public School System, Environmental Control Board

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Resource Sustainability**

3 FOR the purpose of renaming the Commission on Resource Conservation and Recycling to be the  
4 Commission on Resource Sustainability; reconstituting the Commission's membership;  
5 restating and modifying the Commission's duties; expanding the information to be included  
6 by City agencies in their annual energy consumption reports; requiring City agencies to  
7 submit an annual greenhouse gas emissions reduction report; providing for the Commission  
8 to develop a comprehensive recycling plan for the City; and generally relating to resource  
9 conservation, recycling, and sustainability.

10 BY repealing and reordaining, with amendments  
11 Article 5 - Finance, Property, and Procurement  
12 Section(s) 34-1 to 34-4, to be under the amended subtitle heading,  
13 "Subtitle 34. Commission on Resource Sustainability"  
14 Baltimore City Code  
15 (Edition 2000)

16 BY repealing and reordaining, with amendments  
17 Article 5 - Finance, Property, and Procurement  
18 Section(s) 45-2  
19 Baltimore City Code  
20 (Edition 2000)

21 BY adding  
22 Article 5 - Finance, Property, and Procurement  
23 Section(s) 46-1, to be under the subtitle heading,  
24 "Subtitle 46. Emissions Reduction"  
25 Baltimore City Code  
26 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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1 BY repealing and reordaining, with amendments  
2 Article 23 - Sanitation  
3 Section(s) 16-1 to 16-5, to be under the amended subtitle heading,  
4 “Subtitle 16. Recyclable Material and Compostable Yard Waste”  
5 Baltimore City Code  
6 (Edition 2000)

7 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
8 Laws of Baltimore City read as follows:

9 **Baltimore City Code**

10 **Article 5. Finance, Property, and Procurement**

11 **Subtitle 34. Commission on Resource [Conservation and Recycling] SUSTAINABILITY**

12 **§ 34-1. Commission created; members.**

13 (a) *Created.*

14 There is [hereby created] a Commission on Resource [Conservation and Recycling]  
15 SUSTAINABILITY, to consist of 17 members, 16 of whom [shall be] ARE appointed by the  
16 Mayor in the manner prescribed by Article IV, § 6 of the City Charter.

17 (b) *Appointed members.*

18 The [members] appointed MEMBERS shall represent [the interests of utilities, business,  
19 community organizations, mass transit and petroleum industry, private recycling  
20 industries, environmental groups, labor unions, the Mayor’s Office, and persons who  
21 have a general interest in energy and resource conservation, recycling, and waste  
22 reduction as well as the age, sex, and race of the City population]:

23 (1) THE RESTAURANT AND BAR BUSINESS COMMUNITY;

24 (2) COMMUNITY ASSOCIATIONS;

25 (3) CURRENT AND POTENTIAL APPLICANTS AND AWARDEES OF CITY SANITATION,  
26 COMPOSTING, AND RECYCLING CONTRACTS;

27 (4) THE POLYSTYRENE PRODUCT AND PACKAGING INDUSTRY;

28 (5) PROVIDERS OF RECYCLING, COMPOSTING, AND BIODEGRADABLE, POLYSTYRENE-  
29 ALTERNATIVE PRODUCT SERVICES;

30 (6) THE U.S. GREEN BUILDING COUNCIL - BALTIMORE REGION;

31 (7) LABOR UNIONS;

32 (8) THE MAYOR’S OFFICE;

33 (9) THE DEPARTMENT OF PUBLIC WORKS;

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1 (10) THE DEPARTMENT OF FINANCE;

2 (11) THE DEPARTMENT OF RECREATION AND PARKS;

3 (12) THE PUBLIC SCHOOL SYSTEM;

4 (13) THE HEALTH DEPARTMENT; AND

5 (14) SUSTAINABILITY ADVOCATES WHO HAVE A GENERAL INTEREST IN ENERGY AND  
6 RESOURCE CONSERVATION, RECYCLING, AND WASTE REDUCTION.

7 (c) *City Council representative.*

8 The 17<sup>th</sup> member shall be a member of the City Council appointed [to the Commission]  
9 by the COUNCIL President [of the Council].

10 **§ 34-2. Terms; Chair.**

11 (a) *Terms of members.*

12 The terms of each member [shall be] IS 4 years, concurrent with the Mayor's term of  
13 office, [or] AND until a successor qualifies and takes office.

14 (b) *Commission Chair.*

15 The Commission shall appoint one member as its Chair.

16 **§ 34-3. Compensation; expenses.**

17 No member of the Commission [shall ] MAY receive any compensation for services, but each  
18 member may be reimbursed for necessary and proper expenses incurred in the performance  
19 of his OR HER duties [as such].

20 **§ 34-4. Commission duties.**

21 THE DUTIES OF THE COMMISSION ARE:

22 (1) to [study] ESTABLISH CRITERIA AND PERFORMANCE MEASURES FOR, REVIEW, and  
23 make recommendations to the Mayor[, the] AND City Council[, and appropriate City  
24 agencies of methods by which the City can conserve energy, water and other vital  
25 resources and reduce and recycle solid waste within City government;]

26 [(2) to make recommendations of methods by which the City can establish  
27 appropriate incentives, standards, and goals for the purchase of products made  
28 from recycled materials and to encourage and enable vendors to sell recycled  
29 products to the City;]

30 [(3) to develop an information and referral system for City agencies and the general  
31 public related to conservation of energy, waste reduction, and recycling;]

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1 [(4) to cooperate with state and federal energy conservation, waste reduction, and  
2 recycling agencies;]

3 [(5) to produce and distribute educational materials and create educational programs  
4 which will inform citizens, business, industry, and other organizations of the  
5 City's resource conservation, recycling, and energy conservation programs, laws,  
6 and goals;]

7 [(6) to make recommendations to the Mayor and the City Council for a plan to  
8 expand and attract to the City recycling, resource, and energy conservation  
9 businesses and industries;]

10 [(7) to make recommendations to the Mayor and the City Council] regarding:

11 (I) REQUESTS FOR PROPOSALS FOR THE CITY'S GARBAGE, MIXED REFUSE,  
12 RECYCLING, COMPOSTING, AND WATER AND SEWERAGE CONTRACTS;

13 (II) THE CITY'S ANNUAL ENERGY CONSUMPTION REPORTS, REQUIRED BY § 45-2 OF  
14 THIS ARTICLE;

15 (III) THE CITY'S ANNUAL GREENHOUSE GAS EMISSIONS REDUCTION REPORTS,  
16 REQUIRED BY § 46-1 OF THIS ARTICLE; AND

17 (IV) COMPLIANCE WITH City, state, and federal legislation, and regional  
18 agreements concerning:

19 (A) [(i)] energy or resource conservation, waste reduction, recycling, and  
20 the marketing of recyclables; and

21 (B) [(ii)] the development of energy conservation, resource conservation,  
22 recycling, and waste reduction businesses and industry;

23 (2) TO PREPARE AND IMPLEMENT:

24 (I) A COMPREHENSIVE RECYCLING AND COMPOSTING PLAN, AS PRESCRIBED IN  
25 CITY CODE ARTICLE 23, § 16-3;

26 (II) A PLAN BY WHICH THE CITY CAN RECYCLE WASTE AND CONSERVE ENERGY  
27 AND WATER IN ALL OF ITS BUILDINGS AND FACILITIES;

28 (III) A PLAN TO EXPAND AND ATTRACT TO THE CITY BUSINESSES AND INDUSTRIES  
29 PROVIDING WASTE REDUCTION, ENERGY CONSERVATION, AND RECYCLING  
30 SERVICES;

31 (IV) A COMPREHENSIVE PLAN FOR FOOD SERVICE ESTABLISHMENTS AND  
32 INDUSTRIES TO UTILIZE ALTERNATIVES TO PLASTIC, POLYSTYRENE, AND OTHER  
33 TOXIC, NON-BIODEGRADABLE SYNTHETIC MATERIALS;

34 (V) INCENTIVES, STANDARDS, AND GOALS TO ENCOURAGE CITIZENS AND  
35 BUSINESSES TO RECYCLE FOOD AND CONSTRUCTION AND OTHER WASTE

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1 MATERIALS AND TO UTILIZE BIODEGRADABLE PACKAGING AND STORAGE  
2 PRODUCTS;

3 (VI) INCENTIVES, STANDARDS, AND GOALS FOR THE CITY TO PURCHASE, MARKET,  
4 AND SELL PRODUCTS MADE FROM RECYCLED MATERIALS;

5 (3) TO DEVELOP AN INFORMATION AND REFERRAL SYSTEM FOR CITY AGENCIES AND THE  
6 GENERAL PUBLIC RELATED TO CONSERVATION OF ENERGY, WASTE REDUCTION, AND  
7 RECYCLING;

8 (4) TO PRODUCE AND DISTRIBUTE EDUCATIONAL MATERIALS AND CREATE EDUCATIONAL  
9 PROGRAMS THAT WILL INFORM CITIZENS, BUSINESS, INDUSTRY, AND OTHER  
10 ORGANIZATIONS OF THE CITY'S RESOURCE CONSERVATION, RECYCLING, AND ENERGY  
11 CONSERVATION PROGRAMS, LAWS, AND GOALS;

12 (5) [(8)] to [make] PRESENT a written report to the City Council in January of each year,  
13 summarizing Commission activities of the previous year; AND

14 [(9) to review the City's water and sewerage plans that are required by the State of  
15 Maryland;]

16 [(10) to examine alternative methods of waste reduction, resource conservation, and  
17 recycling;]

18 [(11) to make recommendations to the Mayor and the City Council regarding:

19 (i) the need for an Office of Recycling;

20 (ii) implementation of the state-mandated recycling plan; and

21 (iii) establishment of a plan to market recycled materials utilized by the City of  
22 Baltimore; and]

23 (6) [(12)] to perform [such] ANY other duties [as may be deemed] CONSIDERED necessary  
24 to carry out the City's RECYCLING PLAN, AS PRESCRIBED IN CITY CODE ARTICLE 23,  
25 § 16-3, THE CITY'S energy and resource conservation plans, and [its] THE CITY'S  
26 recycling and waste reduction efforts.

### 27 Subtitle 45. Energy Costs

#### 28 § 45-2. Annual energy consumption report.

29 (a) *Agency reports to Finance.*

30 (1) On or before January 1 of every year, each City agency shall provide the Department  
31 of Finance with an energy consumption [item] REPORT.

32 (2) This [item] REPORT shall state:

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- 1 (I) HOW THE AGENCY HAS COMPLIED TO DATE WITH THE CRITERIA AND
- 2 PERFORMANCE MEASURES ESTABLISHED BY THE COMMISSION ON RESOURCE SUSTAINABILITY;
- 3 (II) the amount budgeted for energy consumption in the current fiscal year; [and]
- 4 (III) the amount budgeted for ENERGY CONSUMPTION IN the next fiscal year; AND
- 5 (IV) A PLAN TO REDUCE ENERGY CONSUMPTION IN THE NEXT FISCAL YEAR IN
- 6 ACCORDANCE WITH THE CRITERIA AND PERFORMANCE MEASURES
- 7 ESTABLISHED BY THE COMMISSION ON RESOURCE SUSTAINABILITY.

8 (3) The amounts shall be stated in:

- 9 (i) the units of energy [as] billed by the sources, such as gallons, kilowatt-hours,
- 10 or therms;
- 11 (ii) the energy equivalent per year in the International System of Units (joules per
- 12 year) or BTU's by each energy source; AND
- 13 (iii) the cost of each type of energy; and the total cost of energy for each agency.

14 (b) *Finance report to Council.*

15 This information shall be transmitted BY THE DEPARTMENT OF FINANCE to the City

16 Council on or before March 1 of the same year.

17 **SUBTITLE 46. EMISSIONS REDUCTION**

18 **§ 46-1. ANNUAL GREENHOUSE GAS EMISSIONS REDUCTION REPORT.**

19 (A) *AGENCY REPORTS TO PUBLIC WORKS.*

20 (1) ON OR BEFORE JANUARY 1 OF EVERY YEAR, EACH CITY AGENCY SHALL PROVIDE THE

21 DEPARTMENT OF PUBLIC WORKS WITH A GREENHOUSE GAS EMISSIONS REDUCTION

22 REPORT.

23 (2) THIS REPORT SHALL STATE:

- 24 (I) HOW THE AGENCY HAS COMPLIED TO DATE WITH THE CRITERIA AND
- 25 PERFORMANCE MEASURES ESTABLISHED BY THE COMMISSION ON RESOURCE
- 26 SUSTAINABILITY;
- 27 (II) TO THE EXTENT KNOWN OR ASCERTAINABLE, THE AMOUNT OF GREENHOUSE
- 28 GAS EMISSIONS PRODUCED BY THE AGENCY IN 1990;
- 29 (III) THE AMOUNT OF GREENHOUSE GAS EMISSIONS PRODUCED IN THE CURRENT
- 30 FISCAL YEAR;
- 31 (IV) THE AMOUNT OF GREENHOUSE GAS EMISSIONS THAT WOULD BE PRODUCED IN
- 32 THE NEXT FISCAL YEAR AT THE CURRENT RATE;

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1 (v) A PLAN TO REDUCE GREENHOUSE GAS EMISSIONS TO 7 % BELOW 1990 LEVELS  
2 BY 2012; AND

3 (vi) THE AMOUNT OF GREENHOUSE GAS EMISSIONS PROJECTED TO BE PRODUCED IN  
4 THE NEXT FISCAL YEAR IN ACCORDANCE WITH THE PLAN.

5 (3) THE AMOUNTS SHALL BE STATED IN UNITS OF METRIC TONS OF CO<sub>2</sub> EQUIVALENT, IN  
6 COMPLIANCE WITH PARAMETERS SET BY THE U.S. DEPARTMENT OF ENERGY AS PART  
7 OF ITS “VOLUNTARY REPORTING OF GREENHOUSE GASES PROGRAM”.

8 (B) *REPORT TO COUNCIL.*

9 THIS INFORMATION SHALL BE TRANSMITTED BY THE DEPARTMENT OF PUBLIC WORKS TO  
10 THE CITY COUNCIL ON OR BEFORE MARCH 1 OF THE SAME YEAR.

11 **Article 23. Sanitation**

12 **Subtitle 16. RECYCLABLE MATERIALS AND Compostable Yard Waste**

13 **[§ 16-1. “Yard waste” defined.]**

14 [“Yard waste” includes grass, leaves, tree limbs, wood, and other natural byproducts of land  
15 maintenance operation.]

16 **§ 16-1. [§ 16-2.] No disposal at Quarantine Landfill.**

17 [After March 1, 1993,] RECYCLABLE MATERIALS, AS DEFINED IN § 11-1 OF THIS ARTICLE, AND  
18 compostable yard waste [shall] MAY not be disposed of at the Quarantine Landfill.

19 **§ 16-2. [§ 16-3.] Recycling plan.**

20 (a) *[Public Works] COMMISSION ON RESOURCE SUSTAINABILITY to develop.*

21 The [Director of Public Works] COMMISSION ON RESOURCE SUSTAINABILITY shall  
22 prepare AND IMPLEMENT a comprehensive recycling plan for RECYCLING AND composting  
23 at facilities operated by the City, individuals, and corporations, AS PRESCRIBED IN CITY  
24 CODE ARTICLE 5, SUBTITLE 34.

25 (b) *Scope of plan.*

26 The plan shall include:

27 (1) provisions for a City RECYCLING AND composting facility;

28 (2) standards for the operation of private individual and corporate RECYCLING AND  
29 composting facilities;

30 (3) PROVISIONS FOR RESIDENTIAL AND FOOD AND BEVERAGE BUSINESS RECYCLING  
31 PROGRAMS, INCLUDING:

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1 (I) AN EXPANSION OF THE SCOPE OF RECYCLABLE MATERIALS TO BE  
2 COLLECTED FROM RESIDENTIAL AND FOOD AND BEVERAGE BUSINESS  
3 LOCATIONS;

4 (II) IMPROVEMENTS IN FREQUENCY AND SCHEDULING OF PICKUP OF  
5 RECYCLABLE MATERIALS FROM RESIDENTIAL AND FOOD AND BEVERAGE  
6 BUSINESS LOCATIONS;

7 (III) PERFORMANCE MEASURES FOR EVALUATING RECYCLING SERVICES;

8 (IV) AN ANALYSIS OF THE FISCAL IMPACT OF COMPLYING WITH THIS RECYCLING  
9 PLAN;

10 (4) PROVISIONS FOR A LOCAL FOOD WASTE COMPOSTING PROGRAM FOR FOOD AND  
11 BEVERAGE BUSINESSES;

12 (5) AN ANALYSIS OF THE FISCAL IMPACT OF COMPLYING WITH THE RECYCLING AND  
13 COMPOSTING PLAN; and

14 (6) [(3)] any other provisions relating to the process of providing for a comprehensive  
15 RECYCLING AND composting plan for the City of Baltimore.

16 **§ 16-3. [§ 16-4.] Rules and regulations.**

17 The Director of Public Works [is authorized to] MAY adopt rules and regulations to [enforce]  
18 CARRY OUT THE provisions of this subtitle, SUBJECT TO REVIEW BY THE COMMISSION ON  
19 RESOURCE SUSTAINABILITY.

20 **[§ 16-5. Penalties.**

21 The Director of Public Works shall recommend to the City Council penalties for the  
22 violations of the provisions of this subtitle, on or before 3 months after the date of passage of  
23 this subtitle.]

24 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
25 are not law and may not be considered to have been enacted as a part of this or any prior  
26 Ordinance.

27 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
28 after the date it is enacted.