


FROM	NAME & TITLE	David E. Scott, Director	CITY of BALTIMORE MEMO	
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	SUBJECT	CITY COUNCIL BILL 08-0140		

DATE: August 7, 2008

TO

The Honorable President and Members
of the Baltimore City Council
c/o Karen Randle
Room 400 - City Hall

I am herein reporting on City Council Bill 08-0140 introduced by Council Members Conaway, Clarke, D'Adamo, Curran, Cole, Holton, Spector, and Henry.

The purpose of the Bill is to set and conform the hours during which certain collection activities may not be conducted near residential structures; and generally relating to the collection of solid waste, garbage, and mixed refuse.

Title 7 of the Baltimore City Health Code prohibits a hauler from collecting solid waste in the City between the hours of 11 p.m. and 7 a.m. on any day, including weekends and legal holidays. Haulers may collect solid waste from business, commercial, industrial, institutional, or other nonresidential use structures if the structure is not within 100 feet of a residential structure. The Health Commissioner may waive these requirements in the event of a civil emergency. (§ 7-221) These prohibitions do not apply to the Department of Public Works' solid waste collection duties.

City Council Bill 08-0140, if approved, would reduce the time available for a hauler to collect solid waste, to between the hours of 7 a.m. and 7 p.m. The collection of solid waste from nonresidential areas would continue to be allowed at any time, but the prohibited distance from a residential structure would increase, from 100 to 300 feet. This Department defers commenting on the impact these proposed changes may have on private haulers and their businesses. However, the proposed time restrictions for collection of solid waste (7 a.m. to 7 p.m.) from any location that is within 300 feet of a residential structure, would apply to this Department's Solid Waste crews, as the bulk of the mixed refuse collection is from residential units.

In-fill housing, mixed use developments, apartments located above businesses, repurposed office and industrial buildings into living spaces, transit-oriented developments, combined living and working spaces, all are part of the revitalization of Baltimore, blurring the lines between residential and nonresidential buildings and uses. While these changes create vibrant and diverse neighborhoods, conflicts can arise with parking, traffic, noise, behaviors, and



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other such issues. Business needs for its clientele, trash collection, delivery of goods, hours of operations, can conflict with residents' desire for quiet mornings, evenings and weekends. For this Department, solid waste collection routes are created to ensure efficient collection of mixed refuse and recyclables. Restricting collection hours if within 300 feet of a residential structure affects an entire route, as identifying and skipping these areas is not practical. Specifically, the legislation affects the Department's collection duties in the following ways:

- Downtown District – The Bureau of Solid Waste has routes that allow sufficient crews and equipment to collect mixed refuse twice a week throughout the City. However, a small district in the core business section of Downtown routinely has its mixed refuse collected from 7 p.m. to 12 p.m. to reduce the potential for interfering with traffic and adding to delays and congestion. This legislation would prohibit this practice and force the collection of mixed refuse during heavy Downtown traffic and congestion periods.
- Inclement Weather – For days expected to be extremely hot, the Director will notify Solid Waste crews that they may begin their routes prior to 7 a.m. in the hopes that crews will be able to complete their collection of mixed refuse or recyclables before the most intense heat of the day. Likewise, during snow events, Solid Waste crews assist with snow removal and, conditions permitting, will then complete their normal collection routes. These conditions can result in crews collecting mixed refuse or recycling well into the evening hours. The legislation would prohibit this practice, resulting in trash or recycling going uncollected for parts or all of the routes.
- Special Events – Solid Waste has crews and equipment available throughout festivals and special events to keep debris to a minimum and trash baskets emptied. After the events end, crews clean and clear areas immediately following closures to ensure clean areas and full access to streets, sidewalks and parking areas. This legislation would prevent prompt cleaning of these areas, delay free use of the areas by pedestrians and vehicles, and cause mixed refuse and debris to sit unattended until the next day.
- Call Backs – No collection of missed mixed refuse or recycling would be allowed after 7 p.m.

The unintended consequences of the proposed legislation will be to limit the flexibility the Department currently has to accommodate occasional weather-related conditions for the wellbeing of the crews and for the rapid removal of mixed refuse and recyclables from City streets and in the Downtown District. Therefore, the Department of Public Works cannot support passage of City Council Bill 08-0140 unless the Bill is amended to delete § 2-4(E) from the legislation.


DAVID E. SCOTT
DIRECTOR

