

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 09-0284

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: February 9, 2009
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: May 18, 2009

AN ORDINANCE CONCERNING

Sanitation – “One Plus One” Collection Program

1
2 FOR the purpose of amending the City Code to enable the City’s “One Plus One” Collection
3 Program; defining and redefining certain terms; conforming varied provisions governing the
4 handling, placement, and collection of trash, garbage, debris, and other mixed refuse;
5 modifying the specifications for required receptacles; repealing certain obsolete provisions;
6 modifying and conforming certain penalties; conforming, correcting, and clarifying related
7 provisions; providing for a special effective date; and generally relating to the collection of
8 mixed refuse and recyclable materials.

9 BY repealing and reordaining, with amendments

10 Article 23 - Sanitation
11 Subtitles 1, 2, 4, and 21
12 Baltimore City Code
13 (Edition 2000)

14 BY repealing

15 Article 23 - Sanitation
16 Subtitles 3 and 7
17 Baltimore City Code
18 (Edition 2000)

19 BY repealing and reordaining, with amendments

20 Article 1 - Mayor, City Council, and Municipal Agencies
21 Section(s) 40-14(e)(4)
22 Baltimore City Code
23 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 BY repealing and reordaining, without amendments
2 Article 1 - Mayor, City Council, and Municipal Agencies
3 Section(s) 40-14(e)(6a)
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing and reordaining, with amendments
7 Article - Building, Fire, and Related Codes
8 Section(s) 7-102 (PMC §§ 306.4, 306.6, and 306.7)
9 Baltimore City Revised Code
10 (Edition 2000)

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

13 **Baltimore City Code**

14 **Article 23. Sanitation**

15 **Subtitle 1. [Administration] DEFINITIONS; GENERAL PROVISIONS**

16 **§ 1-1. DEFINITIONS.**

17 (A) *IN GENERAL.*

18 IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE MEANING INDICATED.

19 (B) *DIRECTOR.*

20 “DIRECTOR” MEANS THE DIRECTOR OF PUBLIC WORKS OR THE DIRECTOR’S DESIGNEE.

21 (C) *MIXED REFUSE.*

22 (1) *GENERAL.*

23 “MIXED REFUSE” MEANS, EXCEPT AS SPECIFIED IN PARAGRAPH (3) OF THIS
24 SUBSECTION, PUTRESCIBLE AND NON-PUTRESCIBLE SOLID WASTE.

25 (2) *INCLUSIONS.*

26 “MIXED REFUSE” INCLUDES:

27 (I) KITCHEN DISCARDS, RESIDUE, AND OTHER FOOD WASTES;

28 (II) RUBBISH;

29 (III) YARD SWEEPINGS AND YARD WASTE;

30 (IV) PLASTIC AND GLASS PRODUCTS;
31

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1 (V) FERROUS AND NON-FERROUS METALS;

2 (VI) PAPER PRODUCTS;

3 (VII) TEXTILES;

4 (VIII) RUBBER PRODUCTS; AND

5 (IX) INORGANIC MATERIALS, SUCH AS SOAPS, DETERGENTS, AND OTHER
6 HOUSEHOLD CLEANERS IN SOLID FORM.

7 (3) *EXCLUSIONS.*

8 “MIXED REFUSE” DOES NOT INCLUDE:

9 (I) HAZARDOUS WASTE;

10 (II) LIQUID WASTES;

11 (III) INDUSTRIAL AND MANUFACTURING WASTES;

12 (IV) CONSTRUCTION MATERIALS;

13 (V) CONCRETE;

14 (VI) LUMBER;

15 (VII) LARGE ROCKS;

16 (VIII) AUTOMOTIVE FLUIDS;

17 (IX) HERBICIDES, PESTICIDES, AND FUNGICIDES;

18 (X) SOLVENTS;

19 (XI) ELECTRONICS;

20 (XII) “WHITE GOODS”; AND

21 (XIII) ~~(VIII)~~ OTHER SIMILAR MATERIALS.

22 (D) RECYCLABLE MATERIALS.

23 (1) IN GENERAL.

24 “RECYCLABLE MATERIALS” MEANS MATERIALS DESIGNATED BY THE DIRECTOR OF
25 PUBLIC WORKS FOR SEPARATE COLLECTION BY THE DEPARTMENT FOR PROCESSING
26 AND RETURN TO THE MARKET PLACE IN THE FORM OF RAW MATERIALS OR PRODUCTS.

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1 (2) MINIMUM INCLUSIONS.

2 MATERIALS DESIGNATED BY THE DIRECTOR SHALL INCLUDE, AT A MINIMUM:

3 (I) NON-FOOD-CONTAMINATED PAPER AND CARDBOARD;

4 (II) EMPTIED FOOD CONTAINERS MADE OF ALUMINUM, STEEL, OR TIN;

5 (III) BOTTLES AND JARS MADE OF CLEAR-, BROWN-, OR GREEN-COLORED GLASS;
6 AND

7 (IV) APPROPRIATE GRADES OF PLASTIC BOTTLES AND JARS.

8 (E) YARD WASTE.

9 (1) IN GENERAL.

10 “YARD WASTE” MEANS, EXCEPT AS SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION,
11 COMPOSTABLE VEGETATIVE MATTER THAT IS THE BYPRODUCT OF LAWN CARE AND
12 GARDENING ACTIVITIES.

13 (2) INCLUSIONS.

14 “YARD WASTE” INCLUDES:

15 (I) GRASS CLIPPINGS;

16 (II) PLANTS AND WEEDS;

17 (III) LEAVES;

18 (IV) SHRUB TRIMMINGS; AND

19 (V) EXCEPT AS SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION, TREE
20 TRIMMINGS.

21 (3) EXCLUSIONS.

22 “YARD WASTE” DOES NOT INCLUDE:

23 (I) SOIL;

24 (II) TREE TRUNKS; OR

25 (III) TREE BRANCHES THAT ARE MORE THAN 4 INCHES IN DIAMETER OR 3 FEET IN
26 LENGTH.

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§ 1-2. MANDATORY, PROHIBITORY, AND PERMISSIVE TERMS.

(A) *MANDATORY TERMS.*

“MUST” AND “SHALL” ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT OR TO IMPOSE A DUTY.

(B) *PROHIBITORY TERMS.*

“MUST NOT”, “MAY NOT”, AND “NO ... MAY” ARE EACH MANDATORY NEGATIVE TERMS USED TO ESTABLISH A PROHIBITION.

(C) *PERMISSIVE TERMS.*

“MAY” IS PERMISSIVE.

§ 1-3. {RESERVED}

§ 1-4. [§ 1-1.] Public Works to provide sanitation services.

(A) IN GENERAL.

The Director of Public Works [shall have] HAS charge of the following services, [in so far as such services or any of them are] AS authorized or required to be done by the City:

(1) the cleaning of the public streets, lanes, AND alleys[, and markets]; and

(2) the collection and removal of [ashes, garbage, rubbish and street dirt] MIXED REFUSE AND RECYCLABLE MATERIALS.

(B) COLLECTION FREQUENCY.

FOR PREMISES THAT RECEIVE COLLECTION SERVICES, THE DIRECTOR OF PUBLIC WORKS SHALL PROVIDE FOR:

(1) THE COLLECTION OF MIXED REFUSE ONCE A WEEK; AND

(2) THE COLLECTION OF RECYCLABLE MATERIALS ONCE A WEEK.

§ 1-5. Rules and regulations.

(a) *Director may adopt.*

The Director of Public Works may adopt rules and regulations to carry out this article.

(b) *Filing with Legislative Reference.*

A copy of all rules and regulations must be filed with the Department of Legislative Reference before they take effect.

§ 1-6. {Reserved}

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1 **§ 1-7. [§ 1-2.] Use of hydrants.**

2 The Director of Public Works [is empowered to] MAY use the water from fire hydrants in
3 order to flush the gutters, streets, lanes, AND alleys[, and markets] OF THE CITY.

4 **Subtitle 2. [Garbage and] Mixed Refuse HANDLING AND COLLECTION**

5 **[§ 2-1. Definitions.**

6 (a) *Garbage.*

7 The term “garbage”, as used in this article, shall be held to include every accumulation of
8 animal, fruit, or vegetable food waste generated by or resulting from the decay,
9 deterioration, storage, preparation, or handling of animal and vegetable matter in any
10 place or at any point where food is prepared or served for human consumption, including
11 all kitchen and dining refuse produced by households, hotels, restaurants, lunch rooms,
12 clubs, hospitals, or any other source whatsoever existing in Baltimore City.

13 (b) *Mixed refuse.*

14 The term “mixed refuse” shall be held to include garbage as herein defined, mingled with
15 any 1 or more of the following: paper, pasteboard, rags, mattresses, furniture, clothing,
16 shoes, rubbers, leather, carpets, broken glass, crockery, betties, straw, excelsior, metal,
17 packing boxes, and barrels, broken parts thereof, tin cans, Christmas trees, leaves, and
18 grass cuttings.]

19 **§ 2-1. [§ 2-2.] Receptacles.**

20 IN ALL PLACES WHERE MIXED REFUSE IS ACCUMULATED, A SUFFICIENT NUMBER OF
21 RECEPTACLES TO CONTAIN THE MIXED REFUSE BETWEEN COLLECTIONS MUST BE PROVIDED
22 AND MAINTAINED AS SPECIFIED IN THE CITY PROPERTY MAINTENANCE CODE.

23 ~~(a) *Receptacles required.*~~

24 ~~Occupants of dwelling houses, proprietors of boarding houses, hotels, restaurants, and~~
25 ~~other places where [garbage or] mixed refuse is accumulated, and owners, agents, and~~
26 ~~occupants of apartment or tenement houses MUST:~~

27 ~~(1) [shall provide for the use of such premises] MAINTAIN a sufficient number of~~
28 ~~receptacles to contain all [garbage or] mixed refuse [which may] THAT MIGHT~~
29 ~~accumulate on [said] THE premises during the usual interval between [the]~~
30 ~~collections [of garbage or mixed refuse therefrom]; and~~

31 ~~(2) [shall] keep [such] THESE receptacles [at all time] in good repair.~~

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1 ~~(b) [Container] RECEPTACLE specifications.~~

2 Each receptacle ~~[shall] MUST~~ comply with the requirements specified in the CITY
3 Property Maintenance Code.

4 **§ 2-2. [§ 2-3.] Handling.**

5 (a) *Placement in receptacles.*

6 Occupants of any dwelling, INCLUDING ANY MULTIPLE-FAMILY DWELLING, [house,
7 apartment, or tenement house,] and [each] THE proprietor of any boarding house, hotel,
8 restaurant, and other place where [garbage or] mixed refuse is accumulated [shall cause
9 all such garbage or] MUST PLACE THE mixed refuse [from such premises to be put] into
10 [the] A receptacle [or receptacles] provided for that purpose, as required by [§ 2-2] § 2-1
11 OF THIS SUBTITLE.

12 (b) *Covering and placement.*

13 Each [person aforesaid] OF THESE PERSONS MUST:

14 (1) [shall cause each such] KEEP THE receptacle [to be kept] covered continually,
15 except when it is being filled or emptied; and

16 (2) [shall cause each such] PLACE THE receptacle [to be placed]:

17 (i) in [such] A position [as to be] THAT IS easily accessible to the collector; or

18 (ii) OTHERWISE in [such] THE manner and at [such] THE time [or times as may
19 be] designated by the Director of Public Works.

20 (c) [*Garbage, etc.,*] REFUSE to be kept dry.

21 All [garbage and] mixed refuse [shall, at all times,] MUST be kept as [free from dishwater
22 and as] dry as practicable.

23 **§ 2-3. [§ 2-4.] Collections.**

24 (a) *Definitions.*

25 [(1) *Condominium.*

26 “Condominium” means a system of separate ownership of individual units in a
27 multiple-unit building or a series of buildings.]

28 [(2) *Cooperative.*

29 “Cooperative” means a cooperative housing corporation qualified in Maryland in
30 which each member, by virtue of ownership or membership, has a cooperative
31 interest in the corporation.]

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1 [(3) *Week*.

2 For purposes of this section, the word “week” shall be taken to mean Monday to
3 Saturday, both inclusive, in each calendar week.]

4 (1) *GENERAL*.

5 IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

6 (2) *CONDOMINIUM OR COOPERATIVE*.

7 “CONDOMINIUM OR COOPERATIVE” MEANS:

8 (I) A CONDOMINIUM REGIME FORMED UNDER THE MARYLAND CONDOMINIUM
9 ACT, STATE REAL PROPERTY ARTICLE TITLE 11; OR

10 (II) A COOPERATIVE HOUSING CORPORATION FORMED UNDER THE MARYLAND
11 COOPERATIVE HOUSING CORPORATION ACT, STATE CORPORATIONS AND
12 ASSOCIATIONS ARTICLE, TITLE 5, SUBTITLE 6B.

13 [(b) *Garbage*.

14 It shall be the duty of the Director of Public Works to collect all garbage, without
15 limitation as a quantity, from all such places when placed in separate receptacles.]

16 (B) [(c) *Mixed refuse — quantity limits*] *DUTY TO COLLECT*.

17 [(1) It shall be the duty of the] THE Director of Public Works [to] MUST collect all mixed
18 refuse, RECYCLABLE MATERIALS, AND YARD WASTE from all ~~dwelling houses~~ DWELLINGS,
19 INCLUDING MULTIPLE-FAMILY DWELLINGS, [apartment houses, tenement houses,] AND
20 FROM ALL boarding houses, hotels, restaurants, hospitals, and other places where mixed
21 refuse is accumulated, SUBJECT TO THE QUANTITY LIMITATIONS SPECIFIED IN THIS
22 SECTION.

23 (C) *QUANTITY LIMITS – GENERAL*.

24 FOR EACH DESIGNATED COLLECTION DAY, THE AMOUNT TO BE COLLECTED FROM EACH
25 PLACE IS:

26 (1) FOR MIXED REFUSE, LIMITED TO [not exceeding the contents of 8 20-gallon
27 containers per week for each such place, as hereinafter provided] ~~64 gallons~~ 96
28 GALLONS; AND

29 (2) FOR RECYCLABLE MATERIALS AND YARD WASTE, IF BUNDLED OR CONTAINED
30 SEPARATELY FROM MIXED REFUSE, UNLIMITED.

31 [(2) The mixed refuse contents of 4 20-gallon containers shall be collected from each
32 such place on each of 2 different days during each week.]

33 [(3) If a regular collection day falls on a holiday and no collection is made on that day, in
34 that event the mixed refuse contents of 8 20-gallon containers shall be collected on the

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next regular collection day. When the next regular collection day falls in the following calendar week, as herein defined, the aggregate quantity to be collected in said following week shall be the mixed refuse contents of 12 20-gallon containers, the 1st collection to be the contents of 8 containers and the 2nd collection to be the contents of 4 containers.]

(d) [Mixed refuse – exceptions] QUANTITY LIMITS – EXCEPTIONS.

(1) THE DIRECTOR OF PUBLIC WORKS SHALL ADOPT RULES AND REGULATIONS FOR GRANTING EXCEPTIONS FROM THE QUANTITY LIMITATIONS SPECIFIED IN SUBSECTION (C) OF THIS SECTION FOR SINGLE-FAMILY DWELLINGS WHOSE OCCUPANTS DEMONSTRATE AN INABILITY TO MEET THOSE LIMITATIONS. HOWEVER, THE TOTAL AMOUNT OF MIXED REFUSE TO BE ALLOWED UNDER AN EXCEPTION MAY NOT EXCEED 160 GALLONS.

(2) (i) (1) The [above limitations of 8 20-gallon containers per week or 4 20-gallon containers per collection day] LIMITATIONS SPECIFIED IN SUBSECTION (C) OF THIS SECTION may be exceeded by the Director of Public Works for condominiums, cooperatives, APARTMENT BUILDINGS, and OTHER multiple-family [structures] DWELLINGS, [other than apartment structures originally built as apartment structures, [provided he] IF THE DIRECTOR is authorized to do so by the Board of Estimates, [which shall base such authorization upon consideration] BASED ON CONSIDERATIONS of public health, safety, and welfare.

(ii) (2) Before requesting authorization to collect mixed refuse from a [condominium or a cooperative] MULTIPLE-FAMILY DWELLING-CONDOMINIUM OR COOPERATIVE, the Director [shall] MUST:

(A) (i) receive a written request for [such] THOSE services;

(B) (ii) receive documentation that [more than 50%] A MAJORITY of the units in the [condominium or cooperative complex] MULTIPLE-FAMILY DWELLING-CONDOMINIUM OR COOPERATIVE are owner-occupied as a primary residence;

(C) (iii) have a [right of entry] RIGHT-OF-ENTRY agreement with the [condominium or cooperative association] MULTIPLE-FAMILY DWELLING-CONDOMINIUM OR COOPERATIVE; [and]

(D) (iv) [recommend] APPROVE a feasible means to collect mixed refuse from the [condominium or cooperative] MULTIPLE-FAMILY DWELLING-CONDOMINIUM OR COOPERATIVE; AND

(E) (v) APPROVE A FEASIBLE MEANS TO COLLECT RECYCLABLE MATERIALS FROM THE MULTIPLE-FAMILY DWELLING-CONDOMINIUM OR COOPERATIVE.

(iii) (3) [In order to] TO continue [to collect] COLLECTING mixed refuse AND RECYCLABLE MATERIALS from a [condominium or cooperative] MULTIPLE-FAMILY DWELLING-CONDOMINIUM OR COOPERATIVE, the Director must receive biennial documentation that the majority of the units are owner-occupied as a primary residence.

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1 **§ 2-4. [§ 2-5.] Mixing ashes, plaster, ~~dirt~~ SOIL prohibited.**

2 (a) *Ashes, etc., precluded.*

3 It [shall be] IS unlawful to place or cause to be placed with [garbage or] mixed refuse[,]
4 any ashes, plaster, or yard or garden ~~dirt~~ SOIL.

5 (b) *Occupant to separate out.*

6 [And where such] IF A mixture OF THIS SORT is found in any receptacle, [it shall be the
7 duty of] the occupant of the premises MUST [properly to] separate the ashes, plaster, and
8 yard or garden ~~dirt~~ SOIL from the other contents.

9 **§ 2-5. {RESERVED}**

10 **§ 2-6. PENALTIES.**

11 (A) IN GENERAL.

12 ANY PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE IS GUILTY OF A
13 MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR
14 IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR BOTH FINE AND IMPRISONMENT FOR
15 EACH OFFENSE.

16 (B) EACH DAY A SEPARATE OFFENSE.

17 EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

18 **Subtitle 3. [Ashes] {RESERVED}**

19 **[§ 3-1. Receptacles.**

20 All ashes which are to be collected by the Director of Public Works shall be placed in
21 separate receptacles that:

22 (1) are made of metal or other durable material not affected by weather conditions;

23 (2) have handles and close-fitting covers;

24 (3) have a capacity of:

25 (i) not less than 3 gallons; and

26 (ii) not more than 10 gallons; and

27 (4) shall be so constructed that the contents may be removed therefrom easily and
28 without delay.]

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[§ 3-2. Collections.

(a) *“Week” defined.*

For the purpose of this section, the word “week” shall be taken to mean Monday to Saturday, both inclusive, in each calendar week.

(b) *In general.*

(1) It shall be the duty of the Director of Public Works to collect all ashes from dwelling houses, apartment houses, and tenement houses, not exceeding the contents of 16 10-gallon containers per week from each house, as hereinafter provided.

(2) The ash contents of 8 10-gallon containers shall be collected from each dwelling house, apartment house, or tenement house on each of 2 different days during each week.

(3) If a regular collection day falls on a holiday and no collection is made on that day, in that event, the ash contents of 16 10-gallon containers shall be collected on the next regular collection day. When the next regular collection day falls in the following calendar week, as herein defined, the aggregate quantity to be collected said following week shall be the ash contents of 24 10-gallon containers, the 1st collection to be the contents of 16 containers and the 2nd collection to be the contents of 8 containers.

(c) *Limit on Director’s duties.*

Provided, however, that it shall not be the duty of the Director of Public Works to collect any ashes from any place other than a dwelling house, an apartment house or a tenement house.]

Subtitle 4. Receptacles on Collection Days

§ 4-1. General prohibition.

Except as specifically provided in this subtitle, no person may have, keep, or maintain on any street, lane, alley, sidewalk, or other public place in the City, any box, bin, barrel, or other receptacle for the reception of [garbage, ashes] MIXED REFUSE, litter, or rubbish of any sort.

§ 4-2. Placement ~~on sidewalk~~ for collection.

~~(a) *In general.*~~

To facilitate the removal of [garbage, ashes, litter, or rubbish] MIXED REFUSE on [regularly scheduled] A DESIGNATED collection [days] DAY, the occupant of any premises may, AT THE TIME AND IN THE MANNER SPECIFIED IN THIS ARTICLE AND THE CITY PROPERTY MAINTENANCE CODE:

(1) place suitable receptacles containing [garbage, etc.,] THE MIXED REFUSE on [the] A sidewalk OR ~~IN~~ ALONG AN ALLEY:

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- 1 (i) in the rear of the premises; or
- 2 (ii) if the rear is not accessible to the collection vehicle, in front or on the side
- 3 of the premises; and

4 (2) allow the receptacles to remain until the [garbage, etc.,] MIXED REFUSE has been

5 collected.

6 ~~(b) *Limitation.*~~

7 ~~No receptacle, [however,] whether filled or empty, may be placed or permitted to remain~~

8 ~~on any sidewalk for any period longer than necessary under the circumstances at any~~

9 ~~particular property.~~

10 **§ 4-3. {RESERVED}**

11 **§ 4-4. PENALTIES.**

12 (A) IN GENERAL.

13 ANY PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE IS GUILTY OF A

14 MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR

15 IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR BOTH FINE AND IMPRISONMENT FOR

16 EACH OFFENSE.

17 (B) EACH DAY A SEPARATE OFFENSE.

18 EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

19 **Subtitle 7. [Disposal at City Incinerators] {RESERVED}**

20 **[§ 7-1. Director may accept.**

21 The Director of Public Works or his authorized agent may:

22 (1) receive at incinerators of the Mayor and City Council of Baltimore, between the

23 hours of 8 a.m. and 4 p.m. on days on which the Mayor and City Council shall collect

24 refuse and mixed refuse, refuse and mixed refuse collected by persons other than the

25 Mayor and City Council of Baltimore; and

26 (2) use or permit the use of such incinerators for the dumping, burning or other disposal

27 of same.]

28 **[§ 7-2. Fees - in general.**

29 (a) *Basic fee.*

30 (1) Except as otherwise provided in § 7-3 of this subtitle, the charge for receiving this

31 refuse and mixed refuse is 25¢ per 100 pounds, or fraction of 100 pounds, with a

32 minimum charge of \$1 for each single delivery.

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1 (2) This charge shall be collected in the manner the Director of Finance approves.

2 (b) *Remittance to Finance.*

3 Any moneys collected, directly, by the Director of Public Works or his authorized agent
4 shall be accounted for and paid to the Director of Finance, at such intervals as the
5 Director of Finance may prescribe.]

6 [§ 7-3. Fees - exceptions.

7 (a) *Private individuals.*

8 Refuse and mixed refuse delivered to an incinerator by individuals in private passenger
9 automobiles are exempt from any charge.

10 (b) *Waivers by agreement.*

11 (1) The Director of Public Works may, by agreement, waive the charge for the receipt of
12 refuse or mixed refuse delivered by individuals when it was the obligation of the City
13 to collect that refuse and mixed refuse under § 2-4 of this article.

14 (2) The Director of Public Works may adopt from time to time rules and regulations he
15 considers necessary or proper to carry out and enforce this subsection.

16 (c) *Small haulers.*

17 The Board of Estimates shall establish an appropriate differential charge for refuse and
18 mixed refuse delivered by a small hauler licensed under Title 7, Subtitle 2, of the City
19 Health Code.]

20 Subtitle 21. General Penalties

21 § 21-1. Enforcement by citation.

22 (a) *In general.*

23 In addition to any other civil or criminal remedy or enforcement procedure, the following
24 provisions of this article may be enforced by issuance of an environmental citation under
25 City Code Article 1, Subtitle 40 {"Environmental Control Board"}:

26 (1) § 2-1 [§ 2-2] {"[Garbage and] Mixed Refuse: Receptacles"};

27 (2) § 2-2 [§ 2-3] {"[Garbage and] Mixed Refuse: Handling"}; [and]

28 (3) § 4-1 {"Receptacles on Collection Days: General prohibition"}; AND

29 (4) § 4-2 {"RECEPTACLES ON COLLECTION DAYS: PLACEMENT ~~ON SIDEWALK FOR~~
30 COLLECTION"}.

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1 (b) *Remedy not exclusive.*

2 The issuance of an environmental citation to enforce these sections does not preclude
3 pursuing any other civil or criminal remedy or enforcement action authorized by law.

4 **§ 21-2. Criminal Penalties.**

5 [(a) *In general.*]

6 Any person who violates any provision of this article is guilty of a misdemeanor and, unless
7 a different penalty is specified, is subject on conviction to a fine of not more than \$100 for
8 each offense.

9 [(b) *Community service.*]

10 [In addition to or instead of a fine, a judge may sentence a person convicted under this
11 section to perform community service on behalf of the City of Baltimore, which may
12 include cleaning property of trash and litter.]

13 **Article 1. Mayor, City Council, and Municipal Agencies**

14 **Subtitle 40. Environmental Control Board**

15 **§ 40-14. Violations to which subtitle applies.**

16 (e) *Provisions and penalties enumerated.*

17 (4) **Article 23. Sanitation**

18 [§ 2-2. Garbage and mixed refuse; receptacles]

19 § 2-1. MIXED REFUSE: RECEPTACLES

20	RESIDENTIAL PROPERTIES	[\$ 60] \$ 50
21	COMMERCIAL PROPERTIES	\$100

22 [§ 2-3. Garbage and mixed refuse; handling]

23 § 2-2. MIXED REFUSE: HANDLING

24	RESIDENTIAL PROPERTIES	[\$ 60] \$ 50
25	COMMERCIAL PROPERTIES	\$100

26 § 4-1 or § 4-2. Receptacles on collection days

27	RESIDENTIAL PROPERTIES	[\$ 60] \$ 50
28	COMMERCIAL PROPERTIES	\$100

29 (6a) ***Building, Fire, and Related Codes –***
30 ***Property Maintenance Code***

31 §§ 305 - 308. Sanitary maintenance

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1	Residential properties	\$ 50
2	Commercial properties	\$100

Baltimore City Revised Code

Article – Building, Fire, and Related Codes

Part VII. International Property Maintenance Code

§ 7-102. City modifications.

The additions, deletions, amendments, and other modifications adopted by the City are as follows:

Chapter 3. General Requirements

Section 306 Exterior Sanitary Maintenance – Trash, Garbage, and Debris

306.4 Storage receptacles – Required. Trash, garbage, or debris may not be stored or placed out for collection except in approved storage receptacles. The owner or operator of every occupied premises must [supply] ~~MAINTAIN~~ ARRANGE FOR a sufficient number of these storage receptacles to receive and store trash, garbage, and debris from individual units between days of collection. The receptacles must be [provided] ~~MAINTAINED~~ in a location accessible to occupants.

306.6 Storage receptacles – [Construction] SPECIFICATIONS and maintenance.

306.6.1. SPECIFICATIONS.

~~**306.6.1.1. CITY-PROVIDED RECEPTACLES.** IF THE CITY HAS ASSIGNED 1 OR MORE CITY-PROVIDED RECEPTACLES TO A PREMISES, ONLY THOSE RECEPTACLES MAY BE USED FOR COLLECTIONS.~~

~~**306.6.1.1. GENERAL. 306.6.1.2. OTHER RECEPTACLES.** [Each] IN ALL OTHER CASES, EACH EACH storage receptacle must [be]:~~

1. BE made of metal or some other durable material approved by the Code Official,
2. BE watertight, with tight-fitting covers and handles, AND
3. HAVE A CAPACITY OF NOT MORE THAN 32 GALLONS;

306.6.1.2. EXCEPTIONS.

1. RECEPTACLES USED FOR RECYCLING NEED NOT HAVE COVERS.
2. YARD WASTE MAY BE BAGGED OR BUNDLED.

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306.6.2. MAINTENANCE. EACH STORAGE RECEPTACLE MUST BE:

1. [3.] maintained in good repair, AND
2. [4.] kept tightly closed to prevent blight, nuisance, pest infestation, and dispersal of trash, garbage, or debris[, and].
- [5. have a capacity of:
 - a. not less than 3 gallons, and
 - b. not more than:
 - i. 10 gallons, if used for garbage only, or
 - ii. 20 gallons, if used for mixed refuse, as defined in City Code Article 23, § 2-1.]

306.7 Placement for collection. Storage receptacles:

1. SHOULD BE PLACED OUT FOR COLLECTION NO LATER THAN 6 A.M. OF THE DAY OF COLLECTION,
2. [1.] may not be placed out [for collection] on [a] ANY sidewalk or [along] ~~an~~ alley earlier than [the morning of] ~~8 P.M.~~ 6 P.M. OF THE EVENING BEFORE the day of collection, and
3. [2.] IF PLACED ON A SIDEWALK OR ~~IN~~ ALONG AN ALLEY, must be returned **promptly** to the premises NO LATER THAN 6 A.M. ON THE DAY after collection.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Director of Public Works shall provide public notice and opportunity to comment on its proposed regulations to implement changes made by this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That on or before December 31, 2010, the Director of Public Works shall report to the Mayor and the City Council on the programmatic and fiscal effects of the City's first-year operations under this Ordinance.

SECTION 2 4. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on July 1, 2009.

Council Bill 09-0284

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City