

**CITY OF BALTIMORE
COUNCIL BILL 08-0184
(First Reader)**

Introduced by: Councilmembers Branch, Young, Middleton, D’Adamo, Henry, Clarke, Cole,
Curran, Welch, Conaway, Reisinger, Holton, Spector

Introduced and read first time: August 11, 2008

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Public Works,
Environmental Control Board, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **“Dumpsters” – Registration and Regulation**

3 FOR the purpose of requiring certain large waste containers to be registered; defining certain
4 terms; requiring certain information; prohibiting certain conduct; and imposing certain civil
5 and criminal penalties.

6 BY adding

7 Article 23 - Sanitation
8 Section(s) 5-1 to 5-18, to be under the new subtitle,
9 “Subtitle 5. ‘Dumpsters’ and Similar Containers”
10 Baltimore City Code
11 (Edition 2000)

12 BY repealing and reordaining, with amendments

13 Article 1 - Mayor, City Council, and Municipal Agencies
14 Section(s) 40-14(e)(4)
15 Baltimore City Code
16 (Edition 2000)

17 BY adding

18 Article 1 - Mayor, City Council, and Municipal Agencies
19 Section(s) 41-14(2a)
20 Baltimore City Code
21 (Edition 2000)

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

24 **Baltimore City Code**

25 **Article 23. Sanitation**

26 **SUBTITLE 5. “DUMPSTERS” AND SIMILAR CONTAINERS**

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

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1 **§ 5-1. DEFINITIONS.**

2 (A) *IN GENERAL.*

3 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

4 (B) *DIRECTOR.*

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

6 (C) *DUMPSTER.*

7 “DUMPSTER” MEANS ANY CONTAINER THAT:

8 (1) IS USED OR DESIGNED TO BE USED FOR SOLID WASTE COLLECTION OR STORAGE;
9 AND

10 (2) HAS A VOLUME OF AT LEAST 90 GALLONS OR ½ CUBIC YARD.

11 (D) *PERSON.*

12 (1) “PERSON” MEANS:

13 (I) AN INDIVIDUAL;

14 (II) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
15 KIND; OR

16 (III) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY,
17 OR REPRESENTATIVE OF ANY KIND.

18 (2) “PERSON” DOES NOT INCLUDE A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR
19 UNIT OF A GOVERNMENTAL ENTITY.

20 (E) *SOLID WASTE.*

21 “SOLID WASTE” MEANS:

22 (1) ANY GARBAGE OR MIXED REFUSE, AS THOSE TERMS ARE DEFINE IN § 2-1 OF THIS
23 ARTICLE; AND

24 (2) ANY OTHER SOLID WASTE, AS THAT TERM IS DEFINED IN CITY HEALTH ARTICLE
25 § 7-101.

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1 **§ 5-2. RULES AND REGULATIONS.**

2 (A) *DIRECTOR MAY ADOPT.*

3 THE DIRECTOR MAY ADOPT AND ENFORCE RULES AND REGULATIONS TO CARRY OUT THIS
4 SUBTITLE.

5 (B) *FILING WITH LEGISLATIVE REFERENCE.*

6 A COPY OF ALL RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF
7 LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

8 **§§ 5-3 TO 5-5. {RESERVED}**

9 **§ 5-6. REGISTRATION REQUIRED.**

10 (A) *IN GENERAL.*

11 THE OWNER OF ANY DUMPSTER TO BE USED IN THE CITY MUST FIRST REGISTER THE
12 DUMPSTER WITH THE DIRECTOR.

13 (B) *APPLICATION.*

14 (1) THE REGISTRATION MUST BE MADE IN THE FORM THAT THE DIRECTOR REQUIRES.

15 (2) IN ADDITION TO ANY OTHER INFORMATION THAT THE DIRECTOR REQUIRES, THE
16 REGISTRATION MUST INCLUDE:

17 (I) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE OWNER;

18 (II) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF ANY LESSEE OR OTHER
19 PERSON WHO POSSESSES THE DUMPSTER; AND

20 (III) A DESCRIPTION OF THE DUMPSTER.

21 (C) *SUPPLEMENTAL INFORMATION.*

22 THE OWNER MUST REPORT TO THE DIRECTOR, WITHIN 30 DAYS OF THE EVENT:

23 (1) ANY NEWLY ACQUIRED DUMPSTER;

24 (2) THE TRANSFER OF OWNERSHIP, POSSESSION, OR LOCATION OF ANY REGISTERED
25 DUMPSTER; AND

26 (3) ANY OTHER CHANGE IN THE REGISTRATION INFORMATION PROVIDED.

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1 **§ 5-7. TERM AND RENEWAL.**

2 (A) *TERM.*

3 EACH REGISTRATION FILED UNDER THIS SUBTITLE EXPIRES ANNUALLY ON DECEMBER 31,
4 UNLESS RENEWED.

5 (B) *RENEWAL.*

6 THE APPLICATION FOR RENEWAL OF A REGISTRATION MUST BE MADE IN THE FORM THAT
7 THE DIRECTOR REQUIRES.

8 **§ 5-8. FEES.**

9 (A) *IN GENERAL.*

10 (1) THE AMOUNT OF THE ANNUAL FEE FOR REGISTRATION IS AS SET FROM TIME TO TIME
11 BY THE DIRECTOR, WITH THE APPROVAL OF THE BOARD OF ESTIMATES.

12 (2) THE FEE SO SET MAY INCLUDE AN APPROPRIATE DIFFERENTIAL BASED ON SIZE AND
13 MATERIAL..

14 (B) *FEE FOR LESS THAN FULL YEAR.*

15 THE ANNUAL FEE FOR LESS THAN A FULL INITIAL YEAR IS PRORATED QUARTERLY.

16 (C) *FEES NOT REFUNDABLE.*

17 NO REFUNDS, IN WHOLE OR IN PART, MAY BE MADE OF ANY REGISTRATION FEES REQUIRED
18 BY THIS SUBTITLE.

19 **§§ 5-9 TO 5-10. {RESERVED}**

20 **§ 5-11. MARKINGS ON DUMPSTER.**

21 (A) *REQUIRED DISPLAYS.*

22 EACH DUMPSTER MUST DISPLAY, AT ALL TIMES:

23 (1) A CURRENT REGISTRATION MEDALLION ISSUED BY THE DIRECTOR; AND

24 (2) ON A SIDE EXPOSED TO PUBLIC VIEW, IN LETTERING AT LEAST 3" HIGH, THE NAME,
25 ADDRESS, AND TELEPHONE NUMBER OF ITS OWNER.

26 (B) *ADVERTISING PROHIBITED.*

27 EXCEPT AS REQUIRED BY SUBSECTION (A) OF THIS SECTION OR AS OTHERWISE
28 AUTHORIZED BY A RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE, NO
29 ADVERTISING MAY APPEAR ON A DUMPSTER.

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1 **§ 5-12. USING UNREGISTERED DUMPSTER.**

2 NO PERSON MAY USE ANY DUMPSTER THAT:

- 3 (1) HAS NOT BEEN REGISTERED UNDER THIS SUBTITLE; OR
4 (2) DOES NOT DISPLAY THE MEDALLION AND OTHER INFORMATION REQUIRED BY THIS
5 SUBTITLE.

6 **§ 5-13. PLACEMENT IN RIGHT-OF-WAY.**

7 NO PERSON MAY PLACE ANY DUMPSTER ON A STREET, SIDEWALK, OR OTHER PUBLIC RIGHT-
8 OF-WAY EXCEPT:

- 9 (1) MOMENTARILY, AS NECESSARY WHILE THE DUMPSTER IS BEING EMPTIED; OR
10 (2) IN STRICT ACCORDANCE WITH A MINOR PRIVILEGE PERMIT ISSUED FOR THAT PURPOSE,
11 THE TERMS OF WHICH ARE PROMINENTLY DISPLAYED ON THE DUMPSTER IN THE
12 MANNER THAT THE DIRECTOR SPECIFIES.

13 **§§ 5-14 TO 5-15. {RESERVED}**

14 **§ 5-16. IMPOUNDING DUMPSTERS IN VIOLATION.**

15 (A) *IN GENERAL.*

16 FOR ANY DUMPSTER FOUND TO BE UNREGISTERED, OR IN A PUBLIC RIGHT-OF-WAY
17 WITHOUT OR IN VIOLATION OF A MINOR PRIVILEGE PERMIT, OR OTHERWISE IN VIOLATION
18 OF THIS SUBTITLE, THE DIRECTOR MAY:

- 19 (1) CAUSE THE DUMPSTER TO BE SUMMARILY TOWED TO AND IMPOUNDED AT SOME
20 SUITABLE STORAGE AREA; OR
21 (2) SEND WRITTEN NOTICE THE PERSONS THOUGHT TO BE RESPONSIBLE, ORDERING THE
22 DUMPSTER'S REMOVAL WITHIN THE TIME SPECIFIED IN THE NOTICE .

23 (B) *COSTS AND EXPENSES.*

- 24 (1) ANY PERSON WHO USES OR PLACES A DUMPSTER IN VIOLATION OF THIS SUBTITLE IS
25 LIABLE TO THE CITY FOR THE COSTS OF ITS TOWING AND STORING UNDER THIS
26 SECTION.
27 (2) THESE COSTS ARE AS SET BY THE DIRECTOR FROM TIME TO TIME, WITH THE APPROVAL
28 OF THE BOARD OF ESTIMATES.

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§ 5-17. ENFORCEMENT BY CITATION.

(A) *IN GENERAL.*

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

(1) AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}; OR

(2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(B) *PROCESS NOT EXCLUSIVE.*

THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

§ 5-18. PENALTIES.

(A) *IN GENERAL.*

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF A RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.

(B) *EACH DAY A SEPARATE OFFENSE.*

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(4) *Article 23. Sanitation*

§ 2-2. Garbage and mixed refuse; receptacles \$ 60

§ 2-3. Garbage and mixed refuse; handling \$ 60

§ 4-1 or § 4-2. Receptacles on collection days \$ 60

SUBTITLE 5. "DUMPSTERS" AND SIMILAR CONTAINERS \$500

Subtitle 41. Civil Citations

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1 **§ 41-14. Offenses to which subtitle applies – Listing.**

2 (2A) *ARTICLE 23. SANITATION*

3 SUBTITLE 5. “DUMPSTERS” AND SIMILAR CONTAINERS \$500

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

7 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
8 after the date it is enacted.