

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

December 26, 2008

The Honorable President and  
Members of the Baltimore  
City Council  
c/o Karen Randle, Executive Secretary  
409 City Hall  
Baltimore, MD 21202

RE: City Council Bill 08-0184 – “Dumpsters” – Registration and Regulation

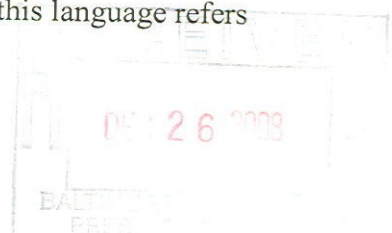
Dear President and Members

You have requested the advice of the Law Department regarding City Council Bill 08-0184. City Council Bill 184 proposes to require registration and regulation of all dumpsters measuring .5 cubic yards or larger. The bill requires all owners of dumpsters to annually register the dumpster with the Department of Public Works. Each dumpster would have to display a registration medallion and the name address and telephone number of the owner. All dumpsters placed in the right of way must obtain a minor privilege permit and display the terms of the permit on the dumpster. Failure to comply with the law is enforceable by environmental or civil citation in addition to criminal penalties. Dumpsters violating the provisions of the law may also be towed away and impounded with the costs of towing and storage to be paid by the person who places or used the dumpster in violation of the law. Use of a dumpster that is not registered is also a violation of the law.

The Law Department has several concerns with City Council Bill 08-0184. First, the bill is duplicative of an existing licensing scheme for waste haulers, The Baltimore City Health Code Subtitle 7 requires haulers to be licensed and to have the licensee's name and identification number (issued by the Health Commissioner) in permanent lettering at least 3" high on all containers with a capacity of 2 cubic yards or more. See Section 7-219. It is also prohibited for any person to contract with or hire an unlicensed hauler. See Section 7-225. A hauler's license may be revoked or suspended for violating and provision of Subtitle 7 or any regulation adopted to enforce that subtitle. In addition, violations of Subtitle 7 may be enforced by the issuance of environmental or civil citations and criminal penalties of \$500 a day. In order to avoid duplication the enforcement tools already provided in the Code, perhaps Subtitle 7 could be amended to expand its scope to smaller dumpsters and provide for any additional requirements deemed necessary.

Another issue of concern is the language of Section 5-8. Section 5-8(b) provides for a fee based on “size and material.” Additional language is needed to clarify what this language refers

F/A



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to. In its current form, the language is too vague as to the basis for the amount of the fee.

Finally, minor privilege permits are already required when a dumpster is placed in the right of way under Article VIII, Section 2 of the Baltimore City Charter. To avoid confusion, reference to this section should be included in Section 5-13(2) of the bill.

City Council Bill 08-0184 is consistent with the authority of the City Council. The Law Department, however, strongly recommends that the City Council consider providing for continuity and avoiding duplication of effort in enforcement by coordinating the requirements of the bill with the existing language in the Baltimore City Health Code, Subtitle 7. The Law Department also recommends adoption of the attached amendment regarding the setting of fees. Subject to the recommendations stated above, the Law Department, therefore, approves the City Council Bill 08-0184 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro  
Assistant Solicitor

cc: Honorable Warren Branch  
Angela Gibson, City Council Liaison  
George A. Nilson, City Solicitor  
Linda C. Barclay, Chief Solicitor  
Deepa Bhattacharyya, Assistant Solicitor  
Ashlea Brown, Assistant Solicitor  
Hilary Ruley, Assistant Solicitor

Proposed Amendments  
City Council Bill 08-0184

1. On page 5, at the end of line 10, insert “pursuant to the Charter of Baltimore City Article VIII, Section 2,”.