

CITY OF BALTIMORE  
ORDINANCE **20.366**  
Council Bill 19-0477

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Introduced by: Councilmembers Reisinger, Costello, Burnett, Cohen, Bullock, Pinkett,  
Middleton, Schleifer, Henry, Stokes, Sneed

Introduced and read first time: December 16, 2019

Assigned to: Housing and Urban Affairs Committee

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Committee Report: Favorable

Council action: Adopted

Read second time: May 18, 2020

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**AN ORDINANCE CONCERNING**

**Solid Waste Surcharges – Exemption**

FOR the purpose of creating an exemption from any solid waste surcharge imposed by City Code Article 23, Subtitle 11 for solid waste that is destined for final disposal outside of Baltimore City; defining certain terms; conforming and clarifying related provisions; generally relating to solid waste surcharges; and providing for a special effective date.

BY repealing and re-ordaining, with amendments

Article 23 - Sanitation

Section(s) 11-1, 11-2, 11-7

Baltimore City Code

(Edition 2000)

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

**Baltimore City Code**

**Article 23. Sanitation**

**Subtitle 11. Solid Waste Surcharges**

**§ 11-1. Definitions.**

(a) *In general.*

In this subtitle, the following terms have the meanings indicated[.].

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 (b) *Approved recycling facility.*

2 (1) "Approved recycling facility" means a City-owned recycling facility or a private  
3 recycling facility so certified by the Director of Public Works, which processes  
4 material into a form or forms for reuse and for which an end user exists.

5 (2) The facility need not be located in the City but it must be certified by the Director, at  
6 least semi-annually, as a facility which is not a final disposal site or a transfer station  
7 to a final disposal site.

8 (c) *DISPOSAL, DISPOSE, OR DISPOSED.*

9 (1) *IN GENERAL.*

10 "DISPOSAL," "DISPOSE," OR "DISPOSED" MEANS THE COMPLETE AND ULTIMATE  
11 PLACEMENT OF SOLID WASTE IN A LANDFILL, INCINERATOR, OR WASTE-TO-ENERGY  
12 FACILITY.

13 (2) *EXCLUSION.*

14 "DISPOSAL," "DISPOSE," OR "DISPOSED" DOES NOT INCLUDE THE HANDLING OF SOLID  
15 WASTE AT A TRANSFER STATION OR OTHER PROCESSING FACILITY WHERE SOLID WASTE  
16 IS NOT COMPLETELY AND ULTIMATELY PLACED IN A LANDFILL, INCINERATOR, OR  
17 WASTE-TO-ENERGY FACILITY.

18 (D) [(c)] *Hauler.*

19 (1) "Hauler" means any person who contracts to provide services for collecting or  
20 transporting solid waste to a disposal site.

21 (2) For the purposes of this subtitle, "hauler" also means any person with a valid  
22 demolition permit issued by the Commissioner of Housing and Community  
23 Development.

24 (E) [(d)] *Person.*

25 "Person" means [an individual, partnership, corporation, firm, association, or other public  
26 or private entity, or a receiver, trustee, guardian, personal representative, fiduciary, or  
27 representative of any kind]:

28 (1) AN INDIVIDUAL;

29 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY  
30 KIND;

31 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR  
32 REPRESENTATIVE OF ANY KIND; OR

33 (4) EXCEPT AS OTHERWISE PROVIDED, A GOVERNMENTAL ENTITY OR AN  
34 INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.



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1 (F) [(e)] *Recyclable materials.*

2 "Recyclable materials" means materials:

- 3 (1) not destined for final disposal and for which an end user exists;
- 4 (2) which would otherwise become solid waste for disposal in a solid waste  
5 acceptance facility; and
- 6 (3) are collected, separated, or processed and returned to the marketplace in the form  
7 of raw materials or products.

8 (G) [(f)] *Residue.*

9 "Residue" means the material (including, but not limited to, fly ash, bottom ash, and  
10 siftings) remaining after the processing of solid waste and after removal of any recyclable  
11 materials.

12 (H) [(g)] *Self hauler.*

- 13 (1) "Self hauler" means any person who collects, transports, and disposes of solid waste  
14 generated by that person.
- 15 (2) "Self hauler" does not include any person occupying residential property who collects,  
16 transports, and disposes of solid waste resulting from the residential use of such  
17 property.

18 (I) [(h)] *Solid waste.*

- 19 (1) "Solid waste" means garbage, rubbish, refuse, hazardous waste, asbestos, medical  
20 waste, rubble, incinerator ash, ash, trash, and other material generated by commercial,  
21 industrial, institutional, and residential establishments.
- 22 (2) "Solid waste" does not include:
- 23 (i) significant pollutants, such as silt or sediment in water resources;
- 24 (ii) any recyclable materials; or
- 25 (iii) residue from a waste-to-energy facility.

26 (J) [(i)] *Solid waste acceptance facility.*

27 "Solid waste acceptance facility" means any:

- 28 (1) sanitary landfill;
- 29 (2) transfer facility;
- 30 (3) central processing facility;



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- 1 (4) incinerator;
- 2 (5) medical/pathological waste incinerator;
- 3 (6) waste-to-energy facility; or
- 4 (7) any other type of facility that accepts solid waste for disposal, treatment,  
5 processing, composting, compacting, or transfer to a solid waste acceptance  
6 facility.

7 (K) [(j)] *Solid waste generator.*

8 "Solid waste generator" means any person engaged in an enterprise which generates solid  
9 waste requiring collection and hauling to a disposal site.

10 **§ 11-2. Haulers disposal surcharge.**

11 (a) *Surcharge imposed.*

12 EXCEPT AS OTHERWISE PROVIDED IN § 11-7 {"EXEMPTIONS"} OF THIS SUBTITLE, THERE  
13 [There] is [hereby imposed] a solid waste hauler disposal surcharge IMPOSED on every  
14 hauler or solid waste generator who disposes of or causes to be disposed any solid waste  
15 in Baltimore City.

16 (b) *Rate.*

17 (1) Except as otherwise provided in paragraph (2) of this subsection, the solid waste  
18 hauler disposal surcharge is levied at a rate of \$7.50 per ton of solid waste, as  
19 determined by the actual weight obtained from the scales located at the solid waste  
20 acceptance facility.

21 (2) The Board of Estimates shall establish an appropriate differential surcharge for small  
22 haulers licensed under Title 7, Subtitle 2, of the City Health Code.

23 (c) *Collection.*

24 The solid waste hauler disposal surcharge shall be paid by the hauler and collected by the  
25 operator at the solid waste acceptance facility FOR EACH TON OF SOLID WASTE THAT IS  
26 DISPOSED IN BALTIMORE CITY.

27 **§ 11-7. Exemptions.**

28 (a) *City and County agents.*

29 (1) The City of Baltimore and any authorized agents of the City, and Baltimore County or  
30 any authorized agents of the County are exempted from any solid waste surcharge.

31 (2) The Water and Waste Water Enterprise Fund of Baltimore City is not exempt from  
32 any solid waste surcharge.



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1 (b) *Harbor cleanup.*

2 Solid waste from harbor area clean-up activity normally delivered to a solid waste  
3 acceptance facility owned and operated by the City of Baltimore, by the Maryland Port  
4 Authority, is exempt from the solid waste hauler disposal surcharge.

5 (c) *Certain nonprofit organizations.*

6 Any solid waste hauled from a nonprofit organization (as defined in § 11-204(a)(3) and  
7 (d) of the State Tax-General Article) certified as to its nonprofit status by the Director of  
8 Finance, which is otherwise exempt from disposal fees charged by a solid waste  
9 acceptance facility which generally charges haulers disposal fees for acceptance of their  
10 solid waste, shall not be subject to the solid waste hauler disposal surcharge only with  
11 regard to disposal at such solid waste disposal acceptance facility.

12 (d) *Neighborhood improvement associations.*

13 Neighborhood improvement associations are exempted from the solid waste hauler  
14 disposal surcharge for solid waste (described in agreements between the neighborhood  
15 association and the City of Baltimore in an agreement approved by the Board of  
16 Estimates) delivered by the neighborhood association to solid waste acceptance facilities  
17 owned and operated by the City of Baltimore.

18 (e) *Loads under 1 ton.*

19 Loads under 1 ton delivered to solid waste acceptance facilities owned and operated by  
20 the City of Baltimore shall be exempted from the solid waste hauler disposal surcharge.

21 (F) *SOLID WASTE DESTINED FOR DISPOSAL OUTSIDE OF BALTIMORE CITY.*

22 SOLID WASTE THAT IS DESTINED FOR FINAL DISPOSAL OUTSIDE OF BALTIMORE CITY IS  
23 EXEMPTED FROM ANY SURCHARGE IMPOSED BY THIS SUBTITLE.

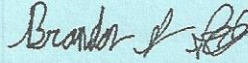
24 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
25 are not law and may not be considered to have been enacted as a part of this or any prior  
26 Ordinance.

27 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the it is  
28 enacted.



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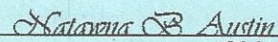
Certified as duly passed this 15 day of June, 2020



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President, Baltimore City Council

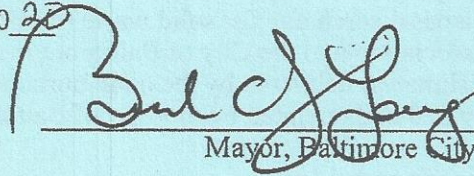
Certified as duly delivered to His Honor, the Mayor,

this 15 day of June, 2020



\_\_\_\_\_  
Chief Clerk

Approved this 17 day of June, 2020



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Mayor, Baltimore City

Approved for form and legal sufficiency  
this 16th day of June, 2020.



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Chief Solicitor