

**CITY OF BALTIMORE
COUNCIL BILL 19-0477
(First Reader)**

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

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Public Works,
Department of Finance, Department of General Services

A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**Solid Waste Surcharges – Exemption**

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

7 BY repealing and re-ordaining, with amendments

8 Article 23 - Sanitation

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

10 Baltimore City Code

11 (Edition 2000)

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

14 style="text-align:center">**Baltimore City Code**

15 style="text-align:center">**Article 23. Sanitation**

16 style="text-align:center">**Subtitle 11. Solid Waste Surcharges**

17 **§ 11-1. Definitions.**

18 (a) *In general.*

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

20 (b) *Approved recycling facility.*

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

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

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

4 (C) *DISPOSAL, DISPOSE, OR DISPOSED.*

5 (1) *IN GENERAL.*

6 “DISPOSAL,” “DISPOSE,” OR “DISPOSED” MEANS THE COMPLETE AND ULTIMATE
7 PLACEMENT OF SOLID WASTE IN A LANDFILL, INCINERATOR, OR WASTE-TO-ENERGY
8 FACILITY.

9 (2) *EXCLUSION.*

10 “DISPOSAL,” “DISPOSE,” OR “DISPOSED” DOES NOT INCLUDE THE HANDLING OF SOLID
11 WASTE AT A TRANSFER STATION OR OTHER PROCESSING FACILITY WHERE SOLID WASTE
12 IS NOT COMPLETELY AND ULTIMATELY PLACED IN A LANDFILL, INCINERATOR, OR
13 WASTE-TO-ENERGY FACILITY.

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

15 (1) “Hauler” means any person who contracts to provide services for collecting or
16 transporting solid waste to a disposal site.

17 (2) For the purposes of this subtitle, “hauler” also means any person with a valid
18 demolition permit issued by the Commissioner of Housing and Community
19 Development.

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

21 “Person” means [an individual, partnership, corporation, firm, association, or other public
22 or private entity, or a receiver, trustee, guardian, personal representative, fiduciary, or
23 representative of any kind]:

24 (1) AN INDIVIDUAL;

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

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

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

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

32 “Recyclable materials” means materials:

33 (1) not destined for final disposal and for which an end user exists;

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1 (2) which would otherwise become solid waste for disposal in a solid waste
2 acceptance facility; and

3 (3) are collected, separated, or processed and returned to the marketplace in the form
4 of raw materials or products.

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

6 “Residue” means the material (including, but not limited to, fly ash, bottom ash, and
7 siftings) remaining after the processing of solid waste and after removal of any recyclable
8 materials.

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

10 (1) “Self hauler” means any person who collects, transports, and disposes of solid waste
11 generated by that person.

12 (2) “Self hauler” does not include any person occupying residential property who collects,
13 transports, and disposes of solid waste resulting from the residential use of such
14 property.

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

16 (1) “Solid waste” means garbage, rubbish, refuse, hazardous waste, asbestos, medical
17 waste, rubble, incinerator ash, ash, trash, and other material generated by commercial,
18 industrial, institutional, and residential establishments.

19 (2) “Solid waste” does not include:

20 (i) significant pollutants, such as silt or sediment in water resources;

21 (ii) any recyclable materials; or

22 (iii) residue from a waste-to-energy facility.

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

24 “Solid waste acceptance facility” means any:

25 (1) sanitary landfill;

26 (2) transfer facility;

27 (3) central processing facility;

28 (4) incinerator;

29 (5) medical/pathological waste incinerator;

30 (6) waste-to-energy facility; or

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1 (7) any other type of facility that accepts solid waste for disposal, treatment,
2 processing, composting, compacting, or transfer to a solid waste acceptance
3 facility.

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

5 “Solid waste generator” means any person engaged in an enterprise which generates solid
6 waste requiring collection and hauling to a disposal site.

7 **§ 11-2. Haulers disposal surcharge.**

8 (a) *Surcharge imposed.*

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

13 (b) *Rate.*

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

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

20 (c) *Collection.*

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

24 **§ 11-7. Exemptions.**

25 (a) *City and County agents.*

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

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

30 (b) *Harbor cleanup.*

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

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1 (c) *Certain nonprofit organizations.*

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

8 (d) *Neighborhood improvement associations.*

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

14 (e) *Loads under 1 ton.*

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

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

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

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

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