

Council Bill 19-0477

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 _____ day of _____, 20__

President, Baltimore City Council

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

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City