

**CITY OF BALTIMORE  
COUNCIL BILL 20-0615  
(First Reader)**

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Introduced by: Councilmembers Clarke, Burnett, Reisinger, Cohen, Middleton, Dorsey

Introduced and read first time: September 21, 2020

Assigned to: Judiciary Committee

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

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **The Ban the Burn at Every Turn Act**

3 FOR the purpose of prohibiting Baltimore City from entering into contracts that would authorize  
4 the use of incinerators or waste-to-fuel facilities; and providing for a special effective date.

5 BY adding

6 Article 5 - Finance, Property, and Procurement

7 Section 41-4

8 :

9 Baltimore City Code

10 (Edition 2000)

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

13 **Baltimore City Code**

14 **Article 5. Finance, Property, and Procurement**

15 **Subtitle 41. Prohibited Contracts**

16 **§ 41-4. CONTRACTS FOR WASTE INCINERATION.**

17 (A) *DEFINITIONS.*

18 (1) *IN GENERAL.*

19 IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

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

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1 (2) *INCINERATOR; WASTE-TO-FUEL FACILITY.*

2 (I) *IN GENERAL.*

3 “INCINERATOR” OR “WASTE-TO-FUEL FACILITY” MEANS ANY FACILITY THAT  
4 DISPOSES OF OR PROCESSES WASTE, USES WASTE TO HEAT AN INDUSTRIAL PROCESS,  
5 OR USES WASTE TO PRODUCE ENERGY, AND ACCOMPLISHES THIS THROUGH:

6 (A) THE COMBUSTION OF WASTE;

7 (B) THE COMBUSTION OF GASES PRODUCED ON-SITE FROM THE BURNING,  
8 GASIFICATION, OR PYROLYSIS OF WASTE; OR

9 (C) THE PRODUCTION OF A SOLID, LIQUID, OR GASEOUS FUEL PRODUCT, OR A  
10 COMBINATION OF TWO OR MORE TYPES OF FUEL PRODUCTS, THROUGH  
11 CONVERSION OF WASTE.

12 (II) *EXCLUSIONS.*

13 AN “INCINERATOR” OR “WASTE-TO-FUEL FACILITY” DOES NOT INCLUDE A  
14 LANDFILL, AN ANAEROBIC DIGESTER, OR ANY FACILITY THAT BURNS GAS FROM A  
15 LANDFILL OR AN ANAEROBIC DIGESTER UNLESS THE FACILITY ALSO BURNS WASTE.

16 (3) *WASTE.*

17 (I) *IN GENERAL.*

18 “WASTE” MEANS SOLID WASTE, AS DEFINED BY 42 U.S.C. § 6903(27).

19 (II) *INCLUSIONS.*

20 NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, “WASTE” ALSO  
21 MEANS:

22 (A) SEWAGE SLUDGE OR BIOSOLIDS;

23 (B) CONSTRUCTION AND DEMOLITION DEBRIS; AND

24 (C) RECYCLABLE OR COMPOSTABLE MATERIALS.

25 (B) *CONTRACTS PROHIBITED.*

26 THE CITY OF BALTIMORE MAY NOT AWARD A CONTRACT FOR DISPOSAL OF WASTE WITH  
27 ANY ENTITY THAT USES OR ARRANGES FOR THE USE OF ANY INCINERATOR OR WASTE-TO-  
28 FUEL FACILITY LOCATED INSIDE OR OUTSIDE THE STATE OF MARYLAND.

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1 (C) *CERTIFICATION.*

2 (1) *IN GENERAL.*

3 EACH CONTRACTOR FOR WASTE DISPOSAL FOR BALTIMORE CITY SHALL CERTIFY THAT  
4 NO WASTE WILL BE DELIVERED OR TRANSFERRED TO AN INCINERATOR OR WASTE-TO-  
5 FUEL FACILITY DURING THE TERM OF THE CONTRACT.

6 (2) *BREACH OF CONTRACT.*

7 WITHOUT AN EXEMPTION DESCRIBED IN SUBSECTION (D) OF THIS SECTION, IT SHALL BE  
8 A MATERIAL BREACH OF CONTRACT FOR ANY CONTRACTOR TO DELIVER OR TRANSFER  
9 WASTE TO AN INCINERATOR OR WASTE-TO-FUEL FACILITY IN VIOLATION OF ITS  
10 CERTIFICATION.

11 (D) *EXEMPTIONS.*

12 THE BOARD OF ESTIMATES MAY EXEMPT A CONTRACTOR FROM THE PROHIBITION SET  
13 FORTH IN SUBSECTION (B) OF THIS SECTION ON A SHOWING THAT STATE OR FEDERAL LAW  
14 REQUIRES A CERTAIN WASTE STREAM TO BE INCINERATED.

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

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