



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Legislation Text

File #: 09-0284, **Version:** 0

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)

A BILL ENTITLED

AN ORDINANCE concerning
Sanitation - "One Plus One" Collection Program

FOR the purpose of amending the City Code to enable the City's "One Plus One" Collection Program; defining and redefining certain terms; conforming varied provisions governing the handling, placement, and collection of trash, garbage, debris, and other mixed refuse; modifying the specifications for required receptacles; repealing certain obsolete provisions; modifying and conforming certain penalties; conforming, correcting, and clarifying related provisions; providing for a special effective date; and generally relating to the collection of mixed refuse and recyclable materials.

BY repealing and reordaining, with amendments

Article 23 - Sanitation
Subtitles 1, 2, 4, and 21
Baltimore City Code
(Edition 2000)

BY repealing

Article 23 - Sanitation
Subtitles 3 and 7
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 40-14(e)(4)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, without amendments

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 40-14(e)(6a)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article - Building, Fire, and Related Codes
Section(s) 7-102 (PMC §§ 306.4, 306.6, and 306.7)
Baltimore City Revised 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 1. [Administration] DEFINITIONS; GENERAL PROVISIONS

§ 1-1. DEFINITIONS.

(A) IN GENERAL.

IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE MEANING INDICATED.

(B) DIRECTOR.

"DIRECTOR" MEANS THE DIRECTOR OF PUBLIC WORKS OR THE DIRECTOR'S DESIGNEE.

(C) MIXED REFUSE.

(1) GENERAL.

"MIXED REFUSE" MEANS, EXCEPT AS SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION, PUTRESCIBLE AND NON-PUTRESCIBLE SOLID WASTE.

(2) INCLUSIONS.

"MIXED REFUSE" INCLUDES:

(I) KITCHEN DISCARDS, RESIDUE, AND OTHER FOOD WASTES;

(II) RUBBISH;

(III) YARD SWEEPINGS AND YARD WASTE;

(IV) PLASTIC AND GLASS PRODUCTS;

(V) FERROUS AND NON-FERROUS METALS;

(VI) PAPER PRODUCTS;

(VII) TEXTILES;

(VIII) RUBBER PRODUCTS; AND

(IX) INORGANIC MATERIALS, SUCH AS SOAPS, DETERGENTS, AND OTHER HOUSEHOLD CLEANERS IN SOLID FORM.

(3) EXCLUSIONS.

"MIXED REFUSE" DOES NOT INCLUDE:

(I) HAZARDOUS WASTE;

(II) LIQUID WASTES;

(III) INDUSTRIAL AND MANUFACTURING WASTES;

(IV) CONSTRUCTION MATERIALS;

(V) CONCRETE;

(VI) LUMBER;

(VII) LARGE ROCKS; AND

(VIII) OTHER SIMILAR MATERIALS.

§ 1-2. MANDATORY, PROHIBITORY, AND PERMISSIVE TERMS.

(A) MANDATORY TERMS.

"MUST" AND "SHALL" ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT OR TO IMPOSE A DUTY.

(B) PROHIBITORY TERMS.

"MUST NOT", "MAY NOT", AND "NO ... MAY" ARE EACH MANDATORY NEGATIVE TERMS USED TO ESTABLISH A PROHIBITION.

(C) PERMISSIVE TERMS.

"MAY" IS PERMISSIVE.

§ 1-3. {RESERVED}

§ 14. [§ 11] Public Works to provide sanitation services.

The Director of Public Works [shall have] HAS charge of the following services, [in so far as such services or any of them are] AS authorized or required to be done by the City:

- (1) the cleaning of the public streets, lanes, AND alleys[, and markets]; and
- (2) the collection and removal of [ashes, garbage, rubbish and street dirt] MIXED REFUSE.

§ 15. RULES AND REGULATIONS.

(A) DIRECTOR MAY ADOPT.

THE DIRECTOR OF PUBLIC WORKS MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS ARTICLE.

(B) FILING WITH LEGISLATIVE REFERENCE.

A COPY OF ALL RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

§ 1-6. {RESERVED}

§ 17. [§ 12] Use of hydrants.

The Director of Public Works [is empowered to] MAY use the water from fire hydrants in order to flush the gutters, streets, lanes, AND alleys[, and markets] OF THE CITY.

Subtitle 2. [Garbage and] Mixed Refuse HANDLING AND COLLECTION

[§ 21] Definitions.

(a) Garbage.

The term "garbage", as used in this article, shall be held to include every accumulation of animal, fruit, or vegetable food waste generated by or resulting from the decay, deterioration, storage, preparation, or handling of animal and vegetable matter in any place or at any point where food is prepared or served for human consumption, including all kitchen and dining refuse produced by households, hotels, restaurants, lunch rooms, clubs, hospitals, or any other source whatsoever existing in Baltimore City.

(b) Mixed refuse.

The term "mixed refuse" shall be held to include garbage as herein defined, mingled with any 1 or more of the following: paper, pasteboard, rags, mattresses, furniture, clothing, shoes, rubbers, leather, carpets, broken glass, crockery, betties, straw, excelsior, metal, packing boxes, and barrels, broken parts thereof, tin cans, Christmas trees,

leaves, and grass cuttings.]

§ 21. [§ 22.] Receptacles.

(a) Receptacles required.

Occupants of dwelling houses, proprietors of boarding houses, hotels, restaurants, and other places where [garbage or] mixed refuse is accumulated, and owners, agents, and occupants of apartment or tenement houses MUST:

(1) [shall provide for the use of such premises] MAINTAIN a sufficient number of receptacles to contain all [garbage or] mixed refuse [which may] THAT MIGHT accumulate on [said] THE premises during the usual interval between [the] collections [of garbage or mixed refuse therefrom]; and

(2) [shall] keep [such] THESE receptacles [at all time] in good repair.

(b) [Container] RECEPTACLE specifications.

Each receptacle [shall] MUST comply with the requirements specified in the CITY Property Maintenance Code.

§ 22. [§ 23.] Handling.

(a) Placement in receptacles.

Occupants of any dwelling [house, apartment, or tenement house,] and [each] THE proprietor of any boarding house, hotel, restaurant, and other place where [garbage or] mixed refuse is accumulated [shall cause all such garbage or] MUST PLACE THE mixed refuse [from such premises to be put] into [the] A receptacle [or receptacles] provided for that purpose, as required by [§ 22] § 2-1 OF THIS SUBTITLE.

(b) Covering and placement.

Each [person aforesaid] OF THESE PERSONS MUST:

(1) [shall cause each such] KEEP THE receptacle [to be kept] covered continually, except when it is being filled or emptied; and

(2) [shall cause each such] PLACE THE receptacle [to be placed]:

(i) in [such] A position [as to be] THAT IS easily accessible to the collector; or

(ii) OTHERWISE in [such] THE manner and at [such] THE time [or times as may be] designated by the Director of Public Works.

(c) [Garbage, etc.,] REFUSE to be kept dry.

All [garbage and] mixed refuse [shall, at all times,] MUST be kept as [free from dishwater and as] dry as practicable.

§ 23. [§ 24.] Collections.

(a) Definitions.

[(1) Condominium.

"Condominium" means a system of separate ownership of individual units in a multiple-unit building or a series of buildings.]

[(2) Cooperative.

"Cooperative" means a cooperative housing corporation qualified in Maryland in which each member, by virtue of ownership or membership, has a cooperative interest in the corporation.]

[(3) Week.

For purposes of this section, the word "week" shall be taken to mean Monday to Saturday, both inclusive, in each calendar week.]

(1) GENERAL.

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

(2) CONDOMINIUM OR COOPERATIVE.

"CONDOMINIUM OR COOPERATIVE" MEANS:

(I) A CONDOMINIUM REGIME FORMED UNDER THE MARYLAND CONDOMINIUM ACT, STATE REAL PROPERTY ARTICLE TITLE 11; OR

(II) A COOPERATIVE HOUSING CORPORATION FORMED UNDER THE MARYLAND COOPERATIVE HOUSING CORPORATION ACT, STATE CORPORATIONS AND ASSOCIATIONS ARTICLE, TITLE 5, SUBTITLE 6B.

[(b) Garbage.

It shall be the duty of the Director of Public Works to collect all garbage, without limitation as a quantity, from all such places when placed in separate receptacles.]

(B) [(c) Mixed refuse - quantity limits] DUTY TO COLLECT.

[(1) It shall be the duty of the] THE Director of Public Works [to] MUST collect all mixed refuse from all dwelling houses, [apartment houses, tenement houses,] boarding houses, hotels, restaurants, hospitals, and other places where mixed refuse is accumulated, SUBJECT TO THE QUANTITY LIMITATIONS SPECIFIED IN THIS SECTION.

(C) QUANTITY LIMITS - GENERAL.

FOR EACH DESIGNATED COLLECTION DAY, THE AMOUNT TO BE COLLECTED FROM EACH PLACE IS LIMITED TO [not exceeding the contents of 8 20gallon containers per week for each such place, as hereinafter provided] 64 GALLONS.

[(2) The mixed refuse contents of 4 20gallon containers shall be collected from each such place on each of 2 different days during each week.]

[(3) If a regular collection day falls on a holiday and no collection is made on that day, in that event the mixed refuse contents of 8 20gallon containers shall be collected on the next regular collection day. When the next regular collection day falls in the following calendar week, as herein defined, the aggregate quantity to be collected in said following week shall be the mixed refuse contents of 12 20gallon containers, the 1st collection to be the contents of 8 containers and the 2nd collection to be the contents of 4 containers.]

(d) [Mixed refuse - exceptions] QUANTITY LIMITS - EXCEPTIONS.

(1) The [above limitations of 8 20gallon containers per week or 4 20gallon containers per collection day] LIMITATION SPECIFIED IN SUBSECTION (C) OF THIS SECTION may be exceeded by the Director of Public Works for condominiums, cooperatives, APARTMENT BUILDINGS, and OTHER multiplefamily [structures] DWELLINGS, [other than apartment structures originally built as apartment structures, provided he] IF THE DIRECTOR is authorized to do so by the Board of Estimates, [which shall base such authorization upon consideration] BASED ON CONSIDERATIONS of public health, safety, and welfare.

(2) Before requesting authorization to collect mixed refuse from a [condominium or a cooperative] MULTIPLE-FAMILY DWELLING, the Director [shall] MUST:

(i) receive a written request for [such] THOSE services;

(ii) receive documentation that [more than 50%] A MAJORITY of the units in the [condominium or cooperative complex] MULTIPLE-FAMILY DWELLING are owneroccupied as a primary residence;

(iii) have a [right of entry] RIGHT-OF-ENTRY agreement with the [condominium or cooperative association] MULTIPLE-FAMILY DWELLING; [and]

(iv) [recommend] APPROVE a feasible means to collect mixed refuse from the [condominium or cooperative] MULTIPLE-FAMILY DWELLING; AND

(V) APPROVE A FEASIBLE MEANS TO COLLECT RECYCLABLE MATERIALS FROM THE MULTIPLE-FAMILY DWELLING.

(3) [In order to] TO continue [to collect] COLLECTING mixed refuse AND RECYCLABLE MATERIALS from a [condominium or cooperative] MULTIPLE-FAMILY DWELLING, the Director must receive biennial documentation that the majority of the units are owneroccupied as a primary residence.

§ 24. [§ 25.] Mixing ashes, plaster, dirt prohibited.

(a) Ashes, etc., precluded.

It [shall be] IS unlawful to place or cause to be placed with [garbage or] mixed refuse[,], any ashes, plaster, or yard or garden dirt.

(b) Occupant to separate out.

[And where such] IF A mixture OF THIS SORT is found in any receptacle, [it shall be the duty of] the occupant of

the premises MUST [properly to] separate the ashes, plaster, and yard or garden dirt from the other contents.

Subtitle 3. [Ashes] {RESERVED}

[§ 31] Receptacles.

All ashes which are to be collected by the Director of Public Works shall be placed in separate receptacles that:

- (1) are made of metal or other durable material not affected by weather conditions;
- (2) have handles and closefitting covers;
- (3) have a capacity of:
 - (i) not less than 3 gallons; and
 - (ii) not more than 10 gallons; and
- (4) shall be so constructed that the contents may be removed therefrom easily and without delay.]

[§ 32] Collections.

(a) "Week" defined.

For the purpose of this section, the word "week" shall be taken to mean Monday to Saturday, both inclusive, in each calendar week.

(b) In general.

- (1) It shall be the duty of the Director of Public Works to collect all ashes from dwelling houses, apartment houses, and tenement houses, not exceeding the contents of 16 10gallon containers per week from each house, as hereinafter provided.
- (2) The ash contents of 8 10gallon containers shall be collected from each dwelling house, apartment house, or tenement house on each of 2 different days during each week.
- (3) If a regular collection day falls on a holiday and no collection is made on that day, in that event, the ash contents of 16 10gallon containers shall be collected on the next regular collection day. When the next regular collection day falls in the following calendar week, as herein defined, the aggregate quantity to be collected said following week shall be the ash contents of 24 10gallon containers, the 1st collection to be the contents of 16 containers and the 2nd collection to be the contents of 8 containers.

(c) Limit on Director's duties.

Provided, however, that it shall not be the duty of the Director of Public Works to collect any ashes from any place other than a dwelling house, an apartment house or a tenement house.]

Subtitle 4. Receptacles on Collection Days

§ 41. General prohibition.

Except as specifically provided in this subtitle, no person may have, keep, or maintain on any street, lane, alley, sidewalk, or other public place in the City, any box, bin, barrel, or other receptacle for the reception of [garbage, ashes] MIXED REFUSE, litter, or rubbish of any sort.

§ 42. Placement on sidewalk for collection.

(a) In general.

To facilitate the removal of [garbage, ashes, litter, or rubbish] MIXED REFUSE on [regularly scheduled] A DESIGNATED collection [days] DAY, the occupant of any premises may, AT THE TIME AND IN THE MANNER SPECIFIED IN THIS ARTICLE AND THE CITY PROPERTY MAINTENANCE CODE:

(1) place suitable receptacles containing [garbage, etc.,] THE MIXED REFUSE on [the] A sidewalk OR IN AN ALLEY:

- (i) in the rear of the premises; or
 - (ii) if the rear is not accessible to the collection vehicle, in front or on the side of the premises; and
- (2) allow the receptacles to remain until the [garbage, etc.,] MIXED REFUSE has been collected.

(b) Limitation.

No receptacle, [however,] whether filled or empty, may be placed or permitted to remain on any sidewalk for any period longer than necessary under the circumstances at any particular property.

Subtitle 7. [Disposal at City Incinerators] {RESERVED}

[§ 71. Director may accept.

The Director of Public Works or his authorized agent may:

- (1) receive at incinerators of the Mayor and City Council of Baltimore, between the hours of 8 a.m. and 4 p.m. on days on which the Mayor and City Council shall collect refuse and mixed refuse, refuse and mixed refuse collected by persons other than the Mayor and City Council of Baltimore; and
- (2) use or permit the use of such incinerators for the dumping, burning or other disposal of same.]

[§ 72. Fees - in general.

(a) Basic fee.

- (1) Except as otherwise provided in § 7-3 of this subtitle, the charge for receiving this refuse and mixed refuse is 25¢ per 100 pounds, or fraction of 100 pounds, with a minimum charge of \$1 for each single delivery.
- (2) This charge shall be collected in the manner the Director of Finance approves.

(b) Remittance to Finance.

Any moneys collected, directly, by the Director of Public Works or his authorized agent shall be accounted for and paid to the Director of Finance, at such intervals as the Director of Finance may prescribe.]

[§ 73] Fees - exceptions.

(a) Private individuals.

Refuse and mixed refuse delivered to an incinerator by individuals in private passenger automobiles are exempt from any charge.

(b) Waivers by agreement.

(1) The Director of Public Works may, by agreement, waive the charge for the receipt of refuse or mixed refuse delivered by individuals when it was the obligation of the City to collect that refuse and mixed refuse under § 24 of this article.

(2) The Director of Public Works may adopt from time to time rules and regulations he considers necessary or proper to carry out and enforce this subsection.

(c) Small haulers.

The Board of Estimates shall establish an appropriate differential charge for refuse and mixed refuse delivered by a small hauler licensed under Title 7, Subtitle 2, of the City Health Code.]

Subtitle 21. General Penalties

§ 21 Enforcement by citation.

(a) In general.

In addition to any other civil or criminal remedy or enforcement procedure, the following provisions of this article may be enforced by issuance of an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}:

(1) § 2-1 [§ 22] {"[Garbage and] Mixed Refuse: Receptacles"};

(2) § 2-2 [§ 23] {"[Garbage and] Mixed Refuse: Handling"}; [and]

(3) § 4 {"Receptacles on Collection Days: General prohibition"}; AND

(4) § 42 {"RECEPTACLES ON COLLECTION DAYS: PLACEMENT ON SIDEWALK FOR COLLECTION"}.

(b) Remedy not exclusive.

The issuance of an environmental citation to enforce these sections does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

§ 212. Criminal Penalties.

[(a) In general.]

Any person who violates any provision of this article is guilty of a misdemeanor and, unless a different penalty is specified, is subject on conviction to a fine of not more than \$100 for each offense.

[(b) Community service.]

[In addition to or instead of a fine, a judge may sentence a person convicted under this section to perform community service on behalf of the City of Baltimore, which may include cleaning property of trash and litter.]

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40I4. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(4) Article 23. Sanitation

[§ 22. Garbage and mixed refuse; receptacles]
§ 2-1. MIXED REFUSE: RECEPTACLES

RESIDENTIAL PROPERTIES [\$ 60]
\$ 50

COMMERCIAL PROPERTIES \$100

[§ 23. Garbage and mixed refuse; handling]
§ 2-2. MIXED REFUSE: HANDLING

RESIDENTIAL PROPERTIES [\$ 60]
\$ 50

COMMERCIAL PROPERTIES \$100

§ 4I or § 42. Receptacles on collection days

RESIDENTIAL PROPERTIES [\$ 60]
\$ 50

COMMERCIAL PROPERTIES \$100

(6a) Building, Fire, and Related Codes -
Property Maintenance Code

§§ 305 - 308. Sanitary maintenance

Residential properties \$ 50

Commercial properties \$100

Baltimore City Revised Code

Article - Building, Fire, and Related Codes

Part VII. International Property Maintenance Code

§ 7-102. City modifications.

The additions, deletions, amendments, and other modifications adopted by the City are as follows:

Chapter 3. General Requirements

Section 306 Exterior Sanitary Maintenance - Trash, Garbage, and Debris

306.4 Storage receptacles - Required. Trash, garbage, or debris may not be stored or placed out for collection except in approved storage receptacles. The owner or operator of every occupied premises must [supply] MAINTAIN a sufficient number of these storage receptacles to receive and store trash, garbage, and debris from individual units between days of collection. The receptacles must be [provided] MAINTAINED in a location accessible to occupants.

306.6 Storage receptacles - [Construction] SPECIFICATIONS and maintenance.

306.6.1. SPECIFICATIONS.

306.6.1.1. CITY-PROVIDED RECEPTACLES. IF THE CITY HAS ASSIGNED 1 OR MORE CITY-PROVIDED RECEPTACLES TO A PREMISES, ONLY THOSE RECEPTACLES MAY BE USED FOR COLLECTIONS.

306.6.1.2. OTHER RECEPTACLES. [Each] IN ALL OTHER CASES, EACH storage receptacle must [be]:

1. BE made of metal or some other durable material approved by the Code Official,
2. BE watertight, with tight-fitting covers and handles, AND
3. HAVE A CAPACITY OF NOT MORE THAN 32 GALLONS.

306.6.2. MAINTENANCE. EACH STORAGE RECEPTACLE MUST BE:

1. [3.] maintained in good repair, AND

2. [4.] kept tightly closed to prevent blight, nuisance, pest infestation, and dispersal of trash, garbage, or debris [, and].

[5. have a capacity of:

a. not less than 3 gallons, and

b. not more than:

i. 10 gallons, if used for garbage only, or

ii. 20 gallons, if used for mixed refuse, as defined in City Code Article 23, § 2-1.]

306.7 Placement for collection. Storage receptacles:

1. SHOULD BE PLACED OUT FOR COLLECTION NO LATER THAN 6 A.M. OF THE DAY OF COLLECTION,

2. [1.] may not be placed out [for collection] on [a] ANY sidewalk or [along] IN an alley earlier than [the morning of] 8 P.M. OF THE EVENING BEFORE the day of collection, and

3. [2.] IF PLACED ON A SIDEWALK OR IN AN ALLEY, must be returned promptly to the premises after collection.

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

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on July 1, 2009.

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