



Legislation Details (With Text)

File #: 19-0477 **Version:** 0 **Name:** Solid Waste Surcharges - Exemption
Type: Ordinance **Status:** Enacted
File created: 12/16/2019 **In control:** City Council
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Title: 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.

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Indexes: Exemptions, Solid Waste, Surcharges

Code sections:

Attachments: , , , , , ,

Date	Ver.	Action By	Action	Result
6/22/2020	0	Mayor	Signed by Mayor	
6/15/2020	0	City Council	Approved and Sent to the Mayor	
5/18/2020	0	City Council	3rd Reader, for final passage	
5/18/2020	0	Housing and Urban Affairs Committee	Recommended Favorably	
5/12/2020	0	Housing and Urban Affairs Committee	Recommended Favorably	Pass
4/27/2020	0	Housing and Urban Affairs Committee	Scheduled for a Public Hearing	
2/24/2020	0	Housing and Urban Affairs Committee	Scheduled for a Public Hearing	
12/19/2019	0	The City Council	Refer to Dept. of General Services	
12/19/2019	0	The City Council	Refer to Dept. of Finance	
12/19/2019	0	The City Council	Refer to City Solicitor	
12/19/2019	0	The City Council	Refer to Dept. of Public Works	
12/16/2019	0	City Council	Assigned	
12/16/2019	0	City Council	Introduced	

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*
City of Baltimore
Council Bill

Introduced by: Councilmember Reisinger and Councilmember Costello

A Bill Entitled

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[:].

(b) *Approved recycling facility.*

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

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

(c) *Disposal, dispose, or disposed.*

(1) *In general.*

“Disposal,” “dispose,” or “disposed” means the complete and ultimate placement of solid waste in a landfill, incinerator, or waste-to-energy facility.

(2) *Exclusion.*

“Disposal,” “dispose,” or “disposed” does not include the handling of solid waste at a transfer station or other processing facility where solid waste is not completely and ultimately placed in a landfill, incinerator, or waste-to-energy facility.

(d) [(c)] *Hauler*.

- (1) “Hauler” means any person who contracts to provide services for collecting or transporting solid waste to a disposal site.
- (2) For the purposes of this subtitle, “hauler” also means any person with a valid demolition permit issued by the Commissioner of Housing and Community Development.

(e) [(d)] *Person*.

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

- (1) an individual;
- (2) a partnership, firm, association, corporation, or other entity of any kind;
- (3) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind;
or
- (4) except as otherwise provided, a governmental entity or an instrumentality or unit of a governmental entity.

(f) [(e)] *Recyclable materials*.

“Recyclable materials” means materials:

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

(g) [(f)] *Residue*.

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

(h) [(g)] *Self hauler*.

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

(i) [(h)] *Solid waste*.

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

(2) “Solid waste” does not include:

- (i) significant pollutants, such as silt or sediment in water resources;
- (ii) any recyclable materials; or
- (iii) residue from a waste-to-energy facility.

(j) [(i)] *Solid waste acceptance facility.*

“Solid waste acceptance facility” means any:

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

(k) [(j)] *Solid waste generator.*

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

§ 11-2. Haulers disposal surcharge.

(a) *Surcharge imposed.*

Except as otherwise provided in § 11-7 {“Exemptions”} of this subtitle, there [There] is [hereby imposed] a solid waste hauler disposal surcharge imposed on every hauler or solid waste generator who disposes of or causes to be disposed any solid waste in Baltimore City.

(b) *Rate.*

- (1) Except as otherwise provided in paragraph (2) of this subsection, the solid waste hauler disposal surcharge is levied at a rate of \$7.50 per ton of solid waste, as determined by the actual weight obtained from the scales located at the solid waste acceptance facility.
- (2) The Board of Estimates shall establish an appropriate differential surcharge for small haulers licensed under Title 7, Subtitle 2, of the City Health Code.

(c) *Collection.*

The solid waste hauler disposal surcharge shall be paid by the hauler and collected by the operator at the solid waste acceptance facility for each ton of solid waste that is disposed in Baltimore City.

§ 11-7. Exemptions.

(a) *City and County agents.*

- (1) The City of Baltimore and any authorized agents of the City, and Baltimore County or any authorized agents of the County are exempted from any solid waste surcharge.
- (2) The Water and Waste Water Enterprise Fund of Baltimore City is not exempt from any solid waste surcharge.

(b) *Harbor cleanup.*

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

(c) *Certain nonprofit organizations.*

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

(d) *Neighborhood improvement associations.*

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

(e) *Loads under 1 ton.*

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

(f) *Solid waste destined for disposal outside of Baltimore City.*

Solid waste that is destined for final disposal outside of Baltimore City is exempted from any surcharge imposed by this subtitle.

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 the it is enacted.