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Title: Public Health and Safety - For the purpose of removing obsolete provisions; authorizing the Department of Public Works to establish regulations governing garbage and refuse; reassigning certain enforcement powers to the Deputy City Manager for Resilience and Sustainability Director of Public Works or designee; creating definitions; clarifying procedures and penalties concerning commercial solid waste collection and contract approval; and generally relating to public health and safety.

Sponsors: Elly Tierney, Brooks Schandelmeier, Rhonda Pindell Charles

Indexes: Environmental Matters Committee, Housing and Human Welfare Committee, Rules and City Government Committee

Code sections:

Attachments: 1. O-46-20 First Reader.pdf, 2. O-46-20 Staff Report.pdf, 3. O-46-20 Fiscal Impact Note, 4. O-46-20 Amendments 1-4 Tierney and Buckley, 5. O-46-20 Amendment 5 Savidge, 6. O-46-20 SIGNED

Date	Ver.	Action By	Action	Result
3/8/2021	1	City Council	adopt on second reader	Pass
3/8/2021	1	City Council	amended	Pass
3/8/2021	1	City Council	amended	Pass
3/8/2021	1	City Council	adopt as amended	Pass
3/8/2021	1	City Council	adopt on third reader	Pass
2/17/2021	1	Environmental Matters Committee	recommend favorably	Pass
2/9/2021	1	Rules & City Government Committee	Recommend Favorably-Amendment	Pass
2/9/2021	1	Rules & City Government Committee	Recommend Favorably-Amendment	Pass
2/9/2021	1	Rules & City Government Committee	recommend favorably	Pass
2/2/2021	1	Rules & City Government Committee		
12/16/2020	1	Environmental Matters Committee	postpone	Pass
12/14/2020	1	Housing and Human Welfare		
12/9/2020	1	Rules & City Government Committee	no action taken	
12/1/2020	1	Rules & City Government Committee	postpone	Pass
11/23/2020	1	City Council	refer	
11/23/2020	1	City Council	refer	
11/23/2020	1	City Council	Cosponsor added	
11/23/2020	1	City Council	declare the public hearing closed	

11/9/2020	1	City Council	adopt on first reader	Pass
11/9/2020	1	City Council	refer	
11/9/2020	1	City Council	refer	
11/9/2020	1	City Council	refer	

Public Health and Safety - For the purpose of removing obsolete provisions; authorizing the Department of Public Works to establish regulations governing garbage and refuse; reassigning certain enforcement powers to the Deputy City Manager for Resilience and Sustainability Director of Public Works or designee; creating definitions; clarifying procedures and penalties concerning commercial solid waste collection and contract approval; and generally relating to public health and safety.

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 46-20

Introduced by: Alderwoman Tierney

Co-sponsored by: Alderman Schandelmeier and Alderwoman Pindell Charles

Referred to

Environmental Matters Committee

Housing and Human Welfare Committee

Rules and City Government Committee

AN ORDINANCE concerning

Public Health and Safety

FOR the purpose of removing obsolete provisions; authorizing the Department of Public Works to establish regulations governing garbage and refuse; reassigning certain enforcement powers to the Deputy City Manager for Resilience and Sustainability Director of Public Works or designee; creating definitions; clarifying procedures and penalties concerning commercial solid waste collection and contract approval; and generally relating to public health and safety.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2021 Edition

10.12.090

10.12.160

10.16.005

10.16.030

10.16.140

10.16.220

10.16.270

BY repealing the following portions of the Code of the City of Annapolis, 2021 Edition

10.04.020

10.12.040

10.12.050

10.12.060
10.12.070
10.12.080
10.12.100
10.12.110
10.12.120
10.12.130
10.12.140
10.12.150
10.16.015
10.16.225
10.32.010
10.34.010

BY adding the following portions to the Code of the City of Annapolis, 2021 Edition
10.16.225

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

Title 10 - Health and Safety
Chapter 10.04 - Public Health

10.04.020 - Reports and advice. (Repealed)

Chapter 10.12 - Food-Handling Establishments

10.12.040 – Facilities.

The following shall apply to all establishments regulated by this chapter:

- A. ~~Floors, Walls and Ceilings. Floors, walls and ceilings shall be kept clean and in good repair.~~
- B. ~~Lighting and Ventilation. All rooms or places in which food or drink is prepared, processed, stored or served, and other rooms supplementary to these rooms and places, shall be provided with reasonably evenly distributed lighting equivalent to that produced by a one hundred-watt tungsten lamp for each one hundred square feet of floor area. All of these rooms shall be ventilated to maintain them reasonably free of odors. Where artificial ventilation equipment is used, the air delivered by the equipment shall be filtered.~~
- C. ~~Toilet Facilities. Every restaurant, lunchroom, eating place or establishment for the sale of foods prepared for immediate consumption shall be provided with separate toilet facilities for each sex, conforming with existing laws, ordinances and regulations. The toilet facilities shall be open for use to customers, patrons and guests as well as to the employees of the establishment. There shall be at least one room or vestibule not used for restaurant purposes between the toilet room and any room in which food or food products are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept clean, in good repair and well ventilated. Handwashing signs shall be posted in each toilet room used by employees.~~
- D. ~~Water Supply. Running water under pressure shall be accessible easily, adequate and of a safe, sanitary quality.~~
- E. ~~Washing Facilities. Convenient washing facilities shall be provided, including soap and sanitary towels~~

of a type approved by the Health Officer. The use of a common towel is prohibited.

- F. Fly Control. All openings into the outer air shall be screened effectively to prevent the access of flies. Screen doors shall be self-closing and open outward. All screening shall have no fewer than sixteen meshes to the inch. Where screens are impractical, a current of air produced by a fan or other device may be required to provide a barrier to the entrance of flies. This air barrier shall be approved by the City Health Officer.
- G. Washable Surfaces. All show or display cases or windows, counters, shelves, tables, refrigerator equipment or utensils used in handling, keeping, storing, displaying, preparing or serving food or drink shall be constructed to be easily cleaned and shall be kept clean, in good repair and free from dust, dirt, insects and other contaminating material. Lockers and dressing rooms for employees shall be kept clean. Utensils containing or plated with lead or cadmium shall not be used.
- H. Refrigeration Drainage. Wastewater from refrigeration equipment shall discharge into an open, water-supplied, properly trapped, sewer-connected sink or drain; except, that where sewer connections are not available, clean, adequate and watertight drip pans may be used.

10.12.050—Employees-Health.

No person who has a communicable disease or is a carrier of a communicable disease shall be engaged in work of any kind at any restaurant. Any person employed in a food-handling establishment may be required by the Health Officer to undergo necessary physical examination and laboratory tests to determine freedom from communicable disease.

10.12.060—Employees-Seafood handling.

Any person engaged in the handling, selling or preparing of oysters or crab meat for distribution or consumption may be required by the Health Officer to undergo physical examination and laboratory tests to determine freedom from communicable disease.

10.12.070—Employees-Hygiene.

All persons carrying, handling or serving food or drink shall wear clean garments. All persons engaged in the preparation, handling or serving of food or drink, or in the washing or handling of utensils or containers, shall wash their hands thoroughly with soap before beginning work and after visiting the toilet and shall keep them clean during the performance of their duties. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared or served. The Health Officer may require employees to wear hair nets when they are handling food.

10.12.080—Dishwashing.

All except single-service food and drink utensils and containers shall be cleansed thoroughly after each use, followed by immersion in clean, hot water at one hundred and seventy degrees Fahrenheit or more for at least two minutes, except in the case of large utensils which cannot be immersed and which shall be rinsed thoroughly in clean, hot water at one hundred and seventy degrees Fahrenheit or more. However, if permitted by the Health Officer, bactericidal treatment may consist of exposure for at least two minutes to a bactericidal treatment approved and tested by the Health Officer. After bactericidal treatment, all food and drink containers and utensils shall be stored until used in a clean place free from flies and dust. The use of any articles, polish or other substances containing cyanide preparation or other poison for the cleansing or polishing of food or drink utensils or containers is prohibited. All cloths used by waiters, chefs and other employees shall be clean. All food or drink utensils or containers shall be air-dried.

10.12.090 - Garbage and refuse.

Suitable receptacles equipped with tight-fitting lids for holding, without leakage, all garbage and rubbish which

may accumulate shall be provided by all establishments regulated by this chapter. All garbage and waste material shall be removed from the premises at least once daily or at other intervals as the Health Officer may specify, and shall not be allowed to become a nuisance. It is the establishment's responsibility to ensure that garbage and waste material set outdoors for collection shall be collected no later than eight a.m. each collection day in the Historic District. SHALL OCCUR IN ACCORDANCE WITH THE REGULATIONS PROMULGATED BY THE DEPARTMENT OF PUBLIC WORKS. No accumulation of rubbish, useless or offensive material or other equipment or material not in use shall be permitted in any room or place where food or drink is prepared, processed, stored or served. After each collection the receptacles shall be cleaned thoroughly. The premises of all restaurants shall be kept clean and free of all rubbish. WITHIN 90 DAYS FROM THE PASSAGE OF THIS ORDINANCE THE DEPARTMENT OF PUBLIC WORKS SHALL PROMULGATE REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

10.12.100—Animals and fowl.

No live animals or fowl shall be allowed in any room in which food or drink is prepared, stored or served.

10.12.110—Wholesomeness of food and drink.

- A. All food and drink shall be from approved sources and shall be clean, wholesome, free from spoilage and prepared to be safe for human consumption.
- B. Milk shall be served in the original, individual containers in which it was received from the distributor or shall be served from a bulk container equipped with an approved dispensary service.
- C. All oysters, clams and mussels, if shucked, shall be kept, until used, in the original containers in which they were placed at the shucking plant.

10.12.120—Storage and display of food and drink.

All food and drink shall be stored, displayed and served so as to be protected from dust, flies, vermin, unnecessary handling, overhead leakage and other contamination.

10.12.130—Refrigeration.

All perishable food or drink shall be kept at or below fifty degrees Fahrenheit except when being prepared and served. All food or drink which absorbs odors shall be kept in a closed container or in a refrigeration compartment separate from other food or drink.

10.12.140—Administration and enforcement.

- A. The provisions of this chapter shall be administered and enforced by the Department of Planning and Zoning except with regard to those matters administered and enforced by the Health Officer, and except with regard to Section 10.12.160, which matters shall be administered and enforced by the Office of Environmental Policy.
- B. Violation of or failure to comply with any provision of this chapter is declared to be a municipal infraction punishable by a fine not to exceed one hundred dollars for any single, initial violation, and an additional fine of two hundred dollars for each repeat or continuing violation.
- C. The Director of Planning and Zoning and the Director of Environmental Policy, or their designee, shall have the power to enforce the provisions of this chapter through the issuance of a municipal citation or through any other appropriate action or proceedings at law or equity.

10.12.150—Certification of food service facility managers.

- A. Food Service Certification Program. The Director of Planning and Zoning shall establish a Food Service Certification Program as follows:
 - 1. A "certified food service facility manager" means an individual who has passed an examination approved by the Department of Planning and Zoning (hereafter referred to as "Department") and is

~~certified by the Department to exercise operational supervision in a food service facility.~~

- ~~2. The Department shall ensure that each moderate or high priority food service facility, as defined by Code of Maryland Regulations 10.15.03, retains a certified food service facility manager in accordance with this section. After July 1, 2007, each moderate or high priority food service facility shall have at least one certified food service facility manager available for consultation during normal business hours. After July 1, 2009, each moderate or high priority food service facility shall have at least one certified food service manager on site during normal business. The Department may negotiate an agreement with the Anne Arundel County Department of Health to determine if food service facilities are in compliance with this paragraph. The program established by this section shall not become effective until the Department is able to negotiate this agreement.~~
- ~~3. The Department shall establish a certification registration program for food service facility managers and shall develop and maintain a central registry of certified food service facility managers that contains at least the following information:~~
 - ~~a. Name of the certified individual;~~
 - ~~b. Address of the certified individual; and~~
 - ~~c. Date of certification and recertification; and~~
- ~~4. The Department shall approve certification examinations that effectively cover:~~
 - ~~a. The agents, causes, and prevention of food-borne illness;~~
 - ~~b. The proper food handling methods as related to the source, receipt, storage, preparation, holding, serving, and transportation of food;~~
 - ~~c. The maintenance of a sanitary food service facility;~~
 - ~~d. The supervision of personnel within a food service facility to promote proper personal hygiene and handwashing by food handlers and the exclusion of sick workers from food handling; and~~
 - ~~e. Food allergens.~~
- ~~5. The Department shall accept applications for a food service manager certificate that include the following information:~~
 - ~~a. A completed application along with a fee as established by resolution of the City Council;~~
 - ~~b. Original written evidence of successful completion (within three years of the date of application) of the ServSafe food safety and training and certification program; a valid food service manager certificate from a local jurisdiction that requires the successful completion of ServSafe, or other documentation acceptable to the Department showing successful completion of ServSafe;~~
 - ~~c. A two-inch by two-inch size photograph that clearly shows the applicant's face;~~
- ~~6. Within a food service facility where a certified food service facility manager is retained, the certified food service facility manager shall:~~
 - ~~a. Exercise operational supervision to promote food safety and sanitation; and~~
 - ~~b. Provide training to all food service workers retained by the facility concerning the following:~~
 - ~~i. Safe food temperatures;~~
 - ~~ii. Adequate handwashing;~~
 - ~~iii. Prevention of cross-contamination;~~
 - ~~iv. Implementation of the facility's hazard analysis critical control point plan; and~~
 - ~~v. Food allergens.~~
 - ~~c. The training required in Subsection (A)(6)(b) of this section may be conducted by personal demonstration, film, video, internet, or print media.~~
- ~~7. An individual may renew the certification for an additional term by:~~
 - ~~a. Submitting a renewal application to the Department on a form approved by the Department containing:~~
 - ~~i. Documentation of successful completion of a recertification course approved by the department; or~~
 - ~~ii. Evidence that the individual successfully passed a challenge examination acceptable to the~~

department;

- iii. ~~Proof of having provided a minimum of twenty-four hours of food safety and sanitation training to food handlers in the facility over the three year period; and~~

- b. ~~Paying the renewal certification fee as established by resolution of the City Council.~~

~~B. Enforcement.~~

- 1. ~~The Department shall suspend or revoke the certification of a food service facility manager's license and/or fine the food service facility manager according to the fine as established by resolution of the City Council when the food service manager is not in compliance with Subsection (A)(2) of this section; repeatedly fails to comply with the terms of this section; repeatedly violates food safety regulations enforced by the Anne Arundel County Department of Health; fails to adhere to critical item requirements as defined in COMAR 10.15.03; obtains a certificate under false pretenses; and/or operates a food service facility without an Anne Arundel County Food Service Facility license or while the license has been suspended.~~
 - 2. ~~Prior to such suspension, revocation, or fine, the certificate holder shall be given the opportunity for a hearing before the Board of Appeals.~~
 - 3. ~~Prior to restoring a certificate, the Department may require additional training for the food service manager and food handlers. The fee for replacement of a certificate shall be as established by resolution of the City Council.~~
- ~~C. This section shall automatically be rescinded, without further action of the City Council, and be of no effect upon the effective date of food service facility managers legislation adopted by the Anne Arundel County Council.~~

10.12.160 - Prohibition on sale and use of expanded polystyrene food service products-Education and outreach.

- A. For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them:
- 1. "Expanded polystyrene" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques, including fusion of polymer spheres or expandable bead polystyrene, injection molding, foam molding, and extrusion-blow molding or extruded foam polystyrene.
 - 2. "Expanded polystyrene food service products" means food containers or, including dishes, hot and cold beverage cups, trays, cartons for eggs and other foods, prepared food or leftover containers, and other products made of expanded polystyrene and used for selling, providing, or serving food that are intended by the manufacturer to be used once for eating or drinking or generally recognized by the public as items to be discarded after one use.
 - 3. "Food service business" means a full-service restaurant, limited-service restaurant, fast food restaurant, cafe, delicatessen, coffee shop, supermarket, grocery store, commercial retailer with grocery departments or food service, vending truck or cart, food truck, business or institutional cafeteria, including those operated by or on behalf of City departments and agencies, and other business selling or providing food within the City for consumption on or off the premises.
- B. A food service business shall not sell, or offer food for sale in, expanded polystyrene food service products. This subsection B does not apply to food or beverages filled and sealed in expanded polystyrene containers outside of the City before a food service business received them.
- C. THE DEPUTY CITY MANAGER FOR RESILIENCE AND SUSTAINABILITY OR DESIGNEE SHALL HAVE THE POWER TO ENFORCE THE PROVISIONS OF THIS SECTION THROUGH THE ISSUANCE OF A MUNICIPAL CITATION.

Chapter 10.16 - Solid Waste

Article I - General Provisions

10.16.005 - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Approved refuse container" means a container meeting the requirements of this chapter and used for holding solid waste.
- B. "BROKER" MEANS A PERSON OR ENTITY THAT CONTRACTS WITH OR WORKS ON BEHALF OF A SOLID WASTE COLLECTION ENTITY TO FACILITATE SOLID WASTE COLLECTION CONTRACTS BETWEEN A COMMERCIAL ESTABLISHMENT AND THAT SOLID WASTE COLLECTION ENTITY.
- BC. "Bulk items" means household items such as sofas, chairs, tables, toilets, kitchen cabinets, carpeting, mattresses, box springs, dressers, large televisions, and picnic tables. Appliances and metal items such as bed frames, refrigerators, stoves, and dishwashers and metal objects over three and a half feet in length or weighing more than thirty-five pounds each are also bulk items. Bulk items shall not include materials that are collected in the recycling program or construction material/remodeling demolition debris.
- CD. "Commercial" means occupied with or engaged in commerce or work intended for commerce, including non-profit and religious organizations.
- E. "COMMERCIAL ESTABLISHMENT" MEANS A COMMERCIAL ESTABLISHMENT, FACILITY, OR BUSINESS, INCLUDING FOOD HANDLING ESTABLISHMENT IN THE CITY.
- DF. "Commingled" means that paper, glass, plastic, and cans may be placed in the same container.
- EG. "Dead animal" means the carcass or remains of any nonliving, nonhuman, vertebrate creature. It does not include a condemned animal, an animal from a slaughterhouse, and any animal normally considered as industrial refuse.
- FH. "Disposition" means the transportation, placement, or arrangement of recyclable materials for all possible end uses except disposal as refuse.
- I. "ENGAGE IN SOLID WASTE COLLECTION" MEANS ANY OF THE FOLLOWING: (1) PURSUANT TO A SOLID WASTE CONTRACT, THE PHYSICAL ACT OF REMOVING SOLID WASTE GENERATED BY A COMMERCIAL ESTABLISHMENT BY A SOLID WASTE COLLECTION ENTITY TO A CENTRAL COLLECTION OR STORAGE POINT, OR A DESIGNATED FACILITY OR DISPOSAL SITE, OR A TRANSFER STATION; OR (2) ENTERING INTO A SOLID WASTE CONTRACT WITH A COMMERCIAL ESTABLISHMENT FOR REMOVAL OF SOLID WASTE; OR (3) THE ACT OF NEGOTIATING OR ATTEMPTING TO NEGOTIATE A SOLID WASTE CONTRACT FOR THE REMOVAL OF SOLID WASTE DIRECTLY WITH A COMMERCIAL ESTABLISHMENT; OR (4) INVOICING A COMMERCIAL ESTABLISHMENT FOR SOLID WASTE COLLECTION RELATED FEES; OR (5) COLLECTING FEES DIRECTLY OR INDIRECTLY FROM A COMMERCIAL ESTABLISHMENT FOR SOLID WASTE COLLECTION; OR (6) SOLICITING OR ENTERING INTO A SOLID WASTE COLLECTION CONTRACT DIRECTLY OR INDIRECTLY WITH A COMMERCIAL ESTABLISHMENT FOR SOLID WASTE COLLECTION; OR (7) ADVERTISING THAT A PERSON OR ENTITY HAS AUTHORITY TO COLLECT, REMOVE, OR OTHERWISE HANDLE SOLID WASTE COLLECTION FOR A COMMERCIAL ESTABLISHMENT; OR (8) MAKING REPRESENTATIONS OF AUTHORITY TO COLLECT, REMOVE, OR OTHERWISE HANDLE SOLID WASTE COLLECTION FOR A COMMERCIAL ESTABLISHMENT.
- GJ. "Generator" means the landlord or management company responsible for removal of solid waste.
- HK. "Glass" means clear and colored glass bottles and containers. glass shall not include crystal, ceramics, light bulbs, plate windows, or laminated, wired, or mirrored glass.

- IL. "Multi-unit community" means ten or more apartments, townhouses or condominiums located on a single property or contiguous properties under common ownership or management, including public-assisted housing.
- JM. "Person" means an individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this chapter prescribing a fine, penalty, or imprisonment, the term "person" includes the officers and directors of a corporation or other legal entity having officers and directors.
- KN. "Plastic" means an item made from moldable synthetic, natural, or organic materials and formed into shapes.
- LO. "Recyclable materials" means the following materials and any future materials that have a useful physical or chemical property including, but not limited, to: newspapers, magazines and catalogs; books; cardboard and paper boxes; file folders; packing paper; colored paper; wrapping paper; pizza boxes; corrugated boxes; computer printouts; office papers; envelopes; paper bags; telephone books; junk mail; aluminum; glass bottles; jars; steel and ferrous cans; and containers including aerosol cans, HDPE-natural and HDPE-colored, PET-high grade.
- MP. "Recycling" means any process by which materials that would otherwise become solid waste are collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products.
- NQ. "Refuse" means all solid waste materials including garbage, dead animals, street cleanings and solid market and industrial wastes, but not human excreta or building construction wastes.
- OR. "Residential" means used or designed for single residence or limited to residences, single or multifamily dwelling units.
- PS. "Solid waste" means refuse, recyclable, yard waste, and other waste matter, not to include compostable food waste and explosives, poisons, corrosives, flammable liquids, hot ashes and coals, medical waste, or other similar hazardous materials and wastes. To qualify for the compostable food waste exemption, the collector must own or operate an MDE-permitted food waste compost facility, or dispose of collected compostable food waste at an MDE-permitted food waste compost facility. Documentation of the aforementioned ownership, or operation and disposal, shall be provided to the Director of Public Works and/or his designee upon request.
- T. "SOLID WASTE COLLECTION CONTRACT" MEANS A WRITTEN OR OTHER LEGALLY ENFORCEABLE AGREEMENT OR ARRANGEMENT WITH A COMMERCIAL ESTABLISHMENT THAT PROVIDES FOR THE ORGANIZED AND SYSTEMATIC COLLECTION OF SOLID WASTE.
- U. "SOLID WASTE COLLECTION ENTITY" MEANS A PERSON OR ENTITY THAT ENGAGES IN SOLID WASTE COLLECTION FROM COMMERCIAL ESTABLISHMENTS.
- QV. "Unit" means an enclosed space that consists of one or more rooms occupying all or part of a floor or floors in a building of one or more floors or stories, but not the entire building, and that is designed for use as a single residence.
- RW. "Wastes" means all unwanted materials, including liquid and solid materials.
- SX. "Waste minimization" means the voluntary reduction by the consumer of the volume of refuse entering the solid waste stream.
- FY. "Yard trimmings" means grass clippings, weeds, discarded plants, leaves, branches, brush, and tree wood waste up to four inches in diameter and no longer than four feet in length.

10.16.015—Solid waste contract.

- A. ~~Nothing contained in this chapter shall be construed to interfere with or in any way modify the provisions of any existing contract which is in force in the City on the effective date of the ordinance codified in this chapter.~~
- B. ~~No renewal of any existing solid waste collection contract upon the expiration of the original term and no~~

new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of the ordinance codified in this chapter, unless such renewal or such contract conforms to the requirements of this chapter.

- C. Failure of a solid waste contractor to conform to the requirements of this chapter shall result in a penalty for non-performance as indicated in the solid waste contract and shall be subject to penalties pursuant to Section 10.16.280 of the City Code.

Article II - Residential Refuse

10.16.030 - Curbside placing and removal of approved refuse containers.

Approved refuse containers shall be placed curbside AND REMOVED PER THE REGULATIONS PROMULGATED BY THE DEPARTMENT OF PUBLIC WORKS. by 6:00 a.m. on the scheduled collection day. Residents shall place materials to be collected in an approved refuse container or packaged as otherwise permitted in this chapter at the curb no earlier than 6:00 p.m. preceding the scheduled collection day. Approved refuse containers shall be removed from the sidewalk no later than 12:00 a.m. following the scheduled collection day. In the historic district, as defined in Title 21, approved refuse containers must be removed from public view. WITHIN 90 DAYS FROM THE PASSAGE OF THIS ORDINANCE THE DEPARTMENT OF PUBLIC WORKS SHALL PROMULGATE REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION. APPROVED REFUSE CONTAINERS SHALL BE PLACED CURBSIDE BY 6:00 A.M. ON THE SCHEDULED COLLECTION DAY. RESIDENTS SHALL PLACE MATERIALS TO BE COLLECTED IN AN APPROVED REFUSE CONTAINER OR PACKAGED AS OTHERWISE PERMITTED IN THIS CHAPTER AT THE CURB NO EARLIER THAN 6:00 P.M. PRECEDING THE SCHEDULED COLLECTION DAY. APPROVED REFUSE CONTAINERS SHALL BE REMOVED FROM THE SIDEWALK NO LATER THAN MIDNIGHT FOLLOWING THE SCHEDULED COLLECTION DAY. IN THE HISTORIC DISTRICT, AS DEFINED IN TITLE 21, APPROVED REFUSE CONTAINERS MUST BE REMOVED FROM PUBLIC VIEW.

Article III - Refuse-General

10.16.140 - Rules and regulations.

- A. The Director of Public Works may promulgate rules and regulations necessary for the implementation of this chapter; ~~which shall be effective upon approval by the City Council~~, governing the placement and removal of solid waste, the amounts to be collected, and providing for the assessment of charges for hauling or disposing of solid waste over and above a fixed amount.
- B. The Director of Public Works shall publish the rules and regulations ~~approved by the City Council~~ in a newspaper published in the City in at least two issues of general circulation within a period of five days before the effective date of the rules and regulations.
- C. The Director of Public Works shall not direct or authorize the collection of solid waste over and above the fixed amounts set by the Director until the required fees or assessments are paid in accordance with the applicable rules and regulations.
- D. The Director of Public Works shall distribute information about the residential and commercial recycling programs, opportunities and schedule to all residents and businesses at least every six months.

Article VI - Commercial Refuse

10.16.220 - Commercial establishments-Private collection.

- A. Municipal collection of refuse shall not be provided to commercial establishments within the City.
- B. All commercial establishments ~~or businesses~~ within the City shall receive refuse collection from a ~~City-permitted private commercial refuse collection firm~~ SOLID WASTE COLLECTION ENTITY THAT HOLDS AN EXISTING VALID PERMIT ISSUED BY THE DEPARTMENT OF PUBLIC WORKS IN ACCORDANCE WITH SECTION 10.16.225.
- C. ~~The owner of each commercial establishment or business within the City shall notify the Department of Public Works not later than December 1st of each year, the name and address of the firm, a complete description of services, the terms of the services and a copy of the existing contract for private refuse collection for the year.~~ ANY COMMERCIAL ESTABLISHMENT THAT IS PARTY TO A SOLID WASTE COLLECTION CONTRACT THAT DOES NOT CONFORM TO THE REQUIREMENTS OF THIS CHAPTER SHALL HAVE 90 DAYS AFTER NOTICE FROM THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO A SOLID WASTE COLLECTION CONTRACT THAT CONFORMS WITH THE REQUIREMENTS OF THIS CHAPTER, AND TO SUBMIT THAT CONTRACT TO THE DEPARTMENT OF PUBLIC WORKS FOR APPROVAL.
- ~~D. The owner of each commercial establishment or business within the City shall provide sufficient solid waste container storage capacity with covers that shall be completely and firmly closed at all times.~~
- D. A COMMERCIAL ESTABLISHMENT SHALL PROVIDE A COPY OF ITS SOLID WASTE COLLECTION CONTRACT TO THE DEPARTMENT OF PUBLIC WORKS FOR APPROVAL IN ALL OF THE FOLLOWING INSTANCES: (1) WHEN REQUESTING ISSUANCE OF A CITY USE AND OCCUPANCY PERMIT; (2) BEFORE SUBSEQUENTLY ENTERING INTO A SOLID WASTE COLLECTION CONTRACT WITH A DIFFERENT SOLID WASTE COLLECTION ENTITY THAN PREVIOUSLY APPROVED BY THE DEPARTMENT OF PUBLIC WORKS; (3) AS REQUIRED BY SECTION 10.16.220.C; OR (4) AS OTHERWISE DIRECTED BY THE DEPARTMENT OF PUBLIC WORKS TO DETERMINE COMPLIANCE WITH THIS CHAPTER. THE DEPARTMENT OF PUBLIC WORKS CANNOT APPROVE A SOLID WASTE COLLECTION CONTRACT UNLESS, AT A MINIMUM AND IN THE DEPARTMENT'S DISCRETION, THAT CONTRACT PROVIDES THE NAME AND ADDRESS OF THE SOLID WASTE COLLECTION ENTITY AND THE COMMERCIAL ESTABLISHMENT, A DESCRIPTION OF SERVICES TO BE PROVIDED, TOTAL PRICE, HOURLY/UNIT PRICING, AND THE PERIOD OF PERFORMANCE. THE DEPARTMENT OF PUBLIC WORKS CANNOT APPROVE A SOLID WASTE COLLECTION CONTRACT IF IT IS WITH A BROKER, OR IF IT IS WITH A SOLID WASTE COLLECTION ENTITY THAT DOES NOT HAVE AN EXISTING VALID LICENSE PERMIT ISSUED BY THE DEPARTMENT OF PUBLIC WORKS IN ACCORDANCE WITH SECTION 10.16.225.
- ~~EE Commercial solid waste shall not be set out and REMOVED PER THE REGULATIONS PROMULGATED BY THE DEPARTMENT OF PUBLIC WORKS. for collection earlier than 11:00 p.m. the night preceding a scheduled collection day. Approved refuse containers from commercial establishments shall be removed from public view immediately following collection. COMMERCIAL SOLID WASTE SHALL NOT BE SET OUT FOR COLLECTION EARLIER THAN 11:00 P.M. THE NIGHT PRECEDING A SCHEDULED COLLECTION DAY OR FOLLOWING THE CLOSING OF THE ESTABLISHMENT UNLESS A DIFFERENT ARRANGEMENT HAS BEEN MADE AND APPROVED BY THE DEPARTMENT OF PLANNING AND ZONING BASED ON UNIQUE CIRCUMSTANCES OR VARIABLE HOURS.~~

COMMERCIAL SOLID WASTE SHOULD BE PICKED UP BY 8:00 AM. IT IS THE ESTABLISHMENT'S RESPONSIBILITY TO ENSURE THAT GARBAGE AND WASTE MATERIAL SET OUTDOORS FOR COLLECTION SHALL BE COLLECTED DAILY NO LATER THAN ONE HOUR FOLLOWING COLLECTION UNLESS A DIFFERENT ARRANGEMENT HAS BEEN MADE AND APPROVED BY THE DEPARTMENT OF PLANNING AND ZONING BASED ON UNIQUE CIRCUMSTANCES OR VARIABLE HOURS.

- FF. The City may establish a system of franchising for commercial establishments. The City, by ordinance, may establish a system of solid waste collection service through a competitive procurement process to award an exclusive franchise or franchises under a franchise agreement to one or more qualified organizations for the collection of non-hazardous waste from commercial establishments. A franchise may be awarded for only refuse, refuse and recycling, or only recycling. The City may terminate or modify the solid waste collection permit of a private refuse collection service, with an advance thirty-day written notice, if the City decides to award a franchise or franchises.
- ~~G. WITHIN 90 DAYS FROM THE PASSAGE OF THIS ORDINANCE THE DEPARTMENT OF PUBLIC WORKS SHALL PROMULGATE REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.~~

10.16.225 - Permits for private collectors.

- ~~A. No person shall engage in the collection of solid waste from homes or commercial establishments without first having received a permit from the Director of Public Works.~~
- ~~B. Permit approval shall be contingent upon a determination by the Director of Public Works that all collection equipment and disposal methods of the permit applicant are satisfactory.~~
- ~~C. The Director of Public Works may revoke any permit for cause.~~
- ~~D. An annual fee as established by resolution of the City Council shall be paid to the Finance Director for each permit.~~
- A. NO SOLID WASTE COLLECTION ENTITY SHALL ENGAGE IN SOLID WASTE COLLECTION WITHOUT FIRST HAVING RECEIVED A PERMIT FROM THE DIRECTOR OF PUBLIC WORKS IN ACCORDANCE WITH THIS SECTION.
- B. PERMIT APPROVAL SHALL BE CONTINGENT UPON THE FOLLOWING:
1. A SOLID WASTE COLLECTION ENTITY SHALL PERMIT THE DEPARTMENT OF PUBLIC WORKS TO INSPECT ALL OF ITS EQUIPMENT, AND SHALL ONLY USE THAT EQUIPMENT APPROVED BY THE DEPARTMENT OF PUBLIC WORKS IN CONNECTION WITH ANY SOLID WASTE COLLECTION CONTRACTS WITHIN THE CITY.
 2. A SOLID WASTE COLLECTION ENTITY SHALL HAVE AT LEAST 1 COMMERCIAL STANDARD COLLECTION VEHICLE THAT PASSES CITY INSPECTION REQUIREMENTS, AND HAVE THE MANPOWER TO OPERATE SUCH VEHICLE OR VEHICLES TO PROVIDE COLLECTION SERVICES TO COMMERCIAL ESTABLISHMENTS.
 3. A DETERMINATION BY THE DIRECTOR OF PUBLIC WORKS THAT ALL EQUIPMENT AND DISPOSAL METHODS OF A SOLID WASTE COLLECTION ENTITY ARE SATISFACTORY.
- C. IF THE CITY RECEIVES NOTICE OR OTHERWISE DETERMINES THAT A SOLID WASTE COLLECTION ENTITY IS ENGAGING IN SOLID WASTE COLLECTION WITHOUT A PERMIT ISSUED PURSUANT TO THIS SECTION, THEN THE DIRECTOR SHALL GIVE WRITTEN NOTICE TO THAT SOLID WASTE COLLECTION ENTITY TO APPLY FOR A PERMIT. WITHIN 3 DAYS AFTER THE DATE OF THE NOTICE, THE SOLID WASTE COLLECTION ENTITY SHALL NOT ENGAGE IN SOLID WASTE COLLECTION UNLESS THE DIRECTOR OF PUBLIC WORKS, IN HIS OR HER DISCRETION, ALLOWS THE SOLID WASTE COLLECTION ENTITY TO CONTINUE COLLECT PENDING FINAL DISPOSITION OF THE PERMIT APPLICATION. THE DIRECTOR MAY ALLOW CONTINUED COLLECTION FOR NO MORE THAN 10 DAYS, SUBJECT TO AN EXTENSION FOR GOOD CAUSE DEMONSTRATED BY THE SOLID WASTE COLLECTION ENTITY NOT TO EXCEED AN ADDITIONAL 20 DAYS.
- D. A SOLID WASTE COLLECTION ENTITY SHALL CONTRACT DIRECTLY WITH A COMMERCIAL ESTABLISHMENT IN ORDER TO ENGAGE IN SOLID WASTE COLLECTION

- FROM THAT COMMERCIAL ESTABLISHMENT, AND SHALL NOT USE A BROKER IN ANY MANNER IN CONNECTION WITH THAT CONTRACT.
- E. A BROKER SHALL NOT BE ISSUED A PERMIT TO ENGAGE IN SOLID WASTE COLLECTION PURSUANT TO THIS SECTION, AND SHALL NOT ENTER INTO A SOLID WASTE COLLECTION CONTRACT WITH ANY COMMERCIAL ESTABLISHMENTS TO ENGAGE IN SOLID WASTE COLLECTION.
- F. THE DIRECTOR OF PUBLIC WORKS MAY REVOKE ANY PERMIT FOR CAUSE. PRIOR TO REVOCATION, THE DIRECTOR OF PUBLIC WORKS SHALL GIVE WRITTEN NOTICE TO THE SOLID WASTE COLLECTION ENTITY, WHICH SHALL INCLUDE REASONS FOR REVOCATION AND AN OFFER OF A REASONABLE OPPORTUNITY TO BE HEARD BY THE DIRECTOR OF PUBLIC WORKS. IF THE SOLID WASTE COLLECTION ENTITY RECEIVING SUCH NOTICE DOES NOT RESPOND WITHIN 7 CALENDAR DAYS OF THE DATE OF NOTICE, THE SOLID WASTE COLLECTION ENTITY SHALL BE DEEMED TO HAVE WAIVED ITS RIGHT TO BE HEARD BY THE DIRECTOR OF PUBLIC WORKS. AFTER THE OPPORTUNITY TO BE HEARD IS COMPLETED, OR WAIVED BY THE PERMIT HOLDER, AND IF THE DIRECTOR'S POSITION IS UNCHANGED, THE DIRECTOR OF PUBLIC WORKS SHALL SEND A WRITTEN NOTICE TO THE SOLID WASTE COLLECTION ENTITY INDICATING THE EFFECTIVE DATE OF REVOCATION OF ITS PERMIT UNDER THIS SECTION.
- G. AN ANNUAL FEE AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL SHALL BE PAID TO THE FINANCE DIRECTOR FOR EACH PERMIT ISSUED PURSUANT TO THIS SECTION.

Article IX - Enforcement

10.16.270 - Violation-Notice.

The City shall give written notice of a violation of this chapter to the person responsible for the violation. The notice shall:

- ~~A~~1. Be in writing;
- ~~B~~2. Include a statement of the reason why it is being issued;
- ~~C~~3. Allow a reasonable time for the performance of any act it requires;
- ~~D~~4. Be served upon the owner or the agent of the owner of the premises on which the alleged violation occurred. The notice shall be served personally or in accordance with any other method authorized under the laws of the state;
- ~~E~~5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter;
- ~~F~~6. State that, unless conditions or practices described in the notice are corrected within the reasonable time specified in the notice, the person involved will be subject to the penalty provided for violations of this chapter.
- ~~G~~7. After receiving a written notice of violation, if the same violation reoccurs within ninety days, such repeat violation shall constitute a municipal infraction pursuant to Section 10.16.280.

Chapter 10.32 - Miscellaneous Provisions

~~10.32.010 - Reports and advice.~~

~~The Director of Planning and Zoning shall give to the City Council, the Mayor and other City authorities all professional advice and information as they may require regarding preservation of the public health. This advice and information shall be based on a diligent inquiry into any conditions affecting the general health of the City or its citizens and on consultation with the Health Officer of the County. When appropriate, the director~~

~~shall seek the advice and counsel of physicians.~~

Chapter 10.34 - Sale and Application of Lawn Fertilizer

~~10.34.010—Purpose and intent.~~

~~The Director of Planning and Zoning shall give to the City Council, the Mayor and other City authorities all professional advice and information as they may require regarding preservation of the public health. This advice and information shall be based on a diligent inquiry into any conditions affecting the general health of the City or its citizens and on consultation with the Health Officer of the County. When appropriate, the director shall seek the advice and counsel of physicians.~~

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect from the date of its passage.

Explanation:

UPPERCASE indicates matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.