

Exhibit 1

Case #19-0067-I

SUBTITLE 2
MIXED REFUSE HANDLING AND COLLECTION

§ 2-1. Receptacles.

In all places where mixed refuse is accumulated, a sufficient number of receptacles to contain the mixed refuse between collections must be provided and maintained as specified in the City Property Maintenance Code.

(City Code, 1950, art. 31, §3; 1966, art. 23, §3; 1976/83, art. 23, §3.) (Ord. 49-955; Ord. 02-475; Ord. 09-175.)

§ 2-2. Handling.

(a) *Placement in receptacles.*

Occupants of any dwelling, including any multiple-family dwelling, and the proprietor of any boarding house, hotel, restaurant, and other place where mixed refuse is accumulated must place the mixed refuse into a receptacle provided for that purpose, as required by § 2-1 of this subtitle.

(b) *Covering and placement.*

Each of these persons must:

(1) keep the receptacle covered continually, except when it is being filled or emptied; and

(2) place the receptacle:

(i) in a position that is easily accessible to the collector; or

(ii) otherwise in the manner and at time designated by the Director of Public Works.

(c) *Refuse to be kept dry.*

All mixed refuse must be kept as dry as practicable.

(City Code, 1879, art. 23, §92; 1893, art. 48, §189; 1927, art. 44, §8; 1950, art. 31, §4; 1966, art. 23, §4; 1976/83, art. 23, §4.) (Ord. 16-138; Ord. 19-564; Ord. 49-955; Ord. 76-144; Ord. 09-175.)

§ 2-3. Collections.

(a) *Definitions.*

(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) *Duty to collect.*

The Director of Public Works must collect all mixed refuse, recyclable materials, and yard waste from all dwellings, including multiple-family dwellings, and from all 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:

- (1) for mixed refuse, limited to 96 gallons; and
- (2) for recyclable materials and yard waste, if bundled or contained separately from mixed refuse, unlimited.

(d) *Quantity limits – Exceptions.*

(1) *Single-family dwellings.*

The Director of Public Works shall adopt rules and regulations for granting exceptions from the quantity limitations specified in subsection (c) of this section for single-family dwellings whose occupants demonstrate an inability to meet those limitations. However, the total amount of mixed refuse to be allowed under an exception may not exceed 160 gallons.

(2) *Condominiums, etc.*

- (i) The limitations specified in subsection (c) of this section may be exceeded by the Director of Public Works for condominiums, cooperatives, and other multiple-family dwellings, other than apartment structures originally built as apartment structures, if the Director is authorized to do so by the Board of Estimates, based on considerations of public health, safety, and welfare.
- (ii) Before requesting authorization to collect mixed refuse from a condominium or cooperative, the Director must:
 - (A) receive a written request for those services;
 - (B) receive documentation that a majority of the units in the condominium or cooperative are owner-occupied as a primary residence;
 - (C) have a right-of-entry agreement with the condominium or cooperative;

(D) approve a feasible means to collect mixed refuse from the condominium or cooperative; and

(E) approve a feasible means to collect recyclable materials from the condominium or cooperative.

(iii) To continue collecting mixed refuse and recyclable materials from a condominium or cooperative, the Director must receive biennial documentation that the majority of the units are owner-occupied as a primary residence.

(City Code, 1950, art. 31, §5; 1966, art. 23, §5; 1976/83, art. 23, §§5, 6(c), (d).) (Ord. 49-955; Ord. 53-578; Ord. 66-872; Ord. 76-144; Ord. 88-176; Ord. 09-175.)

§ 2-4. Mixing ashes, plaster, soil prohibited.

(a) *Ashes, etc., precluded.*

It is unlawful to place or cause to be placed with mixed refuse any ashes, plaster, or yard or garden soil.

(b) *Occupant to separate out.*

If a mixture of this sort is found in any receptacle, the occupant of the premises must separate the ashes, plaster, and yard or garden soil from the other contents.

(City Code, 1927, art. 44, §10; 1950, art. 31, §7; 1966, art. 23, §7; 1976/83, art. 23, §7.) (Ord. 19-564; Ord. 49-955; Ord. 09-175.)

§ 2-5. {Reserved}

§ 2-6. Penalties.

(a) *In general.*

Any person who violates a provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or imprisonment for not more than 60 days or both fine and imprisonment for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

(Ord. 09-175.)