

ORDINANCE NO. 1159

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING CHAPTER 8 (HEALTH AND SANITATION) OF THE CODE OF THE CITY OF CAMBRIDGE, MARYLAND (THE "CITY CODE") FOR THE PURPOSES OF PROVIDING THAT NO PERSON SHALL PLACE ANY GARBAGE, REFUSE, OR OTHER SOLID WASTE UPON ANY STREET, ALLEY, OR SIDEWALK FOR COLLECTION BY CITY TRUCKS, OR ON PRIVATE PROPERTY ADJACENT THERETO, UNLESS CONTAINED IN GALVANIZED OR PLASTIC LEAKPROOF CONTAINERS WITH A MAXIMUM CAPACITY OF 30 GALLONS EACH AND WHICH ARE EQUIPPED WITH LIDS WHICH ARE TIGHTFITTING AND CLOSED OR IN GARBAGE CANS OR OTHER CONTAINERS PROVIDED BY A PRIVATE CONTRACTOR AUTHORIZED BY THE COMMISSIONERS OF CAMBRIDGE TO COLLECT SOLID WASTE WITHIN THE CORPORATE LIMITS OF THE CITY; PROVIDING THAT THE CITY, OR A PRIVATE CONTRACTOR AUTHORIZED BY THE COMMISSIONERS OF CAMBRIDGE, WILL COLLECT GARBAGE, REFUSE, AND OTHER SOLID WASTE PURSUANT TO SUCH REGULATIONS AND FOR SUCH FEES AS MAY BE FROM TIME TO TIME PROMULGATED BY RESOLUTION OF THE COMMISSIONERS OF CAMBRIDGE; PROVIDING THAT ANY PERSON, FIRM, LANDLORD, PROPERTY OWNER, CORPORATION, OR OTHER ENTITY WHO VIOLATES ANY PROVISION OF SUCH REGULATIONS OR § 8-8 OF THE CITY CODE SHALL BE DEEMED GUILTY OF A MUNICIPAL INFRACTION, THE FINE FOR WHICH SHALL BE \$50; PROVIDING THAT THE DEPARTMENT OF PUBLIC WORKS SHALL BE AUTHORIZED TO ENFORCE SUCH REGULATIONS AND § 8-8 OF THE CITY CODE; AND PROVIDING THAT THE CITY SHALL NOT ACCEPT A RENTAL REGISTRATION STATEMENT UNDER § 4-42 OF THE CITY CODE FOR ANY NON-OWNER OCCUPIED RESIDENTIAL DWELLING UNIT WHICH HAS BEEN ASSESSED FINES FOR A VIOLATION OF SUCH REGULATIONS AND WHICH REMAIN UNPAID AS OF THE DATE THE RENTAL REGISTRATION STATEMENT IS SUBMITTED TO THE CITY UNTIL SUCH TIME AS THE FINES ARE PAID IN FULL; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO GARBAGE, REFUSE, AND SOLID WASTE IN THE CITY OF CAMBRIDGE.

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-202 and § 3-27(1) of the Charter of the City of Cambridge (the "Charter"), the Commissioners of Cambridge are authorized and empowered to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as they may deem necessary for the good government of the City of Cambridge (the "City"); for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; to secure persons and property from danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the City and visitors thereto and sojourners therein; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-209(c)(d), the Commissioners of Cambridge are authorized and empowered to regulate or prohibit the throwing or depositing of dirt, garbage, trash, or liquids in a public place and provide for the proper disposal of these materials; and

WHEREAS, pursuant to § 3-27(29) of the Charter, the Commissioners of Cambridge are authorized and empowered to prevent the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points and to require slops, garbage, ashes, and other waste or other unwholesome materials to be removed to designated points or to require the occupants of the premises to place them conveniently for removal; and

WHEREAS, the Commissioners of Cambridge are desirous of amending Chapter 8 (Health and Sanitation) of the Code of the City of Cambridge, Maryland (the "City Code") for the purposes of providing that no person shall place any garbage, refuse, or other solid waste upon any street, alley, or sidewalk for collection by City trucks, or on private property adjacent thereto, unless contained in galvanized or plastic leakproof containers with a maximum capacity of 30 gallons each and which are equipped with lids which are tightfitting and closed or in garbage cans or other containers provided by a private contractor authorized by the Commissioners of Cambridge to collect solid waste within the corporate limits of the City; providing that the City, or a private contractor authorized by the Commissioners of Cambridge, will collect garbage, refuse, and other solid waste pursuant to such regulations and for such fees as may be from time to time promulgated by resolution of the Commissioners of Cambridge; providing that any person, firm, landlord, property owner, corporation, or other entity who violates any provision of such regulations or § 8-8 of the City Code shall be deemed guilty of a municipal infraction, the fine for which shall be \$50; providing that the Department of Public Works shall be authorized to enforce such regulations and § 8-8 of the City Code; and providing that the City shall not accept a rental registration statement under § 4-42 of the City Code for any non-owner occupied residential dwelling unit which has been assessed fines for a violation of such regulations and which remain unpaid as of the date the rental registration statement is submitted to the City until such time as the fines are paid in full; and

WHEREAS, the Commissioners of Cambridge find that the amendments set forth herein are necessary to promote and protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of Cambridge, that:

SECTION 1. Chapter 8 (Health and Sanitation) of the Code of the City of Cambridge, Maryland is hereby amended as follows:

Sec. 8-8. – Garbage cans-generally.

(a) No person shall place any garbage, refuse or other solid waste upon any street, alley or sidewalk for collection by city trucks, or on private property adjacent thereto, unless contained in galvanized or plastic leakproof containers with a maximum capacity of 30 gallons each; and which are equipped with lids which are tightfitting and closed; provided, however, that ~~nonputrescible materials may be placed in opaque polyethylene bags manufactured for that~~

~~purpose and may be placed for collection, and~~ garbage cans may be lined with opaque polyethylene bags for the deposit of putrescible garbage, provided such bags are securely tied.

(b) Any person, firm, landlord, property owner, corporation or other entity who violates any provision of this section shall be deemed guilty of a municipal infraction, the fine for which shall be \$50.00, and every day that a violation continues after due notice has been served shall be deemed a separate offense for which such fine shall be imposed. The title owner of any property on which such violation occurs shall also be deemed guilty of a municipal infraction and may be issued a citation. The Department of Public Works shall be authorized to enforce this section.

(c) The provisions of subsection (a) herein shall not apply to any garbage cans or other containers provided by a private contractor authorized by the Commissioners of Cambridge to collect garbage, refuse or other solid waste within the corporate limits of the city.

Sec. 8-20. – Garbage collection.

(a) In order to preserve the health, safety, and welfare of the citizens of Cambridge, the city, or a private contractor authorized by the Commissioners of Cambridge, will collect garbage, refuse and other solid waste pursuant to such regulations and for such fees as may be from time to time promulgated by resolution of the Commissioners of Cambridge.

(b) Any person, firm, landlord, property owner, corporation or other entity who violates any provision of this section or of the waste regulations as established by resolution of the city Commissioners of Cambridge as set forth in subsection (a) herein, shall be deemed guilty of an municipal infraction, the fine for which shall be \$50.00, and every day that a violation continues after due notice has been served shall be deemed a separate offense for which such fine shall be imposed. The title owner of any property on which such violation occurs shall also be deemed guilty of an municipal infraction and may be issued a citation. The Department of Public Works shall be authorized to enforce the regulations established by resolution of the Commissioners of Cambridge as set forth in subsection (a) herein.

(c) The city shall not accept a rental registration statement under section 4-42 of this Code for any non-owner occupied residential dwelling unit which has been assessed fines for a violation of the regulations established by the Commissioners of Cambridge as set forth in subsection (a) herein and which remain unpaid as of the date the rental registration statement is submitted to the city until such time as the fines are paid in full.

SECTION 2. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. In this Ordinance, unless a section of the City Code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out with a single strikethrough. With respect to the substantive provisions of this

Ordinance set forth in Section 1, language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Commissioners of Cambridge that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

AND BE IT FURTHER enacted and ordained that this Ordinance shall become effective immediately upon passage.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Patrick C. Comiskey, City Manager

By: _____
Victoria Jackson-Stanley, Mayor

Introduced the 26th day of August, 2019
Passed the 23rd day of September, 2019
Effective the 23rd day of September, 2019