

REGULAR MEETING  
October 14, 2013

The Regular Meeting of the Annapolis City Council was held on October 14, 2013 in the Council Chamber. Mayor Cohen called the meeting to order at 7:00 p.m.

Present on Roll Call: Mayor Cohen, Aldermen Budge, Paone, Alderwomen Hoyle, Finlayson, Aldermen Littmann, Kirby, Arnett

Absent on Roll Call: Alderman Pfeiffer

Staff Present: City Attorney Hardwick, City Manager Mallinoff, Planning and Zoning Director Arason, DNEP Director Broadbent, Public Works Director Jarrell, Chief of Historic Preservation Craig

Approval of Agenda

Alderman Littmann moved to approve the Regular Meeting Agenda as submitted. Seconded. CARRIED on voice vote.

The Star Spangled Banner

Josiah Fisher

**CITY COUNCIL CITATIONS**

Martha Wood Leadership Award to Josiah Fisher

Mayor Cohen and Alderwoman Finlayson

Mayor Cohen invited Mayor Cohen and Alderwoman Finlayson to present Josiah Fisher with the City Council Citation in recognition of being honored by the Housing Authority of the City of Annapolis as the Thirty-Ninth recipient of the prestigious Martha Wood Leadership Award.

Service to the City of Annapolis

Mayor Cohen recognized Dr. Wilford Scott for his years of service to the Planning Commission.

**PETITIONS, REPORTS AND COMMUNICATIONS**

Maritime Republic of Eastport (MRE) "Declaration of War"

The Maritime Republic of Eastport by the power vested in and by the Maritime Republic of Eastport by unanimous vote of the Revolutionary Council, did declare (tug of) War against the United States, Maryland, The City of Annapolis, and all who remain loyal to them.

Approval of Journal Proceeding

- Alderman Pfeiffer moved to approve the Journal of Proceedings for the Regular Meeting September 9, 2013 and the Special Meeting of September 23, 2013, September 30, 2013 and the Special Meeting of October 7, 2013. Seconded. CARRIED on voice vote.

Comments by the General Public

Frank Bradley, 815 Parkwood Avenue, Annapolis, Maryland 21403 spoke on the racism, Carl Snowden and Cynthia Carter and the HACA Board.

John Weikel, 139 King George Street, Annapolis, Maryland 21401 spoke on the Royal Farms contract with the Steven's Hardware in downtown Annapolis.

Michael S Bowling, 1979 Fairfax Road, Annapolis, Maryland 21401 spoke on the last

meeting of the Board of Supervisors of Elections, Campaign Fund Reports of a General Election Candidate and request that the law be upheld.

Fred Delavan, 130 Jennifer Road, Suite 240, Annapolis, Maryland 21401 representing the owners of 110 Compromise Street spoke on the Comprehensive Plan and spoke in favor of the postponement of O-51-11 Amended and O-52-11 Amended.

- Mayor Cohen declared petitions, reports and communications closed.

### **PUBLIC HEARINGS**

**O-30-11 Deleting the Contiguous Lots Section of 21.40.020 – R1 Single Family Residence District – For the purpose of amending Section 21.40.020 – R1 Single Family Residence District to delete Section D related to contiguous lots.**

Planning and Zoning Director Arason gave a brief presentation on the ordinance and answered questions from Council.

Spoke on the ordinance:

Charles Earnest, 403 Melvin Avenue, Annapolis, Maryland 21401

No one else from the general public spoke in favor of or in opposition to the ordinance.

- Mayor Cohen accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 10/3/2013.
- Mayor Cohen declared the public hearing closed.

**O-19-13 Capacity of Schools in the Development Review Process – For the purpose of adding current and projected school capacity of Annapolis Feeder System schools geographically located within the City of Annapolis to the list of development review criteria and findings; and specifying duties of the Director of Planning and Zoning regarding school capacity.**

Planning and Zoning Director Arason gave a brief presentation on the ordinance and answered questions from Council.

Spoke on the ordinance:

Alan Hyatt, 200 Westgate Circle, Annapolis, Maryland 21401 representing his Clients.

Charles F. Delavan, 170 Jennifer Road, Suite 240, Annapolis, Maryland 21401 representing his law firm.

Roger H. Kizer Ball, 9 Silopanna Road, Annapolis, Maryland 21403.

Gail Casale, 1206 Sterling Drive, Annapolis, Maryland 21403.

Earl Bradley, 940 Bay Forest Court, Apt 306, Annapolis, Maryland 21401 representing the Seirra Club.

Spoke in favor of the ordinance:

Beth Oldfield, 1350 Moyer Road, Annapolis, Maryland 21403 representing her children.

Kari Oakes, 312 Boxwood Grove Lane, Annapolis, Maryland 21403 representing her children.

Janet Norman, 787 Old Annapolis Neck Road, Annapolis, Maryland 21403

representing Hillsmere Elementary School.  
Rick Kissel, 717 Warren Drive, Annapolis, Maryland 21403 representing the Anne Arundel County Sierra Club.  
Steven Conn, 1111 Van Buren Drive, Annapolis, Maryland 21403.  
Danelle Brooks, 137 Lee Drive, Annapolis, Maryland 21403.  
Patricia Mays, Masque Farm Road, Annapolis, Maryland 21401.  
Andrew Bing, 1997 Annapolis Exchange Pkwy Suite 110, Annapolis, Maryland 21401.

Spoke in opposition to the ordinance:

Chuck Walsh, 12 Southgate Avenue, Annapolis, Maryland 21401 representing Annapolis Economic Development Corporation.

No one else from the general public spoke in favor of or in opposition to the ordinance.

- Mayor Cohen accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 9/19/13, and Memoranda from Jon Arason, Director, to the Planning Commission dated 9/5/13.
- Mayor Cohen declared the public hearing closed.

**O-28-13 New Land Use Article References in the City Code – For the purpose of updating the references to the former Article 66B of the Annotated Code of Maryland to the new title of “Land Use Article.”**

Planning and Zoning Director gave a brief presentation on the ordinance and answered questions from Council.

No one else from the general public spoke in favor of or in opposition to the ordinance.

- Mayor Cohen accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 9/5/13, and Memoranda from Jon Arason, Director, to the Planning Commission dated 8/9/13.
- Mayor Cohen declared the public hearing closed.

**O-33-13 Wastewater Conveyance and Treatment (Sewer Service) Contract with the Federal Government – For the purpose of approving a new 10-year wastewater conveyance and treatment (sewer service) contract (Contract) with the Federal Government to adjust the rate as provided; and all matters related to said wastewater conveyance and treatment.**

Public Works Director Jarrell gave a brief presentation on the ordinance and answered questions from Council.

No one from the general public spoke in favor of or in opposition to the ordinance.

- Mayor Cohen declared the public hearing closed.

**O-34-13 Historic Preservation Tax Credit – For the purpose of revising the provisions governing the historic preservation tax credit in the City of Annapolis.**

Chief of Historic Preservation Craig gave a brief presentation on the ordinance and answered questions from Council.

No one from the general public spoke in favor of or in opposition to the ordinance.

- Mayor Cohen declared the public hearing closed. Letter from Lara

#### LEGISLATIVE ACTION

#### ORDINANCES AND RESOLUTION – 2<sup>nd</sup> READER

**O-51-11Amd. Use and Redevelopment of Property in C2 Zoning Districts – For the purpose of adding certain provisions governing use and redevelopment of property located in a C2 Zoning District.**

- Alderwoman Finlayson moved to postpone O-51-11 amended on second reading until October 28, 2013. Seconded. CARRIED on voice vote.

**O-52-11Amd. Rezoning Parcels [1244] 1247 and 1255, Grid 20, Tax Map 52A – For the purpose of rezoning parcels [1244] 1247 and 1255, Grid 20, Tax Map 52A to C2, “Conservation Business” Zoning District.**

- Alderwoman Finlayson moved to postpone O-52-11 amended on second reading until October 28, 2013. Seconded. CARRIED on voice vote.

**O-33-12 Modifications to City Code on Refuse and Recycling Services – For the purpose of modifying the City Code related to the City of Annapolis’ provision of refuse and recycling services.**

Public Works Director Jarrell and DNEP Director Broadbent were present and answered questions from Council.

- Alderman Arnett moved to adopt O-33-12 on second reading. Seconded.
- Alderwoman Finlayson moved to amend O-33-12 as follows:

**Amendment in the Nature of a Substitute  
Ordinance No. O-33-12**

#### EXPLANATION

CAPITAL LETTERS indicate matter added to existing law on first reader.

[brackets] indicate matter stricken from existing law on first reader.

Underlining and Red text indicates amendments from the first reader.

AN ORDINANCE concerning

#### Modifications to City Code on Refuse and Recycling Services

**FOR** the purpose of modifying the City Code related to the City of Annapolis’ provision of refuse and recycling services.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 201112 Edition

SECTION 2.25.030

Chapter 10.16

Section 17.40.265

Section 17.40.740

**BY** repealing the following portions of the Code of the City of Annapolis, 20112 Edition

CHAPTER 10.18

**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:

**CHAPTER 2.25 – DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS**

**2.25.010 - Composition.**

The Department Of Neighborhood and Environmental Programs shall consist of the Director of Neighborhood and Environmental Programs and other officers and employees as may be provided by the City Council.

**2.25.020 - Director.**

The Director of Neighborhood and Environmental Programs, before entering on the discharge of the duties of office, shall take the oath prescribed in the Charter.

**2.25.030 - Director—Powers and duties.**

A. The Director of Neighborhood and Environmental Programs shall have the following powers and duties:

1. To regulate the building and rebuilding of structures and other improvements;
2. To regulate the use of certain structures for housing;
3. To regulate activities impacting upon the environment, urban forestry, sewer pretreatment, critical areas and storm water management;
4. To enforce building and housing rules and regulations governing the improvement and use of land and structures;
5. To enforce rules and regulations governing environmental protection, urban forestry, sewer pretreatment and storm water management;
6. To enforce rules and regulations governing the licensing and operation of certain contractors and businesses;
7. To enforce certain specified rules and regulations governing certain violations of the Zoning Code and use of property;
8. TO ENFORCE RULES AND REGULATIONS SPECIFIED IN CHAPTER 10.16 OF THE CITY CODE GOVERNING REFUSE, RECYCLABLE MATERIALS, AND SOLID WASTE.

[8] 9. To educate and inform the public concerning environmental protection, urban forestry, and related subjects.

B. The Director of Neighborhood and Environmental Programs shall have all the power and authority insofar as it relates to violations of law pertaining to the Department of Neighborhood and Environmental Programs and shall be authorized to take appropriate enforcement action with regard to all such violations.

**CHAPTER 10.16 – [GARBAGE AND REFUSE] 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. ["Ashes" means the residue from the burning of wood, coal, coke or other combustible materials.] “APPROVED REFUSE CONTAINER” MEANS A CONTAINER MEETING THE REQUIREMENTS OF [SECTION 10.16.030] THIS CHAPTER AND USED FOR HOLDING SOLID WASTE.

B. "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 [20]35 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.

C. "COMMERCIAL" MEANS OCCUPIED WITH OR ENGAGED IN COMMERCE OR WORK INTENDED FOR COMMERCE, INCLUDING NON-PROFIT AND RELIGIOUS ORGANIZATIONS.

D. "COMMINGLED" MEANS THAT PAPER, GLASS, PLASTIC, AND CANS MAY BE PLACED IN THE SAME CONTAINER.

[B] E. "Dead animal[s]" means [small dead animals not exceeding seventy [FIFTY] pounds each in weight, which die in the normal course of community activity] THE CARCASS OR REMAINS OF ANY NONLIVING, NONHUMAN, VERTEBRATE CREATURE. IT DOES NOT INCLUDE A [and excluding] condemned animal[s], an animal from A slaughterhouse[s], and [other] ANY animal[s] normally considered as industrial refuse.

F. "DISPOSITION" MEANS THE TRANSPORTATION, PLACEMENT, OR ARRANGEMENT OF RECYCLABLE MATERIALS FOR ALL POSSIBLE END USES EXCEPT DISPOSAL AS REFUSE.

[C. "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.]

G. "GENERATOR" MEANS THE LANDLORD OR MANAGEMENT COMPANY RESPONSIBLE FOR REMOVAL OF SOLID WASTE.

H. "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.

I. "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. [FOR THIS PURPOSE.]

J. "PERSON" MEANS AN[Y] 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.

K. "PLASTIC" MEANS AN ITEM[S] MADE FROM MOLDABLE SYNTHETIC, NATURAL, OR ORGANIC MATERIALS AND FORMED INTO SHAPES [ FURNITURE, TOYS, ETC].

L. "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. [THE CITY WILL ENCOURAGE THE RECYCLING OF OTHER MATERIALS AS MARKETS DEVELOP AS DETERMINED BY THE DIRECTOR OF PUBLIC WORKS].

M. "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.

[D]N. "Refuse" means all solid waste materials including garbage, [rubbish and ashes,] dead animals, street cleanings and solid market and industrial wastes, but not human excreta or building construction wastes.

O. "RESIDENTIAL" MEANS USED OR DESIGNED FOR SINGLE RESIDENCE OR LIMITED TO RESIDENCES, SINGLE OR MULTIFAMILY DWELLING UNITS.

[E. "Rubbish" means nonputrescible solid wastes, excluding ashes, consisting of paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, metals and similar materials. It also includes tree trimmings, yard and street sweepings and weeds.]

P. "SOLID WASTE" MEANS REFUSE, RECYCLABLE[S], YARD WASTE, AND OTHER WASTE MATTER, NOT TO INCLUDE EXPLOSIVES, POISONS, CORROSIVES, FLAMMABLE LIQUIDS, HOT ASHES AND COALS, MEDICAL WASTE, OR OTHER SIMILAR HAZARDOUS MATERIALS AND WASTES.

Q. "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.

[F] [Q] R. "Wastes" means all unwanted materials, including liquid and solid materials.

R.S. "WASTE MINIMIZATION" MEANS THE VOLUNTARY REDUCTION BY THE CONSUMER OF THE VOLUME OF REFUSE ENTERING THE SOLID WASTE STREAM.

S.T. "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.

**[10.16.010 – CURBSIDE PLACING AND REMOVAL OF APPROVED REFUSE CONTAINERS]**

[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 SECTION AT THE CURB NO EARLIER THAN 6:00 P.M. PRECEDING THE SCHEDULED COLLECTION DAY. APPROVED REFUSE CONTAINERS SHALL BE BE REMOVED FROM THE SIDEWALK NO LATER THAN 12:00 A.M. FOLLOWING THE SCHEDULED COLLECTION DAY. IN THE HISTORIC DISTRICT, AS DEFINED IN SECTION 21.56.030, APPROVED REFUSE CONTAINERS MUST BE REMOVED FROM PUBLIC VIEW.]

### **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 THE IMPOSITION OF A FINE AUTHORIZED BY RESOLUTION OF THE CITY COUNCIL] RESULT IN A PENALTY FOR NON-PERFORMANCE AS INDICATED IN THE SOLID WASTE CONTRACT AND SHALL BE SUBJECT TO PENALTIES PUSUANT TO SECTION 10.16.280 OF THE CITY CODE.

### **10.16.017 [10.16.150] - Compliance with placement requirements.**

SOLID WASTE [Refuse, rubbish, ashes and other material] placed for collection in a manner which does not meet the requirements outlined in [Article II of] this chapter [shall] MAY not be collected AT THE DISCRETION OF THE DIRECTOR OF PUBLIC WORKS.

### **Article II – [Accumulation and Storage] RESIDENTIAL REFUSE**

#### **10.16.020 - Containers—Providing for collection.**

For [an] AN area S in which the City provides refuse collection, the owner [or occupant of every premises] OF UNITS [who wishes to have refuse from that premises collected] shall provide APPROVED refuse containers FOR STORAGE OF SOLID WASTE BETWEEN COLLECTIONS [at a place convenient and satisfactory to the Director of Public Works]. ON THE DAY OF COLLECTION, REFUSE SHALL BE PLACED AT THE CURB OR A LOCATION APPROVED BY THE DIRECTOR OF PUBLIC WORKS. The provisions of this article govern refuse containers, their use and placement. [Refuse shall be collected solely from premises which have complied with these provisions.]

#### **10.16.030 10.16.025 - Containers—Specifications[—Placement].**

A. THE OWNERS OF RESIDENTIAL UNITS SHALL BE RESPONSIBLE FOR ENSURING APPROVED REFUSE CONTAINERS ARE PROVIDED WITH SUFFICIENT VOLUME TO STORE ALL SOLID WASTE BETWEEN COLLECTIONS.

B. REFUSE SHALL BE:

1. BE PLACED IN PLASTIC BAGS WITH ALL OPENINGS SECURELY CLOSED, AND
2. BE SHALL BE STORED IN APPROVED REFUSE CONTAINERS AT ALL TIMES.

C. APPROVED Rrefuse containers shall:

- [A] 1. Be durable;
- [B] 2. Be rust-resistingANT;
- [C] 3. Be easily washable and nonabsorbent;

[D] 4. Be watertight;

[E] 5. Have TIGHT [close] -fitting covers OR LIDS [in place];

[F] 6. Have [adequate] FUNCTIONAL handles;

[G] 7. Have a maximum capacity of thirty-two gallons [PER CONTAINER] OR AN APPROVED TRASH CART WITH AN ATTACHED LID AND HAVE A MAXIMUM CAPACITY OF 96 GALLONS.

8. BE CLEARLY MARKED WITH MINIMUM 3” HIGH NUMBERS [AND LETTERS] INDICATING THE ADDRESS OF THE UNIT FOR WHICH REFUSE IS BEING COLLECTED;

[J] [11] 9. Not be sold or furnished by the City or by its employees.

[H. Be placed on the sidewalk no sooner than twelve hours preceding the scheduled time for collection; provided, that a commercial establishment shall not place its container on the sidewalk until it has closed for business preceding the collection;]

[I. Be removed from the sidewalk no later than twelve hours following the scheduled time for collection; and in the historic district as defined in Section 21.56.030, be removed from view from a public way; however, a commercial establishment which is open for business shall remove its containers immediately following collection;]

#### **10.16.030 – CURBSIDE PLACING AND REMOVAL OF APPROVED REFUSE CONTAINERS**

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 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.

#### **10.16.035 [10.16.040] - Containers—[Use of another’s] UNAUTHORIZED USE.**

The owner or occupant of any premises [which is entitled to refuse collection] shall not place refuse from the premises in [the] containers [of another] DESIGNATED FOR ANOTHER premises or in public containers.

#### **[10.16.060 - Rubbish.]**

[Rubbish may be stored in containers with garbage. Bulky rubbish, not contaminated with putrescible organic matter, such as tree trimmings, weeds and large cardboard boxes shall be cut and tied securely in bundles not to exceed four feet in length nor fifty pounds in weight. Leaves, weeds, grass, shrubbery trimmings and other garden cuttings may be stored in open containers or synthetic bags made for that purpose.]

#### **[10.16.070 - Ashes.]**

[All ashes shall be placed in metal containers with close-fitting covers supplied for this purpose by the householder. Ashes will not be removed when the receptacle is filled so full that it cannot be carried without spilling nor when the combined weight of container and contents exceeds seventy-five pounds. Ashes containing hot embers shall not be placed out for collection.]

#### **10.16.040 [10.16.080] – Dead animals - DISPOSAL**

A. [All small dead animals] A DEAD ANIMAL WEIGHING LESS THAN TEN (10) POUNDS IN WEIGHT, such as rodents, birds and kittens, shall be wrapped securely and placed in containers as specified for REFUSE [garbage and rubbish]. [Larger dead

animals] A DEAD ANIMAL EXCEEDING TEN (10) POUNDS IN WEIGHT, such as dogs and cats, shall not be disposed of with REFUSE [garbage and rubbish] but shall be removed AND DISPOSED OF IN A PROPER AND LAWFUL MANNER BY [the County Animal Control Agency, Society for Prevention of Cruelty to Animals or by] the OWNER OF THE ANIMAL [owner] OR THE OWNER OF THE PREMISES.

B. REMOVAL OF A DEAD ANIMAL IN THE PUBLIC RIGHT-OF-WAY SHALL BE THE RESPONSIBILITY OF THE DEPARTMENT OF PUBLIC WORKS.

#### **10.16.050 - Out-of-Area Collection**

[A. THE DIRECTOR OF PUBLIC WORKS MAY HAVE SOLID WASTE COLLECTED BY CITY EMPLOYEES OR BY INDEPENDENT CONTRACTORS.]

[B]A. [RESIDENTS RESIDING] OWNERS OF PROPERTY LOCATED AT THE END OF A CITY STREET[S] THAT MAY BE LOCATED IN ANNE ARUNDEL COUNTY, BUT NOT WITHIN THE CITY'S SERVICE AREA, MAY REQUEST IN WRITING TO BE SERVICED BY THE CITY OF ANNAPOLIS AND TO PAY THE SAME RATE AS A CITY RESIDENT, IF APPROVED [, AT] BY THE [DISCRETION OF] THE DIRECTOR OF PUBLIC WORKS.

[C]B. THE ANNE ARUNDEL COUNTY RESIDENTS REFERENCED IN SECTION 10.16.050B ARE REQUIRED TO MEET ALL RESIDENTIAL REQUIREMENTS CONTAINED IN THIS CODE[, AND A MUNICIPAL CITATION MAY BE ISSUED FOR NON-COMPLIANCE]. NON-COMPLIANCE MAY RESULT IN TERMINATION OF CITY OF ANNAPOLIS SOLID WASTE COLLECTION SERVICES.

C. ANNE ARUNDEL COUNTY RESIDENTS REFERENCED IN SECTION 10.16.050B SHALL BE BILLED BY INVOICE ON A QUARTERLY BASIS BY THE DIRECTOR OF FINANCE. NON-COMPLIANCE OR FAILURE TO PAY FOR REFUSE SERVICES FOR DEWELLING UNITS OUTSIDE THE CITY LIMITS SHALL RESULT IN A LIEN ON THE PROPERTY.

#### **10.16.060 [10.16.160] - Dwelling units AND MULTIFAMILY DWELLINGS.**

A. For [garbage and] refuse collection from dwelling units within the City, an annual charge as established by resolution of the City Council per dwelling unit shall be collected by the Director of Finance.

B. Th[is]E charge shall be shown upon the quarterly water bill of the property owner and NON-COMPLIANCE OR FAILURE TO PAY shall RESULT IN [be] a lien upon the property.

[B]C. For the purposes of this section, every apartment and condominium unit shall be considered a separate dwelling unit, even though one building may contain more than one unit.

[C] D. Owners or operators of apartment and condominium developments consisting of ten or more dwelling units under one ownership or management may elect to [furnish] RETAIN [their own] A PRIVATE [garbage and] refuse collection service LICENSED TO OPERATE IN THE CITY OF ANNAPOLIS, provided THAT satisfactory evidence of service by a private commercial refuse collection firm is provided to the City as set forth in Section 10.16.225.

[D. For buildings with both residential and commercial uses, the property owner may elect to consolidate residential and commercial refuse collection by a private commercial refuse hauler licensed to operate in the City of Annapolis provided, satisfactory evidence of service by the private commercial refuse collection firm is provided to the City as set forth in Section 10.16.225.]

E. FOR [B]uildings with residential uses, PROPERTY OWNERS THAT elect to [furnish] RETAIN [their own] A PRIVATE [garbage and] refuse collection service SHALL CONTRACT ONLY WITH FIRMS LICENSED TO OPERATE IN THE CITY

OF ANNAPOLIS AND, [as described in this section] shall also provide for their own residential recycling collection service as defined in Section 10.16.020, and shall provide the Department of Public Works with satisfactory evidence of such recycling service.

**10.16.065 MIXED USE PROPERTIES**

FOR BUILDINGS WITH BOTH RESIDENTIAL AND COMMERCIAL USES, THE PROPERTY OWNER MAY ELECT TO CONSOLIDATE RESIDENTIAL AND COMMERCIAL REFUSE COLLECTION BY RETAINING A PRIVATE COMMERCIAL REFUSE COLLECTION SERVICE LICENSED TO OPERATE IN THE CITY OF ANNAPOLIS, PROVIDED SATISFACTORY EVIDENCE OF SERVICE BY THE PRIVATE COMMERCIAL REFUSE COLLECTION FIRM IS PROVIDED TO THE CITY AS SET FORTH IN SECTION 10.16.225 OF THE CITY CODE.

**[10.16.070] [10.16.240] – [Special home pickups] RESERVED.**

[The Director of Public Works may designate certain days during the year as a free pickup period and no charges for refuse pickup shall be made during those designated days.]

**[10.16.080] [10.16.130] – [Garbage/refuse violation] RESERVED.**

[A person who violates Sections 10.16.020, 10.16.030, 10.16.0[40]35, [10.16.050] and 10.16.100 of this article is guilty of a municipal infraction and is subject to a fine as established by resolution of the City Council [for each repeat or continuing violation].]

**[10.16.090 - Removal of unsatisfactory containers.]**

[The Director of Public Works, upon notification to the owner or occupant of the premises, shall remove unsatisfactory storage containers from the premises of residences and establishments, public and private, when the containers do not meet the requirements outlined in this article.]

**Article III – REFUSE – GENERAL [Collection]**

**[10.16.090] [10.16.040] - Containers—Use of another's.]**

[The owner or occupant of any premises which is entitled to refuse collection shall not place refuse from the premises in the containers of another premises or in public containers.]

**10.16.090 – COLLECTION – GENERAL**

THE DIRECTOR OF PUBLIC WORKS MAY HAVE SOLID WASTE COLLECTED BY CITY EMPLOYEES OR BY INDEPENDENT CONTRACTORS.

**10.16.095– REFUSE [10.16.050-Garbage]**

[Garbage] REFUSE shall be drained and wrapped before storage in a refuse container. The liquid portion of garbage shall be drained into the sanitary sewer.

**10.16.100 - Notice to remove refuse accumulations.**

The Director of Neighborhood and Environmental Programs [from time to time shall visit and] MAY inspect all premises, yards, and alleys[,], [and where] IF the director observes accumulations of [rubbish or] refuse, THE DIRECTOR shall serve notice on the [tenants or] owners of the premises to remove the REFUSE accumulations. Any [tenant or] owner [who fails to] MUST comply with the notice within [ten] SEVEN days from the [time the] DATE OF the notice [is given is guilty of a municipal infraction and subject to a fine as established by resolution of the City Council].

**10.16.110 - Inspections—Right of entry.**

The Director of Neighborhood and Environmental Programs may enter [all] premises, other than the interior of dwellings, [at all reasonable hours] WITH REASONABLE NOTICE TO THE PROPERTY OWNER for the purpose of inspecti[on]NG [of] refuse

storage facilities and adjoining resting places and harborages of insects and rodents, and to apply or require chemical treatment for the temporary control of insects and rodents.

**10.16.120 - Uncontained accumulations.**

[A. No person shall permit refuse, except bulky rubbish, to accumulate on any premises or vacant lot except in containers as specified in this article. All persons shall provide a sufficient number of proper containers to hold all refuse accumulating between collections.]

[B. Neither from building construction and repair nor any other wastes shall be allowed to accumulate on any premises or vacant lot to create potential mosquito breeding places.]

**[A.] NO PERSON SHALL PERMIT SOLID WASTE TO ACCUMULATE ON ANY PROPERTY OR VACANT LOT THEY OWN, OCCUPY, OR CONTROL [OR VACANT LOT] EXCEPT IN CONTAINERS AS SPECIFIED IN THIS CHAPTER.**

**10.16.130 [10.16.140] - Required—City direction.**

SOLID WASTE [Garbage, rubbish and other refuse, as defined in this chapter,] shall be removed from dwelling units, business places and other buildings within the City under the direction of the Director of Public Works, in accordance with the rules and regulations established pursuant to this chapter.

**10.16.140 [10.16.190] - Rules and regulations.**

A. The Director of Public Works [shall] MAY promulgate rules and regulations NECESSARY FOR THE IMPLEMENTATION OF THIS CHAPTER, which shall be effective upon approval by the City Council, governing the placingEMENT and removingAL of SOLID WASTE [refuse, garbage, rubbish and ashes], the amounts to be collected, and providing for the assessment of charges for hauling or disposing of SOLID WASTE [refuse, garbage, rubbish, ashes or waste matter,] 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 [d]Director OF PUBLIC WORKS shall not direct or authorize the collection of SOLID WASTE [refuse, garbage, ashes or rubbish] over and above the FIXED amounts set by the [d]Director until [such] THE REQUIRED fees or assessments are paid IN ACCORDANCE WITH THE APPLICABLE [according to the] rules and regulations.

**10.16.150 – Reserved**

**10.16.160 [10.16.210] - Unauthorized tampering or collecting.**

No person shall tamper with, collect, transport through the streets or interfere with the contents of any receptacle containing REFUSE [garbage, rubbish or ashes] except employees of the City, CITY SOLID WASTE CONTRACTORS, or other designated City officials, or those persons to whom special permits have been granted as provided or in Section 10.16.225.

**Article IV – RESIDENTIAL RECYCLING**

**10.16.170 – RECYCLING PROGRAM.**

THE CITY OF ANNAPOLIS RECYCLING PROGRAM [AS DESCRIBED HEREIN] SHALL, [INsofar AS] TO THE EXTENT POSSIBLE, MEET OR EXCEED THE SOLID WASTE REDUCTION GOALS AS STATED IN THE ANNE ARUNDEL COUNTY SOLID WASTE MANAGEMENT PLAN THROUGH CONCERTED APPLICATION OF THE PRINCIPLES OF RECYCLING AND WASTE MINIMIZATION.

**10.16.180 - ESTABLISHMENT OF RESIDENTIAL CURBSIDE RECYCLING PROGRAM.**

A. THERE IS ESTABLISHED [WITHIN] BY THE CITY OF ANNAPOLIS A MANDATORY RESIDENTIAL CURBSIDE RECYCLING PROGRAM FOR THE COLLECTION OF RECYCLABLE MATERIALS FROM ALL RESIDENTS OF THE CITY WHOSE SOLID WASTE IS COLLECTED BY OR ON BEHALF OF THE CITY.

B. COLLECTIONS OF RECYCLABLE MATERIALS [PURSUANT TO THIS CHAPTER] SHALL BE MADE [EVERY] ONCE A WEEK EXCEPT IN CASES WHERE THE COLLECTION DAY FALLS UPON A HOLIDAY[S] RECOGNIZED BY THE CITY. ALL COLLECTIONS SHALL OCCUR IN ACCORDANCE WITH THE SOLID WASTE[/] OR RECYCLING SCHEDULE PUBLICLY ADVERTISED BY THE CITY.

C. ALL RESIDENTS OF THE CITY WITHIN THE AREA SERVICED BY THE CURBSIDE PROGRAM [SHOULD] SHALL PLACE ALL RECYCLABLE[S] MATERIALS INTO A CITY APPROVED RECYCLING CONTAINER WHICH THE RESIDENT OR OCCUPANT SHALL [AND] PLACE [THEM] AT THE CURB FRONTING THEIR RESIDENCE IN THE MANNER DESIGNATED BY THIS CHAPTER AND ON THE DATE SPECIFIED FOR COLLECTION ON THE SCHEDULE PUBLISHED BY THE CITY.

D. RECYCLABLE[S] MATERIALS MAY BE COMMINGLED INTO CITY APPROVED [CITY] RECYCLING CONTAINERS. PAPER AND CARDBOARD SHALL BE PLACED IN THE RECYCLING [BIN] CONTAINER, IN PAPER BAGS, OR TIED INTO BUNDLES NOT TO EXCEED THIRTY-FIVE POUNDS IN WEIGHT AND NO[R]IT EXCEED ONE FOOT IN THICKNESS.

[E. CONTAINERS PLACED IN THE RECYCLING CONTAINER SHALL CONTAIN FIVE PERCENT OR LESS FOOD CONTAMINATION.]

**10.16.190 - UNLAWFUL ACTIVITIES—NUISANCE.**

[A.] IT SHALL BE UNLAWFUL FOR:

1. ANY PERSON, OTHER THAN THOSE PERSONS AUTHORIZED BY THE CITY, TO COLLECT ANY [DESIGNATED] APPROVED RECYCLABLE MATERIALS WHICH [HAS] HAVE BEEN PLACED AT THE CURB FOR COLLECTION OR WITHIN A RECYCLING DROPOFF SITE PURSUANT TO THIS CHAPTER;
2. ANY PERSON TO VIOLATE OR TO CAUSE OR TO ASSIST IN THE VIOLATION OF ANY PROVISION OF THIS CHAPTER OR ANY PROVISION OF THE CITY PLAN CONCERNING RECYCLING;
3. ANY PERSON TO HINDER, [TO] OBSTRUCT, [TO] PREVENT, OR [TO] INTERFERE WITH THE CITY OR ANY OTHER AUTHORIZED PERSONS IN THE PERFORMANCE OF ANY DUTY UNDER THIS CHAPTER OR IN THE ENFORCEMENT OF THIS CHAPTER.

**10.16.200 - OTHER MEANS OF DISPOSAL.**

NOTWITHSTANDING ANYTHING TO THE CONTRARY ANY RESIDENT OF THE CITY MAY DONATE OR SELL ANY RECYCLABLE MATERIAL TO ANY OTHER PERSON, WHETHER OPERATING FOR [A] PROFIT OR NOT FOR PROFIT; [PROVIDED, HOWEVER, THAT THE] A PERSON RECEIVING THE RECYCLABLE[S] MATERIAL SHALL NOT[, UNDER ANY CIRCUMSTANCES,] COLLECT THE DONATED OR SOLD MATERIAL FROM AN ESTABLISHED RECYCLING COLLECTION ROUTE OR FROM A RECYCLING DROPOFF SITE WITHOUT PRIOR WRITTEN PERMISSION FROM THE CITY [FOR SUCH COLLECTION].

ALL SOLID WASTE OR [RECYCLING] RECYCLABLE [ITEMS] MATERIALS

ARE THE PROPERTY OF THE CITY OF ANNAPOLIS ONCE [PLACED AT COLLECTED FROM] THE CURB SIDE [BY AUTHORIZED CITY PERSONNEL]. UNAUTHORIZED REMOVAL OF SOLID WASTE OR [RECYCLING RECYCLABLE [ITEMS] MATERIALS] PLACED AT THE CURB FOR COLLECTION CONSTITUTES A MUNICIPAL INFRACTION SUBJECT TO A FINE AUTHORIZED BY RESOLUTION OF THE CITY COUNCIL.

## ARTICLE V – RESIDENTIAL YARD TRIMMINGS

### 10.16.210 - ESTABLISHMENT OF A RESIDENTIAL CURBSIDE YARD TRIMMING RECYCLING PROGRAM.

A. THERE IS ESTABLISHED [WITHIN] [BY] THE CITY OF ANNAPOLIS A RESIDENTIAL CURBSIDE YARD TRIMMING RECYCLING PROGRAM FOR THE COLLECTION OF YARD TRIMMINGS FROM ALL RESIDENTS OF THE CITY [WHOSE] [RECEIVING] SOLID WASTE [IS COLLECTED] [COLLECTION SERVICES] BY OR ON BEHALF OF THE CITY.

B. COLLECTIONS OF YARD TRIMMINGS PURSUANT TO THIS CHAPTER SHALL BE MADE EVERY WEEK IN ACCORDANCE WITH THE SOLID WASTE/RECYCLING SCHEDULE [PUBLICLY] [PUBLISHED] [ADVERTISED] BY THE DIRECTOR OF PUBLIC WORKS.

C. ALL RESIDENTS OF THE CITY WITHIN THE AREA SERVICED BY THE CURBSIDE PROGRAM SHOULD PLACE ALL YARD TRIMMINGS INTO A CONTAINER AND PLACE THEM AT THE CURB FRONTING THEIR RESIDENCE IN THE MANNER DESIGNATED BY THIS CHAPTER AND ON THE DATE SPECIFIED FOR COLLECTION BY THE SCHEDULE PUBLISHED BY THE DIRECTOR OF PUBLIC WORKS.

D. YARD TRIMMINGS SHALL BE PLACED IN OPEN CONTAINERS, PLASTIC OR PAPER LAWN BAGS CLEARLY MARKED WITH AN "X". EACH CONTAINER SHALL NOT EXCEED FIFTY POUNDS IN WEIGHT.

E. BRANCHES AND BRUSH SHALL BE TIED WITH A NATURAL FIBER ROPE OR TWINE, AND THE FINISHED BUNDLE SHALL BE NO MORE THAN TWO FEET BY FOUR FEET IN SIZE, NOT EXCEED FIFTY POUNDS IN WEIGHT.

F. YARD TRIMMINGS SHALL NOT BE COLLECTED AS SOLID WASTE FOR DISPOSAL IN A LANDFILL.

## ARTICLE VI – COMMERCIAL REFUSE

### 10.16.220 [10.16.170] - Commercial establishments—Private collection.

A. Municipal collection of refuse shall not be provided to commercial establishments or businesses within the City.

B. All commercial establishments or businesses within the City shall receive refuse collection from a [licensed] CITY-PERMITTED private commercial refuse collection firm.

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, [WITH] 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 [following] year.

D. THE OWNER OF EACH COMMERCIAL ESTABLISHMENT OR BUSINESS WITHIN THE CITY SHALL PROVIDE SUFFICIENT SOLID WASTE CONTAINER STORAGE CAPACITY [SUCH THAT] [WITH] [THE] COVERS [OF SAID CONTAINERS] [THAT] SHALL BE COMPLETELY AND FIRMLY CLOSED AT ALL TIMES.

E. COMMERCIAL SOLID WASTE SHALL NOT BE SET OUT 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.

F. THE CITY [HAS THE RIGHT TO] MAY ESTABLISH A SYSTEM OF FRANCHISING FOR COMMERCIAL ESTABLISHMENTS [WITHIN THE CITY OF ANNAPOLIS]. THE CITY, BY [ADOPTING AN] ORDINANCE, MAY ESTABLISH A SYSTEM OF SOLID WASTE COLLECTION SERVICE [DESIGNATED FRANCHISE AREAS WITHIN THE CITY] 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 [IN THOSE AREAS]. [THE] A FRANCHISE [COULD] MAY BE AWARDED FOR ONLY REFUSE, REFUSE AND RECYCLING, OR ONLY RECYCLING. THE CITY [WOULD RESERVE THE RIGHT TO] MAY TERMINATE OR MODIFY THE SOLID WASTE COLLECTION PERMIT OF A PRIVATE REFUSE COLLECTION SERVICE [HAULERS SOLID WASTE COLLECTION PERMIT], WITH AN ADVANCE 30-DAY WRITTEN NOTICE, [SHOULD] IF THE CITY DECIDES TO AWARD A FRANCHISE OR FRANCHISES [PRIVATE HAULERS].

**[10.16.180 - Commercial establishments—Private collection.]**

**10.16.225 [10.16.200] - Permits for private collectors.**

A. No person shall engage in the collection of SOLID WASTE [refuse and garbage] from homes or [businesses] COMMERCIAL ESTABLISHMENTS without first having received a permit from the Director of Public Works.

B. [Granting of the] [p]Permit APPROVAL shall be contingent upon A DETERMINATION BY THE DIRECTOR OF PUBLIC WORKS THAT ALL [the approval of] collection equipment and disposal methods OF THE PERMIT APPLICANT ARE SATISFACTORY [by the Director of Public Works, who may revoke any permit for cause].

C. THE DIRECTOR OF PUBLIC WORKS MAY REVOKE ANY PERMIT FOR CAUSE.

[C]D. An annual fee as established by resolution of the City Council shall be paid to the Finance Director for each permit.

**10.16.230 [10.16.220] - Littering during removal.**

A. No person [engaged] PERMITTED TO REMOVE [in the removal of any] SOLID WASTE [garbage and refuse] [of the City] SHALL [negligently] [shall] permit any paper or other article to [drop] FALL or be blown from [refuse removal] A REFUSE COLLECTION VEHICLE[S] [trucks].

B. Every load of SOLID WASTE [garbage or refuse] dumped from any refuse [removal truck] COLLECTION VEHICLE, [whether dumped without or within the City, shall be dumped, and light articles in the load covered,] SHALL BE COVERED [so that] TO PREVENT paper or OTHER light articles [cannot be blown into] FROM FALLING FROM THE REFUSE COLLECTION VEHICLE [the streets, lanes or alleys or away from any landfill].

[B]. [Any person who violates this section is guilty of a municipal infraction and is subject to a fine as established by resolution of the City Council.]

**[10.16.230 - City landfill charges.]**

[A. Charges for refuse delivered to the City landfill shall be established by resolution of the City Council.]

**ARTICLE VII – COMMERCIAL RECYCLING**

**10.16.240 - COMMERCIAL RECYCLING.**

A. THE DIRECTOR OF PUBLIC WORKS SHALL ESTABLISH A VOLUNTARY CURBSIDE COLLECTION SERVICE FOR RECYCLABLES FROM PERSONS WHOSE PROPERTY IS NOT OTHERWISE SUPPLIED WITH CURBSIDE COLLECTION SERVICE. THE DIRECTOR MAY SET REASONABLE CRITERIA FOR DETERMINING ELIGIBILITY FOR PARTICIPATION IN THE SERVICE FOR THOSE WHO OWN, OPERATE, OR CONTROL COMMERCIAL ESTABLISHMENTS.

B. THERE IS A SERVICE CHARGE, TO BE DETERMINED BY THE DIRECTOR OF PUBLIC WORKS, ON A PROPERTY-BY-PROPERTY BASIS BASED ON THE COST OF COLLECTION FROM THAT PROPERTY, TO BE CHARGED TO EACH PERSON THAT PARTICIPATES IN THE VOLUNTARY CURBSIDE COLLECTION PROGRAM.

C. AN AGREEMENT SHALL BE SIGNED WITH COMMERCIAL ESTABLISHMENTS SEEKING VOLUNTARY COLLECTION SERVICE AND THE DIRECTOR OF PUBLIC WORKS SHALL BE RESPONSIBLE FOR ENFORCING SUCH AGREEMENTS.

**ARTICLE VIII – MULTI-UNIT COMPLEX RECYCLING**

**10.16.250 - MULTI-UNIT COMMUNITY RECYCLING PROGRAM.**

A. ALL [PROPERTY] OWNERS OF MULTI-UNIT COMPLEXES WITHIN THE CITY OF ANNAPOLIS THAT ARE NOT SERVED BY THE RESIDENTIAL CURBSIDE RECYCLING PROGRAM [ESTABLISHED PURSUANT TO THIS CHAPTER] SHALL ARRANGE FOR RECYCLING COLLECTION FOR THEIR RESIDENTS IN ACCORDANCE WITH [THE CITY RESIDENTIAL CURBSIDE RECYCLING PROGRAM FOR RECYCLABLE MATERIALS AND YARD RECYCLABLE MATERIALS] THIS CHAPTER.

B. [THE ARRANGEMENT FOR COLLECTION] DISPOSITION OF RECYCLABLE MATERIALS [FOR DISPOSITION] SHALL BE THE RESPONSIBILITY OF THE PERSON WHO GENERATED THE RECYCLABLES [("GENERATOR")]. THE ARRANGEMENTS MAY INCLUDE, WITHOUT LIMITATION, DIRECT MARKETING OF RECYCLABLES, DELIVERY TO A MATERIALS RECOVERY FACILITY, CONTRACTS WITH SOLID WASTE COLLECTORS [/OR] HAULERS FOR SEPARATE COLLECTION OF ANY OR ALL DESIGNATED RECYCLABLES OR CONTRACTS WITH OTHER PERSONS FOR SEPARATE COLLECTION OF ANY OR ALL DESIGNATED RECYCLABLE[S] MATERIALS.

C. EACH MULTI-UNIT COMPLEX SHALL REPORT TO THE CITY, ON A SEMI-ANNUAL BASIS, THE TOTAL WEIGHT OF RECYCLABLE MATERIALS THAT HAVE BEEN DIVERTED FROM THE SOLID WASTE STREAM, AND THE TOTAL ESTIMATED WEIGHT OF SOLID WASTE COLLECTED FROM EACH MULTI-UNIT COMMUNITY. REPORTING SCHEDULES AND FORMS SHALL BE PROVIDED BY THE CITY.

D. EACH OWNER OF A MULTI-UNIT COMPLEX SHALL [HAVE] ESTABLISH[ED] PROCEDURES FOR THE COLLECTION OF RECYCLABLE[S] MATERIALS [AS DESCRIBED HEREIN] AND SHALL FILE [THESE] SUCH WRITTEN PROCEDURES WITH THE DEPARTMENT OF PUBLIC WORKS WITHIN 180 DAYS OF THE EFFECTIVE DATE OF THE ORDINANCE FOR EXISTING COMPLEXES OR PRIOR TO [AT] THE [TIME] ISSUANCE OF A USE AND OCCUPANCY PERMIT [IS ISSUED] FOR NEW COMPLEXES.

E. EACH MULTI-UNIT COMPLEX RECYCLING PROGRAM MUST BE APPROVED BY THE DEPARTMENT OF PUBLIC WORKS PRIOR TO IMPLEMENTATION. EACH RECYCLING PROGRAM SUBMITTED TO THE DEPARTMENT OF PUBLIC WORKS SHALL INCLUDE COPIES OF EXECUTED RECYCLING AND SOLID WASTE CONTRACTS (EXCLUDING CONTRACT

COSTS).

F. VIOLATIONS OF THIS SECTION SHALL CONSTITUTE A MUNICIPAL INFRACTION SUBJECT TO A FINE AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL.

#### Article IX [IV] - Enforcement

#### **[10.16.260] [10.16.250] – [Responsibilities] RESERVED.**

[The enforcement of [all] sections 10.16.030, 10.16.035, 10.16.080, 10.16.100, 10.16.110, 10.16.120, 10.16.170, 10.16.180, 10.16.220D. and 10.16.220 E. of this chapter are [is] the responsibility of the Director of Neighborhood and Environmental Programs] [with the advice and consultation of the Health Officer]. VIOLATIONS OF THIS SECTION SHALL CONSTITUTE A MUNICIPAL INFRACTION SUBJECT TO A FINE AUTHORIZED BY RESOLUTION OF THE CITY COUNCIL.]

#### **10.16.270 [10.16.260] - Violation—Notice.**

[Whenever the City determines that COMPLIANCE CANNOT OCCUR IMMEDIATELY AND TIME IS NEEDED TO COMPLY WITH THIS CHAPTER (I.E., INSUFFICIENT CONTAINERS FOR SOLID WASTE VOLUME GENERATED AND REMOVAL OF ACCUMULATED MATERIAL)] [there are reasonable grounds to believe that there has been a violation of any of the provisions of this chapter,] [t]The City shall give WRITTEN notice of [the alleged] A violation OF THIS CHAPTER to the person responsible for the violation[, as provided in this section]. The notice shall:

- A. Be in writing;
- B. Include a statement of the reason why it is being issued;
- C. Allow a reasonable time for the performance of any act it requires;
- D. Be served upon the owner or the agent of the owner [or the occupant] of the premises on which the alleged violation occurred. The notice [has been properly] SHALL BE served [when a copy of it has been served] personally[,] or in accordance with any other method authorized [or required] under the laws of the state;
- E. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter;
- F. 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.

#### **10.16.280 – [PENALTIES] MUNICIPAL INFRACTIONS**

A. [ANY PERSON ENGAGING IN UNLAWFUL CONDUCT AS DEFINED IN] A VIOLATION OF ANY REQUIREMENTS OF THIS CHAPTER SHALL CONSTITUTE A MUNICIPAL INFRACTION AND [IN PROCEEDING BEFORE A COURT OF COMPETENT JURISDICTION SHALL] BE SUBJECT TO A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS [AND NOT LESS THAN TWENTY-FIVE DOLLARS].

B. EACH [CONTINUING] DAY [OF] A VIOLATION OF THIS CHAPTER CONTINUES SHALL CONSTITUTE A [SEPARATE OFFENSE] MUNICIPAL INFRACTION.

#### **10.16.290 - INJUNCTIONS—CONCURRENT REMEDIES.**

[A.] IN ADDITION TO ANY OTHER REMEDY PROVIDED IN THIS CHAPTER, THE CITY MAY INSTITUTE A SUIT [IN EQUITY WHERE UNLAWFUL CONDUCT OR PUBLIC NUISANCE EXISTS AS DEFINED IN THIS CHAPTER] FOR AN INJUNCTION OR OTHER EQUITABLE RELIEF TO RESTRAIN A VIOLATION OF THIS CHAPTER. [IN ADDITION TO AN INJUNCTION, THE

COURT MAY IMPOSE PENALTIES AS AUTHORIZED BY SECTION 10.16.290.]

[B. THE PENALTIES AND REMEDIES PRESCRIBED BY THIS CHAPTER SHALL BE DEEMED CONCURRENT. THE EXISTENCE OR EXERCISE OF ANY REMEDY SHALL NOT PREVENT THE CITY FROM EXERCISING ANY OTHER REMEDY PROVIDED BY THIS CHAPTER OR OTHERWISE PROVIDED AT LAW OR EQUITY.]

**10.18.110 - ADMINISTRATION AND ENFORCEMENT.**

A. ADMINISTRATION OF THIS CHAPTER SHALL BE THE RESPONSIBILITY OF THE DIRECTOR OF PUBLIC WORKS.

B. ENFORCEMENT OF THIS CHAPTER SHALL BE THE RESPONSIBILITY OF THE DIRECTOR OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS.

**10.18.120 - APPEALS.**

A PERSON AGGRIEVED IN THE ADMINISTRATION OF THIS CHAPTER MAY DIRECT A WRITTEN APPEAL TO BUILDING BOARD OF APPEALS.

1. THE WRITTEN NOTICE OF APPEAL SHALL BE FILED WITH THE DIRECTOR OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS WITHIN 15 DAYS AFTER THE DATE OF THE DETERMINATION.

2. APPEALS OF ANY ORDER BY THE BUILDING BOARD OF APPEALS SHALL BE NOTED TO THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

**[Chapter 10.18 - RECYCLING PROGRAM]**

**[10.18.010 - Definitions.]**

[As used in this chapter, the following definitions shall apply:]

- [A. "Act" means the Maryland Recycling Act, as amended.]
- [B. "Commingled" means that paper, glass, plastic, and cans may be placed in the same container.]
- [C. "Disposition" means the transportation, placement, or arrangement of recyclable materials for all possible end uses except disposal as solid waste.]
- [D. "Generator" means the landlord or management company responsible for removal of solid waste.]
- [E. "Glass" means clear and colored glass bottles and containers. Caps and lids should be removed. Glass shall not include crystal, ceramics, light bulbs, and plate window, laminated, wired, or mirrored glass.]
- [F. "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. For this purpose, "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.]
- [G. "Person" means any 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.]

[H. "Plastic" means plastic containers with symbols #1 and #2 with narrow necks, #3, #4, #5, #6, #7 with narrow necks and screw tops. Recycling symbols are generally found on the bottom of containers in the triangle. Caps and lids should be removed.]

[I. "Recyclable materials" means the following materials and any future materials that have a useful physical or chemical properties included but not limited to: paper products which include newspaper, magazines and catalogs; books; cardboard and paper boxes; file folders, packing paper, colored paper, wrapping paper, pizza boxes, corrugated boxes; computer printouts; office papers and envelopes; paper bags; telephone books; junk mail; aluminum, glass bottles, and jars, steel and ferrous cans and containers including aerosol cans, HDPE- natural and HDPE-colored, PET- high grade. The City will encourage the recycling of other materials as markets develop as determined by the Department of Public Works Director.]

[J. "Recycling" means any process by which materials are collected, separated or processed, and returned to the economic mainstream in the form of raw materials or products.]

[K. "Waste minimization" means the voluntary reduction by the consumer of the volume of refuse entering the solid waste stream.]

[L. "Yard recyclable materials" means grass clippings, weeds and discarded plants, leaves, branches and brush, tree wood waste up to four inches in diameter and no longer than two feet in length.]

**[10.18.020 - Recycling program.]**

[The City of Annapolis recycling program as described herein shall, insofar as possible, meet or exceed the solid waste reduction goals as stated in the Anne Arundel County Solid Waste Management Plan through concerted application of the principals of recycling and waste minimization.]

**[10.18.030 - Establishment of residential curbside recycling program.]**

[A. There is established, within the City of Annapolis, a residential curbside recycling program for the collection of recyclable materials as stated above in Section 10.18.010(I) from all residents of the City whose solid waste is collected by or on behalf of the City.]

[B. Collections of recyclable materials pursuant to this chapter shall be made every week except in cases where the collection day falls upon holidays recognized by the City. All collections shall occur in accordance with the Solid Waste/ Recycling schedule publicly advertised by the City.]

[C. All residents of the City within the area serviced by the curbside program, established pursuant to this chapter, participating in the recycling program shall place all recyclables materials into a City recycling container and place them at the side of the road fronting their residence in the manner designated by this chapter and on the date specified for collection by the schedule published by the City.]

[D. No material shall be placed at the roadside earlier than the evening of the day preceding a scheduled collection day. Material must be placed at the roadside by six a.m. on the scheduled collection day.]

[E. Paper and cardboard shall be placed in the recycling bin, in paper bags, or tied into bundles not to exceed thirty-five pounds in weight nor exceed one foot in thickness.]

[F. Containers placed in the recycling container shall contain five percent or less food contamination.]

**[10.18.040 - Establishment of a residential curbside yard recycling program.]**

[A. There is established, within the City of Annapolis, a residential curbside yard recycling program for the collection of recyclable materials as stated above in Section 10.18.010(L) from all residents of the City whose solid waste is collected by or on behalf of the City.]

[B. Collections of recyclable materials pursuant to this chapter shall be made every other week in accordance with the Solid Waste/Recycling schedule publicly advertised by the City.]

[C. All residents of the City within the area serviced by the curbside program, established pursuant to this chapter, participating in the program shall place all yard recyclable materials into a container and place them at the side of the road fronting their residence in the manner designated by this chapter and on the date specified for collection by the schedule published by the City.]

[D. No material shall be placed at the roadside earlier than the evening of the day preceding a scheduled collection day. Material must be placed at the roadside by six a.m. on the scheduled collection day.]

[E. The container used for yard recyclable materials shall be placed in open containers, large paper lawn bags, or cardboard boxes clearly marked with an "X". Each container shall not to exceed fifty pounds in weight.]

[F. Branches and brush shall be tied with a natural fiber rope or twine, and the finished bundle shall be no more than two feet by four feet in size, not exceed fifty pounds in weight.]

[G. Yard recyclable materials shall not be collected as solid waste for disposal in a landfill.]

**[10.18.050 - Multi-unit community recycling program.]**

[A. All persons within the City who are residents of multi-unit communities and who are not served by the residential curbside program established pursuant to this chapter shall provide recycling collection in accordance with the City residential curbside recycling program:

1. Recyclable materials as stated in Section 10.18.030
2. Yard recyclable materials as stated in Section 10.18.040]

[B. The arrangement for collection of recyclable materials for disposition shall be the responsibility of the person who generated the recyclables ("generator"). The arrangements may include, without limitation, direct marketing of recyclables, delivery to a materials recovery facility, contracts with solid waste collector/haulers for separate collection of any or all designated recyclables or contracts with other persons for separate collection of any or all designated recyclables.]

[C. Each multi-unit community shall report to the City, on a semi-annual basis, the total weight of each recyclable material that has been diverted from the solid waste stream, and the total estimated weight of solid waste collected from each multi-unit community. Reporting schedules and forms shall be provided by the City. Failure to report same shall result in revocation of the rental permit or fines as stated in Section 10.18.080]

[D. Each multi-unit community shall have established procedures for the collection of recyclables as described herein and shall file these procedures with the Department of Public Works within ninety days from August 8, 1994. Further, each multi-unit community shall implement the procedures for the collection of recyclables as described above within one hundred eighty days from August 8, 1994.]

[E. Each multi-unit community recycling program must be approved by the Department of Public Works prior to implementation. Each recycling program submitted to the Department of Public Works shall include copies of executed recycling and solid waste contracts (excluding contract costs).]

**[10.18.055 - Commercial recycling.]**

[A. The Director of Public Works shall establish a voluntary curbside collection service for recyclables from persons whose property is not supplied with curbside collection service, and may set reasonable criteria for determining eligibility for participation in the service.]

[B. There is a service charge, to be determined by the Director of Public Works on a property-by-property basis based on the cost of collection from that property, to be charged to each person that participates in the voluntary curbside collection program.]

**[10.18.060 - Unlawful activities—Nuisance.]**

[A. It shall be unlawful for:

1. Any person, other than those persons authorized, to collect any designated recyclable which has been placed at the roadside for collection or within a recycling dropoff pursuant to this chapter;
2. Any person to violate or to cause or to assist in the violation of any provision of this chapter or any provision of the City plan concerning recycling;
3. Any person to hinder, to obstruct, to prevent or to interfere with the City or any other authorized persons in the performance of any duty under this chapter or in the enforcement of this chapter;
4. Any multi-unit community subject to the terms of this chapter to not enact a plan for recycling.]

**[10.18.070 - Other means of disposal.]**

[Notwithstanding anything to the contrary, any resident of the City may donate or sell any recyclable to any other person, whether operating for a profit or not for profit; provided, however, that the person receiving the recyclables shall not, under any circumstances, collect the donated or sold material from an established recycling collection route or from a recycling dropoff without prior written permission from the City for such collection.]

**[10.18.080 - Noninterference with existing contracts.]**

[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/ recycling 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 shall conform to the requirements of this chapter. Failure of a contract to conform to the requirements of this chapter shall result in the cancellation or withdrawal of a property owner's residential rental license or the imposition of a fine pursuant to Section 10.18.080 of this chapter.]

**[10.18.090 - Penalties.]**

[A. Any person who engages in unlawful conduct as defined in this chapter shall, upon conviction, in a proceeding before a court of competent jurisdiction be sentenced to pay a fine of not more than one thousand dollars and not less than twenty-five dollars.]

[B. Each continuing day of violation of this chapter shall constitute a separate offense.]

**[10.18.100 - Injunctions—Concurrent remedies.]**

[A. In addition to any other remedy provided in this chapter, the City may institute a suit in equity where unlawful conduct or public nuisance exists as defined in this chapter for an injunction to restrain a violation of this chapter. In addition to an injunction, the court may impose penalties as authorized by Section 10.18.080]

[B. The penalties and remedies prescribed by this chapter shall be deemed concurrent. The existence or exercise of any remedy shall not prevent the City from exercising any other remedy provided by this chapter or otherwise provided at law or equity.]

**[10.18.120 - Appeals.]**

[Any person aggrieved by the requirements of this chapter as enforced by the Director of Public Works may direct an appeal to the building Board of Appeals.]

**Chapter 17.40 – Residential Property Maintenance Code**

17.40.265 – Property Maintenance Code.

A. The International Property Maintenance Code, 2012 Edition, as published by the International Code Council, Inc., a copy of which is on file in the Department of Neighborhood and Environmental Programs, is adopted as the Property Maintenance Code of the City of Annapolis in the State of Maryland for the control of buildings and structures with the following amendments:

1. In Section 101.1 for "[NAME OF JURISDICTION]" insert "City of Annapolis"
2. In Section 103.5 for "[APPROPRIATE SCHEDULE]" insert "Fees established by resolution of the City Council"
3. In Section 304.14 for "[DATES IN TWO LOCATIONS]" insert "April 15th - October 31st"
4. In Section 602.3 for "[DATES IN TWO LOCATIONS]" insert "April 15th - October 31st"
5. In Section 602.4 for "[DATES IN TWO LOCATIONS]" insert "April 15th - October 31st"
6. Strike the entire Section 404.5 Overcrowding and substitute Section 17.40.460 of the Code of the City of Annapolis.
7. IN SECTION 308, ADD THE FOLLOWING SUBSECTION TO READ AS FOLLOWS:

**308.4 CITY REQUIREMENTS.** COMPLIANCE WITH CHAPTER 10.16 OF THE CODE OF THE CITY OF ANNAPOLIS SHALL ALSO BE REQUIRED. WHERE THERE IS A CONFLICT BETWEEN THE PROVISIONS OF THIS SECTION AND THE CODE OF THE CITY OF ANNAPOLIS, THE CODE OF THE CITY OF ANNAPOLIS SHALL TAKE PRECEDENCE.

17.40.740 – ~~[Rubbish and garbage disposal]~~ **SOLID WASTE AND REFUSE** — Generally.

A. Every occupant of a dwelling or dwelling unit shall dispose of all ~~[rubbish, ashes, garbage]~~ **SOLID WASTE AND REFUSE**, and other organic waste in a clean and sanitary manner by placing it in approved storage **CONTAINERS** or disposal facilities which are safe and sanitary.

B. THE OWNER OF A DWELLING OR DWELLING UNIT [Every occupant] shall provide [these] **APPROVED STORAGE CONTAINERS** OR DISPOSAL facilities for and within the dwelling unit and shall maintain them in a clean and sanitary manner.

C. The owner [or operator] of a multifamily dwelling shall be responsible for the clean and sanitary maintenance of common storage or disposal facilities.

D. The owner [or operator] **OF A DWELLING, DWELLING UNIT, OR MULTIFAMILY DWELLING** shall be responsible ~~[further]~~ for placing out for collection all common ~~[garbage and rubbish]~~ **SOLID WASTE** containers, except where ~~[the facilities]~~ **SUCH** are for the sole use of an occupant, under which circumstances it is the responsibility of the occupant to place ~~[those]~~ **SAID** containers out for collection.

E. THE OWNER OF A DWELLING, DWELLING UNIT, OR MULTIFAMILY DWELLING SHALL ALSO COMPLY [COMPLIANCE] WITH CHAPTER 10.16 OF THE CODE OF THE CITY OF ANNAPOLIS [SHALL ALSO BE REQUIRED].  
Seconded. CARRIED on voice vote.

- Alderman Littman moved the amend O-33-12 as follows:

In 10.16.140 add language to require Public Works to distribute information about the residential and commercial recycling programs, opportunities and schedule to all residents and businesses at least every six months.

On page 200 of the City Council Packet. On page 6, in line 30, delete “BE”.  
Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote

- Alderman Arnett moved to adopt O-33-12 amended on third reading.  
Seconded.

A ROLL CALL vote was taken:

The main motion amended A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Alderwomen Hoyle, Finlayson, Aldermen Littmann,  
Kirby, Pfeiffer, Arnett, Budge, Paone

NAYS:

CARRIED: 9/0

**O-27-13 Sediment and Erosion Control – For the purpose of adopting the State of Maryland’s required erosion and sediment control ordinance that meets the intent of the State’s sediment control laws and regulations.**

Chief of Environmental Programs Biba gave a brief presentation and answered questions from Council.

DNEP Director Broadbent was also present and answered questions from Council.

- Alderman Arnett moved to adopt O-27 -13 on second reading. Seconded.

The main motion as amended CARRIED on voice vote.

- Alderwoman Hoyle moved to adopt O-27-13 amended on third reading.  
Seconded.

The main motion amended A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Alderwomen Hoyle, Finlayson, Aldermen Littmann,  
Kirby, Pfeiffer, Arnett, Budge, Paone

NAYS:

CARRIED: 9/0

- Alderman Littmann left the meeting for the evening at 11:32 p.m.

**O-47-11 Fence Permits - For the purpose of amending the Code of the City of Annapolis with respect to the issuance of fence permits.**

- Alderwoman Finlayson moved to postpone O-47-11 until 10/28/13 Special City Council Meeting. Seconded. CARRIED on voice vote.

**RESOLUTION – 1<sup>st</sup> READER**

**R-38-13 Special Events - IV – For the purpose of authorizing City Council approval of the National Sailing Hall of Fame Induction Ceremony 2013 on October 27, 2013 per R-14-12, implementing a moratorium on administrative approvals for events at City Dock, and waiving parking fees for 30 parking spaces immediately adjacent to Susan Campbell Park during the induction ceremony; and waiving fees associated with the Maritime Republic of Eastport Tug of War on November 2, 2013.**

Development and Special Projects Coordinator LeFurge gave a brief presentation and answered questions from Council.

- Alderman Arnett moved to adopt R-38-13 on first reader. Seconded. CARRIED on voice vote

There being no voiced objection, the rules were suspended to allow passage of the resolution at the meeting of its introduction.

- Alderman Arnett moved to adopt R-38-13 on second reading. Seconded.
- Alderman Littman moved to strike on page 2, lines 12, 13 and 14. Seconded. DEFEATED on vice vote.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Alderwomen Hoyle, Finlayson, Aldermen Littmann, Kirby, Pfeiffer, Arnett, Budge, Paone

NAYS:

CARRIED: 9/0

**BUSINESS and MISCELLANEOUS**

**1. Appointments**

- Alderwoman Hoyle moved approval of the Mayor's appointment of the following individuals:

10/14/13 Human Relations Commission John T. Smith. Seconded.  
CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 11:40 p.m.

Regina C. Watkins-Eldridge, MMC  
City Clerk