

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 08-0095**

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Introduced by: Councilmembers Young, Branch, Henry, Kraft, Cole, D’Adamo, President  
Rawlings-Blake, Councilmembers Clarke, Middleton, Conaway, Reisinger, Curran, Holton  
Introduced and read first time: April 7, 2008  
Assigned to: Judiciary and Legislative Investigations Committee

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Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: June 2, 2008

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**AN ORDINANCE CONCERNING**

**Illegal Dumping – Forfeiture of Vehicle**

FOR the purpose of authorizing the seizure and forfeiture of vehicles used for the illegal disposal of waste or other material; correcting, conforming, and clarifying related language; and generally relating to the prohibited disposal of waste and other material.

BY repealing and reordaining, with amendments

Article - Health  
Section(s) 7-601 through 7-610  
Baltimore City Revised Code  
(Edition 2000)

BY repealing and reordaining, without amendments

Article - Health  
Section(s) 7-701  
Baltimore City Revised Code  
(Edition 2000)

BY adding

Article - Health  
Section(s) 7-703  
Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Laws of Baltimore City read as follows:

**Baltimore City Revised Code**

**Article – Health**

**Title 7. Waste Control**

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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***Subtitle 6. Prohibited Disposal***

*PART I. SCOPE OF SUBTITLE*

**§ 7-601. “LITTER” EXCLUDED.**

THIS SUBTITLE DOES NOT APPLY TO THE DISPOSAL OF “LITTER”, AS DEFINED IN SUBTITLE 7 OF THIS TITLE.

**§§ 7-602 TO 7-605. {RESERVED}**

*PART II. PROHIBITED ACTIVITIES*

**§ 7-606. [§ 7-601.] In general.**

No person may dispose of any waste or other material except:

(1) in a receptacle and at a location approved by law for waste disposal;

(2) at a licensed landfill; or

(3) at any other disposal site authorized by law to receive waste.

**§ 7-607. [§ 7-602.] Disposing of offensive materials.**

(a) *In general.*

No person may dispose of or permit to discharge or flow onto any public or private property, with or without the owner’s permission, any liquid or solid matter that is or that, after exposure to the atmosphere or otherwise, is likely to become offensive or otherwise a nuisance.

(b) *Illustrations.*

This section applies to, among other things, any:

(1) blood;

(2) refuse coal oil;

(3) dead animal or part of an animal;

(4) domestic or sanitary sewage;

(5) excrement;

(6) filth;

(7) foul or nauseous liquid;

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- 1 (8) garbage;
- 2 (9) slaughter house or other trade cleanings;
- 3 (10) stagnant water; or
- 4 (11) offensive matter of any kind.

5 **§ 7-608. [§ 7-603.] Dumping on public property.**

6 No person may dump or dispose of any wire, glass, nails, garbage, waste, or any other matter  
7 in or on any gutter, sidewalk, street, open space, wharf, or other public place.

8 **§ 7-609. [§ 7-604.] Dumping on private property.**

9 No person may dump or otherwise dispose of any earth, dirt, sand, ashes, gravel, rocks,  
10 garbage, waste, or any other matter on any private property without the permission of the  
11 property owner or the owner's agent.

12 **§ 7-610. [§ 7-605.] Burning waste.**

13 No person may burn or cause to be burned any garbage or other waste except as specifically  
14 authorized by law.

15 **§§ 7-611 [7-606] to 7-615 [7-607]. {Reserved}**

16 *PART II. SEIZURE AND FORFEITURE OF VEHICLES*

17 **§ 7-616. [§ 7-608. Material from] RESPONSIBILITY OF vehicle OWNER.**

18 The registered owner of a vehicle is prima facie responsible for any waste or other material  
19 TRANSPORTED IN OR disposed of from that vehicle.

20 **§ 7-617. GROUNDS FOR SEIZURE.**

21 (A) *IN GENERAL.*

22 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY VEHICLE USED FOR OR IN  
23 CONNECTION WITH DISPOSING WASTE OR OTHER MATERIAL IN VIOLATION OF THIS  
24 SUBTITLE IS SUBJECT TO SEIZURE AND FORFEITURE.

25 (B) ~~UNLAWFUL~~ UNAUTHORIZED POSSESSION OR USE OF VEHICLE.

26 A VEHICLE MAY NOT BE FORFEITED UNDER THIS SUBTITLE SOLELY BECAUSE OF AN ACT OR  
27 OMISSION BY A PERSON OTHER THAN THE VEHICLE'S OWNER COMMITTED OR OMITTED;

28 (1) WHILE THE VEHICLE WAS UNLAWFULLY IN THAT OTHER PERSON'S POSSESSION; OR

29 (2) WHILE THE VEHICLE WAS LAWFULLY IN THAT OTHER PERSON'S POSSESSION, BUT  
30 THE OWNER CAN ESTABLISH BY A PREPONDERANCE OF THE EVIDENCE THAT THE

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1 VIOLATION OF THIS SUBTITLE WAS COMMITTED WITHOUT THE OWNER'S ACTUAL  
2 KNOWLEDGE.

3 **§ 7-618. SEIZURE BY POLICE.**

4 (A) *WHEN WARRANT NOT NEEDED.*

5 A POLICE OFFICER NEED NOT HAVE A WARRANT TO SEIZE A VEHICLE IF:

6 (1) THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE THE VEHICLE HAS BEEN  
7 USED IN VIOLATION OF THIS SUBTITLE; AND

8 (2) A WARRANT IS NOT CONSTITUTIONALLY REQUIRED UNDER THE CIRCUMSTANCES.

9 (B) *REMOVAL OF VEHICLE.*

10 WHENEVER A POLICE OFFICER SEIZES A VEHICLE UNDER THIS SUBTITLE, THE POLICE  
11 OFFICER MAY CAUSE IT TO BE MOVED TO A PLACE DESIGNATED BY THE POLICE  
12 COMMISSIONER.

13 (C) *VEHICLE NOT REPLEVIABLE.*

14 A VEHICLE SEIZED UNDER THIS SUBTITLE IS NOT REPLEVIABLE AND REMAINS IN THE  
15 CUSTODY OF THE POLICE DEPARTMENT, SUBJECT ONLY TO THE ORDERS AND DECREES OF  
16 THE COURT OR OFFICIAL WITH JURISDICTION OVER IT.

17 **§ 7-619. REFERRAL TO SOLICITOR.**

18 (A) *POLICE TO REFER CASE.*

19 PROMPTLY AFTER SEIZURE, THE POLICE DEPARTMENT MUST NOTIFY THE CITY SOLICITOR  
20 IN WRITING OF THE FACTS AND CIRCUMSTANCES SUPPORTING THE SEIZURE.

21 (B) *SOLICITOR'S REVIEW.*

22 (1) ON RECEIVING THE REPORT, THE SOLICITOR MUST CONDUCT AN INDEPENDENT REVIEW  
23 OF THE FACTS AND CIRCUMSTANCES SURROUNDING THE SEIZURE.

24 (2) IF THE SOLICITOR FINDS SUFFICIENT EVIDENCE THAT THE VEHICLE WAS USED IN  
25 VIOLATION OF THIS SUBTITLE, THE SOLICITOR MUST NOTIFY THE VEHICLE'S OWNER,  
26 BY REGISTERED OR CERTIFIED MAIL, OF THE SEIZURE AND OF THE CITY'S INTENT TO  
27 INSTITUTE FORFEITURE PROCEEDINGS.

28 (3) IF, ON THE OTHER HAND, THE SOLICITOR FINDS THAT THERE IS INSUFFICIENT EVIDENCE  
29 TO PROVE VIOLATION, THE SOLICITOR MUST SURRENDER THE VEHICLE TO THE OWNER  
30 ON THE OWNER'S REQUEST.

31 **§ 7-620. FORFEITURE PETITION; NOTICE.**

32 (A) *FILING; COPIES TO PARTIES IN INTEREST.*

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1 IF THE SOLICITOR DETERMINES THAT THE VEHICLE SHOULD BE FORFEITED, THE SOLICITOR  
2 MUST, WITHIN 90 DAYS AFTER THE SEIZURE OF THE VEHICLE:

3 (1) PETITION THE CIRCUIT COURT FOR BALTIMORE CITY IN THE NAME OF THE CITY  
4 AGAINST THE VEHICLE, AS DESIGNATED BY MAKE, MODEL, YEAR, AND MOTOR OR  
5 SERIAL NUMBER; AND

6 (2) AT THE SAME TIME, SEND ~~COPIES OF THE PETITION~~ BY REGISTERED OR CERTIFIED  
7 MAIL AND BY FIRST CLASS MAIL TO THE OWNER AND ANY KNOWN SECURED PARTY:

8 (I) COPIES OF THE PETITION; AND

9 (II) A NOTICE OF THE TIME AND PLACE FOR A RESPONSE TO BE FILED.

10 (B) *CONTENTS.*

11 THE PETITION FOR FORFEITURE MUST CONTAIN:

12 (1) THE NAME OF THE REGISTERED OWNERS OF THE VEHICLE;

13 (2) THE NAME OF ANY SECURED PARTY ~~WHOSE INTEREST APPEARS AMONG THE~~  
14 ~~RECORDS MAINTAINED BY THE CLERK OF THE CIRCUIT COURT FOR BALTIMORE~~  
15 ~~CITY;~~

16 (3) A STATEMENT OF THE FACTS AND CIRCUMSTANCES SURROUNDING THE SEIZURE OF  
17 THE VEHICLE;

18 (4) A STATEMENT OF THE SPECIFIC GROUNDS FOR FORFEITURE; AND

19 (5) A REQUEST THAT THE VEHICLE BE FORFEITED TO THE CITY.

20 (C) *PUBLICATION OF NOTICE.*

21 (1) WITHIN 7 DAYS OF THE PETITION'S FILING, THE SOLICITOR MUST PUBLISH NOTICE OF  
22 THE SEIZURE AND FORFEITURE PROCEEDING IN 1 OR MORE NEWSPAPERS PUBLISHED IN  
23 THE CITY.

24 (2) THE NOTICE MUST:

25 (I) STATE THE SUBSTANCE AND OBJECT OF THE FORFEITURE PETITION; AND

26 (II) STATE THAT ANY PERSON CLAIMING AN INTEREST IN THE SEIZED VEHICLE MUST  
27 FILE A DEFENSE TO THE PETITION WITHIN 15 DAYS OF THE DATE OF THE NOTICE.

28 **§ 7-621. ANSWER TO PETITION.**

29 (A) *WHEN TO BE MADE.*

30 ANY DEFENSE TO THE PETITION MUST BE FILED WITHIN 15 DAYS AFTER PUBLICATION OF  
31 THE NOTICE.

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1 (B) *HOW TO BE MADE.*

2 (1) ALL DEFENSES TO A PETITION FOR FORFEITURE MUST BE MADE BY ANSWER.

3 (2) THE ANSWER MUST:

4 (i) COMPLY WITH THE MARYLAND RULES OF PROCEDURE AS TO FORM AND  
5 CONTENTS;

6 (ii) BE DIVIDED INTO NUMBERED PARAGRAPHS, EACH CONTAINING A SEPARATE  
7 AND DISTINCTIVE AVERMENT; AND

8 (iii) RESPOND TO EACH MATERIAL ALLEGATION CONTAINED IN THE PETITION,  
9 SPECIFICALLY ADMITTING, DENYING, OR EXPLAINING THE FACTS ALLEGED,  
10 UNLESS THE RESPONDENT IS WITHOUT KNOWLEDGE OR AN ADMISSION OR  
11 EXPLANATION WOULD TEND TO INCRIMINATE THE RESPONDENT, IN EITHER OF  
12 WHICH EVENTS THE RESPONDENT MUST SO STATE AND THAT STATEMENT WILL  
13 OPERATE AS A DENIAL.

14 (C) *EFFECT.*

15 (1) EVERY ALLEGATION IN THE PETITION THAT IS NOT DENIED IN THE ANSWER IS  
16 CONSIDERED ADMITTED, EXCEPT AS TO PERSONS UNKNOWN.

17 (2) NEW OR AFFIRMATIVE MATTER ALLEGED IN THE ANSWER IS CONSIDERED DENIED OR  
18 AVOIDED BY THE PETITIONER WITHOUT THE NEED OF ANY REPLICATION, UNLESS THE  
19 COURT ORDERS OTHERWISE.

20 **§ 7-622. EARLY RETRIEVAL BY OWNER.**

21 (A) *APPRAISAL OF VEHICLE.*

22 (1) IF THE OWNER OF THE SEIZED VEHICLE WANTS TO REPOSSESS IT BEFORE THE PETITION  
23 IS DECIDED, THE CLERK OF THE CIRCUIT COURT MUST HAVE AN APPRAISAL MADE.

24 (2) THE APPRAISAL MUST BE IN WRITING, UNDER OATH, TO THE CLERK OF THE CIRCUIT  
25 COURT.

26 (B) *OWNER TO SUBMIT BOND.*

27 (1) WHEN THE APPRAISAL IS FILED, THE OWNER MAY POST A BOND, PAYABLE TO THE CITY,  
28 IN AN AMOUNT EQUAL TO:

29 (i) ALL COURT COSTS THAT MAY ACCRUE; PLUS

30 (ii) THE GREATER OF:

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1 (A) THE APPRAISED VALUE OF THE VEHICLE;

2 (B) THE AGGREGATE AMOUNT OF THE LIENS ON THE VEHICLE, AS SHOWN IN  
3 THE RECORDS REQUIRED BY LAW FOR THE NOTICE OR PERFECTION OF  
4 LIENS; OR

5 (C) ~~(B)~~ \$500.

6 (2) THE BOND MUST HAVE SECURITY APPROVED BY THE CLERK AND BE CONDITIONED FOR  
7 PERFORMANCE ON THE FINAL JUDGMENT OF THE CIRCUIT COURT. IF A PETITION FOR  
8 FORFEITURE HAS BEEN FILED, THE BOND MUST BE FILED IN THE CIRCUIT COURT FOR  
9 BALTIMORE CITY.

10 (C) *JUDGMENT ON BOND.*

11 IF THE COURT DIRECTS THAT THE VEHICLE BE FORFEITED, JUDGMENT MAY BE ENTERED  
12 AGAINST THE OBLIGORS ON THE BOND, WITHOUT FURTHER OR OTHER PROCEEDING, TO BE  
13 DISCHARGED BY THE PAYMENT OF THE APPRAISED VALUE OF THE VEHICLE AND COURT  
14 COSTS, ON WHICH JUDGMENT EXECUTION MAY BE ISSUED.

15 **§ 7-623. ORDER OF FORFEITURE.**

16 (A) *IN GENERAL.*

17 (1) IF THE COURT DETERMINES THAT THE VEHICLE SHOULD BE FORFEITED, THE COURT  
18 MUST ORDER THE VEHICLE FORFEITED TO THE CITY.

19 (2) IF, HOWEVER, THE COURT DETERMINES THAT THE VEHICLE IS SUBJECT TO A BONA FIDE  
20 RECORDED SECURITY INTEREST CREATED WITHOUT THE KNOWLEDGE THAT THE  
21 VEHICLE WAS BEING OR WAS TO BE USED IN VIOLATION OF THIS SUBTITLE, THE COURT  
22 MUST ORDER THAT THE VEHICLE BE RELEASED WITHIN 5 DAYS TO THE SECURED PARTY  
23 OF RECORD.

24 (B) *DISPOSITION OF VEHICLE SUBJECT TO SECURITY INTEREST.*

25 (1) THE SECURED PARTY MUST SELL THE VEHICLE IN A COMMERCIALY REASONABLE  
26 MANNER.

27 (2) ANY SALE ORDERED UNDER THIS SECTION MUST BE MADE FOR CASH AND MUST VEST  
28 IN THE PURCHASER A CLEAR AND ABSOLUTE TITLE TO THE VEHICLE.

29 (3) THE PROCEEDS OF THE SALE MUST BE APPLIED AS FOLLOWS:

30 (I) TO THE COURT COSTS OF THE FORFEITURE PROCEEDINGS;

31 (II) TO THE BALANCE DUE TO THE SECURED PARTY, INCLUDING ALL REASONABLE  
32 COSTS INCIDENT TO THE SALE;

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(III) TO PAYMENT OF ALL OTHER EXPENSES OF THE PROCEEDINGS FOR FORFEITURE,  
INCLUDING EXPENSES OF SEIZURE, MAINTENANCE, OR CUSTODY; AND

(IV) TO THE GENERAL FUNDS OF THE CITY.

(C) *DISPOSITION OF FORFEITED VEHICLE.*

ANY VEHICLE THAT HAS BEEN ORDERED FORFEITED TO THE CITY MAY BE:

(1) SOLD AS PROVIDED IN CITY CODE ARTICLE 31, SUBTITLE 31, PART 5; OR

(2) DESTROYED.

(D) *PROCEEDS OF BOND.*

THE PROCEEDS OF ANY BOND POSTED TO REGAIN POSSESSION OF THE VEHICLE MUST BE  
APPLIED AS PROVIDED FOR PROCEEDS OF SALE UNDER SUBSECTION (B)(3) OF THIS SECTION.

**§ 7-624. ORDER OF RELEASE.**

IF, AFTER A FULL HEARING, THE COURT DETERMINES THAT THE VEHICLE SHOULD NOT BE  
FORFEITED, THE COURT MUST ORDER THE VEHICLE RELEASED.

**§ 7-625. {RESERVED}**

*PART III. PENALTIES*

**§ 7-626. [§ 7-609.] Enforcement by citation.**

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle  
may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental  
Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a citation to enforce this subtitle does not preclude pursuing any other  
civil or criminal remedy or enforcement action authorized by law.

**§ 7-627. [§ 7-610.] Penalties.**

(a) *Basic penalty: \$1,000 and 90 days.*

Except as specified in subsection (b) [or (c)] of this section, any person who violates any  
provision of this subtitle or who authorizes any employee or agent to violate any



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1 provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to ANY  
2 ONE OR MORE OF THE FOLLOWING FOR EACH OFFENSE:

3 (1) a fine of not more than \$1,000; [or to] AND

4 (2) imprisonment for not more than 90 days [or to both fine and imprisonment for  
5 each offense].

6 (b) *Enhanced penalty: \$1,000 and 12 months.*

7 If the violation entails the disposal of 25 or more pounds of material in any 24-hour  
8 period, the penalty for a violation of this subtitle is any one or more of the following for  
9 each offense:

10 (1) a fine of not more than \$1,000;

11 (2) imprisonment for not more than 12 months; [or] AND

12 (3) revocation of the privilege of seeking a building permit in the City.

13 [(c) *Penalties inapplicable to littering.*

14 Subsection (a) of this section does not apply to “litter”, as defined in Subtitle 7 of this  
15 title.]

16 ***Subtitle 7. Littering***

17 **§ 7-701. “Litter” defined.**

18 “Litter” means to discard or otherwise dispose of, in any way other than as authorized by  
19 § 7-601 of this title, of small amounts of paper, beverage containers, glass, garbage, or other  
20 waste that:

21 (1) weigh less than 1 pound;

22 (2) comprise less than 1 cubic foot; and

23 (3) are not toxic, noxious, or otherwise a threat to the public health or safety.

24 **§ 7-703. MATERIAL FROM VEHICLE.**

25 THE REGISTERED OWNER OF A VEHICLE IS PRIMA FACIE RESPONSIBLE FOR ANY LITTER  
26 DISPOSED OF FROM THAT VEHICLE.

27 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
28 are not law and may not be considered to have been enacted as a part of this or any prior  
29 Ordinance.

30 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
31 after the date it is enacted.

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Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City