



SYNOPSIS

Committee: Health, Environment, and Technology

Ordinance: 21-0049

**Prohibited Disposals - Fines and Reporting
(The Neighbors Against Predatory Dumping Act)**

Sponsor: Councilmember Cohen, et al

Introduced: March 8, 2021

Purpose:

For the purpose of modifying the applicable environmental control citation and civil citation fines for violating Title 7, Subtitle 6 of the Baltimore City Health Code; and requiring that the Health Commissioner submit an annual report detailing certain information regarding the City’s prohibited disposal laws.

Effective: The 30th day after the date it is enacted

AGENCY REPORTS

Department of Housing and Community Development	No Objection
Department of Public Works	Defers to Other Agencies
Department of Health	
Environmental Control Board	No Objection
City Solicitor	Favorable
Department of Finance	Not Opposed

ANALYSIS

Current Law

Title 7 (Waste Control), Subtitle 6 (Prohibited Disposal) of the Health Code regulates the disposal of waste and other material and prohibits unauthorized dumping on public and

private property. The subtitle further provides several mechanisms for enforcement and penalties for violations, including:

- Seizure and forfeiture of vehicles used for or in connection with illegal dumping or waste disposal, in accordance with specified legal procedures. Vehicles are not subject to forfeiture when someone other than the vehicle owner committed the violation while in unlawful possession of the vehicle or without the owner's knowledge;
- Liability for any person who illegally dumps or disposes of waste on public property or property otherwise owned, leased, or controlled by the City for all costs and expenses for removing the waste and repairing any damage caused by the dumping or disposal;
- Environmental or civil citations under Article 1, Subtitles 40 and 41 of the Baltimore City Code. Article 1, Subtitles 40 and 41 authorize the issuance of environmental citations and civil citations, respectively, and provide enumerated penalties for violations. Currently, violations of Title 7, Subtitle 6 of the Health Code involving less than 25 lbs. and less than 10 cu. ft. in a 24-hour period are subject to citations for \$500. Violations involving 25 lbs. or more or 10 cu. ft. or more in a 24-hour period are subject to citations for \$1000;
- Basic criminal penalties of a fine of not more than \$1,000 and imprisonment for not more than 90 days.
- Enhanced criminal penalties of a fine of not more than \$1,000, imprisonment for not more than 12 months, and revocation of the privilege of seeking a building permit in the City if the violation entails the disposal, in any 24-hour period, of material that weighs 25 or more pounds or material that comprises 10 or more cubic feet.

Additionally, the subtitle requires the Housing Commissioner to establish a grants program for rewarding community and neighborhood associations that have registered with the Housing Commissioner and have been designated by citizens reporting illegal disposal or other violations.

Bill Summary

The bill would amend Article 1, Subtitles 40 and 41 of the Baltimore City Code to make the environmental and civil citation enumerated penalty for all violations of Title 7, Subtitle 6 of the Health Code \$1,000, eliminating the lower citation amount for violations involving less than 25 lbs. and less than 10 cu. ft. in a 24-hour period.

The bill would also amend Title 7, Subtitle 6 of the Health Code to require the Health Commissioner to submit an annual report to the Mayor and City Council detailing:

1. Compliance with the subtitle;
2. The number of vehicles seized under the subtitle in the previous calendar year;
3. Any grants made under the subtitle in the previous year;
4. The number of violations issued in the previous calendar year, disaggregated by zip code; and
5. Any legislative or administrative recommendations for better compliance and enforcement.

Background

The Department of Public Works estimates that 10,000 tons of waste is illegally dumped in Baltimore City annually. This leads to many negative impacts on the environment and community health. In addition to its potential to contaminate the soil, surface water and groundwater, illegal dumping creates many health hazards to residents living in close proximity to dump sites. Examples include increased injury and damage from sharp objects, breeding grounds for mosquitos that lead to the spread of diseases, and attracting rats and other pests. Dumping sites also have an adverse effect on the surrounding neighborhood property values and can adversely impact the local tax base. Dumping areas are unattractive to commercial and residential developers and can deter investment.

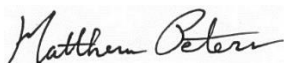
The Department of Housing and Community (DHCD) is responsible for investigating and enforcing illegal dumping complaints. The Code Enforcement team of DHCD issues citations for sanitation issues, such as properties that do not have trash contained in a proper container or properties with trash and debris. The Special Investigations Unit (SIU) of DHCD investigates more serious illegal dumping complaints, such as large amounts of bagged trash, dumped bulk items, construction debris, etc. The investigators utilize any evidence available, including eyewitness accounts, security cameras, and any receipts or identifying information found on site.

ADDITIONAL INFORMATION

Fiscal Note: None

Information Source(s):

- Department of Public Works, FY20 Annual Report on Actions Taken to Remediate Illegal Dumping in Baltimore City,
https://publicworks.baltimorecity.gov/sites/default/files/Solid%20Waste_FY2020%20Illegal%20Dumping%20Report.pdf
- Baltimore City Code
- Reporting Agencies
- Bill 21-0049



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