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CITY OF BALTIMORE

BRANDON M. SCOTT,  
Mayor



DEPARTMENT OF LAW  
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April 29, 2021

The Honorable President and Members  
of the Baltimore City Council  
Attn: Executive Secretary  
Room 409, City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 21-0027R – Informational Hearing – Illegal Dumping

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0027R, which is for the purpose of inviting the Acting Director of the Department of Public Works and the Acting Commissioner of the Department of Housing and Community Development, as well as representatives from the Law Department, the Health Department, and the Baltimore Police Department to explain how their agencies assist in solving the problem of illegal dumping in the City.

The bill states that the City Council is requesting an overview of the City and State laws that address illegal dumping.

There are various City laws that address the problem of illegal dumping. Title 7, subtitle 6 of the City Health Code prohibits the disposal of waste in any place other than a receptacle or licensed landfill or other place authorized by law to receive waste. City Code, Health § 7-606. Specifically, the Health Code prohibits the disposal of offensive materials (e.g. blood, foul liquid, dead animals, sewage) onto public or private property. § 7-607. Dumping of any waste on public property like gutters and sidewalks, streets or wharves is covered also. § 7-608. Dumping on private property without permission of the owner is also prohibited. § 7-609. The burning of waste is also prohibited. § 7-610. The Health Code also makes the registered owner or lessee or renter of a rented vehicle responsible for waste transported by the vehicle and later dumped. § 7-616. The Health Code also contains a procedure whereby the police can seize a vehicle in violation of these laws and the Solicitor can institute forfeiture proceedings. § § 7-617 - 7-624. The law provides for the establishment by the Housing Commissioner of a grants program for reports of violations. § 7-627. Violations of the subtitle are subject to civil and criminal penalties and the violator is liable to the City for the cost of removal and damage caused by the dumping. The Property Maintenance Code also prohibits the disposal of waste on public or private property. PMC 306.3. Article 31, section 6-18 prohibits the stopping or parking of a vehicle for the purpose of dumping in violation of the Health Code provisions described above.

At the state level, the Maryland Department of the Environment (“MDE”) is authorized to regulate the disposal of certain types of waste. MDE’s regulations are contained in Title 26 of COMAR

and cover an extensive array of types of waste disposal from sewage sludge to scrap tires and agricultural waste. Maryland law also prohibits dumping of refuse on any highway, bridge or in any public waterway. Maryland Code, Transportation, § 21-111.

A resolution is an appropriate way for the City Council of Baltimore to conduct an investigative hearing. *See, e.g., Inlet Assocs. v. Assateague House Condominium*, 313 Md. 413, 428 (1988).

Therefore, the Law Department approves this Resolution for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to be "H. R.", is written over a horizontal line.

Cc: Matthew Stegman  
Nina Themelis  
Nikki Thompson  
Elena DiPietro  
Hilary Ruley  
Victor Tervalá