

**CITY OF BALTIMORE
COUNCIL BILL 08-0214
(First Reader)**

Introduced by: President Rawlings-Blake, Councilmembers Middleton, Young, Curran, Branch,
Holton, Cole, Henry, Reisinger, D'Adamo, Kraft, Spector, Welch, Clarke, Conaway

Introduced and read first time: October 6, 2008

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Department of
Finance, Department of Public Works, Environmental Control Board, Department of Housing
and Community Development

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Illegal Dumping – Penalties – Enforcement**

3 FOR the purpose of adding to the penalties for and otherwise enhancing the enforcement of the
4 provisions governing waste disposal; authorizing the Health Commissioner to abate
5 violations and collect costs, expenses, and penalties from the persons responsible;
6 establishing a reward program for persons who provide information that leads to a finding of
7 illegal dumping; requiring contracts awarded by the City to specify illegal dumping as
8 constituting a breach of contract; conforming related provisions; and generally relating to the
9 disposal of waste and other material.

10 BY repealing and reordaining, with amendments

11 Article - Health
12 Section(s) 7-601 to 7-610
13 Baltimore City Revised Code
14 (Edition 2000)

15 BY repealing and reordaining, without amendments

16 Article - Health
17 Section(s) 7-701
18 Baltimore City Revised Code
19 (Edition 2000)

20 BY adding

21 Article - Health
22 Section(s) 7-703
23 Baltimore City Revised Code
24 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 08-0214

1 BY adding
2 Article 5 - Finance, Property, and Procurement
3 Section(s) 47-1, to be under the new subtitle designation
4 “Subtitle 47. Miscellaneous Contract Provisions”
5 Baltimore City Code
6 (Edition 2000)

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

9 **Baltimore City Revised Code**

10 **Article – Health**

11 **Title 7. Waste Control**

12 ***Subtitle 6. Prohibited Disposal***

13 **§ 7-601. SCOPE OF SUBTITLE.**

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

16 **§ 7-602. [§ 7-601.] In general.**

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

- 18 (1) in a receptacle and at a location approved by law for waste disposal;
19 (2) at a licensed landfill; or
20 (3) at any other disposal site authorized by law to receive waste.

21 **§ 7-603. [§ 7-602.] Disposing of offensive materials.**

22 (a) *In general.*

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

27 (b) *Illustrations.*

28 This section applies to, among other things, any:

- 29 (1) blood;
30 (2) refuse coal oil;
31 (3) dead animal or part of an animal;

Council Bill 08-0214

- 1 (4) domestic or sanitary sewage;
- 2 (5) excrement;
- 3 (6) filth;
- 4 (7) foul or nauseous liquid;
- 5 (8) garbage;
- 6 (9) slaughter house or other trade cleanings;
- 7 (10) stagnant water; or
- 8 (11) offensive matter of any kind.

9 **§ 7-604. [§ 7-603.] Dumping on public property.**

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

12 **§ 7-605. [§ 7-604.] Dumping on private property.**

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

16 **§§ 7-606 TO 7-610. {RESERVED}**

17 **§ 7-611. [§ 7-605.] Burning waste.**

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

20 **§§ 7-612 TO 7-615. [7-606 to 7-607.] {Reserved}**

21 **§ 7-616. [§ 7-608.] Material from vehicle.**

22 The registered owner of a vehicle is prima facie responsible for any waste or other material
23 disposed of from that vehicle.

24 **§ 7-617. ABATEMENT BY COMMISSIONER.**

25 (A) *NOTICE TO PERSONS IN VIOLATION.*

26 WHENEVER THE COMMISSIONER OF HEALTH DISCOVERS A VIOLATION OF THIS SUBTITLE,
27 THE COMMISSIONER MAY ISSUE A WRITTEN NOTICE TO THE PERSONS RESPONSIBLE FOR
28 THE VIOLATION.

Council Bill 08-0214

1 (B) *CONTENTS OF NOTICE.*

2 A NOTICE ISSUED UNDER THIS SECTION MUST:

- 3 (1) DESCRIBE THE VIOLATION;
- 4 (2) SPECIFY THE PLACE WHERE THE VIOLATION OCCURRED;
- 5 (3) SPECIFY THE CORRECTIVE ACTION TO BE TAKEN;
- 6 (4) STATE THE TIME WITHIN WHICH THAT CORRECTIVE ACTION MUST BE TAKEN;
- 7 (5) STATE THAT A HEARING WILL BE PROVIDED, IF ONE IS REQUESTED UNDER TITLE 2,
8 SUBTITLE 3 {"ADMINISTRATIVE HEARINGS"} OF THIS ARTICLE; AND
- 9 (6) STATE THAT, IF CORRECTIVE ACTION IS NOT TIMELY TAKEN:

10 (i) THE COMMISSIONER MAY DO THE NEEDED WORK; AND

11 (ii) THE PERSONS RESPONSIBLE FOR THE VIOLATION WILL BE OBLIGATED TO
12 THE CITY ALL COSTS, EXPENSES, AND PENALTIES FOR THAT WORK.

13 (C) *SERVICE OF NOTICE.*

14 A NOTICE ISSUED UNDER THIS SUBTITLE MAY BE SERVED EITHER:

- 15 (1) BY PERSONAL SERVICE; OR
- 16 (2) BY MAILING, BOTH BY CERTIFIED MAIL AND REGULAR MAIL.

17 (D) *ABATEMENT BY COMMISSIONER; COSTS, EXPENSES, AND PENALTIES.*

18 (1) IF THE CONDITION IS NOT CORRECTED WITHIN THE TIME SPECIFIED IN THE NOTICE, THE
19 COMMISSIONER MAY PROCEED TO REMOVE OR ABATE THE VIOLATION AT THE EXPENSE
20 OF THE PERSONS RESPONSIBLE FOR IT.

21 (2) THE PERSONS RESPONSIBLE FOR THE VIOLATION ARE LIABLE TO THE CITY FOR:

22 (i) ALL COSTS AND EXPENSES INCURRED IN REMOVING OR ABATING THE
23 VIOLATION IDENTIFIED IN THE NOTICE; AND

24 (ii) A CIVIL PENALTY IN AN AMOUNT EQUAL TO TWICE THE AMOUNT OF THOSE
25 COSTS AND EXPENSES.

26 **§ 7-618. TIP REWARDS.**

27 (A) *ILLEGAL DISPOSAL HOTLINE.*

28 THE COMMISSIONER MUST ESTABLISH A TELEPHONE NUMBER FOR RECEIVING CITIZEN
29 REPORTS OF ILLEGAL DISPOSAL OR OTHER VIOLATIONS OF THIS SUBTITLE.

Council Bill 08-0214

1 (B) *ANONYMITY TO BE PRESERVED.*

2 A CALLER’S ANONYMITY MUST BE PRESERVED, EITHER BY ASSIGNING THE CALLER AN
3 IDENTIFICATION NUMBER OR BY SOME OTHER METHOD ACCEPTABLE TO THE
4 COMMISSIONER.

5 (C) *REWARD ON FINDING OF VIOLATION.*

6 (1) IN THIS SUBSECTION, “FINDING OF A VIOLATION” MEANS A CONVICTION, PLEA OF
7 GUILTY OR NOLO CONTENDERE, DETERMINATION OF GUILT, IMPOSITION OF A CIVIL OR
8 CRIMINAL FINE, REVOCATION OF A PERMIT OR LICENSE, OR ANY OTHER FORM OF
9 PENALTY, PUNISHMENT, OR SANCTION FOR A VIOLATION OF THIS SUBTITLE.

10 (2) IF 1 OR MORE CALLERS PROVIDE INFORMATION THAT LEADS TO A FINDING OF A
11 VIOLATION OF THIS SUBTITLE, THE CALLERS ARE ENTITLED TO A REWARD OF 50% OF
12 ALL COSTS, EXPENSES, AND PENALTIES COLLECTED UNDER § 7-617 {“ABATEMENT BY
13 COMMISSIONER”} OF THIS SUBTITLE AND ALL FINES AND PENALTIES COLLECTED
14 UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {“ENVIRONMENTAL CONTROL BOARD”}
15 AND SUBTITLE 41 {“CIVIL CITATIONS”}.

16 **§§ 7-619 TO 7-620. {RESERVED}**

17 **§ 7-621. [§ 7-609.] Enforcement by [citation] ENVIRONMENTAL OR CIVIL CITATION.**

18 (a) *In general.*

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

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

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

24 (b) *Process not exclusive.*

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

27 **§ 7-622. [§ 7-610. Penalties] CRIMINAL PENALTIES.**

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

29 Except as specified in subsection (b) [or (c)] of this section, any person who violates any
30 provision of this subtitle or who authorizes any employee or agent to violate any
31 provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to ANY
32 ONE OR MORE OF THE FOLLOWING FOR EACH OFFENSE:

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

34 (2) [to] imprisonment for not more than 90 days; AND

Council Bill 08-0214

1 (3) COMMUNITY SERVICE OF NOT MORE THAN 200 HOURS.

2 [or to both fine and imprisonment for each offense.]

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

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

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

8 (2) imprisonment for not more than 12 months;

9 (3) COMMUNITY SERVICE OF NOT MORE THAN 200 HOURS; [or] AND

10 (4) [(3)] revocation of the privilege of seeking a building permit in the City.

11 [(c) *Penalties inapplicable to littering.*]

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

14 ***Subtitle 7. Littering***

15 **§ 7-701. “Litter” defined.**

16 “Litter” means to discard or otherwise dispose of, in any way other than as authorized by
17 § 7-601 of this title, of small amounts of paper, beverage containers, glass, garbage, or other
18 waste that:

19 (1) weigh less than 1 pound;

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

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

22 **§ 7-703. MATERIAL FROM VEHICLE.**

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

25 **Baltimore City Code**

26 **Article 5. Finance, Property, and Procurement**

27 ***SUBTITLE 47. MISCELLANEOUS CONTRACT PROVISIONS***

Council Bill 08-0214

1 **§ 47-1. NO DUMPING CLAUSE.**

2 EVERY CONTRACT AWARDED BY THE CITY SHALL INCLUDE A PROVISION THAT THE
3 CONTRACTOR’S VIOLATION OF ANY PROVISION OF CITY HEALTH TITLE 7 {“WASTE
4 CONTROL”}, SUBTITLE 6 {“PROHIBITED DISPOSAL”}, WHETHER OR NOT IN THE PERFORMANCE
5 OF THE CONTRACT, CONSTITUTES A BREACH OF THE CONTRACT.

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

9 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
10 after the date it is enacted.