

**CITY OF BALTIMORE
COUNCIL BILL 06-0564
(First Reader)**

Introduced by: Councilmembers Conaway, Kraft, Reisinger, Clarke, Mitchell

Introduced and read first time: December 7, 2006

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Environmental Control Board, Department of Finance, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Waste Control – Penalties**

3 FOR the purpose of increasing the criminal and civil penalties for the illegal transporting or
4 disposal of waste and related offenses.

5 BY repealing and reordaining, without amendments

6 Article - Health

7 Section(s) 7-205, 7-229, 7-601, 7-609, and 7-701 through 7-706

8 Baltimore City Revised Code

9 (Edition 2000)

10 BY repealing and reordaining, with amendments

11 Article - Health

12 Section(s) 7-230 and 7-610

13 Baltimore City Revised Code

14 (Edition 2000)

15 BY repealing and reordaining, with amendments

16 Article 1 - Mayor, City Council, and Municipal Agencies

17 Section(s) 40-14(e)(2) and (e)(7)(Title 7) and 41-14(1) and (6)(Title 7)

18 Baltimore City Code

19 (Edition 2000)

20 BY repealing and reordaining, with amendments

21 Article 15 - Licensing and Regulation

22 Section(s) 17-23

23 Baltimore City Code

24 (Edition 2000)

25 BY repealing and reordaining, without amendments

26 Article 31 - Transit and Traffic

27 Section(s) 6-18 and 6-19

28 Baltimore City Code

29 (Edition 2000)

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

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1 BY renumbering and repealing and reordaining, with amendments
2 Article 31 - Transit and Traffic
3 Section(s) 36-5
4 Baltimore City Code
5 (Edition 2000)

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

8 **Baltimore City Revised Code**

9 **Article – Health**

10 **Title 7. Waste Control**

11 ***Subtitle 2. Solid Waste Collection***

12 **§ 7-205. In general.**

13 No person may operate as a hauler in the City without a license to do so from the
14 Commissioner of Health.

15 **§ 7-229. Enforcement by citation.**

16 (a) *In general.*

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

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

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

22 (b) *Process not exclusive.*

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

25 **§ 7-230. Penalties[: \$500/day].**

26 (a) *In general.*

27 Any person who violates any provision of this subtitle or of any rule or regulation
28 adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to
29 THE FOLLOWING PENALTIES:

30 (1) FOR OPERATING WITHOUT A HAULER’S LICENSE AS REQUIRED BY § 7-205
31 {“LICENSE REQUIRED: IN GENERAL”} OF THIS SUBTITLE, A FINE OF NOT MORE
32 THAN \$1,000 FOR EACH OFFENSE; AND

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1 (2) FOR A VIOLATION OF ANY OTHER PROVISION OF THIS SUBTITLE OR OF A RULE OR
2 REGULATION ADOPTED UNDER IT, a fine of not more than \$500 for each offense.

3 (b) *Each day a separate offense.*

4 Each day that a violation continues is a separate offense.

5 ***Subtitle 6. Prohibited Disposal***

6 **§ 7-601. In general.**

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

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

9 (2) at a licensed landfill; or

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

11 **§ 7-609. Enforcement by citation.**

12 (a) *In general.*

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

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

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

18 (b) *Process not exclusive.*

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

21 **§ 7-610. Penalties.**

22 (a) [*Basic penalty: \$1,000 and 90 days*] *IN GENERAL.*

23 Except as specified in subsection (b) [or (c)] of this section, any person who violates any
24 provision of this subtitle or who authorizes any employee or agent to violate any
25 provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to [a
26 fine of not more than \$1,000 or to imprisonment for not more than 90 days or to both fine
27 and imprisonment for each offense.

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

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

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

6 (2) imprisonment for not more than 12 months; or

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

8 (B) [(c)] *Penalties inapplicable to littering.*

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

11 ***Subtitle 7. Littering***

12 **§ 7-701. “Litter” defined.**

13 “Litter” means to discard or otherwise dispose of, in any way other than as authorized by
14 § 7-601 of this title, of small amounts of paper, beverage containers, glass, garbage, or other
15 waste that:

16 (1) weigh less than 1 pound;

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

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

19 **§ 7-702. Littering prohibited.**

20 No person may:

21 (1) litter on any public or private property; or

22 (2) permit the accumulation of litter on any property under that person’s control.

23 **§ 7-705. Enforcement by citation.**

24 (a) *In general.*

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

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

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

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1 (b) *Process not exclusive.*

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

4 **§ 7-706. Penalties: \$200**

5 (a) *In general.*

6 Any person who violates this subtitle is guilty of a misdemeanor and, on conviction, is
7 subject to a fine of \$200 for each offense.

8 (b) *Each day a separate offense.*

9 Each day a violation continues is a separate offense.

10 **Baltimore City Code**

11 **Article 1. Mayor, City Council, and Municipal Agencies**

12 **Subtitle 40. Environmental Control Board**

13 **§ 40-14. Violations to which subtitle applies.**

14 (e) *Provisions and penalties enumerated.*

15 (2) **Article 15. Licensing and Regulation**

16 § 17-23. Food vendors - Receptacles; clean-up [\$100] \$1,000

17 (7) **Health Code**

18 Title 7: Waste Control

19 Subtitle 2: Solid Waste Collection

20 § 7-205. LICENSE REQUIRED: IN GENERAL \$1,000

21 ALL OTHER PROVISIONS \$100

22 Subtitle 4: Landfills \$200

23 Subtitle 6: Prohibited Disposal \$1,000

24 [Less than 25 lbs. in 24-hour period \$150]

25 [25 lbs or more in 24-hour period \$250]

26 Subtitle 7: Littering [\$50] \$100

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Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies – Listing.

(1) Article 15. Licensing and Regulation

Subtitle 17. Street Vendors

§ 17-23. FOOD VENDORS - RECEPTACLES; CLEAN-UP \$1,000

ALL OTHER PROVISIONS \$50

Subtitle 18. Itinerant Wholesale Produce Dealers \$50

(6) Health Code

Title 7: Waste Control

Subtitle 2: Solid Waste Collection

§ 7-205. LICENSE REQUIRED: IN GENERAL \$1,000

ALL OTHER PROVISIONS \$100

Subtitle 4: Landfills \$200

Subtitle 6: Prohibited Disposal \$1,000

[Less than 25 lbs. in 24-hour period \$150]

[25 lbs or more in 24-hour period \$250]

Subtitle 7: Littering [\$50] \$100

Article 15. Licensing and Regulation

Subtitle 17. Street Vendors

§ 17-23. Food vendors – Receptacles; clean-up.

(a) Receptacles required.

Every street vendor of food products must provide sufficient trash receptacles for the use of customers.

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1 (b) *Trash removal.*

2 On leaving any location, the street vendor must remove all trash within a 10-foot radius
3 of the place at which the vehicle stood or was parked.

4 (c) *Penalties.*

5 (1) *Criminal penalties.*

6 A person who violates any provision of this section is guilty of a misdemeanor and,
7 on conviction, is subject to a fine of not more than [500] \$1,000, to imprisonment
8 for not more than 6 months, or to both fine and imprisonment for each offense.

9 (2) *Enforcement by citation.*

10 (i) In addition to any other civil or criminal remedy or enforcement procedure,
11 subsection (c) of this section may be enforced by issuance of an environmental
12 citation under Article 1, Subtitle 40 {"Environmental Control Board"} of the City
13 Code.

14 (ii) The issuance of an environmental citation to enforce subsection (c) of this section
15 does not preclude pursuing any other civil or criminal remedy or enforcement
16 action authorized by law.

17 **Article 31. Transit and Traffic**

18 **Subtitle 6. Parking, Standing, and Stopping Regulations**

19 **§ 6-18. Stopping, etc., for unlawful dumping.**

20 A person may not park, stop, or stand any vehicle on any street, highway, or alley of
21 Baltimore City for the purpose of disposing waste or other material in violation of the Health
22 Code of Baltimore City.

23 **§ 6-19. Stopping, etc., without solid waste license displayed.**

24 A person may not park, stop, or stand any vehicle being used by a small hauler, as defined in
25 Title 7 {"Waste Control"}, Subtitle 2 {"Solid Waste Collection"} of the Health Code, on any
26 street, highway, or alley of Baltimore City unless its small hauler's license is displayed as
27 required by that subtitle.

28 **Subtitle 36. Parking, etc., Fines, Penalties, and Procedures**

29 **§ 36-1.5. \$1,000 FINES. [§ 36-5. \$125 fines.]**

30 Parking, stopping, or standing in violation of § 6-18 {"[U]nlawful dumping"} or § 6-19
31 {"[Waste hauler] without license displayed"} of this article is punishable by a fine of [125]
32 \$1,000.

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

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