

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 11-0671

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

Introduced and read first time: March 7, 2011

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable

Council action: Adopted

Read second time: July 18, 2011

AN ORDINANCE CONCERNING

Illegal Dumping – Penalties – Enforcement

1
2 FOR the purpose of increasing certain penalties for illegal waste disposal; imposing liability for
3 the cleanup and repairs damages on one who dumps or disposes material on City property;
4 clarifying and extending the prima facie responsibility of a vehicle's owner for material
5 transported in or disposed of from the vehicle to include lessees and renters of vehicles;
6 clarifying that the prohibition against dumping on private property extends to waste
7 receptacles on that property; and generally relating to the disposal of waste and other
8 material.

9 BY repealing and reordaining, without amendments

10 Article - Health
11 Section(s) 7-608, 7-631
12 Baltimore City Revised Code
13 (Edition 2000)

14 BY repealing and reordaining, with amendments

15 Article - Health
16 Section(s) 7-609, 7-616, 7-632
17 Baltimore City Revised Code
18 (Edition 2000)

19 BY adding

20 Article - Health
21 Section(s) 7-628
22 Baltimore City Revised Code
23 (Edition 2000)

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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1 BY repealing and reordaining, with amendments
2 Article 1 - Mayor, City Council, and Municipal Agencies
3 Section(s) 40-14(e)(7)(Title 7, Subtitle 6) and 41-14(6)(Title 7, Subtitle 6)
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 6. Prohibited Disposal***

12 **§ 7-608. Dumping on public property.**

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

15 **§ 7-609. Dumping on private property.**

16 No person may dump or otherwise dispose of any earth, dirt, sand, ashes, gravel, rocks,
17 garbage, waste, or any other matter on any private property, INCLUDING IN OR NEAR ANY
18 WASTE RECEPTACLE ON THE PROPERTY, without the permission of the property owner or the
19 owner’s agent.
20

21 **§ 7-616. Responsibility of vehicle owner, LESSEE, ETC.**

22 The registered owner of a vehicle OR, FOR A LEASED OR RENTED VEHICLE, THE LESSEE OR
23 RENTER, AS IDENTIFIED ON THE LEASE OR RENTAL AGREEMENT, is prima facie responsible for
24 any waste or other material transported in or disposed of from that vehicle.

25 **§ 7-628. LIABILITY FOR COSTS AND EXPENSES.**

26 ANY PERSON WHO, IN VIOLATION OF § 7-608 {“DUMPING ON PUBLIC PROPERTY”} OF THIS
27 SUBTITLE OR IN VIOLATION OF ANY OTHER PROVISION OF LAW, DUMPS OR OTHERWISE
28 DISPOSES OF MATTER ON PROPERTY OWNED, LEASED, OR CONTROLLED BY THE CITY IS LIABLE
29 TO THE CITY FOR THE COSTS OF:

30 (1) REMOVING THE MATTER DUMPED OR DISPOSED OF; AND

31 (2) REPAIRING ANY DAMAGE CAUSED BY THE DUMPING OR DISPOSAL.

32 **§§ [7-628] 7-629 to 7-630. {Reserved}**

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1 **§ 7-631. Enforcement by Environmental or Civil Citation.**

2 (a) *In general.*

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

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

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

8 (b) *Process not exclusive.*

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

11 **§ 7-632. Criminal penalties.**

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

13 Except as specified in subsection (b) of this section, any person who violates any
14 provision of this subtitle or who authorizes any employee or agent to violate any
15 provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to any
16 one or more of the following for each offense:

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

18 (2) imprisonment for not more than 90 days.

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

20 If the violation entails the disposal, IN ANY 24-HOUR PERIOD, OF MATERIAL THAT WEIGHS
21 25 OR MORE POUNDS OR MATERIAL THAT COMPRISES MORE THAN 10 OR MORE CUBIC FEET
22 [of material in any 24-hour period], the penalty for a violation of this subtitle is any one
23 or more of the following for each offense:

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

25 (2) imprisonment for not more than 12 months; and

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

27 **Baltimore City Code**

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

29 **Subtitle 40. Environmental Control Board**

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1 **§ 40-14. Violations to which subtitle applies.**

2 (e) *Provisions and penalties enumerated.*

3 (7) **Health Code**

4

5 Title 7: Waste Control

6

7 Subtitle 6: Prohibited Disposal

8 Less than 25 lbs. AND LESS THAN 10 CU. FT. in 24-hour period [\$150] \$500

9 25 lbs or more OR 10 CU. FT OR MORE in 24-hour period [\$250] \$1,000

10

11 **Subtitle 41. Civil Citations**

12 **§ 41-14. Offenses to which subtitle applies – Listing.**

13 (6) **Health Code**

14

15 Title 7: Waste Control

16

17 Subtitle 6: Prohibited Disposal

18 Less than 25 lbs. AND LESS THAN 10 CU. FT. in 24-hour period [\$150] \$500

19 25 lbs or more OR 10 CU. FT OR MORE in 24-hour period [\$250] \$1,000

20

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

24 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
25 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