



September 11, 2012

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

Re: City Council Bill 12-0119 – Waste Control – Disposal of Garbage and  
Other Waste in Litter Receptacles

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 12-0119 for form and legal sufficiency. The bill would amend several sections of the Health Article of the City Code to prevent disposing of any waste in public trash receptacles located in certain public places. There is an exception for litter, defined in existing law, which can be placed in these trash receptacles. This new language is inserted in the part of the Health Article that deals with prohibited disposals and would make this new violation subject to the existing penalties: civil citation, environmental citation, or criminal fine of not more than \$1,000 or imprisonment of no more than 90 days.

The City has the general police and welfare powers to legislate in this area. *See* City Charter, Art. II, §§ 27, 47. This allows the City “to prescribe, within the limits of the federal and state constitutions, reasonable regulations necessary to preserve the public order, health, safety, or morals.” *Tighe v. Osborne*, 149 Md. 349, 356 (1925). As there are no legal impediments to this bill, the Law Department approves it for form and legal sufficiency.

Very truly yours,

Hilary Ruley  
Assistant Solicitor

cc: George Nilson, City Solicitor  
Angela C. Gibson, Mayor’s Legislative Liaison  
Elena DiPietro, Chief Solicitor  
Ashlea Brown, Assistant Solicitor  
Victor Tervalá, Assistant Solicitor

