

**CITY OF BALTIMORE  
COUNCIL BILL 12-0119  
(First Reader)**

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Introduced by: Councilmember Kraft, President Young, Councilmembers Stokes, Branch, Scott,  
Curran, Clarke, Henry, Spector, Middleton, Mosby, Holton, Welch, Reisinger, Cole  
Introduced and read first time: August 13, 2012

Assigned to: Judiciary and Legislative Investigations Committee

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

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Waste Control – Disposal of Garbage and Other Waste in Litter Receptacles**

3 FOR the purpose of prohibiting the disposal of garbage, waste, and other matter, other than litter,  
4 into public trash receptacles located on or along any sidewalk, street, open space, wharf, or  
5 other public place; imposing certain penalties; correcting, clarifying, and conforming related  
6 provisions; and generally relating to the duping or disposal of garbage, waste, or other matter  
7 on public property.

8 BY repealing and reordaining, without amendment

9 Article - Health  
10 Section(s) 7-601, 7-631, 7-632, and 7-701  
11 Baltimore City Revised Code  
12 (Edition 2000)

13 BY repealing and reordaining, with amendments

14 Article - Health  
15 Section(s) 7-608, 7-628  
16 Baltimore City Revised Code  
17 (Edition 2000)

18 BY repealing and reordaining, without amendments

19 Article 1 - Mayor, City Council, and Municipal Agencies  
20 Section(s) 41-14(e)(7)(Title 7) and 40-14(6)(Title 7)  
21 Baltimore City Revised Code  
22 (Edition 2000)

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

25 **Baltimore City Revised Code**

26 **Article – Health**

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

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**Title 7. Waste Control**

***Subtitle 6. Prohibited Disposal***

**§ 7-601. “Litter” excluded.**

This subtitle does not apply to the disposal of “litter”, as defined in Subtitle 7 of this title.

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

No person may dump or dispose of any GARBAGE, WASTE, wire, glass, nails, [garbage, waste,] or any other matter:

(1) in or on any gutter, sidewalk, street, open space, wharf, or other public place; OR

(2) EXCEPT FOR LITTER, AS DEFINED IN SUBTITLE 7 OF THIS TITLE, INTO ANY PUBLIC TRASH RECEPTACLE LOCATED ON OR ALONG ANY SIDEWALK, STREET, OPEN SPACE, WHARF, OR OTHER PUBLIC PLACE.

**§ 7-628. Liability for costs and expenses.**

Any person who, in violation of § 7-608 {“Dumping on public property”} of this subtitle or in violation of any other provision of law, dumps or otherwise disposes of matter IN OR on property owned, leased, or controlled by the City is liable to the City for the costs of:

(1) removing the matter dumped or disposed of; and

(2) repairing any damage caused by the dumping or disposal.

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

(a) *In general.*

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

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

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

(b) *Process not exclusive.*

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

**§ 7-632. Criminal penalties.**

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

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

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

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

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

8 If the violation entails the disposal, in any 24-hour period, of material that weighs 25 or  
9 more pounds or material that comprises 10 or more cubic feet, the penalty for a violation of  
10 this subtitle is any one or more of the following for each offense:

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

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

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

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 **Baltimore City Code**

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

24 **Subtitle 40. Environmental Control Board**

25 **§ 40-14. Violations to which subtitle applies.**

26 (e) *Provisions and penalties enumerated.*

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1 (7) *Health Code*

2 ...  
3 Title 7: Waste Control

4 Subtitle 2: Solid Waste Collection \$100

5 Subtitle 4: Landfills \$200

6 Subtitle 6: Prohibited Disposal

7 Less than 25 lbs and less than 10 cu. ft. in 24-hour period \$500

8 25 lbs or more or 10 cu. ft. or more in 24-hour period \$1,000

9 Subtitle 7: Littering \$500

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 Subtitle 2: Solid Waste Collection \$100

17 Subtitle 4: Landfills \$200

18 Subtitle 6: Prohibited Disposal

19 Less than 25 lbs. and less than 10 cu. ft. in 24-hour period \$500

20 25 lbs or more or 10 cu. ft. or more in 24-hour period \$1,000

21 Subtitle 7: Littering \$500

22 ...

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

26 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
27 after the date it is enacted.