

**CITY OF BALTIMORE
COUNCIL BILL 11-0671
(First Reader)**

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

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Department of
Finance, Environmental Control Board, Police Department, Mayor's Office of Criminal Justice

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Illegal Dumping – Penalties – Enforcement**

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

10 BY repealing and reordaining, without amendments

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

15 BY repealing and reordaining, with amendments

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

20 BY adding

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

25 BY repealing and reordaining, with amendments

26 Article 1 - Mayor, City Council, and Municipal Agencies
27 Section(s) 40-14(e)(7)(Title 7, Subtitle 6) and 41-14(6)(Title 7, Subtitle 6)
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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SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the
Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article – Health

Title 7. Waste Control

Subtitle 6. Prohibited Disposal

§ 7-608. Dumping on public property.

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

§ 7-609. Dumping on private property.

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

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

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

§ 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 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.

§§ [7-628] 7-629 to 7-630. {Reserved}

§ 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:

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- 1 (1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental
- 2 Control Board"}; or
- 3 (2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

4 (b) *Process not exclusive.*

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

7 **§ 7-632. Criminal penalties.**

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

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

- 13 (1) a fine of not more than \$1,000; and
- 14 (2) imprisonment for not more than 90 days.

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

16 If the violation entails the disposal, IN ANY 24-HOUR PERIOD, of MATERIAL THAT WEIGHS
17 25 or more pounds OR MATERIAL THAT COMPRISES MORE THAN 10 OR MORE CUBIC FEET
18 [of material in any 24-hour period], the penalty for a violation of this subtitle is any one
19 or more of the following for each offense:

- 20 (1) a fine of not more than \$1,000;
- 21 (2) imprisonment for not more than 12 months; and
- 22 (3) revocation of the privilege of seeking a building permit in the City.

23 **Baltimore City Code**

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

25 **Subtitle 40. Environmental Control Board**

26 **§ 40-14. Violations to which subtitle applies.**

27 (e) *Provisions and penalties enumerated.*

28 (7) **Health Code**

29

30 Title 7: Waste Control

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2 Subtitle 6: Prohibited Disposal

3	Less than 25 lbs. AND LESS THAN 10 CU. FT. in 24-hour period	[\$150]	\$500
4	25 lbs or more OR 10 CU. FT OR MORE in 24-hour period	[\$250]	\$1,000

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6 **Subtitle 41. Civil Citations**

7 **§ 41-14. Offenses to which subtitle applies – Listing.**

8 (6) *Health Code*

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10 Title 7: Waste Control

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12 Subtitle 6: Prohibited Disposal

13	Less than 25 lbs. AND LESS THAN 10 CU. FT. in 24-hour period	[\$150]	\$500
14	25 lbs or more OR 10 CU. FT OR MORE in 24-hour period	[\$250]	\$1,000

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

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