

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 08-0214

Introduced by: President Rawlings-Blake, Councilmembers Middleton, Young, Curran, Branch,
Holton, Cole, Henry, Reisinger, D'Adamo, Kraft, Spector, Welch, Clarke, Conaway
Introduced and read first time: October 6, 2008
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: June 15, 2009

AN ORDINANCE CONCERNING

Illegal Dumping – Penalties – Enforcement

FOR the purpose of adding to the penalties for and otherwise enhancing the enforcement of the provisions governing waste disposal; ~~authorizing the Health Commissioner to abate violations and collect costs, expenses, and penalties from the persons responsible;~~ establishing a reward program for persons who provide information that leads to a finding of illegal dumping; requiring the establishment of a grants program for certain associations designated by citizens reporting certain violations; requiring contracts awarded by the City to specify illegal dumping as constituting a breach of contract; conforming related provisions; and generally relating to the disposal of waste and other material.

By repealing and reordaining, with amendments

Article - Health
Section(s) ~~7-601 to 7-610~~
Title 7, Subtitle 6, Part IV
Baltimore City Revised Code
(Edition 2000)

~~By repealing and reordaining, without amendments~~

~~Article - Health
Section(s) ~~7-701~~
Baltimore City Revised Code
(Edition 2000)~~

~~By adding~~

~~Article - Health
Section(s) ~~7-703~~
Baltimore City Revised Code
(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 adding
2 Article 5 - Finance, Property, and Procurement
3 Section(s) 47-1, to be under the new subtitle designation
4 "Subtitle 47. Miscellaneous Contract Provisions"
5 Baltimore City Code
6 (Edition 2000)

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

9 **Baltimore City Revised Code**

10 **Article – Health**

11 **Title 7. Waste Control**

12 ***Subtitle 6. Prohibited Disposal***

13 ~~§ 7-601. SCOPE OF SUBTITLE.~~

14 ~~THIS SUBTITLE DOES NOT APPLY TO THE DISPOSAL OF "LITTER", AS DEFINED IN SUBTITLE 7 OF~~
15 ~~THIS TITLE.~~

16 ~~§ 7-602. [§ 7-601.] In general.~~

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

- 18 ~~(1) in a receptacle and at a location approved by law for waste disposal;~~
19 ~~(2) at a licensed landfill; or~~
20 ~~(3) at any other disposal site authorized by law to receive waste.~~

21 ~~§ 7-603. [§ 7-602.] Disposing of offensive materials.~~

22 ~~(a) In general.~~

23 ~~No person may dispose of or permit to discharge or flow onto any public or private~~
24 ~~property, with or without the owner's permission, any liquid or solid matter that is or~~
25 ~~that, after exposure to the atmosphere or otherwise, is likely to become offensive or~~
26 ~~otherwise a nuisance.~~

27 ~~(b) Illustrations.~~

28 ~~This section applies to, among other things, any:~~

- 29 ~~(1) blood;~~
30 ~~(2) refuse coal oil;~~
31 ~~(3) dead animal or part of an animal;~~

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~~(B) CONTENTS OF NOTICE.~~

~~A NOTICE ISSUED UNDER THIS SECTION MUST:~~

- ~~(1) DESCRIBE THE VIOLATION;~~
- ~~(2) SPECIFY THE PLACE WHERE THE VIOLATION OCCURRED;~~
- ~~(3) SPECIFY THE CORRECTIVE ACTION TO BE TAKEN;~~
- ~~(4) STATE THE TIME WITHIN WHICH THAT CORRECTIVE ACTION MUST BE TAKEN;~~
- ~~(5) STATE THAT A HEARING WILL BE PROVIDED, IF ONE IS REQUESTED UNDER TITLE 2, SUBTITLE 3 {"ADMINISTRATIVE HEARINGS"} OF THIS ARTICLE; AND~~
- ~~(6) STATE THAT, IF CORRECTIVE ACTION IS NOT TIMELY TAKEN:
 - ~~(i) THE COMMISSIONER MAY DO THE NEEDED WORK; AND~~
 - ~~(ii) THE PERSONS RESPONSIBLE FOR THE VIOLATION WILL BE OBLIGATED TO THE CITY ALL COSTS, EXPENSES, AND PENALTIES FOR THAT WORK.~~~~

~~(C) SERVICE OF NOTICE.~~

~~A NOTICE ISSUED UNDER THIS SUBTITLE MAY BE SERVED EITHER:~~

- ~~(1) BY PERSONAL SERVICE; OR~~
- ~~(2) BY MAILING, BOTH BY CERTIFIED MAIL AND REGULAR MAIL.~~

~~(D) ABATEMENT BY COMMISSIONER; COSTS, EXPENSES, AND PENALTIES.~~

- ~~(1) IF THE CONDITION IS NOT CORRECTED WITHIN THE TIME SPECIFIED IN THE NOTICE, THE COMMISSIONER MAY PROCEED TO REMOVE OR ABATE THE VIOLATION AT THE EXPENSE OF THE PERSONS RESPONSIBLE FOR IT.~~
- ~~(2) THE PERSONS RESPONSIBLE FOR THE VIOLATION ARE LIABLE TO THE CITY FOR:
 - ~~(i) ALL COSTS AND EXPENSES INCURRED IN REMOVING OR ABATING THE VIOLATION IDENTIFIED IN THE NOTICE; AND~~
 - ~~(ii) A CIVIL PENALTY IN AN AMOUNT EQUAL TO TWICE THE AMOUNT OF THOSE COSTS AND EXPENSES.~~~~

§ 7-627 § 7-618. THE REWARDS GRANTS FOR REPORTS OF VIOLATIONS.

~~(A) ILLEGAL DISPOSAL HOTLINE.~~

~~THE COMMISSIONER MUST ESTABLISH A TELEPHONE NUMBER FOR RECEIVING CITIZEN REPORTS OF ILLEGAL DISPOSAL OR OTHER VIOLATIONS OF THIS SUBTITLE.~~

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1 ~~(B) ANONYMITY TO BE PRESERVED.~~

2 ~~A CALLER’S ANONYMITY MUST BE PRESERVED, EITHER BY ASSIGNING THE CALLER AN~~
3 ~~IDENTIFICATION NUMBER OR BY SOME OTHER METHOD ACCEPTABLE TO THE~~
4 ~~COMMISSIONER.~~

5 ~~(C) REWARD ON FINDING OF VIOLATION.~~

6 ~~(1) IN THIS SUBSECTION, “FINDING OF A VIOLATION” MEANS A CONVICTION, PLEA OF~~
7 ~~GUILTY OR NOLO CONTENDERE, DETERMINATION OF GUILT, IMPOSITION OF A CIVIL OR~~
8 ~~CRIMINAL FINE, REVOCATION OF A PERMIT OR LICENSE, OR ANY OTHER FORM OF~~
9 ~~PENALTY, PUNISHMENT, OR SANCTION FOR A VIOLATION OF THIS SUBTITLE.~~

10 ~~(2) IF 1 OR MORE CALLERS PROVIDE INFORMATION THAT LEADS TO A FINDING OF A~~
11 ~~VIOLATION OF THIS SUBTITLE, THE CALLERS ARE ENTITLED TO A REWARD OF 50% OF~~
12 ~~ALL COSTS, EXPENSES, AND PENALTIES COLLECTED UNDER § 7-617 § 7-626~~
13 ~~{“ABATEMENT BY COMMISSIONER”} OF THIS SUBTITLE AND ALL FINES AND PENALTIES~~
14 ~~COLLECTED UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {“ENVIRONMENTAL~~
15 ~~CONTROL BOARD”} AND SUBTITLE 41 {“CIVIL CITATIONS”}.~~

16 (A) IN GENERAL.

17 THE CITY HOUSING COMMISSIONER MUST ESTABLISH A GRANTS PROGRAM FOR
18 REWARDING COMMUNITY AND NEIGHBORHOOD ASSOCIATIONS THAT HAVE REGISTERED
19 FOR THIS PURPOSE WITH THE HOUSING COMMISSIONER AND HAVE BEEN DESIGNATED BY
20 CITIZENS REPORTING ILLEGAL DISPOSAL OR OTHER VIOLATIONS OF THIS SUBTITLE.

21 (B) GRANT AWARDS.

22 (1) FUNDS FOR THESE GRANTS ARE AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

23 (2) THE AMOUNT OF THE GRANTS, THE CRITERIA FOR ALLOCATING AND AWARDING THEM,
24 AND THE PURPOSES FOR WHICH THEY MAY BE USED ARE AS SET FORTH IN THE RULES
25 AND REGULATIONS ADOPTED BY THE COMMISSIONER.

26 ~~§§ 7-628 TO 7-630 §§ 7-619 TO 7-620. {RESERVED}~~

27 ~~§ 7-631 § 7-621. [§ 7-626 § 7-609.] Enforcement by [citation] ENVIRONMENTAL OR CIVIL~~
28 ~~CITATION.~~

29 (a) *In general.*

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

- 32 (1) an environmental citation under City Code Article 1, Subtitle 40 {“Environmental
33 Control Board”}; or
- 34 (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 **§ 7-632 ~~§ 7-622.~~ [~~§ 7-627~~ ~~§ 7-610.~~ Penalties] CRIMINAL PENALTIES.**

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

6 Except as specified in subsection (b) ~~[or (e)]~~ of this section, any person who violates any
7 provision of this subtitle or who authorizes any employee or agent to violate any
8 provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to ~~ANY~~
9 ~~ONE OR MORE OF THE FOLLOWING FOR EACH OFFENSE~~ any one or more of the following
10 for each offense:

11 (1) a fine of not more than \$1,000 ; ~~[or]~~ [and] AND

12 (2) [to] imprisonment for not more than 90 days; ~~AND~~

13 ~~(3) COMMUNITY SERVICE OF NOT MORE THAN 200 HOURS.~~

14 ~~[or to both fine and imprisonment for each offense.]~~

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

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

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

20 (2) imprisonment for not more than 12 months; [and] AND

21 ~~(3) COMMUNITY SERVICE OF NOT MORE THAN 200 HOURS; [or] AND~~

22 ~~(4) [(3)]~~ revocation of the privilege of seeking a building permit in the City.

23 ~~[(e) Penalties inapplicable to littering.]~~

24 ~~[Subsection (a) of this section does not apply to "litter", as defined in Subtitle 7 of this~~
25 ~~title.]~~

26 ***Subtitle 7. Littering***

27 **§ 7-701. "Litter" defined.**

28 "Litter" means to discard or otherwise dispose of, in any way other than as authorized by
29 § 7-601 of this title, of small amounts of paper, beverage containers, glass, garbage, or other
30 waste that:

31 (1) weigh less than 1 pound;

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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