CITY OF BALTIMORE ORDINANCE Council Bill 12-0119

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 Committee Report: Favorable with an amendment Council action: Adopted Read second time: October 15, 2012

AN ORDINANCE CONCERNING

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

- 2 FOR the purpose of prohibiting the disposal of garbage, waste, and other matter, other than litter,
- into public trash receptacles located on or along any sidewalk, street, open space, wharf, or 3
- other public place; imposing certain penalties; correcting, clarifying, and conforming related 4
- 5 provisions; and generally relating to the duping dumping or disposal of garbage, waste, or
- 6 other matter on public property.
- By repealing and reordaining, without amendment 7
- 8 Article - Health

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- Section(s) 7-601, 7-631, 7-632, and 7-701 9
- Baltimore City Revised Code 10
- (Edition 2000) 11
- 12 By repealing and reordaining, with amendments
- 13 Article - Health
- Section(s) 7-608, 7-628 14
- Baltimore City Revised Code 15
- (Edition 2000) 16
- By repealing and reordaining, without amendments 17
- Article 1 Mayor, City Council, and Municipal Agencies 18
- Section(s) 41-14(e)(7)(Title 7) and 40-14(6)(Title 7) 19
- Baltimore City Revised Code 20
- 21 (Edition 2000)

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

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Baltimore City Revised Code
Article – Health

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.

1	Title 7. Waste Control		
2	Subtitle 6. Prohibited Disposal		
3	§ 7-601. "Litter" excluded.		
4	This subtitle does not apply to the disposal of "litter", as defined in Subtitle 7 of this title.		
5	§ 7-608. Dumping on public property.		
6 7	No person may dump or dispose of any GARBAGE, WASTE, wire, glass, nails, [garbage, waste,] or any other matter:		
8	(1) in or on any gutter, sidewalk, street, open space, wharf, or other public place; OR		
9 10 11	(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.		
12	§ 7-628. Liability for costs and expenses.		
13 14 15	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:		
16	(1) removing the matter dumped or disposed of; and		
17	(2) repairing any damage caused by the dumping or disposal.		
18	18 § 7-631. Enforcement by Environmental or Civil Citation.		
19	(a) In general.		
20 21	In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:		
22 23	 (1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or 		
24	(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.		
25	(b) <i>Process not exclusive</i> .		
26 27	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.		
28	§ 7-632. Criminal penalties.		

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

1 2 3 4	Except as specified in subsection (b) of this section, any person who violates any provision of this subtitle or who authorizes any employee or agent to violate any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to any one or more 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 9 10	If the violation entails the disposal, in any 24-hour period, of material that weighs 25 or more pounds or material that comprises 10 or more cubic feet, the penalty for a violation of 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.
15 16 17 18	 § 7-701. "Litter" defined. "Litter" means to discard or otherwise dispose of, in any way other than as authorized by § 7-601 of this title, of small amounts of paper, beverage containers, glass, garbage, or other waste that:
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16 17 18 19	"Litter" means to discard or otherwise dispose of, in any way other than as authorized by § 7-601 of this title, of small amounts of paper, beverage containers, glass, garbage, or other waste that: (1) weigh less than 1 pound;
16 17 18 19 20 21	 "Litter" means to discard or otherwise dispose of, in any way other than as authorized by § 7-601 of this title, of small amounts of paper, beverage containers, glass, garbage, or other waste that: (1) weigh less than 1 pound; (2) comprise less than 1 cubic foot; and (3) are not toxic, noxious, or otherwise a threat to the public health or safety.
16 17 18 19 20 21 22	 "Litter" means to discard or otherwise dispose of, in any way other than as authorized by § 7-601 of this title, of small amounts of paper, beverage containers, glass, garbage, or other waste that: (1) weigh less than 1 pound; (2) comprise less than 1 cubic foot; and (3) are not toxic, noxious, or otherwise a threat to the public health or safety. Baltimore City Code
16 17 18 19 20 21	 "Litter" means to discard or otherwise dispose of, in any way other than as authorized by § 7-601 of this title, of small amounts of paper, beverage containers, glass, garbage, or other waste that: (1) weigh less than 1 pound; (2) comprise less than 1 cubic foot; and (3) are not toxic, noxious, or otherwise a threat to the public health or safety. Baltimore City Code Article 1. Mayor, City Council, and Municipal Agencies
16 17 18 19 20 21 22	 "Litter" means to discard or otherwise dispose of, in any way other than as authorized by § 7-601 of this title, of small amounts of paper, beverage containers, glass, garbage, or other waste that: (1) weigh less than 1 pound; (2) comprise less than 1 cubic foot; and (3) are not toxic, noxious, or otherwise a threat to the public health or safety. Baltimore City Code
16 17 18 19 20 21 22 23	 "Litter" means to discard or otherwise dispose of, in any way other than as authorized by § 7-601 of this title, of small amounts of paper, beverage containers, glass, garbage, or other waste that: (1) weigh less than 1 pound; (2) comprise less than 1 cubic foot; and (3) are not toxic, noxious, or otherwise a threat to the public health or safety. Baltimore City Code Article 1. Mayor, City Council, and Municipal Agencies

1	(7) Health Code	
2 3	Title 7: Waste Control	
4	Subtitle 2: Solid Waste Collection	\$100
5	Subtitle 4: Landfills	\$200
6 7 8	Subtitle 6: Prohibited Disposal Less than 25 lbs and less than 10 cu. ft. in 24-hour period 25 lbs or more or 10 cu. ft. or more in 24-hour period	\$500 \$1,000
9 10	Subtitle 7: Littering	\$500
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 19 20	Subtitle 6: Prohibited Disposal Less than 25 lbs. and less than 10 cu. ft. in 24-hour period 25 lbs or more or 10 cu. ft. or more in 24-hour period	\$500 \$1,000
21 22	Subtitle 7: Littering	\$500
23	SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in t	his Ordinance

are not law and may not be considered to have been enacted as a part of this or any prior
 Ordinance.

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

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