



Legislation Details (With Text)

File #: 12-0119 **Version:** 0 **Name:** Waste Control - Disposal of Garbage and Other Waste in Litter Receptacles

Type: Ordinance **Status:** Enacted

File created: 8/13/2012 **In control:** City Council

On agenda: **Final action:** 10/26/2012

Enactment date: **Enactment #:** 12-65

Title: Waste Control - Disposal of Garbage and Other Waste in Litter Receptacles

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 other public place; imposing certain penalties; correcting, clarifying, and conforming related provisions; and generally relating to the duping or disposal of garbage, waste, or other matter on public property.

Sponsors: James B. Kraft, Brandon M. Scott, Rochelle Spector, Sharon Green Middleton, Nick Mosby, Helen L. Holton, Edward Reisinger, William H. Cole, IV, Carl Stokes, Warren Branch, Mary Pat Clarke, Bill Henry, Robert Curran, President Young, William "Pete" Welch

Indexes: Disposal, Receptacles, Waste

Code sections:

Attachments: 1. 12-0119 - 1st Reader.pdf, 2. Law - 12-0119.pdf, 3. Health - 12-0119.pdf, 4. HCD - 12-0119.pdf, 5. DPW - 12-0119.pdf, 6. Finance - 12-0119.pdf, 7. ECB - 12-0119.pdf, 8. 12-0119 - 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
10/26/2012	0	Mayor	Signed by Mayor	
10/22/2012	0	City Council	Approved and Sent to the Mayor	
10/15/2012	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
10/15/2012	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
9/10/2012	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
8/16/2012	0	The City Council	Referred for a Report	
8/16/2012	0	The City Council	Referred for a Report	
8/16/2012	0	The City Council	Referred for a Report	
8/16/2012	0	The City Council	Referred for a Report	
8/16/2012	0	The City Council	Referred for a Report	
8/16/2012	0	The City Council	Referred for a Report	
8/13/2012	0	City Council	Introduced	
8/13/2012	0	City Council	Assigned	
8/13/2012	0	City Council	Assigned	

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Kraft

A BILL ENTITLED

AN ORDINANCE concerning
Waste Control - Disposal of Garbage and Other Waste in Litter Receptacles

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 other public place; imposing certain penalties; correcting, clarifying, and conforming related provisions; and generally relating to the duping or disposal of garbage, waste, or other matter on public property.

BY repealing and reordaining, without amendment

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

BY repealing and reordaining, with amendments

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

BY repealing and reordaining, without amendments

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

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

§ 7601. "Litter" excluded.

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

§ 7608. 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 § 7608 {"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.

§ 7631. 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.

§ 7632. Criminal penalties.

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

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:

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

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

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:

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

Subtitle 7. Littering

§ 7701. "Litter" defined.

"Litter" means to discard or otherwise dispose of, in any way other than as authorized by § 7601 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

Subtitle 40. Environmental Control Board

§ 40I4. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(7) Health Code

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Title 7: Waste Control

Subtitle 2: Solid Waste Collection	\$100	
Subtitle 4: Landfills		\$200
Subtitle 6: Prohibited Disposal		
Less than 25 lbs and less than 10 cu. ft. in 24-hour period	\$500	
25 lbs or more or 10 cu. ft. or more in 24-hour period	\$1,000	
Subtitle 7: Littering		\$500
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Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies - Listing.

(6) Health Code

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Title 7: Waste Control

Subtitle 2: Solid Waste Collection

\$100

Subtitle 4: Landfills

\$200

Subtitle 6: Prohibited Disposal

Less than 25 lbs. and less than 10 cu. ft. in 24hour period

\$500

25 lbs or more or 10 cu. ft. or more in 24hour period

\$1,000

Subtitle 7: Littering

\$500

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

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

dlr12-338~intro/08Aug12

He/Dmpmg In Litter Cans/aa:me

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