



Legislation Details (With Text)

File #: 08-0214 **Version:** 0 **Name:** Illegal Dumping - Penalties - Enforcement
Type: Ordinance **Status:** Enacted
File created: 10/6/2008 **In control:** City Council
On agenda: **Final action:** 6/26/2009
Enactment date: **Enactment #:** 09-202
Title: 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 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.

Sponsors: Stephanie President Rawlings-Blake, Sharon Green Middleton, President Young, Robert Curran, Warren Branch, Helen L. Holton, William H. Cole, IV, Bill Henry, Edward Reisinger, James B. Kraft, Nicholas C. D'Adamo, Rochelle Spector, Agnes Welch, Mary Pat Clarke, Belinda Conaway

Indexes: Dumping, Enforcement, Illegal, Penalties

Code sections:

Attachments: 1. 08-0214 - 1st Reader.pdf, 2. Health - 08-0214.pdf, 3. HCD - 08-0214.pdf, 4. Finance - 08-0214.pdf, 5. Law - 08-0214.pdf, 6. DPW - 08-0214.pdf, 7. Environmental Control - 08-0214.pdf, 8. Law - 08-0214 - comments/amends.pdf, 9. 08-0214 - 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
6/26/2009	0	Mayor	Signed by Mayor	
6/15/2009	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
6/15/2009	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
6/15/2009	0	City Council	Approved and Sent to the Mayor	
1/12/2009	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
12/4/2008	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	Pass
10/9/2008	0	The City Council	Introduced	
10/9/2008	0	The City Council	Referred for a Report	
10/9/2008	0	The City Council	Referred for a Report	
10/9/2008	0	The City Council	Referred for a Report	
10/9/2008	0	The City Council	Referred for a Report	
10/9/2008	0	The City Council	Referred for a Report	
10/6/2008	0	City Council	Assigned	
10/6/2008	0	City Council	Introduced	

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

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THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.
INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: President Rawlings-Blake

A BILL ENTITLED

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 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
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)

BY adding

Article 5 - Finance, Property, and Procurement
Section(s) 47-1, to be under the new subtitle designation
“Subtitle 47. Miscellaneous Contract Provisions”
Baltimore City 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. SCOPE OF SUBTITLE.

THIS SUBTITLE DOES NOT APPLY TO THE DISPOSAL OF “LITTER”, AS DEFINED IN SUBTITLE 7 OF THIS TITLE.

§ 7602. [§ 7601.] In general.

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

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

§ 7603. [§ 7602.] Disposing of offensive materials.

(a) In general.

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

(b) Illustrations.

This section applies to, among other things, any:

- (1) blood;
- (2) refuse coal oil;
- (3) dead animal or part of an animal;
- (4) domestic or sanitary sewage;
- (5) excrement;
- (6) filth;
- (7) foul or nauseous liquid;

- (8) garbage;
- (9) slaughter house or other trade cleanings;
- (10) stagnant water; or
- (11) offensive matter of any kind.

§ 7604. [§ 7603.] 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.

§ 7605. [§ 7604.] 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 without the permission of the property owner or the owner's agent.

§§ 7606 TO 7-610. {RESERVED}

§ 7611. [§ 7605.] Burning waste.

No person may burn or cause to be burned any garbage or other waste except as specifically authorized by law.

§§ 7-612 TO 7-615. [7606 to 7607.] {Reserved}

§ 7616. [§ 7608.] Material from vehicle.

The registered owner of a vehicle is prima facie responsible for any waste or other material disposed of from that vehicle.

§ 7617. ABATEMENT BY COMMISSIONER.

(A) NOTICE TO PERSONS IN VIOLATION.

WHENEVER THE COMMISSIONER OF HEALTH DISCOVERS A VIOLATION OF THIS SUBTITLE, THE COMMISSIONER MAY ISSUE A WRITTEN NOTICE TO THE PERSONS RESPONSIBLE FOR THE VIOLATION.

(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 BY PERSONAL SERVICE OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

(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.

§ 7618. TIP REWARDS.

(A) ILLEGAL DISPOSAL HOTLINE.

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

(B) ANONYMITY TO BE PRESERVED.

A CALLER'S ANONYMITY MUST BE PRESERVED, EITHER BY ASSIGNING THE CALLER AN IDENTIFICATION NUMBER OR BY SOME OTHER METHOD ACCEPTABLE TO THE COMMISSIONER.

(C) REWARD ON FINDING OF VIOLATION.

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

(2) IF 1 OR MORE CALLERS PROVIDE INFORMATION THAT LEADS TO A FINDING OF A VIOLATION OF THIS SUBTITLE, THE CALLERS ARE ENTITLED TO A REWARD OF 50% OF ALL COSTS, EXPENSES, AND PENALTIES COLLECTED UNDER § 7617 {"ABATEMENT BY COMMISSIONER"} OF THIS SUBTITLE AND ALL FINES AND PENALTIES COLLECTED UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"} AND SUBTITLE 41 {"CIVIL CITATIONS"}.

§§ 7619 TO 7-620. {RESERVED}

§ 7621. [§ 7609.] Enforcement by [citation] 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.

§ 7622. [§ 7610. Penalties] CRIMINAL PENALTIES.

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

Except as specified in subsection (b) [or (c)] 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 ; [or]
- (2) [to] imprisonment for not more than 90 days; AND
- (3) COMMUNITY SERVICE OF NOT MORE THAN 200 HOURS.

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

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

If the violation entails the disposal of 25 or more pounds of material in any 24hour period, 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;
- (3) COMMUNITY SERVICE OF NOT MORE THAN 200 HOURS; [or] AND

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

[(c) Penalties inapplicable to littering.]

[Subsection (a) of this section does not apply to “litter”, as defined in Subtitle 7 of this title.]

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.

§ 7703. MATERIAL FROM VEHICLE.

THE REGISTERED OWNER OF A VEHICLE IS PRIMA FACIE RESPONSIBLE FOR ANY LITTER DISPOSED OF FROM THAT VEHICLE.

Baltimore City Code

Article 5. Finance, Property, and Procurement

SUBTITLE 47. MISCELLANEOUS CONTRACT PROVISIONS

§ 47-1. NO DUMPING CLAUSE.

EVERY CONTRACT AWARDED BY THE CITY SHALL INCLUDE A PROVISION THAT THE CONTRACTOR’S VIOLATION OF ANY PROVISION OF CITY HEALTH TITLE 7 {“WASTE CONTROL”}, SUBTITLE 6 {“PROHIBITED DISPOSAL”}, WHETHER OR NOT IN THE PERFORMANCE OF THE CONTRACT, CONSTITUTES A BREACH OF THE CONTRACT.

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.

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