



Legislation Details (With Text)

File #: 11-0671 **Version:** 0 **Name:** Illegal Dumping - Penalties - Enforcement
Type: Ordinance **Status:** Enacted
File created: 3/7/2011 **In control:** City Council
On agenda: **Final action:** 8/17/2011
Enactment date: **Enactment #:** 11-478
Title: Illegal Dumping - Penalties - Enforcement

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

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

Indexes: Dumping, Enforcement, Illegal, Penalties

Code sections:

Attachments: 1. 11-0671 - 1st Reader.pdf, 2. Health - 11-0671.pdf, 3. Environmental Control - 11-0671.pdf, 4. Finance - 11-0671.pdf, 5. Law - 11-0671.pdf, 6. Police - 11-0671.pdf, 7. MOCJ - 11-0671.pdf, 8. 11-0671 - 3rd Reader.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|--|--|--------|
| 8/17/2011 | 0 | Mayor | Signed by Mayor | |
| 8/15/2011 | 0 | City Council | Approved and Sent to the Mayor | |
| 7/18/2011 | 0 | Judiciary and Legislative Investigations | Recommended Favorably | |
| 7/18/2011 | 0 | City Council | Advanced to 3rd Rdr., Adopted Comm. Report | |
| 6/6/2011 | 0 | Judiciary and Legislative Investigations | Scheduled for a Public Hearing | |
| 3/10/2011 | 0 | City Council | Referred for a Report | |
| 3/10/2011 | 0 | The City Council | Referred for a Report | |
| 3/10/2011 | 0 | The City Council | Referred for a Report | |
| 3/10/2011 | 0 | The City Council | Referred for a Report | |
| 3/10/2011 | 0 | The City Council | Referred for a Report | |
| 3/10/2011 | 0 | The City Council | Referred for a Report | |
| 3/7/2011 | 0 | City Council | Assigned | |
| 3/7/2011 | 0 | City Council | Introduced | |

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: President Young

A BILL ENTITLED

AN ORDINANCE concerning
Illegal Dumping - Penalties - Enforcement

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

BY repealing and reordaining, without amendments

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

BY repealing and reordaining, with amendments

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

BY adding

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

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 40-14(e)(7)(Title 7, Subtitle 6) and 41-14(6)(Title 7, Subtitle 6)
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

§ 7608. 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.

§ 7609. 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.

§ 7616. 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 § 7608 {"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.

§§ [7628] 7-629 to 7-630. {Reserved}

§ 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 MORE THAN 10 OR MORE CUBIC FEET [of material in any 24-hour 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; and
- (3) revocation of the privilege of seeking a building permit in the City.

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

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Subtitle 6: Prohibited Disposal

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

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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

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Subtitle 6: Prohibited Disposal

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

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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.

dlr10-2281~intro/03Mar11
He/Waste/aa:me

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He/Waste/aa:me