



Legislation Details (With Text)

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On agenda: **Final action:** 12/5/2007
Enactment date: **Enactment #:**

Title: Waste Control - Penalties

FOR the purpose of increasing the criminal and civil penalties for the illegal transporting or disposal of waste and related offenses.

Sponsors: Belinda Conaway, James B. Kraft, Edward Reisinger, Mary Pat Clarke, Keiffer Mitchell

Indexes: Penalties, Waste

Code sections:

Attachments: 1. 06-0564 - 1st Reader.pdf

Date	Ver.	Action By	Action	Result
3/26/2007	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
12/11/2006	0	The City Council	Referred for a Report	
12/11/2006	0	The City Council	Referred for a Report	
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12/11/2006	0	The City Council	Referred for a Report	
12/11/2006	0	The City Council	Referred for a Report	
12/7/2006	0	City Council	Assigned	
12/7/2006	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: Councilmember Conaway

A BILL ENTITLED

AN ORDINANCE concerning
Waste Control - Penalties

FOR the purpose of increasing the criminal and civil penalties for the illegal transporting or disposal of waste and related offenses.

BY repealing and reordaining, without amendments

Article - Health

Section(s) 7-205, 7-229, 7-601, 7-609, and 7-701 through 7-706

Baltimore City Revised Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article - Health

Section(s) 7-230 and 7-610

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)(2) and (e)(7)(Title 7) and 41-14(1) and (6)(Title 7)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 15 - Licensing and Regulation

Section(s) 17-23

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, without amendments

Article 31 - Transit and Traffic

Section(s) 6-18 and 6-19

Baltimore City Code

(Edition 2000)

BY renumbering and repealing and reordaining, with amendments

Article 31 - Transit and Traffic

Section(s) 36-5

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 2. Solid Waste Collection

§ 7-205. In general.

No person may operate as a hauler in the City without a license to do so from the Commissioner of Health.

§ 7-229. Enforcement by 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.

§ 7-230. Penalties[: \$500/day].

(a) In general.

Any person who violates any provision of this subtitle or of any rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to THE FOLLOWING PENALTIES:

- (1) FOR OPERATING WITHOUT A HAULER'S LICENSE AS REQUIRED BY § 7-205 {"LICENSE REQUIRED: IN GENERAL"} OF THIS SUBTITLE, A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE; AND
- (2) FOR A VIOLATION OF ANY OTHER PROVISION OF THIS SUBTITLE OR OF A RULE OR REGULATION ADOPTED UNDER IT, a fine of not more than \$500 for each offense.

(b) Each day a separate offense.

Each day that a violation continues is a separate offense.

Subtitle 6. Prohibited Disposal

§ 7-601. 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.

§ 7-609. Enforcement by 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.

§ 7-610. Penalties.

(a) [Basic penalty: \$1,000 and 90 days] IN GENERAL.

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 [a fine of not more than \$1,000 or to imprisonment for not more than 90 days or to both fine and imprisonment for each offense.

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

If the violation entails the disposal of 25 or more pounds 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; or

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

(B) [(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

§ 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:

- (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.

§ 7-702. Littering prohibited.

No person may:

- (1) litter on any public or private property; or
- (2) permit the accumulation of litter on any property under that person's control.

§ 7-705. Enforcement by 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.

§ 7-706. Penalties: \$200

(a) In general.

Any person who violates this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of \$200 for each offense.

(b) Each day a separate offense.

Each day a violation continues is a separate offense.

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(2) Article 15. Licensing and Regulation

§ 17-23. Food vendors - Receptacles; clean-up [\$100] \$1,000

(7) Health Code

Title 7: Waste Control

Subtitle 2: Solid Waste Collection

§ 7-205. LICENSE REQUIRED: IN GENERAL \$1,000

ALL OTHER PROVISIONS \$100

Subtitle 4: Landfills \$200

Subtitle 6: Prohibited Disposal \$1,000

[Less than 25 lbs. in 24-hour period \$150]

[25 lbs or more in 24-hour period \$250]

Subtitle 7: Littering [\$ 50] \$100

Subtitle 41. Civil Citations

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

(1) Article 15. Licensing and Regulation

Subtitle 17. Street Vendors

§ 17-23. FOOD VENDORS - RECEPTACLES; CLEAN-UP \$1,000

ALL OTHER PROVISIONS
\$ 50

Subtitle 18. Itinerant Wholesale Produce Dealers \$ 50

(6) Health Code

Title 7: Waste Control

Subtitle 2: Solid Waste Collection

§ 7-205. LICENSE REQUIRED: IN GENERAL \$1,000

ALL OTHER PROVISIONS \$100

Subtitle 4: Landfills
\$200

Subtitle 6: Prohibited Disposal \$1,000

[Less than 25 lbs. in 24-hour period \$150]

[25 lbs or more in 24-hour period \$250]

Subtitle 7: Littering [\$ 50]
\$100

Article 15. Licensing and Regulation

Subtitle 17. Street Vendors

§ 17-23. Food vendors - Receptacles; clean-up.

(a) Receptacles required.

Every street vendor of food products must provide sufficient trash receptacles for the use of customers.

(b) Trash removal.

On leaving any location, the street vendor must remove all trash within a 10-foot radius of the place at which the vehicle stood or was parked.

(c) Penalties.

(1) Criminal penalties.

A person who violates any provision of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than [\$500] \$1,000, to imprisonment for not more than 6 months, or to both fine and imprisonment for each offense.

(2) Enforcement by citation.

(i) In addition to any other civil or criminal remedy or enforcement procedure, subsection (c) of this section may be enforced by issuance of an environmental citation under Article 1, Subtitle 40 {"Environmental Control Board"} of the City Code.

(ii) The issuance of an environmental citation to enforce subsection (c) of this section does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

Article 31. Transit and Traffic

Subtitle 6. Parking, Standing, and Stopping Regulations

§ 6-18. Stopping, etc., for unlawful dumping.

A person may not park, stop, or stand any vehicle on any street, highway, or alley of Baltimore City for the purpose of disposing waste or other material in violation of the Health Code of Baltimore City.

§ 6-19. Stopping, etc., without solid waste license displayed.

A person may not park, stop, or stand any vehicle being used by a small hauler, as defined in Title 7 {"Waste Control"}, Subtitle 2 {"Solid Waste Collection"} of the Health Code, on any street, highway, or alley of Baltimore City unless its small hauler's license is displayed as required by that subtitle.

Subtitle 36. Parking, etc., Fines, Penalties, and Procedures

§ 36-1.5. \$1,000 FINES. [§ 36-5. \$125 fines.]

Parking, stopping, or standing in violation of § 6-18 {"[U]nlawful dumping"} or § 6-19 {"[Waste hauler] without license displayed"} of this article is punishable by a fine of [\$125] \$1,000.

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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