

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 670

(Delegate McCray, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

Baltimore City - Remediation of Illegal Dumping - Report

This bill requires the Baltimore City Department of Public Works to submit a report on or before January 1 of each year to the members of the Baltimore City Delegation to the General Assembly on the actions the department has taken to remediate illegal dumping in each legislative district in Baltimore City in which more than 10 citations for illegal dumping were issued during the previous year. Additionally, the department must make the report available to the public on its website.

Fiscal Summary

State Effect: None.

Local Effect: The Baltimore City Department of Public Works advises that it can handle the bill's reporting requirements with existing resources. This bill imposes a mandate on a unit of local government.

Small Business Effect: None.

Analysis

Current Law:

Baltimore City Charter and Code Provisions Related to Illegal Dumping

Under Baltimore City's charter, the city must preserve the health of residents of the city and prevent the introduction of contagious diseases within and around the city, and prevent

and remove nuisances. There is no reporting requirement related to the removal of nuisances or illegal dumping.

Baltimore City's Public Health Code requires an individual to dispose of any waste or other material in designated receptacles, landfills, or other disposal sites. A person is prohibited from disposing or discharging any material onto public or private property (without permission) that is likely to become offensive or otherwise a nuisance. A person who dumps or disposes of matter on public property must remove the dumped matter and is liable for damages. There are also general provisions against dumping on private and public property. These provisions are enforceable by either an environmental (administrative) citation appealable to the Environmental Control Board or a civil citation appealable to the District Court. Additionally, violators may be subject to criminal misdemeanor charges and, upon conviction, a fine of up to \$1,000 and up to 90 days imprisonment. A person who disposes of material in a manner in violation of these provisions in an amount above 25 pounds or 10 or more cubic feet is subject enhanced penalties of up to \$1,000 and up to 12 months imprisonment.

“Litter” is defined and regulated separately as improperly disposed of waste that weighs less than one pound and comprises less than one cubic foot and is not a threat to public health or safety.

Baltimore City Dumping Site Surveillance Systems

Chapters 13 and 16 of 2006 authorized Baltimore City to install surveillance systems at State- and city-owned “dumping sites” that have been repeatedly used for illegal litter disposal and to use the surveillance images to enforce the Illegal Dumping and Litter Control Law or local laws relating to the unlawful disposal of litter. Unless the person committing the violation receives a citation from a police officer at the time of the violation, the owner of the vehicle is subject to a civil penalty, which may not exceed \$1,000. Chapter 231 of 2012 transferred the authority for Baltimore City to implement illegal dumping surveillance systems from the Baltimore City Department of Public Works to the Baltimore City Department of Housing and Community Development or another department designated by the mayor.

State Illegal Dumping and Litter Control Law

Under the State's Illegal Dumping and Litter Control Law, a person may not (1) dispose of litter on a highway or perform an act that violates the Maryland Vehicle Law regarding disposal of litter, glass, and other prohibited substances on highways or (2) dispose, or cause or allow the disposal of, litter on public or private property unless the property is designated by the State, a unit of the State, or a political subdivision for the disposal of

litter and the person is authorized by the proper public authority to use the property, or the litter is placed into a litter receptacle or container installed on the property.

A person who disposes of litter in violation of these provisions in an amount up to 100 pounds or 27 cubic feet and not for commercial gain is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 30 days and/or a fine of \$1,500. A person who disposes of litter in an amount above 100 pounds or 27 cubic feet, but not more than 500 pounds or 216 cubic feet, and not for commercial gain is guilty of a misdemeanor and subject to maximum penalties of imprisonment for one year and/or a fine of \$12,500. A person who disposes of litter in an amount above 500 pounds or 216 cubic feet or in any amount for commercial gain is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a fine of \$30,000.

Background: The Baltimore Housing Department advises that in fiscal 2015, the department issued 1,124 citations for illegal dumping under the Health Code: 321 on private property; 796 on public property; 1 for matter under one pound; and 6 for the discharge of fluids instead of solids. In the city, illegal dumping cases are investigated and prosecuted by the Baltimore City Department of Housing and Community Development, Permits and Code Enforcement Divisions Special Investigative Unit. Once a case is investigated by the Baltimore Housing Department, the matter may be referred to the Public Works Department to clear the location of debris if the dumping occurs on public or abandoned property.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City, Department of Legislative Services

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