

HOUSE BILL 8

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(PRE-FILED)

By: **Delegate Arentz**

Requested: July 25, 2019

Introduced and read first time: January 8, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Illegal Dumping and Litter Control Law – Yard Waste**

3 FOR the purpose of expanding the Illegal Dumping and Litter Control Law to include yard
4 waste; establishing a penalty for a violation of this Act; prohibiting a court from
5 imposing less than a certain mandatory minimum fine for a violation of this Act;
6 requiring a court to order a person found guilty of disposing of yard waste in violation
7 of this Act to take certain actions; defining a certain term; altering a certain
8 definition; and generally relating to the Illegal Dumping and Litter Control Law.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 10–110
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2019 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Criminal Law**

17 10–110.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) “Bi–county unit” means:

20 (i) the Maryland–National Capital Park and Planning Commission;

21 or

22 (ii) the Washington Suburban Sanitary Commission.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (x) timberlands or a forest.

2 (6) (I) “YARD WASTE” MEANS ORGANIC PLANT WASTE DERIVED
3 FROM GARDENING, LANDSCAPING, AND TREE TRIMMING ACTIVITIES.

4 (II) “YARD WASTE” INCLUDES LEAVES, GARDEN WASTE, LAWN
5 CUTTINGS, WEEDS, AND PRUNINGS.

6 (b) The General Assembly intends to:

7 (1) prohibit uniformly throughout the State the improper disposal of litter
8 on public or private property; and

9 (2) curb the desecration of the beauty of the State and harm to the health,
10 welfare, and safety of its citizens caused by the improper disposal of litter.

11 (c) A person may not:

12 (1) dispose of litter on a highway or perform an act that violates the State
13 Vehicle Laws regarding disposal of litter, glass, and other prohibited substances on
14 highways; or

15 (2) dispose or cause or allow the disposal of litter on public or private
16 property unless:

17 (i) the property is designated by the State, a unit of the State, or a
18 political subdivision of the State for the disposal of litter and the person is authorized by
19 the proper public authority to use the property; or

20 (ii) the litter is placed into a litter receptacle or container installed
21 on the property.

22 (d) If two or more individuals are occupying a motor vehicle, boat, airplane, or
23 other conveyance from which litter is disposed in violation of subsection (c) of this section,
24 and it cannot be determined which occupant is the violator:

25 (1) if present, the owner of the conveyance is presumed to be responsible
26 for the violation; or

27 (2) if the owner of the conveyance is not present, the operator is presumed
28 to be responsible for the violation.

29 (e) Notwithstanding any other law, if the facts of a case in which a person is
30 charged with violating this section are sufficient to prove that the person is responsible for
31 the violation, the owner of the property on which the violation allegedly occurred need not
32 be present at a court proceeding regarding the case.

1 (f) (1) A person who violates this section is subject to the penalties provided
2 in this subsection.

3 (2) (i) **THIS PARAGRAPH DOES NOT APPLY TO A PERSON WHO**
4 **DISPOSES OF YARD WASTE IN VIOLATION OF THIS SECTION.**

5 (ii) (II) A person who disposes of litter in violation of this section in an
6 amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is guilty of
7 a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a
8 fine not exceeding \$1,500 or both.

9 [(ii)] (III) A person who disposes of litter in violation of this section
10 in an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216
11 cubic feet, and not for commercial gain is guilty of a misdemeanor and on conviction is
12 subject to imprisonment not exceeding 1 year or a fine not exceeding \$12,500 or both.

13 [(iii)] (IV) A person who disposes of litter in violation of this section
14 in an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain
15 is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5
16 years or a fine not exceeding \$30,000 or both.

17 (3) (I) **A PERSON WHO DISPOSES OF YARD WASTE IN VIOLATION OF**
18 **THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

19 1. **FOR A FIRST OFFENSE, A FINE OF NOT LESS THAN \$50**
20 **AND NOT EXCEEDING \$300; AND**

21 2. **FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF**
22 **NOT LESS THAN \$50 AND NOT EXCEEDING \$1,000.**

23 (II) **NOTWITHSTANDING § 14–102 OF THIS ARTICLE, THE COURT**
24 **MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM FINE OF \$50.**

25 (4) (I) [In] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
26 **PARAGRAPH, IN addition to the penalties provided under [paragraph] PARAGRAPHS (2)**
27 **AND (3) of this subsection, a court may order the violator to:**

28 [(i)] 1. remove or render harmless the litter disposed of in
29 violation of this section;

30 [(ii)] 2. repair or restore any property damaged by, or pay
31 damages for, the disposal of the litter in violation of this section;

32 [(iii)] 3. perform public service relating to the removal of litter

1 disposed of in violation of this section or to the restoration of an area polluted by litter
2 disposed of in violation of this section; or

3 [(iv)] 4. reimburse the State, county, municipal corporation, or
4 bi-county unit for its costs incurred in removing the litter disposed of in violation of this
5 section.

6 (II) IN ADDITION TO THE PENALTIES PROVIDED UNDER
7 PARAGRAPH (3) OF THIS SUBSECTION, A COURT SHALL ORDER A PERSON FOUND
8 GUILTY OF DISPOSING OF YARD WASTE IN VIOLATION OF THIS SECTION TO:

9 1. REMOVE OR RENDER HARMLESS THE YARD WASTE
10 DISPOSED OF IN VIOLATION OF THIS SECTION; OR

11 2. REIMBURSE THE STATE, COUNTY, MUNICIPAL
12 CORPORATION, OR BI-COUNTY UNIT FOR ITS COSTS INCURRED IN REMOVING THE
13 YARD WASTE DISPOSED OF IN VIOLATION OF THIS SECTION.

14 [(4)] (5) (i) If a person is convicted of a violation under this section
15 and the person used a motor vehicle in the commission of the violation, the court shall notify
16 the Motor Vehicle Administration of the violation.

17 (ii) The Chief Judge of the District Court and the Administrative
18 Office of the Courts, in conjunction with the Motor Vehicle Administration, shall establish
19 uniform procedures for reporting a violation under this paragraph.

20 (g) A law enforcement unit, officer, or official of the State or a political subdivision
21 of the State, or an enforcement unit, officer, or official of a commission of the State, or a
22 political subdivision of the State, shall enforce compliance with this section.

23 (h) A unit that supervises State property shall:

24 (1) establish and maintain receptacles for the disposal of litter at
25 appropriate locations where the public frequents the property;

26 (2) post signs directing persons to the receptacles and serving notice of the
27 provisions of this section; and

28 (3) otherwise publicize the availability of litter receptacles and the
29 requirements of this section.

30 (i) (1) Fines collected for violations of this section shall be disbursed:

31 (i) to the county or municipal corporation where the violation
32 occurred; or

1 (ii) if the bi-county unit is the enforcement unit and the violations
2 occurred on property over which the bi-county unit exercises jurisdiction, to the bi-county
3 unit.

4 (2) Fines collected shall be used to pay for litter receptacles and posting
5 signs as required by subsection (h) of this section and for other purposes relating to the
6 removal or control of litter.

7 (j) (1) The legislative body of a municipal corporation may:

8 (i) prohibit littering; and

9 (ii) classify littering as a municipal infraction under Title 6 of the
10 Local Government Article.

11 (2) The governing bodies of Prince George's County, Calvert County, and
12 Montgomery County may each adopt an ordinance to prohibit littering under this section
13 and, for violations of the ordinance, may impose criminal penalties and civil penalties that
14 do not exceed the criminal penalties and civil penalties specified in subsection (f)(1) through
15 ~~[(3)]~~ (4) of this section.

16 (3) (i) The governing body of Prince George's County may adopt an
17 ordinance to prohibit the disposal of a bulky item:

18 1. on a highway; or

19 2. on public or private property unless the property is
20 designated by the State, a unit of the State, or a political subdivision of the State for the
21 disposal of bulky items and the person is authorized by the proper public authority to use
22 the property.

23 (ii) For violations of the ordinance adopted under this paragraph,
24 Prince George's County may impose criminal penalties and civil penalties that do not
25 exceed the criminal penalties and civil penalties specified in subparagraph (iii) of this
26 paragraph.

27 (iii) A person who disposes of a bulky item in violation of this
28 paragraph is guilty of a misdemeanor and on conviction is subject to imprisonment not
29 exceeding 30 days or a fine not exceeding \$5,000 or both.

30 (k) This section may be cited as the "Illegal Dumping and Litter Control Law".

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2020.