HOUSE BILL 8

E1 Olr0401 (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

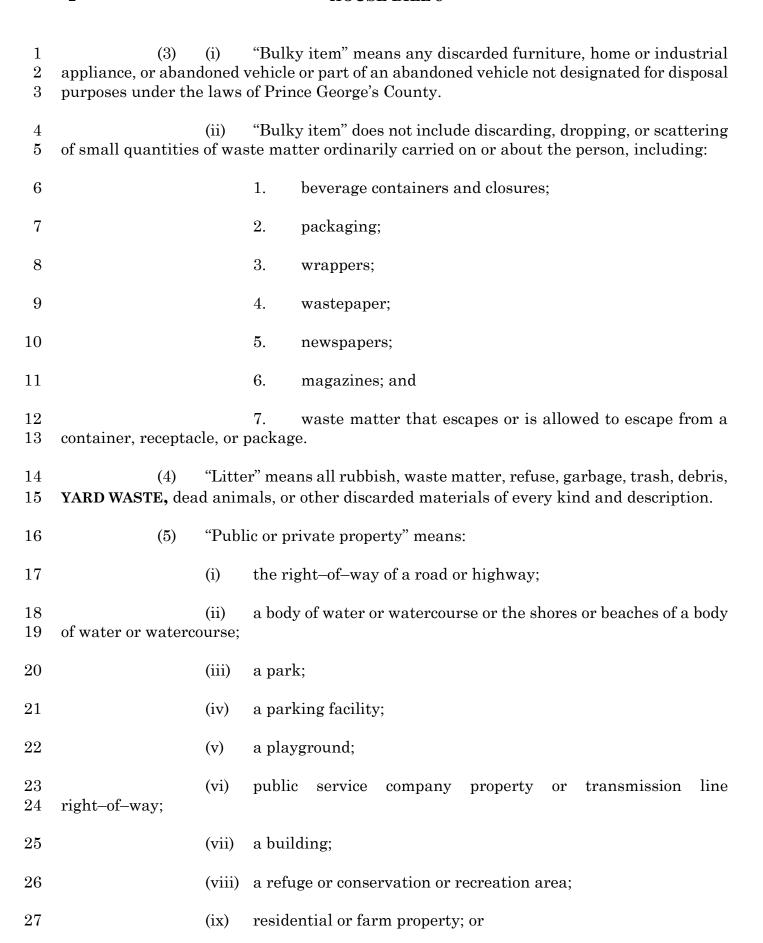
2 Ille	egal Dumping and	Litter Control	Law - Yard Waste
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- FOR the purpose of expanding the Illegal Dumping and Litter Control Law to include yard waste; establishing a penalty for a violation of this Act; prohibiting a court from imposing less than a certain mandatory minimum fine for a violation of this Act; requiring a court to order a person found guilty of disposing of yard waste in violation of this Act to take certain actions; defining a certain term; altering a certain 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.





1	(x) timberlands or a forest.
2 3	(6) (I) "YARD WASTE" MEANS ORGANIC PLANT WASTE DERIVED FROM GARDENING, LANDSCAPING, AND TREE TRIMMING ACTIVITIES.
$\frac{4}{5}$	(II) "YARD WASTE" INCLUDES LEAVES, GARDEN WASTE, LAWN CUTTINGS, WEEDS, AND PRUNINGS.
6	(b) The General Assembly intends to:
7 8	(1) prohibit uniformly throughout the State the improper disposal of litter on public or private property; and
9 10	(2) curb the desecration of the beauty of the State and harm to the health, welfare, and safety of its citizens caused by the improper disposal of litter.
11	(c) A person may not:
12 13 14	(1) dispose of litter on a highway or perform an act that violates the State Vehicle Laws regarding disposal of litter, glass, and other prohibited substances on highways; or
15 16	(2) dispose or cause or allow the disposal of litter on public or private property unless:
17 18 19	(i) the property is designated by the State, a unit of the State, or a political subdivision of the State for the disposal of litter and the person is authorized by the proper public authority to use the property; or
20 21	(ii) the litter is placed into a litter receptacle or container installed on the property.
22 23 24	(d) If two or more individuals are occupying a motor vehicle, boat, airplane, or other conveyance from which litter is disposed in violation of subsection (c) of this section, and it cannot be determined which occupant is the violator:
$\frac{25}{26}$	(1) if present, the owner of the conveyance is presumed to be responsible for the violation; or
27 28	(2) if the owner of the conveyance is not present, the operator is presumed to be responsible for the violation.
29 30	(e) Notwithstanding any other law, if the facts of a case in which a person is charged with violating this section are sufficient to prove that the person is responsible for

the violation, the owner of the property on which the violation allegedly occurred need not

be present at a court proceeding regarding the case.

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- 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) A person who disposes of litter in violation of this section in an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$1,500 or both.
- [(ii)] (III) A person who disposes of litter in violation of this section in an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216 cubic feet, and not for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$12,500 or both.
- [(iii)] (IV) A person who disposes of litter in violation of this section in an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 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 EVAN SECOND OR SUBSEQUENT OFFENSE, A FINE OF 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 violation of this section;
- 30 **[**(ii)**] 2.** repair or restore any property damaged by, or pay 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 2disposed of in violation of this section; or 3 reimburse the State, county, municipal corporation, or [(iv)] 4. bi-county unit for its costs incurred in removing the litter disposed of in violation of this 4 5 section. 6 (II)IN ADDITION TO THE PENALTIES PROVIDED UNDER 7 PARAGRAPH (3) OF THIS SUBSECTION, A COURT SHALL ORDER A PERSON FOUND GUILTY OF DISPOSING OF YARD WASTE IN VIOLATION OF THIS SECTION TO: 8 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** CORPORATION, OR BI-COUNTY UNIT FOR ITS COSTS INCURRED IN REMOVING THE 12 YARD WASTE DISPOSED OF IN VIOLATION OF THIS SECTION. 13 14 [(4)] (5) (i) If a person is convicted of a violation under this section and the person used a motor vehicle in the commission of the violation, the court shall notify 15 16 the Motor Vehicle Administration of the violation. 17 The Chief Judge of the District Court and the Administrative 18 Office of the Courts, in conjunction with the Motor Vehicle Administration, shall establish uniform procedures for reporting a violation under this paragraph. 19 20 A law enforcement unit, officer, or official of the State or a political subdivision of the State, or an enforcement unit, officer, or official of a commission of the State, or a 2122political subdivision of the State, shall enforce compliance with this section. 23 A unit that supervises State property shall: (h) 24establish and maintain receptacles for the disposal of litter at (1) 25appropriate locations where the public frequents the property: 26 (2)post signs directing persons to the receptacles and serving notice of the provisions of this section; and 2728 otherwise publicize the availability of litter receptacles and the (3)29 requirements of this section. 30 (i) (1) Fines collected for violations of this section shall be disbursed:

to the county or municipal corporation where the violation

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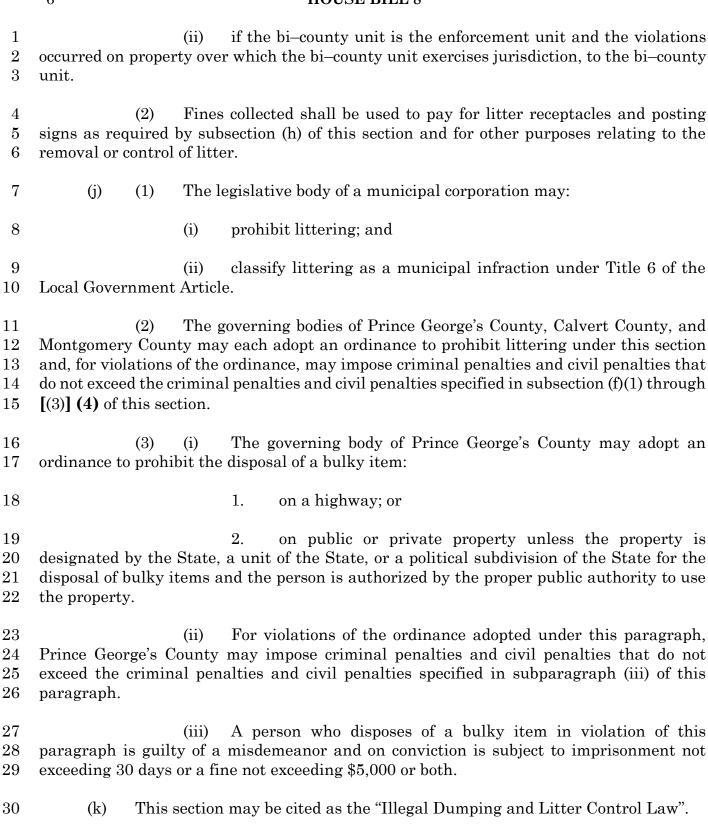
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occurred; or

(i)

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October 1, 2020.



SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect