
By: Delegate Benson

Introduced and read first time: January 30, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Litter Control - Enforcement - County Powers**

3 FOR the purpose of authorizing counties to adopt certain ordinances for the control of
4 litter, subject to fines in certain amounts; providing that certain property used to
5 commit certain litter offenses may be subject to seizure and forfeiture by local
6 governments under certain circumstances; providing for the disposition by local
7 governments of certain seized and forfeited property; and generally relating to litter
8 control.

9 BY repealing and reenacting, with amendments,
10 Article 27 - Crimes and Punishments
11 Section 468
12 Annotated Code of Maryland
13 (1996 Replacement Volume)

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

16 **Article 27 - Crimes and Punishments**

17 468.

18 (a) This section shall be known and may be cited as the "Litter Control Law".

19 (b) (1) It is the intention of the legislature by this section to provide for uniform
20 prohibition throughout the State of Maryland of any and all littering on public or private
21 property, and to curb thereby the desecration of the beauty of the State and harm to the
22 health, welfare and safety of its citizens caused by individuals who litter.

23 (2) [However, to] TO permit more active enforcement of littering
24 prohibitions within [a municipality, the] POLITICAL SUBDIVISIONS:

25 (I) THE legislative body of a municipality may prohibit littering, as
26 does this section, and classify littering as a municipal infraction under Article 23A, § 3(b)
27 of the Code; AND

28 (II) A COUNTY MAY ADOPT AN ORDINANCE TO PROHIBIT
29 LITTERING UNDER THE AUTHORITY OF THIS SECTION, AND FOR VIOLATIONS OF

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1 THE ORDINANCE MAY IMPOSE FINES UP TO THE AMOUNTS SPECIFIED IN
2 SUBSECTION (E) OF THIS SECTION.

3 (c) As used in this section the following words or phrases shall have the following
4 meanings:

5 (1) The word "litter" means all rubbish, waste matter, refuse, garbage, trash,
6 debris, dead animals or other discarded materials of every kind and description.

7 (2) The phrase "public or private property" means the right-of-way of any
8 road or highway; any body of water or watercourse or the shores or beaches thereof; any
9 park, parking facility, playground, public service company property or transmission line
10 right-of-way, building, refuge or conservation or recreation area, any residential or farm
11 properties, timberlands or forest.

12 (3) The word "person" means an individual, firm, sole proprietorship,
13 partnership, corporation, limited liability company, or unincorporated association.

14 (4) The phrase "commercial purpose" means for the purpose of economic
15 gain.

16 (5) "Bi-county agency" means:

17 (i) The Maryland-National Capital Park and Planning Commission;
18 or

19 (ii) The Washington Suburban Sanitary Commission.

20 (d) (1) It shall be unlawful for any person or persons to dump, deposit, throw or
21 leave, or to cause or permit the dumping, depositing, placing, throwing or leaving of litter
22 on any public or private property in this State, or any waters in this State, unless:

23 (i) Such property is designated by the State or by any of its agencies or
24 political subdivisions for the disposal of such litter, and such person is authorized by the
25 proper public authority to use such property; or

26 (ii) Such litter is placed into a litter receptacle or container installed
27 on such property.

28 (2) It shall be unlawful for any person or persons to throw, dump, or deposit
29 any trash, junk, or other refuse upon any highway, or to perform any act which constitutes
30 a violation of the State of Maryland's Vehicle Laws relative to putting trash, glass and
31 other prohibited substances on highways.

32 (e) Any person violating the provisions of subsection (d) of this section shall be
33 punished as follows:

34 (1) A person who dumps litter in violation of subsection (d) of this section in
35 an amount not exceeding 100 pounds in weight or 27 cubic feet in volume and not for
36 commercial purposes is guilty of a misdemeanor and is subject to a fine of not more than
37 \$1,000, or by imprisonment for not more than 30 days, or both.

38 (2) A person who dumps litter in violation of subsection (d) of this section in
39 an amount exceeding 100 pounds in weight or 27 cubic feet in volume, but not exceeding

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1 500 pounds in weight or 216 cubic feet in volume and not for commercial purposes is
2 guilty of a misdemeanor and subject to a fine of not more than \$10,000 or imprisonment
3 for not more than 1 year or both.

4 (3) A person who dumps litter in violation of subsection (d) of this section in
5 an amount exceeding 500 pounds in weight or 216 cubic feet in volume or in any quantity
6 for commercial purposes is guilty of a misdemeanor and subject to a fine of not more than
7 \$25,000 or imprisonment for not more than 5 years or both.

8 (4) In addition to the sentences provided by this subsection, a court may
9 order the violator to:

10 (i) Remove or render harmless the litter dumped in violation of this
11 section;

12 (ii) Repair or restore property damaged by, or pay damages for, any
13 damage arising out of dumping the litter in violation of this section;

14 (iii) Perform public service relating to the removal of litter dumped in
15 violation of this section or to the restoration of an area polluted by litter dumped in
16 violation of subsection (d) of this section; or

17 (iv) Reimburse the State, county, municipal corporation, or bi-county
18 agency for any costs incurred by the State, county, municipal corporation, or bi-county
19 agency in the removal of litter dumped in violation of subsection (d) of this section.

20 (5) IN ADDITION TO ANY OTHER PENALTY PROVIDED IN THIS SECTION
21 OR ELSEWHERE, IF A PERSON IS CONVICTED OF A SECOND OR SUBSEQUENT
22 VIOLATION OF ANY PROVISION OF THIS SECTION, ANY VEHICLE, BOAT, AIRPLANE
23 OR OTHER CONVEYANCE THAT THE PERSON USES TO COMMIT THE VIOLATION IS
24 PROPERTY SUBJECT TO SEIZURE AND FORFEITURE TO THE STATE.

25 (f) Whenever litter is thrown, deposited, dropped or dumped from any motor
26 vehicle, boat, airplane or other conveyance in violation of subsection (d) of this section,
27 and if the vehicle, boat, airplane or other conveyance has two or more occupants and it
28 cannot be determined which occupant is the violator, the owner of the vehicle, boat,
29 airplane or other conveyance, if present, shall be presumed to be responsible for the
30 violation; in the absence of the owner of the vehicle, boat, airplane or other conveyance,
31 the operator shall be presumed to be responsible for the violation. Furthermore, licenses
32 to operate such conveyances may be suspended for a period not to exceed seven days
33 together with, or in lieu of, penalties provided in subsection (e) of this section.

34 (g) Notwithstanding any other provision of law, if the facts of any case in which a
35 person is charged with violating this section are sufficient to prove that the person is
36 responsible for the violation, it is not necessary that the owner of the property on which
37 the violation allegedly occurred be present at any court proceeding regarding that case.

38 (h) All law-enforcement agencies, officers and officials of this State or any
39 political subdivision thereof, or any enforcement agency, officer or any official of any
40 commission of this State or any political subdivision thereof, are hereby authorized,
41 empowered, and directed to enforce compliance with this section.

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1 (i) All public authorities and agencies having supervision of properties of this
2 State are authorized, empowered and instructed to establish and maintain receptacles for
3 the deposit of litter at appropriate locations where such property is frequented by the
4 public, and to post signs directing persons to such receptacles and serving notice of the
5 provisions of this section, and to otherwise publicize the availability of litter receptacles
6 and requirements of this section.

7 (j) (1) Fines collected for violations of this section shall be disbursed to:

8 (i) The county or city where the violation occurred; or

9 (ii) The bi-county agency, if the bi-county agency is the enforcement
10 agency and the violations occurred on property over which the bi-county agency exercises
11 jurisdiction.

12 (2) Fines collected shall be used to defray the expense of establishment and
13 maintenance of receptacles and posting of signs as provided in subsection (i) of this
14 section and for any other purposes relating to the removal or control of litter.

15 (3) PROPERTY SEIZED AND FORFEITED UNDER SUBSECTION (E)(5) OF
16 THIS SECTION MAY BE SOLD IN A COMMERCIALY REASONABLE MANNER. THE
17 PROCEEDS OF THE SALE SHALL BE APPLIED AS FOLLOWS:

18 (I) TO THE COURT COSTS OF THE FORFEITURE PROCEEDING;

19 (II) TO THE BALANCE DUE TO A LIENHOLDER OF THE PROPERTY,
20 IF THE COURT DETERMINES THAT THE LIENHOLDER HAD NO ACTUAL KNOWLEDGE
21 THAT THE PROPERTY WAS BEING, OR WAS TO BE, USED IN A LITTERING OFFENSE;

22 (III) TO PAYMENT OF ALL OTHER EXPENSES OF THE PROCEEDINGS
23 FOR FORFEITURE, INCLUDING EXPENSES OF SEIZURE; AND

24 (IV) TO THE FOLLOWING, TO BE USED IN THE SAME MANNER AS
25 FINES UNDER PARAGRAPH (1) OF THIS SUBSECTION:

26 1. THE COUNTY OR MUNICIPAL CORPORATION WHERE THE
27 VIOLATION OCCURRED; OR

28 2. THE BI-COUNTY AGENCY, IF THE BI-COUNTY AGENCY IS
29 THE ENFORCEMENT AGENCY AND THE VIOLATIONS OCCURRED ON PROPERTY
30 OVER WHICH THE BI-COUNTY AGENCY EXERCISES JURISDICTION.

31 (k) (1) The Washington County Board of County Commissioners, by ordinance,
32 may regulate recycling in the County.

33 (2) The ordinance authorized in paragraph (1) of this subsection may
34 provide penalties for persons who place materials that are not recyclable into recycling
35 bins.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 1997.