
By: Senator Trotter

Introduced and read first time: January 10, 1997

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 4, 1997

CHAPTER ____

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 to prohibit littering and~~
8 impose certain fines for violations of those ordinances; and generally relating to
9 litter control.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 468
13 Annotated Code of Maryland
14 (1996 Replacement Volume)

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

17 **Article 27 - Crimes and Punishments**

18 468.

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

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

2

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

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

6 (II) A COUNTY MAY ADOPT AN ORDINANCE TO PROHIBIT
7 LITTERING UNDER THE AUTHORITY OF THIS SECTION, AND FOR VIOLATIONS OF
8 THE ORDINANCE MAY IMPOSE FINES UP TO THE AMOUNTS SPECIFIED IN
9 SUBSECTION (E) OF THIS SECTION.

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

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

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

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

21 (4) The phrase "commercial purpose" means for the purpose of economic
22 gain.

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

24 (i) The Maryland-National Capital Park and Planning Commission;
25 or

26 (ii) The Washington Suburban Sanitary Commission.

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

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

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

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

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

3 (1) A person who dumps litter in violation of subsection (d) of this section in
 4 an amount not exceeding 100 pounds in weight or 27 cubic feet in volume and not for
 5 commercial purposes is guilty of a misdemeanor and is subject to a fine of not more than
 6 \$1,000, or by imprisonment for not more than 30 days, or both.

7 (2) A person who dumps litter in violation of subsection (d) of this section in
 8 an amount exceeding 100 pounds in weight or 27 cubic feet in volume, but not exceeding
 9 500 pounds in weight or 216 cubic feet in volume and not for commercial purposes is
 10 guilty of a misdemeanor and subject to a fine of not more than \$10,000 or imprisonment
 11 for not more than 1 year or both.

12 (3) A person who dumps litter in violation of subsection (d) of this section in
 13 an amount exceeding 500 pounds in weight or 216 cubic feet in volume or in any quantity
 14 for commercial purposes is guilty of a misdemeanor and subject to a fine of not more than
 15 \$25,000 or imprisonment for not more than 5 years or both.

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

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

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

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

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

28 ~~(5) IN ADDITION TO ANY OTHER PENALTY PROVIDED IN THIS SECTION~~
 29 ~~OR ELSEWHERE, IF A PERSON IS CONVICTED OF A SECOND OR SUBSEQUENT~~
 30 ~~VIOLATION OF ANY PROVISION OF THIS SECTION, ANY VEHICLE, BOAT, AIRPLANE~~
 31 ~~OR OTHER CONVEYANCE THAT THE PERSON USES TO COMMIT THE VIOLATION IS~~
 32 ~~PROPERTY SUBJECT TO SEIZURE AND FORFEITURE TO THE STATE.~~

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

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

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

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

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

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

17 (ii) The bi-county agency, if the bi-county agency is the enforcement
18 agency and the violations occurred on property over which the bi-county agency exercises
19 jurisdiction.

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

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

26 ~~(I) TO THE COURT COSTS OF THE FORFEITURE PROCEEDING;~~

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

30 ~~(III) TO PAYMENT OF ALL OTHER EXPENSES OF THE PROCEEDINGS~~
31 ~~FOR FORFEITURE, INCLUDING EXPENSES OF SEIZURE; AND~~

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

34 ~~1. THE COUNTY OR MUNICIPAL CORPORATION WHERE THE~~
35 ~~VIOLATION OCCURRED; OR~~

36 ~~2. THE BI-COUNTY AGENCY, IF THE BI-COUNTY AGENCY IS~~
37 ~~THE ENFORCEMENT AGENCY AND THE VIOLATIONS OCCURRED ON PROPERTY~~
38 ~~OVER WHICH THE BI-COUNTY AGENCY EXERCISES JURISDICTION.~~

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

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

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