
By: **Charles County Delegation**

Introduced and read first time: February 11, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Litter Control Law**

3 FOR the purpose of requiring certain persons to dispose of litter in certain locations
4 and in a certain manner; defining conditions under which ownership of litter
5 passes to certain individuals; defining certain terms; and generally relating to
6 litter control.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 468
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1997 Supplement)

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

14 **Article 27 - Crimes and Punishments**

15 468.

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

17 (b) It is the intention of the legislature by this section to provide for uniform
18 prohibition throughout the State of Maryland of any and all littering on public or
19 private property, and to curb thereby the desecration of the beauty of the State and
20 harm to the health, welfare and safety of its citizens caused by individuals who litter.
21 However, to permit more active enforcement of littering prohibitions within a
22 municipality, the legislative body of a municipality may prohibit littering, as does this
23 section, and classify littering as a municipal infraction under Article 23A, § 3(b) of the
24 Code.

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

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

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

9 (3) [The word "person"] "PERSON" means an individual, firm, sole
10 proprietorship, partnership, corporation, limited liability company, or unincorporated
11 association.

12 (4) [The phrase "commercial purpose"] "COMMERCIAL PURPOSE" means
13 for the purpose of economic gain.

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

15 (i) The Maryland-National Capital Park and Planning
16 Commission; or

17 (ii) The Washington Suburban Sanitary Commission.

18 (6) "LITTER OWNER" MEANS THE PERSON GENERATING THE LITTER.

19 (7) "APPROVED LOCATION" MEANS PROPERTY DESIGNATED BY THE
20 STATE OR BY ANY OF ITS AGENCIES OR POLITICAL SUBDIVISIONS FOR THE DISPOSAL
21 OF LITTER.

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

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

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

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

35 (3) (I) THE LITTER OWNER IS RESPONSIBLE FOR DELIVERY OF THE
36 LITTER TO AN APPROVED LOCATION FOR DISPOSAL.

1 (II) 1. IF THE SERVICES OF A LICENSED COMMERCIAL LITTER
2 HAULER ARE USED, THE LITTER OWNER'S RESPONSIBILITY PASSES TO THE HAULER
3 ONCE THE HAULER HAS POSSESSION OF THE LITTER.

4 2. EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH 1. OF THIS
5 PARAGRAPH, THE LITTER OWNER RETAINS RESPONSIBILITY FOR HANDLING OF THE
6 LITTER UNTIL IT IS PROPERLY DISPOSED OF AT AN APPROVED LOCATION.

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

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

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

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

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

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

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

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

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

35 (f) Whenever litter is thrown, deposited, dropped or dumped from any motor
36 vehicle, boat, airplane or other conveyance in violation of subsection (d) of this
37 section, and if the vehicle, boat, airplane or other conveyance has two or more
38 occupants and it cannot be determined which occupant is the violator, the owner of
39 the vehicle, boat, airplane or other conveyance, if present, shall be presumed to be

1 responsible for the violation; in the absence of the owner of the vehicle, boat, airplane
2 or other conveyance, the operator shall be presumed to be responsible for the
3 violation. Furthermore, licenses to operate such conveyances may be suspended for a
4 period not to exceed seven days together with, or in lieu of, penalties provided in
5 subsection (e) of this section.

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

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

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

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

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

23 (ii) The bi-county agency, if the bi-county agency is the
24 enforcement agency and the violations occurred on property over which the bi-county
25 agency exercises jurisdiction.

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

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

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

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 1998.