
By: **Prince George's County Delegation**
Introduced and read first time: February 11, 2000
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Litter Control**
3 **PG 311-00**

4 FOR the purpose of authorizing the governing body of Prince George's County to
5 adopt an ordinance to prohibit littering under certain circumstances; imposing
6 certain penalties for certain violations; making stylistic changes; and generally
7 relating to Prince George's County and litter control.

8 BY repealing and reenacting, with amendments,
9 Article 27 - Crimes and Punishments
10 Section 468
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1999 Supplement)

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

15 **Article 27 - Crimes and Punishments**

16 468.

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

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

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

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

1 (II) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY MAY
2 ADOPT AN ORDINANCE TO PROHIBIT LITTERING UNDER THE AUTHORITY OF THIS
3 SECTION, AND FOR VIOLATIONS OF THE ORDINANCE, MAY IMPOSE CRIMINAL
4 PENALTIES UP TO THE AMOUNTS SPECIFIED IN SUBSECTION (E) OF THIS SECTION
5 AND CIVIL PENALTIES NOT EXCEEDING THE AMOUNTS OF THE FINES SPECIFIED IN
6 SUBSECTION (E) OF THIS SECTION.

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

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

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

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

19 (4) The phrase "commercial purpose" means for the purpose of economic
20 gain.

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

22 (i) The Maryland-National Capital Park and Planning
23 Commission; or

24 (ii) The Washington Suburban Sanitary Commission.

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

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

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

34 (2) It shall be unlawful for any person or persons to throw, dump, or
35 deposit any trash, junk, or other refuse upon any highway, or to perform any act
36 which constitutes a violation of the State of Maryland's Vehicle Laws relative to
37 putting trash, glass and 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
4 in an amount not exceeding 100 pounds in weight or 27 cubic feet in volume and not
5 for commercial purposes is guilty of a misdemeanor and is subject to a fine of not
6 more than \$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
8 in an amount exceeding 100 pounds in weight or 27 cubic feet in volume, but not
9 exceeding 500 pounds in weight or 216 cubic feet in volume and not for commercial
10 purposes is guilty of a misdemeanor and subject to a fine of not more than \$10,000 or
11 imprisonment for not more than 1 year or both.

12 (3) A person who dumps litter in violation of subsection (d) of this section
13 in an amount exceeding 500 pounds in weight or 216 cubic feet in volume or in any
14 quantity for commercial purposes is guilty of a misdemeanor and subject to a fine of
15 not more than \$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
19 this 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
23 in 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
26 bi-county agency for any costs incurred by the State, county, municipal corporation,
27 or bi-county agency in the removal of litter dumped in violation of subsection (d) of
28 this section.

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

39 (g) Notwithstanding any other provision of law, if the facts of any case in
40 which a person is charged with violating this section are sufficient to prove that the

1 person is responsible for the violation, it is not necessary that the owner of the
2 property on which the violation allegedly occurred be present at any court proceeding
3 regarding that case.

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

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

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

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

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

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

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2000.