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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 17, 2000

CHAPTER _____

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

1 State and harm to the health, welfare and safety of its citizens caused by individuals
2 who litter.

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

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

8 (II) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY MAY
9 ADOPT AN ORDINANCE TO PROHIBIT LITTERING UNDER THE AUTHORITY OF THIS
10 SECTION, AND FOR VIOLATIONS OF THE ORDINANCE, MAY IMPOSE CRIMINAL
11 PENALTIES ~~UP TO THE AMOUNTS SPECIFIED IN SUBSECTION (E) OF THIS SECTION~~
12 ~~AND CIVIL PENALTIES NOT EXCEEDING THE AMOUNTS OF THE FINES AND CIVIL~~
13 ~~PENALTIES THAT DO NOT EXCEED THE CRIMINAL PENALTIES AND CIVIL PENALTIES~~
14 SPECIFIED IN SUBSECTION (E) OF THIS SECTION.

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

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

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

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

27 (4) The phrase "commercial purpose" means for the purpose of economic
28 gain.

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

30 (i) The Maryland-National Capital Park and Planning
31 Commission; or

32 (ii) The Washington Suburban Sanitary Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (f) Whenever litter is thrown, deposited, dropped or dumped from any motor
2 vehicle, boat, airplane or other conveyance in violation of subsection (d) of this
3 section, and if the vehicle, boat, airplane or other conveyance has two or more
4 occupants and it cannot be determined which occupant is the violator, the owner of
5 the vehicle, boat, airplane or other conveyance, if present, shall be presumed to be
6 responsible for the violation; in the absence of the owner of the vehicle, boat, airplane
7 or other conveyance, the operator shall be presumed to be responsible for the
8 violation. Furthermore, licenses to operate such conveyances may be suspended for a
9 period not to exceed seven days together with, or in lieu of, penalties provided in
10 subsection (e) of this section.

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

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

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

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

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

28 (ii) The bi-county agency, if the bi-county agency is the
29 enforcement agency and the violations occurred on property over which the bi-county
30 agency exercises jurisdiction.

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

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

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

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

