

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Bill 111

(Delegate Branch, *et al.*)

Environmental Matters

Judicial Proceedings

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Baltimore City - Illegal Dumping - Surveillance Systems

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This bill authorizes the Baltimore City Department of Public Works (DPW) to install surveillance systems at State- and city-owned “dumping sites” and use surveillance images to enforce the State litter control law or a local law or ordinance relating to the unlawful disposal of litter. The bill also establishes procedures for issuing citations and collecting civil penalties for violations recorded by a surveillance system.

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Fiscal Summary

**State Effect:** Any effect on the District Court’s caseload and expenditures depends on the number of persons electing to stand trial, as opposed to paying the civil penalty. It is assumed that any such costs would be minimal. The development of a citation form could be handled by existing resources.

**Local Effect:** The full effect on local finances depends on the extent to which these systems are deployed, but based on experiences with red light camera programs, revenues could exceed the expenditures for monitoring systems by a significant amount.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** This bill authorizes DPW to install surveillance systems at State- and city-owned dumping sites that have been repeatedly used for illegal litter disposal and to use the surveillance images to enforce the State litter control law or local laws relating to the unlawful disposal of litter.

The District Court has exclusive jurisdiction over cases brought for illegal dumping. Court costs for dumping cases are \$20. In uncontested cases in which the fines are paid directly to the city, costs are \$2. The District Court, in consultation with DPW, must prescribe a uniform citation form and a civil penalty to be paid by persons who chose to pay the penalty as opposed to appearing in court.

Citations must include specified information and state that:

- the person receiving the citation may elect to stand trial by notifying DPW of the person's election at least five days before the date of payment; and
- penalties in uncontested cases shall be paid directly to Baltimore City.

No later than two weeks after an alleged violation, DPW is required to mail a citation to the registered owner of a vehicle captured on the surveillance system violating the State litter control law or local litter laws. DPW may mail a warning notice instead of a citation.

Unless the person committing the violation receives a citation from a police officer at the time of the violation, the owner of the vehicle is subject to a civil penalty, which may not exceed \$1,000.

Failure to pay the civil penalty or contest liability in a timely manner: (1) is an admission of liability; (2) may result in the refusal by the Motor Vehicle Administration (MVA) to register the vehicle; and (3) may result in the suspension of the motor vehicle registration.

The District Court may consider in defense of a violation the fact that the vehicle or its registration plates were stolen prior to the violation and that neither was in the possession of the owner at the time of the violation. In order to assert this defense, the owner must provide proof that a police report was filed in a timely manner. If the owner asserts that someone else committed the violation, the owner must provide evidence as to the identity of the violator in the surveillance image, including the person's name and current address. DPW may issue a citation to the person identified no later than two weeks after the receipt of the evidence from the District Court.

The MVA may not register or transfer the registration of any vehicle involved in a violation of State or local litter control laws if it is: (1) notified by DPW that a person cited has failed to pay the fine or file notice of intent to stand trial; or (2) notified by the District Court that a person who has elected to stand trial failed to appear at trial.

**Current Law:** Under the State’s Litter Control Law, a person may not: (1) dispose of litter on a highway or perform an act that violates the State vehicle laws regarding disposal of litter, glass, and other prohibited substances on highways; or (2) dispose or cause or allow the disposal of litter on public or private property unless the property is designated by the State or a political subdivision for the disposal of litter and the person is authorized by the proper public authority to use the property, or the litter is placed into a litter receptacle or container installed on the property.

Public or private property means:

- the right-of-way of a road or highway;
- a body of water or watercourse or the shores or beaches of a body of water or watercourse;
- a park;
- a parking facility;
- a playground;
- public service company property or transmission line right-of-way;
- a building;
- a refuge or conservation or recreation area;
- residential or farm property; or
- timberlands or a forest.

A person who disposes of litter in violation of these provisions in an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 30 days and/or a fine of \$1,500. A person who disposes of litter in an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216 cubic feet, and not for commercial gain is guilty of a misdemeanor and subject to maximum penalties of imprisonment for one year and/or a fine of \$12,500. A person who disposes of litter in an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a fine of \$30,000.

Baltimore City ordinances prohibit the disposal of any waste except in a receptacle at an approved location, at a licensed landfill, or at any other disposal site authorized to receive waste. Littering on public or private property is also prohibited. “Littering” means discarding or otherwise disposing of small amounts of paper, beverage containers, glass, garbage, or other waste that: (1) weighs less than one pound; (2) comprises less than one

cubic foot; and (3) are not toxic, noxious, or otherwise a threat to the public health or safety.

The basic penalty for illegal waste disposal is a \$1,000 fine and up to 90 days in prison, or both. If the violation entails disposal of 25 pounds or more within any 24-hour period, the potential term of imprisonment increases to a maximum of 12 months. Additionally, there may be a revocation of the privilege of seeking a building permit in the city. A conviction for littering carries a \$200 fine.

**Background:** Baltimore City maintains five legal dumping sites that are open to city residents six days per week. Residents must provide proof of residency and bring their own materials to the site.

There are hundreds of abandoned and secluded sites in Baltimore City that are used for illegal dumping. The six investigators from DPW's Environmental Crimes Unit currently investigate illegal dumping. Current investigations normally entail waiting at a known dumping site with a video camera for an individual to dump materials. DPW reports that Environmental Crimes Unit investigations lead to 300 enforcements (arrests, citations, summonses) for illegal dumping between March 2001 and December 2004.

According to the Baltimore Neighborhood Indicators Alliance, there were 5.4 incidents of illegal dumping per 1,000 residents in 2003, a 42.7% decrease from 2002.

**State Expenditures:** General fund expenditures could potentially increase due to an increased caseload in the District Court. The actual effect depends on the number of cases filed in the District Court. It is assumed, however, that most violators would choose to prepay the penalty instead of standing trial. Additional clerical and court time may be required to handle a significant number of additional cases.

**Local Fiscal Effect:** Baltimore City DPW currently spends \$20 million annually on public clean up. DPW advises that a significant portion of that amount is spent on illegal dumping. DPW had over 10,000 alley and lot clean up requests, which amounted to an estimated 9215.4 tons of illegally dumped waste. Baltimore City currently spends \$41 per ton for disposal costs or \$377,831. Baltimore City advises that the ability to install surveillance cameras would allow DPW to address the most egregious violators of the dumping law and to recoup some of the funds spent in disposal and clean-up costs.

Baltimore City did not provide a fiscal estimate of the bill's costs considerations, which include, but are not limited to, purchasing or contracting for monitoring devices, and maintenance of those devices. Baltimore City currently uses 24-hour surveillance cameras in the Inner Harbor for homeland security and crime prevention, but DPW advises that it is looking for a more modified version of that system and is unable to

provide a cost estimate at this time. Nevertheless, based on experiences with red light cameras, it is anticipated that revenues from the system will significantly exceed expenditures.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 312 (Senator McFadden) – Judicial Proceedings.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Baltimore City, Department of Legislative Services

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