

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 419

(Senator Jones-Rodwell)(By Request - Baltimore City  
Administration)

Judicial Proceedings

Environmental Matters

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**Criminal Law - Litter Control Law - Enforcement**

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This bill changes the name of the Litter Control Law to be the “Illegal Dumping and Litter Control Law” and transfers the authority for Baltimore City to implement illegal dumping surveillance systems from the Baltimore City Department of Public Works to the Baltimore City Department of Housing and Community Development, or another department designated by the mayor.

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**Fiscal Summary**

**State Effect:** None. Renaming the law does not affect State government finances or operations.

**Local Effect:** Overall, Baltimore City government finances and operations are not materially affected by shifting authority from one unit to another.

**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:**

*State Litter Control 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, a unit of 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.

If two or more individuals are occupying a motor vehicle, boat, airplane, or other conveyance from which illegal litter is disposed, and it cannot be determined which occupant is the violator, then (1) if present, the owner of the conveyance is presumed to be responsible for the violation; or (2) if the owner of the conveyance is not present, the operator is presumed to be responsible for the violation.

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.

In addition to the incarceration and monetary penalties, a court may order the violator to (1) remove or render harmless the litter disposed of; (2) repair or restore any property damaged by, or pay damages for, the disposal of the litter; (3) perform public service relating to the removal of litter or to the restoration of an area polluted by litter; or (4) reimburse the State, county, municipal corporation, or bi-county unit for its costs

incurred in removing the litter. In addition to, or instead of these penalties, the court may suspend for up to seven days the license of the person to operate the type of conveyance used in the violation who is presumed to be responsible for any violation involving a conveyance.

Fines collected for Litter Control Law violations must be disbursed in the following manner: (1) to the county or municipal corporation where the violation occurred; or (2) if the bi-county unit is the enforcement unit and the violations occurred on property over which the bi-county unit exercises jurisdiction, to the bi-county unit. Fines collected must be used to pay for required litter receptacles and posting signs and for other purposes relating to the removal or control of litter.

The legislative body of a municipal corporation may prohibit littering and classify littering as a municipal infraction. Prince George's County is authorized to adopt an ordinance to prohibit littering and, for violations of the ordinance, may impose criminal penalties and civil penalties that do not exceed the specified criminal penalties and civil penalties under State law.

“Litter” means all rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description.

#### *Baltimore City Dumping Site Surveillance Systems*

Chapter 13 of 2006 authorized Baltimore City 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. 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.

The District Court has exclusive jurisdiction over cases brought for illegal dumping. Court costs for dumping cases are \$22.50. In uncontested cases in which the fines are paid directly to the city, costs are \$2. The District Court, in consultation with Baltimore City, must prescribe a uniform citation form and a civil penalty to be paid by persons who choose to pay the penalty as opposed to appearing in court. Penalties in uncontested cases must be paid to Baltimore City.

A person receiving the citation may elect to stand trial by notifying Baltimore City. 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.

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 MVA to register the vehicle; and (3) may result in the suspension of the motor vehicle registration. 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 Baltimore City 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.

In addition, Baltimore City ordinances prohibit littering on public or private property. "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. A conviction for littering carries a \$500 fine.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 546 (Delegate Anderson, *et al.*) (By Request - Baltimore City Administration) - Environmental Matters.

**Information Source(s):** Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2012  
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Analysis by: Evan M. Isaacson

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510