

HOUSE BILL 106

E1, L1

5lr0418

By: **Montgomery County Delegation**

Introduced and read first time: January 23, 2015

Assigned to: Environment and Transportation

Committee Report: Favorable

House action: Adopted

Read second time: February 17, 2015

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Illegal Dumping and Litter Control Law – Adoption of**
3 **Local Ordinance**

4 **MC 11–15**

5 FOR the purpose of authorizing the governing body of Montgomery County to adopt a
6 certain ordinance to prohibit littering and to impose certain criminal and civil
7 penalties; and generally relating to the Illegal Dumping and Litter Control Law.

8 BY repealing and reenacting, without amendments,

9 Article – Criminal Law

10 Section 10–110(f)(1), (2), and (3)

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2014 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Criminal Law

15 Section 10–110(j)

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2014 Supplement)

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

20 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 10–110.

2 (f) (1) A person who violates this section is subject to the penalties provided
3 in this subsection.

4 (2) (i) A person who disposes of litter in violation of this section in an
5 amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is guilty of
6 a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a
7 fine not exceeding \$1,500 or both.

8 (ii) A person who disposes of litter in violation of this section in an
9 amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216 cubic
10 feet, and not for commercial gain is guilty of a misdemeanor and on conviction is subject to
11 imprisonment not exceeding 1 year or a fine not exceeding \$12,500 or both.

12 (iii) A person who disposes of litter in violation of this section in an
13 amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain is
14 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years
15 or a fine not exceeding \$30,000 or both.

16 (3) In addition to the penalties provided under paragraph (2) of this
17 subsection, a court may order the violator to:

18 (i) remove or render harmless the litter disposed of in violation of
19 this section;

20 (ii) repair or restore any property damaged by, or pay damages for,
21 the disposal of the litter in violation of this section;

22 (iii) perform public service relating to the removal of litter disposed
23 of in violation of this section or to the restoration of an area polluted by litter disposed of in
24 violation of this section; or

25 (iv) reimburse the State, county, municipal corporation, or bi-county
26 unit for its costs incurred in removing the litter disposed of in violation of this section.

27 (j) (1) The legislative body of a municipal corporation may:

28 (i) prohibit littering; and

29 (ii) classify littering as a municipal infraction under Title 6 of the
30 Local Government Article.

31 (2) The governing bodies of Prince George's County [and], Calvert County,
32 **AND MONTGOMERY COUNTY** may each adopt an ordinance to prohibit littering under
33 this section and, for violations of the ordinance, may impose criminal penalties and civil

1 penalties that do not exceed the criminal penalties and civil penalties specified in
2 subsection (f)(1) through (3) of this section.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.