

# HOUSE BILL 8

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(PRE-FILED)

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By: **Delegate Arentz**

Requested: July 25, 2019

Introduced and read first time: January 8, 2020

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

### 2 **Illegal Dumping and Litter Control Law – Yard Waste**

3 FOR the purpose of expanding the Illegal Dumping and Litter Control Law to include yard  
4 waste; establishing a penalty for a violation of this Act; prohibiting a court from  
5 imposing less than a certain mandatory minimum fine for a violation of this Act;  
6 requiring a court to order a person found guilty of disposing of yard waste in violation  
7 of this Act to take certain actions; defining a certain term; altering a certain  
8 definition; and generally relating to the Illegal Dumping and Litter Control Law.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Law  
11 Section 10–110  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2019 Supplement)

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

### 16 **Article – Criminal Law**

17 10–110.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) “Bi-county unit” means:

20 (i) the Maryland–National Capital Park and Planning Commission;

21 or

22 (ii) the Washington Suburban Sanitary Commission.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(3) (i) “Bulky item” means any discarded furniture, home or industrial appliance, or abandoned vehicle or part of an abandoned vehicle not designated for disposal purposes under the laws of Prince George’s County.

(ii) “Bulky item” does not include discarding, dropping, or scattering of small quantities of waste matter ordinarily carried on or about the person, including:

1. beverage containers and closures;

2. packaging;

3. wrappers;

4. wastepaper;

5. newspapers;

6. magazines; and

7. waste matter that escapes or is allowed to escape from a container, receptacle, or package.

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

(5) “Public or private property” means:

(i) the right-of-way of a road or highway;

(ii) a body of water or watercourse or the shores or beaches of a body of water or watercourse;

(iii) a park;

(iv) a parking facility;

(v) a playground;

(vi) public service company property or transmission line right-of-way;

(vii) a building;

(viii) a refuge or conservation or recreation area;

(ix) residential or farm property; or

(x) timberlands or a forest.

**(6) (I) “YARD WASTE” MEANS ORGANIC PLANT WASTE DERIVED FROM GARDENING, LANDSCAPING, AND TREE TRIMMING ACTIVITIES.**

**(II) “YARD WASTE” INCLUDES LEAVES, GARDEN WASTE, LAWN CUTTINGS, WEEDS, AND PRUNINGS.**

(b) The General Assembly intends to:

(1) prohibit uniformly throughout the State the improper disposal of litter on public or private property; and

(2) curb the desecration of the beauty of the State and harm to the health, welfare, and safety of its citizens caused by the improper disposal of litter.

(c) 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:

(i) the property is designated by the State, a unit of the State, or a political subdivision of the State for the disposal of litter and the person is authorized by the proper public authority to use the property; or

(ii) the litter is placed into a litter receptacle or container installed on the property.

(d) If two or more individuals are occupying a motor vehicle, boat, airplane, or other conveyance from which litter is disposed in violation of subsection (c) of this section, and it cannot be determined which occupant is the violator:

(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.

(e) Notwithstanding any other law, if the facts of a case in which a person is charged with violating this section are sufficient to prove that the person is responsible for the violation, the owner of the property on which the violation allegedly occurred need not be present at a court proceeding regarding the case.

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

(2) (i) **THIS PARAGRAPH DOES NOT APPLY TO A PERSON WHO DISPOSES OF YARD WASTE IN VIOLATION OF THIS SECTION.**

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

[(ii)] (III) A person who disposes of litter in violation of this section 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 on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$12,500 or both.

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

(3) (I) **A PERSON WHO DISPOSES OF YARD WASTE IN VIOLATION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

1. **FOR A FIRST OFFENSE, A FINE OF NOT LESS THAN \$50 AND NOT EXCEEDING \$300; AND**

2. **FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT LESS THAN \$50 AND NOT EXCEEDING \$1,000.**

(II) **NOTWITHSTANDING § 14–102 OF THIS ARTICLE, THE COURT MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM FINE OF \$50.**

(4) (I) [In] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN** addition to the penalties provided under [paragraph] **PARAGRAPHS (2) AND (3)** of this subsection, a court may order the violator to:

[(i)] 1. remove or render harmless the litter disposed of in violation of this section;

[(ii)] 2. repair or restore any property damaged by, or pay damages for, the disposal of the litter in violation of this section;

[(iii)] 3. perform public service relating to the removal of litter

disposed of in violation of this section or to the restoration of an area polluted by litter disposed of in violation of this section; or

**[(iv)] 4.** reimburse the State, county, municipal corporation, or bi-county unit for its costs incurred in removing the litter disposed of in violation of this section.

**(II) IN ADDITION TO THE PENALTIES PROVIDED UNDER PARAGRAPH (3) OF THIS SUBSECTION, A COURT SHALL ORDER A PERSON FOUND GUILTY OF DISPOSING OF YARD WASTE IN VIOLATION OF THIS SECTION TO:**

**1. REMOVE OR RENDER HARMLESS THE YARD WASTE DISPOSED OF IN VIOLATION OF THIS SECTION; OR**

**2. REIMBURSE THE STATE, COUNTY, MUNICIPAL CORPORATION, OR BI-COUNTY UNIT FOR ITS COSTS INCURRED IN REMOVING THE YARD WASTE DISPOSED OF IN VIOLATION OF THIS SECTION.**

**[(4)] (5)** (i) If a person is convicted of a violation under this section and the person used a motor vehicle in the commission of the violation, the court shall notify the Motor Vehicle Administration of the violation.

(ii) The Chief Judge of the District Court and the Administrative Office of the Courts, in conjunction with the Motor Vehicle Administration, shall establish uniform procedures for reporting a violation under this paragraph.

(g) A law enforcement unit, officer, or official of the State or a political subdivision of the State, or an enforcement unit, officer, or official of a commission of the State, or a political subdivision of the State, shall enforce compliance with this section.

(h) A unit that supervises State property shall:

(1) establish and maintain receptacles for the disposal of litter at appropriate locations where the public frequents the property;

(2) post signs directing persons to the receptacles and serving notice of the provisions of this section; and

(3) otherwise publicize the availability of litter receptacles and the requirements of this section.

(i) (1) Fines collected for violations of this section shall be disbursed:

(i) to the county or municipal corporation where the violation occurred; or

(ii) 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.

(2) Fines collected shall be used to pay for litter receptacles and posting signs as required by subsection (h) of this section and for other purposes relating to the removal or control of litter.

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

(i) prohibit littering; and

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

(2) The governing bodies of Prince George's County, Calvert County, and Montgomery County may each adopt an ordinance to prohibit littering under this section and, for violations of the ordinance, may impose criminal penalties and civil penalties that do not exceed the criminal penalties and civil penalties specified in subsection (f)(1) through ~~[(3)]~~ (4) of this section.

(3) (i) The governing body of Prince George's County may adopt an ordinance to prohibit the disposal of a bulky item:

1. on a highway; or

2. on public or private property unless the property is designated by the State, a unit of the State, or a political subdivision of the State for the disposal of bulky items and the person is authorized by the proper public authority to use the property.

(ii) For violations of the ordinance adopted under this paragraph, Prince George's County may impose criminal penalties and civil penalties that do not exceed the criminal penalties and civil penalties specified in subparagraph (iii) of this paragraph.

(iii) A person who disposes of a bulky item in violation of this paragraph is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$5,000 or both.

(k) This section may be cited as the "Illegal Dumping and Litter Control Law".

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.