

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 8 (Delegate Arentz)
Environment and Transportation

Illegal Dumping and Litter Control Law - Yard Waste

This bill expands the definition of “litter” in the Illegal Dumping and Litter Control Law to include “yard waste.” “Yard waste” is organic plant waste derived from gardening, landscaping, and tree trimming activities, including leaves, garden waste, lawn cuttings, weeds, and pruning. A person who illegally disposes of yard waste is guilty of a misdemeanor, punishable by a mandatory minimum fine of \$50 and a maximum fine of \$300 (first violation) or \$1,000 (second or subsequent violation). A court must order a violator to (1) remove or render harmless the illegally disposed yard waste or (2) reimburse the State, county, municipal corporation, or bi-county unit for its removal costs.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: Potential minimal increase in local revenues due to the bill’s penalty provisions. To the extent the bill reduces illegal dumping in counties or violators reimburse the county for litter removal costs, local expenditures related to litter removal may decrease minimally. The bill’s provisions can be enforced with existing resources.

Small Business Effect: None.

Analysis

Bill Summary / Current Law: The Illegal Dumping and Control Law (§ 10-110 of the Criminal Law Article) defines litter as all rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description. Under that statute, a person may not (1) dispose of litter on a highway or perform an act that violates

the Maryland Vehicle Law 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 meets specified designation requirements 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.

A violator is guilty of a misdemeanor and subject to the following penalties, depending on the weight or volume of the disposed litter:

- up to 100 pounds or 27 cubic feet (not for commercial gain) – imprisonment for up to 30 days and/or a \$1,500 maximum fine;
- more than 100 pounds or 27 cubic feet and up to 500 pounds or 216 cubic feet (not for commercial gain) – imprisonment for up to one year and/or a \$12,500 maximum fine; and
- more than 500 pounds or 216 cubic feet (not for commercial gain) or any amount for commercial gain – imprisonment for up to five years and/or a \$30,000 maximum fine.

In addition to these penalties, the court may order the violator to perform relevant community service, reimburse the appropriate governmental entity for specified costs incurred, or perform specified reparative tasks. Fines collected for violations must be disbursed to the appropriate governmental entity and collected fines must be used to pay for litter receptacles, posting required signs, and for other purposes relating to the removal or control of litter.

Under existing statute, Calvert, Montgomery, and Prince George’s counties may adopt similar county ordinances to prohibit littering, so long as the criminal and civil penalties imposed do not exceed the penalties listed above. The bill authorizes these counties to adopt county yard waste ordinances, so long as the penalties in those ordinances do not exceed the bill’s yard waste penalties.

Background: According to the Judiciary, 421 illegal dumping violations were filed in the District Court during fiscal 2019, resulting in 35 guilty dispositions and approximately \$1,400 in collected fines. There were three guilty dispositions in the circuit courts during fiscal 2019, none of which resulted in collected fines.

Local Fiscal Effect: Local revenues may increase minimally from fines imposed under the bill. Local expenditures for litter removal may decrease minimally if counties are reimbursed for yard waste removal costs. This estimate assumes that the overall effect of the bill is an increase in enforcement and fines.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore City; Howard, Montgomery, and Prince George's counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Maryland Department of the Environment; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - January 27, 2020
mr/aad

Analysis by: Donovan A. Ham

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