

COUNTY COUNCIL OF  
 ANNE  
ARUNDEL  
COUNTY  
M A R Y L A N D

**LEGISLATIVE SUMMARY\***

To: All Councilmembers of the Anne Arundel County Council

From: Linda M. Schuett, Legislative Counsel

Date: February 16, 2021

Subject: Bill No. 19-21

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Until October 1, 2020, State law authorized Prince George’s County, Calvert County, and Montgomery County to adopt local ordinances to prohibit littering. In 2020, House Bill 77 and Senate Bill 60 added Anne Arundel County to the list. The State bills became effective on October 1, 2020.

Bill No. 19-21 incorporates the State’s definition of “litter”. Under § 10-110(4) of the Criminal Law Article of the State Code, “litter” means “all rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description.”

The Bill prohibits littering on County roads and provides that a person may not violate State vehicle laws regarding the disposal of litter on roads. The Bill also prohibits littering on public or private property unless (1) the property is designated by the State or a political subdivision of the State for the disposal of litter and the person is authorized to use the property, or (2) the litter is placed into a garbage or solid waste container on the property.

A person who litters in violation of the law is subject to a civil fine for a Class D civil offense, which is \$125 for the first violation, \$500 for the second violation, and \$1,000 for the third or any subsequent violation. *See* § 9-2-101 of the Code.

In the alternative, the person is subject to the penalties set forth in § 10-110(f) of the Criminal Law Article of the State Code. The penalties are as follows:

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\* This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

(f) Penalty. –

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(2)

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

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

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

(iii) 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) 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.