

## Chapter 127

### LITTERING AND SOLID WASTE MANAGEMENT

#### § 127-1. Definitions.

Unless otherwise clearly indicated by the context, in this chapter the following terms have the meanings indicated:

**CIVIL INFRACTION** — A violation of a County ordinance, resolution or public local law which has been designated a civil infraction by the County Commissioners of Caroline County.

**COMMERCIAL REFUSE HAULER** — Any person operating a commercial refuse vehicle or other vehicle for the purpose of collecting, transporting and disposing of solid waste for hire, for a fee or for profit.

**COMMERCIAL REFUSE VEHICLE** — Any truck or other motor vehicle or roll-off type of container operated or used for the purpose of collecting, transporting or disposing of solid waste which involves the mechanical compaction of solid waste or which has the capacity to carry more than 15 cubic yards of solid waste.

**COUNTY** — Caroline County, Maryland.

**COUNTY COMMISSIONERS** — The County Commissioners of Caroline County, Maryland.

**DISPOSAL FACILITY USE PERMIT** — The permit issued by the County for use at or in connection with a solid waste disposal facility.**[Added 7-26-2011 by Bill No. 2011-4]**

**HAZARDOUS WASTE** — Any substance identified as a designated hazardous substance in state or federal regulations.

**PERMIT FEE** — The fee or fees approved from time to time by resolution of the County Commissioners for depositing solid waste at any County-owned or -operated solid waste disposal facility.**[Added 7-26-2011 by Bill No. 2011-4]**

**PERSON** — Any individual, group of individuals, organization, firm, partnership, corporation, government unit or any entity of any kind.

**SOLID WASTE** — Any garbage, refuse, ashes, junk, rubbish, industrial waste, brush, rubble or any other material determined by the County to be solid waste.

**SOLID WASTE DISPOSAL FACILITY (DISPOSAL FACILITY)** — Any location or facility owned or operated by the County for the purpose of disposal, treatment or processing of solid waste, including but not limited to a collection site, transfer station, sanitary landfill or incinerator.

#### § 127-2. Littering and disposal of solid waste prohibited; civil infractions; penalties.

## A. Prohibited acts.

- (1) No one shall throw, dump, deposit or leave any solid waste on the land or property of another, or cause any solid waste to be thrown, dumped, deposited or left, unless:
  - (a) They first obtain the specific written consent of the owner of the property; or
  - (b) They are acting under the personal direction of the owner of the property.
- (2) No one shall throw, dump, deposit or leave any solid waste or cause any solid waste to be thrown, dumped, deposited or left on or alongside any state, County or private road in Caroline County.
- (3) No one shall throw, dump, deposit or leave any solid waste or cause any solid waste to be thrown, dumped, deposited or left on or around any public lands belonging to any federal, state, County or local government or units thereof.
- (4) No person shall throw, dump, deposit or leave any solid waste at any County-owned or -operated solid waste disposal facility unless such person shall have a validly issued and currently effective disposal facility use permit. **[Added 7-26-2011 by Bill No. 2011-4]**
- (5) No person shall throw, dump, deposit or leave any hazardous waste at any solid waste disposal facility except pursuant to and in accordance with a regulated hazardous waste recycling program conducted at any such facility. **[Added 7-26-2011 by Bill No. 2011-4]**

B. Rebuttable presumption. It shall be a rebuttable presumption that any article bearing a person's name and/or address which is found at a location in violation of this section is the property of the person whose name and/or address it bears; and it shall be a rebuttable presumption that this person placed or caused the article to be placed at the location where found.

C. Violations and penalties. **[Amended 7-26-2011 by Bill No. 2011-4]**

- (1) In addition to any other penalties permitted by this chapter, a violation of this section of this chapter shall be a Class E civil infraction in accordance with Chapter 92 of this Code, which class carries an initial fine of \$150 and a fine of \$300 for subsequent violations.
- (2) Each site upon which a violation has been committed may be considered a separate violation.
- (3) A person who receives a citation under this section may elect to stand trial for the offense in district court in accordance with the

Public Local Laws of Caroline County and Article 25B of the Annotated Code of Maryland.

**§ 127-3. Disposal facilities. [Amended 7-26-2011 by Bill No. 2011-4]**

- A. The County Commissioners may establish solid waste disposal facilities from time to time and at one or more locations in Caroline County. These facilities shall be for the noncommercial disposal of solid waste by county residents.
- B. No person shall use a solid waste disposal facility for other than noncommercial solid waste.
- C. The County Commissioners may adopt any rules they deem necessary, convenient, or appropriate for the orderly, efficient, safe, economical and aesthetic operation of any solid waste disposal facility.
  - (1) Any rules adopted shall be posted prominently or shall be available for review by the public at the facility.
  - (2) No person shall use a County solid waste disposal facility except in accordance with all rules governing the use of the facility.

**§ 127-4. Disposal facility use permits. [Amended 7-26-2011 by Bill No. 2011-4]**

- A. Disposal facility use permits shall be issued only to residents of Caroline County for the disposal of noncommercial solid waste. The following persons shall not be issued disposal facility use permits:
  - (1) Commercial refuse or solid waste haulers.
  - (2) Nonresidents of Caroline County.
  - (3) Any person with hazardous waste.
- B. The County Commissioners or their authorized representative shall adopt application procedures and forms for and regulations regarding the issuance of disposal facility use permits. Fees for disposal facility use permits shall be set by the County Commissioners by resolution.
- C. The County Commissioners or their authorized representative shall adopt the form and content of the disposal facility use permit. Permits shall be designed to prohibit the transfer of the permit from one person to another.
- D. No disposal facility use permit shall be transferred to or used by any person other than the person to whom it was originally issued. No person shall be required to pay an additional permit fee upon the sale or transfer of a vehicle or upon a change of address within Caroline County.

- E. The County Commissioners or their authorized representative may refuse to issue or to renew, or may revoke or suspend, any disposal facility use permit issued under this section, upon a determination that the holder of the permit has violated any provision of this chapter or that the issuance or the continued use of the permit would endanger public health, safety or welfare. Notice of a refusal to issue or renew, or of revocation or suspension, shall be sufficient if sent by certified mail to the address provided on the application for the permit. A permit applicant or permit holder shall have the right to a hearing before the County Administrator before such action becomes final. If, in the opinion of the County Administrator, there is an immediate danger to public health or safety, a hearing shall not be required prior to the revocation or suspension of a permit, but a hearing must be provided as promptly thereafter as possible.
- F. Upon approval of an application for a disposal facility use permit and the payment of all required fees, the applicant shall be issued a disposal facility use permit.

#### **§ 127-5. Disposal fees.**

- A. Fees may be charged for solid waste delivered to a County solid waste disposal facility. **[Amended 7-26-2011 by Bill No. 2011-4]**
- B. The County Commissioners shall set the fees to be charged by resolution after a duly advertised public hearing. The fees may be modified from time to time by resolution.
- (1) The County Commissioners may, when they set the fees to be charged, vary the fees to be charged based upon any reasonable criteria they establish, including but not limited to:
- (a) Disposal facility location and type.
  - (b) Type of solid waste to be disposed of.
  - (c) Quantity of solid waste to be disposed of.
  - (d) Type of vehicle.
- (2) The County Commissioners may, based upon any reasonable criteria they establish, waive all fees for certain classes of individuals, vehicles or types of solid waste.
- C. All revenues from charges for disposal facility use permits, fines, and other charges provided for in this chapter shall be set aside in a separate fund maintained by the Comptroller and shall be used to defray the costs of solid waste management. **[Added 7-26-2011 by Bill No. 2011-4]**

#### **§ 127-6. Violations and penalties.**

- A. Except as otherwise provided in this chapter, any violation of this chapter shall be punishable by a fine of not more than \$500 or imprisonment in the County jail for not more than 30 days, or both. **[Amended 7-26-2011 by Bill No. 2011-4]**
- B. Where an act or omission is of a continuing nature, each and every day and each and every act shall be deemed a separate violation. **[Amended 7-26-2011 by Bill No. 2011-4]**
- C. Any violation of any provision of this chapter shall be grounds for the revocation or the suspension of any solid waste disposal facility use permit issued under this chapter.
- D. Anyone found to have violated any provision of this chapter shall be liable for the cost of the proceeding in any court of competent jurisdiction.
- E. In addition to any fees, costs, fines, and penalties provided for in this chapter, any person violating any provision of this chapter shall be charged with the costs of cleanup, reclamation, remediation, and/or disposal incurred by the County in connection therewith, and the County may utilize all remedies in connection with the collection thereof, including any action at law or in equity. **[Amended 7-26-2011 by Bill No. 2011-4]**

**§ 127-7. Relation to other laws and regulations.**

The provisions of this chapter, including the penalties for violation, shall be construed as additional and supplemental to any existing federal, state, County and municipal laws and regulations.