



**Alice Ferguson Foundation's
Trash Free Potomac Watershed Initiative
Litter Enforcement Week
2009**

Thank you to the Citizen Volunteer Richard Yates, Esq., for providing the selected litter and dumping enforcement codes in this document.

Every effort was made to ensure accuracy; however, this listing may contain errors. Check appropriate criminal and civil code sections for accuracy.

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Trash Free Potomac Watershed Initiative

Litter Enforcement Week 2009

Overview:

The National Park Service (NPS), the Alice Ferguson Foundation (AFF), and the Metropolitan Washington Council of Governments (COG) will launch the region's second Litter Enforcement Week as the kick-off to the 21st Annual Potomac River Watershed Cleanup. From March 28 to April 4, regional law enforcement officials will place an emphasis on enforcement of litter laws throughout the area.

Participating Jurisdictions and Agencies:

Participating jurisdictions and agencies include the United States Park Police, the District of Columbia; Maryland's Charles, Montgomery and Prince George's counties; the cities of Rockville and Greenbelt; Virginia's Arlington, Fairfax, and Prince William counties; and the City of Alexandria.

Reporting Illegal Dumping or Littering

As a general rule, to report illegal dumping or littering, call the non-emergency police number for the jurisdiction (city, county, district, federal land or state highway) where the illegal dumping or littering is seen.

Information Enforcement Officers Need from You:

- The location of the illegal dumping/littering
- Make, model and license tag number of the vehicle used to carry the items to the site
- Time and date when the dumping/littering occurred
- Any additional information on the illegal dumper/litterer

Enforcement Non-Emergency Numbers

Arlington County

Police non-emergency number: 703-228-4300

City of Alexandria

Police non-emergency number: 703-838-4444

District of Columbia

Mayor's Citywide Call Center: 311

Mayor's hotline: 1-202-727-1000

Fairfax County

Police non-emergency number: 703-691-2131

Montgomery County

Littering/illegal dumping hotline (after-the-fact): 240-777-DUMP (3867)

If occurring, call police non-emergency number: 301-279-8000

Prince George's County

Illegal dumping number: 301-883-6100

Police non-emergency number: 301-333-4000

<u>Jurisdiction</u>	<u>Offense</u>	<u>Type</u>	<u>Code §</u>	<u>Updated on</u>	<u>Penalties</u>	<u>Comments</u>
Arlington County	Dumping		10-4, -11	6-4-08	Fines up to \$300	
	Littering		10-24, -29	6-4-08	Fines up to \$300	
	Littering/ Dumping on public property		17-6(a), 1-6(a)	6-4-08	Fines: Up to \$2,500 Jail: Up to 30 days	Each day a violation continues is a separate offense

<u>Jurisdiction</u>	<u>Offense</u>	<u>Type</u>	<u>Code §</u>	<u>Updated on</u>	<u>Penalties</u>	<u>Comments</u>
Charles County	Transporting refuse into county for dumping without a permit	Misdemeanor	133-2	9-17-08	Fines: From \$100 to \$1,000	

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City of Alexandria	Dumping	Misdemeanor	11-13-2, -7, -8, 1-1-8(a)	11-19-08	Fines: Up to \$2,500 Jail: Up to 12 months Public service: Picking up solid waste pollution	If dumped from a motor vehicle, owner presumed to be the offender Any city law enforcement officer, including police and chief fire marshal, can enforce Each day a violation continues is a separate offense
	Littering/ Dumping	Misdemeanor	13-1-21, -22(a)	11-19-08	Fines: \$250-\$2,500 Jail: Up to 12 months	
	Solid waste disposal at unapproved site		5-1-71(a), -87	11-19-08	Fines: Up to \$1,000	Each day a violation continues is a separate offense

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City of Falls Church	Littering/ Dumping	Civil	13-7(a) & (b), -8	10-22-07	Fines: \$100 for first violation \$150 for each later violation	Director of Public Works enforces
	Dumping	Misdemeanor	22-50(b), -1(a)	10-22-07	Fines: Up to \$2,500 Jail: Up to 12 months	

<u>Jurisdiction</u>	<u>Offense</u>	<u>Type</u>	<u>Code §</u>	<u>Updated on</u>	<u>Penalties</u>	<u>Comments</u>
District of Columbia	Disposal at unapproved site	Misdemeanor or felony	8-902, -901, -905	12-1-08	<p>Criminal:</p> <p>Non-hazardous, non-medical, non-commercial solid waste disposal (misdemeanor): Fines: Up to \$5,000 for first offense, \$10,000 for each later offense Jail: Up to 90 days</p> <p>Commercial solid waste disposal, or knowingly disposing of hazardous or medical waste (felony): Fines: Up to \$40,000 Jail: Up to 5 years</p> <p>Civil:</p> <p>Fines: Up to \$10,000 (\$40,000 if knowingly disposing of hazardous waste) in lieu of criminal penalties</p> <p>Motor Vehicle Forfeiture: If vehicle</p>	Violator also liable for 3 times the cleanup costs incurred by the city

					used to commit violation	
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<u>Jurisdiction</u>	<u>Offense</u>	<u>Type</u>	<u>Municipal Regulations §</u>	<u>Updated on</u>	<u>Penalties</u>	<u>Comments</u>
District of Columbia	Dumping on public property	Civil	Title 24: 1000.1, 1300.2, 1380.3	12-26-08	Fines range from \$1,000 for a first violation to \$8,000 for a fourth violation within 60 days	May be enforced by the Director of the Public Works Department, the Chief of Police, or the Director of the Health Department
	Dumping on vacant lot	Civil	Title 24: 1002.1, 1300.2, 1380.3	12-26-08	Fines range from \$300 for a first violation to \$2,000 for a fourth violation w/in 60 days	Enforcement by the same individuals as above
	Littering	Civil	Title 21: 700.4, .10 Title 24: 1300.2, 1312.1, .9, 1380.3	12-26-08	Fines: Range from \$75 for a first violation to \$1,000 for a fourth violation w/in 60 days Community Service: Ranges from 8 hrs. for a first violation to 100 hrs. for a fourth violation w/in 60 days, in lieu of fines at the violator's option	Enforcement by the same individuals as above

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Frederick County	Public dumping near state highway	Misdemeanor	2-11-4	11-25-08	Fines: Up to \$25	
	Littering in public parks	Misdemeanor	1-12-44, 1-12-48, 1-12-49(A), (C)	11-25-08	Fines: Up to \$500 Jail: Up to 5 days Civil: \$50 fine	

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Fairfax County	Littering/ Dumping	Misdemeanor	82-1-29.1	9-8-08	Fines: \$250-\$2,500 Jail: Up to 12 months Community service: Picking up litter, in lieu of jail	If from a motor vehicle, owner or driver presumed to be the offender
	Solid waste disposal at unapproved site	Civil	109.1-7-1(b), 109.1-9-6(a)	9-8-08	Fines up to \$500	Each day a violation continues is a separate offense

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Loudoun County	Littering/ Dumping	Misdemeanor	1088.05, 1088.99	3-10-08	Fines: \$250-\$2,500 Jail : Up to 12 months Community service: Picking up litter in lieu of fines/jail	If from a motor vehicle, owner or driver presumed to be the offender

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Montgomery County	Dumping	Misdemeanor or civil	48-10, 48-11, 48-30, 1-19	10-31-08	Criminal: Fine: Up to \$1,000 Jail: Up to 6 months Civil: Fine: \$500 for first offense, \$750 for later offenses	Discretion to treat offense as criminal or civil rests with enforcing agency Each day that a violation continues is a separate offense

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Prince George's County	Dumping	Misdemeanor	Title17: 23-151(c) & (d)	2-9-09	<p>Fines: Range from up to \$1,000, for 100 lbs. or less not for commercial gain, to up to \$25,000, for over 500 lbs. or any amount for commercial gain</p> <p>Jail: Ranges from up to 30 days, for 100 lbs. or less not for commercial gain, to up to 5 years, for over 500 lbs. or any amount for commercial gain</p> <p>Community Service: Picking up litter</p>	
	Solid waste disposal at unapproved site	Civil	Title 17: 21-103.01, 21-125	2-9-09	Fines: Up to \$1,000	Each day a violation continues is a separate offense

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Prince William County	Littering/ Dumping	Misdemeanor	22-146	9-23-08	Fines: \$250-\$2,500 Jail: Up to 12 months Community Service: Picking up litter, in lieu of jail	If from a motor vehicle, owner or driver presumed to be the offender
	Dumping on vacant property		22-149, -155(a)	9-23-08	Fines: Up to \$50	
	Littering		22-151, -155(a)	9-23-08	Fines: Up to \$50	
	Solid waste disposal at unapproved site	Misdemeanor	22-48(2), -36, 1-12(a)(3), (c)	9-23-08	Fines: Up to \$500	Each day a violation continues is a separate offense

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St. Mary's County	Dumping/ Littering	Misdemeanor	262-12.H, 262-17, 262-9.B, 262-11, 262-1, 262-3	2-1-08	Fines: Ranging from \$250 to \$5,000 Jail: Up to 6 months	Each day a violation continues is a separate offense

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Washington County	Dumping	N/A	1-701, 1-703	1-1-09	N/A	Grant of authority to County Commissioners

<u>Jurisdiction</u>	<u>Offense</u>	<u>Type</u>	<u>Code §</u>	<u>Updated on</u>	<u>Penalties</u>	<u>Comments</u>
State of Maryland	Littering/ Dumping	Misdemeanor	Criminal Law: 10-110	1-1-09	<p>Fines: Range from up to \$1,500, for 100 lbs. or less not for commercial gain, to up to \$30,000, for over 500 lbs. or any amount for commercial gain</p> <p>Jail: Ranges from up to 30 days, for 100 lbs. or less not for commercial gain, to up to 5 years, for over 500 lbs. or any amount for commercial gain</p> <p>Community Service: Picking up litter</p> <p>Suspension of Driver's License: Suspension for up to 7 days (if from a motor vehicle)</p>	<p>If from a motor vehicle, owner or driver presumed to be the violator</p> <p>Authority to enforce delegated to law enforcement officers of the State and of its political subdivisions</p>

	Throwing refuse on highway	Misdemeanor	Transportation : 21-1111(d)-(f), 27-101(a)&(b), 16-402(a)(6)	1-1-09	Fines: Up to \$500 Points on Driver's License: 2	Owner or driver of motor vehicle presumed to be the violator
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<u>Jurisdiction</u>	<u>Offense</u>	<u>Type</u>	<u>Code §</u>	<u>Updated on</u>	<u>Penalties</u>	<u>Comments</u>
Commonwealth of Pennsylvania	Dumping w/ o a permit	Summary offense or misdemeanor	Title 35: 6018.610(1), . 605, .606(a)-(c), (h)	11-30-08	Criminal: Summary Proceeding: Fines: \$100-\$1,000, plus proceeding costs Jail: Up to 30 days, in default of paying fine/costs Regular proceeding: Fines: \$1,000-\$25,000 Jail: Up to 1 year Civil: Fines up to \$25,000	Later offenses w/in 2 years subject to elevated criminal fines and jail time Each day a violation continues is a separate offense
	Dumping	Misdemeanor	Title 18: 6501(a)(3), (b)(3)-(5)	11-30-08	Fines: \$500-\$5,000 for first violation; \$1,000-\$10,000 for each later violation	

					<p>Jail: Up to 2 years for first violation; up to 5 years for each later violation</p> <p>Community Service: Up to 2 or 5 years, in lieu of jail</p> <p>Vehicle Forfeiture: If vehicle used to commit later violation</p>	
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Commonwealth of Pennsylvania	Littering	Summary offense or misdemeanor	Title 18: 6501(a)(1), (b)(1)-(2)	11-30-08	<p>Fines: \$50-\$300 for first violation (deemed a summary offense); \$300-\$1,000 for each later violation</p> <p>Jail: Up to 90 days for first (summary) violation; up to 1 year for each later violation</p> <p>Community Service: Up to 1 year for later violations, in lieu of jail</p>	
	Littering from a vehicle	Summary offense	Title 75: 3709	11-30-08	<p>Fines: \$300-\$900, depending on where the violation occurs</p> <p>Community Service: Picking up litter for 8-16 hrs. (first offense), 16-32 hrs. (second offense), or 40-80 hrs. (each later offense)</p>	Any person permitting the littering to occur must ensure that the litter is immediately picked up, or is subject to the same penalties as the litterer; the driver of the vehicle is deemed to have permitted the littering, as is the owner if the owner refuses to identify the driver

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Commonwealth of Virginia	Littering / Dumping	Misdemeanor	33.1-346, 33.1-346.1	7-31-08	Fines: \$250-\$2,500 Jail: Up to 12 months Community Service: Picking up litter, in lieu of fines/jail	If from a motor vehicle, owner or driver presumed to be the offender
	Littering / Dumping	Civil	10.1-1418.1	7-31-08	Fines: Up to \$5,000	If from a motor vehicle, owner or driver presumed to be the offender Any owner of affected real estate can sue; if on land owned by the Commonwealth or a political subdivision, any resident can sue Court may award plaintiff court costs & attorney's fees

<u>Jurisdiction</u>	<u>Offense</u>	<u>Type</u>	<u>Code §</u>	<u>Updated on</u>	<u>Penalties</u>	<u>Comments</u>
State of West Virginia	Littering/ Dumping	Misdemeanor	22-15A-4, 17C-14-14	6-28-08	<p>Criminal:</p> <p>Fines: Range from \$50-\$1,000, for 100lbs. or less of litter not collected by a commercial carrier, to \$2,500-\$25,000, for commercially collected litter or over 500 lbs. of litter</p> <p>Jail: Up to 1 year for litter commercially collected or over 500 lbs.</p> <p>Community Service: Ranges from 8- 32 hrs. picking up litter for under 500 lbs. not commercially collected</p> <p>Civil: \$100-\$1,000 fine plus court costs</p> <p>Driver's License Points: 3, if from a motor vehicle</p>	<p>Ranges of fines and community service may be doubled for later violations</p> <p>If from a motor vehicle, owner or driver is presumed to be the offender</p> <p>Enforceable by law enforcement officers and environmental inspectors</p>

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State of West Virginia	Tire disposal at unapproved site	Misdemeanor , if willful or negligent Felony, if willful and knowing, or subsequent offense	22-15A-8, 22-15-10(a), -15(b)(3), (b)(4), (c), (d), (g)	6-28-08	Criminal: Fines: Misdemeanor: \$2,500-\$25,000 per day of violation Felony: Up to \$50,000 per day of violation Jail: Misdemeanor: Up to 1 year Felony: 1-3 years Civil: Administrative or court-imposed fines up to \$25,000 per day of violation plus court costs/attorney's fees	