



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of Audits and Investigations

June 10, 2020

MEMORANDUM

TO: Robert J. Williams, Jr.
Council Administrator

William M. Hunt
Deputy Council Administrator

THRU: Josh Hamlin *JRH*
Senior Legislative Budget and Policy Analyst

FROM: Arian Albear *AA*
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CB-27-2020

CB-27-2020 (*Proposed and presented by:* The Chair of the Council at the request of the County Executive)

Assigned to the Committee of the Whole

AN ACT CONCERNING ILLEGAL DUMPING OF BULKY ITEMS FOR the purpose of amending provisions of the County Code regarding illegal dumping on private and public property.

Fiscal Summary

Direct Impact:

Expenditures: Likely negative, related to the cost of enforcement

Revenues: Likely positive, related to fines collected

Indirect Impact:

Potentially positive.

Legislative Summary:

CB-27-2020, proposed by the Council Chair at the request of the County Executive, was presented on June 02, 2020 to the County Council and referred to the Committee of the Whole. CB-27-2020 would implement Maryland House Bill 1155 (PG 418-19) by adding as a prohibition the disposal of bulky items by a person on public and private property unless certain State designations apply, or the person is authorized by the proper public authority to use the property.

Current Law/Background:

Current County law mandates that it “shall be the duty of every person as owner, occupant, lessee, or agent in charge of land... to prevent litter, garbage, rubbish, and refuse from accumulating, either temporarily, or permanently, on such land.”¹ Under authority devolved from the State of Maryland by House Bill 1155 (effective October 19, 2019), CB-27-2020 would expand this mandate to “prohibit litter in the public right of way... [and] for any person to dispose of a bulky item on public or private property”² unless the property is designated for the disposal and the person is authorized by the proper public authority. Violators are guilty of a misdemeanor charge and on conviction is subject to imprisonment not exceeding 30 days and/or a fine not exceeding \$5,000.

Resource Personnel:

Joe Gill, Director, Department of the Environment

Dawn Hawkins-Nixon, Associate Director, Department of the Environment

Discussion/Policy Analysis:

Textual Modifications to Existing Code

- CB-27-2020 would expand Subtitle 13, Housing and Property Standards, Division 9: Antilitter and Weed Ordinance to include:

“(c) (1) In addition to the provisions of paragraphs (a) and (b) of this Section and Section 23-151 of the Code prohibiting litter in the public right of way, it is a violation of this Division for any person to dispose of a bulky item 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. (2) “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. “Bulky item” does not include discarding, dropping, or scattering of small quantities of waste matter ordinarily carried on or about the person, including beverage containers and closures, packaging, wrappers, wastepaper, newspapers, magazines, and waste matter that escapes or is allowed to escape from a container, receptacle, or package. (3) A person who disposes of a bulky item in

¹ [Prince George’s County Code Sec. 13-265](#)

² [CB-027-2020 Draft No. 1](#)

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.”

House Bill 1155 also amended *State* law to provide that “a court may order the violator to:

- remove or render harmless the litter disposed...
- repair or restore any property damage by, or pay damages for, the disposal of the litter...
- perform public service relating to the removal of litter... or to the restoration of an area polluted by litter disposed...; or
- reimburse the State, county, municipal corporation, or bi-county unit for its costs incurred in removing the litter...”

Policy Analysis

According to Tiaa Rutherford, the litter reduction program manager for Prince George’s County, around 600,000lbs of litter has been collected since 2016.³ In 2019 alone, Prince George’s County’s Department of the Environment received over 2,500 calls for request to remove illegally dumped items.⁴ CB-27-2020 continues this effort to reduce litter and bulk waste around the County by enforcing penalties on bulk item violators. Adequate dissemination of information on the new law and accompanying penalties will continue to expand the efforts of the County Beautification Initiative.

In FY 2019, PGCLitterTrak, a County phone application that tracks collection litter and illegal disposal of bulky items by County government, municipalities, organizations, and individuals recorded 223 bulky item pickups (see Figure 1). Each dot may correspond to single or multiple items found at the location such as furniture, bikes, cars and car parts, construction debris, among others. Further refinement and usage of the application to track litter illegal disposal of bulk items would contribute to better data and data analysis by the Department of the Environment.

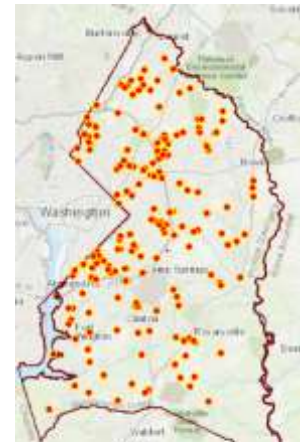


Figure 1 Bulk item pickup in FY2019 (PGC LitterTRAK).

During hearing for the House Bill 1155, Prince George’s County advised that “the State law and ordinance are not being enforced due to the requirement that the litter be weight or measure for volume.” CB-27-2020 will not have such requirement and an increase in enforcement may result.

Fiscal Impact:

Direct Fiscal Impact

There may be expenses associated with enforcement; however, these would likely be offset, at least in part, by the penalty. The State extrapolated that “to the extent the bill reduces illegal dumping in the county or violators reimburse the county for litter removal costs, local expenditures related to litter removal may decrease.”⁵ If we assume that the County enforcers can find and fine 10% of the 223 FY 2019 violators, expected revenue can reach up to \$111,500 per fiscal year.

³ Greater Greater Washington. [“Illegal dumping is a big problem in our region. Here’s how local jurisdictions are tackling it.”](#) 23 December 2019.

⁴ [Environment and Transportation Committee Hearing](#) (3/19/2020)

⁵ Maryland General Assembly Department of Legislative Services. [“Fiscal and Policy Note.”](#)

Indirect Fiscal Impact

There may be indirect positive economic impacts related to County beautification efforts through bulk trash and litter removal. A 2019 study⁶ found that “[b]eautiful cities’ disproportionately attracted highly educated individuals and experienced faster housing price appreciation, especially in supply-inelastic markets.”

Effective Date of Proposed Legislation

Forty-five (45) calendar days after it becomes law.

If you require additional information, or have questions about this fiscal impact statement, please call me.

⁶ Wiley Online Library. “[Beautiful city: Leisure amenities and urban growth](#).” 01 April 2019.