

have retaining walls, to maintain preventive procedures circumventing disposal of trash and junk into State waters, to comply with the provisions of the Department of Water Resources relating thereto, and to inform the Department of Water Resources of procedures planned or effected, and providing penalty for violation AND PROVIDING FOR PRIMA FACIE EVIDENCE OF VIOLATION OF THIS ACT.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That new Section 469 be and it is hereby added to Article 27 of the Annotated Code of Maryland (1971 Replacement Volume), title and subtitle "Crimes and Punishments," subheading "Refuse—Throwing or Dumping; Dumps, Junk Yards, Etc.," to follow immediately after Section 468 thereof, and to read as follows:

469.

(a) *Any person or organization that owns, maintains or causes to be maintained a junkyard or automobile graveyard as defined by Article 89B of the Annotated Code of Maryland, lawfully in existence on January 1, 1972, which adjoins any river, stream, or other body of water shall store and maintain any trash, junk, automobiles, automobile tires, other automobile parts and other refuse in such manner as to prevent the dumping, depositing or transport of this matter into the waters of the State as defined by Article 96A of the Annotated Code of Maryland; inform the Department of Water Resources of provisions planned or made to prevent the dumping, depositing or transport of this matter into the waters of the State; and comply with the provisions of standards and specifications adopted by the Department of Water Resources as these relate to the erection of retaining walls, or the use of devices or procedures to restrain the dumping, depositing or transport of this matter into the waters of the State.*

(B) WHERE THE OWNERS AND OPERATORS OF A JUNKYARD OR AN AUTOMOBILE GRAVEYARD AS DEFINED BY ARTICLE 89B PRODUCING, COLLECTING, RETAINING, THROWING, DUMPING OR DEPOSITING ANY TRASH, JUNK OR OTHER REFUSE HAVE NOT ERECTED RETAINING WALLS OR OTHER RESTRAINING DEVICES OR PROCEDURES APPROVED BY THE DEPARTMENT OF WATER RESOURCES, THE PRESENCE OF ANY TRASH, JUNK, AUTOMOBILES, AUTOMOBILE TIRES, OTHER AUTOMOBILE PARTS OR OTHER REFUSE IN WATERS OF THE STATE OR ON EMBANKMENTS OR OTHER SITES WHERE IT MAY READILY FALL INTO OR BE TRANSPORTED INTO THE WATERS OF THE STATE SHALL BE PRIMA FACIE EVIDENCE OF A VIOLATION OF THIS SECTION AND BE SUBJECT TO THE PENALTIES IMPOSED HEREIN.

~~(b)~~ (C) *Violation of this section is a misdemeanor and any person convicted thereof before a court of proper jurisdiction is punishable by a fine of not more than \$500.00, or by imprisonment of not more than ninety (90) days, or both.*

SEC. 2. *And be it further enacted,* That this Act shall take effect July 1, 1971.

Approved April 29, 1971