

**PRINCE GEORGE'S COUNTY COUNCIL  
AGENDA ITEM SUMMARY**

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**Meeting Date:** 11/19/2001

**Reference No.:** CB-103-2001

**Proposer:** Shapiro

**Draft No.:** 2

**Sponsors:** Shapiro

**Item Title:** An Act requiring the owners of non-residential property to maintain the structures and natural features free of graffiti

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**Drafter:** Ralph E. Grutzmacher  
Legislative Officer

**Resource** Cheryl Harrington  
**Personnel:** Legislative Aide

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**LEGISLATIVE HISTORY:**

**Date Presented:** \_\_/\_\_/\_\_

**Executive Action:** 12/6/2001 S

**Committee Referral:** 10/23/2001 THE

**Effective Date:** 1/22/2002

**Committee Action:** 11/8/2001 FAV

**Date Introduced:** 10/23/2001

**Public Hearing:** 11/19/2001 10:30 A.M.

**Council Action:** 11/19/2001 ENACTED

**Council Votes:** RVR:A, DB:A, JE:A, IG:A, TH:A, AS:A, PS:A, MW:A

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

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**11/19/2001: Amended on the floor; DR-2 enacted**

**TRANSPORTATION, HOUSING AND ENVIRONMENT COMMITTEE** DATE: 11/8/01

Committee Vote: Favorable, 4-0, (In favor: Council Members Estep, Gourdin, Hendershot and Shapiro)

Staff gave an overview of the legislation and informed the Committee of referral comments that were received. CB-103-2001 defines graffiti and requires the owners of non-residential property to maintain the structures and natural features free of graffiti. The property owner will have ten calendar days to remove graffiti after it has been applied. The Director will issue a notice of violation if the owner fails to remove the graffiti. The owner has seven days to comply after receipt of the violation notice. Subsequently, the Director shall have the graffiti removed at the

owner's expense.

The Legislative Officer and the Office of Law finds CB-103-2001 to be in proper legislative form. The Office of Audits and Investigations determines that there should not be any negative fiscal impact on the County as a result of enacting CB-103-2001. Issuance of violations in accordance with Section 13-244 of the County Code should generate applicable fines which will be used to offset costs of graffiti removal.

The sponsor of CB-103-2001 indicates that there are approximately forty instances of graffiti on private property in his district. The sponsor further stated that the existing process for the removal of graffiti appears to be lengthy and lacks an enforcement mechanism.

The Department of Environmental Resources (DER) presented written comments at the Committee meeting expressing concern to CB-103-2001. The legislation does not require the County to obtain a Court Order before entering a property to perform corrective work. DER recommends that this issue be addressed in CB-103-2001 for the protection of the County. Additionally, it would also provide a mechanism for the County to recover the expenses related to the removal of illegal graffiti. This is not addressed in the legislation. CB-103-2001 does not specify to what extent the County should restore the surface from which the graffiti was removed. DER believes that the owner should be required to pay the "actual costs", in lieu of the "the actual and reasonable costs" per CB-103-2001. Presently, there is no funding in DER's budget to support the initial expenses of hiring a contractor to perform the removal of illegal graffiti when the property owner refuses to do so. Lastly, how will the County know if the owner has authorized the graffiti? If the owner did authorize the graffiti on his property and the County considers the graffiti to be objectionable, what recourse would the County have?

To accommodate DER's concern's the County Executive's representative requested that the language "and reasonable" be deleted from the legislation. The County Executive's representative stated that it would be implied that before the Director shall cause the graffiti to be removed, proper procedures would have been followed to obtain entry on the property.

The Committee recommended deleting the language "and reasonable". Because CB-103-2001 went straight to introduction, the proposed recommendation will be prepared in amendment format to be considered at the public hearing.

**BACKGROUND INFORMATION/FISCAL IMPACT  
(Includes reason for proposal, as well as any unique statutory requirements)**

The proposed legislation would require property owners to maintain structures and natural features free of graffiti. If the property owner fails to remove graffiti in a timely manner, the County is authorized, after prior notice to remove the graffiti and charge the reasonable cost of removal to the property owner.

**CODE INDEX TOPICS:**