

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2010 Legislative Session

Bill No. CB-8-2010

Chapter No. _____

Proposed and Presented by Council Members Campos and Dernoga

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Consumption and Possession of Alcoholic Beverages in Public

3 For the purpose of amending provisions of the County Code to revise the penalty for the
4 consumption and possession of alcoholic beverages in public.

5 BY adding/repealing/repealing and reenacting with amendments:

6 SUBTITLE 14. MORALS AND CONDUCT.

7 Section 14-136,

8 The Prince George's County Code

9 (2007 Edition, 2009 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that Section 14-136 of the Prince George's County Code be and the same is hereby
12 repealed and reenacted with the following amendments:

13 **SUBTITLE 14. MORALS AND CONDUCT.**

14 **DIVISION 5. OFFENSES AGAINST PUBLIC SAFETY AND MORALS.**

15 **Sec. 14-136. Consumption and possession of alcoholic beverages in public.**

16 (a) Pursuant to the authority of Sections 19-103 and 19-204, Article 2B, Annotated Code
17 of Maryland, the County adopts this Section to govern the consumption and possession of
18 alcoholic beverages on public property and areas generally used by the public.

19 (b) The definition of "public property" includes any building, ground, park, street,
20 highway, alley, sidewalk, station, terminal, or other structure, road, or parking area located on
21 land owned, leased, or operated by the state, county, municipality, Washington Suburban

1 Sanitary Commission, Maryland-National Capital Park and Planning Commission, or
2 Washington Metropolitan Area Transit Authority.

3 (c) It shall be unlawful for any person to drink any alcoholic beverage, as defined in
4 Article 2B of the Annotated Code of Maryland, and to possess any alcoholic beverage in an open
5 container while:

6 (1) On public property unless authorized by a governmental entity that has
7 jurisdiction over the property;

8 (2) On the mall, adjacent parking area, or other outside area or any combination of
9 privately owned retail establishments, like a shopping center, where the general public is invited
10 for business purposes, unless authorized by the owner of the shopping center;

11 (3) On an adjacent parking area or other outside area of any other retail
12 establishment, unless authorized by the owner of the establishment; or

13 (4) In any vehicle located on any of the places enumerated in this Section, unless
14 authorized pursuant to paragraphs (1), (2), or (3).

15 (d) The head of any governmental entity, agency, or department, including a municipality,
16 having management or control over the property, may permit the drinking of alcoholic beverages
17 and the possession of such beverages in open containers on public property where there is a
18 determination that the occasion is one in which drinking is customarily permitted, and the use of
19 alcoholic beverages will not be offensive to the public.

20 (e) This Section does not apply to the consumption of alcoholic beverages or the
21 possession of alcoholic beverages in open containers by passengers in any vehicle equipped with
22 a toilet if the owner or operator has consented to the consumption of the beverages.

23 (f) Any person who violates the provisions of this Section shall be guilty of a
24 misdemeanor and on conviction is subject to a fine not exceeding \$100 or imprisonment not to
25 exceed ten (10) days, or both [or to a disposition of the case pursuant to Section 8-510, Health-
26 General Article, Annotated Code of Maryland].

27 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
28 calendar days after it becomes law.

Adopted this ____ day of _____, 2010.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.