

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2023 Legislative Session

Bill No. CB-058-2023

Chapter No. 55

Proposed and Presented by The Chair (by request – County Executive)

Introduced by Council Members Watson, Ivey, Dernoga, Burroughs, Hawkins, Fisher,
Franklin, Olson and Oriadha

Co-Sponsors _____

Date of Introduction October 10, 2023

BILL

1 AN ACT concerning

2 Service of Process for Antilitter and Weed Ordinance Violations

3 For the purpose of amending the service of process for antilitter and weed violations.

4 BY repealing and reenacting with amendments:

5 SUBTITLE 13. HOUSING AND PROPERTY

6 STANDARDS.

7 Sections 13-266, 13-267, 13-268, 13-269 and 13-270

8 The Prince George's County Code

9 (2019 Edition; 2022 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that Sections 13-266, 13-267, 13-268, 13-269 and 13-270 of the Prince George's
12 County Code be and the same are hereby repealed and reenacted with the following
13 amendments:

14 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

15 **DIVISION 9. ANTILITTER AND WEED ORDINANCE.**

16 **Sec. 13-266. - Notice to remove.**

17 The Director, whenever he finds and determines that the requirements set forth in
18 Sections 13-264 or 13-265, or both, of this Subtitle have been violated, shall notify, in writing,
19 the owner or the person responsible for the maintenance of the property to remove or properly
20 dispose of the litter or weeds, or both, from the subject property. Such notice shall be by United

1 States Postal Service first class mail [certified mail] and addressed to said owner or other
 2 responsible person at the last known address as shown on the real property tax records in the
 3 Treasurer's Office for Prince George's County or physically posted on the subject property in a
 4 conspicuous place, or personally served on an adult at the property or the owner of the property.
 5 [or the address shown on the real property tax records in the Treasurer's Office for Prince
 6 George's County.] Such notice, when so addressed and deposited with the Postal Service with
 7 proper postage prepaid, shall be deemed complete and sufficient. [In the event that such notice is
 8 returned by the postal authorities, the Director shall cause a copy of the notice to be personally
 9 served by an authorized representative upon the owners or occupants of the property or upon any
 10 agent of the owner thereof. In the event that personal service cannot be accomplished, as
 11 aforesaid, after reasonable efforts, then notice shall be accomplished by physical posting on the
 12 said property.]

13 **Sec. 13-267. - Action upon noncompliance.**

14 It shall be the responsibility of any owner or responsible person duly notified to properly
 15 dispose of litter or weeds, or both, within ten (10) calendar days after United States Postal
 16 Service first class mail [certified mailing] of written notice provided for in Section 13-266,
 17 above, or within ten (10) calendar days after receipt of written notice when personal service is
 18 effected, or within ten (10) calendar days after physical posting of the property, and so notify the
 19 Director. If the violation is not corrected within such time period, the Director shall issue a civil
 20 monetary fine or an administrative fine in accordance with Section 13-271. After the expiration
 21 of the ten (10) calendar days, [T]the Director is also hereby authorized and empowered to defray
 22 the costs of disposing of such litter or weeds, or both, by contract, or to order its disposal by
 23 County personnel. The property owner shall be notified of the charges for disposal, in the
 24 manner prescribed by Section 13-266, and shall have thirty (30) days to pay.

25 **Sec. 13-268. - Charges included in tax bill.**

26 When the County has effected the removal of such litter or weeds, or both, or has paid for
 27 its removal, the actual cost thereof, if not paid by the owner within thirty (30) days, shall be
 28 charged to the owner of such property by a supplemental tax bill issued upon recordation of the
 29 statement required by Section 13-269.

30 **Sec. 13-269. - Recorded statement constitutes lien.**

31 Where the full amount due the County is not paid by such owner within thirty (30) days

1 after notice of the charges for the disposal of such litter or weeds, the Director shall cause to be
2 recorded with the Director of Finance for Prince George's County a sworn statement showing the
3 cost and expense incurred for the work, the date the work was done, and the location of the
4 property on which said work was done. Recordation of such statement shall constitute a lien on
5 such property, and shall be collected in the same manner as other County real estate taxes.

6 **Sec. 13-270. - Appeals.**

7 (a) Within ten (10) calendar days from the United States Postal Service first class mail
8 [certified mailing of the notice,] or within ten (10) calendar days after personal service of the
9 notice, or within ten (10) calendar days after the posting of the property, whichever is applicable,
10 the owner or responsible person may file an appeal with the Administrative Hearing Unit
11 established by Division 15 of this Subtitle stating in detail the reasons as to why the action
12 proposed by the Director should not be taken.

13 (b) Upon receipt of such appeal, the Administrative Hearing Unit shall schedule the matter
14 its earliest convenience, notify the appellant thereof, and hear the merits of the appeal. The
15 proceedings shall be conducted in accordance with the procedures outlined in Sections 13-
16 1134 through 13-1151 and Section 13-1153 through 13-1154 of this Code. The evidence at the
17 hearing shall be limited to challenges of the Director's determination that a violation exists
18 and/or granting an extension of time. The Director shall have the initial burden to establish the
19 basis for the determination from which the appeal was taken. The appellant shall have the burden
20 to establish by a preponderance of the evidence that the Director has misconstrued or wrongly
21 interpreted the intent and meaning of this Code. The Administrative Hearing Unit shall
22 determine only whether there was substantial evidence for the Director to take the enforcement
23 action or if the County's abatement was in compliance with the property owner's failure to
24 comply with the violation notice and/or administrative citations from which the appeal was
25 taken. The Administrative Hearing Unit may not substitute its judgment for that of the Director.

26 (c) The Administrative Hearing Unit's decision shall be given in writing within thirty (30)
27 calendar days after the hearing is concluded. A copy of each such decision shall be promptly
28 filed with the Director and a copy shall be sent by U.S. first-class mail, sent electronically, or
29 otherwise delivered to the appellant. An appellant aggrieved by a decision of the Administrative
30 Hearing Unit may seek reconsideration of the matter in accordance with Section 13-1128 of this
31 Code and all provisions of that Section shall apply to the disposition of the application for

1 reconsideration. The decision of the Hearing Administrator on an application for reconsideration
2 shall constitute the final decision of the Administrative Hearing Unit.

3 (d) Any party aggrieved by the decision of the Administrative Hearing Unit with respect to
4 this Division may appeal such decision to the Circuit Court of Prince George's County,
5 Maryland, pursuant to the rules governing appeals from administrative agencies. All appeals
6 shall be on the record. The filing of a petition for judicial review does not stay an order of the
7 Administrative Hearing Unit, unless a stay is granted by the circuit court.

8 **Sec. 13-271. - Civil monetary fine; injunctive relief.**

9 (a) In addition to the provisions of Sections 13-267 through 13-270 of this Code, a person
10 found in violation of this Division shall be liable to a civil fine in accordance with Division 3 of
11 Subtitle 28 of this Code.

12 (b) The person issued the civil citation for violating this Division shall be subject to a
13 monetary fine of One Thousand Dollars (\$1,000) for each violation. Each day the violation
14 continues is deemed a separate offense and is subject to an additional citation and fine.

15 (c) In addition, the County Attorney shall be authorized to pursue compliance of this
16 Division by way of injunctive relief in a court of competent jurisdiction.

17 (d) The Police Department shall be authorized to issue a criminal citation or warning in
18 lieu of the issuance of a civil citation pursuant to Subtitle 28, Division 3.

19 * * * * *

20 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
21 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
22 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
23 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
24 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
25 Act, since the same would have been enacted without the incorporation in this Act of any such
26 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
27 or section.

28 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on forty-five (45)
29 calendar days after it becomes law.

Adopted this 7th day of November, 2023.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: Thomas E. Dernoga
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Donna J. Brown
Clerk of the Council

APPROVED:

DATE: November 27, 2023 BY: Angela D. Alsobrooks
Angela D. Alsobrooks
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.

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