

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2009 Legislative Session**

Bill No. CB-44-2009

Chapter No. 35

Proposed and Presented by Council Member Exum

Introduced by Council Members Exum, Dernoga, Bland and Knotts

Co-Sponsors \_\_\_\_\_

Date of Introduction October 13, 2009

**BILL**

1 AN ACT concerning

2 Roads and Sidewalks

3 For the purpose of clarifying that the placement of portable storage containers in road rights-of-  
4 way is prohibited.

5 BY repealing and reenacting with amendments:

6 **SUBTITLE 23. ROADS AND SIDEWALKS.**  
7 Sections 23-102 and 23-151,  
8 The Prince George's County Code  
9 (2007 Edition, 2008 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
11 Maryland, that Sections 23-102 and 23-151 of the Prince George's County Code be and the same  
12 are hereby repealed and reenacted with the following amendments:

13 **SUBTITLE 23. ROADS AND SIDEWALKS.**  
14 **DIVISION 1. GENERAL PROVISIONS.**

15 **Sec. 23-102. Definitions.**

16 \* \* \* \* \*

17 (b) The following words and phrases are hereby defined with respect to their use in this

18 Subtitle:

19 \* \* \* \* \*

20 (14.1) **Portable Storage Container.** A non-vehicular outdoor container for the  
21 storage of household or other items greater in size than three cubic yards.

\* \* \* \* \*

**DIVISION 4. REQUIRED REMOVAL OF SNOW, ICE, WEEDS, LITTER, AND DEBRIS FROM SIDEWALKS AND DEBRIS FROM ROADWAYS.**

**Sec. 23-151. Duty to prevent deposit of sediment or other materials in road right-of-way.**

(a) It shall be the duty of the owner or lessor of any real property, improved or unimproved, unless such duty has been delegated to a lessee in actual possession, as the case may be, to prevent the deposit of dirt, sediment, debris, gravel, oil, litter, or any other matter , including portable storage containers in a road right-of-way, or in any drain or ditch designed to carry surface water from a road right-of-way, whether improved or not. For the purpose of this Section, the deposit of oil shall include the drainage or leakage of oil, transmission fluid, antifreeze, and similar substances from a vehicle or machine in addition to the discharge or dumping of such substances by any other means. The prevention of the deposit of silt in the road right-of-way shall not apply where a temporary approved sediment trapping device has been constructed in the right-of-way as part of an ongoing development construction project. It shall also be the responsibility of said person to prevent the formation of algae on sidewalks located within the right-of-way.

(b) Any person primarily responsible for the said duty will be required to correct any cited condition within the date of written notice by the Department or immediately if the condition cited is determined hazardous. Noncompliance on the part of the responsible person within the required time will result in correction or removal of the cited condition by the County, and all costs therefor shall be billed to the responsible person. Failure to pay any cost incurred by the County within thirty (30) days of the billing date shall result in a tax lien being placed against the affected property in accordance with the provisions of this Subtitle.

(c) Any person primarily responsible for the deposition of dirt, sediment, debris, gravel, oil, litter, or other foreign matter , including portable storage containers into a public right-of-way shall be subject to a civil fine not to exceed One Thousand Dollars (\$1,000.00) for each separate offense. The procedures of Subdivision 1, Division 3, Subtitle 28 of this Code shall apply. In addition, any person responsible for a violation of this Section may also be subject to the following criminal penalties:

\* \* \* \* \*

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

Adopted this 3<sup>rd</sup> day of November , 2009.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Marilynn M. Bland  
Chairperson

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.