

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2015 Legislative Session

Bill No. CB-44-2015

Chapter No. 68

Proposed and Presented by Council Member Taveras

Introduced by Council Members Taveras, Turner, Franklin and Davis

Co-Sponsors _____

Date of Introduction October 13, 2015

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 repealing and reenacting with amendments:

6 SUBTITLE 14. MORALS AND CONDUCT.

7 Section 14-136,

8 The Prince George's County Code

9 (2011 Edition; 2014 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12 repealed and reenacted with the following amendments: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:

25 (1) For the first offense, a fine not exceeding \$100 [or to a disposition of the case
26 pursuant to Section 8-510, Health-General Article, Annotated Code of Maryland];

27 (2) For a second offense, a fine not exceeding \$250, a referral to twenty (20) hours of
28 alcohol abuse treatment, or forty (40) hours of community service, or any combination thereof;

29 (3) For a third offense, a fine not exceeding \$500, a referral to forty (40) hours of
30 alcohol abuse treatment, or eighty (80) hours of community service, or any combination thereof;

31 and

1 (4) For a fourth offense or any subsequent offenses, a fine not exceeding \$1,000, a
2 referral to sixty (60) hours of alcohol abuse treatment, or one hundred (100) hours of community
3 service, or any combination thereof.

4 (g) Any community service sentence imposed in accordance with Subsection (f) may be
5 performed within a ten (10) mile radius of the site of the commission of the offense. Failure to
6 complete community service hours within one (1) year of imposition of such a sentence, shall
7 result in imprisonment not to exceed one (1) hour for every one (1) hour of uncompleted
8 community service.

9 (h) The Police Department shall maintain a list of all violations of this Section and provide
10 a report upon request to the County Council that includes but is not limited to the total number of
11 citations issued annually, the total number of convictions based on those citations, the total
12 number of repeat offenders, and the zip codes of the locations where the violations are occurring
13 in the County.

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

Adopted this 10th day of November , 2015.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
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.