

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2022 Legislative Session

---

**Reference No.:** CB-072-2022

**Draft No.:** 2

**Committee:** PLANNING, HOUSING AND ECONOMIC DEVELOPMENT

**Date:** 9/21/2022

**Action:** FAV (A)

---

---

### REPORT:

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Franklin, Glaros, Harrison, Hawkins, and Turner)

The Planning, Housing and Economic Development (PHED) Committee convened on September 21, 2022, to consider CB-72-2022. The Planning, Housing and Economic Development (PHED) Committee Director summarized the purpose of the legislation and informed the Committee of written comments received on referral. This bill amends Subtitle 28, Civil Monetary Fines, to increase the penalty for grading, pollution, drainage, floodplain, and erosion control violations.

The Zoning Hearing Examiner (ZHE) submitted a September 14 memorandum to the PHED Committee Director with the following comment: "Civil penalties for violation of the Zoning Ordinance are arguably limited by the Land Use Article of the Maryland Annotated Code. DPIE has the right to issue a civil violation that may involve grading, etc., pursuant to the Zoning Ordinance. I therefore suggest a revision on page 2, line 4, by inserting '(excluding those arising from a violation of the Zoning Ordinance)'".

The Office of Audits and Investigations (A&I) provided a September 14, 2022, Policy Analysis and Fiscal Impact Statement indicating enactment of CB-72-2022 could have a favorable fiscal impact on the County from the increase in fines collected. Enactment of CB-072-2022, inasmuch as high fines serve as deterrents of future violations, may have an indirect positive impact on the County by decreasing instances of pollution, grading, and other such violations.

The A&I Statement also noted the following discussion/policy analysis:

"On a technical note, the bill would create some repetition under subsection (c) in creating a chart that notes that the fine assessed would be in a daily basis. This is first stated under (a)(1): 'Each separate day of violation that remains uncorrected is a distinct civil violation subject to an additional citation and fine...'

The bill would also leave a previous reference to a thirty-six (36) month period after which the fine amount would reset to the original first violation amount of \$250. Because CB-072-2022 establishes a \$1,000 violation for the first and all subsequent violations, there does not appear to be a need to keep the 36-month period as fines would not reset to a lesser amount under any circumstance."

The Town of University Park submitted a September 13, 2022, letter to PHED Chair Franklin in support of CB-72-2022. Martha Wells, Town of University Park Common Council Member, and Greg Smith testified in support of the bill.

Council Member Glaros, the bill sponsor, informed the Committee of amendments in a Proposed DR-2 for the purpose of addressing the ZHE and A&I comments.

On a motion by Council Member Harrison and second by Council Member Glaros, the Committee voted favorable, 5-0, on CB-72-2022 Proposed DR-2.