

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**1997 Legislative Session**Bill No. CB-108-1997Chapter No. 81Proposed and Presented by Council Member GourdineIntroduced by Council Member Gourdine

Co-Sponsors

Date of Introduction October 28, 1997**BILL**

AN ACT concerning

Housing and Property Standards

For the purpose of requiring the owners of real property to provide trash receptacles and clean the public areas and to increase the civil fines for violation.

BY repealing and reenacting with amendments:

SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

Sections 13-239, 13-246, 13-265, and 13-271,

The Prince George's County Code

(1995 Edition, 1996 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 13-239, 13-246, 13-265, and 13-271 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

DIVISION 7. PROPERTY STANDARDS AND MAINTENANCE.

Sec. 13-239. Public areas.

(a) All sidewalks, steps, driveways, parking spaces, loading docks, service areas, and similar paved areas for public use shall be kept in a proper state of repair and maintained free of hazardous conditions and shall be maintained free of garbage and rubbish.

(b) The owner shall provide and maintain receptacle(s) for garbage and rubbish in the public areas of the property. The owner shall remove all garbage and rubbish from both the

paved and unpaved public areas and empty the receptacle into an approved container in accordance with Section 13-234.

Sec. 13-246. Enforcement and penalty.

(a) In the event that an owner does not comply with a notice of violation within the time period provided (including any period allowed by appeal) and upon verification by the Director that the violation still exists, the Director may issue upon the responsible parties a civil citation pursuant to Subtitle 28, Division 3, of this Code.

(b) The person issued the civil citation shall be subject to a monetary fine of One Hundred Dollars (\$100.00) for the first and second violation, [Two Hundred Dollars (\$200.00) for a repeat of the same violation, Three] Five Hundred Dollars [(\$300.00)] (\$500.00) for the third violation, [Four Hundred Dollars (\$400.00) for the fourth violation, and Five Hundred Dollars (\$500.00)] and for each repeat violation in excess of [four (4)] three (3).

(c) Each day the violation continues is deemed a separate offense and is subject to an additional citation and fine in the same dollar amount as the initial or repeat citation.

(d) In addition, any person who violates or fails to comply with any provision of this Division shall, upon conviction, be guilty of a misdemeanor and subject to a fine not exceeding [One Thousand Dollars (\$1,000.00)] Five Hundred Dollars (\$500.00) or imprisonment not to exceed [six (6) months] ninety (90) days, or both.

(e) In addition to the other remedies provided herein, the County Attorney, on behalf of the County, may institute an injunction, mandamus, or other appropriate action or proceeding to enforce the provisions of this Division.

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

[(f)] (g) A tax lien shall be created on real property for monies expended by the County for the abatement of violations of this Division where the responsible party refuses or fails to comply with the lawful order of the Department of Environmental Resources after due notice thereof and issuance of an order by a court of competent jurisdiction. Upon certification from

the County Attorney that a tax lien has been created, the amount of such lien shall be collected by the Director of Finance in the same manner as other County real estate taxes.

SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

DIVISION 9. ANTILITTER AND WEED ORDINANCE.

Sec. 13-265. Accumulation or deposit of litter prohibited.

It shall be the duty of every person as owner, occupant, lessee, or agent in charge of land lying within the unincorporated areas of the County, except as otherwise provided in Section 13-262, to prevent litter, garbage, rubbish and refuse from accumulating, either temporarily or permanently, on such land. The owner of improved property which is used for commercial or industrial purposes shall remove all garbage and rubbish from both the paved and unpaved public areas and empty the receptacle into an approved container in accordance with Section 13-234. This Section shall not apply to those activities otherwise allowable under Subtitle 21 of this Code, and shall not apply to those persons who store litter in private receptacles for collection, or under controlled conditions for industrial processing, such as recycling.

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

(a) In addition to the provisions of Sections 13-267 through 13-270 of this Code, a person found in violation of this Division [3] 9 shall be liable to a civil fine [of Five Hundred Dollars (\$500.00)] in accordance with Division 3 of Subtitle 28 of this Code.

(b) The person issued the civil citation shall be subject to a monetary fine of One Hundred Dollars (\$100.00) for the first and second violation, Five Hundred Dollars (\$500.00) for the third violation and for each repeat violation in excess of three (3).

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

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

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

Adopted this 25th day of November, 1997.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____

BY:

Wayne K. Curry
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.