

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**2000 Legislative Session**

Bill No. CB-75-2000

Chapter No. 64

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

Introduced by Council Members Shapiro and Gourdine

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

Date of Introduction September 26, 2000

**BILL**

1 AN ACT concerning

2 Roads and Sidewalks

3 For the purpose of defining litter and increasing the fines and other penalties for litter offenses  
4 under The Road Ordinance of Prince George's County, Maryland, and generally relating to litter.

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 (1999 Edition).

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12 are hereby repealed and reenacted with the following amendments: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 (a) Except as herein provided, the definitions of words and phrases used in this Subtitle  
17 shall be the same as stated in Subtitles 1, 4, 24, 26, and 27 of this Code. If not defined in the said  
18 Subtitles or herein, the words or phrases shall have the meanings generally recognized under  
19 Maryland law.

20 (b) The following words and phrases are hereby defined with respect to their use in this  
21 Subtitle:

1                   \*                   \*                   \*                   \*                   \*                   \*                   \*                   \*

2                   9) **Inspector.** A person authorized by the Director to observe and inspect

3 conditions within or affecting the right-of-way, to include road construction and materials used

4 in road construction to determine or enforce compliance with this Subtitle, the Design and

5 Construction Standards, and the terms of any permit or contract requirement.

6                   (9.1) **Litter.** As defined by Section 13-261 of this Code.

7                   \*                   \*                   \*                   \*                   \*                   \*                   \*                   \*

8                   **DIVISION 4. REQUIRED REMOVAL OF SNOW AND ICE FROM SIDEWALKS AND**

9                   **DEBRIS FROM ROADWAYS.**

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

11                  (a) It shall be the duty of the owner or lessor of any real property, improved or

12 unimproved, unless such duty has been delegated to a lessee in actual possession, as the case

13 may be, to prevent the deposit of dirt, sediment, debris, gravel, oil, litter, or any other matter in a

14 road right-of-way, or in any drain or ditch designed to carry surface water from a road right-of-

15 way, whether improved or not. For the purpose of this Section, the deposit of oil shall include

16 the drainage or leakage of oil, transmission fluid, antifreeze, and similar substances from a

17 vehicle or machine in addition to the discharge or dumping of such substances by any other

18 means. The prevention of the deposit of silt in the road right-of-way shall not apply where a

19 temporary approved sediment trapping device has been constructed in the right-of-way as part of

20 an ongoing development construction project. It shall also be the responsibility of said person to

21 prevent the formation of algae on sidewalks located within the right-of-way.

22                  \*                   \*                   \*                   \*                   \*                   \*                   \*                   \*

23                  (c) Any person primarily responsible for the deposition of dirt, sediment, debris, gravel,

24 oil, litter, or other foreign matter into a public right-of-way shall be subject to a civil fine not to

25 exceed [Two Hundred Dollars (\$200.00)] One Thousand Dollars (\$1,000.00) for each separate

26 offense. The procedures of Subdivision 1, Division 3, Subtitle 28 of this Code shall apply. In

27 addition, any person responsible for a violation of this Section may also be subject to the

28 following criminal penalties:

29                  (1) A person who dumps litter in violation of this Section in an amount not

30 exceeding One Hundred (100) pounds in weight or 27 cubic feet in volume and not for

31 commercial purposes is guilty of a misdemeanor and is subject to a fine of not more than One

1 Thousand Dollars (\$1,000) or by imprisonment for not more than thirty (30) days, or both;

2 (2) A person who dumps litter in violation of this Section in an amount  
 3 exceeding 100 pounds in weight or 27 cubic feet in volume, but not exceeding 500 pounds in  
 4 weight or 216 cubic feet in volume, and not for commercial purposes is guilty of a misdemeanor  
 5 and subject to a fine of not more than Ten Thousand Dollars (\$10,000) or imprisonment for not  
 6 more than (one)1 year, or both;

7 (3) A person who dumps litter in violation of this Section in an amount  
 8 exceeding 500 pounds in weight or 216 cubic feet in volume or in any quantity for commercial  
 9 purposes is guilty of a misdemeanor and subject to a fine of not more than Twenty-five  
 10 Thousand Dollars (\$25,000) or imprisonment for not more than five (5) years, or both.

11 (d) In addition to the sentences provided by this Section, a court may order the violator  
 12 to:

13 (1) Remove or render harmless the litter dumped in violation of this Section;

14 (2) Repair or restore property damaged by, or pay damages for, any damage arising  
 15 out of dumping the litter in violation of this Section;

16 (3) Perform public service relating to the removal of litter dumped in violation of this  
 17 Section or to the restoration of an area polluted by litter dumped in violation of this Section; or

18 (4) Reimburse the State, County, municipal corporation, or bi-county agency for any  
 19 costs incurred by the State, County, municipal corporation, or bi-county agency in the removal of  
 20 litter dumped in violation of this Section.

21 (e) The placement of personal property in the right-of-way as the result of an eviction shall  
 22 not be subject to the prohibitions of this section.

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

Adopted this 17th day of October, 2000.

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.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.