

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2023 Legislative Session

Bill No. CB-037-2023

Chapter No. 41

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

Introduced by Council Member Dernoga, Ivey, Fisher, Olson, Oriadha,

Hawkins, Blegay and Harrison

Co-Sponsors Council Members Watson and Burroughs

Date of Introduction May 2, 2023

BILL

1 AN ACT concerning

2 Illegal Dumping

3 For the purpose of authorizing the use of surveillance systems to prosecute, prevent, and deter
4 illegal dumping in order to maintain the health and welfare of the County.

5 BY adding:

6 **SUBTITLE 23. ROADS AND SIDEWALKS.**

7 Section 23-152,

8 The Prince George's County Code

9 (2019 Edition; 2022 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that Section 23-152 of the Prince George's County Code be and the same is hereby
12 added:

13 **SUBTITLE 23. ROADS AND SIDEWALKS.**

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

16 **Sec. 23-152. Illegal Dumping.**

17 (a) **Scope.** This Section applies to a violation of the State illegal dumping and litter control
18 law or local law or ordinance relating to the unlawful disposal of litter that occurs at a
19 dumping site monitored by a surveillance system.

20 (b) **Definitions.** In this section the following words have the meanings indicated:

- 1 (1) “Department” means the Department of the Environment (DOE), or any
2 other agency designated by the County Executive or their designee.
- 3 (2) “Dumping site” means a location within Prince George’s County that is:
4 (A) owned by the County or the State; and
5 (B) identified by the Department as property that has been repeatedly
6 used for the disposal of litter in violation of State law or local
7 law or ordinance.
- 8 (3) “Owner” means the registered owner of a motor vehicle or a lessee of a
9 motor vehicle under a lease of six (6) months or more.
10 (A) “Owner” does not include:
11 (i) a motor vehicle rental or leasing company; or
12 (ii) a holder of a special registration plate issued under
13 Title 13, Subtitle 9, Part III of the Maryland
14 Transportation Article.
- 15 (4) “Surveillance image” means an image recorded by a surveillance system.
16 (A) An image shall be recorded on:
17 (i) A photograph;
18 (ii) A micrograph;
19 (iii) An electronic image;
20 (iv) Videotape; or
21 (v) Any other medium.
22 (B) A surveillance image must show the front or rear of a motor
23 vehicle, on at least one (1) image or portion of the tape, clearly
24 identifying the registration plate number of the motor vehicle.
25 (C) A surveillance image must show an individual committing a
26 violation of the State illegal dumping and litter control law or a
27 local law or ordinance relating to the unlawful disposal of litter.
- 28 (5) “Surveillance system” means a collection of one (1) or more cameras located
29 at a dumping site that produces a surveillance image.

30 (c) **Surveillance systems.** The Department may:

- 31 (1) Place surveillance systems at dumping sites; and

- 1 (2) Use surveillance images to enforce the provisions of the State illegal
 2 dumping and litter control law or a local law or ordinance relating to the
 3 unlawful disposal of litter.

4 **(d) Citation.**

- 5 (1) The District Court, in consultation with the Department, shall prescribe:
 6 (A) a uniform citation forms consistent with Section 23-151 of this code
 7 and 7-302 of the Courts Article of the Maryland Annotated Code; and
 8 (B) a civil penalty, which shall be indicated on the citation to be paid by
 9 persons who choose to prepay the civil penalty without appearing in
 10 District Court.
- 11 (2) A citation shall include:
 12 (A) the name and address of the registered owner of the vehicle;
 13 (B) the registration number of the motor vehicle involved in the violation;
 14 (C) the violation charged;
 15 (D) the location where the violation occurred;
 16 (E) the date and time of the violation;
 17 (F) a copy of the surveillance image;
 18 (G) the amount of the civil penalty imposed and the date by which the civil
 19 penalty must be paid;
 20 (H) a signed statement by a duly authorized agent of the Department that,
 21 based on inspection of surveillance images, the motor vehicle was
 22 being used by an individual who was committing a violation;
 23 (I) a statement that surveillance images are evidence of a violation;
 24 (J) information advising of the manner and time the citation may be
 25 contested in the District Court; and
 26 (K) information advising that failure to pay the civil penalty or to contest
 27 liability in a timely manner:
 28 (i) is an admission of liability;
 29 (ii) may result in the refusal by the Motor Vehicle
 30 Administration to register the motor vehicle; and
 31 (iii) may result in the suspension of the motor vehicle

1 registration.

2 (3) The Department shall send the owner, via mail, a citation or a warning
3 notice no later than two (2) weeks after the alleged violation.

4 (4) A person who receives a citation under this subsection may:

5 (i) Pay the civil penalty, in accordance with the instructions on
6 the citation, directly to the Department; or

7 (ii) Elect to stand trial in the District Court for the alleged
8 violation.

9 (e) **Certificate.** A certificate alleging that a violation occurred, sworn to or affirmed by a
10 duly authorized agent of the Department, based on the inspection of surveillance
11 images produced by a surveillance system, shall be admissible as evidence in a
12 proceeding alleging a violation.

13 (f) **Contesting a Citation.**

14 (1) An adjudication of liability shall be based on a preponderance of the evidence.

15 (2) The District Court may consider the following in defense of a violation:

16 (A) The motor vehicle was stolen before the violation occurred and was not
17 under the control or possession of the owner at the time of the violation;

18 (i) the owner shall submit proof that a police report regarding
19 the stolen motor vehicle or registration plates was filed prior
20 to the alleged incident.

21 (B) Evidence that the person named in the citation was not the person in the
22 surveillance image committing the violation of the state illegal dumping and
23 litter control law or a local law or ordinance relating to the unlawful disposal
24 of litter;

25 (i) the owner shall provide to the District Court with evidence
26 to the satisfaction of the court of the identity of the person in
27 the surveillance image who was committing the violation,
28 including, at a minimum, the person's name and current
29 address.

30 (C) any other issues and evidence that the District Court deems pertinent.

31 (3) If the District Court finds that the owner did not commit the violation, the Clerk

1 of the Court shall provide the Department with a copy of any substantial evidence.

- 2 (4) Upon receipt of any substantiating evidence, the Department may issue a citation
- 3 to the person that the evidence indicates committed the violation and shall be
- 4 mailed no later than two (2) weeks after the receipt of the evidence.

5 **(g) Penalties.**

- 6 (1) The owner is subject to a civil penalty if the violation and the motor vehicle used
- 7 to commit the violation are recorded on a surveillance image by a surveillance
- 8 system while the individual is committing a violation.

- 9 (2) A civil penalty under this section may not exceed \$1,000.

- 10 (3) If the person named in the citation does not pay the civil penalty and does not
- 11 contest the violation, then the following may occur as a result:

- 12 (A) the Motor Vehicle Administration may not register or transfer registration of
- 13 the vehicle cited in the violation pursuant to Md. Transportation Code Ann.
- 14 §26-305(a);

- 15 (B) the Motor Vehicle Administration may suspend the registration of the motor
- 16 vehicle cited in the violation pursuant to Md. Transportation Code Ann. §26-
- 17 305(b);

- 18 (C) The Department may immobilize the vehicle with a parking boot if the person
- 19 receives a third violation within six (6) months; or

- 20 (D) The Department may impound your vehicle without additional notice if the
- 21 person receives a fifth violation within twelve (12) months.

22 * * * * *

23 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby

24 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,

25 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of

26 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining

27 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this

28 Act, since the same would have been enacted without the incorporation in this Act of any such

29 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,

30 or section.

31 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)

1 | calendar days after it becomes law.

Adopted this 30th day of May , 2023.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
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.

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