

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2014 Legislative Session

Bill No. CB-27-2014

Chapter No. 19

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

Introduced by Council Members Franklin, Turner and Davis

Co-Sponsors _____

Date of Introduction May 13, 2014

BILL

1 AN ACT concerning

2 Department of Permitting, Inspections, and Enforcement

3 For the purpose of amending provisions of the County Code to transfer certain responsibilities
4 and functions to the Department of Permitting, Inspections, and Enforcement.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 2. ADMINISTRATION.

7 Sections 2-253.06, 2-366 and 2-389

8 SUBTITLE 5. BUSINESSES AND LICENSES.

9 Sections 5-169, 5-177 and 5-184.15

10 SUBTITLE 5A. CABLE TELEVISION AND
11 TELECOMMUNICATIONS.

12 Section 5A-153

13 SUBTITLE 5B. CHESAPEAKE BAY CRITICAL AREA.

14 Sections 5B-104 and 5B-111

15 SUBTITLE 10A. PURCHASING.

16 Section 10A-141

17 SUBTITLE 11. FIRE SAFETY.

18 Section 11-102

19 SUBTITLE 12. HEALTH.

20 Section 12-111 and 12-115

21 SUBTITLE 14. MORALS AND CONDUCT.

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Sections 14-118, 14-140, 14-142, 14-173 and 14-180

SUBTITLE 19. POLLUTION.

Section 19-121

SUBTITLE 20A. TRANSPORTATION.

Section 20A-210

SUBTITLE 21. REFUSE.

Sections 21-126, 21-130, 21-134 and 21-136

SUBTITLE 23. ROADS AND SIDEWALKS.

Section 23-105

SUBTITLE 24A. TELEVISION AND RADIO EQUIPMENT REPAIR.

Section 24A-101

SUBTITLE 26. VEHICLES AND TRAFFIC.

Section 26-173

SUBTITLE 26A. MOTOR VEHICLE REPAIR.

Section 26A-101

SUBTITLE 28. CIVIL MONETARY FINES OR PENALTIES.

Sections 28-102 and 28-202

SUBTITLE 29. PRESERVATION OF HISTORIC RESOURCES.

Section 29-102

SUBTITLE 30. AGRICULTURE.

Sections 30-103.02, 30-103.03 and 30-309

SUBTITLE 32. WATER RESOURCES PROTECTION AND GRADING CODE.

Section 32-163 and 32-178

The Prince George's County Code
(2011 Edition; 2013 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 2-253.06, 2-366 and 2-389 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 2. ADMINISTRATION.

DIVISION 14A. BUILDING CONTRACTOR’S LICENSE.

Sec. 2-253.06. Definitions.

(b) **Director.** The term "Director" shall mean the Director of [Environmental Resources] Permitting, Inspections, and Enforcement.

DIVISION 22. URBAN AREAS.

SUBDIVISION 1. GENERAL.

Sec. 2-366. Definitions.

(a) As used in this Subdivision:

(1) **Suburban area** shall mean a geographical area less than an urban area, as established by the Department of [Environmental Resources] Permitting, Inspections, and Enforcement for administrative purposes only.

DIVISION 23. UTILITY SERVICE PROTECTION CENTER.

Sec. 2-389. Administration and enforcement.

The general administration and enforcement of this Division shall be under the respective direction of the Director, Department of [Environmental Resources] Permitting, Inspections, and Enforcement, Director of Public Works, and the County Fire Chief.

SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 5-169, 5-177 and 5-184.15 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 5. BUSINESSES AND LICENSES.

DIVISION 7. HOTELS AND ROOMING HOUSES.

Sec. 5-169. Register; maintenance; inspection.

(b) The register provided for by this Division shall be kept for at least three (3) years. It shall be open to inspection upon the request of any official or employee of the Department of [Environmental Resources] Permitting, Inspections, and Enforcement or of any law enforcement officer of the County or the State.

* * * * *

DIVISION 9. ICE AND ROLLER SKATING RINKS.

Sec. 5-177. Hours of operation; permit required.

* * * * *

(c) An application shall be submitted to the Department of [Environmental Resources] Permitting, Inspections and Enforcement, on forms provided by the Department of [Environmental Resources] Permitting, Inspections, and Enforcement, a minimum of ninety (90) days prior to the scheduled event, setting out the nature of the events intended to be held and the date and times of each event. The application may be for a single event or for multiple events occurring within ninety (90) days.

* * * * *

DIVISION 9A. MASSAGE ESTABLISHMENTS.

SUBDIVISION 3. MINIMUM STANDARDS.

Sec. 5-184.15. Right of entry; inspections.

The County Health Officer or his designee, the designees of the Fire Department, the Chief of Police, and the Department of [Environmental Resources] Permitting, Inspections, and Enforcement are hereby authorized to enter, examine, and survey during business hours any premises in the County for which a massage establishment license has been issued pursuant to this Division for the purpose of enforcing the provisions of this Division, and for other official purposes. This Section shall not restrict or limit the right of entry vested in any law enforcement agency.

* * * * *

SECTION 3. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 5A-153 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 5A. CABLE TELEVISION AND TELECOMMUNICATIONS.

DIVISION 2. TELECOMMUNICATIONS.

Sec. 5A-153. Telecommunications Transmission Facility Coordinating Committee.

(a) The Telecommunications Transmission Facility Coordinating Committee shall consist of:

- (1) The Director of the Department of [Environmental Resources] Permitting.

1 Inspections, and Enforcement or the Director’s designee;

2 * * * * *

3 SECTION 4. BE IT ENACTED by the County Council of Prince George's County,
4 Maryland, that Sections 5B-104 and 5B-111 of the Prince George's County Code be and the
5 same are hereby repealed and reenacted with the following amendments:

6 **SUBTITLE 5B. CHESAPEAKE BAY CRITICAL AREA.**

7 **DIVISION 1. AGRICULTURAL LAND MANAGEMENT.**

8 **SUBDIVISION 2. SOIL CONSERVATION AND WATER QUALITY PLANS.**

9 **Sec. 5B-104. Vegetated filter strip.**

10 (a) Until such time as a Soil Conservation and Water Quality Plan is implemented to the
11 satisfaction of the Department of [Environmental Resources] Permitting, Inspections, and
12 Enforcement, existing farms in the Chesapeake Bay Critical Area Overlay Zones are required to
13 maintain a minimum twenty-five (25) foot vegetated filter strip landward from tidal waters, tidal
14 wetlands, and streams (excluding drainage ditches), or from the edge of tidal wetlands,
15 whichever is further inland, and further provided that:

16 * * * * *

17 **DIVISION 2. URBAN AND RURAL LAND DEVELOPMENT.**

18 **SUBDIVISION 1. GENERAL PROVISIONS.**

19 **Sec. 5B-111. Enforcement.**

20 * * * * *

21 (c) **Right to enter property.** The Director or the Director’s authorized representative,
22 shall have the authority to enter upon, over, and through privately owned lands or waters, or any
23 building, structure or premises during any reasonable work hour, in order to identify or verify a
24 suspected violation, restrain a development activity, or issue a citation if the Director or the
25 Director’s designee has probable cause that a violation of this subtitle or the local Program has
26 occurred, is occurring or will occur.

27 * * * * *

28 (2) The assistance and cooperation of the police, fire, health department, the
29 Department of [Environmental Resources] Permitting, Inspections, and Enforcement and any
30 other applicable agencies shall be available, as required, to aid the Director in enforcing this
31 Subtitle.

1 * * * * *
2 SECTION 5. BE IT ENACTED by the County Council of Prince George's County,
3 Maryland, that Section 10A-141 of the Prince George's County Code be and the same is hereby
4 repealed and reenacted with the following amendments:

5 **SUBTITLE 10A. PURCHASING.**
6 **DIVISION 6. SPECIAL PROVISIONS.**

7 **SUBDIVISION 2. FACILITIES CONSTRUCTED WITH COUNTY CONTRIBUTIONS.**

8 **Sec. 10A-141. Negotiated Participation Agreements.**

9 (a) The requirements of this Subdivision shall be applicable under the following
10 circumstances:

11 (1) The Director of the Department of [Environmental Resources] Permitting,
12 Inspections, and Enforcement makes a determination that a regional stormwater management
13 facility is desirable for a new development and certifies to the County Executive, the Purchasing
14 Agent, and the Supplier Development and Diversity Division that the estimated construction cost
15 of the facility exceeds the estimated cost of providing required on-site controls; or

16 (2) The Director of the Department of [Public Works and Transportation] Permitting,
17 Inspections, and Enforcement certifies to the County Executive, the Purchasing Agent, and the
18 Supplier Development and Diversity Division that:

19 * * * * *
20 (c) Subsection (b) shall apply provided the County and the developer have entered into a
21 written agreement wherein the developer shall:

22 (1) Be required to competitively procure the construction of the regional stormwater
23 management facility or road improvements; a minimum of three certified quotes or bids for all
24 construction costs related to the stormwater management facility or road improvements shall be
25 provided to the Director of the Department of [Environmental Resources] Permitting,
26 Inspections, and Enforcement [or the Director of Public Works and Transportation, as may be
27 applicable,] and the Purchasing Agent for review;

28 * * * * *
29 (d) Nothing in paragraph (c)(1), above, shall be deemed to preclude the developer from
30 constructing the regional stormwater management facility or road improvements himself
31 provided written justification is approved by the Director of the Department of [Environmental

1 Resources] Permitting, Inspections, and Enforcement [or the Director of Public Works and
2 Transportation, as may be applicable], the Purchasing Agent, and the Supplier Development and
3 Diversity Division.

4 * * * * *

5 SECTION 6. BE IT ENACTED by the County Council of Prince George's County,
6 Maryland, that Section 11-102 of the Prince George's County Code be and the same is hereby
7 repealed and reenacted with the following amendments:

8 **SUBTITLE 11. FIRE SAFETY.**

9 **DIVISION 1. GENERAL PROVISIONS.**

10 **Sec. 11-102. Definitions.**

11 * * * * *

12 (b) Definitions. As used in this Subtitle:

13 * * * * *

14 (24) **Fire Code Official** means the person so designated by the Director of the
15 Department of [Environmental Resources] Permitting, Inspections, and Enforcement with
16 concurrence of the Fire Chief.

17 * * * * *

18 SECTION 7. BE IT ENACTED by the County Council of Prince George's County,
19 Maryland, that Sections 12-111 and 12-115 of the Prince George's County Code be and the same
20 are hereby repealed and reenacted with the following amendments:

21 **SUBTITLE 12. HEALTH.**

22 **DIVISION 2. FOOD SERVICE FACILITIES.**

23 **SUBDIVISION 3. PERMITS AND INSPECTIONS.**

24 **Sec. 12-111. Closure; suspension of permit; fines.**

25 * * * * *

26 (d) Special food service facilities, including those which sell or offer for sale live and/or
27 unprocessed seafood, may be subject to a written order of closure for violations of Subtitle 5,
28 Division 12, of this Code. The Health Officer or the Director of [Environmental Resources]
29 Permitting, Inspections, and Enforcement, or their designees, may issue a citation to any special
30 food service facility, including those selling or offering for sale, live or unprocessed seafood
31 which operates in violation of this Subsection and/or Section 12-108 of this Code. The citation

1 shall serve as notification to the person that he has committed a civil violation and must pay a
2 monetary fine in accordance with Section 12-111, subject to his right to elect to stand trial
3 pursuant to Section 28-257 of this Code.

4 * * * * *

5 **Sec. 12-115. Special Food Service Facilities - Mobile Units.**

6 * * * * *

7 (E) Public vending of food from manually propelled mobile units is prohibited
8 on public rights of way in Prince George’s County and on private property except as permitted at
9 a stadium, amusement park, in conjunction with a carnival, festival, fair or similar event which
10 has been issued a Temporary Use Permit (UTZ) from the Department of [Environmental
11 Resources] Permitting, Inspections, and Enforcement. This section shall not apply to a permittee
12 or licensee operating within a mixed use venue whose core uses include the merchandising of
13 retail, food, beverages and entertainment provided the permittee or licensee has the permission of
14 the property management association.

15 * * * * *

16 SECTION 8. BE IT ENACTED by the County Council of Prince George's County,
17 Maryland, that Sections 14-118, 14-140, 14-142, 14-173 and 14-180 of the Prince George's
18 County Code be and the same are hereby repealed and reenacted with the following
19 amendments:

20 **SUBTITLE 14. MORALS AND CONDUCT.**

21 **DIVISION 3. "GOING OUT OF BUSINESS" SALES.**

22 **Sec. 14-118. Definitions.**

23 (a) The following words and terms, when used in this Division, shall have the following
24 meanings unless the context clearly requires a different meaning. The meaning ascribed to the
25 singular is applied also to the plural.

26 * * * * *

27 (2) **Director** shall mean the Director of [Environmental Resources] Permitting,
28 Inspections, and Enforcement.

29 * * * * *

30 **DIVISION 6. WEAPONS.**

31 **Sec. 14-140. Loaded weapons prohibited; exceptions.**

1 * * * * *

2 (b) This Section shall not prohibit the owner or tenant of any land from discharging such

3 described weapons on his land for the purpose of the protection of his own property or the life of

4 himself or his family, or killing predatory animals which prey upon, damage or destroy his

5 property, livestock or crops. This Section shall not apply to the discharging of such weapons

6 where a permit has been issued by the Department of [Environmental Resources] Permitting,

7 Inspections, and Enforcement.

8 * * * * *

9 **Sec. 14-142. Discharge of firearms; permit; exceptions; penalty.**

10 (a) No person shall practice shooting at any mark, board, sign, tree, bank, or other object

11 with any gun, rifle, cannon, mortar, pistol, or other firearm within the limits of this County,

12 whether on land or water, for military drill, amusement, or skill, without:

- 13 * * * * *
- 14 (2) First obtaining a written permit from the Department of [Environmental
- 15 Resources] Permitting, Inspections, and Enforcement. The petition shall be accompanied with
- 16 the written consent of each and every such owner, tenant, or other occupant. The Department
- 17 shall in no case grant a permit to practice with firearms if in its opinion the use of the public
- 18 highways or streets of any real estate subdivision will be endangered by the use of such firearms.

19 * * * * *

20 **DIVISION 14. NUISANCES.**

21 **Sec. 14-173. Nuisance Abatement Board.**

- 22 (a) Creation.
- 23 (1) There is hereby created and established a Board to be known and designated as
- 24 the Nuisance Abatement Board.
- 25 (2) The Board shall consist of seven members. There shall be a representative from
- 26 the Police Department, the Department of [Environmental Resources] Permitting, Inspections,
- 27 and Enforcement, and the Fire Department. The other four members shall be appointed by the
- 28 County Executive and approved by the County Council to serve staggered terms of three years
- 29 each. At least one of the citizen appointees shall represent the business community.
- 30 Additionally, a citizen appointee shall be designated Chairman of the Board.

31 * * * * *

DIVISION 16. HIGH RISK SEXUAL CONDUCT.

Sec. 14-180. Inspections; enforcement.

(a) The Director of the Department of [Environmental Resources] Permitting, Inspections, and Enforcement, or his designee, shall have full power and authority to inspect or cause to be inspected, and to issue violation notices regarding a violation of this Division by any commercial building, structure, or premises, or any part thereof, which may be a site of high risk sexual conduct. If the Director determines that a hazardous site exists, he shall declare it to be a public nuisance and shall then:

* * * * *

SECTION 9. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 19-121 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 19. POLLUTION.

DIVISION 2. NOISE CONTROL.

Sec. 19-121. Definitions.

(a) For the purposes of this Division, the following words and phrases shall have the meanings respectively ascribed to them in this Section:

* * * * *

(2) **Department** shall mean the Department of [Environmental Resources] Permitting, Inspections, and Enforcement or another authorized designee agency or department.

* * * * *

(4) **Director** shall mean the Director of the Department of [Environmental Resources] Permitting, Inspections, and Enforcement for Prince George's County, Maryland, or their authorized designee.

* * * * *

SECTION 10. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 20A-210 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 20A. TRANSPORTATION.

DIVISION 2. TRANSPORTATION DEMAND MANAGEMENT.

SUBDIVISION 3. IMPLEMENTATION OF DISTRICTS.

1 **Sec. 20A-210. Actions for Noncompliance.**

2 (a) Upon a finding of noncompliance by the Planning Board, the Council may amend or
3 modify programs or objectives, notify the Department of [Environmental Resources] Permitting,
4 Inspections, and Enforcement to deny further building permits, or refer the matter to the State's
5 Attorney for legal remedies. The level of the action taken by the County Council shall
6 correspond with the degree and type of noncompliance, as described below.

7 (1) Where a property owner has attempted to meet the requirements of the agreement,
8 but is unable to comply with the mandated reduction levels, the Council, following a review of
9 the monitoring reports by the TDMTAC and any recommended modifications to the TDMP by
10 the TDMTAC, may do the following:

11 * * * * *

12 (C) Notify the Department of [Environmental Resources] Permitting,
13 Inspections, and Enforcement to deny further building permits for the subject property until
14 further notice.

15 (2) If, upon the advice of the Planning Board, a report is found to be fraudulent by
16 means of willful falsification or misrepresentation, or if any property owner located within the
17 TDMD willingly fails or refuses to file the required periodic compliance report and following
18 review of the periodic monitoring reports and other necessary trip-generation data by the
19 TDMTAC, the Council may do the following:

20 * * * * *

21 (C) Notify the Department of [Environmental Resources] Permitting,
22 Inspections, and Enforcement to deny further building permits for the subject property, until
23 notification by the Council of its finding of completion of the following requirements:

24 * * * * *

25 SECTION 11. BE IT ENACTED by the County Council of Prince George's County,
26 Maryland, that Sections 21-126, 21-130, 21-134 and 21-136 of the Prince George's County Code
27 be and the same are hereby repealed and reenacted with the following amendments:

28 **SUBTITLE 21. REFUSE.**

29 **DIVISION 2. CONSTRUCTION-DEMOLITION FILLS.**

30 **Sec. 21-126. Definitions.**

31 (a) As used in this Division:

1 * * * * *

2 (16) **Grading permit** shall mean a permit issued by the Department of [Environmental

3 Resources] Permitting, Inspections, and Enforcement, authorizing work to be performed under

4 Article 22, entitled "Grading, Drainage, and Erosion Control," of the Building Code.

5 * * * * *

6 **Sec. 21-130. Rubble fill; design criteria.**

7 * * * * *

8 (b) Such maps and plans shall include the following:

9 * * * * *

10 (8) Information as to the character of the soil to the depth of at least five (5) feet

11 below the proposed or intended excavation operations, or natural ground where fill is intended to

12 be placed on top of the natural ground; (refer to the County Soil Survey Report published April

13 1970). All rubble fill cover shall be composed of earth or other approved material of such

14 character that it can be compacted to provide tight seal, will not crack excessively when dry, and

15 shall be free of putrescible substances. Under the above standards, cover material must be

16 acceptable to the administrator, Department of [Environmental Resources] Permitting,

17 Inspections, and Enforcement, prior to utilization.

18 * * * * *

19 (10) Sediment and erosion control. All plans and specifications accompanying rubble

20 fill applications for licenses shall include provisions for both interim (temporary) and ultimate

21 (permanent) erosion and sediment controls.

22 (A) The design, installation and maintenance of erosion and sediment control

23 measures shall be accomplished in accordance with the requirements of the County Soil

24 Conservation District, and of related County ordinances. The current approved set of "Standards

25 and Specifications for Soil Erosion and Sediment Control in Urbanizing Areas" are on file and

26 available for inspection at the Department of [Environmental Resources] Permitting, Inspections,

27 and Enforcement. Such standards and specifications are specifically approved and adopted by

28 reference as if set forth in full herein.

29 * * * * *

30 (11) Special drainage devices. Diversion channels of adequate size and grade based on

31 runoff estimates from the area above the fill sites, dikes and levies shall be provided as required.

1 If the surface-water control and the above means are not sufficient, further measures to control
2 drainage shall be taken, such as grade stabilization structures, flumes, vegetated or lined drained
3 outlets or other means. All structural drainage devices must comply with the Department of
4 [Environmental Resources] Permitting, Inspections, and Enforcement and Washington Suburban
5 Sanitary Commission design standards.

6 * * * * *

7 **Sec. 21-134. Site preparation of operations.**

8 (a) Prior to initiation of rubble fill operations, all necessary site preparation work shall be
9 accomplished to the satisfaction of the Department of [Environmental Resources] Permitting,
10 Inspections, and Enforcement and the Health Department. These requirements shall include, but
11 not be limited to, access roads, gates, or barricades, fencing, necessary drainage, and where
12 natural or existing ground slopes in the work areas are exceeding five (5) horizontal to one (1)
13 vertical, benching or terracing the surface prior to placement of rubble fill.

14 * * * * *

15 (e) The licensee shall be ready and have suitable measures to control dust, acceptable to
16 the Department of [Environmental Resources] Permitting, Inspections, and Enforcement and the
17 Health Officer, when dust conditions develop. When for any reason suitable measures are not
18 taken when dust conditions develop, the licensee shall take such action when ordered, and under
19 any circumstances not later than twenty-four (24) hours from a given order.

20 * * * * *

21 **Sec. 21-136. Completion of rubble fill construction.**

22 (a) When the licensee states in writing to the Director of the Department of
23 [Environmental Resources] Permitting, Inspections, and Enforcement that he has completed the
24 construction of the rubble fill, the following steps and measures shall be taken prior to a release
25 from his obligations:

26 (1) An inspection of the entire site shall be made by designated representatives of the
27 Health Officer, Fire Marshal and Department of [Environmental Resources] Permitting,
28 Inspections, and Enforcement before the earthmoving equipment is removed from the site.

29 * * * * *

30 (c) A plat of the completed rubble fill or such portions thereof as may be accepted as
31 completed shall be filed with the Department of [Environmental Resources] Permitting,

1 Inspections, and Enforcement and the Department of Health.

2 * * * * *

3 SECTION 12. BE IT ENACTED by the County Council of Prince George's County,
4 Maryland, that Section 23-105 of the Prince George's County Code be and the same is hereby
5 repealed and reenacted with the following amendments:

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

7 **DIVISION 1. GENERAL PROVISIONS.**

8 **Sec. 23-105. Authority of the Director.**

9 * * * * *

10 (h) The Director must [obtain notification from the Director, Department of Environmental
11 Resources], verify for land located within the Chesapeake Bay Critical Area, that any and all
12 proposed grading and/or construction is in accordance with the requirements of the Conservation
13 Manual and Subtitles 4, 5B, 24, and 27 of the County Code prior to the approval or issuance of
14 any permit within the Critical Area. The Director may not waive or grant a variance from this
15 Subsection.

16 * * * * *

17 SECTION 13. BE IT ENACTED by the County Council of Prince George's County,
18 Maryland, that Section 24A-101 of the Prince George's County Code be and the same is hereby
19 repealed and reenacted with the following amendments:

20 **SUBTITLE 24A. TELEVISION AND RADIO EQUIPMENT REPAIR.**

21 **Sec. 24A-101. Definitions.**

22 (a) For purposes of this Subtitle, the following words and phrases shall have the meanings
23 respectively ascribed to them by this Section, except where the context otherwise requires:

24 (1) **Director** means the Director of [Environmental Resources] Permitting,
25 Inspections, and Enforcement or the Director's duly authorized representative.

26 * * * * *

27 SECTION 14. BE IT ENACTED by the County Council of Prince George's County,
28 Maryland, that Section 26-173 of the Prince George's County Code be and the same is hereby
29 repealed and reenacted with the following amendments:

30 **SUBTITLE 26. VEHICLES AND TRAFFIC.**

31 **DIVISION 19. OFF-ROAD VEHICLES.**

1 **Sec. 26-173. Registration.**

2 All off-road vehicles shall be registered with the Prince George's County Department of
3 [Environmental Resources] Permitting, Inspections, and Enforcement and shall display the
4 registration tag issued by the Department. The registration tag shall be firmly attached and kept
5 clean and legible at all times. The registration fee shall be Thirty Dollars (\$30.00) and shall be
6 valid for two (2) years. The off-road vehicle shall be required to be reregistered upon sale or
7 transfer to any new owner. Registration of the vehicle shall be in the name of the owner or,
8 where the owner is under the age of eighteen (18) years, in the name of the parent or guardian.

9 * * * * *

10 SECTION 15. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that Section 26A-101 of the Prince George's County Code be and the same is hereby
12 repealed and reenacted with the following amendments:

13 **SUBTITLE 26A. MOTOR VEHICLE REPAIR.**

14 **Sec. 26A-101. Definitions.**

15 (a) For purposes of this Subtitle, the following words and phrases shall have the meanings
16 respectively ascribed to them by this Section, except where the context otherwise requires:

17 (1) **Director** means the Director of [Environmental Resources] Permitting,
18 Inspections, and Enforcement or the Director's duly authorized representative.

19 * * * * *

20 SECTION 16. BE IT ENACTED by the County Council of Prince George's County,
21 Maryland, that Sections 28-102 and 28-202 of the Prince George's County Code be and the same
22 are hereby repealed and reenacted with the following amendments:

23 **SUBTITLE 28. CIVIL MONETARY FINES OR PENALTIES.**

24 **DIVISION 1. ZONING VIOLATIONS.**

25 **SUBDIVISION 1. GENERAL.**

26 **Sec. 28-102. Definitions.**

27 (a) Terms used in this Division are defined as follows:

28 (1) **Board:** Board of Zoning Appeals of Prince George's County, Maryland.

29 (2) **Civil violation:** The erection, alteration, enlargement, maintenance, or use of any
30 building, structure, or land in violation of any provision of the Zoning Ordinance applicable to
31 such building, structure, or land in the zone in which it is located.

1 (3) **Department:** Department of [Environmental Resources] Permitting, Inspections,
2 and Enforcement. [With respect to enforcement of the County's Sign Ordinance in Part 12 of
3 Subtitle 27 of this Code regarding signs in the County right-of-way, **Department** also includes
4 the Department of Public Works and Transportation.]

5 (4) **Director:** Director of the Department of [Environmental Resources] Permitting,
6 Inspections, and Enforcement. [With respect to enforcement of the Sign Ordinance in Part 12 of
7 Subtitle 27 of this Code regarding signs in the County right-of-way, **Director** also includes the
8 Director of Public Works and Transportation.]

9 * * * * *

10 (9) **Zoning Official:** The Director of the Department of [Environmental Resources]
11 Permitting, Inspections, and Enforcement or the Director's designee. [With respect to
12 enforcement of the Sign Ordinance in Part 12 of Subtitle 27 of this Code regarding signs in the
13 County right-of-way, **Zoning Official** also includes the Director of Public Works and
14 Transportation or the Director's designee only.]

15 * * * * *

16 **DIVISION 2. HOUSING CODE VIOLATIONS.**

17 **SUBDIVISION 1. GENERAL.**

18 **Sec. 28-202. Definitions.**

19 (a) Terms used in this Division are defined as follows:

20 (1) **Civil violation:** The use of any residential structure and/or exterior property areas
21 in violation of the Housing Code.

22 (2) **Department:** Department of [Environmental Resources] Permitting, Inspections,
23 and Enforcement.

24 (3) **Director:** Director of the Department of [Environmental Resources] Permitting,
25 Inspections, and Enforcement.

26 * * * * *

27 SECTION 17. BE IT ENACTED by the County Council of Prince George's County,
28 Maryland, that Section 29-102 of the Prince George's County Code be and the same is hereby
29 repealed and reenacted with the following amendments:

30 **SUBTITLE 29. PRESERVATION OF HISTORIC RESOURCES.**

31 **DIVISION 1. GENERAL PROVISIONS.**

1 **Sec. 29-102. Definitions.**

2 (a) For the purposes of this Subtitle, the following words and phrases shall have the
3 meanings respectively ascribed to them:

4 * * * * *

5 (5) **Director:** The Director of the Department of [Environmental Resources]
6 Permitting, Inspections, and Enforcement of Prince George's County, Maryland, or his designee.

7 * * * * *

8 SECTION 18. BE IT ENACTED by the County Council of Prince George's County,
9 Maryland, that Sections 30-103.02, 30-103.03, and 30-309 of the Prince George's County Code
10 be and the same are hereby repealed and reenacted with the following amendments:

11 **SUBTITLE 30. AGRICULTURE.**

12 **DIVISION 1. RIGHT TO FARM.**

13 * * * * *

14 **Sec. 30-103.02. Resolution of disputes and procedure for complaints; investigation and**
15 **declaration.**

16 (a) Nuisances, which affect the public.

17 (1) Complaints. A person may complain to the Director, Department of
18 [Environmental Resources] Permitting, Inspections, and Enforcement or the Director's designee
19 to declare that a nuisance exists, which affects the public.

20 (2) Investigations. The Director, Department of [Environmental Resources]
21 Permitting, Inspections, and Enforcement or the Director's designee is authorized to investigate
22 any complaint of nuisance received against an agricultural operation. When a previous
23 complaint involving the same condition resulted in a determination by the Director that a
24 nuisance condition did not exist, the Director is authorized to investigate the complaint.

25 (3) Declaration of nuisance. If the Director, Department of [Environmental
26 Resources] Permitting, Inspections, and Enforcement or the Director's designee determines that
27 a nuisance exists, the Director may declare the existence of a nuisance. In determining whether a
28 nuisance condition exists in connection with an agricultural operation, the Director shall apply
29 the criteria provided in this Section. Further, the Director may consider the professional opinion
30 of the University of Maryland Extension Prince George's County, Prince George's Soil
31 Conservation District or other qualified expert in the relevant field in determining whether the

1 agricultural operation being investigated is conducted in accordance with accepted agricultural
2 practices.

3 * * * * *

4 **Sec. 30-103.03. Right to farm notice and real estate transfer disclosure.**

5 (a) Upon any transfer of real property in the R-O-S, O-S, R-A, R-E, and/or R-R zones, the
6 transferor (seller) shall provide a statement advising the buyer of the existence of this law which
7 shall be in substantially the following wording:

8 PROXIMITY TO AGRICULTURAL AND/OR FORESTRY OPERATIONS: Buyer(s)
9 acknowledge that the property offered for sale is in the vicinity of property that is, or may
10 be used, for agricultural or forestry operations. As such, the Property may be subject to
11 activity including, but not limited to, noise, odor, fumes, insects, dust, chemical
12 application and the operation of machinery at various times. Prince George’s County has
13 adopted a right to farm ordinance stipulating that inconveniences or discomforts
14 associated with the agricultural/forestry operation shall not be considered an interference
15 with reasonable use and enjoyment of other properties in the vicinity, if such operations
16 are conducted in accordance with generally accepted agricultural and forestry
17 management practices, as referenced in Prince George’s County Code, Section 30-102.
18 The County has established an Agricultural Reconciliation Committee to assist in the
19 resolution of disputes that may arise with regard to agricultural or forestry operations
20 when such operations are not conducted in accordance with generally accepted
21 agricultural or forestry management practices. For further information refer to Prince
22 George’s County Code, Subtitle 30, Division 1, and/or contact the Director, Department
23 of [Environmental Resources] Permitting, Inspections, and Enforcement.

24 * * * * *

25 **DIVISION 3. PURCHASE OF DEVELOPMENT RIGHTS.**

26 * * * * *

27 **Sec. 30-309. Easement terms and conditions.**

28 * * * * *

29 (b) The easements shall be recorded in the Land Records of the County and a copy of the
30 recorded easement shall be forwarded to the Department of [Environmental Resources Permit
31 Review Division] Permitting, Inspections, and Enforcement.

1 * * * * *
2 SECTION 19. BE IT ENACTED by the County Council of Prince George's County,
3 Maryland, that Sections 32-163 and 32-178 of the Prince George's County Code be and the same
4 are hereby repealed and reenacted with the following amendments:

5 **SUBTITLE 32. WATER RESOURCES PROTECTION AND GRADING CODE.**
6 **DIVISION 2. GRADING, DRAINAGE AND POLLUTION CONTROL.**

7 * * * * *
8 **Sec. 32-163. Completion of Site Development.**

9 Site development shall be completed in accordance with the approved plans prior to the
10 Director of the Department of [Environmental Resources] Permitting, Inspections, and
11 Enforcement granting occupancy of any building or structure on the site. The site work shall be
12 completed prior to, or at the same time as, the completion of the buildings or structures.
13 Adequate and acceptable completion of recreational facilities, landscaping, parking, parking
14 lighting, retaining walls, and other site work shall be in compliance with the approved site plans
15 and other conditions. The requirements of the approved Type 2 Tree Conservation Plan shall be
16 completed prior to the issuance of the use and occupancy permit.

17 * * * * *
18 **DIVISION 3. STORMWATER MANAGEMENT.**

19 **SUBDIVISION 2. STORMWATER MANAGEMENT DESIGN PLANS.**

20 **Sec. 32-178. Minimum Stormwater Control Requirements.**

21 * * * * *
22 (e) Best management practices information for new developments and redevelopments
23 shown on the approved final stormwater management plans, where applicable, shall be submitted
24 by the Department [to the Department of Environmental Resources] for submission to the
25 Administration under the requirements of the NPDES Program. The owner and/or applicant
26 shall provide this information to the Department.

27 SECTION 20. BE IT FURTHER ENACTED that the provisions of this Act are hereby
28 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
29 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
30 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
31 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this

1 Act, since the same would have been enacted without the incorporation in this Act of any such
2 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

3 SECTION 21. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
4 calendar days after it becomes law.

Adopted this 17th day of June, 2014.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel R. 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.

* * * * *