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

Legislative Session

1992

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Bill No. \_\_\_\_\_ CB-20-

1992

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Chapter No.

27

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Proposed and Presented by Council Member Del  
Giudice

Introduced by Council Members Del Giudice, Fletcher and  
Bell

Co-Sponsors

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Date of Introduction May 5,  
1992

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**BILL**

AN ACT concerning

Civil Monetary Fines

FOR the purpose of prohibiting the advertising, marketing or selling as historic sites or resources those properties which are not designated on the National Historic Register or the County Historic Sites and Districts Plan as historic sites or resources; and providing for civil monetary fines.

BY repealing and reenacting with amendments:

SUBTITLE 2. ADMINISTRATION.

Section 2-162.1,

The Prince George's County Code

(1991 Edition).

BY repealing and reenacting with amendments:

SUBTITLE 29. PRESERVATION OF HISTORIC

RESOURCES.

Section 29-124,

The Prince George's County Code

(1991 Edition).

BY adding:

SUBTITLE 28. CIVIL MONETARY FINES OR

PENALTIES.

Section 28-264,

The Prince George's County Code

(1991 Edition).

BY adding:

SUBTITLE 29. PRESERVATION OF HISTORIC

RESOURCES.

Section 29-125,

The Prince George's County Code

(1991 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 2-162.1 and 29-124 of the Prince George's County Code be and the same are hereby

repealed and reenacted with the following amendments:

**SUBTITLE 2. ADMINISTRATION.**

**DIVISION 8. CONSUMER PROTECTION.**

**Subdivision 2. Real Estate Practices.**

**Sec. 2-162.1. Contracts for the sale of real property.**

(a) All contracts for the sale of real property located in this County shall contain the following terms of sale, or other wording identical in its effect:

"Seller(s) certifies that Seller(s) has no knowledge of any published preliminary or adopted land use plan (or adopted Zoning Map Amendment) which may result in condemnation or taking of any part of Seller's(s') property. Purchaser(s) acknowledge(s) that Purchaser(s) is aware that information relative to (1) government plans for land use, roads, highways, parks, transportation, etc., and (2) rezoning is available for inspection at the County Administration Building, Upper Marlboro, Maryland."

(b) The failure of a contract to comply with the requirements of Subsection (a) shall enable a party to the contract who is aggrieved by such failure to rescind the contract at any time prior to settlement. The right of rescission provided by this Subsection is not an exclusive remedy, and any other right or cause of action available to a party to the sales contract shall remain.

(c) No contract for the sale of real property located in the County shall contain any statement in violation of Sections

29-124 and 29-125.

[(c)] (d) Notwithstanding any other provision of this Division, the jurisdiction of the Consumer Protection Commission shall not extend to this Subdivision except for the purpose of assisting in consumer education and information as to the requirements of this Section.

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

**DIVISION 8. SALE OF HISTORIC SITES, HISTORIC RESOURCES,  
OR PROPERTY WITHIN A HISTORIC DISTRICT.**

**Sec. 29-124. Disclosure; required.**

(a) Property owners who offer to sell any interest in a Historic Site, historic resource, or other real property located within a Historic District shall disclose to prospective purchaser(s) that the property is a Historic Site, historic resource, or is located within a Historic District in Prince George's County.

(b) The requirements of Subsection (a) shall be met by delivering written notice to the prospective purchaser that is sufficient to inform the prospective purchaser that:

(1) Historic Sites, historic resources, and property located within a Historic District are subject to regulation as provided in the Prince George's County Code, Subtitle 29, Preservation of Historic Resources; and

(2) These laws, guidelines and regulations may limit the extent to which the exterior features of the property being offered for sale may be modified or altered.

(c) The disclosure required by this Section shall be made prior to execution of a valid sales contract for the property.

[(d) Violation of this Section is unlawful and punishable pursuant to the provisions of Section 1-123 of this Code.]

SECTION 2. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 28-264 and 29-125 of the Prince George's County Code be and the same are hereby added:

**S TITLE 28. CIVIL MONETARY FINES OR PENALTIES.**

**DIVISION 3. MISCELLANEOUS CIVIL VIOLATIONS.**

**Subdivision 2. Specific Civil Penalties Prescribed.**

**Sec. 28-264. Historic Sites and Districts violations.**

(a) Any person who violates any of the following provisions of the County Code shall, upon citation issued pursuant to Subdivision 1, be deemed to have committed a civil violation and shall pay to the County a civil monetary fine in the amount prescribed by Subsection (b) of this Section:

- Sections 2-162.1,
- 29-124, and
- 29-125.

(1) Each publication of a statement which constitutes a violation shall be a separate and distinct civil violation subject to an additional citation and fine in the amount prescribed by Subsection (b) of this Section.

(b) The civil monetary fine for each civil violation of the

provisions enumerated in Subsection (a) shall be One Thousand Dollars (\$1000.00).

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

**DIVISION 7. ADMINISTRATIVE PROVISIONS.**

**Sec. 29-125. Misrepresentation of Historic Status.**

(a) No person or entity shall advertise, market or sell, or cause to be advertised, marketed or sold, any property, alleging that the subject property is a County Historic Site or Historic Resource, or that the subject property is in proximity to a Historic Site or Historic Resource, unless the property alleged as historic is designated as a Historic Site or Historic Resource on the Historic Sites and Districts Plan, or listed in the National Register of Historic Places, or any adopted amendment thereto.

(b) No person or entity shall advertise, market or sell, or cause to be advertised, marketed or sold, any property, alleging that the subject property is located within a County Historic District, unless the subject property is wholly located within a designated County Historic District, as identified in the Historic Sites and Districts Plan or listed in the National Register of Historic Places.

(c) Each publication of a statement in violation of subsections (a) or (b) shall be a separate and distinct civil violation.

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

Adopted this 16th day of June, 1992.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:

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Richard J. Castaldi  
Chairman

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
Acting Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_  
\_\_\_\_\_

BY:  
Parris N. Glendening  
County Executive

KEY:

Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.