

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2021 Legislative Session

Bill No. CB-056-2021

Chapter No. 59

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

Introduced by Council Members Turner, Hawkins, Davis, Glaros, Franklin, and Harrison

Co-Sponsors _____

Date of Introduction October 5, 2021

BILL

1 AN ACT concerning

2 Prince George’s County Department of Permitting, Inspections and Enforcement
3 Subpoena Power

4 For the purpose of establishing additional enforcement methods to effectuate service of
5 subpoenas by the Prince George’s County Department of Permitting, Inspections and
6 Enforcement.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 4. BUILDING.

9 Section 4-264,

10 The Prince George's County Code
11 (2019 Edition; 2020 Supplement).

12 SUBTITLE 5. BUSINESSES AND LICENSES.

13 Section 5-154,

14 The Prince George's County Code
15 (2019 Edition; 2020 Supplement).

16 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

17 Section 13-103,

18 The Prince George's County Code
19 (2019 Edition; 2020 Supplement).

20 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
21 Maryland, that Section 4-264, Section 5-154 and Section 13-103 of the Prince George's County

Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 4. BUILDING CODE.

DIVISION 2. [RESERVED] ENFORCEMENT.

Sec. 4-264. Subpoena Power.

(a) In the administration and enforcement of Subtitles 4, 5, and 13, the Prince George’s County Department of Permitting, Inspections and Enforcement, has the power to issue subpoenas necessary to effectuate the duties and responsibilities of permit issuance, inspections and enforcement.

(b) Service of subpoena. Any such subpoena shall be served by:

(1) certified mail, return receipt requested (with service by certified mail being complete upon delivery and proof being shown by the green return receipt card); or

(2) personal service of process by:

(A) a competent private person, 18 years of age or older, who is not a party to the action; or

(B) the sheriff or deputy sheriff of the political subdivision in which is located the residence of the person or the main office of the firm, association, partnership or corporation against whom or which the subpoena is issued.

(c) Enforcement of Subpoena.

(1) In case of failure to comply with a subpoena, the County, on behalf of the Prince George’s County Department of Permitting, Inspections and Enforcement, may apply to a court of appropriate jurisdiction for an order requiring the attendance and testimony of witnesses and/or the production of records and documents, and/or the taking of interrogatories and depositions.

(2) After notice to the person subpoenaed as a witness or directed to produce records and documents, and upon a finding that the attendance and testimony of the witness or the production of the records and documents is relevant or necessary for the ability to issue permits, conduct inspections and enforce Subtitles 4, 5 and 13 of the Prince George’s County Code, the court may issue an order requiring the attendance and testimony of the witness and the production of the records and documents. Any failure to obey such an order of the court may be punished as contempt of court.

* * * * *

SUBTITLE. 5. BUSINESSES AND LICENSES.
DIVISION 4. [RESERVED] ENFORCEMENT.

Sec. 5-154. [Reserved.] Subpoena Power.

(a) In the administration and enforcement of Subtitles 4, 5, and 13, the Prince George’s County Department of Permitting, Inspections and Enforcement, has the power to issue subpoenas necessary to effectuate the duties and responsibilities of permit issuance, inspections and enforcement.

(b) Service of subpoena. Any such subpoena shall be served by:

(1) certified mail, return receipt requested (with service by certified mail being complete upon delivery and proof being shown by the green return receipt card); or

(2) personal service of process by:

(A) a competent private person, 18 years of age or older, who is not a party to the action; or

(B) the sheriff or deputy sheriff of the political subdivision in which is located the residence of the person or the main office of the firm, association, partnership or corporation against whom or which the subpoena is issued.

(c) Enforcement of Subpoena.

(1) In case of failure to comply with a subpoena, the County, on behalf of the Prince George’s County Department of Permitting, Inspections and Enforcement, may apply to a court of appropriate jurisdiction for an order requiring the attendance and testimony of witnesses and/or the production of records and documents, and/or the taking of interrogatories and depositions.

(2) After notice to the person subpoenaed as a witness or directed to produce records and documents, and upon a finding that the attendance and testimony of the witness or the production of the records and documents is relevant or necessary for the ability to issue permits, conduct inspections and enforce Subtitles 4, 5 and 13 of the Prince George’s County Code, the court may issue an order requiring the attendance and testimony of the witness and the production of the records and documents. Any failure to obey such an order of the court may be punished as contempt of court.

* * * * *

SUBTITLE. 13. HOUSING AND PROPERTY STANDARDS.

DIVISION 1. HOUSING CODE.

SUBDIVISION 1. - INTERNATIONAL PROPERTY MAINTENANCE CODE.

Sec. 13-103. [Reserved.] Subpoena Power.

(a) In the administration and enforcement of Subtitles 4, 5, and 13, the Prince George’s County Department of Permitting, Inspection and Enforcement, has the power to issue subpoenas necessary to effectuate the duties and responsibilities of permit issuance, inspections and enforcement.

(b) Service of subpoena. Any such subpoena shall be served by:

(1) certified mail, return receipt requested (with service by certified mail being complete upon delivery and proof being shown by the green return receipt card); or

(2) personal service of process by:

(A) a competent private person, 18 years of age or older, who is not a party to the action; or

(B) the sheriff or deputy sheriff of the political subdivision in which is located the residence of the person or the main office of the firm, association, partnership or corporation against whom or which the subpoena is issued.

(c) Enforcement of Subpoena.

(1) In case of failure to comply with a subpoena, the County, on behalf of the Prince George’s County Department of Permitting, Inspection and Enforcement, may apply to a court of appropriate jurisdiction for an order requiring the attendance and testimony of witnesses and/or the production of records and documents, and/or the taking of interrogatories and depositions.

(2) After notice to the person subpoenaed as a witness or directed to produce records and documents, and upon a finding that the attendance and testimony of the witness or the production of the records and documents is relevant or necessary for the ability to issue permits, conduct inspections and enforce Subtitles 4, 5 and 13 of the Prince George’s County Code, the court may issue an order requiring the attendance and testimony of the witness and the production of the records and documents. Any failure to obey such an order of the court may be punished as contempt of court.

* * * * *

1 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
2 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
3 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
4 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
5 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
6 Act, since the same would have been enacted without the incorporation in this Act of any such
7 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
8 or section.

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

Adopted this 2nd day of November, 2021.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
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.

* * * * *