

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

Bill No. CB-62-2014

Chapter No. 63

Proposed and Presented by Council Members Franklin, Davis, Harrison and Toles

Introduced by Council Members Franklin, Davis, Harrison, Toles, Turner and Patterson

Co-Sponsors _____

Date of Introduction October 7, 2014

BILL

1 AN ACT concerning

2 Property Standards Penalties

3 For the purpose of generally increasing penalties for repeated property standards violations,
4 making such penalties mandatory for properties subject to foreclosure, and making such
5 penalties ineligible for reduction.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

8 Section 13-246,

9 The Prince George's County Code

10 (2011 Edition, 2013 Supplement).

11 SUBTITLE 28. CIVIL MONETARY FINES.

12 Section 28-259,

13 The Prince George's County Code

14 (2011 Edition, 2013 Supplement).

15 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
16 Maryland, that Section 13-246 of the Prince George's County Code be and the same is hereby
17 repealed and reenacted with amendments:

18 SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

19 DIVISION 7. PROPERTY STANDARDS AND MAINTENANCE.

1 **Sec. 13-246. Enforcement and penalty.**

2 (a) In the event that an owner does not comply with a notice of violation within the time
3 period provided (including any period allowed by appeal) and upon verification by the Director
4 or the Director's designee that the violation still exists, the Director or the Director's designee
5 may issue upon the responsible parties a civil citation pursuant to Subtitle 28, Division 3, of this
6 Code and, for properties subject to foreclosure, the Director shall issue upon the responsible
7 parties a civil citation pursuant to Subtitle 28, Division 3, of this Code.

8 (b) The [person] responsible party as defined in Section 28-102 issued the civil citation
9 shall be subject to a monetary fine of Five Hundred Dollars (\$500.00) [One Hundred Dollars
10 (\$100.00)] for the first violation, [Five Hundred Dollars (\$500.00) for the second violation] and
11 One Thousand Dollars (\$1,000) for each subsequent violation within a thirty-six (36) month
12 period from the first violation.

13 (c) Each day the violation continues is deemed a separate offense and is subject to an
14 additional citation and fine in the same dollar amount as the [initial or] repeat citation(s).

15 (d) In addition, a lien shall be placed on the property pursuant to Section 13-246.02, which
16 shall be paid in full before transfer or sale of the property, for monies expended by the County
17 for demolition, repair or enclosure of a building or removal of garbage, refuse, or other
18 hazardous, noxious, or unhealthy substances or materials where the responsible party refuses or
19 fails to comply with the lawful order of the County.

20 [(d)] (e) In addition, any person who violates or fails to comply with any provision of this
21 Division shall, upon conviction, be guilty of a misdemeanor and subject to a fine [not exceeding
22 Five Hundred Dollars (\$500.00)] not to exceed the doubling of the total sum of all fines
23 associated with citations issued to the person pursuant to this Section [not exceeding Five
24 Hundred Dollars (\$500.00)] or imprisonment not to exceed ninety (90) days, or both.

25 [(e)] (f) In addition to the other remedies provided herein, the County Attorney, on behalf
26 of the County, may institute an injunction, mandamus, or other appropriate action or proceeding
27 to enforce the provisions of this Division.

28 [(f)] (g) The Police Department shall be authorized to issue a criminal citation [in lieu of
29 the issuance of] or a civil citation pursuant to Subtitle 28, Division 3.

30 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
31 Maryland, that Section 28-259 of the Prince George's County Code be and the same is hereby

1 repealed and reenacted with amendments:

2 **SUBTITLE 28. CIVIL MONETARY FINES.**

3 **DIVISION 3. MISCELLANEOUS CIVIL VIOLATIONS.**

4 **SUBDIVISION 1. GENERAL.**

5 * * * * *

6 **Sec. 28-259. Proceedings before the District Court.**

7 (a) The County Attorney shall prosecute all civil violations before the District Court.

8 (b) With the exception of violations pursuant to Section 13-246 of the Code, and the tax
9 lien placed on the property per Section 13-246.02 of the Prince George’s County Code, which
10 shall be paid in full to Prince George’s County through the Office of Finance before transfer or
11 sale of the property, [U]upon a finding of a violation the civil fine imposed by the Court shall be
12 in an amount deemed appropriate by the Court but shall not be less than [half] the total amount in
13 the schedule contained in Section 28-111 of this Division. With the exception of violations
14 pursuant to Section 13-246 of the Code, [T]the Court may suspend or defer the payment of the
15 civil fine upon such reasonable grounds as the Court determines. Upon a finding of a violation
16 pursuant to Section 13-246 of the Code, the civil fine imposed by the Court shall be strictly in
17 accordance with the fines prescribed in Section 13-246 of the Code.

18 * * * * *

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

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

Adopted this 12th day of November , 2014.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Mel 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.