

**PRINCE GEORGE'S COUNTY COUNCIL  
AGENDA ITEM SUMMARY**

**Meeting Date:** 11/25/97

**Reference No.:** CB-108-1997

**Proposer:** Gourdine

**Draft No.:** 2

**Sponsors:** Gourdine

**Item Title:** An Act to require the owners of real property to provide trash receptacles and clean the public areas, and to increase the civil fines for violation

**Drafter:** Ralph E. Grutzmacher  
Legislative Officer

**Resource Personnel:** Hubert Green  
Legislative Aide

**LEGISLATIVE HISTORY:**

<b>Date Presented:</b>	9/30/97	<b>Executive Action:</b>	12/17/97	S
<b>Committee Referral:</b>	9/30/97	THE	<b>Effective Date:</b>	2/2/98
<b>Committee Action:</b>	10/23/97	FAV(A)		
<b>Date Introduced:</b>	10/28/97			
<b>Pub. Hearing Date:</b>	11/25/97	11:00 AM		

**Council Action:** 11/25/97 ENACTED

**Council Votes:** DB:A, SD:A, JE:A, IG:A, TH:A, WM:A, RVR:-, AS:A, MW:A

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

**TRANSPORTATION, HOUSING AND ENVIRONMENT COMMITTEE** Date: 10/23/97

Committee Vote: **Favorable with Amendments, 4-0-1** (In favor: Council Members Russell, Scott, Del Giudice and Estepp. Abstained: Council Member Bailey).

This legislation will amend Subtitle 13. Housing and Property Standards of the Prince George's County Code concerning property standards and maintenance of public areas. Draft 1 would have further modified the Code requiring the owners of real property to provide trash receptacles, clean the public areas at least once a day, and increase the civil fines for violation.

The sponsor of this legislation explained that clean-up efforts were made by local elected officials and residents in the Eastover Shopping Center community. These efforts were short-lived due to unkept properties in and around the Eastover Shopping Center. It is the sponsors belief that stricter penalties and enforcement efforts would discourage littering of the parking area and around the establishment.

The Director of the Department of Environmental Resources indicated that currently this is a civil matter. An inspector will visit the site, which could lead to a violation notice. This process is often enforced through the courts. He further indicated that there is a lack of clarity in the enforcement and penalty section, and perhaps a look to the State for authorization for a higher fine than the \$1,000 should be considered. The Director further stated that authorizing the Police Department to issue a criminal citation would be inappropriate use of the Police Department.

The Office of Law, as well as the Police Department, noted that summons in lieu of arrest has to be below \$500 and ninety days in jail to avoid having to make a custody arrest. The Office of Law and the Prince George's Chamber were concerned with the monitoring and enforcement of property owners cleaning the public areas at least once each day.

The County Executive opposes CB-108-1997 in its present form based upon the legislation's criminalization of littering.

The Police Department opposes the legislation in its present form. It is their belief that the enforcement of a law that attempts to define when refuse should be removed from a business, or where trash receptacles should be placed, is more efficiently handled as a civil offense, with penalties imposed by the appropriate regulatory agency. Additionally, making this crime a misdemeanor punishable by a fine of \$1,000 and/or six months in jail, puts it beyond the scope of a criminal citation; a full custody arrest would be mandated.

Offices of Management and Budget and Audits and Investigations indicated that there may be some positive fiscal impact on the County related to any additional revenue collected, however, offset by the cost of police enforcement.

The committee voted CB-108-1997 out favorably with amendments. The committee amended the bill by deleting language requiring property owners to clean areas at least once each day and the civil and criminal fines were changed for consistency.

**BACKGROUND INFORMATION/FISCAL IMPACT**

**(Includes reason for proposal, as well as any unique statutory requirements)**

The proposed legislation places an obligation on the owners of improved property to clean the property and to provide a trash receptacle in the public area of the property to discourage littering. The legislation increases the fines in the current law and coordinates the littering provisions of two divisions of the County Code relating to property standards to facilitate enforcement.

**CODE INDEX TOPICS:**