

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2015 Legislative Session**

Bill No. CB-70-2015

Chapter No. 47

Proposed and Presented by Council Member Franklin

Introduced by Council Members Franklin, Lehman, Glaros, Davis, Taveras, Patterson

Co-Sponsors \_\_\_\_\_

Date of Introduction October 6, 2015

**BILL**

1 AN ACT concerning

2 Litter

3 For the purpose of ensuring enforcement and penalties for littering; prohibiting the accumulation  
4 or deposit of litter; providing for action upon noncompliance; providing for civil monetary fines  
5 and injunctive relief; providing for removal of litter from sidewalks and debris from roadways;  
6 and generally relating to litter.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 13. HOUSING AND PROPERTY

9 STANDARDS.

10 Section 13-246,

11 The Prince George's County Code

12 (2011 Edition; 2014 Supplement).

14 SUBTITLE 13. HOUSING AND PROPERTY

15 STANDARDS.

16 Sections 13-265, 13-267, and 13-271,

17 The Prince George's County Code

18 (2011 Edition; 2014 Supplement).

20 SUBTITLE 13. ROADS AND SIDEWALKS.

21 Section 23-150,

The Prince George's County Code  
(2011 Edition; 2014 Supplement).

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

Section 28-259,  
The Prince George's County Code  
(2011 Edition; 2014 Supplement).

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of Prince George's County, Maryland, that Section 13-246 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

**SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

**DIVISION 7. PROPERTY STANDARDS AND MAINTENANCE .**

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

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

(b) The responsible party as defined in Section 13-232 [28-102] issued the civil citation shall be subject to a monetary fine of [Five Hundred Dollars (\$500.00) for the first violation, and] One Thousand Dollars (\$1,000) for each [subsequent] violation, [within a thirty-six (36) month period from the first violation.]

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

(d) In addition, a lien shall be placed on the property pursuant to Section 13-246.02, which shall be paid in full before transfer or sale of the property, for monies expended by the County for demolition, repair or enclosure of a building or removal of garbage, refuse, or other

1 hazardous, noxious, or unhealthy substances or materials where the responsible party refuses or  
2 fails to comply with the lawful order of the County.

3 (e) In addition, any person who violates or fails to comply with any provision of this  
4 Division shall, upon conviction, be guilty of a misdemeanor and subject to a fine not to exceed  
5 the doubling of the total sum of all fines associated with citations issued to the person pursuant to  
6 this Section or imprisonment not to exceed ninety (90) days, or both.

7 (f) In addition to the other remedies provided herein, the County Attorney, on behalf of  
8 the County, may institute an injunction, mandamus, or other appropriate action or proceeding to  
9 enforce the provisions of this Division.

10 (g) The Police Department shall be authorized to issue a criminal citation or a civil citation  
11 pursuant to Subtitle 28, Division 3.

12 \* \* \* \* \*

13 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,  
14 Maryland, that Sections 13-265, 13-267, and 13-271 of the Prince George's County Code be and  
15 the same are hereby repealed and reenacted with the following amendments:

16 **SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.**

17 **DIVISION 9. ANTI LITTER AND WEED ORDINANCE.**

18 **Sec. 13-265. Accumulation or deposit of litter prohibited.**

19 (a) It shall be the duty of every person as owner, occupant, lessee, or agent in charge of  
20 land lying within the unincorporated areas of the County, except as otherwise provided in  
21 Section 13-262, to prevent litter, garbage, rubbish, and refuse from accumulating, either  
22 temporarily or permanently, on such land. The owner of improved property which is used for  
23 commercial or industrial purposes shall remove all garbage and rubbish from both the paved and  
24 unpaved public areas and empty the receptacle into an approved container in accordance with  
25 Section 13-234. This Section shall not apply to those activities otherwise allowable under  
26 Subtitle 21 of this Code, and shall not apply to those persons who store litter in private  
27 receptacles for collection, or under controlled conditions for industrial processing, such as  
28 recycling.  
29

30 (b) It is a violation of this Division for any person to deposit or place litter on any land  
31 lying within the County, including any public lands or rights of way. A person violating this  
32 subsection shall be subject to the penalties prescribed in Section 13-271.

1 \* \* \* \* \*

2 **Sec. 13-267. Action upon noncompliance.**

3 It shall be the responsibility of any owner or responsible person duly notified to properly  
4 dispose of litter or weeds, or both, within ten (10) calendar days after certified mailing of written  
5 notice provided for in Section 13-266, above, or within ten (10) calendar days after receipt of  
6 written notice when personal service is effected, or within ten (10) calendar days after physical  
7 posting of the property, and so notify the Director. If the violation is not corrected within such  
8 time period, the Director shall issue a civil monetary fine in accordance with Section 13-271.  
9 [the] The Director is also hereby authorized and empowered to defray the costs of disposing of  
10 such litter or weeds, or both, by contract, or to order its disposal by County personnel. The  
11 property owner shall be notified of the charges for disposal, in the manner prescribed by Section  
12 13-266, and shall have thirty (30) days to pay.

13 \* \* \* \* \*

14 **Sec. 13-271. Civil monetary fine; injunctive relief.**

15 (a) In addition to the provisions of Sections 13-267 through 13-270 of this Code, a person  
16 found in violation of this Division [9] shall be liable to a civil fine in accordance with Division 3  
17 of Subtitle 28 of this Code.

18 (b) The person issued the civil citation for violating this Division shall be subject to a  
19 monetary fine of [One Hundred Dollars (\$100.00) for the first violation, Five Hundred Dollars  
20 (\$500.00) for the second violation and] One Thousand Dollars (\$1,000) for each [subsequent]  
21 violation. [within a thirty-six (36) month period from the first violation.] Each day the violation  
22 continues is deemed a separate offense and is subject to an additional citation and fine.

23 (c) In addition, the County Attorney shall be authorized to pursue compliance of  
24 this Division by way of injunctive relief in a court of competent jurisdiction.

25 (d) The Police Department shall be authorized to issue a criminal citation or warning in  
26 lieu of the issuance of a civil citation pursuant to Subtitle 28, Division 3.

27 \* \* \* \* \*

28 SECTION 3. BE IT ENACTED by the County Council of Prince George's County,  
29 Maryland, that Section 23-150 of the Prince George's County Code be and the same is hereby  
30 repealed and reenacted with the following amendments:

31 **SUBTITLE 23. ROADS AND SIDEWALKS.**

**DIVISION 4. REQUIRED REMOVAL OF SNOW, ICE, WEEDS,  
LITTER, AND DEBRIS FROM SIDEWALKS AND DEBRIS FROM ROADWAYS.**

**Sec. 23-150. Duty to remove snow, ice, weeds, litter, and debris.**

(a) For the purposes of this Section only, "commercial property" shall mean any property that is used to conduct a trade or business that provides goods or services to the public. It shall also include properties that are zoned industrial, commercial, or residential under the provisions of Subtitle 27 of this Code that are used to provide goods or services to the public.

(b) It shall be the duty of the owner or lessor, as the case may be, of a residential dwelling unit or commercial property, unless such duty has been delegated to a lessee in actual possession, to remove snow and ice from any sidewalk abutting the subject property within forty-eight (48) hours after snow has fallen or ice has formed as a result of inclement weather or runoff from abutting surfaces.

(c) It shall be the duty of the owner or lessor, as the case may be, of a residential dwelling unit or commercial property, unless such duty has been delegated to a lessee in actual possession, to remove litter and debris from the property line of that building, lot, or land to the edge of the concrete curb and gutter adjoining the roadway in the case of an urban (closed) section roadway, and from the private property line to the edge of the paved roadway surface in the case of a rural (open) section roadway.

(d) It shall be the duty of the owner or lessor, as the case may be, of a residential dwelling unit or commercial property, unless such duty has been delegated to a lessee in actual possession, to keep all weeds, as defined in Section 23-102 of this Subtitle, located in the public space set forth in Subsection (c) of this Section, cut to a height of not over six (6) inches.

(e) The Police Department or other appropriate County enforcement agency shall be responsible for enforcing the provisions of this Section.

(f) Any person primarily responsible for the removal of snow, ice, weeds, [litter,] or debris who breaches said duty shall be subject to a civil fine not to exceed One Hundred Dollars (\$100.00) for each separate offense. Any person primarily responsible for the removal of litter who breaches said duty shall be subject to a civil fine of One Thousand Dollars (\$1000.00) for each separate offense.

(g) This Section shall not apply to materials left within the public right-of-way as a result of a lawfully executed eviction action, from a single family rental facility as defined in Section

1 13-138 of the Code or for bulky trash left in the right-of-way as a result of illegal dumping by  
2 others.

3 \* \* \* \* \*

4 SECTION 4. BE IT ENACTED by the County Council of Prince George's County,  
5 Maryland, that Section 28-259 of the Prince George's County Code be and the same is hereby  
6 repealed and reenacted with the following amendments:

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

8 **DIVISION 3. MISCELLEANOUS CIVIL VIOLATIONS.**

9 **SUBDIVISION 1. GENERAL.**

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

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

12 (b) With the exception of violations pursuant to Sections 13-246, 13-271, or 23-150 of the  
13 Code, and the tax lien placed on the property per Section 13-246.02 or Section 13-269 of the  
14 Prince George's County Code, which shall be paid in full to Prince George's County through the  
15 Office of Finance before transfer or sale of the property, upon a finding of a violation the civil  
16 fine imposed by the Court shall be in an amount deemed appropriate by the Court but shall not  
17 be less than the total amount in the schedule contained in Section 28-111 of this Division. With  
18 the exception of violations pursuant to Sections 13-246, 13-271, or 23-150 of the Code, the Court  
19 may suspend or defer the payment of the civil fine upon such reasonable grounds as the Court  
20 determines. Upon a finding of a violation pursuant to Sections 13-246, 13-271, or 23-150 of the  
21 Code, the civil fine imposed by the Court shall be strictly in accordance with the fines prescribed  
22 in Sections 13-246, 13-271, and 23-150 of the Code.

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

1 SECTION 6. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
2 calendar days after it becomes law.

Adopted this 3rd day of November, 2015.

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.