

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2018 Legislative Session

Bill No. CB-54-2018

Chapter No. 67

Proposed and Presented by Council Member Taveras

Introduced by Council Members Taveras, Lehman, Glaros, Turner, Franklin and Davis

Co-Sponsors _____

Date of Introduction September 25, 2018

BILL

1 AN ACT concerning

2 Environmental Crimes Unit

3 For the purpose of establishing an Environmental Crimes Unit; providing the purpose and intent
4 of the Environmental Crimes Unit; defining certain terms; providing for the organization of the
5 Environmental Crimes Unit; providing for a certain Memorandum of Understanding; providing
6 for site assessment and prioritization; providing for operations; providing for education and
7 outreach; providing for representation; providing for certain reporting; referencing the litter and
8 illegal dumping laws of the County; and generally regarding litter, illegal dumping and
9 enforcement.

10 BY adding:

11 SUBTITLE 13. HOUSING AND PROPERTY

12 STANDARDS.

13 Sections 13-272, 13-272.01, 13-273, 13-274, 13-275,

14 13-276, 13-277, 13-278 and 13-279,

15 The Prince George's County Code

16 (2015 Edition; 2017 Supplement).

17 BY repealing and reenacting without amendments:

18 SUBTITLE 13. HOUSING AND PROPERTY

19 STANDARDS.

20 Sections 13-261, 13-262, 13-263, 13-264, 13-265, 13-

21 266, 13-267, 13-268, 13-269, 13-270, and 13-271,

The Prince George's County Code
(2015 Edition; 2017 Supplement).

BY repealing and reenacting without amendments:

SUBTITLE 23. ROADS AND SIDEWALKS.
Sections 23-150 and 23-151,
The Prince George's County Code
(2015 Edition; 2017 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
Maryland, that Sections 13-272, 13-272.01,13-273, 13-274, 13-275, 13-276, 13-277, 13-278, and
13-279 of the Prince George's County Code be and the same are hereby added:

SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.
DIVISION 9. ANTLITTER AND WEED ORDINANCE.

* * * * *
[Sec. 13-272. through Sec. 13-300. - Reserved.]

DIVISION 9A. ENVIRONMENTAL CRIMES UNIT

Sec. 13-272. Purpose and Intent.

(a) There is hereby established an Environmental Crimes Unit. The Department of the Environment shall be the coordinating agency for the County, collaborating with the Department of Public Works and Transportation; Department of Permitting, Inspections and Enforcement; and the Prince George’s County Police Department. The mission of the Environmental Crimes Unit is to detect, apprehend, prosecute, and deter persons, owners, lessors, associations, corporations, organizations, and entities from engaging in conduct that harms the County’s physical environment. Further, the mission is to educate the community at large about environmental violation issues to make the County cleaner and improve the quality of life for the County’s residents and stakeholders.

Sec.13-272.01. Memorandum of Understanding.

(a) There is a Memorandum of Understanding, dated September 1, 2018, that was entered into by the County and the Prince George’s County Police Department to establish a Prince George’s County policy for addressing major incidents of illegal dumping by the Environmental Crimes Team. The Memorandum of Understanding shall be the legal document evidencing the management and operations of the Environmental Crimes Team and the Memorandum of Understanding may be amended from time to time, as deemed necessary. The

1 Memorandum of Understanding is attached hereto and incorporated herein, in full, and is
2 designated as Attachment A.

3 **Sec. 13-273. Definition.**

4 (a) **Environmental crimes** are defined as the following:

5 (1) Litter, pursuant to Sections 13-261 through 13-271 of this Code;

6 (2) Illegal Dumping, pursuant to Sections 23-150 through 23-151 of this Code; and

7 (3) Other violations of the Antilitter and Weed Ordinance, Division 9 of Subtitle 13
8 of this Code; and the Road Ordinance of Prince George's County, Division 4 of Subtitle 23 of
9 this Code, which create or tend to create a danger to the public health, safety, or welfare of the
10 residents of the County.

11 (b) **Environmental Crimes** include State and Federal laws on litter and illegal dumping.

12 **Sec. 13-274. Organization.**

13 (a) The Environmental Crimes Unit shall be comprised of the Environmental Crimes Team
14 and shall operate in at least three enforcement areas; one area each for the Northern,
15 Central and Southern regions of the County.

16 (b) The Environmental Crimes Unit shall be authorized and empowered as follows:

17 (1) To enforce Environmental Crimes by issuing notices of violations and/or citations
18 to the person or persons allegedly violating Environmental Crimes laws;

19 (2) To conduct inspections of alleged Environmental Crimes; and

20 (3) To collect data and conduct public outreach and education regarding
21 Environmental Crimes.

22 (b) The composition of the Environmental Crimes Unit may be altered at the discretion of
23 the County Executive or their designee consistent with the mission of the Environmental Crimes
24 Unit.

25 (c) The County employees assigned to the Environmental Crimes Unit must have no
26 criminal record and be of good moral character.

27 (d) The Environmental Crimes Unit is authorized to offer and pay rewards for information
28 that leads to the apprehension and charging of any person for violating Environmental Crimes
29 laws and the collection of a penalty or fine from the person not to exceed 10 percent or up to
30 \$500 of the collected penalty or fine. The appropriate enterprise funds shall be used for
31 abatement and reward monies.

1 **Sec. 13-275. Site Assessment and Prioritization.**

2 (a) To effectively accomplish the Environmental Crimes Unit's mission, it is essential to
3 identify locations in which the enforcement teams will target. Site audits are critical to
4 designation of target areas. Site assessments shall be conducted through a variety of means,
5 including, but not limited to: intelligence data currently in the possession of the County, visual
6 ground-level assessments conducted by the Environmental Crimes Unit enforcement teams,
7 aerial assessments conducted by the Environmental Crimes Unit enforcement teams, other inter-
8 agency groups such as the Nuisance Abatement Board, and resident and other stakeholder
9 complaints.

10 (b) Once site assessments are completed and data is examined, a finalized list of
11 geographical target areas will be established. Target areas will be prioritized and enforcement
12 efforts will commence.

13 (c) Gathered intelligence information shall be stored in a computerized data base to
14 facilitate the work of the Environmental Crimes Unit.

15 (d) The Department of Public Works and Transportation shall give priority to cleaning up
16 those sites in the public right of way referred to them by the Environmental Crimes Unit and the
17 Department of Permitting, Inspections and Enforcement shall give priority to causing the
18 cleaning up of private property sites referred to them by the Environmental Crimes Unit.

19 (e) The site assessment and prioritization facilitated by the Environmental Crimes Unit
20 may be altered at the discretion of the County Executive or their designee, consistent with the
21 mission of the Environmental Crimes Unit.

22 **Sec. 13-276. Operations.**

23 A major component of the Environmental Crimes Unit is to visibly enforce
24 environmental laws. Similarly, a major component of the Environmental Crimes Unit is to
25 covertly enforce environmental laws. Both the overt and covert operations of the
26 Environmental Crimes Unit shall be conducted pursuant to the Memorandum of
27 Understanding, as amended from time to time.

28 **Sec. 13-277. Outreach and Education.**

29 (a) Outreach and Education. An integral part of combating environmental violations is
30 through outreach and education. External outreach includes, but is not limited to: creation and
31 dissemination of informational pamphlets; establishment of an environmental enforcement

1 hotline within the current 3-1-1 call system; dissemination of violator identity; and community
 2 presentations. Internal outreach includes, but is not limited to: creation of an enforcement quick
 3 reference guide and development of an internal training component.

4 **Sec. 13-278. Representation.**

5 (a) The County Attorney shall represent the County in the enforcement of Federal, State
 6 and County laws pertaining to litter and illegal dumping.

7 (b) The State’s Attorney shall represent the County in the prosecution of cases involving
 8 Federal, State and County laws pertaining to litter and illegal dumping.

9 **Sec. 13-279. Reporting.**

10 (a) The Department of the Environment shall annually report data and provide
 11 analysis of environmental crimes and report data from the operations of the Environmental
 12 Crime Unit, with the exception of illegal dumping complaints that are deemed by the
 13 County Attorney to be confidential and/or pre-decisional. The Annual Report shall be
 14 transmitted, in accordance with State law, as part of the Ten-Year Solid Waste Management
 15 Plan.

16 (b) Site assessment is an on-going process and site assessments will be conducted and
 17 priority target areas will be updated periodically with a report at least once annually to the
 18 County Council and County Executive of the violations, citations and arrests for
 19 Environmental Crimes; response times to complaints involving illegal dumping; number and
 20 location of priority sites patrolled by each Environmental Crimes Unit team, and list of
 21 number and location of known illegal dump sites in the County.

22 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
 23 Maryland, that Sections 13-261, 13-262, 13-263, 13-264, 13-265, 13-266, 13-267, 13-268, 13-
 24 269, 13-270, and 13-271, of the Prince George's County Code be and the same are hereby
 25 repealed and reenacted without amendments:

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

27 **DIVISION 9. ANTLITTER AND WEED ORDINANCE.**

28 **Sec. 13-261. Definitions.**

29 (a) Director shall mean the Director of the Department of Permitting, Inspections, and
 30 Enforcement or his authorized designee.

1 (b) Garbage shall mean any animal and vegetable wastes resulting from the handling,
 2 preparation, cooking, and consumption of food.

3 (c) Improved Property shall mean real property on which has been erected dwellings,
 4 building, or other structures, whether inhabited or vacant, and all grounds appurtenant thereto.

5 (d) Litter, as used herein, shall mean garbage, rubbish, and refuse as defined herein,
 6 and all other waste material which:

7 (1) Creates or tends to create a danger to the public health, safety, welfare, or
 8 property to the extent and in the manner that a lot, tract, or parcel of land is, or may reasonably
 9 become, infested or inhabited by rodents, vermin, or wild animals; or

10 (2) May reasonably cause disease; or

11 (3) Adversely affects and impairs the economic welfare or status of adjacent
 12 property or the neighborhood; or

13 (4) May reasonably constitute a present or potential fire hazard; or

14 (5) Where the accumulation thereof is in violation of any of the provisions of
 15 Subtitle 21 of this Code.

16 (e) Person shall mean any person, corporation, association, partnership, firm,
 17 syndicate, joint venture, or organization of any kind holding title to any land or lot in the
 18 County; lessees, tenants, and principal occupants of any land or lot in the County or agent of
 19 persons holding titles of such lands or lots, having care, custody, control, or management of the
 20 land or lot; and fiduciaries holding title to or having the care, custody, control, or management
 21 of land or lots in the County for others.

22 (f) Rubbish and refuse shall mean all solid waste consisting of both combustible waste
 23 (including, but not limited to, paper, cardboard, wood, cloth, bedding material, yard and lawn
 24 clippings not located in an established compost pile, and dead trees and limbs, to include any
 25 hazardous or uprooted trees) and noncombustible waste (including, but not limited to, metals,
 26 glass, crockery, tin cans, junked household appliances, abandoned motor vehicles, and any
 27 building and construction wastes). For the purposes of this ordinance, abandoned vehicle shall
 28 mean any motor vehicle or trailer that is inoperable and left unattended on private or public
 29 property for more than forty-eight (48) hours, or does not display current license plates for that
 30 vehicle, is wrecked or dismantled.

1 (g) Subdivision means a lot, tract, or parcel of land which has been subdivided into two
 2 or more lots, plots, sites, tracts, parcels, or other divisions for the purpose, whether immediate
 3 or future, of rental, sale, or building development, and shall include resubdivision, but shall not
 4 include a bona fide division or partition of land of exclusively agricultural land not for
 5 development purposes, except as herein provided. For the purposes of this ordinance, a
 6 subdivided lot shall be a plot, site, tract, or parcel containing an area of not more than one (1)
 7 acre; provided, however, that when a parcel of land, whether subdivided or not, is contiguous
 8 to a developed lot, plot, site, or tract of one (1) acre or less, then, and in such event, the
 9 provisions hereof shall apply for a distance of fifty (50) feet equidistant from the common
 10 boundary line.

11 (h) Tree shall mean a plant with a woody stem capable of achieving a height of at least
 12 twenty (20) feet at maturity.

13 (i) Underbrush shall mean shrubs, bushes, and small trees growing beneath larger trees
 14 in a woodland or forest.

15 (j) Unimproved Property shall mean real property which is not presently improved
 16 although it may have been improved at one time.

17 (k) Weeds shall mean grass, weeds, brush, and any noxious growth excluding trees,
 18 ornamental shrubbery, plants, flowers, garden vegetables properly tended, cultivated crops,
 19 vegetation growing in wetlands, or woodland including associated underbrush, not otherwise in
 20 violation.

21 (l) Woodland shall mean a perpetual biological community dominated by trees and
 22 other woody plants covering a land area of 10,000 square feet or greater. This includes areas
 23 that have at least 100 trees per acre with at least 50 trees that are 2-inches or greater dbh
 24 (diameter at breast height — means the diameter of a tree measured at a height of 4.5 feet from
 25 the ground). This also includes areas that have been timber harvested where the stumps remain
 26 in place for future regeneration. The terms "woodland," "forest," and "forest cover" are
 27 synonymous and do not include orchards or other areas without multiple layers of woody and
 28 herbaceous vegetation.

29 **Sec. 13-262. Applicability of ordinance.**

30 Except as hereinafter specified, the provisions herein shall apply to any unimproved real
 31 property and to any improved real property. This ordinance is not applicable to property

1 located within incorporated municipalities, except where a municipality adopts the provisions
 2 hereof, with provisions for County enforcement and acceptable contractual provisions for
 3 reimbursement to the County of its uncollectible costs and expenses in enforcement activities
 4 within such municipality.

5 **Sec. 13-263. Declaration of legislative interest.**

6 (a) The County Council finds and determines that the continuous growth and
 7 development of the unincorporated areas of this County require the reasonable and effective
 8 control and regulation of the excessive accumulation of litter as herein defined. Further, such
 9 accumulation on improved and unimproved property readily threatens or endangers the public
 10 health, safety, or welfare by reason of the fact that such property is, or may reasonably
 11 become, infested or inhabited by rodents, vermin, or wild animals; or may reasonably cause
 12 disease; or adversely affects and impairs the economic welfare or status of adjacent property or
 13 the neighborhood; or may reasonably constitute a present or potential fire hazard; and singly,
 14 or in any combination thereof, is hereby prohibited and declared to be a public nuisance
 15 subject to the penalties and procedures hereinafter prescribed.

16 (b) The County Council further finds and determines, as a matter of common
 17 knowledge, that a high growth of weeds in the populous areas has a strong tendency to produce
 18 sickness and to impair the health of the inhabitants, and may readily be a public nuisance in
 19 such localities, notwithstanding the fact that they may be comparatively innocuous in the
 20 County areas when far away from human habitation. Further, the Council recognizes that
 21 weeds, as such, when matured so as to bear wingy or downy seeds, may readily become a fire
 22 menace when dry; and that they may furnish a breeding place for mosquitoes and adversely
 23 affect and impair the economic welfare of adjacent property and the neighborhood in which
 24 located; and are hereby declared to be a public nuisance subject to the penalties and procedures
 25 hereinafter prescribed.

26 **Sec. 13-264. Weed height.**

27 It shall be the duty of every person as owner, occupant, lessee, or agent in charge of land
 28 lying in any subdivision within the unincorporated areas of the County, except as otherwise
 29 provided in Section 13-262, to keep all weeds, as defined, cut to a height of not over twelve
 30 (12) inches on lots of one (1) acre or less; provided, however, that when a parcel of land,
 31 whether subdivided or not, is contiguous to a developed lot, plot, site, or tract of one (1) acre or

1 less then, and in such event, the provisions hereof shall apply for a distance of fifty (50) feet
2 equidistant from the common boundary line.

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

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

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

17 **Sec. 13-266. Notice to remove.**

18 The Director, whenever he finds and determines that the requirements set forth in Sections
19 13-264 or 13-265, or both, of this Subtitle have been violated, shall notify, in writing, the
20 owner or the person responsible for the maintenance of the property to remove or properly
21 dispose of the litter or weeds, or both, from the subject property. Such notice shall be by
22 United States Postal Service certified mail and addressed to said owner or other responsible
23 person at the last known address or the address shown on the real property tax records in the
24 Treasurer's Office for Prince George's County. Such notice, when so addressed and deposited
25 with the Postal Service with proper postage prepaid, shall be deemed complete and sufficient.
26 In the event that such notice is returned by the postal authorities, the Director shall cause a
27 copy of the notice to be personally served by an authorized representative upon the owners or
28 occupants of the property or upon any agent of the owner thereof. In the event that personal
29 service cannot be accomplished, as aforesaid, after reasonable efforts, then notice shall be
30 accomplished by physical posting on the said property.

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

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

11 **Sec. 13-268. Charges included in tax bill.**

12 When the County has effected the removal of such litter or weeds, or both, or has paid for
13 its removal, the actual cost thereof, if not paid by the owner within thirty (30) days, shall be
14 charged to the owner of such property by a supplemental tax bill issued upon recordation of the
15 statement required by Section 13-269.

16 **Sec. 13-269. Recorded statement constitutes lien.**

17 Where the full amount due the County is not paid by such owner within thirty (30) days
18 after notice of the charges for the disposal of such litter or weeds, the Director shall cause to be
19 recorded with the Director of Finance for Prince George's County a sworn statement showing
20 the cost and expense incurred for the work, the date the work was done, and the location of the
21 property on which said work was done. Recordation of such statement shall constitute a lien on
22 such property, and shall be collected in the same manner as other County real estate taxes.

23 **Sec. 13-270. Appeals.**

24 Within ten (10) calendar days from the certified mailing of the notice, or within ten (10)
25 calendar days after personal service of the notice, or within ten (10) calendar days after the
26 posting of the property, whichever is applicable, the owner or responsible person may file an
27 appeal with the Board of Administrative Appeals stating in detail the reasons as to why the
28 action proposed by the Director should not be taken. Upon receipt of such appeal, the Board of
29 Administrative Appeals shall put the cause on its agenda at their earliest convenience, notify
30 the appellant thereof, and hear the merits of the appeal. The evidence at the hearing shall be
31 limited to challenges of the Director's determination that a violation exists and/or granting an

1 extension of time. The Board's decision shall be given in writing within thirty (30) calendar
2 days after the hearing is concluded. Failure to render the decision within the time period
3 allowed shall affirm the decision of the Director. Any party aggrieved by the decision of the
4 Board of Administrative Appeals with respect to this Division may appeal such decision to the
5 Circuit Court of Prince George's County, Maryland, pursuant to the rules governing appeals
6 from administrative agencies. All appeals shall be on the record.

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

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

11 (b) The person issued the civil citation for violating this Division shall be subject to a
12 monetary fine of One Thousand Dollars (\$1,000) for each violation. Each day the violation
13 continues is deemed a separate offense and is subject to an additional citation and fine.

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

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

18 * * * * *

19 **SECTION 3. BE IT ENACTED** by the County Council of Prince George's County,
20 Maryland, that Sections 23-150 and 23-151 of the Prince George's County Code be and the same
21 are hereby repealed and reenacted without amendments:

22 **SUBTITLE 23. ROADS AND SIDEWALKS.**

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

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

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

31 (b) It shall be the duty of the owner or lessor, as the case may be, of a residential
32 dwelling unit or commercial property, unless such duty has been delegated to a lessee in actual

1 possession, to remove snow and ice from any sidewalk abutting the subject property within
 2 forty-eight (48) hours after snow has fallen or ice has formed as a result of inclement weather
 3 or runoff from abutting surfaces.

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

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

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

17 (f) Any person primarily responsible for the removal of snow, ice, weeds, or debris
 18 who breaches said duty shall be subject to a civil fine not to exceed One Hundred Dollars
 19 (\$100.00) for each separate offense. Any person primarily responsible for the removal of litter
 20 who breaches said duty shall be subject to a civil fine of One Thousand Dollars (\$1,000.00) for
 21 each separate offense.

22 (g) This Section shall not apply to materials left within the public right-of-way as a
 23 result of a lawfully executed eviction action, from a single family rental facility as defined in
 24 Section 13-138 of the Code or for bulky trash left in the right-of-way as a result of illegal
 25 dumping by others.

26 **Sec. 23-151. Duty to prevent deposit of sediment or other materials in road right-of-way.**

27 (a) It shall be the duty of the owner or lessor of any real property, improved or
 28 unimproved, unless such duty has been delegated to a lessee in actual possession, as the case
 29 may be, to prevent the deposit of dirt, sediment, debris, gravel, oil, litter, or any other matter,
 30 including portable storage containers in a road right-of-way, or in any drain or ditch designed
 31 to carry surface water from a road right-of-way, whether improved or not. For the purpose of

1 this Section, the deposit of oil shall include the drainage or leakage of oil, transmission fluid,
2 antifreeze, and similar substances from a vehicle or machine in addition to the discharge or
3 dumping of such substances by any other means. The prevention of the deposit of silt in the
4 road right-of-way shall not apply where a temporary approved sediment trapping device has
5 been constructed in the right-of-way as part of an ongoing development construction project. It
6 shall also be the responsibility of said person to prevent the formation of algae on sidewalks
7 located within the right-of-way.

8 (b) Any person primarily responsible for the said duty will be required to correct any
9 cited condition within the date of written notice by the Department or immediately if the
10 condition cited is determined hazardous. Noncompliance on the part of the responsible person
11 within the required time will result in correction or removal of the cited condition by the
12 County, and all costs therefor shall be billed to the responsible person. Failure to pay any cost
13 incurred by the County within thirty (30) days of the billing date shall result in a tax lien being
14 placed against the affected property in accordance with the provisions of this Subtitle.

15 (c) Any person primarily responsible for the deposition of dirt, sediment, debris,
16 gravel, oil, litter, or other foreign matter, including portable storage containers into a public
17 right-of-way shall be subject to a civil fine not to exceed One Thousand Dollars (\$1,000.00)
18 for each separate offense. The procedures of Subdivision 1, Division 3, Subtitle 28 of this
19 Code shall apply. In addition, any person responsible for a violation of this Section may also
20 be subject to the following criminal penalties:

21 (1) A person who dumps litter in violation of this Section in an amount not
22 exceeding 100 pounds in weight or 27 cubic feet in volume and not for commercial purposes is
23 guilty of a misdemeanor and is subject to a fine of not more than One Thousand Dollars
24 (\$1,000) or by imprisonment for not more than thirty (30) days, or both;

25 (2) A person who dumps litter in violation of this Section in an amount
26 exceeding 100 pounds in weight or 27 cubic feet in volume, but not exceeding 500 pounds in
27 weight or 216 cubic feet in volume, and not for commercial purposes is guilty of a
28 misdemeanor and subject to a fine of not more than Ten Thousand Dollars (\$10,000) or
29 imprisonment for not more than one (1) year, or both;

30 (3) A person who dumps litter in violation of this Section in an amount
31 exceeding 500 pounds in weight or 216 cubic feet in volume or in any quantity for commercial

1 purposes is guilty of a misdemeanor and subject to a fine of not more than Twenty-five
2 Thousand Dollars (\$25,000) or imprisonment for not more than five (5) years, or both.

3 (d) In addition to the sentences provided by this Section, a court may order the violator
4 to:

5 (1) Remove or render harmless the litter dumped in violation of this Section;

6 (2) Repair or restore property damaged by, or pay damages for, any damage
7 arising out of dumping the litter in violation of this Section;

8 (3) Perform public service relating to the removal of litter dumped in violation
9 of this Section or to the restoration of an area polluted by litter dumped in violation of this
10 Section; or

11 (4) Reimburse the State, County, municipal corporation, or bicounty agency for
12 any costs incurred by the State, County, municipal corporation, or bicounty agency in the
13 removal of litter dumped in violation of this Section.

14 (e) The placement of personal property in the right-of-way as the result of an eviction
15 from a single family rental facility as defined Section 13-138 of the Code, shall not be subject
16 to the prohibitions of this Section.

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

25 SECTION 5. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
26 calendar days after it becomes law.

Adopted this 23rd day of October , 2018.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Dannielle M. Glaros
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____

BY: _____
Rushern L. Baker, III
County Executive