

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2013 Legislative Session

Bill No. CB-59-2013
 Chapter No. 63
 Proposed and Presented by Council Member Patterson
 Introduced by Council Members Patterson, Franklin, Harrison, Davis and Turner
 Co-Sponsors _____
 Date of Introduction October 22, 2013

BILL

1 AN ACT concerning

2 Residential Nuisance Abatement

3 For the purpose of amending the County public nuisance provisions to include certain residential
 4 properties, adding additional grounds constituting a public nuisance and generally relating to
 5 public nuisances in Prince George's County.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 14. MORALS AND CONDUCT.

8 DIVISION 14. NUISANCE.

9 Sections 14-170, 14-171, 14-172 and 14-173

10 The Prince George's County Code

11 (2011 Edition)

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 13 Maryland, that Sections 14-170, 14-171, 14-172 and 14-173 of the Prince George's County Code
 14 be and the same are hereby repealed and reenacted with amendments:

15 SUBTITLE 14. MORALS AND CONDUCT.

16 DIVISION 14. NUISANCE.

17
 18 **Sec. 14-170. Legislative findings.**

19 (a) The County Council finds and declares that public nuisances exist in the County in the
 20 continuing and recurrent use of certain commercial and certain residential premises in violation
 21 of the laws relating to controlled dangerous substances, prostitution, human trafficking, [and]

1 criminal gangs, storage of weapons, stolen property, contraband or other evidence of criminal
 2 activity and traditional criminal remedies do not always abate these types of activities at these
 3 locations.

4 (b) The enforcement of abatement procedures and the penalties set forth in this Division
 5 constitute an additional method of law enforcement in response to the proliferation of the above-
 6 referenced public nuisance and are an exercise of the County's police power that is reasonable
 7 and necessary in order to protect the health, safety, and general welfare of the citizens of Prince
 8 George's County.

9 **Sec. 14-171. Definitions.**

10 (a) As used in this Division:

11 (1) **Board** shall mean the Nuisance Abatement Board.

12 (2) **Owner** and **owner of record** shall mean the person in whose name a premises is
 13 recorded in the land records of Prince George's County who owns, leases, occupies, or controls
 14 the property and any agent of such person.

15 (3) **Person** means an individual, receiver, guardian, personal representative,
 16 fiduciary, or representative of any kind, and any corporation, partnership, firm, association, joint
 17 venture, or other legal entity.

18 (4) **Premises** shall mean any land, building, or other structure, or part thereof, where
 19 a residential property, including vacant or abandoned property, or a commercial, business, or
 20 similar establishment is located.

21 (5) **Public nuisance** shall mean any residential or commercial premises used:

22 (A) By persons who assemble for the purpose of illegally administering a
 23 controlled dangerous substance, as defined in the Criminal Law Article the Maryland Annotated
 24 Code;

25 (B) For the illegal manufacture or distribution of a controlled dangerous
 26 substance, or controlled paraphernalia, as defined in the Criminal Law Article the Maryland
 27 Annotated Code; or

28 (C) For the illegal storage or concealment of a controlled dangerous substance in
 29 sufficient quantity to reasonably indicate under all the circumstances an intent to manufacture,
 30 distribute, or dispense a controlled dangerous substance or controlled paraphernalia;

(D) By persons for activities involving prostitution, human trafficking, or a criminal gang as defined in the Criminal Law Article the Maryland Annotated Code; or

(E) For the storage or concealment of illegal weapons, stolen property, contraband or other evidence of criminal activity at the premises.

Sec. 14-172. Operation of a public nuisance prohibited; action to abate.

(a) No person owning, operating, having charge or management of, or living in any premises shall permit such premises to be used in violation of County, State, or Federal laws governing controlled dangerous substances, prostitution, human trafficking, or a criminal gangs, or the storage or concealment of illegal weapons, stolen property, contraband or other evidence of criminal activity at the premises.

(b) The County Attorney may initiate proceedings under this Division to abate and prevent the nuisance and enjoin the person conducting or maintaining it, and the owner, lessee, resident, or agent of the premises in or upon which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance whenever any person or agency of the County provides sufficient evidence to support such proceedings.

(1) Prior to the initiation of proceedings, the County Attorney shall submit a petition to the Board which sets forth the basis for its belief that a public nuisance exists and that the owner, lessee, resident, or agent has failed or refused to cooperate with the County's attempts to abate the nuisance. The petition shall include affidavit(s) in support thereof. The Board shall review the petition and issue a notice of hearing if a majority of the Board finds that the County Attorney has sufficient evidence to support its case.

Sec. 14-173. Nuisance Abatement Board.

(a) Creation.

(1) There is hereby created and established a Board to be known and designated as the Nuisance Abatement Board.

* * * * *

(d) Order.

(1) After notice and an opportunity for a hearing, if five of the seven Board members concur, the Board is authorized:

(A) To order the discontinuance of the public nuisance in the premises where the public nuisance exists; and

(B) To order the closing of the premises to the extent necessary to abate the nuisance, and keep it closed for a period not to exceed one (1) year; or

(C) To request, for a residential property, the appropriate County department or agency, to exercise authority under Subtitle 13 of the County Code, including but not limited to suspension or revocation of a rental license or creation of a tax lien.

(2) An order of the Board issued pursuant to this Division shall be posted on the premises and notice thereof shall be given to those persons and in the manner set forth in Subsection (a). On and after the tenth business day following the posting, the order may be enforced. The Board may vacate the provisions of the order to close if an interested person posts a bond for the period of the ordered closing in an amount not to exceed the assessed value of the premises as shown in the tax assessment records, prorated for the proportional assessment of units closed if less than all units therein are closed, but not to exceed One Million Dollars (\$1,000,000) in any case, and submits reasonably adequate proof to the Board that the nuisance has been abated and will not be maintained or permitted in any unit of the premises during the period of the ordered closing.

(3) A closing directed by the Board pursuant to this Division is not an act of possession, ownership, or control by Prince George's County.

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

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

Adopted this 19th day of November, 2013.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

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.