

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2017 Legislative Session

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<b>Reference No.:</b>	CB-030-2017
<b>Draft No.:</b>	2
<b>Committee:</b>	PLANNING, ZONING AND ECONOMIC DEVELOPMENT
<b>Date:</b>	4/19/2017
<b>Action:</b>	FAV (A)

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Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Harrison, Franklin, Glaros and Toles)

Council staff summarized the purpose of the legislation and informed the committee of written referral comments that were received. This legislation prohibits the use of residential property for parties, events, assemblies, or gatherings open to the public in return for payment. The Police Department, the Department of Permitting, Inspections and Enforcement, the Department of Public Works, and other County agencies, spend hundreds of hours attempting to prevent, investigate, and clean-up trash from these events. This misuse of residential property is adversely impacting the surrounding residential neighborhoods with increasing criminal activity (including human trafficking, homicides, robberies, and other violent crimes), illegal adult entertainment, litter, noise, and traffic, by inhibiting ingress and egress of vehicles (including emergency vehicles).

This legislation will allow the Police Department or Code Inspector the ability to issue an immediate order to cease and desist the prospectively planned prohibited activity, to the owner, lessee, resident or apparent occupier of the property, and posting the front door of the property. If the event has occurred, a fine is levied for each offense.

Council Vice-Chair Glaros, the bill's sponsor, requested the Committee's support to address the increasing problems associated with commercial use of residential property in the County including renters using single-family residences as restaurants during late night and early morning hours as well as large scale parties with ticket sales. The Vice-Chair explained that CB-30-2017 strengthens the provisions for the enforcement body to cite the appropriate individuals for conducting these activities in residential zone property.

The Office of Law reviewed CB-30-2017 and determined that it is in proper legislative form with no legal impediments to its enactment. The Planning Board supports the legislation with amendments as detailed in a letter to Council Chairman Davis dated April 12, 2017.

The Chief Zoning Hearing Examiner (ZHE) reviewed the legislation and offered comments and suggested amendments in an April 14, 2017 memorandum to the PZED Committee Director. The purpose of the bill is to protect the residential character of communities while ensuring a negligible impact on 1<sup>st</sup> Amendment rights of assembly, etc. The bill prohibits certain gatherings, commercial in nature, while making exceptions for family functions,

Avon/Tupperware parties, etc. – assemblies recognized as common occurrences in residential communities that do not alter the residential character.

The ZHE recommended revising the language on page 3, line 30 to avoid any argument that the law is aimed at punishing activity that occurred prior to its enactment as follows: Delete “If prohibited activity has already occurred” and insert “Issuing a Five Hundred Dollar (\$500) civil fine for each offense.” Also, the ZHE commented that the language on pages 2-3, lines 31 and 1-5, is unclear. Page 2 deletes the requirement that the Department of Permitting, Inspections and Enforcement (DPIE) or the Police serve a violation notice on the alleged violator. The language on page 3 would then allow any decision of the Police or DPIE to be appealed to the Board of Appeals. If a civil citation is issued the violator would pay or there would be a proceeding in the District Court of Maryland and not before the Board of Appeals.

The Office of Law recommended the language as proposed in Draft-1 remain to allow a more timely review of an appeal by the Board of Appeals.

Renee Battle-Brooks, representing the State’s Attorney’s Office, testified in support of the legislation which will provide a needed tool to assist in preventing crimes and protecting the citizens of the County.

The Committee voted favorably on the legislation including the amendment on page 3, line 30, recommended by the ZHE, as well as a new subsection (h) concerning criminal penalties for a person who violates the provisions of Section 27-441.01 as recommended by the Zoning and Legislative Counsel and an amendment to Section 3 on page 4 to change the effective date of the legislation from 45 days after the date of its adoption to the “date of its adoption.”