

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2017 Legislative Session

Bill No. CB-50-2017

Chapter No. _____

Proposed and Presented by Council Member Taveras

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Nuisance Abatement Board

3 For the purpose of authorizing individual petitions to the Nuisance Abatement Board; setting
4 forth procedures for individual petitions to the Nuisance Abatement Board; and generally
5 regarding the Nuisance Abatement Board.

6 BY repealing and reenacting without amendments:

7 SUBTITLE 14. MORALS AND CONDUCT.

8 Sections 14-170 and 14-171,

9 The Prince George's County Code

10 (2015 Edition; 2016 Supplement).

11 BY repealing and reenacting with amendments:

12 SUBTITLE 14. MORALS AND CONDUCT.

13 Section 14-172,

14 The Prince George's County Code

15 (2015 Edition; 2016 Supplement).

16 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
17 Maryland, that Sections 14-170 and 14-171 of the Prince George's County Code be and the same
18 are hereby repealed and reenacted without amendments:

19 **SUBTITLE 14. MORALS AND CONDUCT.**

20 **DIVISION 14. NUISANCES.**

21 **Section. 14-170. Legislative findings.**

1 (a) The County Council finds and declares that public nuisances exist in the County in the
 2 continuing and recurrent use of certain commercial and certain residential premises in violation
 3 of the laws relating to controlled dangerous substances, prostitution, human trafficking, criminal
 4 gangs, storage of weapons, stolen property, contraband or other evidence of criminal activity and
 5 other public nuisances and traditional criminal remedies do not always abate these types of
 6 activities at these locations.

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

12 **Section 14-171. Definitions.**

13 (a) As used in this Division:

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

15 (2) **Neighborhood nuisance** means any premises, except as defined by Section 13-
 16 138(a)(9) of the County Code, on or in which, on two or more separate occasions within a one-
 17 year period before the start of a proceeding under this subtitle, an owner, tenant or occupant of
 18 the premises:

19 (A) acts in a disorderly manner that disturbs the public peace; or

20 (B) engages in acts, creates or maintains conditions that allows others to act in a
 21 disorderly manner that disturbs the public peace; or

22 (C) engages in activities that are prohibited in residential neighborhoods and
 23 zones, including any event, gathering, party, or picnic that involves: admission fees; cover
 24 charges; door charges; entry fees; ticket sales; food or beverage sales; adult entertainment
 25 charges, fees or sales; personal profit to the homeowner or organizer of an event; or is open to
 26 the general public.

27 (3) **Occupant** shall mean any person occupying a premises, whether or not a party to
 28 a lease.

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

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

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

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

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

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

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

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

19 (E) As a neighborhood nuisance as defined by this Section; or

20 (F) To endanger life, health, or safety, or obstruct the quiet enjoyment and
21 reasonable use of the property of persons in a particular area.

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

24 (H) As a disorderly house as referenced in the Criminal Law Article of the
25 Maryland Annotated Code.

26 (8) **Tenant** shall mean any tenant or lessee, whether under a written or oral lease.

27 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
28 Maryland, that Section 14-172 of the Prince George's County Code be and the same is hereby
29 repealed and reenacted with the following amendments:

30 **SUBTITLE 14. MORALS AND CONDUCT.**

31 **DIVISION 14. NUISANCES.**

1 **Section 14-172. Operation of a public or neighborhood nuisance prohibited; action to**
2 **abate.**

3 (a) No person owning, operating, having charge or management of, a tenant living in or
4 occupant of any premises may cause or shall permit such premises to be used in violation of
5 County, State, or Federal laws governing controlled dangerous substances, prostitution, human
6 trafficking, criminal gangs, the storage or concealment of illegal weapons, stolen property,
7 contraband or other evidence of criminal activity at the premises, or as a public or neighborhood
8 nuisance.

9 (1) A police or Fire/EMS report, documentation, or any citation, written in the regular
10 course of business by any State, County, or municipal law enforcement agency, fire officer, or
11 any other County or municipal agency or department authorized to issue citations or corrective
12 orders, of a premises having been used for activities described in Section 14-171(a)(2) or (7) of
13 this Division is prima facie evidence that the premises are a public or neighborhood nuisance.

14 (b) Any State, County, or municipal law enforcement agency, fire department, or any other
15 County or municipal agency or department authorized to issue citations or corrective orders, may
16 initiate proceedings under this Division to abate and prevent the nuisance and enjoin the person
17 conducting or maintaining it, and the owner, lessee, resident, or agent of the premises in or upon
18 which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance
19 whenever any agency or department of the County or municipality provides sufficient evidence
20 to support such proceedings.

21 (1) Prior to the initiation of proceedings, any State, County, or municipal law
22 enforcement agency, fire department, or any other County or municipal agency or department
23 authorized to issue citations or corrective orders shall submit a petition to the Board which sets
24 forth the basis for its belief that a public or neighborhood nuisance exists and that the owner,
25 lessee, resident, or agent has failed or refused to cooperate with the State, County, or municipal
26 law enforcement agency, fire department, or any other County or municipal agency or
27 department attempts to abate the nuisance. The petition shall include affidavit(s) in support
28 thereof. The Board shall review the petition and issue a notice of hearing if a majority of the
29 Board finds that the State, County, or municipal law enforcement agency, fire department, or any
30 other County or municipal agency or department authorized to issue citations or corrective orders
31 has sufficient evidence to support its case. A notice of hearing shall be issued no later than

1 fifteen (15) days after the Board has reviewed the petition.

2 (c) An individual may initiate proceedings under this Division to abate and prevent the
3 nuisance and enjoin the person conducting or maintaining it and the individual provides
4 sufficient evidence to support such proceedings.

5 (1) Prior to the initiation of proceedings, an individual shall submit a petition to the
6 Board which sets forth the basis for their belief that a public or neighborhood nuisance exists and
7 that the owner, lessee, resident, or agent has failed or refused to abate the nuisance. The petition
8 shall include affidavit(s) in support thereof. The Board shall review the petition and issue a
9 notice of hearing if a majority of the Board finds that the individual has sufficient evidence to
10 support their case. A notice of hearing shall be issued no later than fifteen (15) days after the
11 Board has reviewed the petition.

12 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
13 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
14 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
15 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
16 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
17 Act, since the same would have been enacted without the incorporation in this Act of any such
18 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
19 or section.

20

1 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
2 calendar days after it becomes law.

Adopted this ____ day of _____, 2017.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Derrick Leon Davis
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.