

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2025 Legislative Session

Bill No. CB-080-2025

Chapter No. _____

Proposed and Presented by Council Member Harrison

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Nuisances

3 For the purpose of clarifying the legislative intent of the County public and neighborhood
 4 nuisance law; adding a new prohibition on activities by promoters; providing for the prohibition
 5 by promoters for the operation of a public or neighborhood nuisance; providing for a certain
 6 notice by the Nuisance Abatement Board; providing for the timing of a certain written decision
 7 detailing the Board's final order or action; increasing fine amounts and providing for certain
 8 criminal and civil penalties; and generally regarding public and neighborhood nuisances.

9 BY repealing and reenacting with amendments:

10 **SUBTITLE 14. MORALS AND CONDUCT**

11 Sections 14-170, 14-171, 14-172, 14-173 and 14-174

12 The Prince George's County Code

13 (2023 Edition; 2024 Supplement).

14 **SECTION 1. BE IT ENACTED** by the County Council of Prince George's County,
 15 Maryland, that Sections 14-170, 14-171, 14-172, 14-173 and 14-174 of the Prince George's
 16 County Code be and the same are hereby repealed and reenacted with the following
 17 amendments:

18 **SUBTITLE 14. MORALS AND CONDUCT.**

19 **DIVISION 14. NUISANCES.**

20 **Sec. 14-170. Legislative findings.**

21 (a) The County Council finds and declares that public and neighborhood nuisances exist in

the County in the continuing and recurrent use of certain commercial and certain residential premises in violation of the laws relating to controlled dangerous substances, prostitution, human sex trafficking, human labor trafficking, criminal gangs, storage of weapons, stolen property, contraband or other evidence of criminal activity, obstruction of the enjoyment of private property, the use of residential properties for activities that are prohibited in residential neighborhoods and zones (including commercial-style events, and other public and neighborhood nuisances and traditional [criminal] remedies do not always abate these types of activities at these locations.

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

Sec. 14-171. Definitions.

(a) As used in this Division:

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

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

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

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

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

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

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

1 the property and any agent of such person.

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

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

8 (6.1) **Promoter** shall mean an individual or entity who organizes, publicizes, and facilitates
9 events, gatherings, parties, or similar activities at a premises, including by providing essential
10 event information such as date, time, location, and theme, even if that individual or entity is
11 otherwise unconnected to the premises and regardless of whether they have an interest in the
12 premises.

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

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

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

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

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

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

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

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

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

31 (I) By persons for activities involving human labor trafficking as defined in Section 14-

1 191(a)(7) of the County Code.

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

3 **Sec. 14-172. Operation of a public or neighborhood nuisance prohibited; action to abate.**

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

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

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

22 (1) Prior to the initiation of proceedings, any State, County, or municipal law
23 enforcement agency, fire department, or any other County or municipal agency or department
24 authorized to issue citations or corrective orders shall submit a petition to the Board which sets
25 forth the basis for its belief that a public or neighborhood nuisance exists and that the owner,
26 lessee, resident, or agent has failed or refused to cooperate with the State, County, or municipal
27 law enforcement agency, fire department, or any other County or municipal agency or
28 department attempts to abate the nuisance. The petition shall include affidavit(s) in support
29 thereof. The Board shall review the petition and issue a notice of hearing if a majority of the
30 Board finds that the State, County, or municipal law enforcement agency, fire department, or any
31 other County or municipal agency or department authorized to issue citations or corrective orders

has sufficient evidence to support its case. A notice of hearing shall be issued no later than fifteen (15) days after the Board has reviewed the petition.

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.

(2) The Board shall consist of seven members. There shall be a representative from the Police Department, the Department of Permitting, Inspections, and Enforcement, and the Fire/EMS Department. The other four citizen members shall be appointed by the County Executive and approved by the County Council to serve staggered terms of two years each. At least one of the citizen appointees shall represent the business community. Additionally, a citizen appointee shall be designated as the Chair of the Board.

(3) Any member who fails, without an excused absence, to attend two (2) consecutive meetings of the Board, or six (6) or more meetings in any given calendar year, shall be considered to have resigned from the Board.

(4) Any member may be removed by the County Executive, pursuant to Section 507 of the County Charter.

(5) Citizen members of the Nuisance Abatement Board shall receive a stipend at the rate of Three Hundred Dollars (\$300) per month. The Chair thereof shall be compensated an additional One Hundred Dollars (\$100) per month for administrative responsibilities.

(b) Powers and duties.

(1) The Board shall have full authority to enforce the provisions of Subtitle 13, Division 15 of the Prince George's County Code, including any rules and regulations adopted under them.

(A) Subsections (c) and (d) of this section, as well as Sections 14-174 and 14-175 of the County Code shall not apply to the requirements under Subtitle 13, Division 15 of the Prince George's County Code.

(2) The Board shall hear complaints which allege that any premises constitute a public or neighborhood nuisance.

(3) Upon the receipt of such an allegation, the Board shall give notice and an opportunity for a hearing to determine whether a public or neighborhood nuisance exists in the

1 premises to the owner, lessor, lessee, mortgagor, and mortgagee of the premises.

2 (4) The notice shall state the date, place, and time of the hearing, the right of the
3 aforesaid persons to be heard and to be represented at the hearing, the possible consequences of
4 failure to appear, and such other information as may be appropriate.

5 (5) The notice shall be posted on the premises and subsequently mailed by United
6 States Postal Service certified mail, [and] addressed to said owner or other responsible person at
7 the last known address or the address shown on the real property tax records in the Treasurer's
8 Office for Prince George's County. [In the event that such notice is returned by the postal
9 authorities, the Board shall cause a copy of the notice to be personally served upon the owners or
10 other responsible persons of the premises or upon the agent of the owner thereof. In the event
11 that personal service cannot be accomplished, as aforesaid, after reasonable efforts, then notice
12 shall be accomplished by physical posting on the premises.]

13 (c) Hearing.

14 (1) The Board shall conduct a public hearing on the complaint not less than ten days
15 after the Board has mailed a copy of the notice and complaint to the property owner. At the
16 hearing the Board shall receive evidence pertaining to the unlawful activity at the premises. The
17 Board may also consider evidence of the general reputation of the place or the premises, but such
18 evidence in and of itself shall not be sufficient to establish the existence of the nuisance.

19 (2) At the hearing, the owner shall have an opportunity to demonstrate that the notice
20 was issued on insufficient grounds, or that a nuisance does not exist and therefore no adverse
21 action should be taken.

22 (3) The lack of knowledge of, acquiescence or participation in, or responsibility for a
23 public or neighborhood nuisance on the part of any person who may be the owner, lessor, lessee,
24 mortgagor, mortgagee, or other interested person and all those persons in possession of or having
25 charge of as agent or otherwise, or having any interest in the property, real or personal, used in
26 conducting or maintaining the public or neighborhood nuisance, is not sufficient grounds to
27 dismiss the hearing.

28 (4) Any State, County, or municipal law enforcement agency, fire department, or any
29 other County or municipal agency or department authorized to issue citations or corrective orders
30 must show, by a preponderance of the evidence, that a public or neighborhood nuisance does
31 exist at the premises, and that the property owner, lessee, resident, or agent has failed or refused

1 to cooperate with attempts to abate the nuisance.

2 (5) The Board shall stay their proceedings against a landlord if the tenant's actions are
3 the basis for the complaint and the landlord provides evidence that they have filed a complaint in
4 the District Court to repossess the leased premises.

5 (d) Order.

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

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

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

12 (C) To request, for a residential property, the appropriate County department or
13 agency, to exercise authority under Subtitle 13 of the County Code, including but not limited to
14 suspension or revocation of a rental license or [creation of a tax lien] attachment of outstanding
15 finances to the real property's tax bill.

16 (2) An order of the Board issued pursuant to this Division shall be posted on the
17 premises and notice thereof shall be given to those persons and in the manner set forth in
18 Subsection (b). On and after the tenth business day following the posting, the order may be
19 enforced. The Board may vacate the provisions of the order to close if an interested person posts
20 a bond for the period of the ordered closing in an amount not to exceed the assessed value of the
21 premises as shown in the tax assessment records, prorated for the proportional assessment of
22 units closed if less than all units therein are closed, but not to exceed One Million Dollars
23 (\$1,000,000) in any case, and submits reasonably adequate proof to the Board that the nuisance
24 has been abated and will not be maintained or permitted in any unit of the premises during the
25 period of the ordered closing.

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

28 (4) The Board shall produce a written decision detailing the Board's final order or
29 action no later than [fifteen (15)] Thirty (30) days after the conclusion of the hearing.

30 **Sec. 14-174. Violation or destruction of order, other enforcement.**

31 (a) Criminal Penalties

(1) Any person who destroys, removes, or defaces an order posted by the Board is guilty of a misdemeanor punishable by a fine of not more than [One] Five Thousand Dollars (\$[1]5,000.00) or imprisonment for not more than 30 days, or both.

[(b)](2) Any person who intentionally disobeys any proper order issued by the Board or who uses or occupies or permits any other person to use or occupy any premises ordered closed is guilty of a misdemeanor punishable by a fine of \$[1]5,000.00 or imprisonment for not more than 180 days, or both.

[(c)](3) Each day a violation of Subsection ([b](a)2) continues is a separate offense.

(b) Civil Penalties

[(d)](1) In addition to any other civil or criminal remedy or enforcement procedure, this Division may be enforced by issuance of a civil penalty by the Board or a civil citation pursuant to Subtitle 28, Division 3 of the County Code.

[(e)](2) The civil monetary fine for each civil violation of this Division by a natural person shall be [One Thousand Dollars (\$1,000.00)] Two Thousand Five Hundred Dollars (\$2,500) for a first violation and [One Thousand Dollars (\$1,000.00)] Five Thousand Dollars (\$5,000) for a second and any subsequent violation.

(3) The civil monetary fine for each civil violation of this Division by any entity other than a natural person shall be Five Thousand Dollars (\$5,000) for a first violation and Five Thousand Dollars (\$5,000) for any subsequent violation.

(4) A decision and order by the Board that finds the existence of a public or neighborhood nuisance and a failure or refusal to cooperate with attempts to abate the nuisance shall constitute a violation for the purposes of this section.

(5) Each day a violation continues is a separate offense.

[(f)](c) The Police Department shall be authorized to issue a criminal citation in lieu of the issuance of a civil citation pursuant to Subtitle 28, Division 3 of this Code.

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

1 | invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
2 | or section.

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

Adopted this ____ day of _____, 2025.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Edward P. Burroughs, III
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Aisha N. Braveboy
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.