

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2023 Legislative Session

Bill No. CB-093-2023

Chapter No. _____

Proposed and Presented by The Chair (by request – County Executive)

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Nuisance Abatement Board

3 For the purpose of amending the definition of public nuisance, the service of process of Nuisance
4 Abatement Board notices and granting the Nuisance Abatement Board the expressed authority to
5 close a property that has been found to be a nuisance to the community.

6 BY adding and reenacting with amendments:

7 SUBTITLE 14. MORALS AND CONDUCT.

8 Section/s 14-171, 14-173,

9 The Prince George's County Code

10 (2019 Edition; 2022 Supplement).

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

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

15 **DIVISION 14. NUISANCES.**

16 **Sec. 14-171. - Definitions.**

17 (a) As used in this Division:

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

19 (2) Neighborhood nuisance means any premises, except as defined by [Section 13-](#)
20 [138\(a\)\(9\)](#) of the County Code, on or in which, on two or more separate occasions within a one-
21 year period before the start of a proceeding under this subtitle, an owner, tenant or occupant of

1 the premises:

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

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

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

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

12 (4) 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 (5) Person means an individual, receiver, guardian, personal representative, fiduciary,
16 or representative of any kind, and any corporation, partnership, firm, association, joint venture,
17 or other legal entity.

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

21 (7) 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 of the Maryland
24 Annotated 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 of 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;

31 (D) By persons for activities involving prostitution, human trafficking, or a

1 criminal gang as defined in the Criminal Law Article of the Maryland Annotated Code;

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

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

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

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

9 (I) By persons for activities involving human labor trafficking as defined
10 in [Section 14-191](#)(a)(7) of the County Code.

11 (J) By an illegal business, commercial or unpermitted activity in a commercial
12 area that impacts the quiet enjoyment of the residential, commercial or industrial zones.

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

14 * * * * *

15 **Sec. 14-173. - Nuisance Abatement Board.**

16 (a) Creation.

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

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

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

28 (4) Any member may be removed by the County Executive, pursuant to [Section](#)
29 [507](#) of the County Charter.

30 (5) Citizen members of the Nuisance Abatement Board shall receive a stipend at the
31 rate of Three Hundred Dollars (\$300) per month. The Chair thereof shall be compensated an

1 additional One Hundred Dollars (\$100) per month for administrative responsibilities.

2 (b) Powers and duties.

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

6 (A) Subsections (c) and (d) of this section, as well as Sections [14-174](#) and [14-](#)
7 [175](#) of the County Code shall not apply to the requirements under Subtitle 13, Division 15 of the
8 Prince George's County Code.

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

11 (3) Upon the receipt of such an allegation, the Board shall give notice and an
12 opportunity for a hearing to determine whether a public or neighborhood nuisance exists in the
13 premises to the owner, lessor, lessee, mortgagor, and mortgagee of the premises.

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

17 (5) The notice shall be mailed via United States first class mail and addressed to said
18 owner or other responsible person at the last known address or the address shown on the real
19 property tax records in the Treasurer's Office for Prince George's County, or conspicuously
20 physically posted on the property or personally served on the owner or other responsible person
21 over the age of 18 at the property. [by United States Postal Service certified mail and addressed
22 to said owner or other responsible person at the last known address or the address shown on the
23 real property tax records in the Treasurer's Office for Prince George's County.] In the event that
24 such notice is returned by the postal authorities, the Board shall cause a copy of the notice to be
25 personally served upon the owners or other responsible persons of the premises or upon the agent
26 of the owner thereof. In the event that personal service cannot be accomplished, as aforesaid,
27 after reasonable efforts, then notice shall be accomplished by physical posting on the premises.

28 (c) Hearing.

29 (1) The Board shall conduct a public hearing on the complaint not less than ten days
30 after the Board has mailed a copy of the notice and complaint to the property owner. At the
31 hearing the Board shall receive evidence pertaining to the unlawful activity at the premises. The

1 Board may also consider evidence of the general reputation of the place or the premises, but such
2 evidence in and of itself shall not be sufficient to establish the existence of the nuisance.

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

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

12 (4) Any State, County, or municipal law enforcement agency, fire department, or any
13 other County or municipal agency or department authorized to issue citations or corrective orders
14 must show, by a preponderance of the evidence, that a public or neighborhood nuisance does
15 exist at the premises, and that the property owner, lessee, resident, or agent has failed or refused
16 to cooperate with attempts to abate the nuisance.

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

20 (d) Order.

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

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

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

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

30 (2) An order of the Board issued pursuant to this Division shall be posted on the
31 premises and notice thereof shall be given to those persons and in the manner set forth in

1 Subsection (b). On and after the tenth business day following the posting, the order may be
2 enforced, unless the Board has determined that the nuisance must be abated immediately to
3 ensure the life, health and safety of the residents or community. If the Board determines that the
4 nuisance requires immediate closure, the Order shall state the basis for the immediate closure.

5 The Board may vacate the provisions of the order to close if an interested person posts a bond for
6 the period of the ordered closing in an amount not to exceed the assessed value of the premises
7 as shown in the tax assessment records, prorated for the proportional assessment of units closed
8 if less than all units therein are closed, but not to exceed One Million Dollars (\$1,000,000) in any
9 case, and submits reasonably adequate proof to the Board that the nuisance has been abated and
10 will not be maintained or permitted in any unit of the premises during the period of the ordered
11 closing.

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

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

16 * * * * *

17 SECTION 2. 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 3. BE IT FURTHER ENACTED that this Act shall take effect on forty-five (45)
26 calendar days after it becomes law.

Adopted this ____ day of _____, 2023.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
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.

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