

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**2013 Legislative Session**

Bill No. CB-26-2013

Chapter No. 33

Proposed and Presented by Council Members Franklin, Campos, Davis, Harrison, Olson,  
Toles, and Turner

Introduced by Council Members Franklin, Campos, Davis, Harrison, Olson, Toles, Turner,  
Lehman and Patterson

Date of Introduction July 2, 2013

**BILL**

1 AN ACT concerning

2 Nuisances

3 For the purpose of amending the definition of public nuisance to include prostitution, human  
4 trafficking, and criminal gangs and establishing that public nuisances can occur at residential  
5 premises.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 14. MORALS AND CONDUCT.

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

9 The Prince George's County Code

10 (2011 Edition).

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13 be and the same are hereby repealed and reenacted with the following amendments:

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

15 **DIVISION 14. NUISANCES.**

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

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

1 gangs and traditional criminal remedies do not always abate [the use or selling of such  
2 substances] these types of activities at these locations.

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

8 **Sec. 14-171. Definitions.**

9 (a) As used in this Division:

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

11 (2) **Owner** and **owner of record** shall mean the person in whose name a premises is  
12 recorded in the land records of Prince George's County.

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

16 (4) **Premises** shall mean any land, building, or other structure, or part thereof, where  
17 a residential property or a commercial, business, or similar establishment is located.

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

19 (A) By persons who assemble for the purpose of illegally administering a  
20 controlled dangerous substance, as defined in [Article 27] the Criminal Law Article of the  
21 Maryland Annotated Code;

22 (B) For the illegal manufacture or distribution of a controlled dangerous  
23 substance, or controlled paraphernalia, as defined in [Article 27] the Criminal Law Article of the  
24 Maryland Annotated Code; or

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

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

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

(a) No person owning, operating, [or] 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 gang.

(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.**

\* \* \* \* \*

(c) Hearing.

(1) The Board shall conduct a public hearing on the complaint not less than ten days after [service or posting of the notice] the Board has mailed a copy of the notice and complaint to the property owner. At the hearing the Board shall receive evidence pertaining to the unlawful [sale, use, or delivery of controlled dangerous substances] activity at the premises. The Board may also consider evidence of the general reputation of the place or the premises, but such evidence in and of itself shall not be sufficient to establish the existence of the nuisance.

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

(3) The lack of knowledge of, acquiescence or participation in, or responsibility for a public nuisance on the part of any person who may be the owner, lessor, lessee, mortgagor, mortgagee, or other interested person and all those persons in possession of or having charge of

as agent or otherwise, or having any interest in the property, real or personal, used in conducting or maintaining the public nuisance, is not sufficient grounds to dismiss the hearing.

(4) The County must show, by a preponderance of the evidence, that a public nuisance does exist at the premises, and that the property owner, lessee, resident, or agent has failed or refused to cooperate with the County's attempts to abate the nuisance.

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

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

Adopted this 24<sup>th</sup> day of July, 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.