

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2020, Legislative Day No. 29

Bill No. 94-20

Introduced by Mr. Pruski

By the County Council, October 19, 2020

Introduced and first read on October 19, 2020
Public Hearing set for and held on November 16, 2020
Public Hearing on AMENDED bill set for and held on December 7, 2020
Public Hearing on SECOND AMENDED bill set for and held on December 21, 2020
Bill Expires January 22, 2021

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Safety – Public Nuisances – Prohibition

2
3 FOR the purpose of defining “public nuisance”; prohibiting a property from being a public
4 nuisance; providing for the enforcement of provisions prohibiting a public nuisance
5 under certain circumstances; providing for sanctions for violating the prohibitions
6 against a public nuisance under certain circumstances; and generally relating to public
7 safety.

8
9 BY adding: § 12-6-107
10 Anne Arundel County Code (2005, as amended)

11
12 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
13 *Maryland,* That Section(s) of the Anne Arundel County Code (2005, as amended) read
14 as follows:

15 **ARTICLE 12. PUBLIC SAFETY**

16 **TITLE 6. MISCELLANEOUS PROVISIONS**

17
18
19
20 **12-6-107. Public nuisance.**

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.
Captions and taglines in **bold** in this bill are catchwords and are not law.

1 (A) **Definition.** IN THIS SECTION, "PUBLIC NUISANCE" MEANS ANY PROPERTY WHERE,
2 ON FIVE OR MORE SEPARATE OCCASIONS WITHIN ANY 30-DAY PERIOD, CRIMES WERE
3 COMMITTED ON THE PROPERTY AND ARRESTS ~~HAVE BEEN~~ WERE MADE FOR:

4
5 (1) ASSIGNATION, LEWDNESS, OR PROSTITUTION, AS DEFINED IN § 9-1-704 OF THIS
6 CODE, OR HUMAN TRAFFICKING, AS DEFINED IN § 3-1-102 OF THE CRIMINAL LAW ARTICLE
7 OF THE STATE CODE;

8
9 (2) ILLEGALLY ADMINISTERING A CONTROLLED DANGEROUS SUBSTANCE
10 PROHIBITED UNDER § 5-601 OF THE CRIMINAL LAW ARTICLE OF THE STATE CODE;

11
12 (3) THE DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE PROHIBITED
13 UNDER § 5-602 OF THE CRIMINAL LAW ARTICLE OF THE STATE CODE;

14
15 (4) THE ILLEGAL STORAGE OR CONCEALMENT OF A CONTROLLED DANGEROUS
16 SUBSTANCE OR CONTROLLED PARAPHERNALIA IN SUFFICIENT QUANTITY TO
17 REASONABLY INDICATE UNDER THE CIRCUMSTANCES AN INTENT TO MANUFACTURE,
18 DISTRIBUTE, OR DISPENSE A CONTROLLED DANGEROUS SUBSTANCE OR CONTROLLED
19 PARAPHERNALIA;

20
21 (5) ILLEGAL GAMBLING;

22
23 (6) THE STORAGE OR POSSESSION OF STOLEN PROPERTY VALUED AT \$1,500 OR
24 MORE;

25
26 (7) WEARING, CARRYING, OR TRANSPORTING A HANDGUN PROHIBITED UNDER § 4-
27 203 OF THE CRIMINAL LAW ARTICLE OF THE STATE CODE OR THE USE OF A HANDGUN IN
28 THE COMMISSION OF A VIOLENT CRIME AS PROHIBITED UNDER § 4-204 OF THE CRIMINAL
29 LAW ARTICLE OF THE STATE CODE;

30
31 (8) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE
32 OF THE STATE CODE, ~~ON OR NEAR THE PREMISES~~; OR

33
34 (9) OFFENSES PROHIBITED UNDER ARTICLE 9, SUBTITLE 8 OF THE CRIMINAL LAW
35 OF THE STATE CODE.

36
37 (B) **Prohibition.** A PROPERTY OWNER MAY NOT ALLOW A PROPERTY TO BE A PUBLIC
38 NUISANCE. THE OWNER OF A PROPERTY THAT IS A PUBLIC NUISANCE IS SUBJECT TO
39 ENFORCEMENT AND FINES UNDER THIS SECTION ~~REGARDLESS OF WHETHER THE OWNER~~
40 ~~HAD ANY KNOWLEDGE OF THE PUBLIC NUISANCE.~~

41
42 (C) **Enforcement; violations.**

43
44 (1) THE COUNTY MAY NOT ENFORCE THE PROVISIONS OF THIS SECTION IF:

45
46 (I) THE PROPERTY OWNER ATTEMPTS TO REMEDY A PUBLIC NUISANCE BY
47 COMMENCING PROCEEDINGS UNDER § 8-402.1 OF THE REAL PROPERTY ARTICLE OF THE
48 STATE CODE FOR A BREACH OF THE LEASE BASED ON THE CRIME OR CRIMES COMMITTED
49 UNDER THIS SECTION; OR

50
51 (II) THE PROPERTY IS UNDER REGULATORY OVERSIGHT BY A STATE AGENCY
52 THAT HAS STAFF ON THE PROPERTY AT ALL TIMES AND ROUTINELY REPORTS ON ALL
53 CRIMES COMMITTED ON THE PROPERTY.

54
55 (2) BEFORE A COURT PROCEEDING IS INITIATED UNDER THIS SUBSECTION, THE
56 POLICE DEPARTMENT SHALL:

1 (I) COMMUNICATE WITH THE PROPERTY OWNER ABOUT THE LAW AND
2 PROVIDE SUGGESTIONS ON HOW TO PREVENT CRIMINAL ACTIVITY ON THE PROPERTY;
3 AND

4
5 (II) MAIL BY CERTIFIED MAIL A LETTER TO THE PROPERTY OWNER THAT
6 DESCRIBES THE CRIMES COMMITTED ON THE PROPERTY WITHIN A 30-DAY PERIOD AND
7 REQUESTS COOPERATION TO AVOID THE NEED FOR COURT PROCEEDINGS.

8
9 ~~(+)~~ (3) SUBJECT TO PARAGRAPHS (1) AND (2), THE COUNTY MAY ENFORCE THE
10 PROVISIONS OF THIS SECTION THROUGH ANY APPROPRIATE COURT PROCEEDINGS AND
11 MAY SEEK ANY APPROPRIATE FORMS OF RELIEF TO RESTRAIN OR CORRECT A VIOLATION
12 OF THIS SECTION, INCLUDING ABATEMENT AND INJUNCTIVE PROCEEDINGS.

13
14 ~~(2)~~ (4) A VIOLATION OF THIS SECTION IS A CLASS A CIVIL OFFENSE PURSUANT TO
15 § 9-2-101 OF THIS CODE.

16
17 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
18 from the date it becomes law.


AMENDMENTS ADOPTED: November 16 and December 7, 2020

READ AND PASSED this 21st day of December, 2020

By Order:


JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 22nd day of December, 2020


JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 29th day of December, 2020


Steuart Pittman
County Executive

EFFECTIVE DATE: February 12, 2021

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I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 94-20. THE ORIGINAL OF WHICH IS RETAINED IN THE
FILES OF THE COUNTY COUNCIL.

A handwritten signature in blue ink, appearing to read "JoAnne Gray". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

JoAnne Gray
Administrative Officer