A BILL ENTITLED

AN ORDINANCE concerning: Public Safety – Public Nuisances – Prohibition

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

BY adding: § 12-6-107

Anne Arundel County Code (2005, as amended)

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

ARTICLE 12. PUBLIC SAFETY

TITLE 6. MISCELLANEOUS PROVISIONS

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.
(A) **Definition.** In this section, “Public Nuisance” means any property where, on five or more separate occasions within any 30-day period, crimes were committed on the property and arrests were made for:

1. (1) assignation, lewdness, or prostitution, as defined in § 9-1-704 of this code, or human trafficking, as defined in § 3-1102 of the criminal law article of the state code;
2. (2) illegally administering a controlled dangerous substance prohibited under § 5-601 of the criminal law article of the state code;
3. (3) the distribution of a controlled dangerous substance prohibited under § 5-602 of the criminal law article of the state code;
4. (4) the illegal storage or concealment of a controlled dangerous substance or controlled paraphernalia in sufficient quantity to reasonably indicate under the circumstances an intent to manufacture, distribute, or dispense a controlled dangerous substance or controlled paraphernalia;
5. (5) illegal gambling;
6. (6) the storage or possession of stolen property valued at $1,500 or more;
7. (7) wearing, carrying, or transporting a handgun prohibited under § 4-203 of the criminal law article of the state code or the use of a handgun in the commission of a violent crime as prohibited under § 4-204 of the criminal law article of the state code;
8. (8) a crime of violence, as defined in § 14-101 of the criminal law article of the state code, on or near the premises; or
9. (9) offenses prohibited under article 9, subtitle 8 of the criminal law of the state code.

(B) **Prohibition.** A property owner may not allow a property to be a public nuisance. The owner of a property that is a public nuisance is subject to enforcement and fines under this section regardless of whether the owner had any knowledge of the public nuisance.

(C) **Enforcement; violations.**

1. (1) the county may not enforce the provisions of this section if:
   (i) the property owner attempts to remedy a public nuisance by commencing proceedings under § 8-402.1 of the real property article of the state code for a breach of the lease based on the crime or crimes committed under this section; or
   (ii) the property is under regulatory oversight by a state agency that has staff on the property at all times and routinely reports on all crimes committed on the property.
2. (2) before a court proceeding is initiated under this subsection, the police department shall:
(I) COMMUNICATE WITH THE PROPERTY OWNER ABOUT THE LAW AND PROVIDE SUGGESTIONS ON HOW TO PREVENT CRIMINAL ACTIVITY ON THE PROPERTY;
AND

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

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

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

SECTION 2. And be it further enacted, That this Ordinance shall take effect 45 days 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
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.

JoAnne Gray
Administrative Officer