

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2022, Legislative Day No. 5

Bill No. 14-22

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Mr. Julian E. Jones Jr., Chairman  
By Request of County Executive

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By the County Council, March 7, 2022

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A BILL  
ENTITLED

AN ACT concerning

County Code - Abatement of Public Nuisances

FOR the purpose of expanding the list of circumstances constituting a public nuisance; creating a standard for establishing prima facie evidence of a public nuisance; setting forth a property owner's appeal rights; and generally relating to procedures for abatement of a public nuisance.

BY repealing and re-enacting, with amendments

Section 13-7-501  
Article 13 – Public Health, Safety, and the Environment  
Title 7 – Nuisances  
Subtitle 5 – Padlock Law  
Baltimore County Code, 2015

BY repealing and re-enacting, with amendments

Section 13-7-502  
Article 13 – Public Health, Safety, and the Environment  
Title 7 – Nuisances  
Subtitle 5 – Padlock Law  
Baltimore County Code, 2015

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

BY repealing and re-enacting, with amendments

Section 13-7-503

Article 13 – Public Health, Safety, and the Environment

Title 7 – Nuisances

Subtitle 5 – Padlock Law

Baltimore County Code, 2015

BY adding

Section 13-7-504

Article 13 – Public Health, Safety, and the Environment

Title 7 – Nuisances

Subtitle 5 – Padlock Law

Baltimore County Code, 2015

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

3  
4 ARTICLE 13 - PUBLIC HEALTH, SAFETY, AND THE ENVIRONMENT

5 Title 7 - Nuisances

6 Subtitle 5 - [Padlock Law] ABATEMENT OF PUBLIC NUISANCES

7  
8 13-7-501. Definitions.  
9 (a) In this subtitle the following words have the meanings indicated.  
10 (b) [“Conviction” includes probation before judgment.] “CONTROLLED  
11 DANGEROUS SUBSTANCE” MEANS A SUBSTANCE LISTED IN SCHEDULE I OR  
12 SCHEDULE II UNDER STATE CRIMINAL LAW ARTICLE § 5-402 or § 5-403.  
13 HOWEVER, THE DEFINITION OF “CONTROLLED DANGEROUS SUBSTANCE” SHALL

1 NOT INCLUDE PRODUCTS MANUFACTURED OR SOLD BY MEDICAL CANNABIS  
2 FACILITIES. SUCH FACILITIES ARE DESCRIBED IN BALTIMORE COUNTY ZONING  
3 REGULATIONS, ARTICLE 4D.

4 (C) “CONTROLLED PARAPHERNALIA” HAS THE MEANING STATED IN  
5 STATE CRIMINAL LAW ARTICLE § 5-101. HOWEVER, THE DEFINITION OF  
6 “CONTROLLED PARAPHERNALIA” SHALL NOT INCLUDE PRODUCTS  
7 MANUFACTURED OR SOLD BY MEDICAL CANNABIS FACILITIES.

8 [(c)] (D) ~~“County Administrative Officer” includes the County Administrative Officer’s~~  
9 ~~designee.~~ “OPERATOR” MEANS ANY PERSON WHO HAS THE CHARGE, CARE, OR  
10 CONTROL OF A PREMISES OR STRUCTURE.

11 (E) “CRIME OF VIOLENCE” HAS THE MEANING STATED IN STATE CRIMINAL  
12 LAW ARTICLE § 14-101.

13 [(d)] (F) “Owner” means the person in whose name a premises is recorded in the county  
14 land records.

15 [(e)] (G) “Premises” means land, a building, or any structure, or any interest in land, a  
16 building, or structure, USED FOR BUSINESS ACTIVITY THAT GENERATES OR  
17 CONTRIBUTES TO A PUBLIC NUISANCE, EXCEPT THAT THIS DOES NOT INCLUDE  
18 MULTI-FAMILY DWELLINGS OR INDIVIDUAL RENTAL DWELLING UNITS  
19 OPERATED AND MAINTAINED AS MULTI-FAMILY DWELLING COMPLEXES AND  
20 DEVELOPMENTS.

21 [(f)] (H) (1) “Public nuisance” means [a violation of the law relating to prostitution and  
22 lewdness, controlled dangerous substances, gambling and gaming, or possession of stolen

property.] ANY PREMISES THAT, ON TWO OR MORE SEPARATE OCCASIONS WITHIN  
A 24 12 MONTH PERIOD, WERE USED:

(I) FOR A VIOLATION OF THE LAW RELATING TO  
PROSTITUTION OR ASSIGNATION, AS SUCH TERMS ARE DEFINED BY § 17-1-102 OF  
THE CODE;

(II) FOR ADULT ENTERTAINMENT THAT VIOLATES THE  
COUNTY CODE, LICENSING, OR ZONING REQUIREMENTS;

(III) BY PERSONS WHO ASSEMBLE FOR THE SPECIFIC PURPOSE  
OF ILLEGALLY ADMINISTERING A CONTROLLED DANGEROUS SUBSTANCE;

(IV) FOR THE ILLEGAL MANUFACTURE OR DISTRIBUTION OF:

A. A CONTROLLED DANGEROUS SUBSTANCE; OR

B. CONTROLLED PARAPHERNALIA;

(V) FOR THE ILLEGAL STORAGE OR CONCEALMENT OF A  
CONTROLLED DANGEROUS SUBSTANCE OR CONTROLLED PARAPHERNALIA IN  
SUFFICIENT QUANTITY TO REASONABLY INDICATE UNDER ALL THE  
CIRCUMSTANCES AN INTENT TO MANUFACTURE, DISTRIBUTE, OR DISPENSE:

A. A CONTROLLED DANGEROUS SUBSTANCE; OR

B. CONTROLLED PARAPHERNALIA;

(VI) FOR ILLEGAL GAMBLING;

(VII) FOR STORAGE OR POSSESSION OF STOLEN PROPERTY;

(VIII) FOR ILLEGAL STORAGE OR POSSESSION OF FIREARMS;

(IX) FOR FURTHERANCE OF A CRIME OF VIOLENCE;

1 (X) BY PERSONS WHO ENGAGE IN A CRIME OF VIOLENCE ON  
2 OR NEAR THE PREMISES; OR

3 (XI) FOR CRIMINAL ORGANIZATION OFFENSES PROHIBITED  
4 UNDER STATE CRIMINAL LAW TITLE 9, SUBTITLE 8.

5  
6 § 13-7-502. Authority To ~~Order~~ REQUEST Abatement Or Closure.

7 (a) The Chief of Police may ~~take the actions authorized under this section~~ REQUEST A  
8 PUBLIC NUISANCE HEARING BEFORE THE OFFICE OF ADMINISTRATIVE  
9 HEARINGS if within a 24 ~~12~~ month period ~~TWO PUBLIC NUISANCE violations have~~  
10 ~~occurred on a premises~~ THERE HAVE BEEN TWO REPORTS BY A POLICE OFFICER OF A  
11 PREMISES HAVING BEEN USED FOR ACTIVITIES DESCRIBED IN THE DEFINITION  
12 OF “PUBLIC NUISANCE” AS SET FORTH IN SECTION 13-7-501(H) OF THIS SUBTITLE.  
13 SUCH A REPORT MUST DESCRIBE HOW THE PREMISES WERE USED FOR BUSINESS  
14 ACTIVITY THAT GENERATES OR CONTRIBUTES TO A PUBLIC NUISANCE [that have  
15 resulted in two or more criminal convictions for public nuisances]. ~~A REPORT BY A POLICE~~  
16 ~~OFFICER, WRITTEN IN THE REGULAR COURSE OF BUSINESS, OF A PREMISES~~  
17 ~~HAVING BEEN USED FOR ACTIVITIES DESCRIBED IN THE DEFINITION OF “PUBLIC~~  
18 ~~NUISANCE,” IS PRIMA FACIE EVIDENCE THAT A PUBLIC NUISANCE VIOLATION~~  
19 ~~HAS OCCURRED ON THE PREMISES.~~

20 (b) ~~Subject to the notice and hearing provisions of this subtitle,~~ AT THE PUBLIC  
21 NUISANCE HEARING BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS, the  
22 County Chief of Police may REQUEST AN order FOR:

23 (1) The discontinuance of the public nuisance on the affected premises; or

1 (2) The closing of the premises to the extent necessary to abate the public  
2 nuisance.

3 (c) (1) If the premises ~~that~~ FOR WHICH the Chief of Police ~~orders to be closed~~  
4 REQUESTS A PUBLIC NUISANCE HEARING consists of residential units, and the public  
5 nuisance has occurred solely within a residential unit or units, closure and abatement authority is  
6 restricted to the residential unit or units in which the public nuisance has occurred, and does not  
7 extend to any other unit in the premises.

8 (2) If the public nuisance occurs in motels, hotels, and rooming and boarding  
9 houses and rooming units as those houses and units are defined in the Baltimore County Zoning  
10 Regulations, the Chief of Police may ~~order~~ REQUEST the closure and abatement of the entire  
11 premises.

12 (d) The closing of a premises under this subtitle shall be for a period that the Chief of  
13 Police reasonably may ~~direct~~ REQUEST, but may not last for more than 1 year after the date of  
14 the closing.

15 ~~(e) The Chief of Police shall vacate the provisions of the order to close a premises if an~~  
16 ~~interested person:~~

17 ~~(1) Posts a bond for the period of the ordered closing in an amount not exceeding~~  
18 ~~the assessed value of the premises as shown in the tax assessment records of the county, prorated~~  
19 ~~for the proportional assessment of units closed if less than all units in the premises are closed, but~~  
20 ~~not to exceed \$1,000,000 in any case; and~~

21 ~~(2) Submits sufficient evidence to the Chief of Police that the public nuisance has~~  
22 ~~been abated and will not be maintained or allowed in any unit of the premises during the period~~  
23 ~~of the closing.~~

1           (†) (E) A closing of a premises under this ~~section~~ SUBTITLE is not an act of possession,  
2 ownership, or control by the county.

3  
4   § 13-7-503. Notice; Hearing; Enforcement.

5           (a) ~~Before the Chief of Police issues an order under § 13-7-502 of this subtitle, the Chief~~  
6 ~~of Police~~ THE OFFICE OF ADMINISTRATIVE HEARINGS shall give to the owner, ~~lessor,~~  
7 ~~lessee, mortgagor, and mortgagee~~ of the premises, ANY OPERATOR OF THE PREMISES,  
8 AND ANY COMMERCIAL TENANT OF THE PREMISES, notice and an opportunity for a  
9 hearing to determine whether a public nuisance exists in the premises.

10          (b) The notice required under this section shall state the date, place, and time of the  
11 hearing, the right of the persons who received the notice to be heard and to be represented at the  
12 hearing, the possible consequences of failure to appear, and other particulars that may be  
13 appropriate.

14          (c) The notice required under this section shall be:

15               (1) Given by personal service, or by certified mail to the owner, ~~lessor, lessee,~~  
16 ~~mortgagor, and mortgagee~~ OF THE PREMISES, ANY OPERATOR OF THE PREMISES, AND  
17 ANY COMMERCIAL TENANT OF THE PREMISES, or an agent of any of these persons, ~~or~~  
18 ~~any party having a recorded interest in the premises as their name and address are recorded in the~~  
19 ~~land records of the county or whose identity and address are otherwise known or readily~~  
20 ~~ascertainable;~~ and

21               (2) Posted on the premises.

1 (d) (1) The hearing shall be SCHEDULED before the ~~County Administrative Officer~~  
2 OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 15 DAYS AFTER THE CHIEF OF  
3 POLICE REQUESTS A PUBLIC NUISANCE HEARING.

4 (2) ~~The County Administrative Officer may adopt, amend, or rescind the order of~~  
5 ~~the Chief of Police, in whole or in part~~ THE REQUEST FOR A FINDING OF A PUBLIC  
6 NUISANCE MUST BE SUPPORTED BY LIVE TESTIMONY.

7 (3) THE CHIEF OF POLICE MUST DEMONSTRATE BY A  
8 PREPONDERANCE OF EVIDENCE THE EXISTENCE OF A PUBLIC NUISANCE.

9 (4) SUBJECT TO THE PROVISIONS OF SUBSECTIONS (F) AND (G) OF  
10 THIS SECTION, THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ISSUE AN  
11 ORDER OF ABATEMENT OR CLOSURE UPON A FINDING OF PUBLIC NUISANCE.

12 (e) The lack of knowledge of, acquiescence or participation in, or responsibility for a  
13 public nuisance, on the part of any person who may be the owner, lessor or lessee, mortgagor,  
14 mortgagee or other interested person and all those persons in possession of or having charge of  
15 as agent or otherwise, or having any interest in the property, real or personal, used in conducting  
16 or maintaining the public nuisance, is not sufficient cause to ~~set aside the Chief of Police's~~  
17 DENY A REQUEST FOR AN order of abatement or closure.

18 (F) IN THE EXERCISE OF DISCRETION, THE ~~COUNTY ADMINISTRATIVE~~  
19 ~~OFFICER~~ OFFICE OF ADMINISTRATIVE HEARINGS MAY ~~SET ASIDE THE CHIEF OF~~  
20 ~~POLICE'S ORDER OF~~ DECLINE TO ORDER ABATEMENT OR CLOSURE, BASED ON  
21 CONSIDERATION OF THE FOLLOWING FACTORS:

22 (1) THE SEVERITY OF THE VIOLATIONS;



1 (2) THE GOOD FAITH OF THE VIOLATOR IN FOLLOWING SAFETY AND  
2 SECURITY RECOMMENDATIONS MADE BY THE POLICE DEPARTMENT;

3 (3) ANY HISTORY OF PRIOR VIOLATIONS; AND

4 (4) THE IMPACT OF VIOLATIONS ON COMMUNITY SAFETY AND  
5 SECURITY.

6 (G) IN THE EXERCISE OF DISCRETION, AND AFTER GIVING DUE  
7 CONSIDERATION TO THE FACTORS LISTED IN SUBSECTION (F) OF THIS SECTION,  
8 ~~THE COUNTY ADMINISTRATIVE OFFICER~~ OFFICE OF ADMINISTRATIVE HEARINGS  
9 ~~MAY APPROVE AN~~ ON THE RECORD A SETTLEMENT AGREEMENT REACHED BY  
10 ~~THE VIOLATOR AND THE CHIEF OF POLICE~~ APPROVED BY BALTIMORE COUNTY.

11 [(f)] (H) Following the hearing procedure, an order ~~of the Chief of Police~~ issued in  
12 accordance with this subtitle ~~as adopted or amended by the County Administrative Officer~~ shall  
13 be posted on the premises and notice of the order shall be given to those persons and in the  
14 manner required under subsection (c) of this section.

15 ~~(f) ANY PERSON AGGRIEVED BY THE DECISION OF THE COUNTY~~  
16 ~~ADMINISTRATIVE OFFICER MAY APPEAL THE SAME TO THE OFFICE OF~~  
17 ~~ADMINISTRATIVE HEARINGS BY FILING A NOTICE OF APPEAL WITH THE COUNTY~~  
18 ~~ADMINISTRATIVE OFFICER WITHIN THIRTY DAYS FROM THE DATE OF THE~~  
19 ~~DECISION OR ORDER OF THE COUNTY ADMINISTRATIVE OFFICER.~~

20 [(g)] ~~(f)~~ (I) (1) [On and after the 10th business day following] ~~IMMEDIATELY~~ FIVE  
21 DAYS AFTER the posting as required under subsection [(f)] (H) of this section, on the written  
22 directive of the Chief of Police, the order may be enforced.

1                   (2) AN OWNER WHO VIOLATES AN ORDER ISSUED UNDER THIS  
2 SUBTITLE IS SUBJECT TO A CIVIL PENALTY.

3                   (3) ANY OTHER PERSON WHO VIOLATES AN ORDER ISSUED UNDER  
4 THIS SUBTITLE AFTER RECEIVING NOTICE OF THE ORDER IS SUBJECT TO A CIVIL  
5 PENALTY.

6           (J)     (1) THE OFFICE OF ADMINISTRATIVE HEARINGS MAY MODIFY OR  
7 RESCIND AN ORDER ISSUED UNDER THIS SUBTITLE IF:

8                   (I) AN OWNER, OPERATOR, OR COMMERCIAL TENANT OF THE  
9 PREMISES SUBMITS TO THE OFFICE OF ADMINISTRATIVE HEARINGS A WRITTEN  
10 REQUEST FOR MODIFICATION OR RESCISSION; AND

11                   (II) A HEARING IS HELD ON THE REQUEST.

12                   (2) AN OWNER, OPERATOR, OR COMMERCIAL TENANT OF THE  
13 PREMISES SUBMITTING A REQUEST UNDER THIS SUBSECTION SHALL ATTACH TO  
14 THE REQUEST ANY DOCUMENTS OR OTHER EVIDENCE THAT THEY WISH THE  
15 OFFICE OF ADMINISTRATIVE HEARINGS TO CONSIDER IN RULING ON THE  
16 REQUEST.

17                   (3) THE OFFICE OF ADMINISTRATIVE HEARINGS MAY GRANT THE  
18 REQUEST UPON EVIDENCE THAT THE PUBLIC NUISANCE HAS BEEN ABATED AND  
19 WILL NOT BE MAINTAINED OR ALLOWED IN ANY UNIT OF THE PREMISES  
20 DURING THE PERIOD OF THE CLOSING.

21           (K)     (1) ANY OWNER, OPERATOR, OR COMMERCIAL TENANT OF THE  
22 PREMISES AGGRIEVED BY ANY ACT OF THE OFFICE OF ADMINISTRATIVE  
23 HEARINGS TAKEN UNDER THIS SUBTITLE MAY SEEK JUDICIAL REVIEW BY

1 PETITION TO THE CIRCUIT COURT FOR BALTIMORE COUNTY IN ACCORDANCE  
2 WITH THE MARYLAND RULES OF PROCEDURE.

3 (2) A PARTY TO A JUDICIAL REVIEW SOUGHT UNDER THIS  
4 SUBSECTION MAY APPEAL A FINAL JUDGMENT TO THE COURT OF SPECIAL  
5 APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

6 (3) UPON THE FILING OF A PETITION FOR JUDICIAL REVIEW, THE  
7 OFFICE OF ADMINISTRATIVE HEARINGS OR THE APPELLATE COURTS MAY STAY  
8 AN ORDER OF ABATEMENT OR CLOSURE IN THE INTEREST OF JUSTICE PENDING  
9 THE OUTCOME OF ANY APPEAL.

10  
11 § 13-7-504. TRACKING OF DATA.

12 (A) FOR EACH REQUEST FOR A PUBLIC NUISANCE HEARING MADE BY THE  
13 CHIEF OF POLICE UNDER THIS SUBTITLE, THE POLICE DEPARTMENT SHALL  
14 DETERMINE CERTAIN INFORMATION IN ACCORDANCE WITH THIS SECTION  
15 PERTAINING TO ALL OWNERS OF THE PREMISES, OPERATORS OF THE PREMISES,  
16 AND COMMERCIAL TENANTS OF THE PREMISES.

17 (B) FOR AN OWNER, OPERATOR, OR COMMERCIAL TENANT WHO IS A  
18 NATURAL PERSON OR PERSONS, THE POLICE DEPARTMENT SHALL DETERMINE  
19 THE PERSON'S:

20 (1) AGE AND DATE OF BIRTH;

21 (2) HOME ADDRESS, INCLUDING STATE AND COUNTY OF  
22 RESIDENCE;

23 (3) RACE OR ETHNICITY; AND

1                   (4) GENDER.

2                   (C) FOR AN OWNER, OPERATOR, OR COMMERCIAL TENANT THAT IS A  
3 CORPORATION OR OTHER BUSINESS ENTITY, THE POLICE DEPARTMENT SHALL  
4 DETERMINE IF THE ENTITY IS CERTIFIED AS A MINORITY BUSINESS ENTERPRISE  
5 UNDER A CERTIFICATION PROGRAM RECOGNIZED BY BALTIMORE COUNTY.

6                   (D) THE POLICE DEPARTMENT SHALL COMPILE THE DATA REQUIRED BY  
7 THIS SECTION FOR THE CALENDAR YEAR AS A REPORT TO BE PROVIDED TO THE  
8 COUNTY EXECUTIVE, THE COUNTY COUNCIL, THE STATE'S ATTORNEY, AND THE  
9 COUNTY ATTORNEY, NO LATER THAN MARCH 1 OF THE FOLLOWING YEAR.

10  
11                  SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 45  
12 days after its enactment.



# LEGISLATION DETAIL

LEGISLATION

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DISPOSITION

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ENACTED

---

EFFECTIVE

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AMENDMENTS

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## ROLL CALL - LEGISLATION

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Quirk
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
* <input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Bevins
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

## ROLL CALL - AMENDMENTS

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Quirk
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
* <input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Bevins
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

## ROLL CALL - AMENDMENTS

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Quirk
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
* <input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Bevins
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

## ROLL CALL - AMENDMENTS

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Quirk
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input type="checkbox"/>	Councilwoman Bevins
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

\*ABSENT