

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION DAY 2017-04**

BILL NO. 2017-02

Title of Bill: Criminal Nuisance Abatement Ordinance

Synopsis: A Bill to amend Part II of the Code of Cecil County by adding a new Chapter 250 (Criminal Nuisance Abatement Ordinance), Sections 250-1 through 250-20, of the Cecil County Code, providing for regulation and imposition of penalty upon violation of Chapter 250.

Introduced by: Council President on behalf of the County Executive

Introduced, read first time and ordered posted on: February 21, 2017

Public hearing scheduled for: March 21, 2017 at: 7:00 p.m.

Consideration scheduled on: April 4, 2017

By: _____
Council Manager

Public Hearing

Notice of time and place of public hearing and title of Bill have been posted by February 16, 2016 at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on _____, a public hearing was held on _____, and concluded on _____.

By: _____
Council Manager

Explanation: CAPITAL LETTERS INDICATE LANGUAGE ADDED TO EXISTING DOCUMENT
~~Strike through~~ indicates language deleted from existing document
Underlining indicates language added to document by amendment.
~~Double Strike through~~ indicates language stricken from document by amendment.

1 **WHEREAS**, pursuant to Section 402 of the Cecil County Charter (the “Charter”), the County
2 Executive (the “Executive”) shall see that the affairs of the executive branch are administered properly and
3 efficiently, and that employees of the executive branch faithfully perform their duties; and

4 **WHEREAS**, pursuant to Section 402 of the Charter, the duties and responsibilities of the Executive
5 include, but are not limited to: (a) Supervising and directing offices, agencies and divisions of the executive
6 branch and ensuring that County employees as well as County boards and commissions faithfully perform
7 their duties; and, (b) preparing and submitting to the Council the annual County Budget; and

8 **WHEREAS**, owners, agents, employees or lessees, who use occupy, establish, promote, permit,
9 facilitate, or conduct a criminal nuisance, or aid or abet a criminal nuisance, should be held responsible for
10 maintaining a criminal nuisance; and

11 **WHEREAS**, the Cecil County Code should be amended by adding a chapter regulating, and providing
12 penalties upon owners, agents, employees or lessees, who use occupy, establish, promote, permit,
13 facilitate, or conduct a criminal nuisance, or aid or abet a criminal nuisance; and

14 **WHEREAS**, the County Executive has submitted the amendment and additions set forth herein to
15 the County Council for consideration and approval in order to provide a mechanism for criminal nuisance
16 abatement in Cecil County.

17 **NOW, THEREFORE, BE IT HEREBY ENACTED** by the County Council of Cecil County, that Part II of the
18 Code of Cecil County is amended by adding a new Chapter 250, Sections 250-1 through 250-20, as follows:

19 **PART II, CHAPTER 250 – CRIMINAL NUISANCE ABATEMENT**

20 **§ 250-1 MAINTAINING A CRIMINAL NUISANCE.**

21 **ANY PERSON (THE TERM "PERSON: TO INCLUDE PARTNERSHIPS AND OTHER BUSINESS ENTITIES**
22 **LAWFULLY PERMITTED TO CONDUCT BUSINESS AND/OWN REAL PROPERTY UNDER THE LAWS OF THE**
23 **STATE OF MARYLAND), INCLUDING BUT NOT LIMITED TO ANY OWNER, AGENT, EMPLOYEE OR LESSEE,**
24 **WHO USES, OCCUPIES, ESTABLISHES, PROMOTES, PERMITS, FACILITATES, OR CONDUCTS A CRIMINAL**
25 **NUISANCE, OR AIDS OR ABETS THEREIN, SHALL BE LIABLE FOR MAINTAINING A CRIMINAL NUISANCE AND**
26 **SHALL BE ENJOINED AS PROVIDED IN THIS CHAPTER.**

27 **§ 250-2 ACTION TO ABATE CRIMINAL NUISANCE.**

28 **(a) WHENEVER A CRIMINAL NUISANCE EXISTS AND IT ADVERSELY IMPACTS THE**
29 **COMMUNITY, THE COUNTY ATTORNEY MAY BRING AN ACTION TO ABATE A CRIMINAL NUISANCE UNDER**

30 THIS TITLE TO OBTAIN TEMPORARY AND PERMANENT ABATEMENT RELIEF UNDER §§ 250-5 AND 250-7
31 OF THIS TITLE AND TO SEEK CIVIL PENALTIES PROVIDED UNDER § 250-13 OF THIS TITLE.

32 (b) THE COUNTY ATTORNEY OR HIS/HER DESIGNEE MAY BRING AN ACTION TO ABATE A
33 CRIMINAL NUISANCE UNDER THIS TITLE BY FILING A COMPLAINT IN THE DISTRICT COURT OF MARYLAND
34 FOR CECIL COUNTY.

35 § 250-3 NOTICE TO INTERESTED PARTIES.

36 (a) AT LEAST 10 DAYS PRIOR TO THE FILING OF THE COMPLAINT SEEKING TEMPORARY
37 ABATEMENT RELIEF, THE OWNER OR THE OWNER'S AGENT (OR TENANT, WHERE SUCH IS AN IN
38 PERSONAM DEFENDANT) SHALL BE SERVED WITH A COPY OF THE CRIMINAL NUISANCE COMPLAINT. A
39 COMPLAINT INITIATING AN ACTION PURSUANT TO THIS CHAPTER SHALL BE PERSONALLY SERVED AND
40 NOTICE TO ALL DEFENDANTS SHALL BE PROVIDED IN THE SAME MANNER AS SERVING A COMPLAINT IN
41 CIVIL ACTIONS PURSUANT TO THE MARYLAND RULES, CHAPTER 100, RULE 3-101, ET SEQ.

42 (b) ALL TENANTS OR RESIDENTS OF ANY PREMISES WHICH IS USED IN WHOLE OR IN PART AS
43 A BUSINESS, HOME, RESIDENCE, OR DWELLING, OTHER THAN TRANSIENT GUESTS OF A GUEST HOUSE,
44 HOTEL, OR MOTEL, WHO MAY BE AFFECTED BY ANY ORDER ISSUED PURSUANT TO THIS CHAPTER SHALL
45 BE SERVED WITH A COPY OF THE CRIMINAL NUISANCE COMPLAINT IN THE MANNER SET FORTH
46 PURSUANT TO SUBSECTION 250-3(a), AND SHALL BE AFFORDED OPPORTUNITY TO BE HEARD AT ALL
47 HEARINGS.

48 § 250-4 AFFIRMATIVE DEFENSES.

49 IT SHALL BE AN AFFIRMATIVE DEFENSE FOR THE OWNER OR LANDLORD TO ESTABLISH, BY A
50 PREPONDERANCE OF THE EVIDENCE, THAT SAID OWNER OR LANDLORD ATTEMPTED TO ABATE THE
51 ALLEGED CRIMINAL NUISANCE PRIOR TO RECEIVING NOTICE IN WRITING OF THE COUNTY'S INTENT TO
52 BRING A CRIMINAL NUISANCE ABATEMENT ACTION REGARDING THE PREMISES. EXAMPLES OF ACTIONS
53 THAT ARE INDICIA OF ATTEMPTS TO ABATE ALLEGED CRIMINAL NUISANCES INCLUDE BUT ARE NOT
54 LIMITED TO:

55 (a) SENDING OR DELIVERING A WRITTEN NOTICE THAT THE CONDUCT OF THE TENANT, OR
56 THEIR GUESTS OR INVITEES, BREACHES A RULE OR COVENANT THAT IS MATERIAL TO THE RENTAL
57 AGREEMENT;

58 (b) SENDING OR DELIVERING A LEASE TERMINATION NOTICE;

59 (c) FILING AN ACTION FOR SUMMARY POSSESSION OF THE RENTAL UNIT;

60 **(d) SEEKING POLICE INTERVENTION TO HAVE THOSE RESPONSIBLE FOR THE ACTION**

61 **PROSECUTED AND ACTIVELY ASSISTING THE POLICE IN EFFORTS TO PROSECUTE THOSE RESPONSIBLE FOR**
62 **THE ACTIONS OR ACTIVITIES BEING COMPLAINED OF BY THE COMPLAINANTS.**

63 **§ 250-5 PROCEDURE.**

64 **(a) IF THE COURT FINDS:**

65 **(1) THAT THE PREMISES CONSTITUTE A CRIMINAL NUISANCE THAT ADVERSELY IMPACTS**
66 **THE COMMUNITY,**

67 **(2) THAT AT LEAST 10 DAYS PRIOR TO THE FILING OF THE COMPLAINT SEEKING**
68 **TEMPORARY ABATEMENT RELIEF, THE OWNER OR THE OWNER'S AGENT (OR TENANT OR RESIDENT,**
69 **WHERE APPLICABLE) HAD BEEN SERVED WITH A COPY OF THE CRIMINAL NUISANCE COMPLAINT; AND**

70 **(3) THAT THE PUBLIC HEALTH, SAFETY OR WELFARE IMMEDIATELY REQUIRES A**
71 **TEMPORARY CLOSING ORDER AND UNLESS THE OWNER OR THE OWNER'S AGENT SHOWS TO THE**
72 **SATISFACTION OF THE COURT THAT THE CRIMINAL NUISANCE COMPLAINED OF HAS BEEN SUFFICIENTLY**
73 **ABATED, OR THAT SUCH PERSON PROCEEDED FORTHWITH TO ENFORCE HIS OR HER RIGHTS UNDER THIS**
74 **CHAPTER AS MORE FULLY SET FORTH HEREIN, THE COURT SHALL ISSUE A TEMPORARY ABATEMENT**
75 **ORDER TO CLOSE THE PREMISES INVOLVED, THE PORTIONS APPROPRIATE IN THE CIRCUMSTANCES, OR**
76 **ANY OTHER TEMPORARY ABATEMENT REMEDY REQUESTED BY THE COUNTY ATTORNEY. THE ORDER**
77 **SHALL DIRECT ACTIONS NECESSARY TO PHYSICALLY SECURE THE PREMISES, OR APPROPRIATE PORTIONS**
78 **THEREOF, AGAINST USE FOR ANY PURPOSE. THE TEMPORARY ABATEMENT ORDER MAY ALSO PROHIBIT**
79 **THE DEFENDANT AND ALL PERSONS FROM REMOVING OR IN ANY MANNER INTERFERING WITH THE**
80 **FURNITURE, FIXTURES AND MOVEABLE OR PERSONAL PROPERTY LOCATED ON OR WITHIN THE PREMISES**
81 **CONSTITUTING THE CRIMINAL NUISANCE. WHERE A TENANT IS A DEFENDANT, THE COURT MAY ISSUE A**
82 **CLOSING ORDER PROHIBITING HIM OR HER FROM RESIDING AT OR HAVING CONTACT WITH THE**
83 **PREMISES.**

84 **(b) TO DETERMINE WHETHER THE HEALTH, SAFETY, OR WELFARE OF THE COMMUNITY**
85 **IMMEDIATELY REQUIRES A TEMPORARY ABATEMENT ORDER, THE COURT SHALL CONSIDER ANY**
86 **RELEVANT EVIDENCE PRESENTED CONCERNING ANY ATTENDANT CIRCUMSTANCES, INCLUDING BUT NOT**
87 **LIMITED TO:**

88 **(1) THE EXTENT AND DURATION OF THE CRIMINAL NUISANCE AND SEVERITY OF THE**
89 **IMPACT ON THE COMMUNITY;**

90 (2) **THE PROXIMITY OF THE PROPERTY TO OTHER RESIDENTIAL STRUCTURES;**

91 (3) **THE NUMBER OF TIMES THE OWNER OR TENANT HAS BEEN NOTIFIED OF CRIMINAL**

92 **NUISANCE RELATED PROBLEMS AT THE PROPERTY;**

93 (4) **THE PRIOR EFFORTS, OR LACK OF EFFORTS, BY THE DEFENDANT TO ABATE THE**

94 **CRIMINAL NUISANCE;**

95 (5) **THE INVOLVEMENT OF THE OWNER OR TENANT IN THE CRIMINAL NUISANCE;**

96 (6) **THE COSTS INCURRED BY THE JURISDICTION OR COMMUNITY BASED ORGANIZATIONS**
97 **IN INVESTIGATING OR ATTEMPTING TO CORRECT THE CRIMINAL NUISANCE;**

98 (7) **WHETHER THE CRIMINAL NUISANCE IS CONTINUING OR RECURING;**

99 (8) **WHETHER THE CRIMINAL NUISANCE INVOLVES THE USE OR THREAT OF VIOLENCE; OR**

100 (9) **ANY OTHER FACTOR THE COURT DEEMS RELEVANT AND IN THE INTERESTS OF THE**
101 **PUBLIC HEALTH, SAFETY, OR WELFARE OF THE COMMUNITY.**

102 (c) **IF THE COURT FINDS THAT THE PREMISES CONSTITUTE A CRIMINAL NUISANCE BUT THAT**
103 **IMMEDIATE CLOSING OF THE PREMISES IS NOT REQUIRED PURSUANT TO SUBSECTION (a) OF THIS**
104 **SECTION, THE COURT MAY ABATE THE CRIMINAL NUISANCE BY ISSUING AN ORDER PROHIBITING THE**
105 **DEFENDANTS AND ALL OTHER PERSONS FROM CONDUCTING, MAINTAINING, AIDING, ABETTING, OR**
106 **PERMITTING EVENTS CONSTITUTING THE CRIMINAL NUISANCE, OR FROM OTHERWISE HAVING CONTACT**
107 **WITH THE PREMISES. ADDITIONALLY, THE COURT MAY ISSUE AN ORDER APPOINTING A TEMPORARY**
108 **RECEIVER TO MANAGE OR OPERATE THE PREMISES OR ORDER THAT ANY DEFENDANT TAKE IMMEDIATE**
109 **ACTIONS INCLUDING, BUT NOT LIMITED TO, THE REMEDIES LISTED IN § 250-7 OF THIS TITLE. A**
110 **TEMPORARY RECEIVER SHALL HAVE SUCH POWERS AND DUTIES SPECIFICALLY AUTHORIZED PURSUANT**
111 **TO § 250-7 OF THIS TITLE.**

112 (d) **THE ABATEMENT ORDER SHALL BE SERVED PURSUANT TO THE PROCEDURES SET FORTH IN**
113 **§250-3 OF THIS TITLE, AND BY BOTH SUCH DELIVERY AND POSTING. THE OFFICER SERVING SUCH**
114 **ABATEMENT ORDER SHALL FORTHWITH MAKE AND RETURN INTO COURT AN INVENTORY OF THE**
115 **PERSONAL PROPERTY AND CONTENTS SITUATION IN AND USED IN CONDUCTING OR MAINTAINING THE**
116 **CRIMINAL NUISANCE. THE PARTIES MAY ENTER INTO A CONSENT ORDER IN RELATION TO OR WITH**
117 **RESPECT TO TEMPORARY ABATEMENT RELIEF OR PERMANENT ABATEMENT RELIEF. ANY SUCH ORDER**
118 **MUST BE APPROVED BY THE COURT. ANY VIOLATION OF SUCH ABATEMENT ORDER SHALL BE A**
119 **CONTEMPT OF COURT, AND WHERE SUCH ORDER IS SO POSTED, MUTILATION OR REMOVAL THEREOF,**

120 WHILE THE SAME REMAINS IN FORCE, SHALL BE A CONTEMPT OF COURT, PROVIDED SUCH POSTED
121 ORDER CONTAINS THEREON OR THEREIN A NOTICE TO THAT EFFECT.

122 (e) UPON SERVICE OF A TEMPORARY ABATEMENT ORDER, THE OFFICER SHALL POST A COPY
123 THEREOF IN A CONSPICUOUS PLACE OR UPON 1 OR MORE OF THE PRINCIPAL DOORS AT ENTRANCES OF
124 THE PREMISES. IN ADDITION, WHERE A TEMPORARY ABATEMENT ORDER HAS BEEN GRANTED, THE
125 OFFICERS SHALL AFFIX, IN A CONSPICUOUS PLACE OR UPON 1 OR MORE OF THE PRINCIPAL ENTRANCES
126 OF SUCH PREMISES, A PRINTED NOTICE THAT THE ENTIRE PREMISES OR PORTION THEREOF HAVE BEEN
127 CLOSED BY COURT ORDER, WHICH NOTICE SHALL CONTAIN A LEGEND "CLOSED BY COURT ORDER" IN
128 BLOCK LETTERING OF SUFFICIENT SIZE TO BE OBSERVED BY ANYONE INTENDING OR LIKELY TO ENTER THE
129 PREMISES. THE PRINTED NOTICE SHALL ALSO INCLUDE THE DATE OF THE ORDER, THE COURT WHICH
130 ISSUED THE ORDER , THE NAME OF THE OFFICE OR AGENCY POSTING THE NOTICE, AND A STATEMENT
131 THAT CERTAIN ACTIVITY IS PROHIBITED BY COURT ORDER AND THAT REMOVAL OF FURNITURE,
132 FIXTURES, OR OTHER PERSONAL OR MOVABLE PROPERTY IS PROHIBITED BY COURT ORDER.

133 (f) THE TEMPORARY ABATEMENT ORDER SHALL REMAIN IN PLACE UNTIL A PERMANENT
134 ABATEMENT HEARING. ANY VIOLATION OF THE COURT'S TEMPORARY ABATEMENT ORDER SHALL BE
135 CONTEMPT OF COURT, TO BE PUNISHED AS PROVIDED IN THIS CHAPTER.

136 (g) THE OWNER OR OWNERS OF ANY REAL OR PERSONAL PROPERTY SO CLOSED OR
137 PROHIBITED, OR TO BE CLOSED OR PROHIBITED, MAY PETITION THE COURT FOR AN EXPEDITED
138 SCHEDULE FOR THE PERMANENT ABATEMENT HEARING.

139 (h) THE RELEASE OF ANY REAL OR PERSONAL PROPERTY UNDER THIS SECTION SHALL NOT
140 RELEASE IT FROM ANY JUDGMENT, LIEN, PENALTY, OR LIABILITY TO WHICH IT MAY BE SUBJECTED BY
141 LAW.

142 § 250-6 ENFORCING TEMPORARY ABATEMENT ORDERS.

143 (a) UPON ORDER OF THE COURT, TEMPORARY ABATEMENT ORDERS SHALL BE ENFORCED BY
144 THE APPROPRIATE LAW ENFORCEMENT AGENCY HAVING JURISDICTION OVER THE AREA WHERE THE
145 PREMISES ARE LOCATED.

146 (b) THE OFFICERS SERVING A TEMPORARY ABATEMENT ORDER SHALL FILE WITH THE COURT
147 AN INVENTORY OF THE PERSONAL PROPERTY SITUATED IN OR ON THE PREMISES CLOSED AND SHALL BE
148 ALLOWED TO ENTER THE PREMISES TO MAKE THE INVENTORY. THE INVENTORY SHALL PROVIDE AN
149 ACCURATE REPRESENTATION OF THE PERSONAL PROPERTY SUBJECT TO SUCH INVENTORY INCLUDING,

150 **BUT NOT LIMITED TO, PHOTOGRAPHING OF FURNITURE, FIXTURES, AND OTHER PERSONAL OR MOVABLE**
151 **PROPERTY.**

152 **(c) ANY PERSON WHO KNOWINGLY OR PURPOSELY VIOLATES ANY EX PARTE CLOSING ORDER**
153 **OR TEMPORARY ABATEMENT ORDER ISSUED PURSUANT TO THIS CHAPTER SHALL BE SUBJECT TO CIVIL**
154 **CONTEMPT AS WELL AS PUNISHMENT FOR CRIMINAL CONTEMPT.**

155 **§ 250-7 PERMANENT ABATEMENT FOR ALL CRIMINAL NUISANCE ACTIONS.**

156 **(a) AN ACTION, WHEN BROUGHT UNDER THIS CHAPTER, SHALL BE NOTICED FOR TRIAL AT A**
157 **TIME TO BE FIXED BY THE DISTRICT COURT OF MARYLAND FOR CECIL COUNTY.**

158 **(b) IF THE EXISTENCE OF THE CRIMINAL NUISANCE IS ESTABLISHED UPON THE TRIAL, THE**
159 **COURT SHALL GRANT PERMANENT ABATEMENT RELIEF WHICH PERPETUALLY PROHIBITS THE**
160 **DEFENDANTS AND ANY OTHER PERSON FROM FURTHER MAINTAINING THE CRIMINAL NUISANCE AT THE**
161 **PLACE COMPLAINED OF, AND THE DEFENDANTS FROM MAINTAINING SUCH CRIMINAL NUISANCE**
162 **ELSEWHERE WITHIN THE COUNTY, AND SHALL ISSUE SUCH OTHER ORDERS AS ARE NECESSARY TO ABATE**
163 **THE CRIMINAL NUISANCE AND TO PREVENT TO THE EXTENT REASONABLY POSSIBLE THE RECURRENCE OF**
164 **THE CRIMINAL NUISANCE. THE COURT'S ORDER MAY INCLUDE, BUT NEED NOT BE LIMITED TO ALL OF**
165 **THE FOLLOWING:**

166 **(1) DIRECTING THE SHERIFF OR OTHER APPROPRIATE AGENCY TO SEIZE AND REMOVE**
167 **FROM THE PREMISES ALL MATERIAL, EQUIPMENT AND INSTRUMENTALITIES USED IN THE CREATION AND**
168 **MAINTENANCE OF THE CRIMINAL NUISANCE, AND DIRECTING THE SHERIFF TO SELL THE PROPERTY IN**
169 **THE MANNER PROVIDED FOR THE SALE OF PROPERTY UNDER EXECUTION IN ACCORDANCE WITH THE**
170 **GENERAL RULES OF CIVIL PROCEDURE. THE NET PROCEEDS OF ANY SUCH SALE, AFTER THE DEDUCTION**
171 **OF ALL LAWFUL EXPENSES INVOLVED, SHALL BE PAID PURSUANT TO § 250-8 OF THIS TITLE.**

172 **(2) AUTHORIZING THE COUNTY, SUBSEQUENT TO AN ORDER GRANTING THE COUNTY**
173 **THE RIGHT TO SEIZE THE PROPERTY IN QUESTION, TO MAKE REPAIRS, RENOVATIONS AND**
174 **CONSTRUCTION AND STRUCTURAL ALTERATIONS OR TO TAKE SUCH OTHER ACTIONS NECESSARY TO**
175 **BRING THE PREMISES INTO COMPLIANCE WITH ALL APPLICABLE HOUSING, FIRE, ZONING, HEALTH AND**
176 **SAFETY CODES, ORDINANCES, RULES, REGULATIONS OR STATUTES. SUCH REPAIRS, RENOVATIONS OR**
177 **CONSTRUCTION SHALL ONLY BE UNDERTAKEN AFTER THE APPROPRIATE REGULATORY AGENCY HAS**
178 **FIRST INSPECTED THE PROPERTY IN QUESTION, DETERMINED THAT CODE, ORDINANCE OR STATUTORY**
179 **VIOLATIONS EXIST AND HAS REPORTED SAME TO THE COURT. IF NO ORDER OF SEIZURE IS GRANTED**

180 **AND THE OWNER OR OWNERS OF THE PROPERTY REMAIN IN POSSESSION, THE COURT MAY ORDER SAID**
181 **OWNER OR OWNERS TO MAKE THE APPROPRIATE REPAIRS AS SET FORTH HEREIN FOLLOWING THE**
182 **INSPECTION AND DETERMINATION OF VIOLATIONS BY THE APPROPRIATE REGULATORY AGENCY.**
183 **EXPENDITURES BY THE COUNTY PURSUANT TO THIS PARAGRAPH MAY BE FILED AS A LIEN AGAINST THE**
184 **PROPERTY.**

185 **(3) DIRECTING THE CLOSING OF THE PREMISES, OR APPROPRIATE PORTION THEREOF, TO**
186 **THE EXTENT NECESSARY TO ABATE THE CRIMINAL NUISANCE, AND DIRECTING THE OFFICER OR AGENCY**
187 **ENFORCING THE CLOSURE ORDER TO POST A COPY OF THE JUDGMENT AND A PRINTED NOTICE OF SUCH**
188 **CLOSING ORDER CONFORMING TO THE REQUIREMENTS OF § 250-3 OF THIS TITLE. THE CLOSING**
189 **DIRECTED BY THE JUDGMENT SHALL BE FOR SUCH A PERIOD OF TIME AS THE COURT MAY DIRECT, BUT**
190 **SHALL NOT BE FOR A PERIOD OF MORE THAN 1 YEAR FROM THE POSTING OF THE JUDGMENT PROVIDED**
191 **IN THIS SUBSECTION.**

192 **(4) SUSPENDING OR REVOKING ANY LEASE.**

193 **(5) ORDERING THE SUSPENSION OF ANY HOUSING SUBSIDIES PAYABLE TO THE OWNERS**
194 **OF THE PROPERTY, SUCH AS TENANT ASSISTANCE PAYMENTS TO LANDLORDS, UNTIL THE CRIMINAL**
195 **NUISANCE IS SATISFACTORILY ABATED.**

196 **(6) APPOINTING A TEMPORARY RECEIVER TO MANAGE OR OPERATE THE PREMISES FOR**
197 **SUCH A TIME AS THE COURT DEEMS NECESSARY TO ABATE THE NUISANCE. A RECEIVER APPOINTED**
198 **PURSUANT TO THIS SECTION SHALL HAVE SUCH POWERS AND DUTIES AS THE COURT SHALL DIRECT,**
199 **INCLUDING BUT NOT LIMITED TO:**

200 **(i) COLLECTING, HOLDING AND DISPERSING THE PROCEEDS OF ALL RENTS FROM ALL**
201 **TENANTS;**

202 **(ii) LEASING OR RENTING PORTIONS OF THE PREMISES INVOLVED;**

203 **(iii) MAKING OR AUTHORIZING OTHER PERSONS TO MAKE NECESSARY REPAIRS OR**
204 **TO MAINTAIN THE PROPERTY;**

205 **(iv) HIRING SECURITY OR OTHER PERSONNEL NECESSARY FOR THE SAFE AND PROPER**
206 **OPERATION OF THE PREMISES;**

207 **(v) RETAINING COUNSEL TO PROSECUTE OR DEFEND SUITS ARISING FROM HIS OR**
208 **HER MANAGEMENT OF THE PREMISES;**

209 **(vi) BRINGING ACTIONS FOR SUMMARY POSSESSION OF ANY PREMISES; AND**

210 **(vii) EXPENDING FUNDS FROM THE COLLECTED RENTS IN FURTHERANCE OF THE**
211 **FOREGOING POWERS.**

212 **(7) A RECEIVER APPOINTED BY THE COURT PURSUANT TO THIS ORDINANCE SHALL**
213 **UPON ENTERING UPON HIS OR HER DUTIES BE SWORN AND SHALL AFFIRM FAITHFULLY AND FAIRLY TO**
214 **DISCHARGE THE TRUST COMMITTED TO HIM OR HER. IN ADDITION, THE RECEIVER MAY BE REQUIRED TO**
215 **POST A BOND IN AN AMOUNT TO BE FIXED BY THE COURT MAKING THE APPOINTMENT, TO ENSURE**
216 **THAT SUCH RECEIVER WILL FAITHFULLY DISCHARGE HIS OR HER DUTIES.**

217 **(8) IF THE EXISTENCE OF A CRIMINAL NUISANCE AS DEFINED IN THIS CHAPTER IS**
218 **ADMITTED OR ESTABLISHED IN AN ACTION UNDER THIS CHAPTER, THE COURT MAY, IN ADDITION TO THE**
219 **AFOREMENTIONED REMEDIES OR SANCTIONS, ORDER THE REMOVAL FROM THE PLACE OF THE CRIMINAL**
220 **NUISANCE ALL PERSONAL PROPERTY AND CONTENTS USED IN CONDUCTING THE CRIMINAL NUISANCE**
221 **AND NOT ALREADY RELEASED UNDER AUTHORITY OF THE COURT, AND SHALL FURTHER DIRECT THE SALE**
222 **OF SUCH THEREOF AS BELONG TO THE DEFENDANTS NOTIFIED OR APPEARING, IN THE MANNER**
223 **PROVIDED FOR THE SALE OR CHATTELS UNDER EXECUTION.**

224 **(c) OWNERS OF UNSOLD PERSONAL PROPERTY AND CONTENTS SO SEIZED MUST APPEAR AND**
225 **CLAIM SAME WITHIN 10 DAYS AFTER SUCH ORDER OF ABATEMENT IS MADE. THE BURDEN SHALL BE ON**
226 **THE OWNER TO SHOW, TO THE SATISFACTION OF THE COURT, LACK OF ANY KNOWLEDGE OF THE USE**
227 **THEREOF, AND THAT WITH REASONABLE CARE AND DILIGENCE THEY COULD NOT HAVE KNOWN**
228 **THEREOF. EVERY DEFENDANT IN THE ACTION SHALL BE PRESUMED TO HAVE HAD KNOWLEDGE OF THE**
229 **GENERAL REPUTATION OF THE PLACE. IF SUCH INNOCENCE BE SO ESTABLISHED, SUCH UNSOLD**
230 **PERSONAL PROPERTY AND CONTENTS SHALL BE DELIVERED TO THE OWNER; OTHERWISE, IT SHALL BE**
231 **SOLD AS PROVIDED IN THIS CHAPTER.**

232 **(d) IF ANY PERSON BREAKS AND ENTERS, OR USES A PLACE SO DIRECTED TO BE CLOSED, THAT**
233 **PERSON SHALL BE PUNISHED AS FOR CONTEMPT AS PROVIDED IN THIS CHAPTER.**

234 **(e) FOR REMOVING AND SELLING THE PERSONAL PROPERTY AND CONTENTS, THE OFFICER**
235 **SHALL BE ENTITLED TO CHARGE AND RECEIVE THE SAME FEES AS THAT OFFICER WOULD FOR LEVYING**
236 **UPON AND SELLING LIKE PROPERTY ON EXECUTION, AND FOR CLOSING THE PLACE AND KEEPING IT**
237 **CLOSED, A REASONABLE SUM SHALL BE ALLOWED BY THE COURT.**

238 **(f) THE COURT MAY IMPOSE ANY OR ALL OF THE FOREGOING REMEDIES IN COMBINATION WITH**
239 **EACH OTHER.**

240 **§ 250-8 DUTY OF COUNTY ATTORNEY; PROCEEDS OF SALE OF ALL CRIMINAL NUISANCE ACTIONS.**

241 **(a) IN CASE THE EXISTENCE OF FACTS, CIRCUMSTANCES AND/OR CONDITIONS THAT WOULD**
242 **CONSTITUTE ANY CRIMINAL NUISANCE IS ESTABLISHED IN A CRIMINAL PROCEEDING IN ANY COURT OF**
243 **COMPETENT JURISDICTION, THE COUNTY ATTORNEY OR HIS/HER DESIGNEE SHALL PROCEED PROMPTLY**
244 **TO ENFORCE THE PROVISIONS AND PENALTIES OF THIS CHAPTER, AND A FINDING IN FAVOR OF THE**
245 **COUNTY IN SUCH PROCEEDINGS, UNLESS REVERSED OR SET ASIDE, SHALL BE CONCLUSIVE AS AGAINST**
246 **SUCH DEFENDANTS AS TO THE EXISTENCE OF THE CRIMINAL NUISANCE.**

247 **(b) ALL MONEYS COLLECTED UNDER THIS CHAPTER, INCLUDING BUT NOT LIMITED TO**
248 **PROCEEDS OF THE SALE OF PERSONAL PROPERTY, AS PROVIDED IN § 250-7 OF THIS TITLE, SHALL FIRST BE**
249 **APPLIED IN PAYMENT OF THE COSTS OF THE ACTION AND ABATEMENT AND THEN IN PAYMENT OF**
250 **REASONABLE ATTORNEY FEES. IN THE EVENT THAT ACTION IS BROUGHT BY THE COUNTY ATTORNEY, ALL**
251 **MONEYS COLLECTED IN EXCESS OF COSTS AND REASONABLE ATTORNEY FEES SHALL BE PAID TO THE**
252 **COUNTY.**

253 **§ 250-9 PREMISES INVOLVING MULTIPLE RESIDENCES OR BUSINESSES.**

254 **(a) WHERE THE PREMISES CONSTITUTING THE CRIMINAL NUISANCE INCLUDES MULTIPLE**
255 **RESIDENCES, DWELLINGS OR BUSINESS ESTABLISHMENTS, A TEMPORARY OR PERMANENT CLOSING**
256 **ORDER ISSUED PURSUANT TO ANY PROVISION OF THIS CHAPTER SHALL, SO FAR AS IS PRACTICABLE, BE**
257 **LIMITED TO THAT PORTION OF THE ENTIRE PREMISES NECESSARY TO ABATE THE CRIMINAL NUISANCE**
258 **AND PREVENT ITS RECURRENCE.**

259 **(b) IN ADDITON TO ANY OTHER RELIEF EXPRESSLY AUTHORIZED BY THIS CHAPTER, THE**
260 **COURT MAY ORDER A DEFENDANT WHO ACTUALLY KNEW OR BASED ON INFORMATION PROVIDED TO**
261 **SAID DEFENDANT, HAD REASON TO KNOW OF THE CRIMINAL NUISANCE, TO PROVIDE RELOCATION**
262 **ASSISTANCE TO ANY TENANT ORDERED TO VACATE A PREMISES PURSUANT TO THIS CHAPTER,**
263 **PROVIDED THAT THE COURT DETERMINES THAT SUCH TENANT WAS NOT INVOLVED IN THE CRIMINAL**
264 **NUISANCE OR ANY CRIMINAL NUISANCE CONSTITUTING THE CRIMINAL NUISANCE AND DID NOT**
265 **KNOWINGLY AID IN THE COMMISSION OF ANY SUCH CRIMINAL NUISANCE. RELOCATION ASSISTANCE**
266 **SHALL BE IN THE AMOUNT NECESSARY TO COVER MOVING COSTS, SECURITY DEPOSITS FOR UTILITIES**
267 **AND COMPARABLE HOUSING, ANY LOST RENT, AND ANY OTHER REASONABLE EXPENSES THE COURT**
268 **MAY DEEM FAIR AND REASONABLE AS A RESULT OF THE COURT'S ORDER TO CLOSE A PREMISES OR ANY**
269 **PORTION THEREOF PURSUANT TO THIS CHAPTER.**

270 **§ 250-10 PRESUMPTION AGAINST CLOSURE; VACATING CLOSURE AFTER ABATEMENT OF NUISANCE AND**
271 **PROOF NUISANCE IS NOT LIKELY TO OCCUR.**

272 **(a) WHERE THE COURT AFTER TRIAL DETERMINES THAT A PREMISES OR APPROPRIATE**
273 **PORTION OR PORTIONS THEREOF CONSTITUTES A NUISANCE, THE COURT SHALL ORDER THE CLOSURE OF**
274 **THE PREMISES. NO SUCH CLOSURE SHALL BE GRANTED UNLESS, IN THE TOTALITY OF THE**
275 **CIRCUMSTANCES, NO LESS ONEROUS PENALTY IS LIKELY TO PROVIDE FOR THE ABATEMENT OF THE**
276 **NUISANCE. FURTHER, NO ORDER OF CLOSURE SHALL OCCUR IF THE COURT IS CLEARLY CONVINCED THAT**
277 **ANY VACANCY RESULTING FROM THE CLOSURE WOULD EXACERBATE RATHER THAN ABATE THE**
278 **NUISANCE OR WOULD OTHERWISE BE EXTRAORDINARILY HARMFUL TO THE COMMUNITY OR THE**
279 **PUBLIC INTEREST. IN DETERMINING WHETHER CLOSURE IS THE LEAST ONEROUS PENALTY, THE COURT**
280 **SHALL CONSIDER:**

281 **(1) WHETHER ANY PREVIOUSLY AGREED UPON ABATEMENT PLAN, CONSENT ORDER,**
282 **OR OTHER STEPS TAKEN BY A DEFENDANT HAVE ABATED THE NUISANCE;**

283 **(2) THE DURATION THAT ANY NUISANCE HAS EXISTED ON THE PREMISES AND**
284 **WHETHER ANY COURT HAS PREVIOUSLY FOUND THE EXISTENCE OF A NUISANCE ON THE PREMISES;**

285 **(3) THE SEVERITY OF THE NUISANCE;**

286 **(4) WHETHER THE DEFENDANT HAS THE ABILITY TO CONTROL THE CONDUCT ON THE**
287 **PREMISES OR THE ABILITY TO ABATE THE NUISANCE;**

288 **(5) THE IMPACT OF THE CONTINUATION OF THE NUISANCE UPON ANY**
289 **NEIGHBORHOOD OR COMMUNITY ORGANIZATION; AND**

290 **(6) THE POSITION OF ANY COMMUNITY OR CIVIC ASSOCIATION WHICH REPRESENTS**
291 **THE COMMUNITIES IN WHICH THE PREMISES ARE LOCATED.**

292 **(b) THE COURT AT ANY TIME AFTER TRIAL MAY VACATE THE PROVISIONS OF THE JUDGMENT**
293 **THAT DIRECT THE CLOSING OF THE PREMISES OR ANY PORTION THEREOF PROVIDED THAT THE**
294 **DEFENDANT SUBMITS EVIDENCE SATISFYING THE COURT THAT THE NUISANCE HAS BEEN**
295 **SATISFACTORILY ABATED AND IS NOT LIKELY TO RECUR. IN DETERMINING WHETHER THE NUISANCE HAS**
296 **BEEN SATISFACTORILY ABATED AND IS NOT LIKELY TO RECUR, THE COURT SHALL CONSIDER THE NATURE,**
297 **SEVERITY, AND DURATION OF THE NUISANCE AND ALL OTHER RELEVANT FACTORS, INCLUDING BUT NOT**
298 **LIMITED TO THOSE FACTORS SET FOR IN § 250-5 OF THIS TITLE.**

299 **§ 250-11 STANDARD OF PROOF.**

300 EXCEPT AS MAY OTHERWISE BE EXPRESSLY PROVIDED, THE CIVIL CAUSES OF ACTION ESTABLISHED IN
301 THIS CHAPTER SHALL BE PROVED BY A PREPONDERANCE OF THE EVIDENCE.

302 **§ 250-12 RELEASE OF PREMISES UPON INSPECTION OR REPAIR.**

303 (a) UNLESS THE COURT EXPRESSLY ORDERS OTHERWISE, NO PREMISES OR PORTION THEREOF
304 ORDERED TO BE CLOSED PURSUANT TO ANY PROVISION OF THIS CHAPTER SHALL BE RELEASED OR
305 OPENED UNLESS IT HAS BEEN INSPECTED BY THE APPROPRIATE LICENSE AND INSPECTION AUTHORITY OR
306 AGENCY AND FOUND TO BE IN COMPLIANCE WITH APPLICABLE LOCAL OR STATE HOUSING, BUILDING,
307 FIRE, ZONING, HEALTH AND SAFETY CODES, ORDINANCES, RULES, REGULATIONS OR STATUTES. WHERE
308 THE INSPECTION REVEALS VIOLATIONS OF ANY SUCH CODE, ORDINANCE, RULE, REGULATION OR
309 STATUTE, THE COURT SHALL ISSUE SUCH ORDERS OR GRANT SUCH RELIEF AS MAY BE NECESSARY TO
310 BRING THE PREMISES OR PORTION THEREOF INTO COMPLIANCE. IN THAT EVENT, THE COURT MAY
311 ORDER THE PREMISES OR PORTION THEREOF TO REAMIN CLOSED PENDING SUCH NECESSARY REPAIRS
312 OR MODIFICATION, NOTWITHSTANDING THAT THE ORDER OF CLOSURE MAY EXCEED THE 1-YEAR TIME
313 LIMIT PRESCRIBED IN THIS TITLE.

314 (b) THE COURT MAY AUTHORIZE ANY PERSON OR GOVERNMENT OFFICIAL TO ENTER A
315 PREMISES OR PORTION THEREOF CLOSED PURSUANT TO THIS CHAPTER FOR THE PURPOSE OF
316 CONDUCTING AN INSPECTION OR MAKING ANY REPAIRS OR MODIFICATIONS NECESSARY TO ABATE THE
317 CRIMINAL NUISANCE OR TO BRING THE PREMISES OR PORTION THEREOF INTO COMPLIANCE WITH ANY
318 APPLICABLE HOUSING, BUILDING, FIRE, ZONING, HEALTH OR SAFETY CODE, ORDINANCE, RULE,
319 REGULATION OR STATUTE.

320 **§ 250-13 PENALTIES.**

321 (a) WHERE THE COURT AFTER TRIAL FINDS THAT A PREMISES IS A CRIMINAL NUISANCE, THE
322 COURT IN ADDITION TO GRANTING APPROPRIATE ABATEMENT RELIEF SHALL IMPOSE A CIVIL PENALTY
323 AGAINST A DEFENDANT WHO KNOWINGLY CONDUCTED, MAINTAINED, AIDED, ABETTED, OR
324 PERMITTED THE CRIMINAL NUISANCE. THE COURT SHALL ORDER CIVIL PENALTIES IN THE AMOUNT OF
325 \$500.00 FOR EACH DAY THE CRIMINAL NUISANCE EXISTS, UNLESS IMPOSITION OF SUCH PENALTY
326 WOULD CONSTITUTE A MISCARRIAGE OF JUSTICE UNDER THE TOTALITY OF THE CIRCUMSTANCES. IN
327 SUCH CASE, IT MAY LOWER THE PENALTY AMOUNT TO THE EXTENT NECESSARY TO AVOID SUCH
328 MISCARRIAGE OF JUSTICE.

329 **(b) FOR THE PURPOSE OF IMPOSING A CIVIL PENALTY PURSUANT TO THIS SECTION, THE**
330 **FOLLOWING SHALL BE PRIMA FACIE EVIDENCE THAT THE DEFENDANT KNOWINGLY PERMITTED THE**
331 **CRIMINAL NUISANCE:**

332 **(1) THE DEFENDANT FAILED TO INITIATE AN EVICTION ACTION AGAINST A TENANT**
333 **AFTER BEING NOTIFIED BY CERTIFIED OR REGISTERED MAIL OF THE FACTS PERTAINING TO THE TENANT'S**
334 **ALLEGED ILLEGAL ACTIVITIES CONSTITUTING A CRIMINAL NUISANCE COMMITTED ON THE LEASED**
335 **PREMISES WHICH WOULD IN TURN CAUSE A REASONABLE PERSON TO BELIEVE THE ALLEGATIONS ARE**
336 **LIKELY TO BE TRUE; OR**

337 **(2) A CLOSURE ORDER WAS VACATED UNDER THIS TITLE WITHIN 2 YEARS BEFORE THE**
338 **OCCURRENCE OF THE INSTANT CRIMINAL NUISANCE; OR**

339 **(3) THE DEFENDANT FURTHERED, CONSPIRED AS TO, OR PARTICIPATED IN THE**
340 **COMMISSION OF A CRIME ON THE PREMISES.**

341 **(c) THE COURT AT ANY TIME SHALL WAIVE, SUSPEND OR REVOKE ANY UNPAID CIVIL PENALTY**
342 **IMPOSED PURSUANT TO THIS SECTION WHERE IT IS SATISFIED THAT:**

343 **(1) THE DEFENDANT AGAINST WHOM THE PENALTY HAS BEEN IMPOSED HAS NOT**
344 **VIOLATED ANY ORDER ISSUED PURSUANT TO ANY PROVISION OF THIS CHAPTER; AND**

345 **(2) THE DEFENDANT HAS TRANSFERRED TITLE TO THE PLAINTIFF, A GOVERNMENT**
346 **AGENCY OR ANY OTHER NEIGHBORHOOD OR COMMUNITY ORGANIZATION APPROVED BY THE COURT,**
347 **PROVIDED THAT THE RECIPIENT IS A NONPROFIT INCORPORATED ORGANIZATION OR ASSOCIATION**
348 **WHICH IS EXEMPT FROM TAXATION UNDER 26 U.S.C. § 501(c) AND WHICH IS AUTHORIZED BY ITS**
349 **CORPORATE CHARTER OR BYLAWS TO REHABILITATE, RESTORE, MAINTAIN, MANAGE OR OPERATE ANY**
350 **COMMERCIAL OR RESIDENTIAL PREMISES. UNLESS OTHERWISE AGREED TO BY THE RECIPIENT**
351 **ORGANIZATION, THE DEFENDANT SHALL PERSONALLY RETAIN ALL STATE AND LOCAL TAX LIABILITY AND**
352 **THE OBLIGATION SHALL ATTACH TO ANY OTHER REAL PROPERTY IN THE COUNTY OWNED BY THE**
353 **DEFENDANT.**

354 **§ 250-14 SETTLEMENTS.**

355 **(a) NOTHING IN THIS CHAPTER SHALL BE CONSTRUED IN ANY WAY TO PREVENT THE PARTIES**
356 **TO THE ACTION AT ANY TIME BEFORE OR AFTER TRIAL FROM NEGOTIATING AND AGREEING TO A FAIR**
357 **SETTLEMENT OF THE DISPUTE, SUBJECT TO THE APPROVAL OF THE COURT. ANY SUCH SETTLEMENT,**
358 **ONCE APPROVED BY THE COURT, SHALL BE ENTERED AS AN ORDER OF THE COURT. ANY VIOLATION OF**

359 SUCH AN ORDER BY THE DEFENDANT SHALL BE PUNISHABLE AS CONTEMPT AS PROVIDED IN THIS
360 CHAPTER.

361 (b) THE COURT, ON APPLICATION OF A PLAINTIFF MAY VACATE A CLOSING ORDER ISSUED
362 PURSUANT TO THIS CHAPTER WHERE THE DEFENDANT HAS TRANSFERRED TITLE TO THE PREMISES TO
363 THE PLAINTIFF, A GOVERNMENT AGENCY OR ANY OTHER NEIGHBORHOOD OR COMMUNITY
364 ORGANIZATION APPROVED BY THE COURT, PROVIDED THAT THE RECIPIENT IS A NONPROFIT
365 INCORPORATED ORGANIZATION OR ASSOCIATION WHICH IS EXEMPT FROM TAXATION UNDER 26 U.S.C.
366 § 501(c) AND WHICH IS AUTHORIZED BY ITS CORPORATE CHARTER OR BYLAWS TO REHABILITATE,
367 RESTORE, MAINTAIN, MANAGE OR OPERATE BY COMMERCIAL OR RESIDENTIAL PREMISES. IN THAT
368 EVENT, THE REQUIREMENTS FOR PRERELEASE INSPECTION SET FORTH IN THIS TITLE SHALL NOT APPLY.
369 § 250-15 RECOVERY OF COSTS.

370 (a) WHENEVER AN ACTION FOR ABATEMENT RELIEF OR PENALTIES BROUGHT PURSUANT TO
371 THIS CHAPTER TERMINATES IN A SETTLEMENT OR JUDGMENT FAVORABLE TO THE COUNTY, THEN THE
372 COUNTY SHALL BE ENTITLED TO RECOVER THE ACTUAL COST OF THE SUIT, INCLUDING BUT NOT LIMITED
373 TO REASONABLE ATTORNEY FEES AND EXPENSES AND DISBURSEMENTS BY THE COUNTY IN
374 INVESTIGATING, BRINGING, MAINTAINING, AND ENFORCING THE ACTION AND ANY COURT ORDERS
375 ISSUED PURSUANT THERETO. ALL DEFENDANTS SHALL BE JOINTLY AND SEVERALLY LIABLE FOR THE
376 PAYMENT OF TAXED COSTS IMPOSED PURSUANT TO THIS SECTION.

377 (b) A JUDGMENT AWARDING A PERMANENT ABATEMENT PURSUANT TO THIS CHAPTER
378 SHALL BE A LIEN UPON THE PREMISES DECLARED TO BE A CRIMINAL NUISANCE UNLESS TITLE THERETO
379 HAS BEEN TRANSFERRED PURSUANT TO THIS TITLE. IN ADDITION, A JUDGMENT IMPOSING A CIVIL
380 PENALTY OR BILL OF TAXED COSTS PURSUANT TO THIS CHAPTER SHALL BE A LIEN UPON THE REAL
381 ESTATE OWNED BY THE DEFENDANT IN THE COUNTY AT THE TIME OF SUCH RENDITION, AND ALSO UPON
382 ALL REAL ESTATE THE DEFENDANT MAY SUBSEQUENTLY ACQUIRE IN THE COUNTY.
383 § 250-16 CONTEMPT.

384 (a) ANY PERSON WHO KNOWINGLY VIOLATED ANY ORDER ISSUED PURSUANT TO THIS
385 CHAPTER SHALL BE SUBJECT TO CIVIL CONTEMPT AS WELL AS PUNISHMENT FOR CRIMINAL CONTEMPT.
386 NOTHING IN THIS CHAPTER SHALL BE CONSTRUED IN ANY WAY TO PRECLUDE OR PREEMPT A CRIMINAL
387 PROSECUTION FOR VIOLATION OF A CONTROLLED SUBSTANCE OFFENSE OR ANY OTHER CRIMINAL
388 OFFENSE.

389 **(b) THE PROCEEDING SHALL BE COMMENCED BY FILING IN THE PENDING ACTION WITH THE**
390 **CLERK OF COURT'S OFFICE A MOTION FOR A RULE TO SHOW CAUSE, ACCOMPANIED BY AN AFFIDAVIT**
391 **SHOWING SERVICE ON THE DEFENDANT AND SETTING FORTH THE FACTS CONSTITUTING THE VIOLATION.**
392 **THE COURT SHALL THEREUPON CAUSE A SUBPOENA TO ISSUE UNDER WHICH THE DEFENDANT SHALL BE**
393 **REQUIRED TO APPEAR AND DEFEND THE ALLEGATIONS. THE HEARING SHALL BE ORAL BEFORE THE**
394 **COURT, UNLESS OTHERWISE ORDERED BY THE COURT AND EITHER PARTY MAY DEMAND THE**
395 **PRODUCTION AND ORAL EXAMINATION OF THE WITNESSES.**

396 **§ 250-17 CUMULATIVE REMEDIES.**

397 **THE CAUSES OF ACTION AND REMEDIES AUTHORIZED BY THIS CHAPTER SHALL BE CUMULATIVE WITH**
398 **EACH OTHER AND SHALL BE IN ADDITION TO, NOT IN LIEU OF, ANY OTHER CAUSES OF ACTION OR**
399 **REMEDIES WHICH MAY BE AVAILABLE AT LAW OR EQUITY. FURTHER, NOTHING HEREIN SHALL BE**
400 **CONSTRUED AS TO LIMIT THE POWER OR AUTHORITY OF THE COURT IN THE ENFORCEMENT OF THIS**
401 **CHAPTER. HOWEVER, IN EVERY CASE INITIATED UNDER THIS CHAPTER, THE COURT SHALL IMPOSE THE**
402 **LEAST ONEROUS REMEDY POSSIBLE.**

403 **§ 250-18 LIABILITY FOR DAMAGE TO CLOSED PROPERTIES.**

404 **A COURT-ORDERED CLOSING OF A PREMISES OR PORTION THEREOF PURSUANT TO THIS CHAPTER SHALL**
405 **NOT CONSTITUTE AN ACT OF POSSESSION, OWNERSHIP OR CONTROL BY THE COURT, THE COUNTY, OR**
406 **ANY GOVERNMENT OFFICIAL OR ENTITY RESPONSIBLE FOR ENFORCING THE COURT ORDER.**

407 **§ 250-19 CIVIL ACTION FOR DAMAGES RESULTING FROM CRIMINAL NUISANCE.**

408 **(a) NOTWITHSTANDING THE PROVISIONS OF THIS TITLE, ANY PERSON DAMAGED IN HIS OR**
409 **HER BUSINESS OR PROPERTY BY REASON OF A CRIMINAL NUISANCE MAY BRING A SEPARATE CIVIL**
410 **ACTION FOR ACTUAL DAMAGES AGAINST ANY PERSON WHO KNOWINGLY CONDUCTED, MAINTAINED,**
411 **AIDED, ABETTED, OR PERMITTED CRIMINAL NUISANCE AS DEFINED IN THIS CHAPTER.**

412 **(b) WHENEVER AN ACTION FOR DAMAGES BROUGHT PURSUANT TO THIS SECTION**
413 **TERMINATED IN A SETTLEMENT OR JUDGMENT FAVORABLE TO THE COUNTY, THE COUNTY SHALL BE**
414 **ENTITLED TO RECOVER THE ACTUAL COST OF THE SUIT, INCLUDING BUT NOT LIMITED TO REASONABLE**
415 **ATTORNEY FEES AND ALL EXPENSES AND DISBURSEMENTS BY THE COUNTY IN INVESTIGATING,**
416 **BRINGING AND MAINTAINING THE ACTION. ALL DEFENDANTS SHALL BE JOINTLY AND SEVERALLY LIABLE**
417 **FOR THE PAYMENTS OF TAXED COSTS IMPOSED PURSUANT TO THIS SECTION.**

418 **§ 250-20 PRESUMPTIONS.**

419 **(a) THE PERSON IN WHOSE NAME THE PREMISES INVOLVED IS RECORDED IN THE LAND**
420 **RECORDS OF CECIL COUNTY SHALL BE PRESUMED TO BE THE OWNER THEREOF.**

421 **(b) WHENEVER THERE IS EVIDENCE THAT A PERSON WAS THE MANAGER, OPERATOR,**
422 **SUPERVISOR OR WAS IN ANY OTHER WAY IN CHARGE OF THE PREMISES INVOLVED AT THE TIME OF ANY**
423 **CONDUCT CONSTITUTING THE CRIMINAL NUISANCE IS ALLEGED TO HAVE BEEN COMMITTED, SUCH**
424 **EVIDENCE SHALL BE REBUTTABLY PRESUMPTIVE THAT SUCH PERSON WAS AN AGENT OR EMPLOYEE OF**
425 **THE OWNER, LANDLORD OR LESSEE OF THE PREMISES.**

426 **AND BE IT FURTHER ENACTED** that this Act shall take effect in 60 calendar days from the date it
427 becomes law.

CERTIFICATION

I, HEREBY CERTIFY that the above Bill was posted for the public on the public bulletin board with the date, time and location of the public hearing meeting, copies were made available for the public, a copy was distributed to the press, and copy was made available on the Cecil County website.

BY: Council Manager