

**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 RECURRING;

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 ADDITION 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 REMAIN 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 ORGANIZATON APPROVED BY THE COURT,**  
347 **PROVIDED THAT THE RECIPIENT IS A NONPROFIT INCORPORATED ORGANIZATON 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 IS 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