

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2015, Legislative Day No. 13

Bill No. 58-15

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Mr. David Marks, Councilman

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By the County Council, August 3, 2015

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A BILL  
ENTITLED

AN ACT concerning

Social Host – Unruly Social Gatherings

FOR the purpose of defining certain terms; prohibiting unruly social gatherings at a residence or other private property; describing the nature of the violation as a civil offense and providing for certain exclusions; providing for the issuance of a civil citation for a violation and the manner of service; providing for certain penalties for a violation and subsequent violations; providing for enforcement by the Chief of Police; and generally relating to unruly social gatherings.

BY repealing and re-enacting, with amendments  
Section 13-7-101, definition of “owner,” and Sections 13-7-111, 13-7-112, 13-7-113, 13-7-114, 13-7-115, 13-7-116, and 13-7-117  
Article 13 - Public Health, Safety, and the Environment  
Title 7 - Nuisances  
Subtitle 1 - General Nuisances on Private Property and on Public Roads  
Baltimore County Code, 2003

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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 adding  
Section 13-7-113.1  
Article 13 - Public Health, Safety, and the Environment  
Title 7 - Nuisances  
Subtitle 1 - General Nuisances on Private Property and on Public Roads  
Baltimore County Code, 2003

WHEREAS, underage possession and consumption of alcohol is an ongoing problem in our society, and particularly in areas with colleges and universities that have a concentration of minor children and of-age young adults that consume excessive amounts of alcohol; and

WHEREAS, minors often obtain, possess, or consume alcoholic beverages at uncontrolled and unsupervised social gatherings held at residences, or rented residential or commercial premises of persons who know or should know of such underage or excessive behavior but fail to stop it; and

WHEREAS, underage consumption of alcoholic beverages poses a threat to the public health, safety, and welfare in that it increases alcohol abuse by minors, physical altercations, and potential criminal behavior including assaults and sexual offenses, and also results in accidental injury, neighborhood vandalism, and excessive noise disturbance, all of which may require intervention by public safety officials; and

WHEREAS, uncontrolled or unsupervised social gatherings with large numbers of underage drinkers and inadequate or no adult supervision are particularly high-risk settings for these adverse consequences; and

WHEREAS, landlords of private property who have been notified that their tenants and guests are hosting or otherwise permitting underage or uncontrolled social gatherings on their property where alcoholic beverages are served to and consumed by underage persons have a responsibility to ensure that such activities do not recur on their property, and the failure to take

action after such notification causes serious disruption to the peaceful and quiet enjoyment of neighboring residents and communities; and

WHEREAS, persons who actively or passively aid, allow, or tolerate underage drinking and uncontrolled social gatherings should be held responsible for the nuisances created by persons attending such gatherings; and

WHEREAS, public safety responses to disturbances involving underage or excessive consumption of alcoholic beverages at uncontrolled social gatherings frequently require the use of extensive police, fire, and emergency medical resources, often on multiple occasions, which limits their ability to respond to other service calls in the community, thereby placing the community at further risk, with no legal responsibility on the part of the host and attendees of the gathering, or the landlord to control and deter such gatherings; and

WHEREAS, the County Council deems it appropriate to deter underage possession or consumption of alcohol or excessive drinking by of-age young adults at uncontrolled or unsupervised social gatherings by holding responsible those persons who attend and participate in the gatherings, and those who encourage, are aware or should be aware, or own the premises where the unruly social gathering takes place, yet fail to prevent it; now therefore,

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                   ARTICLE 13. PUBLIC HEALTH, SAFETY AND THE ENVIRONMENT

4                                   TITLE 7. NUISANCES

1                   SUBTITLE 1. GENERAL NUISANCES ON PRIVATE PROPERTY  
2   AND ON PUBLIC ROADS

3   § 13-7-101. “Owner” Defined.

4           In this subtitle “owner” means any person who owns, occupies, is in actual possession of, or has  
5 charge, care, or control of a property as an owner, PROPERTY MANAGER OR MANAGEMENT  
6 COMPANY, lessee, agent, tenant, executor, administrator, trustee, guardian, or other fiduciary.

7   § 13-7-111. Definitions.

8           (a) In general. In this Part II of this subtitle the following words have the meanings  
9 indicated.

10           (B) ADULT. “ADULT” IS ANY PERSON TWENTY-ONE (21) YEARS OF AGE OR  
11 OLDER.

12           (C) ALCOHOLIC BEVERAGE. “ALCOHOLIC BEVERAGE” HAS THE MEANING  
13 STATED IN ARTICLE 2B, § 1-102 OF THE ANNOTATED CODE OF MARYLAND.

14           (D) CONTROLLED SUBSTANCE. “CONTROLLED SUBSTANCE” IS A DRUG OR  
15 SUBSTANCE THE POSSESSION AND USE OF WHICH IS REGULATED UNDER THE STATE  
16 CONTROLLED DANGEROUS SUBSTANCES ACT. THE TERM DOES NOT INCLUDE ANY  
17 DRUG OR SUBSTANCE FOR WHICH A PERSON HAS A VALID PRESCRIPTION ISSUED  
18 BY A LICENSED MEDICAL PRACTITIONER AUTHORIZED TO ISSUE SUCH A  
19 PRESCRIPTION.

20           (E)[(b)] Department. “Department” means the department of the county government that

1 initiates the charge of allowing or maintaining a nuisance.

2 (F)[(C)] Director. "Director" means the head of the department that initiates the charge of  
3 allowing or maintaining a nuisance.

4 (G) FAMILY GATHERING. "FAMILY GATHERING" IS A GATHERING IN A  
5 PRIVATE RESIDENCE OF AN ADULT OR WITHIN THE CURTILAGE OF A PRIVATE  
6 RESIDENCE WHERE EACH MINOR PRESENT IS DIRECTLY SUPERVISED BY AN ADULT  
7 MEMBER OF HIS OR HER IMMEDIATE FAMILY.

8 (H) LEGAL GUARDIAN. "LEGAL GUARDIAN" IS A PERSON WHO IS LAWFULLY  
9 VESTED WITH THE POWER AND CHARGED WITH THE DUTY OF PROVIDING CARE TO  
10 A MINOR.

11 (I) MINOR OR UNDERAGE PERSON. "MINOR" OR "UNDERAGE PERSON" IS ANY  
12 PERSON UNDER TWENTY-ONE (21) YEARS OF AGE.

13 (J) PARENT. "PARENT" IS A PERSON WHO IS A NATURAL PARENT, ADOPTIVE  
14 PARENT, FOSTER PARENT, OR STEP PARENT.

15 (K) RESIDENCE OR OTHER PRIVATE PROPERTY. "RESIDENCE OR OTHER  
16 PRIVATE PROPERTY" MEANS A DETACHED, ATTACHED, OR SEMI-DETACHED SINGLE  
17 FAMILY DWELLING, ROW HOME, TOWNHOME, APARTMENT, CONDOMINIUM, OR  
18 OTHER DWELLING UNIT, OR A YARD OR CURTILAGE OF A RESIDENCE. THE TERM  
19 ALSO INCLUDES A HALL, MEETING ROOM, HOTEL OR MOTEL ROOM, WHETHER  
20 OCCUPIED ON A TEMPORARY OR PERMANENT BASIS, WHETHER OCCUPIED AS A  
21 DWELLING, PARTY OR OTHER SOCIAL FUNCTION, AND WHETHER OWNED, LEASED,  
22 RENTED, OR USED WITH OR WITHOUT COMPENSATION, INCLUDING CONTIGUOUS

1 PROPERTIES, AND ANY BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS  
2 SITUATED THEREON OR AFFIXED THERETO.

3 (L) RESPONSIBLE PERSON.

4 (1) "RESPONSIBLE PERSON" MEANS A PERSON OR PERSONS WITH A  
5 RIGHT OF POSSESSION IN THE RESIDENCE OR OTHER PRIVATE PROPERTY ON WHICH  
6 AN UNRULY SOCIAL GATHERING IS CONDUCTED. THE TERM INCLUDES:

7 (I) AN OWNER AS DEFINED IN SECTION 13-7-101;

8 (II) THE LANDLORD OF ANOTHER PERSON RESPONSIBLE FOR THE  
9 GATHERING INCLUDING A MASTER TENANT WHO SUBLETS A UNIT TO ANOTHER  
10 PERSON;

11 (III) THE PERSON WHO ORGANIZES OR SUPERVISES OR  
12 CONDUCTS THE EVENT; OR

13 (IV) ANY OTHER PERSON ACCEPTING RESPONSIBILITY FOR SUCH  
14 A GATHERING.

15 (2) A RESPONSIBLE PERSON FOR THE UNRULY SOCIAL GATHERING  
16 NEED NOT BE PHYSICALLY PRESENT AT SUCH GATHERING.

17 (3) IF THE RESPONSIBLE PERSON IS A JUVENILE, THEN THE JUVENILE  
18 AND THE PARENTS OR LEGAL GUARDIANS OF THE JUVENILE MAY BE JOINTLY AND  
19 SEVERALLY LIABLE FOR CIVIL PENALTIES OR OTHER COSTS.

20 (M) UNRULY SOCIAL GATHERING. "UNRULY SOCIAL GATHERING" MEANS A  
21 PARTY, EVENT, OR ASSEMBLAGE OF TWO OR MORE PERSONS AT A RESIDENCE OR  
22 OTHER PRIVATE PROPERTY WHERE:

1 (1) ALCOHOLIC BEVERAGES ARE BEING FURNISHED TO, CONSUMED BY,  
2 OR IN POSSESSION OF ANY UNDERAGE PERSON IN VIOLATION OF STATE LAW; OR

3 (2) BEHAVIOR OR CONDUCT IS OCCURRING THAT RESULTS IN A  
4 SUBSTANTIAL DISTURBANCE OF THE PEACE AND QUIET ENJOYMENT OF PRIVATE  
5 OR PUBLIC PROPERTY, WHICH MAY INCLUDE THE FOLLOWING:

6 (I) EXCESSIVE NOISE AS PROHIBITED IN SECTION 17-3-103;

7 (II) EXCESSIVE TRAFFIC THAT IS SIGNIFICANTLY ABOVE AND  
8 BEYOND THE NORMAL AMOUNT OF PEDESTRIAN OR VEHICLE TRAFFIC FOR THE  
9 DAY, DATE, AND TIME OF DAY FOR THE ZONING DISTRICT;

10 (III) USE OF A CONTROLLED SUBSTANCE BY ANY PERSON AT THE  
11 GATHERING;

12 (IV) OBSTRUCTION OF PUBLIC STREETS OR THE PRESENCE OF  
13 UNRULY CROWDS THAT HAVE SPILLED ONTO PUBLIC STREETS;

14 (V) PUBLIC DRUNKENNESS OR UNLAWFUL CONSUMPTION OF  
15 ALCOHOL OR ALCOHOLIC BEVERAGES;

16 (VI) ASSAULTS, BATTERIES, FIGHTS, DOMESTIC VIOLENCE, OR  
17 OTHER DISTURBANCES OF THE PEACE;

18 (VII) VANDALISM OF PUBLIC OR PRIVATE PROPERTY;

19 (VIII) PUBLIC URINATION;

20 (IX) LITTERING; OR

21 (X) OTHER CONDUCT WHICH CONSTITUTES A THREAT TO THE  
22 PUBLIC SAFETY, QUIET ENJOYMENT OF RESIDENTIAL PROPERTY, OR THE GENERAL

1 WELFARE.

2 § 13-7-112. General Prohibition.

3 (A) An owner may not create or allow to exist on the owner's property a nuisance determined  
4 by the County Health Department or the Department of Environmental Protection and Sustainability  
5 to be detrimental to public health, safety, or welfare, or the environment.

6 (B) AN OWNER OR ANY OTHER RESPONSIBLE PERSON MAY NOT CONDUCT,  
7 CAUSE, AID, ALLOW, PERMIT, OR CONDONE AN UNRULY SOCIAL GATHERING AT A  
8 RESIDENCE OR OTHER PRIVATE PROPERTY. A VIOLATION SHALL BE DEEMED A  
9 NUISANCE UNDER THIS TITLE.

10 (1) A VIOLATION OF THIS SUBSECTION IS A CIVIL OFFENSE AND IS A  
11 SEPARATE OFFENSE FROM ANY OTHER VIOLATIONS OR OFFENSES APPLICABLE TO  
12 CONSUMPTION OF ALCOHOL BY A MINOR.

13 (2) THIS SECTION DOES NOT APPLY TO FAMILY GATHERINGS OR  
14 LEGALLY PROTECTED RELIGIOUS ACTIVITIES.

15 § 13-7-113. Issuance of Notice.

16 (a) *Authority.* Except as provided in § 13-1-103 of this article, if the County Health Officer  
17 or the Director of Environmental Protection and Sustainability or either of their designated  
18 representatives has determined that an owner is violating § 13-7-112(A) of this Part II of this subtitle,  
19 the Director or the Director's official representative shall serve a written notice on the owner.

20 (b) *Contents of the notice.* The notice served under this section shall:



1 (1) Describe the nuisance in question; and

2 (2) Require the owner to:

3 (i) Begin abatement of the nuisance within 5 days after service of the notice;

4 and

5 (ii) Complete the abatement within a certain time frame.

6 (C) Method of service.

7 (1) Service of the written notice provided in this section may be by regular mail or  
8 by a designated representative of the Director or Department.

9 (2) If the owner cannot be located, it shall be sufficient to post the notice on the lot  
10 or land.

11 (3) Notice is presumed to have been given when placed in the United States mail,  
12 delivered to an owner by a designated representative of the Department of Health or the Department  
13 of Environmental Protection and Sustainability, or posted on the lot or land as provided in paragraph  
14 (2) of this subsection.

15 § 13-7-113.1. ISSUANCE OF CITATION FOR UNRULY SOCIAL GATHERING.

16 (A) IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL PENALTIES, IF A POLICE  
17 OFFICER WHO RESPONDS TO A RESIDENCE OR OTHER PRIVATE PROPERTY WITHIN  
18 THE COUNTY DETERMINES THAT AN UNRULY SOCIAL GATHERING EXISTS IN  
19 VIOLATION OF SECTION 13-7-112(B) OF THIS TITLE, THE OFFICER MAY ISSUE A CIVIL  
20 CITATION FOR THE VIOLATION TO ALL IDENTIFIED RESPONSIBLE PERSONS.

21 (B) IF A CITATION IS ISSUED ACCORDING TO SUBSECTION (A), THE POLICE

1 OFFICER, WITHIN 30 DAYS OF THE ISSUANCE OF THE CITATION TO THE RESPONSIBLE  
2 PERSONS, SHALL SERVE A CIVIL CITATION ON THE OWNER OF THE RESIDENCE OR  
3 OTHER PRIVATE PROPERTY. THE OFFICER SHALL ALSO SERVE A COPY OF THE CIVIL  
4 CITATION ON THE PROPERTY MANAGER OF THE OWNER OF THE RESIDENCE OR  
5 OTHER PRIVATE PROPERTY, IF APPLICABLE, IF THE PROPERTY MANAGER HAS  
6 PROVIDED CONTACT INFORMATION TO THE COUNTY. SERVICE SHALL BE  
7 ACCORDING TO THE PROVISIONS OF SECTION 13-7-113(C) OF THIS TITLE.

8 § 13-7-114. HEARING.

9 (a) *Authority to request.* Within 5 days after receiving a notice under this Part II of this  
10 subtitle FOR A VIOLATION OF SECTION 13-7-112(A), an owner served with notice may request  
11 a hearing before the Director.

12 (b) *Contents of the request.* A request for a hearing shall be made in writing to the Director  
13 and shall state with particularity an explanation for the nuisance or defenses the owner intends to  
14 raise.

15 § 13-7-115. COUNTY MAY ABATE.

16 (a) *Authority.* If the owner fails to abate a nuisance UNDER SECTION 13-7-112(A) OF THIS  
17 TITLE within the time frame required in the notice to abate, the county may remove the nuisance  
18 or the cause of the nuisance at the expense of the owner.

19 (b) *Cost added to tax bill.* If the county removes the nuisance or the cause of the nuisance as  
20 provided in subsection (a) of this section, the county shall add the cost of removal to the current

1 taxes due on the land or lot or on an improvement to the lot.

2 § 13-7-116. CIVIL PENALTY.

3 (A) In addition to the costs of removal, after reasonable notice, an owner who fails to abate  
4 a nuisance UNDER SECTION 13-7-112(A) OF THIS TITLE is liable for a civil penalty not  
5 exceeding \$1,000.

6 (B) (1) IN ADDITION TO ANY OTHER APPLICABLE CIVIL OR CRIMINAL  
7 PENALTIES, A PERSON WHO VIOLATES SECTION 13-7-112(B) OF THIS TITLE IS  
8 SUBJECT TO THE FOLLOWING CIVIL PENALTIES FOR VIOLATIONS THAT OCCUR  
9 WITHIN A PERIOD OF 24 MONTHS FROM THE DATE OF THE FIRST VIOLATION:

10 (I) FOR THE FIRST VIOLATION:

11 A. A CIVIL PENALTY OF \$100 AND 20 HOURS OF COMMUNITY  
12 SERVICE FOR THE RESPONSIBLE PERSONS; AND

13 B. A WARNING NOTICE TO THE OWNER OF THE RESIDENCE OR  
14 OTHER PRIVATE PROPERTY AND THE MANAGEMENT COMPANY, IF APPLICABLE.

15 (II) FOR THE SECOND VIOLATION:

16 A. A CIVIL PENALTY OF \$250 AND 32 HOURS OF COMMUNITY  
17 SERVICE FOR THE RESPONSIBLE PERSONS; AND

18 B. A CIVIL PENALTY OF \$500 FOR THE OWNER OF THE RESIDENCE  
19 OR OTHER PRIVATE PROPERTY AND THE MANAGEMENT COMPANY, IF APPLICABLE.

20 (III) FOR A THIRD VIOLATION:

21 A. A CIVIL PENALTY OF \$500 AND 48 HOURS OF COMMUNITY

1 SERVICE FOR THE RESPONSIBLE PERSONS; AND

2 B. A CIVIL PENALTY OF \$1,000 FOR THE OWNER OF THE  
3 RESIDENCE OR OTHER PRIVATE PROPERTY AND THE MANAGEMENT COMPANY, IF  
4 APPLICABLE.

5 (IV) FOR A FOURTH VIOLATION:

6 A. A CIVIL PENALTY OF \$750 AND 50 HOURS OF COMMUNITY  
7 SERVICE FOR THE RESPONSIBLE PERSONS; AND

8 B. A CIVIL PENALTY OF \$1,000 AND SUSPENSION OR REVOCATION  
9 OF THE RENTAL LICENSE FOR THE OWNER OF THE RESIDENCE OR OTHER PRIVATE  
10 PROPERTY AND THE MANAGEMENT COMPANY, IF APPLICABLE.

11 (V) FOR A FIFTH OR SUBSEQUENT VIOLATION:

12 A. A CIVIL PENALTY OF \$1,000 AND 100 HOURS OF COMMUNITY  
13 SERVICE FOR THE RESPONSIBLE PERSONS; AND

14 B. A CIVIL PENALTY OF \$1,000 AND REVOCATION OF THE RENTAL  
15 LICENSE FOR THE OWNER OF THE RESIDENCE OR OTHER PRIVATE PROPERTY AND  
16 THE MANAGEMENT COMPANY, IF APPLICABLE.

17 (2) IF THE OWNER AND THE MANAGEMENT COMPANY, IF APPLICABLE, FAILS  
18 TO PAY THE CIVIL PENALTIES IMPOSED ACCORDING TO THIS SUBSECTION, THE  
19 AMOUNTS DUE SHALL BE ADDED TO THE CURRENT TAXES DUE ON THE PROPERTY  
20 AND CONSTITUTE A LIEN ON THE PROPERTY.

1 § 13-7-117. ENFORCEMENT.

2 (A) The Director of Environmental Protection and Sustainability may enforce the provisions  
3 of SECTION 13-7-112(A) OF this Part II of this subtitle in accordance with Article 3, Title 6 of the  
4 Code.

5 (B) THE CHIEF OF POLICE MAY ENFORCE THE PROVISIONS OF SECTION 13-7-  
6 112(B) OF THIS PART II OF THIS SUBTITLE IN ACCORDANCE WITH ARTICLE 3, TITLE  
7 2, SUBTITLE 13 OF THE CODE.

8 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five  
9 (45) days after its enactment.

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