

CITY OF BALTIMORE  
ORDINANCE **23 · 218**  
Council Bill 22-0204

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Introduced by: President Mosby, Middleton  
Introduced and read first time: March 21, 2022  
Assigned to: Economic and Community Development Committee  
Committee Report: Favorable, with amendments  
Council action: Adopted  
Read second time: March 13, 2023

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AN ORDINANCE CONCERNING

Vacant Structures – 3-1-1 Complaint Fines

~~FOR the purpose of establishing a fee structure for repeated substantiated 3-1-1 service requests;  
providing for a special effective date; and generally relating to fining the owner of a vacant  
structure for repeated service requests.~~

~~BY adding~~

~~Article 13 - Housing and Urban Development  
Section(s) 4A-1 through 4A-4 to be under the new subtitle designation,  
“Subtitle 4A. Service Request Fines”  
Baltimore City Code  
(Edition 2000)~~

~~SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the  
Laws of Baltimore City read as follows:~~

~~Baltimore City Code~~

~~Article 13. Housings and Urban Development~~

~~SUBTITLE 4A. SERVICE REQUEST FINES~~

~~§ 4A-1. Definitions:~~

~~(A) IN GENERAL:~~

~~IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED:~~

~~(B) CODE ENFORCEMENT OFFICER:~~

~~“CODE ENFORCEMENT OFFICER” MEANS:~~

~~(1) A BALTIMORE CITY POLICE OFFICER;~~

EXPLANATION: CAPITALS indicate matter added to existing law.  
[ Brackets ] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike-out~~ indicates matter stricken from the bill by  
amendment or deleted from existing law by amendment.

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~~(2) A SPECIAL ENFORCEMENT OFFICER APPOINTED UNDER CITY CODE ARTICLE 19,  
SUBTITLE 17 {"SPECIAL ENFORCEMENT OFFICERS"}; OR~~

~~(3) ANY CITY EMPLOYEE WHO:~~

~~(I) IS IN A POSITION OF TRUST, AS DEFINED BY THE BALTIMORE CITY  
ADMINISTRATIVE MANUAL AM 20-4 {"POSITIONS OF TRUST"}; AND~~

~~(II) HAS BEEN AUTHORIZED BY THE HEAD OF THE EMPLOYEE'S AGENCY TO  
ISSUE ENVIRONMENTAL CITATIONS.~~

~~(C) DIRECTOR.~~

~~"DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE ENVIRONMENTAL CONTROL  
BOARD OF BALTIMORE CITY.~~

~~(D) SERVICE REQUEST.~~

~~"SERVICE REQUEST" MEANS A COMPLAINT SUBMITTED TO BALTIMORE CITY'S 3-1-1  
SYSTEM ABOUT THE CONDITION OR STATE OF A PROPERTY.~~

~~(E) SUBSTANTIATED SERVICE REQUEST.~~

~~"SUBSTANTIATED SERVICE REQUEST" MEANS A SERVICE REQUEST THAT A CITY AGENCY  
HAS INVESTIGATED AND DETERMINED TO BE A VALID COMPLAINT.~~

~~(F) VACANT STRUCTURE.~~

~~(1) IN GENERAL.~~

~~"VACANT STRUCTURE" MEANS ANY STRUCTURE THAT IS SUBJECT TO AN UNABATED  
VIOLATION NOTICE ISSUED UNDER § 116 {"UNSAFE STRUCTURES"} OF THE  
BALTIMORE CITY BUILDING CODE.~~

~~(2) EXCLUSIONS.~~

~~"VACANT STRUCTURE" DOES NOT INCLUDE AN ACCESSORY STRUCTURE THAT IS NOT  
INTENDED FOR OCCUPANCY, SUCH AS A:~~

~~(I) GARAGE;~~

~~(II) SHED; OR~~

~~(III) STORAGE BUILDING.~~



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### ~~§ 4A-2. FEE SCHEDULE.~~

~~AFTER A CITY AGENCY RESPONDS TO A SUBSTANTIATED SERVICE REQUEST AT A VACANT STRUCTURE FOR THE 2<sup>ND</sup> TIME IN A 12-MONTH PERIOD, A FEE SHALL BE IMPOSED AND AN INVOICE SHALL BE SENT TO THE OWNER OF THE STRUCTURE FOR EACH SERVICE REQUEST RESPONSE, BASED UPON THE FOLLOWING FEE SCHEDULE:~~

| SERVICE REQUEST RESPONSE | FEES    |
|--------------------------|---------|
| 1 <sup>ST</sup>          | =       |
| 2 <sup>ND</sup>          | \$100   |
| 3 <sup>RD</sup>          | \$200   |
| 4 <sup>TH</sup>          | \$300   |
| 5 <sup>TH</sup>          | \$500   |
| 6 <sup>TH</sup>          | \$750   |
| 7 <sup>TH</sup>          | \$1,000 |
| 8 <sup>TH</sup>          | \$1,500 |
| 9 <sup>TH</sup>          | \$2000  |
| 10 <sup>TH</sup>         | \$2,500 |

### ~~§ 4A-3. LATE FEE.~~

~~THE DIRECTOR MAY ASSESS A LATE FEE OF UP TO \$50 FOR ANY UNPAID FEE CHARGED UNDER THIS SUBTITLE AND SEND AN INVOICE TO THE OWNER OF THE STRUCTURE:~~

~~(1) 30 DAYS OR MORE AFTER THE ISSUANCE OF THE INVOICE DESCRIBED IN § 4A-2 OF THIS SUBTITLE THAT THE FEE HAS BEEN IMPOSED; OR~~

~~(2) IF A TIMELY APPEAL HAS BEEN MADE, 30 DAYS OR MORE AFTER THE FINAL DECISION IN THAT APPEAL.~~

### ~~§ 4A-4. PENALTY.~~

~~IF THE FEE OR LATE FEE ASSESSED UNDER THIS SUBTITLE IS NOT PAID WITHIN 10 BUSINESS DAYS OF THE ISSUANCE OF THE INVOICE DESCRIBED IN § 4A-3 OF THIS SUBTITLE, THE DIRECTOR MAY REVOKE THE VACANT STRUCTURE'S REGISTRATION UNDER SUBTITLE 4 {"REGISTRATION OF NON-OWNER OCCUPIED DWELLINGS, ROOMING HOUSES, AND VACANT STRUCTURES"}.~~

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**§ 4A-4. EXEMPTIONS.**

~~A VACANT STRUCTURE IS EXEMPT FROM THE FEES ESTABLISHED UNDER THIS SUBTITLE IF THE VACANT STRUCTURE IS OWNED BY A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.~~

FOR the purpose of adding certain fines for vacant buildings that are unsecured, have high grass and weeds, have roof damage, or have received a subsequent citation in the previous 12 months; and generally relating to fining the owner of a vacant structure for specified violations of the Building, Fire, and Related Codes.

BY amending

Article - Building, Fire, and Related Codes  
Section 2-103 (IBC § 116.4.3)  
Baltimore City Code  
(Edition 2000)

BY adding

Article - Building, Fire, and Related Codes  
Section 2-103 (IBC § 123.8.4)  
Baltimore City Code  
(Edition 2000)

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies  
Section 40-14(e)(5c)  
Baltimore City Code  
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article - Building, Fire, and Related Codes

Part II. International Building Code

§ 2-103. City Modifications.

The additions, deletions, amendments, and other modifications adopted by the City are as follows:

Chapter 1

Scope and Administration

116.4.3 Required safeguarding. Every vacant structure must be cleaned, closed, and safeguarded as follows:



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1. Before the structure is closed and secured, all litter, trash, and other debris must be removed from the premises.
2. All windows, doors, and other openings must be closed, securely locked, and, if readily accessible, boarded up with substantial material, including masonry, approved by the Building Official. The Building Official may require windows facing streets to be boarded with lexan, vinyl, or similar material, protected by security grills, or both.
3. As long as the structure remains unrehabilitated:
  - a. it must be kept boarded,
  - b. the premises must be conspicuously posted against trespass, [and]
  - c. the premises must be kept free of occupants, litter, trash, debris, high grass, and weeds at all times[.], and
  - d. THE STRUCTURE'S ROOF AND FLASHING MUST BE SOUND, TIGHT, AND WITHOUT DEFECTS THAT ADMIT RAIN.
4. Boarding, posting, and cleaning, however, do not relieve the owner of responsibility to demolish or to repair and maintain the property in conformity with this Code.
5. The Building Official may post a sign to inform the public that the structure is a vacant structure and to provide additional information about the structure's status.
6. The structure may not be reoccupied until the Building Official has issued an occupancy permit.

**123.8.4 SUBSEQUENT CITATION - UNSAFE STRUCTURE.** IF THE OWNER OF A STRUCTURE SUBJECT TO A VIOLATION NOTICE ISSUED UNDER § 116 {"UNSAFE STRUCTURES"} OF THIS CODE FAILS TO ABATE A CITATION AND IS ISSUED A SUBSEQUENT CITATION FOR THE SAME CAUSE WITHIN 12 MONTHS OF THE FIRST CITATION, THE BUILDING OFFICIAL MAY CHARGE AN ADDITIONAL FINE USING THE STRUCTURE DESCRIBED IN CITY CODE ARTICLE 1 § 40-14(E)(5C) {"VIOLATIONS TO WHICH THIS SUBTITLE APPLIES."}.

### **Article 1. Mayor, City Council, and Municipal Agencies**

#### **Subtitle 40. Environmental Control Board**

#### **§ 40-14. Violations to which this subtitle applies.**

*(e) Provisions and penalties enumerated.*

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**(5c) Building, Fire and Related Codes Article –**  
**Building Code**

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|                                                                  |                       |
|------------------------------------------------------------------|-----------------------|
| <b><u>§ 123.8. Failure to comply with notice or citation</u></b> |                       |
| <b><u>Unsafe structures {§ 116}</u></b>                          | <b><u>\$1,000</u></b> |
| <b><u>VACANT BUILDING UNSECURED {§ 116.3}</u></b>                | <b><u>\$1,000</u></b> |
| <b><u>VACANT BUILDING WITH HIGH GRASS AND WEEDS</u></b>          |                       |
| <b><u>{§ 116.4.3(3)(C)}</u></b>                                  | <b><u>\$1,000</u></b> |
| <b><u>VACANT BUILDING WITH ROOF DAMAGE</u></b>                   |                       |
| <b><u>{§ 116.4.3(3)(D)}</u></b>                                  | <b><u>\$1,000</u></b> |
| <b><u>Condemnation proceedings {§ 120}</u></b>                   | <b><u>\$500</u></b>   |
| <b><u>All other notices (excluding citations)</u></b>            | <b><u>\$250</u></b>   |
| <b><u>SUBSEQUENT CITATION - UNSAFE STRUCTURE -</u></b>           |                       |
| <b><u>ADDITIONAL FINE - SUBSEQUENT OFFENSE WITHIN</u></b>        |                       |
| <b><u>12 MONTHS {§ 123.8.4}</u></b>                              | <b><u>\$1,000</u></b> |

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**SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 90<sup>th</sup> day after the date it is enacted.



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Certified as duly passed this 27 day of March, 2022

  
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President, Baltimore City Council

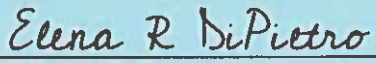
Certified as duly delivered to His Honor, the Mayor,  
this 27 day of March, 2022

  
\_\_\_\_\_  
Chief Clerk

Approved this 6th day of April, 2023

  
\_\_\_\_\_  
Mayor, Baltimore City

Approved for Form and Legal Sufficiency  
This 29th day of March, 2023.

  
\_\_\_\_\_  
Chief Solicitor