

**CITY OF BALTIMORE
COUNCIL BILL 06-0383
(First Reader)**

Introduced by: Councilmembers Clarke, D’Adamo, Mitchell, Harris, Young, Curran, Kraft

Introduced and read first time: April 4, 2006

Assigned to: Public Safety Subcommittee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Nuisance Abatement – Community or Neighborhood Associations**

3 FOR the purpose of authorizing the Commissioner of Health to designate community or
4 neighborhood associations to remove or abate certain nuisances; providing that the costs and
5 expenses incurred by an association are a lien on the property for which the nuisance was
6 removed or abated; modifying the definition of “nuisance” to encompass expressly certain
7 sanitary maintenance requirements of the Property Maintenance Code; correcting, clarifying,
8 and conforming certain language; and generally relating to the removal or abatement of
9 nuisances.

10 BY repealing and reordaining, with amendments

11 Article - Health

12 Section(s) 5-101(b), 5-102, 5-203, 5-205, and 5-206

13 Baltimore City Revised Code

14 (Edition 2000)

15 BY renumbering

16 Article - Health

17 Section(s) 5-303

18 to be

19 Section(s) 5-103

20 Baltimore City Revised Code

21 (Edition 2000)

22 BY repealing and reordaining, without amendments

23 Article - Health

24 Section(s) 5-202

25 Baltimore City Revised Code

26 (Edition 2000)

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

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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Baltimore City Revised Code

Article – Health

Title 5. Nuisance Control

Subtitle 1. Definitions; General Provisions

§ 5-101. Definitions.

(b) *Nuisance.*

“Nuisance” includes any of the following, whether or not otherwise regulated by federal, state, or local law:

- (1) garbage, rubbish, or other waste, as these terms are defined in Title 7 {“Waste Control”} of this article OR IN THE CITY PROPERTY MAINTENANCE CODE;
- (2) vermin infestations or other unsanitary conditions;
- (3) water or other liquid leaks or spills;
- (4) ANY VIOLATION OF CITY PROPERTY MAINTENANCE CODE § 304 {“EXTERIOR SANITARY MAINTENANCE – GENERAL”} OR § 305 {“EXTERIOR SANITARY MAINTENANCE – TRASH, GARBAGE, AND DEBRIS”}; or
- (5) [(4)] any other health or safety hazard.

§ 5-102. Commissioner’s duties – GENERAL.

The Commissioner of Health is responsible for:

- (1) inspecting all property in the City, as the Commissioner considers necessary or appropriate to discover nuisances; and
- (2) requiring the removal of all nuisances so discovered.

§ 5-103. [§ 5-303.] COMMISSIONER’S DUTIES – Enforcement of Maintenance Code.

The Commissioner may:

- (1) enforce all provisions of the City Property Maintenance Code; and
- (2) issue violation notices and orders under that Code to:
 - (i) abate, remove, or otherwise deal with nuisances and emergencies affecting the public health; and
 - (ii) maintain and augment public health programs, such as rodent control, lead paint poisoning prevention, environmental sanitation, and housing hygiene.

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Subtitle 2. Nuisance Abatement – Generally

§ 5-202. Notice to persons in charge.

Whenever the Commissioner of Health discovers a condition that the Commissioner considers to be a nuisance or potential nuisance, the Commissioner may issue a written notice to one or more of the following persons or their respective agents:

- (1) the person in charge of the property on which the condition exists;
- (2) the person in charge of the property from which the condition originates; and
- (3) the person in charge of any property that fronts on the street in which the condition exists.

§ 5-203. Contents of notice.

A notice issued under this subtitle must:

- (1) identify the property and the condition;
- (2) specify the law being violated;
- (3) specify the corrective action to be taken;
- (4) state the time within which that action must be taken; and
- (5) state that, if corrective action is not timely taken:
 - (i) the Commissioner may [do] CAUSE the needed work TO BE DONE; and
 - (ii) all costs and expenses will be a lien on the property.

§ 5-205. Abatement by Commissioner.

If the condition is not corrected within the time specified in the notice, the Commissioner may:

- (1) proceed to remove or abate the condition at the expense of the person in charge of the property; OR
- (2) DESIGNATE A COMMUNITY OR NEIGHBORHOOD ASSOCIATION TO REMOVE OR ABATE THE CONDITION AT THE EXPENSE OF THE PERSON IN CHARGE OF THE PROPERTY.

§ 5-206. Costs and expenses.

(a) *Person in charge liable.*

The person in charge is liable [to the City] for all costs and expenses incurred BY THE CITY OR DESIGNATED ASSOCIATION in:

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- 1 (1) removing or abating the condition identified in the notice; and
- 2 (2) posting or publishing notice under § 5-204 {"Service of notice"} of this subtitle.

3 (b) *Costs and expenses as lien.*

4 Until paid in full, these costs and expenses are a lien on the entire property from OR FOR
5 which the condition was removed or abated.

6 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
7 are not law and may not be considered to have been enacted as a part of this or any prior
8 Ordinance.

9 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
10 after the date it is enacted.