

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 07-640

Introduced by: The Council President
At the request of: The Administration (Department of Housing and Community Development)
Introduced and read first time: April 16, 2007
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: April 30, 2007

AN ORDINANCE CONCERNING

Sanitary Maintenance – Responsibility

FOR the purpose of specifying certain situations in which owners are ~~primarily~~ responsible for exterior sanitary maintenance; generally relating to the allocation of responsibility for sanitary maintenance between tenants and owners; and providing for a special effective date.

BY repealing and reordaining, with amendments
Article - Building, Fire, and Related Codes
Section(s) 2-103 (IBC § 113.21.2) and 7-102 (IPMC § 307.2)
Baltimore City Revised 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 Revised 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:

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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Chapter 1. Administration

Section 113 Violations

113.21.2 Secondary liability LIABILITY for sanitary maintenance.

A. SECONDARY LIABILITY. If, after a notice, order, or citation, a tenant fails to correct a violation of Property Maintenance Code § 304 {"Exterior sanitary maintenance – General"} or § 305 {"Exterior sanitary maintenance – Trash, garbage, and debris"} for which occupants are responsible under Property Maintenance Code § 307 {"Occupant’s sanitary responsibilities"}, the owner and operator of the property are secondarily liable.

B. LIABILITY – FAILURE TO REGISTER PROPERTY. ~~113.21.2.1 EXCEPTIONS – RESIDENTIAL PROPERTY REGISTRATION.~~ THE OWNER OF A PROPERTY IS ~~PRIMARY~~ RESPONSIBLE FOR EXTERIOR SANITARY MAINTENANCE IF:

1. THE OWNER FAILS TO REGISTER OR LICENSE THE PROPERTY AS REQUIRED BY CITY CODE ARTICLE 13, SUBTITLE 4 {"NON-OWNER-OCCUPIED DWELLINGS"} OR SUBTITLE 5 {"LICENSING OF MULTI-FAMILY DWELLINGS"}, OR

2. REASONABLE ATTEMPTS AT TELEPHONE CONTACT, USING INFORMATION IN A CURRENT REGISTRATION STATEMENT, DO NOT LEAD WITHIN 2 BUSINESS DAYS TO CURRENT OCCUPANT INFORMATION.

C. LIABILITY – THIRD ENVIRONMENTAL CITATION. ~~113.21.2.2 EXCEPTIONS – THIRD ENVIRONMENTAL CITATION.~~ THE OWNER OF A PROPERTY IS RESPONSIBLE FOR EXTERIOR SANITARY MAINTENANCE IF: ~~WITHIN A 12-MONTH PERIOD~~ (1) WITHIN THE PREVIOUS 12 MONTHS, TWO OR MORE ENVIRONMENTAL CITATIONS WERE ISSUED UNDER CITY CODE ARTICLE 1, SUBTITLE 40, FOR VIOLATIONS OF THIS CODE THAT WERE THE ~~PRIMARY~~ RESPONSIBILITY OF AN OCCUPANT OF THE PROPERTY UNDER PROPERTY MAINTENANCE CODE § 307 {"OCCUPANTS’ SANITARY RESPONSIBILITIES"}; ~~AND AN OCCUPANT CREATES OR ALLOWS A CONDITION TO EXIST IN VIOLATION OF THIS CODE. NOTIFICATION~~ (2) NOTIFICATION OF EACH VIOLATION AND CITATION MUST BE HAS BEEN SENT TO THE OWNER BY REGULAR MAIL.

~~113.21.2.3 [113.21.2.1] Notice to owner, operator.~~ Before an owner or operator may be charged under this § 113.21.2, he or she must be served with A violation notice under § 123.4.

113.21.2.1 NOTICE TO OWNER, OPERATOR. BEFORE AN OWNER OR OPERATOR MAY BE CHARGED UNDER § 113.21.2A {"SECONDARY LIABILITY"}, HE OR SHE MUST BE SERVED WITH A VIOLATION NOTICE UNDER § 123.4. A VIOLATION NOTICE UNDER § 123.4 IS NOT NECESSARY TO CHARGE AN OWNER UNDER §§ 113.21.2B {"LIABILITY – FAILURE TO REGISTER PROPERTY"} OR 113.21.2C {"LIABILITY – THIRD ENVIRONMENTAL CITATION"}.

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~~113.21.2.5~~ [113.21.2.2] **Recovery of expenses.** If an owner or operator incurs expenses in correcting the violation, the owner or operator:

- (a) may recover those expenses from the tenant as rent, and
- (b) has all the rights and remedies available under the law for nonpayment.

Part VII. International Property Maintenance Code

§ 7-102. City modifications.

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

Chapter 3. General Requirements

Section 307 Occupants’ sanitary responsibilities.

307.2 Exteriors. An occupant of a single-unit building and an occupant of a unit with exclusive use of an exterior property area must maintain the exterior areas, including abutting sidewalks, gutters, and alleys, in compliance with §§ 304 and 305 of this Chapter.

307.2.1 EXCEPTION – RESIDENTIAL PROPERTY REGISTRATION. THE OWNER OF A PROPERTY IS RESPONSIBLE FOR EXTERIOR SANITARY MAINTENANCE UNDER ANY OF THE CIRCUMSTANCES DESCRIBED IN BUILDING CODE ~~§ 113.21.2 {“RESIDENTIAL PROPERTY REGISTRATION”}~~ § 113.21.2B {“LIABILITY – FAILURE TO REGISTER PROPERTY”}.

307.2.2 EXCEPTION – THIRD ENVIRONMENTAL CITATION. THE OWNER OF A PROPERTY IS RESPONSIBLE FOR EXTERIOR SANITARY MAINTENANCE UNDER THE CIRCUMSTANCES DESCRIBED IN BUILDING CODE ~~§ 113.21.3 {“THIRD ENVIRONMENTAL CITATION”}~~ § 113.21.2C {“LIABILITY – THIRD ENVIRONMENTAL CITATION”}.

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

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City