

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

April 8, 2009

The Honorable President and Members
of the Baltimore City Council
Attn: Karen Randle, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 09-0309 – Building, Fire and Related Codes –
Enforcement


Dear Madame President and City Council Members:

The Law Department has reviewed City Council Bill 09-0309 for form and legal sufficiency. The bill would authorize the issuance of prepayable citations to enforce certain violations of the Building, Fire and Related Codes Article; revise the manner in which a stop-work order is to be issued; require the removal of trash and debris from construction sites and abutting sidewalks, gutters, and alleys and make the registered owner of a vehicle responsible for certain parking, keeping and storing violations.

Generally speaking, Article II, section 48 of the City Charter gives the City the authority to provide for civil fines and penalties for the violation of any ordinance. The Environmental Control Board has jurisdiction to issue environmental citations for certain sanitation and safety provisions of law listed in section 40-14 of Article I of the City Code. *See* City Code, Article I § 40-5. Therefore, the issuance of environmental citations for violations of building, safety and sanitation laws is both authorized and appropriate.

The regulation of stop-work orders, the removal of trash from construction sites, and holding the registered owner of a vehicle responsible for certain sanitary code provisions regarding inoperative, unregistered or disassembled vehicles, is authorized by Article II, section 47 and Article III, section 11 of the City Charter, which give the Mayor and City Council the authority to pass any ordinance that it deems proper in maintaining the peace, good government, health and welfare of Baltimore City.

Accordingly, the Law Department approves Council Bill 09-0309 for form and legal sufficiency.

Sincerely,

Ashlea H. Brown
Special Assistant Solicitor



cc: The Honorable Stephanie Rawlings-Blake
George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Deepa Bhattacharyya, Assistant Solicitor
Hilary Ruley, Assistant Solicitor
Avery Aisenstark, Legislative Reference