

**CITY OF BALTIMORE
COUNCIL BILL 10-0618
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Housing and Community Development)
Introduced and read first time: November 8, 2010
Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Department of Housing and Community Development, Environmental Control Board, Department of Finance, Mayor's Office of Criminal Justice

A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**Neighborhood Nuisances – Enforcement by Citation**

3 FOR the purpose of authorizing the issuance of citations for certain nuisances; defining certain
4 terms; prohibiting certain conduct; imposing certain penalties; providing for a special
5 effective date; and generally relating to neighborhood nuisances.

6 BY renaming

7 Article 19 - Police Ordinances
8 Subtitle 43A. Neighborhood Nuisances
9 to be
10 Subtitle 43A. Neighborhood Nuisances - Abatement
11 Baltimore City Code
12 (Edition 2000)

13 BY adding

14 Article 19 - Police Ordinances
15 Section(s) 43B-1 to 43B-7, to be under the new subtitle,
16 "Subtitle 43B. Neighborhood Nuisances - Citations"
17 Baltimore City Code
18 (Edition 2000)

19 BY adding

20 Article 1 - Mayor, City Council, and Municipal Agencies
21 Section(s) 40-14(e)(3)(§ 43B-1)
22 Baltimore City Code
23 (Edition 2000)

24 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That**
25 **Article 19, Police Ordinances, Subtitle 43A, Neighborhood Nuisances, is renamed to be Article**
26 **19, Police Ordinances, Subtitle 43A, Neighborhood Nuisances – Abatement.**

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

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1 (F) *PERSON*.

2 “PERSON” MEANS:

3 (1) AN INDIVIDUAL;

4 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
5 KIND; AND

6 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR
7 REPRESENTATIVE OF ANY KIND.

8 (G) *PREMISES*.

9 “PREMISES” MEANS ALL OR ANY PART OF ANY LAND, BUILDING, OR OTHER STRUCTURE.

10 (H) *TENANT*.

11 “TENANT” MEANS A ANY TENANT OR LESSEE, WHETHER UNDER A WRITTEN OR ORAL
12 LEASE.

13 **§ 43B-2. PROHIBITED CONDUCT.**

14 (A) *IN GENERAL*.

15 NO OWNER, OPERATOR, TENANT, OR OCCUPANT OF ANY PREMISES MAY CAUSE OR PERMIT
16 A NEIGHBORHOOD NUISANCE ON OR IN ANY PREMISES THAT THE PERSON OWNS, OPERATES,
17 LEASES, OR OCCUPIES.

18 (B) *POLICE REPORT AS PRIMA FACIE EVIDENCE*.

19 A POLICE REPORT, WRITTEN IN THE REGULAR COURSE OF BUSINESS, OF A PREMISES
20 HAVING BEEN USED FOR ACTIVITIES DESCRIBED IN § 43B-1(B) {“DEFINITIONS:
21 NEIGHBORHOOD NUISANCE”} OF THIS SUBTITLE IS PRIMA FACIE EVIDENCE THAT THE
22 PREMISES ARE A NEIGHBORHOOD NUISANCE.

23 **§§ 43B-3 TO 43B-5. {RESERVED}**

24 **§ 43B-6. ENFORCEMENT BY CITATION.**

25 (A) *IN GENERAL*.

26 IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,
27 THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF AN ENVIRONMENTAL CITATION AS
28 AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 40 {“ENVIRONMENTAL CONTROL
29 BOARD”}.

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1 (B) *PROCESS NOT EXCLUSIVE.*

2 THE ISSUANCE OF AN ENVIRONMENTAL CITATION TO ENFORCE THIS SUBTITLE DOES NOT
3 PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION
4 AUTHORIZED BY LAW.

5 (C) *APPLICABLE STANDARDS.*

6 AN ENVIRONMENTAL CITATION MAY BE USED UNDER THIS SUBTITLE WITHOUT PROOF
7 THAT THE OWNER, OPERATOR, TENANT, OR OCCUPANT KNEW OF THE EXISTENCE OF THE
8 NEIGHBORHOOD NUISANCE.

9 **§ 43B-7. PENALTIES.**

10 ANY PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR
11 AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.

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

13 **Subtitle 40. Environmental Control Board**

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

15 (e) *Provisions and penalties enumerated.*

16 (3) *Article 19. Police Ordinances*

17

18 § 43B-2. NEIGHBORHOOD NUISANCES: PROHIBITED CONDUCT

19 1ST OFFENSE \$500

20 2ND OR SUBSEQUENT OFFENSE (WITHIN 12 MONTHS OF PREVIOUS OFFENSE) \$1,000

21

22 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
23 are not law and may not be considered to have been enacted as a part of this or any prior
24 Ordinance.

25 **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
26 is enacted.