

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 06-0345

Introduced by: Councilmembers Kraft, Reisinger, D'Adamo

Introduced and read first time: February 27, 2006

Assigned to: Taxation and Finance Committee

Committee Report: Favorable

Council action: Adopted

Read second time: October 30, 2006

AN ORDINANCE CONCERNING

Building Code – Penalties

FOR the purpose of increasing the criminal penalties for certain violations of the Building Code; conforming certain language; and generally relating to enforcement of the Building Code.

BY repealing and reordaining, with amendments

Article - Building, Fire, and Related Codes

Section(s) 2-103 (BC § 113.4)

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:

Chapter 1. Administration

Section 113 Violations

113.4 [Criminal penalties] VIOLATION A MISDEMEANOR. A person is guilty of a misdemeanor and, on conviction, subject to [a fine of not more than \$500 for each violation] THE PENALTIES SPECIFIED IN THIS § 113.4, if the person:

a. violates a provision of this Code,

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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1 b. fails to comply with any requirement of this Code or of a regulation, order, decision,
2 permit, or notice issued under this Code, or

3 c. constructs, alters, adds to, repairs, rehabilitates, demolishes, moves, locates, uses,
4 occupies, or maintains any structure, premises, land, or equipment in violation of an
5 approved plan or directive of the Building Official or of a permit or certificate issued
6 under this Code.

7 **113.4.1 Notice required.** Except as otherwise specifically authorized by law, criminal
8 proceedings may not be initiated unless the Building Official issues a notice of violation
9 and allows a reasonable time to correct the violation.

10 **113.4.2 Each day a separate offense.** Each day that a violation continues is a separate
11 offense. Proof that a violation exists on any date after issuance of a violation notice is
12 prima facie evidence that the violation has continued unabated throughout the intervening
13 period.

14 **113.4.3 PENALTIES.** THE PENALTY FOR EACH OFFENSE IS AS FOLLOWS:

15 A. FOR WORK DONE WITHOUT A PERMIT OR IN VIOLATION OF A STOP-WORK ORDER:

16 1. FOR A 1ST OFFENSE, A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT
17 FOR NOT MORE THAN 12 MONTHS OR BOTH FINE AND IMPRISONMENT; AND

18 2. FOR A 2ND OR SUBSEQUENT OFFENSE, A FINE OF NOT LESS THAN \$250 NOR
19 MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 12 MONTHS OR
20 BOTH FINE AND IMPRISONMENT; AND

21 B. FOR ALL OTHER VIOLATIONS, A FINE OF NOT MORE THAN \$500.

22 **SECTION 2. 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 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
26 after 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