

**CITY OF BALTIMORE
COUNCIL BILL 09-0416
(First Reader)**

Introduced by: Councilmembers Spector, Middleton, Branch, Clarke, Welch

Introduced and read first time: October 26, 2009

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Environmental Control Board, Health Department, Department of Public Works, Department of Housing and Community Development, Police Department, Fire Department, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Environmental and Civil Citations – Notice Requirements**

3 FOR the purpose of repealing certain “override” provisions that allow an environmental citation
4 or a civil citation to be issued without the notice otherwise required by the law establishing
5 the violation being cited; conforming related provisions; and generally relating to the use
6 of environmental and civil citations for various offenses.

7 BY repealing

8 Article 1 - Mayor, City Council, and Municipal Agencies

9 Section(s) 40-14(d) and 41-4(b)

10 Baltimore City Code

11 (Edition 2000)

12 BY repealing and reordaining, with amendments

13 Article - Building, Fire, and Related Codes

14 Section(s) 2-103 (IBC § 113.3.3)

15 Baltimore City Revised Code

16 (Edition 2000)

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

19 **Baltimore City Code**

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

21 **Subtitle 40. Environmental Control Board**

22 **§ 40-14. Violations to which subtitle applies.**

23 [(d) *Prior notice not required.*]

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

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1 Notwithstanding any other provision of the City Code to the contrary, notice need not be
2 given before issuance and enforcement of an environmental citation for any of the
3 provisions listed in subsection (e) of this section.]

4 **Subtitle 41. Civil Citations**

5 **§ 41-4. Authority to issue citation.**

6 [(b) *Prior notice not required.*

7 Notwithstanding any other provision of the City Code to the contrary, notice need not be
8 given before issuance and enforcement of a civil citation under this subtitle.]

9 **Baltimore City Revised Code**

10 **Article – Building, Fire, and Related Codes**

11 **Part II. International Building Code**

12 **§ 2-103. City modifications.**

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

15 **Chapter 1. Administration**

16 **Section 113 Violations**

17 **113.3.3 When prior notice not required.** A violation notice or order is not a prerequisite
18 to enforcement action in the following situations:

- 19 1. when seeking a temporary restraining order or injunction in an emergency,
- 20 2. when seeking equitable relief for a pattern or practice of noncompliance,
- 21 3. for work being done without a permit or in violation of a stop-work order,
- 22 4. for a violation that remains unabated after a prior prosecution for that violation,
- 23 5. for a prepayable criminal citation that is issued under City Code Article 19, Subtitle
24 71 {“Special Enforcement Officers”} and for which prior notice is waived under
25 Article 19, § 71-2, AND
- 26 6. [for an environmental citation that is issued under City Code Article 1, Subtitle 40
27 {“Environmental Control Board”}, and
- 28 7.] in any other case specifically authorized by this Code.

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

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