

**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

## **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.

By repealing

Article 1 - Mayor, City Council, and Municipal Agencies  
Section(s) 40-14(d) and 41-4(b)  
Baltimore City Code  
(Edition 2000)

By repealing and reordaining, with amendments

Article - Building, Fire, and Related Codes  
Section(s) 2-103 (IBC § 113.3.3)  
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 Code

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

## **Subtitle 40. Environmental Control Board**

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

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

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

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.

**Council Bill 09-0416**

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 30<sup>th</sup> day  
5 after the date it is enacted.