

**CITY OF BALTIMORE
COUNCIL BILL 08-0071
(First Reader)**

Introduced by: Councilmembers Clarke, Branch, Henry, Young, Welch, Middleton, Curran
Introduced and read first time: March 10, 2008

Assigned to: Judiciary and Legislative Investigations Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Environmental Citations – Default**

3 FOR the purpose of extending to one year the deadline by which a person can be considered in
4 default and subject to certain penalties; and generally relating to the administration of
5 environmental citations.

6 BY repealing and reordaining, with amendments

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

8 Section(s) 40-8

9 Baltimore City Code

10 (Edition 2000)

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

13 **Baltimore City Code**

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

15 **Subtitle 40. Environmental Control Board**

16 **§ 40-8. Default by person cited.**

17 (a) *Failure to respond constitutes admission of liability.*

18 Any person cited under an environmental citation is conclusively considered to have
19 admitted liability for the violation cited and responsibility for abating the violation if,
20 within [the time allowed by the rules of the Board] 1 YEAR OF THE CITATION, the person:

21 (1) neither pays the prescribed prepayable fine nor requests a hearing on the
22 violation; or

23 (2) having requested a hearing, fails to appear on a designated hearing date.

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

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1 (b) *Board order; default penalty.*

2 Under either of the circumstances described in subsection (a) of this section, the Board
3 may:

4 (1) render a default decision and order against the person cited; and

5 (2) impose a civil penalty that, based on relevant standards to be set by Board
6 regulation (e.g., nature and severity of underlying violation, history of past
7 violations, mitigating or aggravating circumstances), is:

8 (i) no less than the amount of the prepayable fine specified for the violation
9 in question; and

10 (ii) no more than the lesser of:

11 (A) \$1,000; or

12 (B) 3 times the prepayable fine specified for the violation in
13 question.

14 (c) *Notice of default order.*

15 Before an order based on a default becomes final, the Board must notify the respondent,
16 by first-class mail, of:

17 (1) the default decision and order;

18 (2) the amount of all penalties imposed; and

19 (3) the right of the respondent, within 30 days of the notice, to avoid a final judgment
20 and collection proceedings by requesting a stay of default for good cause shown
21 and a hearing on the request.

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.