

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 18-0196

Introduced by: The Council President
At the request of: The Administration (Environmental Control Board)
Introduced and read first time: March 12, 2018
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable
Council action: Adopted
Read second time: May 14, 2018

AN ORDINANCE CONCERNING

Environmental Citations – Default Penalty

FOR the purpose of modifying the procedures for and maximum amounts of the default penalty imposed under an environmental citation on a person cited who neither pays the citation's prescribed prepayable fine nor requests a hearing on the violation cited or who, having requested a hearing, fails to appear at the designated hearing; correcting, clarifying, and conforming related language; and generally related to the enforcement of environmental citations.

BY repealing and reordaining, with amendments
Article 1 - Mayor, City Council, and Municipal Agencies
Section 40-8
Baltimore City 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

§ 40-8. Default by person cited.

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

Any person cited under an environmental citation is conclusively considered to have admitted liability for the violation cited and responsibility for abating the violation if, within the time allowed by the rules of the Board, the person:

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

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

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

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

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

8 (2) impose [a] AN AGGREGATE civil penalty that[, based on relevant standards to be
9 set by Board regulation (e.g., nature and severity of underlying violation, history
10 of past violations, mitigating or aggravating circumstances),] is EQUAL TO:

11 [(i) no less than the amount of the prepayable fine specified for the
12 violation in question; and]

13 [(ii) no more than the lesser of:

14 (A) \$1,000; or

15 (B) 3 times the prepayable fine specified for the
16 violation in question.]

17 (I) THE AMOUNT OF THE PREPAYABLE FINE PRESCRIBED FOR THE VIOLATION;
18 PLUS

19 (II) AN ADDITIONAL, DEFAULT PENALTY EQUAL TO THE LESSER OF:

20 (A) 50% OF THE PRESCRIBED PREPAYABLE FINE FOR EVERY 30 DAYS
21 THAT, AFTER NOTICE OF DEFAULT IS MAILED UNDER SUBSECTION
22 (C) OF THIS SECTION, THE CITATION REMAINS UNSATISFIED;

23 (B) 2 TIMES THE PRESCRIBED PREPAYABLE FINE; OR

24 (C) \$1,000.

25 (c) *Notice of default order.*

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

28 (1) the default decision and order;

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

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

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

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

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City