

**CITY OF BALTIMORE  
COUNCIL BILL 08-0063  
(First Reader)**

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Introduced by: Councilmembers Young, Cole, Kraft, Henry, Branch, Curran, Reisinger,  
Conaway, Middleton, Welch, D’Adamo, Holton, Clarke

Introduced and read first time: March 3, 2008

Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community  
Development, Department of Public Works, Department of Transportation, Department of  
Recreation and Parks

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Property Maintenance – Responsibilities of City as Owner or Operator**

3 FOR the purpose of expressly restating and reaffirming the responsibilities of the City for the  
4 repair and maintenance of properties owned or operated by it; clarifying certain definitions;  
5 requiring certain Departments to submit to the Mayor and the City Council a schedule for  
6 bringing all City-owned or -operated properties “to code” within a certain period and to  
7 provide periodic progress reports; providing for a special effective date; and generally  
8 relating to the scope and applicability of the Building, Fire, and Related Codes of Baltimore  
9 City.

10 BY repealing and reordaining, without amendments

11 Article - Building, Fire, and Related Codes

12 Section(s) 2-103 (BC §§ 102.7 and 202.2.28) and 7-102 (PMC §§ 202.2.11,  
13 202.2.12, 202.2.13, 301.1, 301.2.1, 304.1, 305.1, and 306.1)

14 Baltimore City Revised Code  
15 (Edition 2000)

16 BY repealing and reordaining, with amendments

17 Article - Building, Fire, and Related Codes

18 Section(s) 2-103 (BC § 202.2.29)

19 Baltimore City Revised Code  
20 (Edition 2000)

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

23 **Baltimore City Revised Code**

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

25 **Part II. International Building Code**

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

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**§ 2-103. City modifications.**

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

**Chapter 1. Administration**

**Section 102 Applicability**

**102.7 Structures owned by City.** This Code does not apply to any structure (other than a building) that is owned by the City, to the extent that the structure:

- 1. is located on, over, or under a street, alley, or other public way or land, and
- 2. is designed, constructed, controlled, and maintained by and under the authority and supervision of the Director of Public Works or an authorized representative of the Director.

**Chapter 2. Definitions**

**Section 202 Definitions**

**202.2 Supplemental definitions.** Notwithstanding any different definition in the International Building Code, the following terms have the meanings given in this § 202.2.

**202.2.28 Operator.** “Operator” means any person who has charge, care, or control of all or any part of a structure or premises.

**202.2.29 Person.**

**202.2.29.1 IN GENERAL.** “Person”[; 1.] means any individual, sole proprietorship, corporation, limited liability company, firm, partnership, association, organization, joint venture, or other entity or group acting as a unit, executor, administrator, trustee, receiver, guardian, or other representative appointed by law[, and].

**202.2.29.2 INCLUSIONS.** “PERSON” INCLUDES:

- 1. EXCEPT WHEN USED IN THIS CODE WITH REFERENCE TO THE IMPOSITION OF A PENALTY OR FINE, THE MAYOR AND CITY COUNCIL OF BALTIMORE AND ANY INSTRUMENTALITY, AGENCY, OR UNIT OF CITY GOVERNMENT, AND
- 2. [whenever] WHEN used in this Code with reference to liability or to the imposition of a penalty or fine[, includes]:
  - a. as to an unincorporated firm, partnership, association, organization, or joint venture, the partners or members of the firm, partnership, association, organization, or joint venture,

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- b. as to a corporation, the officers, trustees, agents, or members of the corporation who are responsible for the violation of any relevant code provision, and
- c. in addition, the responsible officer, trustee, partner, or member designated on a Registration Statement made under City Code Article 13, Subtitle 4 {"Registration of Residential Properties"}.

**Part VII. International Property Maintenance Code**

**§ 7-102. City modifications.**

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

**Chapter 2. Definitions**

**Section 202 General Definitions**

**202.2 Supplemental definitions.** Notwithstanding any different definition in the International Property Maintenance Code, the following terms have the meanings given in this § 202.2.

**202.2.11 Operator.** "Operator" has the meaning stated in § 202.2 of the Baltimore City Building Code.

**202.2.12 Owner.** "Owner" means any person that:

- 1. has a legal or equitable interest in the property,
- 2. is recorded in the land records as holding title to the property, or
- 3. otherwise has control of the property, with or without accompanying possession of the property, including:
  - a. a guardian of the person or estate of an owner,
  - b. a trustee, including a trustee in bankruptcy, of an owner, or
  - c. the personal representative of the estate of an owner.

**202.2.13 Person.** "Person" has the meaning stated in § 202.2 of the Baltimore City Building Code.

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**Chapter 3. General Requirements**

**Section 301 General**

**301.1 Scope.** This Chapter governs the minimum requirements and the responsibilities of persons for repair and maintenance of structures, equipment, and premises.

**301.2 Responsibility.**

**301.2.1 Owners and operators.** Except as otherwise specifically provided, the owner and the operator of any premises are responsible for maintaining all structures and exterior property areas in compliance with all requirements of this Chapter.

**Section 304 Repair and Maintenance of Structures**

**304.1 General.** The interior and exterior of a structure must be maintained in good repair and in a structurally sound and sanitary condition.

**Section 305 Exterior Sanitary Maintenance – General**

**305.1 General.** All lots and exterior premises, including abutting sidewalks, gutters, and alleys, must be maintained in a clean, safe, and sanitary condition.

**Section 306 Exterior Sanitary Maintenance – Trash, Garbage, and Debris**

**306.1 Accumulation prohibited.** All premises, including abutting sidewalks, gutters, and alleys, as well as the interior of every structure, must be kept free of any accumulation of trash, garbage, and debris, including any animal waste, construction material, equipment, furniture, appliances, and similar objects and materials.

**SECTION 2. AND BE IT FURTHER ORDAINED, That:**

(a) On or before the 90<sup>th</sup> day after the effective date of this Ordinance, the Departments of Public Works, Housing and Community Development, and Transportation shall jointly submit to the Mayor and to the City Council a schedule for bringing all City-owned or -operated properties “to code” (that is, in compliance with the Building, Fire, and Related Codes of Baltimore City, especially the Property Maintenance Code) within 36 months of the effective date of this Ordinance.

(b) These Departments shall provide the Mayor and the City Council with quarterly reports of their progress in complying with the schedule.

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

**SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.**