

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

September 24, 2009

Honorable President and Members
of the City Council of Baltimore
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Attn: Karen Randle
Executive Secretary

Re: City Council Bill No. 09-0274- Unsafe Structures- Enforcement by Citation

Dear Madam President and City Council Members:

You have requested the advice of the Law Department regarding City Council Bill 09-0274. The bill's stated purpose is for "authorizing the issuance of environmental citations for violations of the Building Code provisions governing unsafe structures and generally relating to enforcement of the City Building Code." As drafted, the bill amends the existing law to provide for the use of environmental citations for enforcement of violations of Section 115 of the Building Code and to provide for a fine of \$1000.

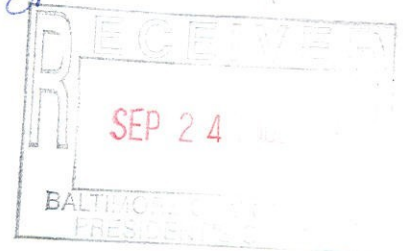
City Council Bill 09-0308 which was signed by the Mayor on May 7, 2009 already adds Section 115 to the list of Code provisions enforceable by environmental citation. The fine provided in that bill was \$500.00. City Council Bill 09-0274 is therefore not necessary for the purposes of adding Section 115 to that list. The bill would be necessary to increase the fine to \$1000.00. This fine is permissible as Baltimore City Charter, Art.II, Sec.48 allows fines up to \$1000.

The Law Department recommends that the bill be amended to reflect that Section 115 is already in the Code and that the \$1000.00 fine is a change from the existing fine of \$500.00. With these amendments, the Law Department approves City Council Bill 09-0274 for form and legal sufficiency.

Sincerely,

Minda F. Goldberg
Minda F. Goldberg
Chief Solicitor

F/A



cc: Honorable Belinda Conaway, Councilmember, 7th District
Angela Gibson, City Council Liaison
George Nilson, City Solicitor
Elena Dipietro, Chief Solicitor
Hilary Ruley, Assistant Solicitor
Ashlea Brown, Special Assistant Solicitor
Adina Amath, Assistant Solicitor