

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 09-0309

Introduced by: The Council President
At the request of: The Administration (Department of Housing and Community Development)
Introduced and read first time: March 23, 2009
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable
Council action: Adopted
Read second time: April 20, 2009

AN ORDINANCE CONCERNING

Building, Fire, and Related Codes – Enforcement

FOR the purpose of authorizing the issuance of prepayable environmental citations to enforce certain violations of the Building, Fire, and Related Codes Article; revising the manner in which a stop-work order is to be issued; requiring the removal from construction sites and from abutting sidewalks, gutters, and alleys, of accumulated trash, garbage, waste, and debris and of nuisances; making the registered owner of a vehicle responsible for certain parking, keeping, and storing violations; and generally relating to the enforcement of the Building, Fire, and Related Codes Article.

By repealing and reordaining, with amendments
Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 40-14(e)(5a) and (6a)
Baltimore City Code
(Edition 2000)

By repealing and reordaining, with amendments
Article - Building, Fire, and Related Codes
Section(s) 2-103 (BC §§ 114.2, 123.8, and 3302, and PMC § 305.5)
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

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

2 (e) *Provisions and penalties enumerated.*

3 (5a) ***Building, Fire, and Related Codes –***
4 ***Building Code***

5	§ 113.14. Work without permit	\$500
6	§ 114.3. STOP-WORK ORDER: UNLAWFUL CONTINUANCE	\$500
7	§ 123.8. FAILURE TO COMPLY WITH NOTICE	
8	CONDEMNATION PROCEEDINGS {§ 120}	\$500
9	UNSAFE STRUCTURES {§ 115}	\$500
10	ALL OTHER NOTICES (EXCLUDING CITATIONS)	\$250
11	§ 3302.3 CONSTRUCTION SAFEGUARDS: WASTE AND DEBRIS	\$250

12 (6a) ***Building, Fire, and Related Codes –***
13 ***Property Maintenance Code***

14 [§§ 305 - 308. Sanitary maintenance]

15 CHAPTER 3. GENERAL REQUIREMENTS

16	§ 305.5.1. MOTOR VEHICLES AND TRAILERS: REGISTERED OWNER	
17	RESPONSIBLE	\$150
18	ALL OTHER PROVISIONS	
19	Residential properties	\$ 50
20	Commercial properties	\$100

21 **Baltimore City Revised Code**

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

23 **Part II. International Building Code**

24 **§ 2-103. City modifications.**

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

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Chapter 1. Administration

Section 114 Stop-Work Order

114.2 Issuance. The stop-work order must be in writing AND STATE THE REASON FOR THE ORDER. It must be [sent by first class and certified mail to the owner of the property involved, and hand delivered to the owner's agent or to the person doing the work. A copy of the stop-work order must be] posted on the property. On posting [of the stop-work order], the cited work must immediately cease. [The stop-work order must state the reason for the order.] WRITTEN NOTICE OF THE STOP-WORK ORDER MUST BE SENT BY FIRST CLASS AND CERTIFIED MAIL TO THE OWNER OF THE PROPERTY INVOLVED.

Section 123 Notices

123.8 Failure to comply with notice or citation. If any person fails to comply with a violation notice, condemnation notice, or citation, the Building Official:

1. MAY ENFORCE THE VIOLATION NOTICE OR CONDEMNATION NOTICE BY ISSUANCE OF AN ENVIRONMENTAL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"},
2. [1.] may take whatever OTHER action is necessary and proper, including the institution of legal proceedings, to compel compliance with the VIOLATION notice, CONDEMNATION NOTICE, or citation or to enforce the penalty provisions of this Code, and
3. [2.] subject to the notice requirements of § 123.8.1, may proceed to repair, rebuild, demolish, or take any other action necessary to eliminate, in whole or in part, or make safe any nuisance, blight, health hazard, or dangerous, insanitary, or unsafe condition that is the subject of the violation notice, condemnation notice, or citation.

Chapter 33. Safeguards During Construction

Section 3302 Construction Safeguards [*As in IBC*]

3302.1 Remodeling and additions. Required exits, existing structural elements, fire protection devices, and sanitary safeguards [shall] MUST be maintained at all times during remodeling, alterations, repairs, or additions to any building or structure.

Exceptions:

1. When [such] THESE required elements or devices are THEMSELVES being remodeled, altered, or repaired, adequate substitute provisions [shall] MUST be made.
2. [When] THESE REQUIREMENTS DO NOT APPLY IF the existing building is not occupied.

3302.2 [Manner of removal.] WASTE AND DEBRIS. ALL SITES FOR NEW CONSTRUCTION OR FOR REMODELING, ALTERATIONS, REPAIRS, OR ADDITIONS, AND ALL ABUTTING SIDEWALKS,

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1 GUTTERS, AND ALLEYS, MUST BE PROPERLY MAINTAINED AND KEPT FREE OF ACCUMULATED
2 TRASH, GARBAGE, WASTE, OR DEBRIS, INCLUDING CONSTRUCTION WASTE OR DEBRIS, AND OF
3 ANY OBJECT OR CONDITION THAT CONSTITUTES A NUISANCE. [Waste materials shall be
4 removed] REMOVAL OF ALL TRASH, GARBAGE, WASTE, AND DEBRIS MUST BE DONE in a
5 manner [which] THAT prevents injury or damage to persons, adjoining properties, and public
6 rights-of-way.

7 **Part VII. International Property Maintenance Code**

8 **§ 7-102. City modifications.**

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

11 **Chapter 3. General Requirements**

12 **Section 305 Exterior Sanitary Maintenance – General**

13 **305.5 Motor vehicles and trailers.** Except only as otherwise expressly authorized by law, the
14 following rules apply to all motor vehicles and trailers.

- 15 1. No motor vehicle or trailer may be parked, kept, or stored, whether or not covered, on
16 any exterior premises if:
 - 17 a. it is inoperative, unregistered, or fails to display current registration tags, or
 - 18 b. it is in a state of disassembly or disrepair or in the process of being stripped or
19 dismantled.
- 20 2. A motor vehicle or trailer may be parked, kept, or stored only on a dustless all-weather
21 surface constructed and maintained in accordance with the Building Code and Zoning
22 Code of Baltimore City.
- 23 3. Painting a motor vehicle or trailer is prohibited unless conducted inside an approved
24 spray booth.

25 **Exception:** On premises with a proper use permit, a vehicle may undergo overhaul,
26 including body work, if that work is performed inside a structure or similarly enclosed area
27 designed and approved for that purpose.

28 **305.5.1 REGISTERED OWNER RESPONSIBLE.** FOR A MOTOR VEHICLE OR TRAILER PARKED,
29 KEPT, OR STORED IN VIOLATION OF § 305.5(1) OR (2), THE REGISTERED OWNER OF THE MOTOR
30 VEHICLE OR TRAILER IS RESPONSIBLE FOR THE VIOLATION, JOINTLY AND SEVERALLY WITH THE
31 PROPERTY OWNER.

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

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1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 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