

**CITY OF BALTIMORE
COUNCIL BILL 06-0345
(First Reader)**

Introduced by: Councilmembers Kraft, Reisinger, D'Adamo

Introduced and read first time: February 27, 2006

Assigned to: Taxation and Finance Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and
Community Development, Fire Department, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Building Code – Penalties**

3 FOR the purpose of increasing the criminal penalties for certain violations of the Building Code;
4 conforming certain language; and generally relating to enforcement of the Building Code.

5 BY repealing and reordaining, with amendments

6 Article - Building, Fire, and Related Codes

7 Section(s) 2-103 (BC § 113.4)

8 Baltimore City Revised Code

9 (Edition 2000)

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

12 **Baltimore City Revised Code**

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

14 **Part II. International Building Code**

15 **§ 2-103. City modifications.**

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

18 **Chapter 1. Administration**

19 **Section 113 Violations**

20 **113.4 [Criminal penalties] VIOLATION A MISDEMEANOR.** A person is guilty of a
21 misdemeanor and, on conviction, subject to [a fine of not more than \$500 for each violation]
22 THE PENALTIES SPECIFIED IN THIS § 113.4, if the person:

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

- 1 a. violates a provision of this Code,
- 2 b. fails to comply with any requirement of this Code or of a regulation, order, decision,
3 permit, or notice issued under this Code, or
- 4 c. constructs, alters, adds to, repairs, rehabilitates, demolishes, moves, locates, uses,
5 occupies, or maintains any structure, premises, land, or equipment in violation of an
6 approved plan or directive of the Building Official or of a permit or certificate issued
7 under this Code.

8 **113.4.1 Notice required.** Except as otherwise specifically authorized by law, criminal
9 proceedings may not be initiated unless the Building Official issues a notice of violation
10 and allows a reasonable time to correct the violation.

11 **113.4.2 Each day a separate offense.** Each day that a violation continues is a separate
12 offense. Proof that a violation exists on any date after issuance of a violation notice is
13 prima facie evidence that the violation has continued unabated throughout the intervening
14 period.

15 **113.4.3 PENALTIES.** THE PENALTY FOR EACH OFFENSE IS AS FOLLOWS:

16 A. FOR WORK DONE WITHOUT A PERMIT OR IN VIOLATION OF A STOP-WORK ORDER:

- 17 1. FOR A 1ST OFFENSE, A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT
18 FOR NOT MORE THAN 12 MONTHS OR BOTH FINE AND IMPRISONMENT; AND
- 19 2. FOR A 2ND OR SUBSEQUENT OFFENSE, A FINE OF NOT LESS THAN \$250 NOR
20 MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 12 MONTHS OR
21 BOTH FINE AND IMPRISONMENT; AND

22 B. FOR ALL OTHER VIOLATIONS, A FINE OF NOT MORE THAN \$500.

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

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