

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 10-0618

Introduced by: The Council President
At the request of: The Administration (Department of Housing and Community Development)
Introduced and read first time: November 8, 2010
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: January 24, 2011

AN ORDINANCE CONCERNING

1 Neighborhood Nuisances – Enforcement by Citation

2 FOR the purpose of authorizing the issuance of citations for certain nuisances; defining certain
3 terms; prohibiting certain conduct; imposing certain penalties; providing for a special
4 effective date; and generally relating to neighborhood nuisances.

5 BY renaming

6 Article 19 - Police Ordinances
7 Subtitle 43A. Neighborhood Nuisances
8 to be
9 Subtitle 43A. Neighborhood Nuisances - Abatement
10 Baltimore City Code
11 (Edition 2000)

12 BY adding

13 Article 19 - Police Ordinances
14 Section(s) 43B-1 to 43B-7, to be under the new subtitle,
15 “Subtitle 43B. Neighborhood Nuisances - Citations”
16 Baltimore City Code
17 (Edition 2000)

18 BY adding

19 Article 1 - Mayor, City Council, and Municipal Agencies
20 Section(s) 40-14(e)(3)(§ 43B-1)
21 Baltimore City Code
22 (Edition 2000)

23 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
24 Article 19, Police Ordinances, Subtitle 43A, Neighborhood Nuisances, is renamed to be Article
25 19, Police Ordinances, Subtitle 43A, Neighborhood Nuisances – Abatement.

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.

Council Bill 10-0618

1 **SECTION 2.** AND BE IT FURTHER ORDAINED, That the Laws of Baltimore City read as
2 follows:

3 **Baltimore City Code**

4 **Article 19. Police Ordinances**

5 **SUBTITLE 43B. NEIGHBORHOOD NUISANCES – CITATIONS**

6 **§ 43B-1. DEFINITIONS.**

7 (A) *IN GENERAL.*

8 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

9 (B) *NEIGHBORHOOD NUISANCE.*

10 “NEIGHBORHOOD NUISANCE” MEANS ANY PREMISES ON OR IN WHICH AN OWNER,
11 OPERATOR, TENANT, OR OCCUPANT OF THE PREMISES:

12 (1) ACTS IN A DISORDERLY MANNER THAT DISTURBS THE PUBLIC, ~~AS THESE TERMS ARE~~
13 ~~USED IN STATE CRIMINAL LAW ARTICLE, § 10-201(C)(2) PEACE~~; OR

14 (2) CREATES OR MAINTAINS CONDITIONS THAT LETS OTHERS TO ACT IN A DISORDERLY
15 MANNER THAT DISTURBS THE PUBLIC, ~~AS THESE TERMS ARE USED IN STATE~~
16 ~~CRIMINAL LAW ARTICLE, § 10-201(C)(2) PEACE.~~

17 (C) *OCCUPANT.*

18 “OCCUPANT” MEANS ANY PERSON OCCUPYING A PREMISES, WHETHER OR NOT A PARTY TO
19 A LEASE.

20 (D) *OPERATOR.*

21 “OPERATOR” MEANS ANY PERSON WHO HAS CHARGE, CARE, OR CONTROL OF ALL OR ANY
22 PART OF A PREMISES.

23 (E) *OWNER.*

24 (1) “OWNER” MEANS:

25 (I) THE PERSON IN WHOSE NAME A PREMISES IS RECORDED IN THE LAND RECORDS
26 OF BALTIMORE CITY; AND

27 (II) ANY OTHER PERSON WITH A LEGAL OR EQUITABLE INTEREST IN A PREMISES.

28 (2) “OWNER” INCLUDES A PERSON WHO HAS IN INTEREST AS A RECEIVER, TRUSTEE,
29 GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY
30 KIND.

Council Bill 10-0618

1 (F) *PERSON*.

2 “PERSON” MEANS:

3 (1) AN INDIVIDUAL;

4 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
5 KIND; AND

6 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR
7 REPRESENTATIVE OF ANY KIND.

8 (G) *PREMISES*.

9 “PREMISES” MEANS ALL OR ANY PART OF ANY LAND, BUILDING, OR OTHER STRUCTURE.

10 (H) *TENANT*.

11 “TENANT” MEANS A ANY TENANT OR LESSEE, WHETHER UNDER A WRITTEN OR ORAL
12 LEASE.

13 **§ 43B-2. PROHIBITED CONDUCT.**

14 (A) *IN GENERAL*.

15 NO OWNER, OPERATOR, TENANT, OR OCCUPANT OF ANY PREMISES MAY CAUSE OR PERMIT
16 A NEIGHBORHOOD NUISANCE ON OR IN ANY PREMISES THAT THE PERSON OWNS, OPERATES,
17 LEASES, OR OCCUPIES.

18 (B) *POLICE REPORT AS PRIMA FACIE EVIDENCE*.

19 A POLICE REPORT, WRITTEN IN THE REGULAR COURSE OF BUSINESS, OF A PREMISES
20 HAVING BEEN USED FOR ACTIVITIES DESCRIBED IN § 43B-1(B) {“DEFINITIONS:
21 NEIGHBORHOOD NUISANCE”} OF THIS SUBTITLE IS PRIMA FACIE EVIDENCE THAT THE
22 PREMISES ARE A NEIGHBORHOOD NUISANCE.

23 **§§ 43B-3 TO 43B-5. {RESERVED}**

24 **§ 43B-6. ENFORCEMENT BY CITATION.**

25 (A) *IN GENERAL*.

26 IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,
27 THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF AN ENVIRONMENTAL CITATION AS
28 AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 40 {“ENVIRONMENTAL CONTROL
29 BOARD”}.

Council Bill 10-0618

1 (B) *PROCESS NOT EXCLUSIVE.*

2 THE ISSUANCE OF AN ENVIRONMENTAL CITATION TO ENFORCE THIS SUBTITLE DOES NOT
3 PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION
4 AUTHORIZED BY LAW.

5 (C) *APPLICABLE STANDARDS.*

6 (1) AN ENVIRONMENTAL CITATION MAY BE USED UNDER THIS SUBTITLE WITHOUT PROOF
7 THAT THE OWNER, OPERATOR, TENANT, OR OCCUPANT KNEW OF THE EXISTENCE OF
8 THE NEIGHBORHOOD NUISANCE.

9 (2) WHERE THE CITATION IS ISSUED TO THE OWNER OR OPERATOR OF LEASED PROPERTY,
10 IT IS A COMPLETE DEFENSE TO ANY FINE OR OTHER PENALTY IMPOSED UNDER THIS
11 SUBTITLE ON THE OWNER OR OPERATOR THAT:

12 (i) THE OWNER OR OPERATOR HAS PROVIDED NOTICE TO THE TENANTS OR
13 OCCUPANTS OF THE PROPERTY IN ACCORDANCE WITH APPLICABLE LAW; AND

14 (ii) THE OWNER OR OPERATOR PROVIDES PROOF:

15 (A) THAT THE OWNER OR OPERATOR HAS REGAINED POSSESSION OF THE
16 LEASED PROPERTY; OR

17 (B) THAT THE OWNER OR OPERATOR HAS FILED COURT PROCEEDINGS UNDER
18 STATE REAL PROPERTY ARTICLE § 8-402.1 {"BREACH OF LEASE"} TO
19 REGAIN POSSESSION OF THE LEASED PROPERTY AND THAT:

20 1. THE COURT HAS ENTERED A JUDGMENT; OR

21 2. THE COURT PROCEEDINGS ARE STILL PENDING AT THE TIME THE
22 ENVIRONMENTAL CONTROL BOARD IS CONSIDERING THE CITATION,
23 IN WHICH CASE THE BOARD SHALL POSTPONE ITS PROCEEDINGS
24 UNTIL THE COURT PROCEEDINGS HAVE CONCLUDED.

25 **§ 43B-7. PENALTIES.**

26 ANY PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR
27 AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT
28 FOR NOT MORE THAN 60 DAYS OR BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

29 **Article 1. Mayor, City Council, and Municipal Agencies**

30 **Subtitle 40. Environmental Control Board**

31 **§ 40-14. Violations to which subtitle applies.**

32 (e) *Provisions and penalties enumerated.*

Council Bill 10-0618

1 (3) *Article 19. Police Ordinances*

2

3 § 43B-2. NEIGHBORHOOD NUISANCES: PROHIBITED CONDUCT

4 1ST OFFENSE \$500

5 2ND OR SUBSEQUENT OFFENSE (WITHIN 12 MONTHS OF PREVIOUS OFFENSE) \$1,000

6

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

10 **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
 11 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