

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

October 25, 2012

The Honorable President and Members
of the Baltimore City Council
Attn: Karen Randle, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 12-0154 – Code Enforcement Officers


Dear President and City Council Members:

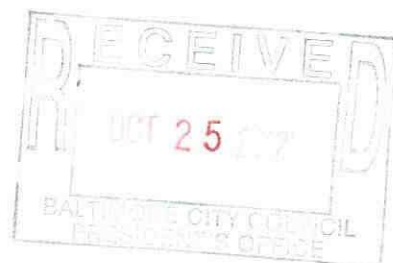
The Law Department has reviewed City Council Bill 12-0154 for form and legal sufficiency. The bill would amend Sections 40-1 and 40-7 of Article 1 of the City Code concerning the Environmental Control Board (“ECB”) to add a definition of Code Enforcement Officer and allows that officer or a Baltimore City Police Officer to issue environmental citations. Additionally, the bill deletes the provision in Section 70-1 of Article 19 that currently allows Special Enforcement Officers to issue and serve Civil Administrative citations to appear before the (“ECB”).

These new Code Enforcement Officers would be allowed to issue environmental citations for offenses listed in Section 40-14(e) of Article 1 of the City Code. Such a Code Enforcement Officer would not have the authority to issue prepayable civil citations found in Subtitle 41 of Article 1 of the City Code or any prepayable criminal citations under Section 71-2 of Article 19 of the City Code unless that person is also a Special Enforcement Officer appointed by the BCP Commissioner. See PLL 16-16A. Thus, if an agency wants to utilize a prepayable civil citation it should make sure that the people issuing such citations are also designated as Special Enforcement Officers. To this end, the Law Department recommends that this bill be amended to retain a Special Enforcement Officer’s ability to issue environmental citations so that agencies using these officers to issue multiple types of citations can still do so. This can be accomplished by removing the deletion of the language in Section 40-7(c)(1) and inserting the word “or” before “A Code Enforcement Officer” and by removing the deletion of the language in Section 71-1(f).

Subject to the foregoing amendments, the Law Department approves this bill for form and legal sufficiency.

Very truly yours,


Hilary Ruley
Assistant Solicitor



F/A

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Victor Tervalá, Assistant Solicitor