

**CITY OF BALTIMORE
COUNCIL BILL 07-0640
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Housing and Community Development)
Introduced and read first time: April 16, 2007
Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Department of Housing and Community Development, Department of Public Works, Department of Finance, Environmental Control Board

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Sanitary Maintenance – Responsibility**

3 FOR the purpose of specifying certain situations in which owners are primarily responsible for
4 exterior sanitary maintenance; generally relating to the allocation of responsibility for
5 sanitary maintenance between tenants and owners; and providing for a special effective date.

6 BY repealing and reordaining, with amendments

7 Article - Building, Fire, and Related Codes

8 Section(s) 2-103 (IBC § 113.21.2) and 7-102 (IPMC § 307.2)

9 Baltimore City Revised Code

10 (Edition 2000)

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

13 **Baltimore City Revised Code**

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

15 **Part II. International Building Code**

16 **§ 2-103. City modifications.**

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

19 **Chapter 1. Administration**

20 **Section 113 Violations**

21 **113.21.2 Secondary liability for sanitary maintenance.** If, after a notice, order, or
22 citation, a tenant fails to correct a violation of Property Maintenance Code § 304
23 {“Exterior sanitary maintenance – General”} or § 305 {“Exterior sanitary maintenance –

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

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1 Trash, garbage, and debris”} for which occupants are responsible under Property
2 Maintenance Code § 307 {“Occupant’s sanitary responsibilities”}, the owner and
3 operator of the property are secondarily liable.

4 **113.21.2.1 EXCEPTIONS – RESIDENTIAL PROPERTY REGISTRATION.** THE OWNER
5 OF A PROPERTY IS PRIMARILY RESPONSIBLE FOR EXTERIOR SANITARY MAINTENANCE
6 IF:

- 7 1. THE OWNER FAILS TO REGISTER OR LICENSE THE PROPERTY AS REQUIRED BY
8 CITY CODE ARTICLE 13, SUBTITLE 4 {“NON-OWNER-OCCUPIED DWELLINGS”}
9 OR SUBTITLE 5 {“LICENSING OF MULTI-FAMILY DWELLINGS”}, OR
- 10 2. REASONABLE ATTEMPTS AT TELEPHONE CONTACT, USING INFORMATION IN A
11 CURRENT REGISTRATION STATEMENT, DO NOT LEAD WITHIN 2 BUSINESS DAYS
12 TO CURRENT OCCUPANT INFORMATION.

13 **113.21.2.2 EXCEPTIONS – THIRD ENVIRONMENTAL CITATION.** THE OWNER OF A
14 PROPERTY IS RESPONSIBLE FOR EXTERIOR SANITARY MAINTENANCE IF, WITHIN A 12-
15 MONTH PERIOD, TWO OR MORE ENVIRONMENTAL CITATIONS WERE ISSUED UNDER CITY
16 CODE ARTICLE 1, SUBTITLE 40, FOR VIOLATIONS OF THIS CODE THAT WERE THE
17 PRIMARY RESPONSIBILITY OF AN OCCUPANT, AND AN OCCUPANT CREATES OR ALLOWS
18 A CONDITION TO EXIST IN VIOLATION OF THIS CODE. NOTIFICATION OF EACH
19 VIOLATION AND CITATION MUST BE SENT TO THE OWNER BY REGULAR MAIL.

20 **113.21.2.3 [113.21.2.1] Notice to owner, operator.** Before an owner or operator
21 may be charged under this § 113.21.2, he or she must be served with A violation
22 notice under § 123.4.

23 **113.21.2.5 [113.21.2.2] Recovery of expenses.** If an owner or operator incurs
24 expenses in correcting the violation, the owner or operator:

- 25 (a) may recover those expenses from the tenant as rent, and
- 26 (b) has all the rights and remedies available under the law for nonpayment.

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

28 **§ 7-102. City modifications.**

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

31 **Chapter 3. General Requirements**

32 **Section 307 Occupants’ sanitary responsibilities.**

33 **307.2 Exteriors.** An occupant of a single-unit building and an occupant of a unit with
34 exclusive use of an exterior property area must maintain the exterior areas, including abutting
35 sidewalks, gutters, and alleys, in compliance with §§ 304 and 305 of this Chapter.

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1 **307.2.1 EXCEPTION – RESIDENTIAL PROPERTY REGISTRATION.** THE OWNER OF A
2 PROPERTY IS RESPONSIBLE FOR EXTERIOR SANITARY MAINTENANCE UNDER ANY OF THE
3 CIRCUMSTANCES DESCRIBED IN BUILDING CODE § 113.21.2 {“RESIDENTIAL PROPERTY
4 REGISTRATION”}.

5 **307.2.2 EXCEPTION – THIRD ENVIRONMENTAL CITATION.** THE OWNER OF A PROPERTY
6 IS RESPONSIBLE FOR EXTERIOR SANITARY MAINTENANCE UNDER THE CIRCUMSTANCES
7 DESCRIBED IN BUILDING CODE § 113.21.3 {“THIRD ENVIRONMENTAL CITATION”}.

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

11 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
12 is enacted.