

**CITY OF BALTIMORE
COUNCIL BILL 18-0196
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Environmental Control Board)
Introduced and read first time: March 12, 2018
Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Environmental Control Board,
Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Environmental Citations – Default Penalty**

3 FOR the purpose of modifying the procedures for and maximum amounts of the default penalty
4 imposed under an environmental citation on a person cited who neither pays the citation's
5 prescribed prepayable fine nor requests a hearing on the violation cited or who, having
6 requested a hearing, fails to appear at the designated hearing; correcting, clarifying, and
7 conforming related language; and generally related to the enforcement of environmental
8 citations.

9 BY repealing and reordaining, with amendments
10 Article 1 - Mayor, City Council, and Municipal Agencies
11 Section 40-8
12 Baltimore City Code
13 (Edition 2000)

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

16 **Baltimore City Code**

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

18 **Subtitle 40. Environmental Control Board**

19 **§ 40-8. Default by person cited.**

20 (a) *Failure to respond constitutes admission of liability.*

21 Any person cited under an environmental citation is conclusively considered to have
22 admitted liability for the violation cited and responsibility for abating the violation if,
23 within the time allowed by the rules of the Board, the person:

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

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1 (1) neither pays the prescribed prepayable fine nor requests a hearing on the violation;
2 or

3 (2) having requested a hearing, fails to appear on a designated hearing date.

4 (b) *Board order; default penalty.*

5 Under either of the circumstances described in subsection (a) of this section, the Board
6 may:

7 (1) render a default decision and order against the person cited; and

8 (2) impose [a] AN AGGREGATE civil penalty that[, based on relevant standards to be
9 set by Board regulation (e.g., nature and severity of underlying violation, history
10 of past violations, mitigating or aggravating circumstances),] is EQUAL TO:

11 [(i) no less than the amount of the prepayable fine specified for the
12 violation in question; and]

13 [(ii) no more than the lesser of:

14 (A) \$1,000; or

15 (B) 3 times the prepayable fine specified for the
16 violation in question.]

17 (I) THE AMOUNT OF THE PREPAYABLE FINE PRESCRIBED FOR THE VIOLATION;
18 PLUS

19 (II) AN ADDITIONAL, DEFAULT PENALTY EQUAL TO THE LESSER OF:

20 (A) 50% OF THE PRESCRIBED PREPAYABLE FINE FOR EVERY 30 DAYS
21 THAT, AFTER NOTICE OF DEFAULT IS MAILED UNDER SUBSECTION
22 (C) OF THIS SECTION, THE CITATION REMAINS UNSATISFIED;

23 (B) 2 TIMES THE PRESCRIBED PREPAYABLE FINE; OR

24 (C) \$1,000.

25 (c) *Notice of default order.*

26 Before an order based on a default becomes final, the Board must notify the respondent,
27 by first-class mail, of:

28 (1) the default decision and order;

29 (2) the amount of all penalties imposed; and

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1 (3) the right of the respondent, within 30 days of the notice, to avoid a final judgment
2 and collection proceedings by requesting a stay of default for good cause shown
3 and a [hearing] DETERMINATION on the request.

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

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