



Legislation Details (With Text)

File #: 18-0196 **Version:** 0 **Name:** Environmental Citations - Default Penalty
Type: Ordinance **Status:** Enacted
File created: 3/12/2018 **In control:** City Council
On agenda: **Final action:** 6/20/2018
Enactment date: **Enactment #:** 18-148

Title: Environmental Citations - Default Penalty
For the purpose of modifying the procedures for and maximum amounts of the default penalty imposed under an environmental citation on a person cited who neither pays the citation's prescribed prepayable fine nor requests a hearing on the violation cited or who, having requested a hearing, fails to appear at the designated hearing; correcting, clarifying, and conforming related language; and generally related to the enforcement of environmental citations.

Sponsors: City Council President (Administration)

Indexes: Default, Environmental Citations, Penalty

Code sections:

Attachments: 1. 18-0196~1st Reader, 2. ECB 18-0196, 3. Law 18-0196, 4. Finance 18-0196, 5. 18-0196~3rd Reader, 6. Completed File_18-0196

| Date | Ver. | Action By | Action | Result |
|-----------|------|--|--------------------------------------|--------|
| 6/25/2018 | 0 | Mayor | Signed by Mayor | |
| 6/4/2018 | 0 | City Council | Approved and Sent to the Mayor | |
| 5/14/2018 | 0 | City Council | 3rd Reader, for final passage | |
| 5/14/2018 | 0 | Judiciary and Legislative Investigations | Recommended Favorably | |
| 5/8/2018 | 0 | Judiciary and Legislative Investigations | Recommended Favorably | Pass |
| 5/7/2018 | 0 | Judiciary and Legislative Investigations | Scheduled for a Public Hearing | |
| 3/15/2018 | 0 | The City Council | Refer to Dept. of Finance | |
| 3/15/2018 | 0 | The City Council | Refer to City Solicitor | |
| 3/15/2018 | 0 | The City Council | Refer to Environmental Control Board | |
| 3/12/2018 | 0 | City Council | Assigned | |
| 3/12/2018 | 0 | City Council | Introduced | |

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

**City of Baltimore
Council Bill**

Introduced by: The Council President
At the request of: The Administration (Environmental Control Board)

A Bill Entitled

An Ordinance concerning

Environmental Citations - Default Penalty

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

By repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies

Section 40-8

Baltimore City Code

(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-8. Default by person cited.

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

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

- (1) neither pays the prescribed prepayable fine nor requests a hearing on the violation; or
- (2) having requested a hearing, fails to appear on a designated hearing date.

(b) *Board order; default penalty.*

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

- (1) render a default decision and order against the person cited; and
- (2) impose [a] an aggregate civil penalty that[, based on relevant standards to be set by Board regulation (e.g., nature and severity of underlying violation, history of past violations, mitigating or aggravating circumstances),] is equal to:

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

[(ii) no more than the lesser of:

(A) \$1,000; or

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

(i) the amount of the prepayable fine prescribed for the violation; plus

(ii) an additional, default penalty equal to the lesser of:

(A) 50% of the prescribed prepayable fine for every 30 days that, after notice of default is mailed under subsection (c) of this section, the citation remains unsatisfied;

(B) 2 times the prescribed prepayable fine; or

(c) \$1,000.

(c) *Notice of default order.*

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

(1) the default decision and order;

(2) the amount of all penalties imposed; and

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

Section 2. And be it further ordained, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

Section 3. And be it further ordained, That this Ordinance takes effect on the 30th day after the date it is enacted.