



Legislation Text

File #: 10-0618, **Version:** 0

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: The Council President
At the request of: The Administration (Department of Housing and Community Development)

A BILL ENTITLED

AN ORDINANCE concerning
Neighborhood Nuisances - Enforcement by Citation

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

BY renaming

Article 19 - Police Ordinances
Subtitle 43A. Neighborhood Nuisances
to be
Subtitle 43A. Neighborhood Nuisances - Abatement
Baltimore City Code
(Edition 2000)

BY adding

Article 19 - Police Ordinances
Section(s) 43B-1 to 43B-7, to be under the new subtitle,
"Subtitle 43B. Neighborhood Nuisances - Citations"
Baltimore City Code
(Edition 2000)

BY adding

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

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Article 19,

Police Ordinances, Subtitle 43A, Neighborhood Nuisances, is renamed to be Article 19, Police Ordinances, Subtitle 43A, Neighborhood Nuisances - Abatement.

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

Baltimore City Code

Article 19. Police Ordinances

SUBTITLE 43B. NEIGHBORHOOD NUISANCES - CITATIONS

§ 43B-1. DEFINITIONS.

(A) IN GENERAL.

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

(B) NEIGHBORHOOD NUISANCE.

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

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

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

(C) OCCUPANT.

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

(D) OPERATOR.

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

(E) OWNER.

(1) “OWNER” MEANS:

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

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

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

(F) PERSON.

“PERSON” MEANS:

(1) AN INDIVIDUAL;

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

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

(G) PREMISES.

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

(H) TENANT.

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

§ 43B-2. PROHIBITED CONDUCT.

(A) IN GENERAL.

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

(B) POLICE REPORT AS PRIMA FACIE EVIDENCE.

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

§§ 43B-3 TO 43B-5. {RESERVED}

§ 43B-6. ENFORCEMENT BY CITATION.

(A) IN GENERAL.

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

(B) PROCESS NOT EXCLUSIVE.

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

(C) APPLICABLE STANDARDS.

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

§ 43B-7. PENALTIES.

ANY PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40I4. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(3) Article 19. Police Ordinances

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§ 43B-2. NEIGHBORHOOD NUISANCES: PROHIBITED CONDUCT

1ST OFFENSE

\$500

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

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SECTION 3. 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 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

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art19/n'hohh nuisance/aa:me

dlr10-2210~intro/03Nov10
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