



## Legislation Text

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**File #:** 08-0071, **Version:** 0

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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: Councilmember Clarke

A BILL ENTITLED

AN ORDINANCE concerning  
**Environmental Citations - Default**

FOR the purpose of extending to one year the deadline by which a person can be considered in default and subject to certain penalties; and generally relating to the administration of environmental citations.

BY repealing and reordaining, with amendments  
Article 1 - Mayor, City Council, and Municipal Agencies  
Section(s) 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] 1 YEAR OF THE CITATION, 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 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:
  - (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.

(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 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.

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