



Legislation Details (With Text)

File #: 10-0618 **Version:** 0 **Name:** Neighborhood Nuisances - Enforcement by Citation
Type: Ordinance **Status:** Enacted
File created: 11/8/2010 **In control:** City Council
On agenda: **Final action:** 2/3/2011
Enactment date: **Enactment #:** 11-414

Title: 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.

Sponsors: City Council President (Administration)

Indexes: Citations, Enforcement, Neighborhood, Nuisance

Code sections:

Attachments: 1. 10-0618 - 1st Reader.pdf, 2. Criminal Justice - 10-0618.pdf, 3. HCD - 10-0618.pdf, 4. 10-0618 - 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
2/3/2011	0	Mayor	Signed by Mayor	
1/31/2011	0	City Council	Approved and Sent to the Mayor	
1/24/2011	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
1/24/2011	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
1/24/2011	0	City Council	Amended	
12/9/2010	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
11/11/2010	0	The City Council	Referred for a Report	
11/11/2010	0	The City Council	Referred for a Report	
11/11/2010	0	The City Council	Referred for a Report	
11/11/2010	0	The City Council	Referred for a Report	
11/11/2010	0	The City Council	Referred for a Report	
11/11/2010	0	The City Council	Referred for a Report	
11/8/2010	0	City Council	Assigned	
11/8/2010	0	City Council	Introduced	

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

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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 (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.

dlr10-2210~intro/03Nov10
art19/n'hohh nuisance/aa:me

dlr10-2210~intro/03Nov10
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art19/n'hohh nuisance/aa:me