

CF 7r0994

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**By: Delegates Hammen, Krysiak, Dypski, Rawlings, Marriott, Boston, Opara, Oaks, McIntosh, Rosenberg, Montague, Kirk, C. Mitchell, Watson, Branch, C. Davis, Harrison, T. Murphy, Klausmeier, Nathan-Pulliam, and Parker**

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Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore City - Civil Violations - Citation**

3 FOR the purpose of authorizing Special Enforcement Officers in Baltimore City to issue  
 4 civil citations to enforce any ordinances that establish civil monetary penalties and  
 5 equitable remedies for certain violations of law pertaining to Baltimore City;  
 6 establishing procedures for service of civil citations; requiring certain information to  
 7 be contained in a citation; authorizing the issuance of a summons; permitting the  
 8 form for a citation under this Act to contain a summons if approved by the Chief  
 9 Judge of the District Court; requiring the payment of a fine or satisfaction of  
 10 equitable remedies under certain circumstances; providing for the abatement of a  
 11 violation; providing for the collection of fines or penalties by Baltimore City;  
 12 establishing a procedure for Baltimore City to collect costs for the abatement of  
 13 certain ordinance violations under certain circumstances; permitting a court to  
 14 enter judgment for failure to pay a fine or appear in court under certain  
 15 circumstances; establishing certain procedures and rights of certain defendants in  
 16 certain civil violation proceedings; authorizing certain persons to represent  
 17 Baltimore City in certain actions; providing for the effective date of this Act; and  
 18 generally relating to the establishment of civil citation requirements and penalties  
 19 by Baltimore City.

20 BY adding to

21 The Public Local Laws of Baltimore City  
 22 Section 16-16A(g) through (p)  
 23 Article 4 - Public Local Laws of Maryland  
 24 (1979 Edition and 1991 and 1993 Supplements, as amended)

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1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article 4 - Baltimore City**

4 16-16A.

5 (G) (1) IF APPROVED BY THE CHIEF JUDGE OF THE DISTRICT COURT, THE  
6 FORM OF A CITATION UNDER THIS SECTION MAY CONTAIN THE SUMMONS.

7 (2) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, A SPECIAL  
8 ENFORCEMENT OFFICER MAY ISSUE AND SERVE A CIVIL CITATION THAT  
9 CONSTITUTES A COMPLAINT AND A SUMMONS FOR A VIOLATION OF ANY CODES  
10 ENUMERATED UNDER SUBSECTION (A) OF THIS SECTION THAT, BY ORDINANCE, ARE  
11 SUBJECT TO CIVIL PENALTIES OR EQUITABLE REMEDIES.

12 (H) A CIVIL CITATION SHALL BE SERVED ON THE DEFENDANT:

13 (1) IN ACCORDANCE WITH MARYLAND RULE 3-121; OR

14 (2) FOR VIOLATIONS RELATED TO REAL PROPERTY, IF PROOF IS MADE  
15 BY AFFIDAVIT THAT A GOOD FAITH EFFORT TO SERVE THE DEFENDANT BY  
16 PERSONAL DELIVERY OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED HAS  
17 NOT SUCCEEDED ~~OR THAT THE DEFENDANT HAS ATTEMPTED TO EVADE SERVICE~~  
18 ~~BY FAILING TO REGISTER AS REQUIRED BY THE BALTIMORE CITY CODE,~~ BY:

19 (I) REGULAR MAIL TO THE DEFENDANT'S LAST KNOWN ADDRESS;  
20 AND

21 (II) 1. IF THE LAST KNOWN ADDRESS OF THE DEFENDANT IN  
22 THE STATE IS NOT A POST OFFICE BOX:

23 A. DELIVERY TO AN ADULT AT THE LAST KNOWN ADDRESS  
24 OF THE DEFENDANT; OR

25 B. POSTING AT THE LAST KNOWN ADDRESS OF THE  
26 DEFENDANT; OR

27 2. IF THE LAST KNOWN ADDRESS OF THE DEFENDANT IS  
28 OUTSIDE OF THE STATE OR IS A POST OFFICE BOX, POSTING THE CITATION AT THE  
29 PROPERTY WHERE THE VIOLATION OCCURRED.

30 (I) FOR THE PURPOSES OF SERVICE OF A CIVIL CITATION AS PROVIDED  
31 UNDER SUBSECTION (H) OF THIS SECTION:

32 (1) THE ADDRESS PROVIDED IN THE RENTAL PROPERTY  
33 REGISTRATION RECORDS OF BALTIMORE CITY MAY BE USED AS THE LAST KNOWN  
34 ADDRESS OF A DEFENDANT WHO IS AN ABSENTEE OWNER OF RESIDENTIAL REAL  
35 PROPERTY; OR

36 (2) THE MAIL-TO ADDRESS PROVIDED IN THE REAL PROPERTY TAX  
37 RECORDS OF BALTIMORE CITY MAY BE USED AS THE LAST KNOWN ADDRESS OF A  
38 DEFENDANT WHO:

3

1 (I) IS AN ABSENTEE OWNER OF RESIDENTIAL REAL PROPERTY;  
2 AND

3 (II) HAS FAILED TO REGISTER IN THE RENTAL PROPERTY  
4 REGISTRATION RECORDS OF BALTIMORE CITY.

5 (J) (1) THE CIVIL CITATION SHALL CONTAIN:

6 (I) THE ENFORCEMENT OFFICER'S CERTIFICATION ATTESTING TO  
7 THE TRUTH OF THE MATTER SET FORTH IN THE CITATION;

8 (II) THE NAME AND ADDRESS OF THE PERSON CHARGED;

9 (III) THE NATURE OF THE VIOLATION AND CITATION OF THE  
10 SPECIFIC SECTION OF LAW THAT IS VIOLATED;

11 (IV) THE LOCATION, DATE, AND TIME THE VIOLATION WAS  
12 OBSERVED;

13 (V) THE AMOUNT OF THE CIVIL FINE ASSESSED;

14 (VI) THE MANNER, LOCATION, AND TIME IN WHICH THE FINE MAY  
15 BE PAID TO THE CITY;

16 (VII) THE NATURE OF EQUITABLE RELIEF REQUESTED, IF  
17 APPLICABLE;

18 (VIII) NOTICE OF THE RIGHT OF THE PERSON TO ELECT TO STAND  
19 TRIAL FOR THE VIOLATION AND TO CONTEST THE CITY'S CLAIM TO THE  
20 REQUESTED RELIEF;

21 (IX) NOTICE OF THE EFFECT OF FAILING TO PAY THE ASSESSED  
22 FINE OR APPEAR FOR TRIAL AT THE PRESCRIBED TIME; AND

23 (X) NOTICE OF THE RIGHT OF THE PERSON TO REQUEST THE  
24 PRESENCE OF THE ISSUING ENFORCEMENT OFFICER AT TRIAL.

25 (2) IF A CITATION IS ISSUED FOR A VIOLATION ARISING FROM THE  
26 CONDITION OF REAL PROPERTY OWNED BY THE DEFENDANT, THE CITATION MAY  
27 INCLUDE A COUNT DEMANDING JUDGMENT FOR OUTSTANDING MUNICIPAL LIENS  
28 AGAINST THE PROPERTY IF THE PROPERTY IS:

29 (I) A VACANT LOT; OR

30 (II) A STRUCTURE THAT IS VACANT AND UNFIT FOR HABITATION.

31 (K) (1) (I) THE CIVIL CITATION MAY CONTAIN A SUMMONS IN A FORM  
32 APPROVED BY THE DISTRICT COURT.

33 (II) EXCEPT WHERE THE CIVIL CITATION CONTAINS A DEMAND  
34 FOR INJUNCTIVE OR OTHER EQUITABLE RELIEF OR A DEMAND FOR JUDGMENT IN  
35 THE AMOUNT OF OUTSTANDING MUNICIPAL LIENS AGAINST PROPERTY THAT IS THE  
36 SUBJECT OF THE CITATION, THE SUMMONS SHALL SPECIFY THAT THE DEFENDANT

4  
1 IS NOT REQUIRED TO APPEAR IN DISTRICT COURT IF THE FINE IS PAID AS PROVIDED  
2 IN THE CITATION.

3 (III) AN ENFORCEMENT OFFICER SHALL COORDINATE THE  
4 SELECTION OF COURT DATES WITH THE APPROPRIATE DISTRICT COURT OFFICIALS.

5 (2) IF THE DEFENDANT FAILS TO PAY THE FINE WITH A PREPAYMENT  
6 OPTION AS PROVIDED IN THE CITATION AND FAILS TO APPEAR IN DISTRICT COURT  
7 AS PROVIDED IN THE SUMMONS:

8 (I) THE CITY MAY DOUBLE THE FINE TO AN AMOUNT NOT TO  
9 EXCEED \$1,000; AND

10 (II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF A  
11 PROPER MOTION FOR JUDGMENT HAS BEEN MADE, THE COURT MAY:

12 1. ENTER JUDGMENT AGAINST THE DEFENDANT AND IN  
13 FAVOR OF THE CITY IN THE AMOUNT OF THE FINE THEN DUE;

14 2. ENTER AN ORDER GRANTING EQUITABLE RELIEF FROM  
15 THE VIOLATION AS REQUESTED BY THE CITY; OR

16 3. ENTER JUDGMENT FOR THE CITY IN THE AMOUNT OF  
17 THE OUTSTANDING MUNICIPAL LIENS AGAINST THE PROPERTY THAT IS THE  
18 SUBJECT OF THE CITATION.

19 (L) IF A DEFENDANT IS FOUND BY THE DISTRICT COURT TO HAVE  
20 COMMITTED A VIOLATION THAT IS SUBJECT TO CIVIL PENALTY:

21 (1) (I) THE COURT SHALL ORDER THE DEFENDANT TO PAY AN  
22 AMOUNT NOT TO EXCEED THE FINE THEN DUE, INCLUDING ANY DOUBLING OF THE  
23 FINE, NOT TO EXCEED THE AMOUNT SPECIFIED IN SUBSECTION (K) OF THIS  
24 SECTION;

25 (II) THE FINES IMPOSED SHALL CONSTITUTE A JUDGMENT IN  
26 FAVOR OF THE ~~MAYOR AND CITY COUNCIL~~ CITY; AND

27 (III) IF THE FINE REMAINS UNPAID FOR 30 DAYS FOLLOWING THE  
28 DATE OF ITS ENTRY, THE JUDGMENT SHALL BE ENFORCEABLE IN THE SAME  
29 MANNER AND TO THE SAME EXTENT AS OTHER CIVIL JUDGMENTS FOR MONEY  
30 UNLESS THE COURT HAS SUSPENDED OR DEFERRED THE PAYMENT OF THE FINE AS  
31 PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION;

32 (2) THE COURT MAY SUSPEND OR DEFER THE PAYMENT OF ANY FINE  
33 UNDER CONDITIONS THAT THE COURT SETS;

34 (3) THE DEFENDANT MAY BE LIABLE FOR THE COSTS OF THE  
35 PROCEEDINGS IN THE COURT;

36 (4) THE COURT MAY ORDER THE DEFENDANT TO ABATE THE  
37 VIOLATION OR GRANT OTHER EQUITABLE RELIEF REQUESTED BY THE CITY,  
38 INCLUDING ENTRY OF AN ORDER PERMITTING THE CITY TO FOLLOW SPECIFIC

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1 ACTIONS DESCRIBED IN THE ORDER TO ABATE ANY VIOLATION AT THE EXPENSE OF  
2 THE DEFENDANT; AND

3 (5) IF THE DEFENDANT FAILS TO COMPLY WITH ANY ORDER OF THE  
4 COURT, THE COURT MAY HOLD THE DEFENDANT IN CONTEMPT UNDER MARYLAND  
5 ~~RULE 4~~ RULES 15-205 AND 15-206 AND MAY ENFORCE THE ORDER UNDER  
6 MARYLAND RULE 3-648.

7 (M) (1) IF THE CITY ABATES A VIOLATION PURSUANT TO AN ORDER OF THE  
8 DISTRICT COURT, THE CITY SHALL PRESENT THE DEFENDANT WITH A BILL FOR THE  
9 COST OF ABATEMENT BY:

10 (I) REGULAR MAIL TO THE DEFENDANT'S LAST KNOWN ADDRESS;  
11 OR

12 (II) ANY OTHER MEANS THAT ARE REASONABLY CALCULATED TO  
13 BRING THE BILL TO THE DEFENDANT'S ATTENTION.

14 (2) IF THE DEFENDANT DOES NOT PAY THE BILL WITHIN 30 DAYS AFTER  
15 PRESENTMENT, THE CITY MAY FILE A MOTION WITH THE DISTRICT COURT FOR  
16 ENTRY OF A JUDGMENT AGAINST THE DEFENDANT FOR THE COST OF THE  
17 ABATEMENT.

18 (3) ON THE FILING OF A MOTION UNDER THIS SUBSECTION, THE  
19 DEFENDANT SHALL BE GIVEN PROPER NOTICE AND AN OPPORTUNITY FOR A  
20 HEARING IN ACCORDANCE WITH THE MARYLAND RULES.

21 (N) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF A  
22 DEFENDANT FAILS TO PAY ANY FINE OR COST IMPOSED BY THE DISTRICT COURT IN  
23 AN ACTION FOR A VIOLATION SUBJECT TO CIVIL PENALTIES, THE DISTRICT COURT  
24 MAY PUNISH THE FAILURE AS CONTEMPT OF COURT.

25 (2) A MONEY JUDGMENT FOR MUNICIPAL LIENS OR ABATEMENT OR  
26 ENFORCEMENT EXPENSES MAY NOT BE ENFORCED BY CONTEMPT.

27 (O) IN ANY PROCEEDING FOR A VIOLATION SUBJECT TO CIVIL PENALTIES:

28 (1) THE DISTRICT COURT SHALL APPLY THE EVIDENTIARY STANDARDS  
29 AS PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF CIVIL CAUSES, EXCEPT IT  
30 SHALL BE THE BURDEN OF THE CITY TO PROVE BY CLEAR AND CONVINCING  
31 EVIDENCE THAT THE DEFENDANT HAS COMMITTED A VIOLATION FOR WHICH  
32 IMPOSITION OF A CIVIL FINE IS SOUGHT;

33 (2) THE DISTRICT COURT SHALL ENSURE THAT THE DEFENDANT HAS  
34 RECEIVED A COPY OF THE CITATION AND THAT THE DEFENDANT UNDERSTANDS  
35 THE ALLEGATIONS CONTAINED IN THE CITATION;

36 (3) IF A DEFENDANT HAS NOT REQUESTED THE PRESENCE OF THE  
37 ISSUING ENFORCEMENT OFFICER, AND THE ISSUING OFFICER IS NOT PRESENT, A  
38 CIVIL CITATION SWORN TO OR AFFIRMED BY THE OFFICER SHALL BE CONSIDERED  
39 PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED IN THE CIVIL CITATION; AND

6

1 (4) THE DEFENDANT MAY ADMIT OR DENY A VIOLATION, AND THE  
2 COURT SHALL ENTER JUDGMENT FOR THE DEFENDANT OR THE CITY.

3 (P) THE STATE'S ATTORNEY, THE CITY SOLICITOR, OR ANY ATTORNEY  
4 DESIGNATED BY THE CITY IS AUTHORIZED TO REPRESENT THE CITY IN ENFORCING  
5 A CIVIL CITATION.

6 SECTION 2. AND BE IT FURTHER ENACTED, That between July 1, 1997 and  
7 October 1, 1997, every citation issued under this Act shall be served with notice of the  
8 provisions of this Act and reference to the appropriate section(s) of the laws of this State.

9 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 ~~October~~ July 1, 1997.