

HOUSE BILL 435

L2, E4

8lr0924

By: **Delegates Ali, Gibson, Mosby, and Rosenberg**

Introduced and read first time: January 25, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City Charter Amendment – Public Nuisances – Notice**

3 FOR the purpose of adding a new section to Article II of the Charter of Baltimore City to
4 require the Police Commissioner of Baltimore City to provide a certain notice and an
5 opportunity for a certain hearing at a later date regarding a certain public nuisance;
6 requiring the Commissioner to provide a certain notice and an opportunity for a
7 certain hearing regarding a certain public nuisance at the time the Commissioner
8 issues a certain order on the public nuisance; establishing the information that the
9 Commissioner must include in a certain notice for a hearing regarding a public
10 nuisance; and generally relating to public nuisances in Baltimore City.

11 BY adding to
12 The Charter of Baltimore City
13 Article II – General Powers
14 Section (70)
15 (2007 Replacement Volume, as amended)

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

18 **The Charter of Baltimore City**

19 Article II – General Powers

20 The Mayor and City Council of Baltimore shall have full power and authority to
21 exercise all of the powers heretofore or hereafter granted to it by the Constitution of
22 Maryland or by any Public General or Public Local Laws of the State of Maryland; and in
23 particular, without limitation upon the foregoing, shall have power by ordinance, or such
24 other method as may be provided for in its Charter, subject to the provisions of said
25 Constitution and Public General Laws:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(70)**

2 **(A) IF A DETERMINATION IS MADE THAT A PUBLIC NUISANCE EXISTS, IN**
3 **ACCORDANCE WITH ARTICLE 4 OF THE BALTIMORE CITY CODE, THE POLICE**
4 **COMMISSIONER OF BALTIMORE CITY SHALL GIVE NOTICE AND AN OPPORTUNITY**
5 **FOR A HEARING AT A LATER DATE TO THE OWNER AND ANY OPERATOR OF THE**
6 **PREMISES AND TO ANY COMMERCIAL TENANT OF THE PREMISES.**

7 **(B) THE NOTICE SHALL STATE:**

8 **(1) THE DATE, PLACE, AND TIME OF THE HEARING;**

9 **(2) THE RIGHT OF THE PERSON RECEIVING THE NOTICE TO BE HEARD**
10 **AND TO BE REPRESENTED AT THE HEARING; AND**

11 **(3) THE POSSIBLE CONSEQUENCES OF FAILURE TO APPEAR,**
12 **INCLUDING THE POSSIBLE ISSUANCE OF A DEFAULT ORDER DIRECTING THE**
13 **PREMISES TO REMAIN CLOSED TO THE EXTENT NECESSARY TO ABATE THE**
14 **NUISANCE.**

15 **(C) THE NOTICE SHALL BE GIVEN BY:**

16 **(1) PERSONAL SERVICE OR BY CERTIFIED OR REGISTERED MAIL TO**
17 **THE OWNER, ANY OPERATOR, AND ANY COMMERCIAL TENANT, AS THE NAMES AND**
18 **ADDRESSES:**

19 **(I) ARE RECORDED IN THE LAND RECORDS OF BALTIMORE**
20 **CITY;**

21 **(II) APPEAR IN THE REGISTRATION STATEMENT MADE UNDER**
22 **CITY CODE ARTICLE 13, SUBTITLE 4 {"REGISTRATION OF RESIDENTIAL**
23 **PROPERTIES"}; OR**

24 **(III) ARE OTHERWISE KNOWN OR READILY ASCERTAINABLE; AND**

25 **(2) POSTING ON THE PREMISES.**

26 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
27 **October 1, 2018.**