



CODE VIOLATION NOTICE AND ORDER
By Authority of the Mayor and City Council of Baltimore

STEPHANIE RAWLINGS-BLAKE
MAYOR

PAUL T. GRAZIANO
COMMISSIONER

Notice Number: 1293211A-1

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9/11/2015

To: MAURICE A. WHITEHURST, Owner
0847 WASHINGTON BLVD
BALTIMORE, MD 21230-2329

Inspector:
Name: LARRY BAILEY
Phone: (410)545-1851
Area Office: 501 N Athol Ave
Baltimore, MD 21229

Location of Violation:

Address: 847 WASHINGTON BLVD
Block: 0850 Lot: 004

Violation:

Issued: 09/10/2015
Number: 1293211A-1

A Housing Code Enforcement Official inspected the property listed above and determined the property was in violation of the Building, Fire and Related Codes of Baltimore City. You are hereby ORDERED to obtain all required permits and to correct all the items cited on this notice on or before October 10, 2015. Individual items on this notice may require earlier completion as noted.

Violation

Item # 1:

Complete within 30 Days

Location: SIDE FACING LOT

Violation: Sec. 304.25 PMCBC - Exterior surface of structure defaced by carving, marking or graffiti. Restore surface to an approved state of maintenance. Please read the Lead Warning Statement printed at the end of this notice.

If you need further help or information please telephone the inspector listed above.

Authority Of Commissioner To Order Repairs At Your Expense

If the premises are not kept clean, the building is not kept secure, and/or the building is not rehabilitated or maintained in accordance with minimum maintenance standards as ordered, or the property presents a health hazard, or nuisance as defined in the Baltimore City Health Code section 5-101, the city is authorized to do all or any part of the required work, or to demolish and remove the building or any part thereof, the cost of which will become both a lien against the property and a personal debt owed by all persons having an interest in the property.

Penalties

Failure to correct each violation in the time and manner prescribed is a criminal misdemeanor subject to a fine of up to \$500 per day. A violation may also be enforced by

821,365



417 East Fayette Street Suite 202 Baltimore MD 21202

63,615

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Court Order and civil penalty. In addition to initiating prosecution or other legal enforcement proceedings the Commissioner or an authorized representative of the Commissioner is authorized to complete all required work without further notice. The expense of the work will be both a personal debt and a lien against the property.

Certain violations of the BFRCBC and Zoning Code carry penalties that exceed the \$500 fine per day and in some cases may include incarceration.

Abatement Procedure

Work must be inspected and approved before this notice will be abated. Contact your area housing office at the number listed on page 1 to schedule an inspection when corrections have been completed. An abatement letter will be sent upon verifying satisfactory completion. All repairs, maintenance work, alterations, or installations must be done in a workmanlike manner. The Housing Code Official for your area may extend the time within which to comply with any item on this notice.

Administrative Review

Violations of the Zoning Code of Baltimore City:

An appeal of a zoning violation must be requested within 10 business days from the date of service upon you, on forms provided by the Zoning Administrator. Forms and assistance may be obtained at 417 E. Fayette Street, Baltimore, Maryland 21202, Room 100, 410-396-4126. Appeals of a zoning violation are heard before the Board of Municipal Zoning Appeals.

Violations of the Building, Fire and Related Codes of Baltimore City:

You have the right to request an administrative review of any violation notice and order of the BFRCBC. Your request must: 1) be in writing; 2) be made within 10 days of service upon you; 3) set forth in full the reasons for review; and 4) be mailed certified or registered mail, return receipt requested to Michael Braverman, Deputy Commissioner of Code Enforcement at 417 E. Fayette Street, 3rd Floor, Baltimore, Maryland, 21202.

A request for a review of a condemnation or other notice or order with a completion date of less than 10 days must be made before the expiration of the notice. In emergency situations this review procedure may not be available.

Separate appeal request must be made if you are appealing violations of both the Zoning Code and the BFRCBC.

Lead Warning Statement

Many homes built before 1978 were painted using lead-based paint. Lead-based paint is





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particularly dangerous if it is chipping or peeling. If a home has been cited for chipping paint and this paint is lead-based paint, it places young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. In certain circumstances you must employ lead-safe work practices to correct paint violations. If you would like more information on lead poisoning prevention and lead-safe work practices, contact Baltimore Housing Light Program at 410-396-3023 or the Baltimore City Health Department Childhood Lead Poisoning Prevention Program at 443-984-2460 or the Green & Healthy Homes Initiative by e-mail at marylandprograms@ghhi.org or by telephone at 410-534-6447 or 1-800-370-5323.

Property Registration

All non-owner occupied residential dwelling units and rooming units must be registered with the Commissioner of Baltimore Housing. The Baltimore City Code, Article 13, Subtitle 4-2, requires every owner of a non-owner occupied dwelling unit, "whether occupied or vacant, whether it is producing revenue or not producing revenue, whether habitable or not habitable" shall file a registration statement with the Housing Commissioner. This must be done upon any transfer of the property and every September 1st thereafter. Failure to register your property in the time and manner prescribed is a criminal misdemeanor subject to a fine of up to \$500 per day. A violation may also be enforced by Court Order, civil penalty and environmental citation. More information on Property Registration is available online at www.baltimorehousing.org. The Property Registration & Licensing Office is located at 417 E. Fayette Street, Room 100 and they are open Monday - Friday, 8:30 a.m. - 4:30 p.m.

For your reference:

- BFRCBC - Building, Fire and Related Codes of Baltimore City 2003
- PMCBC - Property Maintenance Code of Baltimore City
- FCBC - Fire Code of Baltimore City
- NEC - National Electric Code (1999 Edition)
- Zoning - Zoning Code of Baltimore City (2000 Edition)
- ART. 13 - Article 13 of the Baltimore City Code
- Ann. Code - Annotated Code of Maryland
- ORD - Ordinance

Go to <http://www.baltimorecity.gov/Government/CityCharterCodes.aspx> to view many of these codes.





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For More Information:

For your convenience Baltimore Housing provides information on outstanding violation notices, permits, housing court dockets and housing court orders. To access this information simply visit www.Baltimorehousing.org and select Code Enforcement from the dropdown menu.

If you need more information regarding this notice or how to comply please telephone the inspector listed at the top of page 1.

Signature of recipient if hand delivered

Date

Print Name



Deputy Commissioner of Code Enforcement,
Michael Braverman
417 E. Fayette Street, 3rd Floor
Baltimore, Maryland 21202

Baltimore Housing
Office of
Demolition & Construction
RECEIVED

Maurice Whitehurst
847 Washington Blvd
Baltimore, Maryland 21230

202 656 9840

SEP 16 2015

Re: Administrative Review of Violation
Date: 09/15/2015

Dear Mr. Braverman:

This is an official request for an Administrative Review for the violation numbered: 1293211A-1 issued 09/10/2015 by Mr. Larry Bailey. The location of the violation is: 847 Washington Blvd, Block: 0850, Lot: 004.

Listed below are the reason set forth in full for the review.

- 1.) The International Property Maintenance Code (2012 Edition), as modified in Part VII of the Baltimore City Code does not define "graffiti". Neither does the International Fire Code (2012 Edition), as modified in Part VIII of the Baltimore City Code, the International Residential Code for One- and Two-Family Dwellings (2012 Edition), as modified in Part X of the Baltimore City Code, or the International Building Code. The definition for "graffiti" in these editions are, respectfully, left to standard common usage.
- 2.) Standard common usage of "graffiti", according to Oxford is: "Writing or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface in a public place". I think it's necessary to point of the illicitness of the behavior: meaning the behavior is unauthorized or unpermitted by the owner of the property.
- 3.) For the purposes of the state legislature of Maryland, they have chosen to define "graffiti" in the Maryland Annotated Code as such: §6-301 (d)(1) For purposes of this subsection, an act of "graffiti" means a permanent drawing, permanent painting, or a permanent mark or inscription on the property of another without the permission of the owner of the property.
- 4.) Prince George's County agrees with the state and defines "graffiti" this way: Graffiti shall mean any inscription, drawing, painting, or other visual defacing that is written, marked, etched, scratched, painted, or engraved on or otherwise affixed to any surface of a building, structure, roadway, or natural feature that was not authorized by the prior consent of the owner. As well as, in Takoma Park, MD: "Graffiti" means any inscription, mark, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise applied to any surface of public or private property without the authorization of the owner of the property.
- 5.) As the deed holder to the property located at 847 Washington Blvd, Block: 0850, Lot: 004, the city and its officials know I am the property owner per their records. Therefore, according to Maryland

Annotated Code, as the property owner who has given authority to that which is in question, graffiti, per (MAC) is not defacing the property per your violation.

6.) The one who creates is the one who determines. This is a philosophical argument but I think in practice it's obvious. Yet under these circumstances it may be wise to elaborate. As a consequence, it's the programmer who decides the program; it's the composer who determines the symphony; and it's the artist who determines what is his art. It is the one who fashions the object who determines its purpose.

While the actions of some self proclaimed "Christians" may be far from Christ-like, it cannot be up to society to determine who is Christian and who is not. That is a task left up to the individual heart. So is the same with art.

7.) According to 17 USC section 106A is known as the Visual Artists Rights Act of 1990 (VARA), Section (2) alleviates the burden of artist by declaring: "the author of a work of visual art-...shall have the right to prevent the use of his or her name as the author of the work of visual art in the event of a distortion, mutilation, or other modification of the work which would be prejudicial to his or her honor or reputation;"

Therefore, the work-of-art, not only has the authority from the owner, myself, but has the protection of the United States Code.

8.) As well, according to the US Constitution First Amendment protection of political speech, Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances, I am afforded a certain indemnity with respect to expression.

9.) I would have you to consider the rights as a property owner to "Quiet Enjoyment of Land". As a property owner, whose enjoyment includes "political free speech", the violation is a de facto "Private Nuisance." A private nuisance is an interference with a person's enjoyment and use of his land. The law recognizes that landowners, or those in rightful possession of land, have the right to the unimpaired condition of the property and to reasonable comfort and convenience in its occupation.

By the issuance of the violation and further continued action to prevent me, the property owner, from "enjoyment" of "free speech", the city may be civilly responsible for any injury or damage to reputation or person.

10.) Lastly, knowing of Maryland Annotated Code's definition of "graffiti", knowing that I am the property owner, knowing I am the author of the work in question and knowing that Baltimore City does not define "graffiti" separate or distinctly different from that of the State, this currently violation and the continued issuance of violations would be akin to malicious prosecution. Proceeding under these terms may open the city up to liability, not only for compensatory damages but punitive damages if a judge deems the persons or person involved were malicious or ought to have known better.

For these 10 individual and combined reason, my appelle of the violation ought to be granted and the violation nullified or dismissed. Notwithstanding, all further attempts to silence "free speech" or "art" of legal means ought to be applauded not criminalized.

Baltimore Housing
Office of
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SEP 16 2015

I respectfully await your decision in this matter, assured that reasonable men and women are able to distinguish blight from speech and tyranny from good government.

Sincerely,

Maurice Whitehurst

A handwritten signature in cursive script, appearing to read "Maurice Whitehurst", written in dark ink.

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SEP 16 2015