CITY OF BALTIMORE ORDINANCE Council Bill 10-0489

Introduced by: President Young, Councilmembers Reisinger, Henry, Holton, D'Adamo, Cole,

Middleton, Spector, Conaway, Curran, Kraft, Welch

Introduced and read first time: April 19, 2010

Assigned to: Judiciary and Legislative Investigations Committee Committee Report: Favorable with amendments

Council action: Adopted

Read second time: May 24, 2010

AN ORDINANCE CONCERNING

1	Miscellaneous Offenses – Citation and Penalty Amounts
2	FOR the purpose of increasing the environmental, civil, and criminal penalties applicable to
3	certain health and police ordinance offenses; and correcting, clarifying, and conforming
4	related provisions.
5	By repealing and reordaining, with amendments
6	Article 1 - Mayor, City Council, and Municipal Agencies
7	Section(s) 40-14(e)(3)(§§ 14-2, 14-3, 51-2),
8	40-14(e)(7)(§§ 5-501, 5-503, Subtitles 1, 2, 6),
9	$41-14(2)(\S\S 13-1, 13-2, 14-2, 14-3, 51-2, 55-1, 55-2)$, and
10	41-14(6)(§§ 5-501, 5-503, Subtitles 1, 2, 6)
11	Baltimore City Code
12	(Edition 2000)
13	By repealing and reordaining, with amendments
14	Article 19 - Police Ordinances
15	Section(s) 13-5(c), 14-6(c), and 55-2(b)
16	Baltimore City Code
17	(Edition 2000)
18	By repealing and reordaining, with amendments
19	Article - Health
20	Section(s) 5-510(b), 12-112(a) and (b)(1), and 12-607(a)
21	Baltimore City Revised Code
22	(Edition 2000)
23	Preamble
24	WHEREAS, many Baltimore City communities have a high density of restaurants, nightclubs,
25	package good stores, and other entertainment and alcohol-related businesses within walking
26	distance of residential properties.

EXPLANATION: CAPITALS indicate matter added to existing law. [Brackets] indicate matter deleted from existing law. Underlining indicates matter added to the bill by amendment. Strike out indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

1 2 3	WHEREAS , it is necessary for the City to continue to encourage the establishment and vitality of entertainment areas that provide dynamic recreational options and excitement to a wide variety of residents and visitors.
4	WHEREAS, it is equally important to encourage responsible behavior amongst local revelers.
5 6 7	WHEREAS, residents frequently have to bear the brunt of disruptive behavior associated with the ills typical of over-consumption of alcohol; public urination or defecation; public drunkenness; or drinking or possessing open containers in public places.
8 9 10	WHEREAS, the City Council recognizes that some persons may have no place to sleep, may lack access to lavatory facilities, or may struggle with mental and physical health issues that are better served by social service providers than by police.
11 12 13 14	WHEREAS, the City Council does not intend to authorize enforcement of citations and penalties against persons who lack fixed nighttime residences and wishes to ensure that adequate safeguards exist such that all practical efforts are made to obtain voluntary compliance with the standards here and to direct persons in need to proper social service providers.
15 16 17 18	WHEREAS, the City Council recognizes the critical importance that enforcement be sensitive to the needs of persons in need of social service assistance found to be in violation of rules and that persons who are deemed to have mental illnesses or other social problems that cause them to engage in nuisance behavior should be connected with social service professionals.
19 20	SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:
21	Baltimore City Code
22	Article 1. Mayor, City Council, and Municipal Agencies
23	Subtitle 40. Environmental Control Board
24	§ 40-14. Violations to which subtitle applies.
25	(e) Provisions and penalties enumerated.
26 27	(3) Article 19. Police Ordinances
28 29	§ 14-2 [or § 14-3]. Drinking or possessing open containers in public places – In General [\$ 50] \$500 \$250
30 31	§ 14-3. Drinking or possessing open containers in public places – Parents or guardians of minors \$\frac{\$-50}{\$}\$
32 33 34	§ 51-2. Compliance with park rules $ \underline{1}^{ST} OFFENSE $ [\$200] $\underline{\$500}$ $ \underline{\$250}$
35	2^{ND} OFFENSE $\qquad \qquad \qquad$
36	3^{rd} or subsequent offense \$1,000

1				
2	(7) Health Code			
3	Title 5: Nuisance Control			
5 6	Subtitle 5: Bodily Wastes			
7	§ 5-501. Spitting	[\$ 25]	\$200	<u>\$100</u>
8	§ 5-503. Urinating, etc in general	[\$150]	\$750	<u>\$500</u>
9 10	Title 12: Tobacco Products			
11 12 13 14 15 16	Subtitle 1: Indoor Smoking Person smoking Employer, other person in charge Subtitle 2: Sale of Unpackaged Cigarettes Subtitle 6: Flavored Tobacco Wrappings		[\$250] [\$500] [\$150] [\$250]	\$500 \$750 \$500 \$500
17 18	Subtitle 41. Civil Citations § 41-14. Offenses to which subtitle applies – Listing.			
	(2) Article 19. Police Ordinances			
19 20	••••	[01 <i>5</i> 0]	\$750	\$500
21	§ 13-1 [or § 13-2]. Disorderly drinking – IN GENERAL	[\$150]	\$750	\$500
22	§ 13-2. Disorderly drinking – Parents or guardians of mind	ORS		\$150
23 24	§ 14-2 [or § 14-3]. Drinking OR POSSESSING OPEN CONTAINERS in public places — IN GENERAL	[\$ 50]	\$500	<u>\$250</u>
25 26 27	§ 14-3. Drinking or possessing open containers in public places — Parents or guardians of minors		\$ 50	<u>\$150</u>
28 29 30 31	§ 51-2. Compliance with PARK rules [required]		[\$ 50]	\$500 \$ 250 \$ 500 \$1,000
32 33	§ 55-1. Ticket "scalping" (AND FORFEITURE OF TICKETS)		[\$100]	\$500
34 35 36 37	§ 55-2. Street sales of theater or circus tickets (AND FORFEITURE OF TICKETS)		[\$100]	\$500

1	(6) Health Code			
2 3	Title 5: Nuisance Control			
4	Subtitle 5: Bodily Wastes			
5	§ 5-501. Spitting	[\$ 25]	\$200	<u>\$100</u>
6	§ 5-503. Urinating, etc in general	[\$150]	\$750	<u>\$500</u>
7 8	Title 12: Tobacco Products			
9 10 11	Subtitle 1: Indoor Smoking Person smoking Employer, other person in charge		[\$250] [\$500]	\$500 \$750
12	Subtitle 2: Sale of Unpackaged Cigarettes		[\$150]	\$500
13 14	Subtitle 6: Flavored Tobacco Wrappings		[\$250]	\$500
15	Article 19. Police Ordinances			
16	Subtitle 13. Disorderly Drinking			
17	§ 13-5. Penalties.			
18	(c) Adult offender.			
19 20 21 22	Any person 18 years of age or older who violates a provision of misdemeanor and, [upon] on conviction, [shall be] is subject t \$50 nor] more than [\$500] \$1,000[,] or imprisonment for not refine and imprisonment for each offense.	o a fine of n	ot [less tl	nan
23	Subtitle 14. Drinking in Public Places			
24	§ 14-6. Penalties.			
25	(c) Adult offender.			
26 27 28 29	Any person 18 years of age or older who violates a provision of misdemeanor and, [upon] on conviction, [shall be] is subject t \$50 nor] more than [\$500] \$1,000 or imprisonment for not most fine and imprisonment for each offense.	o a fine of n	ot [less tl	nan

1	Subtitle 55. Ticket Sales
2	§ 55-2. Street sales of theater and circus tickets.
3	(b) Penalties.
4 5 6 7	Any person [or persons violating the provisions] WHO VIOLATES A PROVISION of this section [shall be deemed] IS guilty of a misdemeanor and, on conviction, [shall be punished by] IS SUBJECT TO a fine of NOT MORE THAN [\$10] \$1,000 for every [such] offense.
8	Baltimore City Revised Code
9	Health Article
10	Title 5. Nuisance Control
11	Subtitle 5. Bodily Wastes
12	§ 5-510. Penalties.
13	(b) Urinating or defecating — adult offenders: [\$500] \$1,000 and 30 days.
14 15 16 17	Any adult who violates § 5-503 {"Urinating or defecating in public places — in general"} of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than [\$500] \$1,000 or to imprisonment for not more than 30 days or to both fine and imprisonment for each offense.
18	Title 12. Tobacco Products
19	Subtitle 1. Indoor Smoking
20	§ 12-112. Penalties
21	(a) Smoker.
22 23	Any person who smokes in violation of this subtitle is subject to a civil fine of not more than [\$250] \$500 for each offense.
24	(b) Employer or person in charge.
25 26 27	(1) Any employer or other person in charge who violates a provision of this subtitle or who knowingly allows a violation is subject to a civil fine of not more than [\$500] \$750 for each offense.

1	Subtitle 6. Flavored Tobacco Wrappings
2	§ 12-607. Penalties: \$250 \$1,000.
3	(a) In general.
4 5	Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than [\$250] \$1,000 for each offense.
6 7 8	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.
9 10	SECTION 3. AND BE IT FURTHER ORDAINED , That this Ordinance takes effect on the 30 th day after the date it is enacted.
	Certified as duly passed this day of, 20
	President, Baltimore City Council
	Certified as duly delivered to Her Honor, the Mayor, this day of, 20
	Chief Clerk
	Approved this day of, 20
	Mayor, Baltimore City