

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 10-0489**

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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

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Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: May 24, 2010

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**AN ORDINANCE CONCERNING**

**Miscellaneous Offenses – Citation and Penalty Amounts**

FOR the purpose of increasing the environmental, civil, and criminal penalties applicable to certain health and police ordinance offenses; and correcting, clarifying, and conforming related provisions.

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies  
Section(s) 40-14(e)(3)(§§ 14-2, 14-3, 51-2),  
40-14(e)(7)(§§ 5-501, 5-503, Subtitles 1, 2, 6),  
41-14(2)(§§ 13-1, 13-2, 14-2, 14-3, 51-2, 55-1, 55-2), and  
41-14(6)(§§ 5-501, 5-503, Subtitles 1, 2, 6)  
Baltimore City Code  
(Edition 2000)

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances  
Section(s) 13-5(c), 14-6(c), and 55-2(b)  
Baltimore City Code  
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Health  
Section(s) 5-510(b), 12-112(a) and (b)(1), and 12-607(a)  
Baltimore City Revised Code  
(Edition 2000)

**Preamble**

**WHEREAS**, many Baltimore City communities have a high density of restaurants, nightclubs, package good stores, and other entertainment and alcohol-related businesses within walking 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.



**Council Bill 10-0489**

1	.....			
2	(7) <b>Health Code</b>			
3	.....			
4	Title 5: Nuisance Control			
5	.....			
6	Subtitle 5: Bodily Wastes			
7	§ 5-501. Spitting	[\$ 25]	<del>\$200</del>	<u>\$100</u>
8	§ 5-503. Urinating, etc. - in general	[\$150]	<del>\$750</del>	<u>\$500</u>
9	.....			
10	Title 12: Tobacco Products			
11	Subtitle 1: Indoor Smoking			
12	Person smoking		[\$250]	\$500
13	Employer, other person in charge		[\$500]	\$750
14	Subtitle 2: Sale of Unpackaged Cigarettes		[\$150]	\$500
15	.....			
16	Subtitle 6: Flavored Tobacco Wrappings		[\$250]	\$500

**Subtitle 41. Civil Citations**

**§ 41-14. Offenses to which subtitle applies – Listing.**

19	(2) <b>Article 19. Police Ordinances</b>			
20	.....			
21	§ 13-1 [or § 13-2]. Disorderly drinking – IN GENERAL	[\$150]	<del>\$750</del>	<u>\$500</u>
22	§ 13-2. DISORDERLY DRINKING – PARENTS OR GUARDIANS OF MINORS			\$150
23	§ 14-2 [or § 14-3]. Drinking OR POSSESSING OPEN CONTAINERS			
24	in public places – IN GENERAL	[\$ 50]	<del>\$500</del>	<u>\$250</u>
25	§ 14-3. DRINKING OR POSSESSING OPEN CONTAINERS			
26	IN PUBLIC PLACES – PARENTS OR GUARDIANS OF MINORS		<del>\$ 50</del>	<u>\$150</u>
27	.....			
28	§ 51-2. Compliance with PARK rules [required]	[\$ 50]		<u>\$500</u>
29	<u>1<sup>ST</sup> OFFENSE</u>			<u>\$ 250</u>
30	<u>2<sup>ND</sup> OFFENSE</u>			<u>\$ 500</u>
31	<u>3<sup>RD</sup> OR SUBSEQUENT OFFENSE</u>			<u>\$1,000</u>
32	§ 55-1. Ticket “scalping”			
33	<u>(AND FORFEITURE OF TICKETS)</u>	[\$100]		\$500
34	§ 55-2. Street sales of theater or circus tickets			
35	<u>(AND FORFEITURE OF TICKETS)</u>	[\$100]		\$500
36	.....			
37	.....			

**Council Bill 10-0489**

1	<b>(6) Health Code</b>			
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11	Employer, other person in charge		[\$500]	\$750
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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           Any person 18 years of age or older who violates a provision of this subtitle is guilty of a  
20           misdemeanor and, [upon] ON conviction, [shall be] IS subject to a fine of not [less than  
21           \$50 nor] more than [500] \$1,000[,] or imprisonment for not more than 90 days[,], or both  
22           FINE AND IMPRISONMENT FOR EACH OFFENSE.

23                                   **Subtitle 14. Drinking in Public Places**

24 **§ 14-6. Penalties.**

25       (c) *Adult offender.*

26           Any person 18 years of age or older who violates a provision of this subtitle is guilty of a  
27           misdemeanor and, [upon] ON conviction, [shall be] IS subject to a fine of not [less than  
28           \$50 nor] more than [500] \$1,000 or imprisonment for not more than 30 days or both  
29           FINE AND IMPRISONMENT FOR EACH OFFENSE.

**Council Bill 10-0489**

**Subtitle 55. Ticket Sales**

**§ 55-2. Street sales of theater and circus tickets.**

*(b) Penalties.*

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.

**Baltimore City Revised Code**

**Health Article**

**Title 5. Nuisance Control**

***Subtitle 5. Bodily Wastes***

**§ 5-510. Penalties.**

*(b) Urinating or defecating — adult offenders: [\$500] \$1,000 and 30 days.*

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.

**Title 12. Tobacco Products**

***Subtitle 1. Indoor Smoking***

**§ 12-112. Penalties**

*(a) Smoker.*

Any person who smokes in violation of this subtitle is subject to a civil fine of not more than [\$250] \$500 for each offense.

*(b) Employer or person in charge.*

(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.

Council Bill 10-0489

*Subtitle 6. Flavored Tobacco Wrappings*

**§ 12-607. Penalties: ~~\$250~~ \$1,000.**

(a) *In general.*

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.

**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.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> 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