

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 05-0082

Introduced by: Councilmembers Kraft, D’Adamo, Welch
Introduced and read first time: April 5, 2005
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: April 4, 2006

AN ORDINANCE CONCERNING

**Unsolicited Advertising Circulars –
Vehicles or Residential Property**

FOR the purpose of prohibiting the placement, without permission, of advertising circulars in or on vehicles or residential property; defining certain terms; imposing certain penalties; correcting, clarifying, and conforming certain language; and generally relating to the distribution of advertising circulars.

BY repealing and reordaining, with amendments
Article 19 - Police Ordinance
Section(s) 1-1 through 1-4, inclusive, to be under the amended subtitle designation “Subtitle 1. Advertising Circulars”
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 40-14(e)(3) and 41-14(2)
Baltimore City Code
(Edition 2000)

Preamble

The Mayor and City Council of Baltimore recognizes the constitutional right of any person to disseminate information, including information of a commercial nature.

The distribution of these items on vehicles and on private property, however, can be injurious to the public health, safety, and welfare. The accumulation of unsolicited advertising materials dirties the streets and sidewalks; it also identifies temporarily vacant residences as potential targets for burglary, vandalism, and other crimes.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

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.

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Baltimore City Code

Article 19. Police Ordinances

Subtitle 1. Advertising Circulars [on Motor Vehicles]

§ 1-1. Definitions.

(a) *In general.*

[As used in] IN this subtitle, the following terms have the meanings indicated [unless the context clearly requires a different meaning].

[(b) *Motor vehicle.*

“Motor vehicle” means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.]

(B) *ADVERTISING CIRCULAR.*

~~“ADVERTISING CIRCULAR” MEANS ANY PRINTED OR WRITTEN CIRCULAR, NOTICE, OR OTHER ITEM THAT:~~

~~(1) ADVERTISES ANY PRODUCT, SERVICE, OR OTHER THING FOR SALE, LEASE, OR TRADE;~~

~~(2) DIRECTS ATTENTION TO ANY BUSINESS, COMMODITY, SERVICE, EVENT, OR OTHER ACTIVITY FOR WHICH A FEE IS CHARGED OR SOLICITED; OR~~

~~(3) OTHERWISE CONTAINS MATERIAL THAT IS PRIMARILY OF A BUSINESS OR COMMERCIAL NATURE.~~

“ADVERTISING CIRCULAR” MEANS ANY PRINTED OR WRITTEN CIRCULAR, NOTICE, OR OTHER ITEM THE PREDOMINATE PURPOSE OF WHICH IS:

(1) TO ADVERTISE ONE OR MORE PRODUCTS, SERVICES, OR OTHER THINGS FOR SALE, LEASE, OR TRADE;

(2) TO DIRECT ATTENTION TO ONE OR MORE BUSINESSES, COMMODITIES, SERVICES, EVENTS, OR OTHER ACTIVITIES FOR WHICH A FEE IS CHARGED OR SOLICITED; OR

(3) OTHERWISE TO PROMOTE ACTIVITY OF A BUSINESS OR COMMERCIAL NATURE.

(c) *Person.*

(1) *IN GENERAL.*

“Person” means, EXCEPT AS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION:

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1 (I) [every natural person,] ANY INDIVIDUAL; AND

2 (II) [firm,] ANY partnership, FIRM, association, [or] corporation, OR OTHER ENTITY
3 OF ANY KIND.

4 (2) *EXCLUSIONS.*

5 “PERSON” DOES NOT INCLUDE A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR
6 UNIT OF A GOVERNMENTAL ENTITY.

7 (D) *VEHICLE.*

8 “VEHICLE” MEANS:

9 (1) ANY SELF-PROPELLED VEHICLE; AND

10 (2) ANY OTHER VEHICLE REQUIRED TO BE REGISTERED UNDER THE LAWS OF THIS
11 STATE.

12 **[§ 1-2. Scope of subtitle.**

13 The provisions of this subtitle shall not apply to any agency of the Mayor and City Council
14 of Baltimore or the Baltimore City Police Department.]

15 **§ 1-2. [§ 1-3.] Placement prohibited without permission.**

16 A person [shall] MAY not [place or] affix OR PLACE [an] ANY advertising circular[, notice, or
17 other printed item]:

18 (1) IN OR on any [motor] vehicle in the City, [of Baltimore without] EXCEPT WITH THE
19 EXPRESS permission of the [motor vehicle] owner or operator OF THE VEHICLE; OR

20 (2) IN OR ON ANY RESIDENTIAL PROPERTY IN THE CITY (WHETHER IN OR ON A FENCE,
21 RAILING, DOOR, PORCH, LAWN, SIDEWALK, OR OTHERWISE), EXCEPT:

22 (I) WITH THE EXPRESS PERMISSION OF THE OWNER OR OCCUPANT OF THAT
23 PROPERTY; OR

24 (II) BY PLACING THE ADVERTISING CIRCULAR INTO A DOOR SLOT OR A
25 NONLOCKABLE BIN CONSISTENT WITH FEDERAL LAW.

26 **§ 1-3. ENFORCEMENT BY CITATION.**

27 (A) *IN GENERAL.*

28 IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,
29 THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

30 (1) AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40
31 {“ENVIRONMENTAL CONTROL BOARD”}; OR

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(2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.

(B) *PROCESS NOT EXCLUSIVE.*

THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

§ 1-4. Penalties.

(A) *IN GENERAL.*

Any person who violates a provision of this subtitle is guilty of a misdemeanor and, [upon] ON conviction, is subject to a fine of not [less than \$10 nor] more than [\$50] \$100 for each [separate] offense.

(B) *EACH CIRCULAR A SEPARATE OFFENSE.*

EACH CIRCULAR AFFIXED OR PLACED IN VIOLATION OF THIS SUBTITLE CONSTITUTES A SEPARATE OFFENSE.

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(3) Article 19. Police Ordinances

§ 1-2. PLACEMENT {OF ADVERTISING CIRCULARS} WITHOUT PERMISSION	\$ 50
§ 7-2. Vehicle alarms: Prohibited devices	\$100
§ 8-18. Burglar alarms: Penalties	
Users	\$250
Contractors, Monitors, Others	\$500
§ 14-2 or § 14-3. Drinking in public places	\$ 50
§ 41-2. Outdoor telephones: Prohibited placement	\$500
§ 45-2. Signs on public property: Posting prohibited	\$100
§ 48-2. Resale of tickets near sports facilities	\$ 50
§ 50-2. Obstructing street, etc., or gutter	\$ 50

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1	§ 50-3. Merchandise projecting from building	\$ 50
2	§ 50-46 or § 50-47. Snow - cleaning required	\$ 50
3	§ 51-2. Compliance with park rules	\$200
4	Subtitle 41. Civil Citations	
5	§ 41-14. Offenses to which subtitle applies – Listing.	
6	(2) Article 19. Police Ordinances	
7	§ 1-2. PLACEMENT {OF ADVERTISING CIRCULARS} WITHOUT PERMISSION	\$ 50
8	§ 7-2. Vehicle alarms: Prohibited devices	\$100
9	§ 8-18. Burglar alarms: Penalties	
10	Users	\$250
11	Contractors, Monitors, Others	\$500
12	§ 13-1 or § 13-2. Disorderly drinking	\$150
13	§ 14-2 or § 14-3. Drinking or possessing open containers	
14	in public places	\$ 50
15	Subtitle 25. Loitering – General	\$ 50
16	§ 26-6. Loitering – Drug-Free Zone	\$ 50
17	§ 27-3. Loitering – For assignation, etc.	\$ 50
18	§ 27-15. Loitering – Prostitution-Free Zone	\$ 50
19	§ 40-9. Dirt Bikes, etc. – Motor fuel sales	\$100
20		
21	§ 41-2. Outdoor telephones: Prohibited placement	\$500
22	§ 45-2. Signs on public property: Posting prohibited	\$100
23	§ 47-5. Nighttime soliciting	\$100
24	§ 48-2. Resale of tickets near sports facilities	\$ 50
25	§ 50-2. Obstructing street, etc., or gutter	\$ 50
26	§ 50-3. Merchandise projecting from building	\$ 50
27	§ 50-22. Street sales near farmers’ markets	\$100

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1	§ 50-26. Fires in street, lane, or alley	\$ 50
2	§ 50-41. Playing, etc., in street, etc.	\$ 50
3	§ 50-46 or § 50-47. Snow – cleaning required	\$ 50
4	§ 50-56, § 50-57, or § 50-58. Soliciting customers	\$100
5	§ 51-2. Compliance with <i>{park}</i> rules required	\$ 50
6	§ 55-1. Ticket “scalping”	\$100
7	§ 55-2. Street sales of theater or circus tickets	\$100

8 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the catchlines contained in this Ordinance
9 are not law and may not be considered to have been enacted as a part of this or any prior
10 Ordinance.

11 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th day
12 after the date it is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City