

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 07-0624**

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Introduced by: Councilmembers Mitchell, D'Adamo, Clarke, Kraft, Middleton, Holton, Welch,  
Reisinger, Young

Introduced and read first time: March 26, 2007

Assigned to: Public Safety Subcommittee

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Committee Report: Favorable with amendments

Council action: Adopted

Read second time: November 26, 2007

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**AN ORDINANCE CONCERNING**

**Public Nuisance Premises – Extending Applicability**

FOR the purpose of extending the provisions governing public nuisance premises to encompass certain additional offenses; providing for certain procedures; imposing certain penalties; defining and redefining certain terms; clarifying, conforming, and correcting certain language; and generally relating to abating public nuisance premises.

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances

Section(s) ~~43-1, 43-2(a), and 43-3(a)~~ through 43-12

Baltimore City Code

(Edition 2000)

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

**Baltimore City Code**

**Article 19. Police Ordinances**

**Subtitle 43. Public Nuisances**

**~~§ 43-1. Definitions.~~**

~~(a) *In general.*~~

~~[As used in] In this subtitle[:], THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.~~

~~(B) *ASSAULT.*~~

~~“ASSAULT” HAS THE MEANING STATED IN STATE CRIMINAL LAW ARTICLE § 3-201.~~

**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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1 ~~(c) [(b)] Commissioner.~~

2 ~~“Commissioner” means the Police Commissioner of Baltimore City or the~~  
3 ~~Commissioner’s designee.~~

4 ~~(d) [(e)] Conviction.~~

5 ~~[For the purpose of this subtitle, “conviction” shall include] “CONVICTION” INCLUDES~~  
6 ~~probation before judgment.~~

7 ~~(E) [(d)] Owner.~~

8 ~~“Owner” and “owner of record” mean the person in whose name a premises is recorded~~  
9 ~~in the land records of Baltimore City.~~

10 ~~(f) [(e)] Person.~~

11 ~~“Person” means an individual, receiver, guardian, personal representative, fiduciary, or~~  
12 ~~representative of any kind, and any corporation, partnership, firm, association, joint~~  
13 ~~venture, or other legal entity.~~

14 ~~(G) [(f)] Premises.~~

15 ~~“Premises” means any land, building, or other structure, or ANY part [thereof] OF THEM.~~

16 ~~(H) [(g)] Public nuisance.~~

17 ~~(1) [A “public] “PUBLIC nuisance” [is] MEANS:~~

18 ~~(i) any premises WHERE 2 OR MORE VIOLATIONS, LEADING TO 2 OR MORE~~  
19 ~~CRIMINAL CONVICTIONS, OF ANY OF THE FOLLOWING OFFENSES HAVE~~  
20 ~~OCCURRED ON 2 OR MORE OCCASIONS WITHIN A 24-MONTH PERIOD BEFORE~~  
21 ~~THE START OF A PROCEEDING UNDER THIS SUBTITLE AND WHERE VIOLATIONS~~  
22 ~~ARE STILL OCCURRING:~~

23 ~~[(i) where violations of the law governing:]~~

24 ~~(A) prostitution and lewdness;~~

25 ~~(B) controlled dangerous substances;~~

26 ~~(C) gambling; or~~

27 ~~(D) criminal possession of stolen property[,]; AND~~

28 ~~[are occurring; and]~~

29 ~~[(ii) where 2 or more violations of such provisions, which have resulted in 2~~  
30 ~~or more criminal convictions, have occurred on 2 or more occasions~~  
31 ~~within a 24-month period of time prior to the commencement of a~~  
32 ~~proceeding pursuant to §§ 43-3 through 43-7 of this subtitle.]~~

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~~(H) ANY PREMISES WHERE 2 OR MORE VIOLATIONS OF ANY OF THE FOLLOWING OFFENSES HAVE OCCURRED ON 2 OR MORE OCCASIONS WITHIN A 24 MONTH PERIOD BEFORE THE START OF A PROCEEDING UNDER THIS SUBTITLE:~~

~~(A) HOMICIDE;~~

~~(B) ASSAULT;~~

~~(C) FIREARMS;~~

~~(D) CRIMINAL GANGS; OR~~

~~(E) OFFENSES IN WHICH A SERIOUS PHYSICAL INJURY OCCURRED.~~

~~(2) [It shall be prima facie evidence that a public nuisance has occurred upon the] THE 2<sup>nd</sup> conviction for [a violation of] any of the [provisions of the law governing the enumerated] offenses ENUMERATED IN PARAGRAPH (1)(I) OF THIS SUBSECTION IS PRIMA FACIE EVIDENCE THAT A PUBLIC NUISANCE EXISTS.~~

~~(3) THE 2<sup>ND</sup> REPORT BY A POLICE OFFICER, WRITTEN IN THE NORMAL COURSE OF BUSINESS, OF A VIOLATION OF ANY OF THE OFFENSES ENUMERATED IN PARAGRAPH (1)(II) OF THIS SUBSECTION IS PRIMA FACIE EVIDENCE THAT A PUBLIC NUISANCE EXISTS.~~

~~(i) "SERIOUS PHYSICAL INJURY".~~

~~"SERIOUS PHYSICAL INJURY" HAS THE MEANING STATED IN STATE CRIMINAL LAW ARTICLE § 3-201.~~

**§ 43-2. Legislative findings and declarations:**

~~(a) Existence of public nuisances.~~

The Mayor and City Council finds and declares:

~~(1) that public nuisances exist in the City of Baltimore in the continuing and recurrent use of certain premises in violation of the laws relating to HOMICIDE, ASSAULT, FIREARMS, CRIMINAL GANGS, SERIOUS PHYSICAL INJURY, prostitution, gambling, controlled dangerous substances, and stolen property; and~~

~~(2) that these public nuisances are harmful to the safety, health, and general welfare of the citizens and businesses of, and visitors to, Baltimore City.~~

**§ 43-3. Nuisance abatement authorized.**

~~(a) Commissioner's basic authority.~~

~~After 2 convictions [under § 43-1(g)] OF THE TYPE DESCRIBED IN § 43-1(H)(1)(I) AND (2) OF THIS SUBTITLE OR 2 REPORTS OF VIOLATIONS OF THE TYPE DESCRIBED IN § 43-1(H)(1)(II) AND (3) OF THIS SUBTITLE, AS THE CASE MAY BE, AND AFTER notice to the premises' owner and opportunity for a hearing, the Commissioner may:~~

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- ~~(1) order the discontinuance of the public nuisance in the premises where the public nuisance exists; or~~
- ~~(2) order the closing of the premises to the extent necessary to abate the nuisance.~~

**§ 43-1. Definitions.**

(a) In general.

[As used in] In this subtitle[:], THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) ASSIGNATION.

“ASSIGNATION” MEANS AN APPOINTMENT OR ENGAGEMENT FOR PROSTITUTION OR ANY ACT IN FURTHERANCE OF THE APPOINTMENT OR ENGAGEMENT.

(c) [(b)] Commissioner.

“Commissioner” means the Police Commissioner of Baltimore City or the Commissioner’s designee.

[(c) Conviction.

For the purpose of this subtitle, “conviction” shall include probation before judgment.]

(D) CONTROLLED DANGEROUS SUBSTANCE.

“CONTROLLED DANGEROUS SUBSTANCE” MEANS A SUBSTANCE LISTED IN SCHEDULE I OR SCHEDULE II UNDER STATE CRIMINAL LAW ARTICLE § 5-402 OR § 5-403.

(E) CONTROLLED PARAPHERNALIA.

“CONTROLLED PARAPHERNALIA” HAS THE MEANING STATED IN STATE CRIMINAL LAW ARTICLE § 5-101.

(F) CRIME OF VIOLENCE AND OTHER CRIMES.

“CRIME OF VIOLENCE” HAS THE MEANING STATED IN STATE CRIMINAL LAW ARTICLE § 14-101.

(G) OPERATOR.

“OPERATOR” MEANS ANY PERSON WHO HAS CHARGE, CARE, OR CONTROL OF A PREMISES OR STRUCTURE.

(H) [(d)] Owner.

“Owner” [and “owner of record” mean] MEANS the person in whose name a premises is recorded in the [land records] LAND RECORDS of Baltimore City.

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1 (i) [(e)] Person.

2 ["Person" means an individual, receiver, guardian, personal representative, fiduciary, or  
3 representative of any kind, and any corporation, partnership, firm, association, joint  
4 venture, or other legal entity.]

5 "PERSON" MEANS:

6 (1) AN INDIVIDUAL;

7 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY  
8 KIND; AND

9 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR  
10 REPRESENTATIVE OF ANY KIND.

11 (j) [(f)] Premises.

12 "Premises" means ALL OR ANY PART OF any land, building, or other structure[, or part  
13 thereof].

14 (k) PROSTITUTION.

15 "PROSTITUTION" MEANS THE PERFORMANCE OF A SEXUAL ACT, SEXUAL CONTACT, OR  
16 VAGINAL INTERCOURSE, AS THESE TERMS ARE DEFINED IN STATE CRIMINAL LAW ARTICLE  
17 § 3-301, FOR HIRE.

18 (L) [(g)] Public nuisance.

19 [(1) A "public nuisance" is any premises:

20 (i) where violations of the law governing:

21 (A) prostitution and lewdness;

22 (B) controlled dangerous substances;

23 (C) gambling; or

24 (D) criminal possession of stolen property,

25 are occurring; and

26 (ii) where 2 or more violations of such provisions, which have resulted in 2 or  
27 more criminal convictions, have occurred on 2 or more occasions within a  
28 24-month period of time prior to the commencement of a proceeding pursuant  
29 to §§ 43-3 through 43-7 of this subtitle.

30 (2) It shall be prima facie evidence that a public nuisance has occurred upon the 2<sup>nd</sup>  
31 conviction for a violation of any of the provisions of the law governing the  
32 enumerated offenses.]

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1 “PUBLIC NUISANCE” MEANS ANY PREMISES THAT IS USED:

2 (1) FOR PROSTITUTION, LEWDNESS, OR ASSIGNATION;

3 (2) FOR ILLEGAL ADULT ENTERTAINMENT;

4 (3) BY PERSONS WHO ASSEMBLE FOR THE SPECIFIC PURPOSE OF ILLEGALLY  
5 ADMINISTERING A CONTROLLED DANGEROUS SUBSTANCE;

6 (4) FOR THE ILLEGAL MANUFACTURE OR DISTRIBUTION OF:

7 (I) A CONTROLLED DANGEROUS SUBSTANCE; OR

8 (II) CONTROLLED PARAPHERNALIA;

9 (5) FOR THE ILLEGAL STORAGE OR CONCEALMENT OF A CONTROLLED  
10 DANGEROUS SUBSTANCE OR CONTROLLED PARAPHERNALIA IN SUFFICIENT  
11 QUANTITY TO REASONABLY INDICATE UNDER ALL THE CIRCUMSTANCES AN  
12 INTENT TO MANUFACTURE, DISTRIBUTE, OR DISPENSE:

13 (I) A CONTROLLED DANGEROUS SUBSTANCE; OR

14 (II) CONTROLLED PARAPHERNALIA;

15 (6) FOR GAMBLING;

16 (7) FOR STORAGE OR POSSESSION OF STOLEN PROPERTY;

17 (8) FOR STORAGE OR POSSESSION OF UNREGISTERED FIREARMS;

18 (9) FOR FURTHERANCE OF A CRIME OF VIOLENCE;

19 (10) BY PERSONS WHO ENGAGE IN A CRIME OF VIOLENCE ON OR NEAR THE  
20 PREMISES; OR

21 (11) FOR CRIMINAL GANG OFFENSES PROHIBITED UNDER STATE CRIMINAL LAW  
22 ARTICLE 9, SUBTITLE 8 .

23 **[§ 43-2. Legislative findings and declarations.**

24  
25 (a) Existence of public nuisances.

26  
27 The Mayor and City Council finds and declares:

28  
29 (1) that public nuisances exist in the City of Baltimore in the continuing and recurrent  
30 use of certain premises in violation of the laws relating to prostitution, gambling,  
31 controlled dangerous substances, and stolen property; and

32 (2) that these public nuisances are harmful to the safety, health, and general welfare  
33 of the citizens and businesses of, and visitors to, Baltimore City.

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1 (b) Subtitle to provide needed law enforcement tools.

2 The enforcement of abatement procedures by the Commissioner and the penalties  
3 imposed pursuant to this subtitle:

4 (1) constitute an additional method of law enforcement in response to the  
5 proliferation of the above described public nuisances; and

6 (2) are an exercise of the City's police power that is reasonable and necessary in  
7 order to protect the health, safety, and general welfare of the people of Baltimore  
8 City.]

9 **§ 43-2. {RESERVED}**

10 **§ 43-3. Nuisance abatement authorized.**

11 (a) Commissioner's basic authority.

12  
13 [After 2 convictions under § 43-1(g) of this subtitle and notice to the premises' owner  
14 and opportunity for a hearing] ON DETERMINING THAT A PUBLIC NUISANCE EXISTS, the  
15 Commissioner may:

16 (1) order the discontinuance of the public nuisance in the premises where the public  
17 nuisance exists; or

18 (2) order the closing of the premises to the extent necessary to abate the nuisance.

19 (b) Limitations.

20 (1) Except as specified in paragraph (2) of this subsection, if the premises consists  
21 entirely of residential units or mixed residential and other use units, and the public  
22 nuisance has occurred solely within 1 or more residential units, abatement authority is  
23 restricted to the residential units in which the public nuisance has occurred, and does  
24 not extend to any other unit in the premises.

25 (2) The restrictions of paragraph (1) of this subsection do not apply to a public nuisance  
26 occurring in any:

27 (i) motel;

28 (ii) hotel; or

29 (iii) rooming house or rooming unit, as those terms are defined in the Zoning  
30 Code of Baltimore City.

31 **§ 43-4. Notice and opportunity for hearing.**

32 (a) In general.

33 [Prior to the issuance of] BEFORE ISSUING an order [by the Commissioner] under this  
34 subtitle, the Commissioner shall give notice and an opportunity for a hearing [to

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1 determine whether a public nuisance exists in the premises] to the owner[, lessor, lessee,  
2 mortgagor, and mortgagee] AND ANY OPERATOR of the premises AND TO ANY  
3 COMMERCIAL TENANT OF THE PREMISES.

4 (b) Contents of notice.

5 The notice shall state:

6 (1) the date, place, and time of the hearing;

7 (2) the right of the [aforesaid] persons RECEIVING THE NOTICE to be heard and to be  
8 represented at the hearing; AND

9 (3) the possible consequences of failure to appear, INCLUDING THE POSSIBLE  
10 ISSUANCE OF A DEFAULT ORDER DIRECTING THE PREMISES TO BE CLOSED[; and

11 (4) such other particulars as may be appropriate].

12 (c) Service and posting of notice.

13 (1) The notice shall be given by personal service or by certified or registered mail to the  
14 owner, [lessor, lessee, mortgagor, and mortgagee, or their respective agents]  
15 OPERATOR, AND COMMERCIAL TENANT, as their names and addresses:

16 (i) are recorded in the [land records] LAND RECORDS of Baltimore City;

17 (ii) appear in the registration statement made under City Code Article 13, Subtitle  
18 4 {"Registration of Residential Properties"}; or

19 (iii) are otherwise known or readily ascertainable.

20 (2) In addition, the notice shall be posted on the premises.

21 **§ 43-5. [Lack of knowledge, etc., not a defense] APPLICABLE STANDARDS.**

22 (A) PROOF OF KNOWLEDGE NOT REQUIRED.

23 [The lack of knowledge of, acquiescence or participation in, or responsibility for a public  
24 nuisance, on the part of any person who may be the owner, lessor, or lessee, mortgagor,  
25 mortgagee, or other interested person and all those persons in possession of or having  
26 charge of as agent or otherwise, or having any interest in the property, real or personal,  
27 used in conducting or maintaining the public nuisance, is not sufficient cause to set aside  
28 the Commissioner's order of abatement.]

29 THE COMMISSIONER MAY ORDER APPROPRIATE RELIEF UNDER § 43-3 OF THIS SUBTITLE  
30 WITHOUT PROOF THAT AN OWNER, OPERATOR, OR TENANT KNEW OF THE EXISTENCE OF  
31 THE PUBLIC NUISANCE.



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1 (B) DISCONTINUANCE NOT A BAR TO RELIEF.

2 EVIDENCE THAT THE NUISANCE HAS BEEN DISCONTINUED AT THE TIME NOTICE WAS  
3 PROVIDED OR AT THE TIME OF THE HEARING DOES NOT BAR THE COMMISSIONER FROM  
4 IMPOSING APPROPRIATE RELIEF UNDER § 43-3 OF THIS SUBTITLE.

5 **§ 43-6. Issuance and enforcement of order.**

6 (A) ISSUANCE OF ORDER OR FINDING.

7 FOLLOWING THE HEARING PROCEDURE, THE COMMISSIONER SHALL:

8 (1) ON DETERMINING THAT A PUBLIC NUISANCE EXISTS, ISSUE A WRITTEN ORDER IN  
9 ACCORDANCE WITH § 43-3 OF THIS SUBTITLE; OR

10 (2) ON DETERMINING THAT A PUBLIC NUISANCE DOES NOT EXIST, ISSUE A WRITTEN  
11 FINDING TO THAT EFFECT.

12 (B) [(a)] Posting and notice of order.

13 Following the hearing procedure, an order [of the Commissioner] issued [pursuant to]  
14 UNDER this subtitle shall be posted on the premises and notice [thereof] OF THE ORDER  
15 shall be given to [those] THE persons and in the manner set forth in § 43-4 of this subtitle.

16 (C) [(b)] Enforcement; period of closing.

17 (1) [On and after the 10<sup>th</sup> business day following the posting] AFTER THE ORDER HAS  
18 BEEN POSTED, as set forth in subsection [(a)] (B) of this section, [and upon] THE  
19 ORDER MAY BE ENFORCED on [the] written directive of the Commissioner[, the order  
20 may be enforced].

21 (2) A closing shall be for [such] THE period [as] THAT the Commissioner reasonably may  
22 direct,. but in no event [shall] MAY the closing be for [a period of more] LONGER than  
23 1 year [from the date of the closing].

24 (D) [(c)] Nature of closing.

25 A closing directed by the Commissioner [pursuant to] UNDER this subtitle is not an act of  
26 possession, ownership, or control by the City of Baltimore.

27 (E) MODIFICATION.

28 (1) THE COMMISSIONER MAY MODIFY OR RESCIND AN ORDER ISSUED UNDER THIS  
29 SUBTITLE:

30 (I) AN OWNER OR TENANT AFFECTED BY THE ORDER SUBMITS TO THE  
31 COMMISSIONER A WRITTEN REQUEST FOR MODIFICATION OR RESCISSION; AND  
32

33 (II) A HEARING IS HELD ON THE REQUEST.

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1 (2) AN OWNER OR TENANT SUBMITTING A REQUEST UNDER THIS SUBSECTION SHALL  
2 ATTACH TO THE REQUEST ANY DOCUMENTS OR OTHER EVIDENCE THAT THE OWNER OR  
3 TENANT WISHES THE COMMISSIONER TO CONSIDER IN RULING ON THE REQUEST.

4 (3) THE COMMISSIONER MAY GRANT THE REQUEST IF THE COMMISSIONER DETERMINES  
5 THAT THE NUISANCE HAS BEEN ABATED.

6 **§ 43-7. Vacating order to close.**

7 The Commissioner shall vacate the provisions of the order to close if an interested person:

8 (1) posts a bond for the period of the ordered closing in an amount not exceeding the  
9 assessed value of the premises as shown in the tax assessment records of Baltimore  
10 City, prorated for the proportional assessment of units closed if less than all units  
11 therein are closed, but not to exceed \$1,000,000 in any case; and

12 (2) submits reasonably adequate proof to the Commissioner that the nuisance has been  
13 abated and will not be maintained or permitted in any unit of the premises during the  
14 period of the ordered closing.]

15 **§ 43-8. Termination of tenancy.**

16 Upon conviction pursuant to § 43-9 of this subtitle or issuance of a closing order:

17 (1) the owner, lessor, or agent may immediately terminate the tenancy; and

18 (2) if the lessee and any other occupants of the property fail to vacate the premises, the  
19 owner, lessor, or agent may use the conviction order in an action pursuant to the  
20 tenant-holding-over, breach-of-lease, or tenant-at-will provisions of law.]

21 **§ 43-7. {Reserved}**

22 **§ 43-8. [§ 43-9.] Rules and regulations.**

23 (A) COMMISSIONER TO ADOPT.

24 The Commissioner shall [promulgate] ADOPT rules, [and] regulations, AND HEARING  
25 PROCEDURES [that may be] AS necessary or proper to [effectuate the purpose and the  
26 provisions of] CARRY OUT this subtitle[, including advising the premises owner, or agent,  
27 of an arrest or conviction for the criminal conduct defined in § 43-1 of this subtitle  
28 occurring in those premises which the Commissioner determines will be subject to this  
29 subtitle, and the procedure and terms of posting bonds].

30 (B) FILING WITH LEGISLATIVE REFERENCE.

31 A COPY OF ALL RULES, REGULATIONS, AND PROCEDURES MUST BE FILED WITH THE  
32 DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

33  
34 **§ 43-9. [§ 43-10.] Judicial and appellate review.**

35 (a) Judicial review.

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1 Any person aggrieved by any act of the Commissioner taken under this subtitle may seek  
2 judicial review of that act by petition to the Circuit Court for Baltimore City in  
3 accordance with the Maryland Rules of Procedure.

4 (b) Appellate review.

5 A party to the judicial review may appeal the court's final judgment to the Court of  
6 Special Appeals in accordance with the Maryland Rules of Procedure.

7 **§ 43-10. [§ 43-11.] {Reserved}**

8 **§ 43-11. [§ 43-12.] Prohibited conduct[; penalties].**

9 (a) Destruction, etc., of posted order.

10 [Any] No person [who destroys, removes, or defaces] MAY DESTROY, REMOVE, OR  
11 DEFACE an order posted by the Commissioner UNDER THIS SUBTITLE [is guilty of a  
12 misdemeanor punishable by a fine of not more than \$300 or imprisonment for not more  
13 than 30 days, or both].

14 (b) Failure to obey order.

15 [(1) Any] No person MAY:

16 (1) [(i) who] intentionally [disobeys] DISOBEY any proper order issued by the  
17 Commissioner UNDER THIS SUBTITLE; or

18 (2) [(ii) who uses] USE or [occupies] OCCUPY or [permits] PERMIT any other person to  
19 use or occupy any premises ordered closed UNDER THIS SUBTITLE[.

20 is guilty of a misdemeanor punishable by a fine of \$1,000 or imprisonment for not  
21 more than 1 year, or both].

22 (C) LIABILITY FOR UNAUTHORIZED OCCUPANCY.

23 IF ANY PERSON USES OR OCCUPIES OR PERMITS ANY OTHER PERSON TO USE OR OCCUPY  
24 ANY PREMISES ORDERED CLOSED BY THE COMMISSIONER:

25 (1) THE COMMISSIONER MAY EXECUTE THE TERMS OF THE ORDER TO CLOSE THE  
26 PREMISES; AND

27 (2) THE PERSON IS LIABLE FOR ALL COSTS INCURRED BY THE COMMISSIONER IN  
28 EXECUTING THE TERMS OF THE ORDER TO CLOSE THE PREMISES.

29 **§ 43-12. PENALTIES.**

30 (A) IN GENERAL.

31 ANY PERSON WHO VIOLATES A PROVISION OF § 43A-11 IS GUILTY OF A MISDEMEANOR  
32 AND, ON CONVICTION, IS SUBJECT TO THE FOLLOWING PENALTIES:

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1                   (1) FOR A VIOLATION OF § 43A-11(A) {"PROHIBITED CONDUCT: DESTRUCTION, ETC.,  
2                   OF POSTED ORDER"}}, THE OFFENDER IS SUBJECT TO A FINE OF NOT MORE THAN  
3                   \$500; AND

4                   (2) FOR A VIOLATION OF § 43A-11(B) {"PROHIBITED CONDUCT: FAILURE TO OBEY  
5                   ORDER"}}, THE OFFENDER IS SUBJECT TO A FINE OF NOT MORE THAN \$500 OR TO  
6                   IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR TO BOTH FINE AND  
7                   IMPRISONMENT.

8                   (B) EACH DAY A SEPARATE OFFENSE.

9                   [(2)] Each day a violation [of this subsection] continues is a separate offense.

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

13                  **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
14                  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