

**CITY OF BALTIMORE
COUNCIL BILL 06-0413
(First Reader)**

Introduced by: Councilmembers Conaway, Curran, Young

Introduced and read first time: April 24, 2006

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Department of Finance, Environmental Control Board

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Unsolicited Political Campaign Circulars –**
3 **Unsolicited Placement on Vehicles or Residential Property**

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

8 BY repealing and reordaining, with amendments

9 Article 19 - Police Ordinance

10 Section(s) 1-1 and 1-2, to be under the amended subtitle designation

11 “Subtitle 1. Advertising and Political Campaign Circulars”

12 Baltimore City Code

13 (As amended by Ord. 06-___ (Bill 05-082))

14 BY repealing and reordaining, without amendments

15 Article 19 - Police Ordinance

16 Section(s) 1-3 and 1-4

17 Baltimore City Code

18 (As amended by Ord. 06-___ (Bill 05-082))

19 BY repealing and reordaining, with amendments

20 Article 1 - Mayor, City Council, and Municipal Agencies

21 Section(s) 40-14(e)(3)(§ 1-2) and 41-14(2)(§ 1-2)

22 Baltimore City Code

23 (As amended by Ord. 06-___ (Bill 05-082))

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

26 **Baltimore City Code**

27 **Article 19. Police Ordinances**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 06-0413

Subtitle 1. Advertising OR POLITICAL CAMPAIGN Circulars

§ 1-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Advertising circular.*

“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:

- (i) any individual; and
- (ii) any partnership, firm, association, corporation, or other entity of any kind.

(2) *Exclusions.*

“Person” does not include a governmental entity or an instrumentality or unit of a governmental entity.

(D) *POLITICAL CAMPAIGN CIRCULAR.*

“POLITICAL CAMPAIGN CIRCULAR” MEANS ANY PRINTED OR WRITTEN CIRCULAR, NOTICE, OR OTHER ITEM THAT ENDORSES OR ANNOUNCES 1 OR MORE CANDIDATES SEEKING ELECTED PUBLIC OFFICE.

(E) [(d)] *Vehicle.*

“Vehicle” means:

- (1) any self-propelled vehicle; and
- (2) any other vehicle required to be registered under the laws of this State.

Council Bill 06-0413

§ 1-2. Placement prohibited without permission.

A person may not affix or place any advertising circular OR POLITICAL CAMPAIGN CIRCULAR:

(1) in or on any vehicle in the City, except with the express permission of the owner or operator of the vehicle; or

(2) in or on any residential property in the City (whether in or on a fence, railing, door, porch, lawn, sidewalk, or otherwise), except:

(i) with the express permission of the owner or occupant of that property; or

(ii) by placing the [advertising] circular into a door slot or a nonlockable bin consistent with federal law.

§ 1-3. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(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, on conviction, is subject to a fine of not more than \$100 for each 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

Council Bill 06-0413

1 **§ 40-14. Violations to which subtitle applies.**

2 (e) *Provisions and penalties enumerated.*

3 (3) **Article 19. Police Ordinances**

4 § 1-2. Placement *{of [advertising] circulars}* without permission \$ 50

5 **Subtitle 41. Civil Citations**

6 **§ 41-14. Offenses to which subtitle applies – Listing.**

7 (2) **Article 19. Police Ordinances**

8 § 1-2. Placement *{of [advertising] circulars}* without permission \$ 50

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

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