

**CITY OF BALTIMORE  
COUNCIL BILL 11-0764  
(First Reader)**

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Introduced by: Councilmembers Clarke, Henry, Curran, Stokes, Cole, Kraft, Middleton,  
Conaway, Branch, Holton

Introduced and read first time: August 15, 2011

Assigned to: Judiciary and Legislative Investigations Committee

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

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Advertising Circulars – Presumption of Placement Without Permission**

3 FOR the purpose of establishing that advertising circulars found on unattended property can be  
4 presumed to have been placed without permission; increasing the penalties for repeated  
5 violations of the prohibition on the placement of advertising circulars without permission;  
6 and generally relating to advertising circulars.

7 BY repealing and reordaining, with amendments

8 Article 19 - Police Ordinances

9 Section(s) 1-2

10 Baltimore City Code

11 (Edition 2000)

12 BY repealing and reordaining, with amendments

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

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

15 Baltimore City Code

16 (Edition 2000)

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

19 **Baltimore City Code**

20 **Article 19. Police Ordinances**

21 **Subtitle 1. Advertising Circulars**

22 **§ 1-2. Placement prohibited without permission.**

23 (A) *IN GENERAL.*

24 A person may not affix, place, or cause to be affixed or placed any advertising circular:

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

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

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

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

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

8 (B) *LACK OF PERMISSION PRESUMED.*

9 AN ADVERTISING CIRCULAR FOUND ON AN UNATTENDED PROPERTY OR VEHICLE IS  
10 PRESUMED TO HAVE BEEN PLACED THERE WITHOUT PERMISSION UNLESS THE PERSON  
11 RESPONSIBLE FOR ITS PLACEMENT CAN AFFIRMATIVELY ESTABLISH OTHERWISE.

12 **Article 1. Mayor, City Council, and Municipal Agencies**

13 **Subtitle 40. Environmental Control Board**

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

15 (e) *Provisions and penalties enumerated.*

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

17	§ 1-2. Placement <i>{of advertising circulars}</i> without permission	[50]
18	1 <sup>ST</sup> OFFENSE	\$50
19	2 <sup>ND</sup> OFFENSE	\$100
20	3 <sup>RD</sup> OR SUBSEQUENT OFFENSE	\$500

21 .....

22 **Subtitle 41. Civil Citations**

23 **§ 41-14. Offenses to which subtitle applies – Listing.**

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

25	§ 1-2. Placement <i>{of advertising circulars}</i> without permission	[50]
26	1 <sup>ST</sup> OFFENSE	\$50
27	2 <sup>ND</sup> OFFENSE	\$100
28	3 <sup>RD</sup> OR SUBSEQUENT OFFENSE	\$500

29 .....

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

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1       **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
2 after the date it is enacted.