

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 08-0245**

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Introduced by: Councilmembers Kraft, Henry, Curran  
Introduced and read first time: December 4, 2008  
Assigned to: Judiciary and Legislative Investigations Committee

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Committee Report: Favorable  
Council action: Adopted  
Read second time: March 2, 2009

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**AN ORDINANCE CONCERNING**

**Mass Transit Vehicles – Obsolete Provisions**

FOR the purpose of repealing obsolete or otherwise unnecessary provisions that duplicate prohibitions imposed by State law.

BY repealing

Article 19 - Police Ordinances  
Section(s) 29-1, 29-3, and 29-5  
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 29. Mass Transit Vehicles**

**[§ 29-1. Eating and drinking.**

(a) *Prohibited conduct.*

It shall be unlawful for any person to consume food or drink aboard a public passenger motor bus.

(b) *Penalties.*

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding \$50 for each and every such violation.]

**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 **[§ 29-3. Radios and other electronics.**

2 (a) *Prohibited conduct.*

3 It is unlawful for any person who is a passenger or rider upon any public passenger motor  
4 bus, streetcar, or other mass transit vehicle to operate and to make audible sounds with  
5 any radio, transistor radio, or other electronic equipment or device.

6 (b) *Penalties.*

7 Any person violating the provisions of this section is guilty of a misdemeanor and, upon  
8 conviction thereof, shall be subject to a fine not exceeding \$10 for each such violation.]

9 **[§ 29-5. Priority seats for elderly and disabled.**

10 (a) *Definitions.*

11 (1) *In general.*

12 As used in this subtitle the following words have the meanings indicated unless the  
13 context indicates otherwise.

14 (2) *Elderly or handicapped person.*

15 “Elderly and handicapped person” means any person who, by reason of illness,  
16 injury, age, congenital malfunction, or other permanent or temporary incapacity or  
17 disability is unable to utilize mass transit facilities and services as effectively as a  
18 person who is not so affected.

19 (3) *Mass transit facility.*

20 “Mass transit facility” means any public passenger motor bus, streetcar, subway, or  
21 other mass transit facility operated either by the Mass Transit Administration, which  
22 is in the Department of Transportation of the State of Maryland, or by any other  
23 publicly or privately owned entity.

24 (4) *Police officer.*

25 “Police officer” means any person who, in his or her official capacity, is authorized  
26 by law to make arrests and who is a member of 1 of the following law enforcement  
27 agencies:

28 (i) the Maryland State Police;

29 (ii) the Baltimore City Police Department; or

30 (iii) the Mass Transit Administration Police Force of the Department of  
31 Transportation.

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1           (5) *Priority seating.*

2           “Priority seating” means any seat that is designated for use by elderly or handicapped  
3           persons.

4           (b) *Notice of priority seating.*

5           Priority seats shall be posted with a notice informing passengers that elderly and  
6           handicapped persons have a right to the priority seat.

7           (c) *Failure to relinquish seat prohibited.*

8           A passenger shall not refuse a request of a mass transit facility operator or police officer  
9           to relinquish a priority seat to a handicapped or elderly person displaying a senior citizen  
10          or handicapped card issued by the Mass Transit Administration when said handicapped  
11          or elderly person requests a priority seat.

12          (d) *Penalties.*

13          Any person who violates the provisions of this section shall be guilty of misdemeanor  
14          and, upon conviction, shall be subject to a fine not exceeding \$50 for each violation.]

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

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

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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\_\_

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Mayor, Baltimore City