

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 08-0070

Introduced by: Councilmembers Kraft, Curran, Henry, Young, D’Adamo, Reisinger, Welch,
Clarke, Middleton, Cole, Branch

Introduced and read first time: March 10, 2008

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: April 28, 2008

AN ORDINANCE CONCERNING

“Padlock Law” – Scope

FOR the purpose of redefining “public nuisance” to require that there have been a certain number of offenses within a certain period; ~~clarifying the effect of a conviction for an offense;~~ providing for the applicability of certain provisions to certain preexisting activities; and generally relating to laws governing public nuisances.

BY repealing and reordaining, with amendments

Article 19 - Police Ordinance

Section(s) 43-1(l)

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.

(l) *Public nuisance.*

(1) “Public nuisance” means any premises that, ON 2 OR MORE SEPARATE OCCASIONS WITHIN A 24-MONTH PERIOD, [is] WERE used:

(I) [(1)] for prostitution, lewdness, or assignation;

(II) [(2)] for illegal adult entertainment;

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.

Council Bill 08-0070

1 (III) [(3)] by persons who assemble for the specific purpose of illegally
2 administering a controlled dangerous substance;

3 (IV) [(4)] for the illegal manufacture or distribution of:

4 (A) [(i)] a controlled dangerous substance; or

5 (B) [(ii)] controlled paraphernalia;

6 (V) [(5)] for the illegal storage or concealment of a controlled dangerous
7 substance or controlled paraphernalia in sufficient quantity to reasonably
8 indicate under all the circumstances an intent to manufacture, distribute, or
9 dispense:

10 (A) [(i)] a controlled dangerous substance; or

11 (B) [(ii)] controlled paraphernalia;

12 (VI) [(6)] for gambling;

13 (VII) [(7)] for storage or possession of stolen property;

14 (VIII) [(8)] for storage or possession of unregistered firearms;

15 (IX) [(9)] for furtherance of a crime of violence;

16 (X) [(10)] by persons who engage in a crime of violence on or near the premises;
17 or

18 (XI) [(11)] for criminal gang offenses prohibited under State Criminal Law Article
19 9, Subtitle 8 .

20 (2) ~~A 2ND REPORT~~ TWO REPORTS BY A POLICE OFFICER ~~POLICE OFFICERS~~, WRITTEN IN THE
21 REGULAR COURSE OF BUSINESS, OF A PREMISES' HAVING BEEN USED FOR ACTIVITIES
22 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION ~~IS~~ ARE PRIMA FACIE EVIDENCE
23 THAT THE PREMISES ARE A PUBLIC NUISANCE.

24 SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance applies to any 2 occasions
25 within a 24-month period of the activities described in Article 19, § 43-1(1), as amended by this
26 Ordinance, as long as the 1st occasion occurred on or after January 2, 2007 and the 2nd occasion
27 occurred on or after January 2, 2008.

28 **SECTION 2 3. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this
29 Ordinance are not law and may not be considered to have been enacted as a part of this or any
30 prior Ordinance.

31 **SECTION 3 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
32 day after the date it is enacted.

Council Bill 08-0070

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