

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 11-0764**

---

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

---

Committee Report: Favorable with an amendment

Council action: Adopted

Read second time: October 24, 2011

---

**AN ORDINANCE CONCERNING**

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

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

6   BY repealing and reordaining, with amendments

7       Article 19 - Police Ordinances

8       Section(s) 1-2

9       Baltimore City Code

10      (Edition 2000)

11   BY repealing and reordaining, with amendments

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

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

14       Baltimore City Code

15      (Edition 2000)

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

18   **Baltimore City Code**

19   **Article 19. Police Ordinances**

20   **Subtitle 1. Advertising Circulars**

21               **§ 1-2. Placement prohibited without permission.**

22               (A) *IN GENERAL.*

23               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.  
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 11-0764**

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

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

14 **Subtitle 40. Environmental Control Board**

15 **§ 40-14. Violations to which subtitle applies.**

16 (e) *Provisions and penalties enumerated.*

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

18	§ 1-2. Placement <i>{of advertising circulars}</i> without permission	[\$50]
19	1 <sup>ST</sup> OFFENSE	\$50
20	2 <sup>ND</sup> OFFENSE	\$100
21	3 <sup>RD</sup> OR SUBSEQUENT OFFENSE	\$500

22 .....

23 **Subtitle 41. Civil Citations**

24 **§ 41-14. Offenses to which subtitle applies – Listing.**

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

26	§ 1-2. Placement <i>{of advertising circulars}</i> without permission	[\$50]
27	1 <sup>ST</sup> OFFENSE	\$50
28	2 <sup>ND</sup> OFFENSE	\$100
29	3 <sup>RD</sup> OR SUBSEQUENT OFFENSE	\$500

30 .....

**Council Bill 11-0764**

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

4       **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30<sup>th</sup> day  
5 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