

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 15-0540**

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Introduced by: Councilmembers Clarke, Henry, Middleton, Costello, Scott, Kraft, President  
Young, Councilmembers Stokes, Welch, Reisinger, Spector, Mosby, Holton, Curran, Branch  
Introduced and read first time: June 1, 2015  
Assigned to: Judiciary and Legislative Investigations Committee  
Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: June 15, 2015

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**AN ORDINANCE CONCERNING**

1                   **Social Host Regulation – Neighborhood Nuisances and Unruly Social Events**

2           FOR the purpose of extending the provisions governing the issuance of citations for certain  
3           “neighborhood nuisances” to include various types of “unruly social events”; specifying the  
4           responsibilities of owners, operators, tenants, and occupants of and persons with possessory  
5           interests in a premises to prevent use of those premises for neighborhood nuisances and  
6           unruly social events; prohibiting these persons from conducting, causing, permitting, aiding,  
7           or condoning neighborhood nuisances and unruly social events on their premises; providing  
8           for the civil liability of the parents and legal guardians of juveniles who violate this  
9           prohibition; repealing criminal penalties for violations and providing for enforcement by civil  
10          citations; defining certain terms; providing for a special effective date; and generally relating  
11          to the civil enforcement of certain activities involving conduct that disturbs the quiet  
12          enjoyment by others of private or public property or that includes underage consumption of  
13          alcoholic beverages.

14          BY repealing and reordaining, with amendments  
15          Article 19. Police Ordinances  
16          Subtitle 43B. Neighborhood Nuisances – Citations, in its entirety, to be under the  
17          new subtitle designation, Subtitle 43B. Neighborhood Nuisances and Unruly Social Events  
18          Baltimore City Code  
19          (Edition 2000)

20          BY repealing  
21          Article 1 - Mayor, City Council, and Municipal Agencies  
22          Section(s) 40-14(e)(3)(§ 43B-1)  
23          Baltimore City Code  
24          (Edition 2000)

**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 BY adding  
2 Article 1 - Mayor, City Council, and Municipal Agencies  
3 Section(s) 41-14(2)(Subtitle 43B)  
4 Baltimore City Code  
5 (Edition 2000)

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

8 **Baltimore City Code**

9 **Article 19. Police Ordinances**

10 **Subtitle 43B. Neighborhood Nuisances [- Citations] AND UNRULY SOCIAL EVENTS**

11 **§ 43B-1. Definitions.**

12 (a) *In general.*

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

14 (b) *Neighborhood nuisance.*

15 “Neighborhood nuisance” means any PRIVATELY OWNED premises on or in which an  
16 owner, operator, tenant, or occupant of OR THE HOLDER OF ANY POSSESSORY INTEREST IN  
17 [the] THOSE premises:

18 (1) acts in a disorderly manner that disturbs the public peace; or

19 (2) creates or maintains conditions that [lets] LET others [to] act in a disorderly  
20 manner that disturbs the public peace.

21 (C) ~~ADULT. {RESERVED}~~

22 ~~“ADULT” MEANS AN INDIVIDUAL WHO IS 21 YEARS OLD OR OLDER.~~

23 (D) *ALCOHOLIC BEVERAGE.*

24 (1) *IN GENERAL.*

25 “ALCOHOLIC BEVERAGE” HAS THE MEANING STATED IN STATE CODE ARTICLE 2B,  
26 § 1-102.

27 (2) *INCLUSIONS.*

28 “ALCOHOLIC BEVERAGE” INCLUDES ANY MIXTURE OF AN ALCOHOLIC BEVERAGE WITH  
29 A NON-ALCOHOLIC BEVERAGE.

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1 (E) *FAMILY EVENT*.

2 “FAMILY EVENT” MEANS A PARTY OR GATHERING WHERE EACH UNDERAGE PERSON  
3 PRESENT IS DIRECTLY SUPERVISED BY AN ADULT ~~MEMBER OF HIS OR HER FAMILY~~ FAMILY  
4 MEMBER WHO IS 21 YEARS OLD OR OVER.

5 (F) *INCLUDES; INCLUDING*.

6 “INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF  
7 LIMITATION.

8 (G) [(c)] *Occupant*.

9 “Occupant” means any person occupying a premises, whether or not a party to a lease.

10 (H) [(d)] *Operator*.

11 “Operator” means any person who has charge, care, or control of all or any part of a  
12 premises.

13 (I) [(e)] *Owner*.

14 (1) *IN GENERAL*.

15 “Owner” means:

16 (i) the person in whose name a premises is recorded in the Land Records of  
17 Baltimore City; and

18 (ii) any other person with a legal or equitable interest in a premises.

19 (2) *INCLUSIONS*.

20 “Owner” includes a person who has [in] AN interest as a receiver, trustee, guardian,  
21 personal representative, fiduciary, or representative of any kind.

22 (3) *EXCLUSIONS*.

23 “OWNER” DOES NOT INCLUDE THE HOLDER OF A TAX SALE CERTIFICATE UNTIL A  
24 JUDGMENT FORECLOSING ALL RIGHTS OF REDEMPTION HAS BEEN ENTERED.

25 (J) [(f)] *Person*.

26 “Person” means:

27 (1) an individual;

28 (2) a partnership, firm, association, corporation, or other entity of any kind; and

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1 (3) a receiver, trustee, guardian, personal representative, fiduciary, or representative  
2 of any kind.

3 (K) *PERSON RESPONSIBLE*.

4 “PERSON RESPONSIBLE”, WHEN USED WITH REFERENCE TO ANY PREMISES, MEANS THE  
5 OWNER, OPERATOR, TENANT, OR OCCUPANT OF OR THE HOLDER OF ANY POSSESSORY  
6 INTEREST IN THOSE PREMISES, WHETHER ALONE OR JOINTLY WITH ANY OTHER PERSON.

7 (L) [(g)] *Premises*.

8 “Premises” means all or any part of any land, building, or other structure.

9 (M) [(h)] *Tenant*.

10 “Tenant” means [a] any tenant or lessee, whether under a written or oral lease.

11 (N) *UNDERAGE PERSON*.

12 “UNDERAGE PERSON” MEANS ANY INDIVIDUAL WHO IS UNDER THE AGE OF 21.

13 (O) ~~(O)~~ *UNRULY SOCIAL EVENT*.

14 “UNRULY SOCIAL EVENT” MEANS A PARTY OR GATHERING OF 2 OR MORE INDIVIDUALS ON  
15 OR IN ANY PRIVATELY OWNED PREMISES AT WHICH:

16 (1) ALCOHOLIC ~~BEVERAGE~~ BEVERAGES ARE CONSUMED BY, FURNISHED TO, OR  
17 POSSESSED BY ANY UNDERAGE PERSON IN VIOLATION OF LAW; OR

18 (2) THE CONDUCT ~~CONSTITUTES~~ CREATES A DISTURBANCE OF THE ~~QUIET PEACEFUL~~  
19 ENJOYMENT BY OTHERS OF PRIVATE OR PUBLIC PROPERTY, INCLUDING:

20 (I) NOISE IN EXCESS OF THE LEVELS SET BY CITY CODE HEALTH ARTICLE,  
21 TITLE 9 {“NOISE REGULATION”}, OR OTHER LAW;

22 (II) OBSTRUCTION OF PUBLIC RIGHTS-OF-WAY BY UNRULY CROWDS;

23 (III) PUBLIC DRUNKENNESS;

24 (IV) ASSAULTS, BATTERIES, OR OTHER DISORDERLY CONDUCT THAT DISTURBS  
25 THE PUBLIC PEACE;

26 (V) VANDALISM OF PUBLIC OR PRIVATE PROPERTY;

27 (VI) LITTERING; OR

28 (VII) ANY OTHER CONDUCT THAT CONSTITUTES A THREAT TO THE PUBLIC  
29 HEALTH, SAFETY, ~~RIGHT TO QUIET ENJOYMENT~~, OR GENERAL WELFARE.

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1 **§ 43B-2. EXEMPTIONS FROM SUBTITLE.**

2 THE ACTIVITIES DESCRIBED IN § 43B-1(O)(1) OF THIS SUBTITLE {UNDERAGE CONSUMPTION,  
3 POSSESSION, ETC., OF ALCOHOLIC BEVERAGES} DO NOT APPLY TO:

4 (1) LEGALLY-PROTECTED RELIGIOUS ACTIVITIES; OR

5 (2) FAMILY EVENTS.

6 **§ 43B-3. {RESERVED}**

7 **§ 43B-4. [§ 43B-3.] DUTIES OF PERSONS RESPONSIBLE.**

8 (A) *IN GENERAL.*

9 (1) EVERY PERSON RESPONSIBLE FOR ANY PREMISES IS REQUIRED TO MAINTAIN, MANAGE,  
10 AND SUPERVISE THE PREMISES AND ALL PERSONS ON OR IN THE PREMISES IN A MANNER  
11 SO AS NOT TO VIOLATE THE PROVISIONS OF THIS SUBTITLE.

12 (2) A PERSON RESPONSIBLE FOR ~~A NEIGHBORHOOD NUISANCE OR AN UNRULY SOCIAL~~  
13 ~~EVENT~~ ANY PREMISES REMAINS LIABLE FOR VIOLATING THIS SUBTITLE A  
14 NEIGHBORHOOD NUISANCE OR AN UNRULY SOCIAL EVENT EVEN IF THAT PERSON WAS  
15 NOT PRESENT DURING THE NUISANCE ACTIVITY OR THE SOCIAL EVENT.

16 (B) *OWNER OR OPERATOR.*

17 AN OWNER OR OPERATOR OF THE PREMISES REMAINS LIABLE FOR VIOLATING THIS  
18 SUBTITLE REGARDLESS OF ANY CONTRACT OR AGREEMENT WITH ANY THIRD PARTY  
19 REGARDING THE PREMISES.

20 (C) *PARENTS OF JUVENILES.*

21 (1) *DEFINITIONS.*

22 (I) *IN GENERAL.*

23 IN THIS SUBSECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

24 (II) *JUVENILE.*

25 “JUVENILE” MEANS ANY INDIVIDUAL WHO IS UNDER THE AGE OF 18.

26 (III) *PARENT.*

27 “PARENT” MEANS ANY NATURAL PARENT, ADOPTIVE PARENT, STEP-PARENT, OR  
28 FOSTER PARENT.

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1 (2) *JOINT LIABILITY.*

2 IF THE PERSON RESPONSIBLE FOR ~~A NEIGHBORHOOD NUISANCE OR AN UNRULY SOCIAL~~  
3 ~~EVENT, OR FOR THE PREMISES ON OR IN WHICH EITHER A NEIGHBORHOOD NUISANCE~~  
4 ~~OR AN UNRULY SOCIAL EVENT~~ OCCURS; IS A JUVENILE, THEN THE JUVENILE AND THE  
5 PARENTS OR LEGAL GUARDIANS OF THE JUVENILE ARE JOINTLY AND SEVERALLY  
6 LIABLE FOR THE CIVIL PENALTIES IMPOSED BY THIS SUBTITLE.

7 **§ 43B-5. [§ 43B-2.] Prohibited conduct.**

8 [(a) *In general.*]

9 No [owner, operator, tenant, or occupant of] PERSON RESPONSIBLE FOR any premises may  
10 CONDUCT, cause, [or] permit, AID, OR CONDONE a neighborhood nuisance OR ANY UNRULY  
11 SOCIAL EVENT on or in [any] THOSE premises [that the person owns, operates, leases, or  
12 occupies].

13 [(b) *Police report as prima facie evidence.*]

14 [A police report, written in the regular course of business, of a premises having been used  
15 for activities described in § 43B-1(b) {"Definitions: Neighborhood Nuisance"} of this  
16 subtitle is prima facie evidence that the premises are a neighborhood nuisance.]

17 **§§ 43B-6 TO 43B-7. [§§ 43B-3 to 43B-5.] {Reserved}**

18 **§ 43B-8. [§ 43B-6.] Enforcement by citation.**

19 (a) *In general.*

20 In addition to any other civil or criminal remedy or enforcement procedure, this subtitle  
21 may be enforced by issuance of [an environmental citation] A CIVIL CITATION, as  
22 authorized by City Code Article 1, [Subtitle 40 {"Environmental Control Board"}]  
23 SUBTITLE 41 {"CIVIL CITATIONS"}.

24 (b) *Process not exclusive.*

25 The issuance of [an environmental] A CIVIL citation to enforce this subtitle does not  
26 preclude pursuing any other civil or criminal remedy or enforcement action authorized by  
27 law.

28 (c) *Applicable standards.*

29 (1) [An environmental] A CIVIL citation may be [used] ISSUED under this subtitle without  
30 proof that the CITED owner, operator, tenant, [or] occupant, OR HOLDER OF A  
31 POSSESSORY INTEREST knew of [the existence of] OR PARTICIPATED IN the  
32 neighborhood nuisance OR UNRULY SOCIAL EVENT.

33 (2) [Where the] FOR A CIVIL citation [is] issued UNDER THIS SUBTITLE to the owner or  
34 operator of leased property, it is a [complete] defense to any fine [or other penalty]  
35 imposed [under this subtitle] on the owner or operator that:

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1 (i) the owner or operator [has provided notice to the tenants or occupants of the  
2 property in accordance with applicable law] NEITHER AUTHORIZED, KNEW IN  
3 ADVANCE OF, NOR PARTICIPATED IN THE NEIGHBORHOOD NUISANCE OR  
4 UNRULY SOCIAL EVENT; and

5 (ii) the owner or operator provides proof:

6 (A) that the owner or operator has regained possession of the leased  
7 property; or

8 (B) that the owner or operator has filed court proceedings under State Real  
9 Property Article § 8-402.1 {"Breach of lease"} AND CITY PUBLIC  
10 LOCAL LAWS § 9-14. AS APPLICABLE, to regain possession of the leased  
11 property and that:

12 1. the court has entered a judgment IN FAVOR OF THE OWNER OR  
13 OPERATOR; or

14 2. [the] THOSE court proceedings are still pending at the time the  
15 [Environmental Control Board is considering the] citation IS  
16 BEING ADJUDICATED, in which case the [Board shall] COURT  
17 ADJUDICATING THE CITATION MAY postpone its proceedings  
18 until THE CONCLUSION OF the court proceedings [have  
19 concluded] TO REGAIN POSSESSION.

20 (3) FOR PURPOSES OF COURT PROCEEDINGS FILED UNDER PARAGRAPH (2)(II)(B) OF  
21 THIS SUBSECTION, IT IS THE INTENT OF THE MAYOR AND CITY COUNCIL THAT A  
22 VIOLATION OF THIS SUBTITLE SHALL BE CONSTRUED AS DEMONSTRATING A CLEAR  
23 AND IMMINENT DANGER THAT THE PERSONS RESPONSIBLE OR OTHERS INVOLVED  
24 WILL DO SERIOUS HARM TO THEMSELVES OR OTHERS, WITHIN THE SCOPE AND  
25 MEANING OF STATE REAL PROPERTY ARTICLE § 8-402.1(A)(1)(I)2.B.

26 **[§ 43B-7. Penalties.]**

27 [Any person who violates a provision of this subtitle is guilty of a misdemeanor and, on  
28 conviction, is subject to a fine of not more than \$1,000 or imprisonment for not more than 60  
29 days or both fine and imprisonment for each offense.]

30 **§ 43B-9. {RESERVED}**

31 **§ 43B-10. SEVERABILITY.**

32 ALL PROVISIONS OF THIS SUBTITLE ARE SEVERABLE. IF A COURT DETERMINES THAT A WORD,  
33 PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, OR OTHER PROVISION IS  
34 INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY PERSON OR  
35 CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THOSE  
36 PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT AFFECTED BY THAT DECISION.

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

**Subtitle 40. Environmental Control Board**

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

*(e) Provisions and penalties enumerated.*

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

...

[§ 43B-1 Neighborhood Nuisances: Prohibited conduct

1<sup>st</sup> offense

\$500

2<sup>nd</sup> or subsequent offense (within 12 months of previous offense)

\$1,000]

...

**Subtitle 41. Civil Citations**

**§ 41-14. Violations to which subtitle applies.**

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

...

SUBTITLE 43B. NEIGHBORHOOD NUISANCES AND UNRULY SOCIAL EVENTS

1<sup>ST</sup> OFFENSE

\$500

2<sup>ND</sup> OR SUBSEQUENT OFFENSE WITHIN 12 MONTHS OF PREVIOUS OFFENSE

\$1,000

...

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

**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect when 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\_\_

\_\_\_\_\_  
Mayor, Baltimore City