

**CITY OF BALTIMORE
COUNCIL BILL 05-0051
(First Reader)**

Introduced by: Councilmembers Clarke, Curran, Kraft, Young, Holton, Harris, Reisinger, Welch,
Rawlings Blake, President Dixon, Councilmember D'Adamo

Introduced and read first time: February 28, 2005

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Environmental Control Board,
Department of Public Works, Department of Transportation, Police Department, Department of
Finance, Board of Elections Supervisors

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Illegal Signs – Penalties – Private Enforcement**

3 FOR the purpose of increasing the civil penalties for illegally posting certain signs or other
4 objects; authorizing individuals to summarily remove certain illegally posted signs or other
5 objects; providing for the payment to certain associations, under certain circumstances, of a
6 percentage of the fines collected in connection with certain illegally posted signs or other
7 objects; and generally relating to the enforcement of the laws prohibiting the placement of
8 objects on or affecting public property or on property owned or controlled by a public utility.

9 BY repealing and reordaining, with amendments

10 Article 1 - Mayor, City Council, and Municipal Agencies
11 Section(s) 40-14(e)(3)(§ 45-2) and 41-14(2)(§ 45-2)
12 Baltimore City Code
13 (Edition 2000)

14 BY repealing and reordaining, without amendments

15 Article 19 - Police Ordinances
16 Section(s) 45-1, 45-2, 45-5, and 45-7
17 Baltimore City Code
18 (Edition 2000)

19 BY repealing and reordaining, with amendments

20 Article 19 - Police Ordinances
21 Section(s) 45-3, 45-4
22 Baltimore City Code
23 (Edition 2000)

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

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

Baltimore City Code

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

§ 45-2. Signs on public property: Posting prohibited [\\$100] \$200

Subtitle 41. Civil Citations

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

(2) Article 19. Police Ordinances

§ 45-2. Signs on public property: Posting prohibited [\\$100] \$200

Article 19. Police Ordinances

Subtitle 45. Signs – On or Affecting Public Property

§ 45-1. Definitions.

(a) *In general.*

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

(b) *City.*

“City” means the Mayor and City Council of Baltimore.

(c) *Person.*

“Person” means any individual, political candidate, political committee, person, firm, partnership, association, corporation, company, organization, or other entity of any kind.

(d) *Sign.*

“Sign” includes any bill, poster, placard, handbill, flyer, painting, notice, advertisement, or other similar object or matter that contains printed or written matter in words, symbols, pictures, or any combination of them.

1 **§ 45-2. Postings prohibited.**

2 No person may post, place, or affix a sign:

- 3 (1) on any building owned, leased, or controlled by the City;
- 4 (2) on or within the confines of any public park, recreation area, or other landscaped
5 grounds owned or operated by the City;
- 6 (3) on any flagpole or tree owned by the City;
- 7 (4) on any traffic-control sign or device, including but not limited to, stop lights and their
8 standards, stop signs, yield signs, 1-way street signs, and any other sign or device that
9 directs traffic or controls traffic signals, or on the supporting post of any
10 traffic-control sign or device;
- 11 (5) in any way that:
 - 12 (i) blocks a motorist’s, cyclist’s, or pedestrian’s view of a traffic-control sign or
13 device so as to create a hazard;
 - 14 (ii) protrudes into a street or sidewalk so as to interfere with the safe passage of
15 the public; or
 - 16 (iii) otherwise poses a hazard to motorists, pedestrians, or cyclists;
- 17 (6) on any other property owned, leased, or controlled by the City; or
- 18 (7) on any pole, building or property that is owned, leased, or controlled by a public
19 utility and located within or on any public street, alley, or other public property.

20 **§ 45-3. Removal of illegal signs.**

21 (a) *From City property – BY DEPARTMENT.*

22 For any sign posted in violation of § 45-2(1) through (6) of this subtitle, the Department
23 of Public Works may:

- 24 (1) summarily remove the sign; or
- 25 (2) send written notice to the person responsible, as described in § 45-5 of this
26 subtitle, ordering that person to remove the sign within the time specified in the
27 notice.

28 (B) *FROM CITY PROPERTY – BY OTHERS.*

29 (1) FOR ANY SIGN POSTED IN VIOLATION OF § 45-2(1) THROUGH (6) OF THIS SUBTITLE,
30 ANY INDIVIDUAL MAY:

- 31 (I) SUMMARILY REMOVE THE SIGN; AND

1 (II) EITHER:

2 (A) DISCARD THE SIGN IN AN APPROPRIATE MANNER; OR

3 (B) SUBMIT THE SIGN TO THE DEPARTMENT OF PUBLIC WORKS FOR
4 FURTHER ENFORCEMENT PROCEEDINGS.

5 (2) A SUBMISSION TO THE DEPARTMENT OF PUBLIC WORKS FOR FURTHER ENFORCEMENT
6 PROCEEDINGS:

7 (I) MUST BE ACCOMPANIED BY AN AFFIDAVIT, IN THE FORM AND TENOR REQUIRED
8 BY THE REGULATIONS ADOPTED UNDER § 45-4 OF THIS SUBTITLE, THAT
9 DESCRIBES THE CIRCUMSTANCES OF THE VIOLATION AND REMOVAL; AND

10 (II) MAY DESIGNATE A NON-PROFIT COMMUNITY OR NEIGHBORHOOD ASSOCIATION
11 LISTED WITH THE DEPARTMENT OF PLANNING TO SHARE IN ANY FINES THAT
12 MIGHT BE COLLECTED IN THE MATTER.

13 (3) AN ASSOCIATION SO DESIGNATED IS ENTITLED TO RECEIVE 50% OF ANY FINE
14 COLLECTED UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL
15 CONTROL BOARD"} OR SUBTITLE 41 {"CIVIL CITATIONS"}.

16 (C) [(b)] *From public utility property.*

17 For any sign posted in violation of § 45-2(7) of this subtitle:

18 (1) the public utility may summarily remove the sign; or

19 (2) the public utility or the Department of Public Works may send written notice to
20 the person responsible, as described in § 45-5 of this subtitle, ordering that person
21 to remove the sign within the time specified in the notice.

22 **§ 45-4. Liability for costs and expenses.**

23 (a) *In general.*

24 Any person who posts a sign in violation of this subtitle and any other person responsible
25 for the sign, as described in § 45-5 of this subtitle, is liable to the City or to the public
26 utility, as the case may be, for the costs of:

27 (1) removing the sign; and

28 (2) repairing any damage caused by the placement or removal of the sign.

29 (b) *Rules and regulations for City property.*

30 (1) The Director of Public Works shall adopt regulations to provide for the removal of
31 signs illegally placed on City property.

1 (2) The regulations shall include:

2 (i) charges to be assessed for the costs of removing illegal signs and repairing
3 damages;

4 (II) RULES, PROCEDURES, AND FORMS TO CARRY OUT § 45-3(B) {"REMOVAL OF
5 ILLEGAL SIGNS: FROM CITY PROPERTY – BY OTHERS"} OF THIS SUBTITLE; and

6 (III) [(ii)] provisions that require the Director to report:

7 (A) the name of the person or entity represented on the material removed;

8 (B) the number of advertisements, notices, or other signs removed;

9 (C) the location of the material; and

10 (D) the type of structure from which the material was removed.

11 **§ 45-5. Persons responsible.**

12 (a) *Political campaigns.*

13 (1) In the case of a political campaign, a candidate for any office and the chairman and
14 treasurer of any registered political committee shall be presumptively liable for the
15 costs of sign removal imposed by § 45-4 of this subtitle, provided that the candidate
16 or the committee was responsible for the printing of the sign. If such liability is
17 contested, the burden of overcoming the presumption is on the contesting party.

18 (2) A candidate for public office shall, at the time of filing with the Board of Supervisors
19 of Elections for such candidacy, sign a written statement which acknowledges the
20 candidate's responsibilities under the provisions of this subtitle. Failure to sign such
21 a statement shall not affect the liability of the candidate for the penalties and costs
22 provided for in this subtitle.

23 (b) *Other cases.*

24 In all other cases, it shall be presumed that the person whose name, event, business,
25 location, or merchandise which is written on the sign shall be liable to the City or to the
26 public utility for the charges imposed by § 45-4 of this subtitle, and the burden of
27 overcoming the presumption is on the contesting party.

28 **§ 45-6. {Reserved}**

29 **§ 45-7. Enforcement; penalties.**

30 (a) *Enforcement by citation.*

31 (1) In addition to any other civil or criminal remedy or enforcement procedure, this
32 subtitle may be enforced by issuance of:

1 (i) an environmental citation under City Code Article 1, Subtitle 40
2 {"Environmental Control Board"}; or

3 (ii) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

4 (2) The issuance of a citation to enforce this subtitle does not preclude pursuing any other
5 civil or criminal remedy or enforcement action authorized by law.

6 (b) *Criminal penalties.*

7 Any person who posts a sign in violation of this subtitle or who fails to comply with a
8 notice to remove a sign posted in violation of this subtitle is guilty of a misdemeanor and,
9 on conviction, is subject to a fine of not more than \$500 for each sign.

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

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