

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 07-0755

Introduced by: The Council President
At the request of: The Administration (Department of Housing and Community Development)
Introduced and read first time: August 13, 2007
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: November 26, 2007

AN ORDINANCE CONCERNING

**Signs on or Affecting Public Property –
Enforcement by Housing and Community Development**

FOR the purpose of transferring from the Department of Public Works to the Department of Housing and Community Development the enforcement of the laws governing signs on or affecting public property; clarifying certain language; and clarifying, conforming, correcting, and broadening provisions governing the liabilities of certain responsible persons.

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances
Section(s) ~~45-3 and~~ 45-4, and 45-5
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 45. Signs - On or Affecting Public Property

§ 45-3. Removal of illegal signs.

(a) *From City property – by Department.*

For any sign posted in violation of § 45-2(1) through (6) of this subtitle, the Department of [Public Works] HOUSING AND COMMUNITY DEVELOPMENT may:

(1) summarily remove the sign OR MAKE THE APPROPRIATE REFERRAL TO HAVE THE SIGN REMOVED; or

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 (2) send written notice to the person responsible, as described in § 45-5 of this
2 subtitle, ordering that person to remove the sign within the time specified in the
3 notice.

4 (b) *From City property – by others.*

5 (1) For any sign posted in violation of § 45-2(1) through (6) of this subtitle, any
6 individual may:

7 (i) summarily remove the sign; and

8 (ii) either:

9 (A) discard the sign in an appropriate manner; or

10 (B) submit the sign to the Department of [Public Works] HOUSING AND
11 COMMUNITY DEVELOPMENT for further enforcement proceedings.

12 (2) A submission to the Department of [Public Works] HOUSING AND COMMUNITY
13 DEVELOPMENT for further enforcement proceedings:

14 (i) must be accompanied by an affidavit, in the form and tenor required by the
15 regulations adopted under § 45-4 of this subtitle, that describes the
16 circumstances of the violation and removal; and

17 (ii) may designate a non-profit community or neighborhood association listed
18 with the Department of Planning to share in any fines that might be collected
19 in the matter.

20 (3) An association so designated is entitled to receive 50% of any fine collected under
21 City Code Article 1, Subtitle 40 {"Environmental Control Board"} or Subtitle 41
22 {"Civil Citations"}.

23 (c) *From public utility property.*

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

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

26 (2) the public utility or the Department [Public Works] HOUSING AND COMMUNITY
27 DEVELOPMENT may send written notice to the person responsible, as described in
28 § 45-5 of this subtitle, ordering that person to remove the sign within the time
29 specified in the notice.

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§ 45-4. Liability for costs and expenses.

(a) In general.

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

- (1) removing the sign; and
- (2) repairing any damage caused by the placement or removal of the sign.

(b) Rules and regulations for City property.

(1) The [Director of Public Works] COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT shall adopt regulations to provide for the removal of signs illegally placed on City property.

(2) The regulations shall include:

- (i) charges to be assessed for the costs of removing illegal signs and repairing damages;
- (ii) rules, procedures, and forms to carry out § 45-3(b) {"Removal of illegal signs: From City property – by others"} of this subtitle; and
- (iii) provisions that require the Commissioner to report:
 - (A) the name of the person or entity represented on the material removed;
 - (B) the number of advertisements, notices, or other signs removed;
 - (C) the location of the material; and
 - (D) the type of structure from which the material was removed.

§ 45-5. Persons responsible.

(a) Political campaigns.

(1) In the case of a political campaign, a candidate for any office and the chairman and treasurer of any registered political committee [shall be] IS presumptively liable for the costs of sign removal imposed by § 45-4 of this subtitle, AS WELL AS FOR THE CIVIL AND CRIMINAL PENALTIES IMPOSED BY THIS SUBTITLE, [provided that] IF the candidate or the committee was responsible for [the] printing [of] the sign. If [such] THE liability is contested, the burden of overcoming the presumption is on the contesting party.

(2) A candidate for public office shall, at the time of filing with the Board of Supervisors of Elections for [such] THE candidacy, sign a written statement [which] THAT acknowledges the candidate's responsibilities under [the provisions of] this subtitle.

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1 Failure to sign [such a] THE statement [shall] DOES not affect the liability of the
2 candidate for the penalties and costs provided for in this subtitle.

3 (b) Other cases.

4 In all other cases, [it shall be presumed that] the person whose name, event, business,
5 location, or merchandise [which] is written on the sign [shall be] IS PRESUMPTIVELY
6 liable [to the City or to the public utility] for the charges imposed by § 45-4 of this
7 subtitle, AS WELL AS FOR THE CIVIL AND CRIMINAL PENALTIES IMPOSED BY THIS
8 SUBTITLE[.]. [and the] THE burden of overcoming the presumption is on the contesting
9 party.

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 day
14 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