

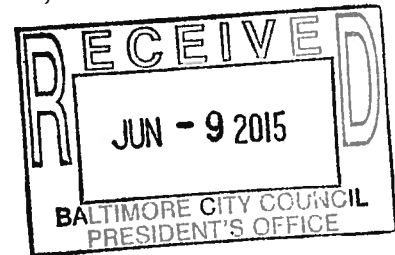
CITY OF BALTIMORE
STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW
GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

June 9, 2015

Honorable President and Members
of the City Council of Baltimore
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202



Attn: Natawna Austin, Executive Secretary

Re: City Council Bill No. 15-0540 – Social Host Regulation –
Neighborhood Nuisance and Unruly Social Events

Dear President and City Council Members:

You have requested the advice of the Law Department regarding City Council Bill 15-0540. City Council Bill 540 amends the At. 19, Subtitle 42B regarding neighborhood nuisances. The bill extends the provisions governing the issuance of citations for certain “neighborhood nuisances” to include various types of “unruly social events”, specifies the responsibilities of owners, operators, tenants, and occupants of and persons with possessor interests in a premises to prevent use of those premises for neighborhood nuisances and unruly social events, prohibits these persons from conducting, causing, permitting, aiding, or condoning neighborhood nuisances and unruly social events on their premises, provides for the civil liability of the parents and legal guardians of juveniles who violate this prohibition, repeals criminal penalties for violations and provides for enforcement by civil citations.

After careful review, the Law Department thinks that the legislation needs clarification. In attempting to clarify, the Law Department is assuming that the focus of the bill is to hold owner’s, operators, tenants, occupants or other holders of possessory interests in a premises liable for certain types of behavior occurring on the premises. In several parts of the bill, the language is unclear with respect to this liability. In Sec. 43B-4(A)(2) and in Sec. 43B-4(C)(2), the phrase used is “person responsible for a neighborhood nuisance or unruly social event.” This could be construed as referring to the planner of the event and not the “person responsible” as defined in the bill. The Law Department suggests that the bill be amended as follows:

Sec. 43B-4(A)(2) – A PERSON RESSPONSIBLE FOR ANY PEMISES REMAINS LIABLE FOR A NEIGHBORHOOD NUISANCE OR AN UNRULY SOCIAL EVENT EVEN IF THAT

Fav w/ Amend

PERSON WAS NOT PRESENT DURING NUISANCE ACTIVITY OR UNRULY SOCIAL EVENT.

Sec. 43B-4(C)(2) – IF THE PERSON RESONSIBLE FOR THE PREMISES ON OR IN WHICH A NEIGHBORHOOD NUISANCE OR UNRULY SOCIAL EVENT OCCURS IS A JUVENILE, THEN THE JUVENILE AND THE JUVENILE’S PARENTS

In addition, the Law Department recommends several technical amendments in Sec.43B-2 after (1) insert “OF”. In Sec. 43B-1(O)(1) insert “S” at the end of “beverage.” In Sec. 43B-4©(1)(III) , after the fifth “parent”, insert “or legal guardian.”

Accordingly, provided the bill is amended as noted above, the Law Department can approve City Council Bill 15-0540 for form and legal sufficiency.

ecm
Sincerely yours,
Elena R. DiPietro
Elena R. DiPietro
Chief Solicitor

cc: George A. Nilson, City Solicitor
Angela Gibson, City Council Liaison, Mayor’s Office
Hilary Ruley
Victor Tervalo
Jennifer Landis
Avery Aisenstark