

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

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

March 31, 2008

The Honorable President and  
Members of the Baltimore  
City Council  
c/o Karen Randle, Executive Secretary  
409 City Hall  
Baltimore, MD 21202

RE: City Council Bill 08-0070 – “Padlock Law” - Scope

Dear President and Members

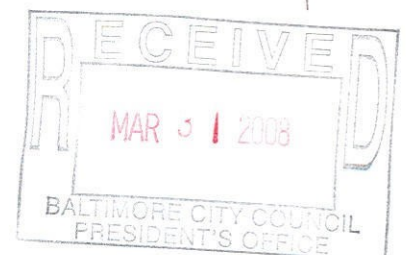
You have requested the advice of the Law Department regarding City Council Bill 08-0070. The Bill will amend Article 19, Subtitle 43-1 of the City Code, alternatively known as the “Padlock Law,” to provide a threshold in the definition of a public nuisance under the subtitle and to describe what constitutes prima facie evidence of that threshold being met.

On December 3, 2007, the City Council passed and the Mayor signed into law City Council Bill 07-0624, which clarified and expanded the provisions constituting a public nuisance and generally overhauled the nuisance abatement procedures. Among other changes, the scope of nuisance abatement was expanded to include locations that promote crimes of violence and activities associated with violent crime, such as gang activity and illegal gun possession. This Bill, 08-0070, supplements Bill 07-0624 by further delineating the definition of a nuisance and the enforcement procedures. Specifically, the Bill establishes a threshold of two or more separate occasions of a prohibited use within a 24-month period, before abatement proceedings may be initiated. The Bill also specifies that a police report constitutes prima facie evidence of a second occasion.

City Council Bill 08-0070 is consistent with the authority of the City Council. The Law Department, therefore, approves the City Council Bill 08-0070 for form and legal sufficiency.

Sincerely yours,

  
Elizabeth Embry  
Assistant Solicitor



cc: Honorable James B. Kraft  
Angela Gibson, City Council Liaison  
George A. Nilson, City Solicitor  
Linda C. Barclay, Chief Solicitor  
Deepa Bhattacharyya, Assistant Solicitor