

**CITY OF BALTIMORE  
COUNCIL BILL 07-0624  
(First Reader)**

---

Introduced by: Councilmembers Mitchell, D'Adamo, Clarke, Kraft, Middleton, Holton, Welch,  
Reisinger, Young

Introduced and read first time: March 26, 2007

Assigned to: Public Safety Subcommittee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Mayor's Office of  
Criminal Justice, Baltimore City State's Attorney's Office

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Public Nuisance Premises – Extending Applicability**

3 FOR the purpose of extending the provisions governing public nuisance premises to encompass  
4 certain additional offenses; defining and redefining certain terms; clarifying, conforming, and  
5 correcting certain language; and generally relating to abating public nuisance premises.

6 BY repealing and reordaining, with amendments

7 Article 19 - Police Ordinances

8 Section(s) 43-1, 43-2(a), and 43-3(a)

9 Baltimore City Code

10 (Edition 2000)

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

13 **Baltimore City Code**

14 **Article 19. Police Ordinances**

15 **Subtitle 43. Public Nuisances**

16 **§ 43-1. Definitions.**

17 (a) *In general.*

18 [As used in] IN this subtitle[:], THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

19 (B) *ASSAULT.*

20 “ASSAULT” HAS THE MEANING STATED IN STATE CRIMINAL LAW ARTICLE § 3-201.

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

**Council Bill 07-0624**

1 (C) [(b)] *Commissioner*.

2 “Commissioner” means the Police Commissioner of Baltimore City or the  
3 Commissioner’s designee.

4 (D) [(c)] *Conviction*.

5 [For the purpose of this subtitle, “conviction” shall include] “CONVICTION” INCLUDES  
6 probation before judgment.

7 (E) [(d)] *Owner*.

8 “Owner” and “owner of record” mean the person in whose name a premises is recorded  
9 in the land records of Baltimore City.

10 (F) [(e)] *Person*.

11 “Person” means an individual, receiver, guardian, personal representative, fiduciary, or  
12 representative of any kind, and any corporation, partnership, firm, association, joint  
13 venture, or other legal entity.

14 (G) [(f)] *Premises*.

15 “Premises” means any land, building, or other structure, or ANY part [thereof] OF THEM.

16 (H) [(g)] *Public nuisance*.

17 (1) [A “public] “PUBLIC nuisance” [is] MEANS:

18 (i) any premises WHERE 2 OR MORE VIOLATIONS, LEADING TO 2 OR MORE  
19 CRIMINAL CONVICTIONS, OF ANY OF THE FOLLOWING OFFENSES HAVE  
20 OCCURRED ON 2 OR MORE OCCASIONS WITHIN A 24-MONTH PERIOD BEFORE  
21 THE START OF A PROCEEDING UNDER THIS SUBTITLE AND WHERE VIOLATIONS  
22 ARE STILL OCCURRING:

23 [(i) where violations of the law governing:]

24 (A) prostitution and lewdness;

25 (B) controlled dangerous substances;

26 (C) gambling; or

27 (D) criminal possession of stolen property[,]; AND

28 [are occurring; and]

29 [(ii) where 2 or more violations of such provisions, which have resulted in 2  
30 or more criminal convictions, have occurred on 2 or more occasions  
31 within a 24-month period of time prior to the commencement of a  
32 proceeding pursuant to §§ 43-3 through 43-7 of this subtitle.]

**Council Bill 07-0624**

(II) ANY PREMISES WHERE 2 OR MORE VIOLATIONS OF ANY OF THE FOLLOWING OFFENSES HAVE OCCURRED ON 2 OR MORE OCCASIONS WITHIN A 24-MONTH PERIOD BEFORE THE START OF A PROCEEDING UNDER THIS SUBTITLE:

(A) HOMICIDE;

(B) ASSAULT;

(C) FIREARMS;

(D) CRIMINAL GANGS; OR

(E) OFFENSES IN WHICH A SERIOUS PHYSICAL INJURY OCCURRED.

(2) [It shall be prima facie evidence that a public nuisance has occurred upon the] THE 2<sup>nd</sup> conviction for [a violation of] any of the [provisions of the law governing the enumerated] offenses ENUMERATED IN PARAGRAPH (1)(I) OF THIS SUBSECTION IS PRIMA FACIE EVIDENCE THAT A PUBLIC NUISANCE EXISTS.

(3) THE 2<sup>ND</sup> REPORT BY A POLICE OFFICER, WRITTEN IN THE NORMAL COURSE OF BUSINESS, OF A VIOLATION OF ANY OF THE OFFENSES ENUMERATED IN PARAGRAPH (1)(II) OF THIS SUBSECTION IS PRIMA FACIE EVIDENCE THAT A PUBLIC NUISANCE EXISTS.

(i) “SERIOUS PHYSICAL INJURY”.

“SERIOUS PHYSICAL INJURY” HAS THE MEANING STATED IN STATE CRIMINAL LAW ARTICLE § 3-201.

**§ 43-2. Legislative findings and declarations.**

(a) *Existence of public nuisances.*

The Mayor and City Council finds and declares:

(1) that public nuisances exist in the City of Baltimore in the continuing and recurrent use of certain premises in violation of the laws relating to HOMICIDE, ASSAULT, FIREARMS, CRIMINAL GANGS, SERIOUS PHYSICAL INJURY, prostitution, gambling, controlled dangerous substances, and stolen property; and

(2) that these public nuisances are harmful to the safety, health, and general welfare of the citizens and businesses of, and visitors to, Baltimore City.

**§ 43-3. Nuisance abatement authorized.**

(a) *Commissioner’s basic authority.*

After 2 convictions [under § 43-1(g)] OF THE TYPE DESCRIBED IN § 43-1(H)(1)(I) AND (2) OF THIS SUBTITLE OR 2 REPORTS OF VIOLATIONS OF THE TYPE DESCRIBED IN § 43-1(H)(1)(II) AND (3) OF THIS SUBTITLE, AS THE CASE MAY BE, AND AFTER notice to the premises’ owner and opportunity for a hearing, the Commissioner may:

**Council Bill 07-0624**

1 (1) order the discontinuance of the public nuisance in the premises where the public  
2 nuisance exists; or

3 (2) order the closing of the premises to the extent necessary to abate the nuisance.

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

7 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30<sup>th</sup> day  
8 after the date it is enacted.