

**CITY OF BALTIMORE
COUNCIL BILL 08-0070
(First Reader)**

Introduced by: Councilmembers Kraft, Curran, Henry, Young, D’Adamo, Reisinger, Welch,
Clarke, Middleton, Cole, Branch

Introduced and read first time: March 10, 2008

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Department of
Housing and Community Development

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **“Padlock Law” – Scope**

3 FOR the purpose of redefining “public nuisance” to require that there have been a certain number
4 of offenses within a certain period; clarifying the effect of a conviction for an offense; and
5 generally relating to laws governing public nuisances.

6 BY repealing and reordaining, with amendments

7 Article 19 - Police Ordinance

8 Section(s) 43-1(l)

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 (l) *Public nuisance.*

18 (1) “Public nuisance” means any premises that, ON 2 OR MORE SEPARATE OCCASIONS
19 WITHIN A 24-MONTH PERIOD, [is] WERE used:

20 (I) [(1)] for prostitution, lewdness, or assignation;

21 (II) [(2)] for illegal adult entertainment;

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

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1 (III) [(3)] by persons who assemble for the specific purpose of illegally
2 administering a controlled dangerous substance;

3 (IV) [(4)] for the illegal manufacture or distribution of:

4 (A) [(i)] a controlled dangerous substance; or

5 (B) [(ii)] controlled paraphernalia;

6 (V) [(5)] for the illegal storage or concealment of a controlled dangerous
7 substance or controlled paraphernalia in sufficient quantity to reasonably
8 indicate under all the circumstances an intent to manufacture, distribute, or
9 dispense:

10 (A) [(i)] a controlled dangerous substance; or

11 (B) [(ii)] controlled paraphernalia;

12 (VI) [(6)] for gambling;

13 (VII) [(7)] for storage or possession of stolen property;

14 (VIII) [(8)] for storage or possession of unregistered firearms;

15 (IX) [(9)] for furtherance of a crime of violence;

16 (X) [(10)] by persons who engage in a crime of violence on or near the premises;
17 or

18 (XI) [(11)] for criminal gang offenses prohibited under State Criminal Law Article
19 9, Subtitle 8 .

20 (2) A 2ND REPORT BY A POLICE OFFICER, WRITTEN IN THE REGULAR COURSE OF BUSINESS,
21 OF A PREMISES' HAVING BEEN USED FOR ACTIVITIES DESCRIBED IN PARAGRAPH (1) OF
22 THIS SUBSECTION IS PRIMA FACIE EVIDENCE THAT THE PREMISES ARE A PUBLIC
23 NUISANCE.

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

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