



June 19, 2013

The Honorable President and Members  
of the Baltimore City Council  
Attn: Karen Randle, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 13-0226 – Signs on or Affecting Public Property – Civil Penalties

Dear President and City Council Members:

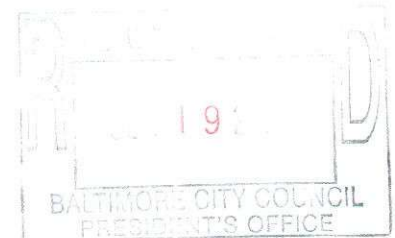
The Law Department has reviewed City Council Bill 13-0226 for form and legal sufficiency. The bill would increase the amount of the fine from \$200 to \$500 for Section 45-2 of Article 19 of the City Code, which prohibits the placement of signs on public property. There is no legal impediment to this change.

However, the bill also adds the words “or affecting” between “signs on” and “public property” in Sections 40-14 (environmental citation) and 41-14 (civil citations) of Article 1 of the City Code. Since these two sections merely state the penalties for violations of Section 45-2 of Article 19 of the City Code, the language describing the underlying offense must be modified to reflect any desired change in what is being prohibited; merely changing the language in the penalty section is not sufficient. The underlying offense now described in Section 45-2 of Article 19 is a general prohibition on placing signs on public property. Changing the language in this underlying offense to prohibit the placement of signs that “affect” public property would be void for vagueness. *See, e.g., McFarlin v. State*, 409 Md. 391, 410-11 (2009)(citations omitted)(“a statute must be ‘sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties,’ otherwise, the enactment is void-for-vagueness.”). Because of these concerns, the Law Department recommends removing these words so that the language in Sections 40-14 and 41-14 reflects what is currently prohibited by Section 45-2 of Article 19. A suggested amendment is attached.

With the suggested amendment, the Law Department can approve the bill form and legal sufficiency.

Very truly yours,

Hilary Ruley  
Assistant Solicitor



cc: George Nilson, City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Elena DiPietro, Senior Solicitor  
Victor Tervalá, Assistant Solicitor

**CITY OF BALTIMORE  
COUNCIL BILL 13-0226  
(Law Department Amendments)**

On page 1, line 20, strike “OR AFFECTING”

On page 2, line 5, strike “OR AFFECTING”