

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 07-0747

Introduced by: President Rawlings-Blake, Councilmembers Mitchell, Middleton, Kraft, Clarke,
Young, Curran, Reisinger, Crider
Introduced and read first time: July 16, 2007
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: August 13, 2007

AN ORDINANCE CONCERNING

Advertising Circulars

FOR the purpose of extending the prohibition on placing circulars to encompass those who cause the placement; specifying persons presumptively responsible for a violation; increasing the criminal penalty for violation; and generally relating to the placement of advertising circulars in or no vehicles or residential property.

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances
Section(s) 1-2 through 1-4
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 19. Police Ordinances

Subtitle 1. Advertising Circulars

§ 1-2. [Placement prohibited without permission] PROHIBITED PLACEMENTS.

A person may not affix, [or] place, OR CAUSE TO BE AFFIXED OR PLACED any advertising circular:

- (1) in or on any vehicle in the City[, except with the express permission of the owner or operator of the vehicle]; or
- (2) in or on any residential property in the City (whether in or on a fence, railing, door, porch, lawn, sidewalk, or otherwise), except[;]

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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- 1 (i) with the express permission of the owner or occupant of that property; or
- 2 (ii)] by placing the advertising circular into a door slot or a nonlockable bin
- 3 consistent with federal law.

4 **§ 1-3. PERSONS RESPONSIBLE.**

5 (A) *IN GENERAL.*

6 THE PERSON WHOSE NAME, EVENT, BUSINESS, LOCATION, OR MERCHANDISE IS
7 ADVERTISED ON A CIRCULAR AFFIXED OR PLACED IN VIOLATION OF THIS SUBTITLE IS
8 PRESUMPTIVELY RESPONSIBLE FOR THE VIOLATION AND SUBJECT TO THE PENALTIES
9 IMPOSED UNDER THIS SUBTITLE.

10 (B) *OVERCOMING PRESUMPTION.*

11 THE BURDEN OF OVERCOMING THE PRESUMPTION IS ON THE CONTESTING PARTY.

12 **§ 1-4. [§ 1-3.] Enforcement by citation.**

13 (a) *In general.*

14 In addition to any other civil or criminal remedy or enforcement procedure, this subtitle
15 may be enforced by issuance of:

- 16 (1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental
17 Control Board"}; or
- 18 (2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

19 (b) *Process not exclusive.*

20 The issuance of a citation to enforce this subtitle does not preclude pursuing any other
21 civil or criminal remedy or enforcement action authorized by law.

22 **§ 1-5. [§ 1-4.] Penalties.**

23 (a) *In general.*

24 Any person who violates a provision of this subtitle is guilty of a misdemeanor and, on
25 conviction, is subject to a fine of not more than [\$100] \$500 for each offense.

26 (b) *Each circular a separate offense.*

27 Each ADVERTISING circular affixed or placed in violation of this subtitle constitutes a
28 separate offense.

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

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

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City