CITY OF BALTIMORE COUNCIL BILL 10-0489 (First Reader)

Introduced by: President Young, Councilmembers Reisinger, Henry, Holton, D'Adamo, Cole, Middleton, Spector, Conaway, Curran, Kraft, Welch

Introduced and read first time: April 19, 2010

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Environmental Control Board, Police Department, Department of Finance

A BILL ENTITLED

1	An Ordinance concerning
2	Miscellaneous Offenses – Citation and Penalty Amounts
3	For the purpose of increasing the environmental, civil, and criminal penalties applicable to
4	certain health and police ordinance offenses; and correcting, clarifying, and conforming
5	related provisions.
6	By repealing and reordaining, with amendments
7	Article 1 - Mayor, City Council, and Municipal Agencies
8	Section(s) 40-14(e)(3)(§§ 14-2, 14-3, 51-2),
9	40-14(e)(7)(§§ 5-501, 5-503, Subtitles 1, 2, 6),
10	41-14(2)(§§ 13-1, 13-2, 14-2, 14-3, 51-2, 55-1, 55-2), and
11	41-14(6)(§§ 5-501, 5-503, Subtitles 1, 2, 6)
12	Baltimore City Code
13	(Edition 2000)
14	By repealing and reordaining, with amendments
15	Article 19 - Police Ordinances
16	Section(s) 13-5(c), 14-6(c), and 55-2(b)
17	Baltimore City Code
18	(Edition 2000)
19	By repealing and reordaining, with amendments
20	Article - Health
21	Section(s) 5-510(b), 12-112(a) and (b)(1), and 12-607(a)
22	Baltimore City Revised Code
23	(Edition 2000)
24	Preamble
25	WHEREAS, many Baltimore City communities have a high density of restaurants, nightclubs
26	package good stores, and other entertainment and alcohol-related businesses within walking
27	distance of residential properties.

1 2 3	WHEREAS, it is necessary for the City to continue to encourage the establi of entertainment areas that provide dynamic recreational options and exciteme variety of residents and visitors.	
4	WHEREAS, it is equally important to encourage responsible behavior amount	ngst local revelers.
5 6 7	WHEREAS, residents frequently have to bear the brunt of disruptive behav the ills typical of over-consumption of alcohol; public urination or defecation; drunkenness; or drinking or possessing open containers in public places.	
8	SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BA Laws of Baltimore City read as follows:	LTIMORE, That the
10	Baltimore City Code	
11	Article 1. Mayor, City Council, and Municipal Agencie	s
12	Subtitle 40. Environmental Control Board	
13	§ 40-14. Violations to which subtitle applies.	
14	(e) Provisions and penalties enumerated.	
15	(3) Article 19. Police Ordinances	
16		
17 18	§ 14-2 [or § 14-3]. Drinking or possessing open containers in public places — In General	[\$ 50] \$500
19	§ 14-3. Drinking or possessing open containers	
20	IN PUBLIC PLACES $-$ PARENTS OR GUARDIANS OF MINORS	\$ 50
21	§ 51-2. Compliance with park rules	[\$200] \$500
22 23	y 51-2. Comphance with park rules	[\$200] \$300
24	(7) Health Code	
25	Tid C N C 4 1	
26	Title 5: Nuisance Control	
27 28	Subtitle 5: Bodily Wastes	
29	§ 5-501. Spitting	[\$ 25] \$200
30	§ 5-503. Urinating, etc in general	[\$150] \$750
31 32	Title 12: Tobacco Products	
33	Subtitle 1: Indoor Smoking	
34	Person smoking	[\$250] \$500
35	Employer, other person in charge	[\$500] \$750
36	Subtitle 2: Sale of Unpackaged Cigarettes	[\$150] \$500

1 2	Subtitle 6: Flavored Tobacco Wrappings	[\$250] \$500
3	Subtitle 41. Civil Citations	
4	§ 41-14. Offenses to which subtitle applies – Listing.	
5	(2) Article 19. Police Ordinances	
6 7	§ 13-1 [or § 13-2]. Disorderly drinking – IN GENERAL	[\$150] \$750
8	§ 13-2. Disorderly drinking – Parents or guardians of minors	\$150
9 10	§ 14-2 [or § 14-3]. Drinking or possessing open containers in public places — In General	[\$ 50] \$500
11 12	§ 14-3. Drinking or possessing open containers in public places — Parents or guardians of minors	\$ 50
13 14	§ 51-2. Compliance with PARK rules [required]	[\$ 50] \$500
15	§ 55-1. Ticket "scalping"	[\$100] \$500
16 17	§ 55-2. Street sales of theater or circus tickets	[\$100] \$500
18	(6) Health Code	
19 20	Title 5: Nuisance Control	
21	Subtitle 5: Bodily Wastes	
22	§ 5-501. Spitting	[\$ 25] \$200
23 24 25	§ 5-503. Urinating, etc in general Title 12: Tobacco Products	[\$150] \$750
26 27 28	Subtitle 1: Indoor Smoking Person smoking Employer, other person in charge	[\$250] \$500 [\$500] \$750
29	Subtitle 2: Sale of Unpackaged Cigarettes	[\$150] \$500
30 31	Subtitle 6: Flavored Tobacco Wrappings	[\$250] \$500

1	Article 19. Police Ordinances
2	Subtitle 13. Disorderly Drinking
3	§ 13-5. Penalties.
4	(c) Adult offender.
5	Any person 18 years of age or older who violates a provision of this subtitle is guilty of a
6	misdemeanor and, [upon] ON conviction, [shall be] Is subject to a fine of not [less than
7	\$50 nor] more than [\$500] \$1,000[,] or imprisonment for not more than 90 days[,] or both
8	FINE AND IMPRISONMENT FOR EACH OFFENSE.
9	Subtitle 14. Drinking in Public Places
10	§ 14-6. Penalties.
11	(c) Adult offender.
12	Any person 18 years of age or older who violates a provision of this subtitle is guilty of a
13	misdemeanor and, [upon] ON conviction, [shall be] Is subject to a fine of not [less than
14	\$50 nor] more than [\$500] \$1,000 or imprisonment for not more than 30 days or both
15	FINE AND IMPRISONMENT FOR EACH OFFENSE.
16	Subtitle 55. Ticket Sales
17	§ 55-2. Street sales of theater and circus tickets.
18	(b) Penalties.
19	Any person [or persons violating the provisions] WHO VIOLATES A PROVISION of this
20	section [shall be deemed] is guilty of a misdemeanor and, on conviction, [shall be
21	punished by] IS SUBJECT TO a fine of NOT MORE THAN [\$10] \$1,000 for every [such]
22	offense.
23	Baltimore City Revised Code
24	Health Article
25	Title 5. Nuisance Control
26	Subtitle 5. Bodily Wastes
27	§ 5-510. Penalties.
28	(b) Urinating or defecating — adult offenders: [\$500] \$1,000 and 30 days.
29	Any adult who violates § 5-503 {"Urinating or defecating in public places — in
30	general"} of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a
31	fine of not more than [\$500] \$1,000 or to imprisonment for not more than 30 days or to
32	both fine and imprisonment for each offense.

1	Title 12. Tobacco Products
2	Subtitle 1. Indoor Smoking
3	§ 12-112. Penalties
4	(a) Smoker.
5 6	Any person who smokes in violation of this subtitle is subject to a civil fine of not more than [\$250] \$500 for each offense.
7	(b) Employer or person in charge.
8 9 10	(1) Any employer or other person in charge who violates a provision of this subtitle or who knowingly allows a violation is subject to a civil fine of not more than [\$500] \$750 for each offense.
11	Subtitle 6. Flavored Tobacco Wrappings
12	§ 12-607. Penalties: \$250.
13	(a) In general.
14 15	Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than [\$250] \$1,000 for each offense.
16 17 18	SECTION 2. AND BE IT FURTHER ORDAINED , That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.
19 20	SECTION 3. AND BE IT FURTHER ORDAINED , That this Ordinance takes effect on the 30 th day after the date it is enacted.