

**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.

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

Council Bill 10-0489

1		
2	Subtitle 6: Flavored Tobacco Wrappings		[250] \$500

Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies – Listing.

(2) Article 19. Police Ordinances

5		
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	§ 14-2 [or § 14-3]. Drinking OR POSSESSING OPEN CONTAINERS		
10	in public places – IN GENERAL		[\$ 50] \$500

11	§ 14-3. DRINKING OR POSSESSING OPEN CONTAINERS		
12	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	§ 55-2. Street sales of theater or circus tickets		[100] \$500
----	---	--	-------------

(6) Health Code

17		
18		
19	Title 5: Nuisance Control		

Subtitle 5: Bodily Wastes

21		§ 5-501. Spitting	[\$ 25] \$200
----	--	-------------------	---------------

22		§ 5-503. Urinating, etc. - in general	[150] \$750
----	--	---------------------------------------	-------------

.....
Title 12: Tobacco Products

26	Subtitle 1: Indoor Smoking		
27	Person smoking		[250] \$500
28	Employer, other person in charge		[500] \$750

29	Subtitle 2: Sale of Unpackaged Cigarettes		[150] \$500
----	---	--	-------------

30		
31	Subtitle 6: Flavored Tobacco Wrappings		[250] \$500

Council Bill 10-0489

Article 19. Police Ordinances

Subtitle 13. Disorderly Drinking

§ 13-5. Penalties.

(c) *Adult offender.*

Any person 18 years of age or older who violates a provision of this subtitle is guilty of a misdemeanor and, [upon] ON conviction, [shall be] IS subject to a fine of not [less than \$50 nor] more than [\$500] \$1,000[,], or imprisonment for not more than 90 days[,], or both FINE AND IMPRISONMENT FOR EACH OFFENSE.

Subtitle 14. Drinking in Public Places

§ 14-6. Penalties.

(c) *Adult offender.*

Any person 18 years of age or older who violates a provision of this subtitle is guilty of a misdemeanor and, [upon] ON conviction, [shall be] IS subject to a fine of not [less than \$50 nor] more than [\$500] \$1,000 or imprisonment for not more than 30 days or both FINE AND IMPRISONMENT FOR EACH OFFENSE.

Subtitle 55. Ticket Sales

§ 55-2. Street sales of theater and circus tickets.

(b) *Penalties.*

Any person [or persons violating the provisions] WHO VIOLATES A PROVISION of this section [shall be deemed] IS guilty of a misdemeanor and, on conviction, [shall be punished by] IS SUBJECT TO a fine of NOT MORE THAN [\$10] \$1,000 for every [such] offense.

Baltimore City Revised Code

Health Article

Title 5. Nuisance Control

Subtitle 5. Bodily Wastes

§ 5-510. Penalties.

(b) *Urinating or defecating — adult offenders: [\$500] \$1,000 and 30 days.*

Any adult who violates § 5-503 {“Urinating or defecating in public places — in general”} of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than [\$500] \$1,000 or to imprisonment for not more than 30 days or to both fine and imprisonment for each offense.

Council Bill 10-0489

Title 12. Tobacco Products

Subtitle 1. Indoor Smoking

§ 12-112. Penalties

(a) *Smoker.*

Any person who smokes in violation of this subtitle is subject to a civil fine of not more than [250] \$500 for each offense.

(b) *Employer or person in charge.*

(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.

Subtitle 6. Flavored Tobacco Wrappings

§ 12-607. Penalties: \$250.

(a) *In general.*

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.

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.

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