

**CITY OF BALTIMORE**  
**COUNCIL BILL 23-0347**  
**(First Reader)**

---

Introduced by: Councilmembers Dorsey, Burnett, Cohen, Ramos, Bullock, Porter, Conway,  
Torrence

Introduced and read first time: February 6, 2023

Assigned to: Rules and Legislative Oversight Committee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of  
Housing and Community Development, Fire Department, Department of Recreation and Parks,  
Department of Transportation, Department of Public Works, Baltimore City Health Department

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Department of Business Licensing and Consumer Protection**

3 FOR the purpose of creating the Department of Business Licensing and Consumer Protection as  
4 an independent City agency; providing for the leadership and staffing of the Department;  
5 establishing the Department’s purpose, powers, and duties; creating the Commission on  
6 Business Licensing and Consumer Protection; providing for the membership of the  
7 Commission; establishing the purpose, powers, and duties of the Commission; transferring  
8 the administration of certain business licenses to the Department; repealing certain obsolete  
9 Boards; providing for a special effective date; and generally relating to business licensing and  
10 consumer protection.

11 BY repealing and re-ordaining, with amendments  
12 Article 1 - Mayor, City Council, and Municipal Agencies  
13 Section 41-14(.25)  
14 Baltimore City Code  
15 (Edition 2000)

16 BY adding  
17 Article 1 - Mayor, City Council, and Municipal Agencies  
18 Sections 42-1 to 42-41 to be under the new subtitle designation,  
19 “Subtitle 42. Department of Business Licensing and Consumer Protection”  
20 Baltimore City Code  
21 (Edition 2000)

22 BY repealing  
23 Article 2 - Consumer Protections  
24 Sections 2-1 and 2-2  
25 Baltimore City Code  
26 (Edition 2000)

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

## Council Bill 23-0347

- 1 BY repealing and re-ordaining, with amendments  
2 Article 2 - Consumer Protections  
3 Sections 1-4, 1-6, 1-8 (b) and (c), 1-9(a), 1-11(a), 1-18(d)(1), (e), and (g), 4-1, 4-2, 6-1(e),  
4 6-11(c), 7-3 to 7-5, 7-8, 7-9(b), 8-2, 8-6, 8-7, 8-8(a), 8-11, 8-12(a), 10-2(a) and (b), 10-8(a),  
5 11-2(b) and (d), 11-3(a), 11-6(a), 11-7(a), 11-12(a), 11-17, 12-3(b), 12-4(b) and (c), 12-7(a),  
6 12-8(a), 12-12, 12-13(a), and 12-15  
7 Baltimore City Code  
8 (Edition 2000)
- 9 BY adding  
10 Article 2 - Consumer Protections  
11 Sections 4-3 and 4-4  
12 Baltimore City Code  
13 (Edition 2000)
- 14 BY repealing and re-ordaining, with amendments  
15 Article 8 - Ethics  
16 Section 7-8  
17 Baltimore City Code  
18 (Edition 2000)
- 19 BY repealing and re-ordaining, with amendments  
20 Article 13 - Housing and Urban Renewal  
21 Sections 13-1(b), 13-3, 13-5 to 13-7, 13-8(a) and (b)(1), 13-9(a), 13-11(a), and 13-16  
22 Baltimore City Code  
23 (Edition 2000)
- 24 BY repealing and re-ordaining, with amendments  
25 Article 15 - Licensing and Regulation  
26 Sections 1-1(d), 1-3, 1-8(a) and (b), 1-9(b), 1-10, 1-11(b), 1-12, 1-13(a), 1-14(b),  
27 (c), and (d), 1-16, 1-17, 1-28, 1-29, 1-30(a), 1-31(a), (b)(2), and (c)(1), 2-1(a), 2-11(c),  
28 2-15(e), 2-31, 2-37(b), 2-43 to 2-45, 2-52 to 2-54, 3-1(c), 3-2(a), 3-3, 3-4(b) and (c),  
29 3-5(a)(1), 3-6(b), 3-9(b), 6-1, 6-2(b), 6-5(c), 6-8, 6-9, 6-11(a), 6-13, 6-14, 7-2(b), 7-3,  
30 9-1(d) and (d-1), 9-3, 9-6.1, 9-7(a), 9-8, 9-9, 9-10(b), (c), and (d), 11-1(a), 11-5, 11-6,  
31 11-7, 11-8(a) and (c), 11-9(a), 11-11, 11-13(d), 11-14(a) and (b), 11-15(c), 11-17(b),  
32 12-4(d), 12-8, 12-13, 13-1(b), 13-10, 15-1(b), 15-7, 15-9 to 15-11, 15-12(a) and (c),  
33 15-13(b), 15-14(a) and (d), 15-15, 15-18(a) and (b), 15-19(a) and (c), 18-3(b) and (c),  
34 18-5, 18-8, 20-2, 20-5(a), 20-6, 22-1(a), 22-3, 22-4(a), 22-5, 22-6(a), 22-8(a) and (c),  
35 22-9(a)(1), 22-10(d), 22-11(a), 22-13(h), 22-14(b) and (c), 22-15, 22-16(a), 22-17, and  
36 22-18(a)  
37 Baltimore City Code  
38 (Edition 2000)
- 39 BY repealing  
40 Article 15 - Licensing and Regulation  
41 Sections 15-4 to 15-6 and 22-2  
42 Baltimore City Code  
43 (Edition 2000)

**Council Bill 23-0347**

1 BY repealing and re-ordaining, with amendments  
2 Article 19 - Police Ordinances  
3 Section 71-14(a)  
4 Baltimore City Code  
5 (Edition 2000)

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

8 **Baltimore City Code**

9 **Article 1. Mayor, City Council, and Municipal Agencies**

10 **Subtitle 41. Civil Citations**

11 **§ 41-14. Offenses to which subtitle applies – Listing.**

12 **(.5) Article 2. Consumer Protections**

13 SUBTITLE 42. UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICES \$1000

14 Subtitle 16. Ticket Sales – Charges by Operators and Agents \$750

15 . . .

16 **SUBTITLE 42. DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION**

17 ***PART I. DEPARTMENT ESTABLISHED***

18 **§ 42-1. DEFINITIONS.**

19 **(A) *IN GENERAL.***

20 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

21 **(B) *BOARD.***

22 “BOARD” MEANS THE BALTIMORE CITY BUSINESS LICENSING AND CONSUMER  
23 PROTECTION BOARD.

24 **(C) *BUSINESS.***

25 “BUSINESS” MEANS ANY PERSON ENGAGED IN AN ENTERPRISE FOR PROFIT THAT OPERATES  
26 IN BALTIMORE CITY.

**Council Bill 23-0347**

1 (D) *COMPLAINT*.

2 “COMPLAINT” MEANS A WRITTEN STATEMENT SUBMITTED TO OR ISSUED BY THE  
3 DEPARTMENT ALLEGING THAT A BUSINESS IS COMMITTING OR HAS COMMITTED 1 OR MORE  
4 OF THE ACTS DESCRIBED UNDER § 42-28(A) {“INVESTIGATION PROCEDURES: INITIATION OF  
5 INVESTIGATION”}.

6 (E) *DEPARTMENT*.

7 “DEPARTMENT” MEANS THE BALTIMORE CITY DEPARTMENT OF BUSINESS LICENSING AND  
8 CONSUMER PROTECTION.

9 (F) *DIRECTOR*.

10 “DIRECTOR” MEANS THE DIRECTOR OF THE BALTIMORE CITY DEPARTMENT OF BUSINESS  
11 LICENSING AND CONSUMER PROTECTION.

12 (G) *RESPONDENT*.

13 “RESPONDENT” MEANS A BUSINESS THAT IS THE SUBJECT OF A COMPLAINT UNDER THIS  
14 SUBTITLE.

15 (H) *UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICES*.

16 “UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICES” HAS THE MEANING STATED IN  
17 § 13-301 OF THE STATE COMMERCIAL LAW ARTICLE.

18 **§ 42-2. DEPARTMENT ESTABLISHED.**

19 THERE IS A BALTIMORE CITY DEPARTMENT OF BUSINESS LICENSING AND CONSUMER  
20 PROTECTION.

21 **§ 42-3. PURPOSE.**

22 THE PURPOSE OF THE DEPARTMENT IS:

23 (1) TO CENTRALIZE THE ADMINISTRATION OF CITY BUSINESS LICENSES, PERMITS, AND  
24 PRACTICES SPECIFIED IN SUBSECTION §42-16 OF THIS SUBTITLE;

25 (2) TO MAKE EFFICIENT INSPECTIONS OF CITY BUSINESSES;

26 (3) TO ENSURE CITY BUSINESSES ARE PROPERLY LICENSED AND OPERATING IN  
27 ACCORDANCE WITH CITY LAW;

28 (4) TO CONDUCT ADMINISTRATIVE HEARINGS ON CONTESTED BUSINESS LICENSING  
29 ENFORCEMENT ACTIONS;

30 (5) TO INVESTIGATE CLAIMS OF UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICES; AND

**Council Bill 23-0347**

1 (6) TO ENFORCE BUSINESS LICENSING AND CONSUMER PROTECTION PROVISIONS OF THE  
2 CITY CODE.

3 **§ 42-4. POWERS.**

4 THE DEPARTMENT MAY:

5 (1) ADMINISTER, OVERSEE, AND ENFORCE CITY BUSINESS LICENSES, PERMITS, AND  
6 PRACTICES, INCLUDING BUSINESS PROCESSES AND RELATED LICENSES CREATED BY THE  
7 SUBTITLES SPECIFIED IN § 42-9 {"BUSINESS PRACTICES UNDER OVERSIGHT OF THE  
8 DEPARTMENT – LISTING"} OF THIS SUBTITLE;

9 (2) RECEIVE COMPLAINTS AND TAKE ACTION TO INVESTIGATE COMPLAINTS OF UNFAIR,  
10 ABUSIVE, OR DECEPTIVE TRADE PRACTICES AGAINST CONSUMERS UNDER CITY CODE  
11 ARTICLE 2, SUBTITLE 4 {"UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICES"};

12 (3) SET LICENSING FEES, WITH THE APPROVAL OF THE BOARD OF ESTIMATES;

13 (4) BRING ENFORCEMENT ACTIONS AGAINST A BUSINESS FOR VIOLATING CITY LAW,  
14 INCLUDING INITIATING A HEARING BEFORE THE BUSINESS LICENSING AND CONSUMER  
15 PROTECTION BOARD;

16 (5) ISSUE SUMMONSES AND SUBPOENAS DURING AN INVESTIGATION UNDER THIS SUBTITLE;

17 (6) ISSUE ENVIRONMENTAL CITATIONS, AS DESCRIBED UNDER SUBTITLE 40 OF THIS  
18 ARTICLE;

19 (7) ISSUE CIVIL CITATIONS, AS DESCRIBED UNDER SUBTITLE 41 OF THIS ARTICLE;

20 (8) REPORT TO ANY APPROPRIATE GOVERNMENT AGENCY WITH JURISDICTION ANY  
21 INFORMATION CONCERNING VIOLATION OF ANY CONSUMER PROTECTION LAW; AND

22 (9) ADVISE THE MAYOR AND CITY COUNCIL ON ISSUES RELEVANT TO CITY BUSINESS  
23 LICENSING AND CONSUMER PROTECTION.

24 **§ 42-5. DIRECTOR OF THE DEPARTMENT.**

25 (A) *IN GENERAL.*

26 THE DIRECTOR IS RESPONSIBLE FOR THE ADMINISTRATION AND OVERSIGHT OF THE  
27 DEPARTMENT.

28 (B) *APPOINTMENT.*

29 THE DIRECTOR IS APPOINTED BY THE MAYOR IN ACCORDANCE WITH ARTICLE IV, § 6 OF  
30 THE CITY CHARTER.

**Council Bill 23-0347**

1 (C) *SALARY.*

2 THE DIRECTOR SHALL RECEIVE SUCH SALARY AS MAY BE PROVIDED FOR IN THE  
3 ORDINANCE OF ESTIMATES.

4 **§ 42-6. STAFF AND BUDGET.**

5 (A) *STAFF.*

6 THE DEPARTMENT MAY EMPLOY STAFF IN ACCORDANCE WITH THE ORDINANCE OF  
7 ESTIMATES.

8 (B) *BUDGET.*

9 THE DEPARTMENT MAY EXPEND FUNDS AUTHORIZED IN THE ORDINANCE OF ESTIMATES  
10 OR ANY SUPPLEMENTAL APPROPRIATIONS.

11 **§ 42-7. RULES AND REGULATIONS.**

12 SUBJECT TO TITLE 4 {“ADMINISTRATIVE PROCEDURE ACT – REGULATIONS”} OF THE CITY  
13 GENERAL PROVISIONS ARTICLE, THE DIRECTOR MUST ADOPT RULES AND REGULATIONS TO  
14 CARRY OUT THIS SUBTITLE.

15 **§ 42-8. ANNUAL REPORT.**

16 ON OR BEFORE JUNE 30 OF EACH YEAR, THE DEPARTMENT MUST SUBMIT AN ANNUAL REPORT  
17 FOR THE PREVIOUS CALENDAR YEAR TO THE MAYOR AND CITY COUNCIL THAT DETAILS:

18 (1) THE ACTIVITIES OF THE DEPARTMENT;

19 (2) COMPLAINTS RECEIVED BY THE DEPARTMENT, INCLUDING THE FOLLOWING  
20 INFORMATION:

21 (I) NUMBER OF COMPLAINTS FILED AND INVESTIGATED BY THE DEPARTMENT;

22 (II) NUMBER OF INVESTIGATIONS INITIATED BY THE DEPARTMENT;

23 (III) NATURE OF COMPLAINTS FILED WITH THE DEPARTMENT; AND

24 (IV) THE DISPOSITION OR RESOLUTION OF EACH COMPLAINT OR INVESTIGATION;  
25 AND

26 (3) RECOMMENDATIONS FOR ADDITIONAL LEGISLATION AND POLICY TO REGULATE  
27 BUSINESS LICENSING AND PROTECT CONSUMERS.

28 **§ 42-9. BUSINESS PRACTICES UNDER OVERSIGHT OF THE DEPARTMENT – LISTING.**

29 THE DEPARTMENT IS RESPONSIBLE FOR THE ADMINISTRATION, OVERSIGHT, AND  
30 ENFORCEMENT OF THE BUSINESS PROCESSES, RELATED LICENSES, AND PROHIBITIONS CREATED  
31 BY THE SUBTITLES LISTED BELOW:

**Council Bill 23-0347**

1           (1) **ARTICLE 2. CONSUMER PROTECTION**

2                   SUBTITLE 1. AUCTIONS

3                   SUBTITLE 4. UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICES

4                   SUBTITLE 6. "GOING OUT OF BUSINESS" SALES

5                   SUBTITLE 7. SCRAP COLLECTORS AND SCAVENGERS

6                   SUBTITLE 8. SCRAP METAL DEALERS

7                   SUBTITLE 10. MOTOR FUEL SALES

8                   SUBTITLE 11. PAWNBROKERS

9                   SUBTITLE 12. SECOND-HAND PROPERTY, ANTIQUES, AND CONSIGNMENT GOODS

10           (2) **ARTICLE 13. HOUSING AND URBAN RENEWAL**

11                   SUBTITLE 13. LICENSING OF PEEP SHOW ESTABLISHMENTS

12           (3) **ARTICLE 15. LICENSING AND REGULATION**

13                   SUBTITLE 1. ADULT-ENTERTAINMENT BUSINESS

14                   SUBTITLE 2. AMUSEMENTS

15                   SUBTITLE 3. AMUSEMENT DEVICE LOCATION PERMITS

16                   SUBTITLE 6. CARRIAGES, WAGONS, BOATS, AND SCOWS

17                   SUBTITLE 7. EMPLOYMENT AGENCIES

18                   SUBTITLE 9. LATE-NIGHT COMMERCIAL OPERATIONS

19                   SUBTITLE 11. MASSAGE ESTABLISHMENTS

20                   SUBTITLE 12. COMMERCIAL PARKING FACILITIES

21                   SUBTITLE 13. SPECIAL-EVENT PARKING LOTS

22                   SUBTITLE 15. STREET ENTERTAINERS

23                   SUBTITLE 17. STREET VENDORS

24                   SUBTITLE 18. ITINERANT WHOLESALE PRODUCE DEALERS

25                   SUBTITLE 20. TRANSIENT MERCHANTS

**Council Bill 23-0347**

1           SUBTITLE 22. TOWING SERVICES – TRESPASS TOWING

2    **§§ 42-10 TO 42-15. {RESERVED}**

3                   ***PART II. BUSINESS LICENSING AND CONSUMER PROTECTION BOARD***

4    **§ 42-16. ESTABLISHED.**

5           THERE IS A BALTIMORE CITY BUSINESS LICENSING AND CONSUMER PROTECTION BOARD.

6    **§ 42-17. COMPOSITION.**

7           (A) *IN GENERAL.*

8           THE BOARD COMPRISES THE FOLLOWING 5 MEMBERS, APPOINTED BY THE MAYOR IN  
9           ACCORDANCE WITH ARTICLE IV, § 6 {“APPOINTMENTS OF MUNICIPAL OFFICERS.”} OF THE  
10          BALTIMORE CITY CHARTER:

11           (1) 1 MEMBER NOMINATED IN CONSULTATION WITH THE PRESIDENT OF THE CITY  
12           COUNCIL;

13           (2) 1 MEMBER NOMINATED IN CONSULTATION WITH THE CITY COMPTROLLER; AND

14           (3) 3 MEMBERS NAMED BY THE MAYOR, AT LEAST 2 OF WHOM MUST BE MEMBERS OF  
15           THE MARYLAND BAR.

16          (B) *QUALIFICATIONS.*

17          A BOARD MEMBER MUST:

18           (I) BE AN INDIVIDUAL OF KNOWN PERSONAL INTEGRITY;

19           (II) POSSESS A RECOGNIZED KNOWLEDGE IN BUSINESS LICENSING OR CONSUMER  
20           PROTECTION; AND

21           (III) BE A RESIDENT OF THE CITY OF BALTIMORE.



**Council Bill 23-0347**

**§ 42-18. TERMS OF OFFICE AND ORGANIZATION.**

(A) *TERMS.*

A BOARD MEMBER SHALL SERVE A TERM OF 4 YEARS, CONCURRENT WITH THE TERMS OF THE MAYOR AND THE CITY COUNCIL AND, AT THE END OF A TERM, A BOARD MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIED.

(B) *CHAIR.*

THE MEMBERS OF THE BOARD SHALL ANNUALLY ELECT A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.

(C) *VACANCIES.*

IF THERE IS A VACANCY IN THE MEMBERSHIP OF THE BOARD, THE NEW MEMBER SHALL BE APPOINTED IN THE SAME MANNER AS THE PREVIOUS MEMBER.

(D) *COMPENSATION.*

THE MEMBERS OF THE BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES ON THE BOARD, BUT SHALL BE REIMBURSED FOR THE REASONABLE AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

(E) *MEETINGS; QUORUM.*

(1) THE BOARD SHALL MEET AT LEAST MONTHLY.

(2) A MAJORITY OF THE MEMBERS OF THE BOARD CONSTITUTES A QUORUM FOR THE TRANSACTION OF BUSINESS.

(F) *ATTENDANCE AT MEETINGS.*

ANY APPOINTED MEMBER OF THE BOARD WHO FAILS TO ATTEND 4 CONSECUTIVE MEETINGS WITHOUT GOOD CAUSE AS DETERMINED BY THE MAYOR SHALL BE DEEMED TO HAVE RESIGNED.

**§ 42-19. POWERS AND DUTIES.**

(A) *IN GENERAL.*

THE BOARD SHALL ADJUDICATE ALL HEARINGS OF THE DEPARTMENT.

(B) *OTHER DUTIES.*

IN COORDINATION AND CONSULTATION WITH THE DEPARTMENT, THE BOARD SHALL:

(1) REVIEW AND PROPOSE IMPROVEMENTS TO EXISTING CITY RULES, REGULATIONS, AND LAWS WITH RESPECT TO BUSINESS LICENSING AND CONSUMER PROTECTION;

**Council Bill 23-0347**

1 (2) RESEARCH AND RECOMMEND NEW PROGRAMS AND TRAINING THAT COULD BE  
2 DELIVERED TO CONSUMERS AND BUSINESSES; AND

3 (3) EVALUATE CURRENT PROGRAMS AND PROPOSED LEGISLATION TO DETERMINE  
4 THEIR IMPACT ON CONSUMERS AND BUSINESSES.

5 (C) *INFORMATIONAL HEARINGS AND STUDIES.*

6 AS APPROPRIATE, THE BOARD MAY HOLD INFORMATIONAL HEARINGS AND UNDERTAKE  
7 SURVEYS AND STUDIES TO:

8 (1) EVALUATE EXISTING CITY POLICIES AND PROCEDURES IN REGARD TO BUSINESS  
9 LICENSING AND CONSUMER PROTECTION; AND

10 (2) MAKE RECOMMENDATIONS FOR THE IMPROVEMENT OF EXISTING POLICIES AND  
11 PROCEDURES TO THE DIRECTOR.

12 (D) *ANNUAL REPORT.*

13 THE BOARD SHALL SUBMIT AN ANNUAL REPORT ON ITS ACTIVITIES TO THE DEPARTMENT  
14 TO BE INCLUDED IN THE DEPARTMENT'S ANNUAL REPORT TO THE MAYOR AND CITY  
15 COUNCIL, AS DESCRIBED IN § 42-8 {"ANNUAL REPORT"} OF THIS SUBTITLE.

16 **§§ 42-20 TO 42-25. {RESERVED}**

17 ***PART III. DEPARTMENTAL PROCEDURES***

18 ***UPON RECEIPT OR ISSUANCE OF COMPLAINT***

19 **§ 42-26. COMMENCEMENT OF ACTION.**

20 (A) *ON COMPLAINT OF OTHER.*

21 (1) ANY PERSON MAY FILE A WRITTEN COMPLAINT WITH THE DEPARTMENT ALLEGING  
22 THAT A BUSINESS IS COMMITTING OR HAS COMMITTED 1 OR MORE OF THE ACTS  
23 DESCRIBED UNDER § 42-28(A) {"INVESTIGATION PROCEDURES: INITIATION OF  
24 INVESTIGATION"}.

25 (2) A COMPLAINT FILED UNDER THIS SUBSECTION MUST BE IN THE FORM REQUIRED BY THE  
26 DIRECTOR.

27 (B) *ON DIRECTOR'S MOTION.*

28 THE DIRECTOR MAY ISSUE A WRITTEN COMPLAINT ALLEGING THAT A BUSINESS IS  
29 COMMITTING OR HAS COMMITTED 1 OR MORE OF THE ACTS DESCRIBED UNDER § 42-28(A)  
30 {"INVESTIGATION PROCEDURES: INITIATION OF INVESTIGATION"}.

**Council Bill 23-0347**

1 **§ 42-27. COPY TO RESPONDENT.**

2 (A) *IN GENERAL.*

3 UPON RECEIPT OR ISSUANCE OF A COMPLAINT, THE DEPARTMENT MUST, VIA REGULAR  
4 MAIL, SEND A COPY OF THE COMPLAINT TO THE BUSINESS NAMED IN THE COMPLAINT, WHO  
5 SHALL BE THE RESPONDENT.

6 (B) *CONFIDENTIALITY.*

7 FOR A COMPLAINT FILED UNDER § 42-26(A) {"COMMENCEMENT OF ACTION: ON  
8 COMPLAINT OF OTHER"} OF THIS SUBTITLE, THE DIRECTOR MUST REDACT FROM THE COPY  
9 SENT TO THE RESPONDENT:

10 (1) THE COMPLAINANT'S NAME; AND

11 (2) TO THE FULLEST EXTENT POSSIBLE, ANY OTHER INFORMATION THAT MIGHT  
12 IDENTIFY THE COMPLAINANT.

13 **§ 42-28. INVESTIGATION PROCEDURES.**

14 (A) *INITIATION OF INVESTIGATION.*

15 THE DEPARTMENT SHALL INVESTIGATE A COMPLAINT ALLEGING THAT A BUSINESS IS:

16 (1) OPERATING WITHOUT A LICENSE;

17 (2) OPERATING WITH IMPROPER LICENSURE;

18 (3) VIOLATING THE TERMS OF A BUSINESS LICENSE; OR

19 (4) ENGAGING IN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICES.

20 (B) *COMPLAINT NOT WITHIN JURISDICTION OF DEPARTMENT.*

21 (1) *DISMISSAL AND REFERRAL.*

22 IF A COMPLAINT IS NOT WITHIN THE JURISDICTION OF THE DEPARTMENT UNDER  
23 SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT SHALL DISMISS THE COMPLAINT  
24 AND, IF APPROPRIATE, REFER THE COMPLAINT TO ANOTHER ENTITY WITH JURISDICTION  
25 OVER THE MATTER.

26 (2) *NOTIFICATION.*

27  
28 IF A COMPLAINT IS DISMISSED UNDER THIS SUBSECTION, THE DEPARTMENT SHALL  
29 PROMPTLY NOTIFY THE COMPLAINANT AND RESPONDENT.

**Council Bill 23-0347**

1 (C) *INVESTIGATION.*

2 (1) *IN GENERAL.*

3 UPON RECEIPT OR ISSUANCE OF A COMPLAINT, THE DEPARTMENT SHALL PROMPTLY  
4 INVESTIGATE THE COMPLAINT.

5 (2) *SUBPOENAS.*

6 IN THE COURSE OF AN INVESTIGATION, THE DEPARTMENT MAY ISSUE A SUBPOENA TO  
7 REQUIRE ANY PERSON TO:

8 (I) PRODUCE INFORMATION, DOCUMENTS, REPORTS, RECORDS, ACCOUNTS, OR ANY  
9 OTHER EVIDENCE RELATED TO THE ALLEGATIONS IN THE COMPLAINT; AND

10 (II) APPEAR UNDER OATH TO GIVE TESTIMONY RELATED TO THE ALLEGATIONS IN  
11 THE COMPLAINT.

12 (3) *OATHS.*

13 THE DIRECTOR MAY ADMINISTER OATHS AS PERMITTED UNDER THIS SECTION.

14 (4) *REPORT OF FINDINGS.*

15 THE DEPARTMENT SHALL PREPARE A WRITTEN REPORT OF FINDINGS AS SOON AS  
16 PRACTICABLE AFTER THE CONCLUSION OF THE INVESTIGATION.

17 **§ 42-29. DIRECTOR'S ACTION UPON COMPLETED REPORT OF FINDINGS.**

18 (A) *ACTIONS.*

19 IF THE DIRECTOR DETERMINES THAT THE REPORT OF FINDINGS CONTAINS INFORMATION  
20 TENDING TO SUBSTANTIATE AN ALLEGATION IN THE COMPLAINT, THE  
21 DIRECTOR MAY TAKE 1 OR MORE OF THE FOLLOWING ACTIONS:

22 (1) REFER THE COMPLAINT FOR A HEARING BEFORE THE BOARD;

23 (2) ISSUE A CIVIL CITATION;

24 (3) ISSUE AN ENVIRONMENTAL CITATION;

25 (4) PROVIDE THE RESPONDENT WITH THE OPPORTUNITY TO REMEDY THE BEHAVIOR AT  
26 ISSUE IN THE COMPLAINT;

27 (5) SEEK INJUNCTIVE RELIEF IN A COURT OF COMPETENT JURISDICTION; AND

28 (6) ANY OTHER LEGAL OR EQUITABLE RELIEF OR ENFORCEMENT AVAILABLE UNDER  
29 THE LAW.

**Council Bill 23-0347**

1 (B) *DISMISSAL.*

2 (1) *IN GENERAL.*

3 IF THE DIRECTOR DETERMINES THAT THE REPORT OF FINDINGS DOES NOT CONTAIN  
4 INFORMATION THAT TENDS TO SUBSTANTIATE AN ALLEGATION IN THE COMPLAINT,  
5 THE DIRECTOR SHALL DISMISS THE COMPLAINT AND, IF APPROPRIATE, REFER THE  
6 COMPLAINT TO ANOTHER ENTITY WITH JURISDICTION OVER THE MATTER.

7 (2) *NOTIFICATION.*

8 IF THE DEPARTMENT DISMISSES A COMPLAINT UNDER THIS SUBSECTION, THE  
9 DIRECTOR SHALL PROMPTLY NOTIFY THE COMPLAINANT AND RESPONDENT OF THE  
10 DISMISSAL.

11 **§§ 42-30 TO 42-35. {RESERVED}**

12 ***PART IV. HEARING PROCEDURES***

13 **§ 42-36. HEARING PROCEDURES.**

14 (A) *IN GENERAL.*

15 IF THE DIRECTOR REFERS A COMPLAINT FOR A HEARING BEFORE THE BOARD UNDER  
16 § 42-29 {"DIRECTOR'S ACTION UPON COMPLETED REPORT OF FINDINGS"} OF THIS  
17 SUBTITLE, THE BOARD MUST PROVIDE THE RESPONDENT WITH NOTICE AND AN  
18 OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

19 (B) *REPRESENTATION BY COUNSEL.*

20 IN ANY HEARING CONDUCTED BY THE BOARD, THE RESPONDENT IS ENTITLED TO BE  
21 REPRESENTED BY COUNSEL.

22 (C) *SUBPOENAS.*

23 THE BOARD MAY ISSUE A SUBPOENA TO REQUIRE ANY PERSON TO:

24 (1) PRODUCE INFORMATION, DOCUMENTS, REPORTS, RECORDS, ACCOUNTS, OR ANY  
25 OTHER EVIDENCE; AND

26 (2) APPEAR UNDER OATH TO TESTIFY.

27 (D) *OATHS.*

28 THE CHAIR MAY ADMINISTER OATHS AS PERMITTED UNDER THIS SUBTITLE.

**Council Bill 23-0347**

**§ 42-37. BOARD DISPOSITION AND REMEDIES.**

*(A) IN GENERAL.*

IF, UPON CONSIDERATION OF THE ENTIRE RECORD PRODUCED AT THE HEARING, THE BOARD FINDS, BY A PREPONDERANCE OF THE EVIDENCE, THAT THE RESPONDENT HAS VIOLATED THE CITY CODE, THE BOARD MAY TAKE 1 OR MORE OF THE FOLLOWING ACTIONS:

- (1) ISSUE AN ORDER DIRECTING THE RESPONDENT TO CEASE AND DESIST FROM THE VIOLATION;
- (2) ISSUE A REPRIMAND;
- (3) REVOKE OR SUSPEND THE RESPONDENT'S LICENSE;
- (4) REPORT TO ANY APPROPRIATE GOVERNMENT AGENCY WITH JURISDICTION ANY INFORMATION CONCERNING A VIOLATION OF ANY LAW;
- (5) REFER A VIOLATION OR COMPLAINT TO ANY FEDERAL, STATE, OR LOCAL AGENCY WITH JURISDICTION OVER THE COMPLAINT;
- (6) ORDER THE RESPONDENT TO RESTORE MONEY OR PROPERTY TO THE PERSON WHO MADE THE COMPLAINT;
- (7) ORDER THE RESPONDENT TO PAY ANY COSTS OF INVESTIGATION OR RELATED ACTIVITIES OF THE DEPARTMENT;
- (8) IMPOSE AND ORDER THE RESPONDENT TO PAY ANY RELEVANT CIVIL PENALTY AUTHORIZED BY LAW; AND
- (9) TAKE ANY OTHER ACTION THAT WOULD:
  - (I) ASSIST THE PERSON WHO MADE THE COMPLAINT IN OBTAINING RELIEF; OR
  - (II) PREVENT FUTURE VIOLATIONS OF LAW.

*(B) CONSIDERATIONS.*

IN ORDERING ANY REMEDY, THE BOARD SHALL CONSIDER:

- (1) THE SEVERITY OF THE VIOLATION;
- (2) THE SEVERITY OF ANY HARM TO CONSUMERS;
- (3) THE MOTIVES OF THE RESPONDENT;
- (4) ANY PREVIOUS VIOLATIONS BY THE SAME BUSINESS OR BUSINESS OWNER;
- (5) WHETHER THE REMEDY WILL DETER FUTURE MISCONDUCT; AND

**Council Bill 23-0347**

1 (6) WHETHER A STOP ORDER OR RESTITUTION WOULD SUFFICIENTLY PROTECT  
2 CONSUMERS OR THE PERSON WHO MADE THE COMPLAINT.

3 **§ 42-38. ENFORCEMENT BY DIRECTOR.**

4 (A) *SUBPOENAS.*

5 IF ANY PERSON DOES NOT COMPLY WITH ANY SUBPOENA ISSUED UNDER THIS SUBTITLE,  
6 THE DIRECTOR MAY ENFORCE THE SUBPOENA BY SEEKING INJUNCTIVE OR OTHER  
7 APPROPRIATE RELIEF IN A COURT OF COMPETENT JURISDICTION.

8 (B) *CIVIL PENALTIES.*

9 THE DIRECTOR MAY BRING AN ACTION IN ANY COURT OF COMPETENT JURISDICTION TO  
10 RECOVER ANY CIVIL PENALTY IMPOSED BY THE DIRECTOR OR THE BOARD.

11 (C) *BOARD ORDERS.*

12 THE DIRECTOR MAY BRING AN ACTION IN ANY COURT OF COMPETENT JURISDICTION TO  
13 ENFORCE ANY ORDER, DECISION, OR OTHER ENFORCEMENT ACTION OF THE BOARD.

14 (D) *INJUNCTIVE RELIEF.*

15 THE DIRECTOR MAY SEEK INJUNCTIVE OR OTHER APPROPRIATE RELIEF IN A COURT OF  
16 COMPETENT JURISDICTION TO ENFORCE ANY PROVISION OF LAW UNDER THE  
17 DEPARTMENT'S JURISDICTION.

18 **§ 42-39. ASSISTANCE OF CITY SOLICITOR AND OTHER DEPARTMENTS.**

19 (A) *CITY SOLICITOR.*

20 UPON REQUEST, THE OFFICE OF THE CITY SOLICITOR SHALL REASONABLY ASSIST THE  
21 DEPARTMENT AND BOARD IN CARRYING OUT THE DEPARTMENT AND BOARD'S  
22 RESPECTIVE DUTIES UNDER THIS SUBTITLE, INCLUDING IN ANY JUDICIAL ENFORCEMENT  
23 ACTION.

24 (B) *ASSISTANCE OF OTHER CITY DEPARTMENTS.*

25 THE DEPARTMENT AND BOARD MAY REQUEST THE ASSISTANCE OF OTHER CITY  
26 DEPARTMENTS AS NECESSARY TO CARRY OUT THE DEPARTMENT AND BOARD'S  
27 RESPECTIVE DUTIES UNDER THIS SUBTITLE.

28 **§ 42-40. JUDICIAL REVIEW.**

29 A RESPONDENT OR OTHER PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD OR  
30 DIRECTOR UNDER THIS SUBTITLE MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION  
31 TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES  
32 OF PROCEDURE.

**Council Bill 23-0347**

1 **§ 42-41. CONFIDENTIALITY.**

2 (A) *IN GENERAL.*

3 TO THE EXTENT PERMITTED BY THE MARYLAND PUBLIC INFORMATION ACT, AFTER A  
4 COMPLAINT IS FILED:

5 (1) THE PROCEEDINGS, MEETINGS, AND ACTIVITIES OF THE DEPARTMENT, THE BOARD,  
6 AND THE DEPARTMENT'S STAFF RELATING TO THE COMPLAINT ARE CONFIDENTIAL;  
7 AND

8 (2) NEITHER THE DEPARTMENT, THE BOARD, NOR THE DEPARTMENT'S STAFF MAY  
9 DISCLOSE ANY INFORMATION RELATING TO THE COMPLAINT, INCLUDING THE  
10 IDENTITY OF THE COMPLAINANT OR THE RESPONDENT.

11 (B) *PERMITTED DISCLOSURES.*

12 (1) *IDENTITY OF RESPONDENT.*

13 THE DEPARTMENT MAY RELEASE ANY INFORMATION OTHER THAN THE  
14 COMPLAINANT'S IDENTITY IF THE RESPONDENT HAS AGREED IN WRITING TO THE  
15 RELEASE.

16 (2) *IDENTITY OF COMPLAINANT.*

17 THE DEPARTMENT MAY DISCLOSE THE COMPLAINANT'S IDENTITY TO THE RESPONDENT  
18 IF THE COMPLAINANT HAS AGREED IN WRITING TO THE RELEASE.

19 (C) *DURATION.*

20 TO THE EXTENT PERMITTED BY THE MARYLAND PUBLIC INFORMATION ACT, THE  
21 CONFIDENTIALITY PROTECTIONS IMPOSED BY THIS SECTION TERMINATE WHEN THE  
22 DIRECTOR OR BOARD DETERMINES THAT THE RESPONDENT OR ANOTHER PERSON HAS  
23 VIOLATED ANY PROVISION OF THE CITY CODE UNDER THE DEPARTMENT'S JURISDICTION.

24 **Article 2. Consumer Protections**

25 **Subtitle 1. Auctions**

26 **§ 1-1. [Auction Advisory Board — created.] *RESERVED.***

27 [(a) *Created.*]

28 [There shall be an Auction Advisory Board comprised of 3 members appointed by the  
29 Mayor in accordance with Article IV, § 6 of the Charter.]



**Council Bill 23-0347**

1 [(b) *Member qualifications.*]

2 [(1) The members shall be citizens and residents of the State of Maryland for 5 years  
3 immediately preceding their appointment.]

4 [(2) 2 of the members shall be auctioneers, licensed to practice as such, for at least 5  
5 years immediately preceding their appointment.]

6 [(c) *Compensation.*]

7 [Board members shall serve without compensation.]

8 **§ 1-2. [Auction Advisory Board — duties.] *RESERVED.***

9 [The Auction Advisory Board:]

10 [(1) shall investigate and interview applicants regarding their qualifications for  
11 appointment and make recommendations to the Mayor;]

12 [(2) shall, upon the verified complaint of a specific wrongful act, and may, on its own  
13 motion, investigate any act in violation of this subtitle and shall recommend to the  
14 Mayor, *{the}* suspension or revocation of *{a}* license; and]

15 [(3) shall render advice to the Mayor on any question relating to the auction  
16 profession.]

17 **§ 1-4. Maximum appointees; applications.**

18 (a) *In general.*

19 In accordance with the terms of this subtitle, the [Mayor] DIRECTOR OF THE DEPARTMENT  
20 OF BUSINESS LICENSING AND CONSUMER PROTECTION shall appoint as many auctioneers  
21 in the City of Baltimore as [he] THE DIRECTOR may deem proper, not to exceed 50.

22 (b) *Application.*

23 Applications for appointment shall be under oath on a form approved by the [Mayor]  
24 DIRECTOR OF THE DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION  
25 and shall contain the applicant's qualifications for appointment.

26 **§ 1-6. Designation of associates.**

27 Within 30 days of his appointment, and upon any change thereafter, every auctioneer shall  
28 deposit with the Director of [Finance] THE OFFICE OF BUSINESS LICENSING AND CONSUMER  
29 PROTECTION the names of all officers, associates, partners, or employees designated by him  
30 to conduct auction sales.

Council Bill 23-0347

1 § 1-8. Surety bond.

2 (b) *Filing.*

3 Said bond shall be filed in duplicate with the Director of [Finance] THE OFFICE OF  
4 BUSINESS LICENSING AND CONSUMER PROTECTION, and the duplicate shall be forwarded  
5 to the City Comptroller for his signatory approval and returned to the Director.

6 (c) *Loss of surety.*

7 (1) In the event the surety leaves the State or becomes insolvent, the Director of [Finance]  
8 THE OFFICE OF BUSINESS LICENSING AND CONSUMER PROTECTION shall demand a  
9 substitute surety.

10 (2) If the auctioneer fails to provide other security within 15 days after such demand, the  
11 license issued thereupon shall become null and void and the Director of [Finance] THE  
12 OFFICE OF BUSINESS LICENSING AND CONSUMER PROTECTION shall give notice  
13 thereof in 2 or more daily newspapers.

14 § 1-9. License.

15 (a) *Fee; term.*

16 (1) Upon the receipt of an approved surety bond and of a \$1,600-license fee, the Director  
17 of [Finance] THE OFFICE OF BUSINESS LICENSING AND CONSUMER PROTECTION shall  
18 issue a license to a duly appointed auctioneer for the term of 1 year.

19 § 1-11. License suspension or revocation.

20 (a) *In general.*

21 On timely notice and hearing by the [Auction Advisory] BUSINESS LICENSING AND  
22 CONSUMER PROTECTION Board, and receipt of the Board's recommendation, the [Mayor]  
23 DIRECTOR OF THE OFFICE OF BUSINESS LICENSING AND CONSUMER PROTECTION may  
24 suspend or revoke the license of any auctioneer for any violation of this subtitle for which  
25 a civil liability or criminal penalty may be imposed.

26 § 1-18. Auction sales of jewelry — merchant's stock.

27 (d) *Statement by merchant.*

28 (1) Not more than 15 nor less than 10 days before commencing any sale, the merchant  
29 must file with the Police Commissioner of Baltimore City AND THE DIRECTOR OF  
30 BUSINESS LICENSING AND CONSUMER PROTECTION a statement setting forth:

31 . . .

**Council Bill 23-0347**

1 (e) *Affidavit and report by auctioneer.*

2 (1) At least 2 days before the commencement of such sale the auctioneer named in the  
3 foregoing statement shall file with said Police Commissioner AND THE DIRECTOR OF  
4 BUSINESS LICENSING AND CONSUMER PROTECTION an affidavit subscribed and sworn  
5 to by him:

6 . . .

7 (2) Within 10 days after the conclusion of said sale, said auctioneer shall file with said  
8 Police Commissioner AND THE DIRECTOR OF BUSINESS LICENSING AND CONSUMER  
9 PROTECTION a report subscribed by said auctioneer and sworn to by him before a  
10 notary public:

11 . . .

12 (g) *Other business prohibited during sale.*

13 Except in the case of auction sales conducted at the rooms of some duly licensed  
14 auctioneer, as set forth in subsection (c) preceding, during the time when and while such  
15 auction sale is being conducted, no business other than the jewelry business which had  
16 been conducted for the period of 90 days immediately prior to the commencement of said  
17 auction sale, shall be conducted or engaged in at and in the place so designated in the  
18 statement filed with the Police Commissioner of Baltimore City AND THE DIRECTOR OF  
19 BUSINESS LICENSING AND CONSUMER PROTECTION.

20 **Subtitle 4. [False Advertising] UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICES**

21 **§ 4-1. [Prohibited conduct.] UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICES.**

22 [It is unlawful for any person, firm, or corporation that offers for sale merchandise,  
23 commodities, or service to make, publish, disseminate, circulate, or place before the general  
24 public within this City, in a newspaper or other publication, in a public notice or  
25 announcement broadcast on radio or television, or in the form of a book, notice, handbill  
26 poster, bill, circular, pamphlet, or letter, or in any other way, an advertisement describing  
27 such merchandise, commodities, or service, as part of a plan or scheme:]

28 [(1) with the intent not to sell such merchandise, commodities, or service so advertised at  
29 the price stated therein; or]

30 [(2) with the intent not to sell such merchandise, commodities, or service so  
31 advertised.]

32 “UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICES” HAS THE MEANING STATED IN  
33 TITLE 13 OF THE STATE COMMERCIAL LAW ARTICLE.

**Council Bill 23-0347**

1     **§ 4-2. [Penalties.] PROHIBITED CONDUCT.**

2             [Any person who violates any provision of this subtitle shall be deemed guilty of a  
3             misdemeanor and, upon conviction thereof, may be imprisoned for not exceeding 12 months;  
4             and such person or the firm or corporation under whose direction he was acting may, in the  
5             discretion of the Court, be subject to a fine of not exceeding \$500.]

6             IT IS UNLAWFUL FOR ANY PERSON TO ENGAGE IN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE  
7             PRACTICES.

8     **§ 4-3. CIVIL PENALTIES.**

9             (A) *IN GENERAL.*

10            A PERSON WHO ENGAGES IN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICES IS  
11            SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$1,000 FOR EACH VIOLATION UNDER  
12            CITY CODE ARTICLE 1, SUBTITLE 41 {“CIVIL CITATIONS”}.

13            (B) *EACH VIOLATION A SEPARATE OFFENSE.*

14            EACH VIOLATION OF THIS SUBTITLE IS A SEPARATE OFFENSE AND EACH DAY UPON WHICH A  
15            VIOLATION OCCURS IS A SEPARATE VIOLATION.

16            (C) *PROCESS NOT EXCLUSIVE.*

17            THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING  
18            ANY OTHER EQUITABLE, CIVIL, OR CRIMINAL REMEDY OR ENFORCEMENT ACTION  
19            AUTHORIZED BY LAW.

20     **§ 4-4. CRIMINAL PENALTIES.**

21            (A) *IN GENERAL.*

22            A PERSON WHO ENGAGES IN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICES IS GUILTY  
23            OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN  
24            \$1000, IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH, FOR EACH OFFENSE.

25            (B) *EACH VIOLATION A SEPARATE OFFENSE.*

26            EACH VIOLATION OF THIS SUBTITLE IS A SEPARATE OFFENSE, AND EACH DAY UPON WHICH  
27            A VIOLATION OCCURS IS A SEPARATE VIOLATION.



**Council Bill 23-0347**

1 (2) The application for an initial license must be made in person, at the places the [Police  
2 Commissioner] DIRECTOR OF THE DEPARTMENT OF BUSINESS LICENSING AND  
3 CONSUMER PROTECTION designates.  
4 . . .

5 (b) *Issuance.*

6 The [Police Commissioner] DIRECTOR OF THE DEPARTMENT OF BUSINESS LICENSING AND  
7 CONSUMER PROTECTION must issue a permit to the applicant if:  
8 . . .

9 (2) in the [Commissioner’s] DIRECTOR’S discretion and judgment, the public health,  
10 safety, or security will not suffer by the permit’s issuance.  
11 . . .

12 **§ 7-8. Permits — Refusal or revocation.**

13 The [Police Commissioner] DIRECTOR OF THE DEPARTMENT OF BUSINESS LICENSING AND  
14 CONSUMER PROTECTION may refuse to issue a permit and may revoke any permit already  
15 issued if:  
16 . . .

17 (2) the [Commissioner] DIRECTOR finds that:  
18 . . .

19 **§ 7-9. Operations.**

20 (b) *Hours — Special permissions.*

21 On application by a scrap collector or scavenger, the [Police Commissioner] DIRECTOR  
22 OF THE DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION may  
23 authorize additional or alternative hours if:

24 (2) the [Police Commissioner] DIRECTOR OF THE DEPARTMENT OF BUSINESS  
25 LICENSING AND CONSUMER PROTECTION finds that the restrictions imposed by  
26 this section would be a health or safety hazard or create an unjust hardship.

27 **Subtitle 8. Scrap Metal Dealers.**

28 **§ 8-2. Rules and regulations.**

29 Subject to Title 4 {“Administrative Procedure Act – Regulations”} of the City General  
30 Provisions Article, the [Police Commissioner] DEPARTMENT OF BUSINESS LICENSING AND  
31 CONSUMER PROTECTION may adopt rules and regulations to carry out this subtitle.

32 **§ 8-6. License required.**

33 No person may do business as a scrap metal dealer unless that person:  
34 . . .

**Council Bill 23-0347**

1 (2) has then obtained from the [Police Commissioner] DEPARTMENT OF BUSINESS  
2 LICENSING AND CONSUMER PROTECTION a City license under this Subtitle 8 {“Scrap  
3 Metal Dealers”}.

4 **§ 8-7. Applications.**

5 The application for a license shall:

6 (1) be made in the form and contain the information that the [Police Commissioner]  
7 DIRECTOR OF THE DEPARTMENT OF BUSINESS LICENSING AND CONSUMER  
8 PROTECTION requires; and

9 . . .

10 **§ 8-8. Fees.**

11 (a) *Amount.*

12 The application fee and annual license fee for each place of business are as set by the  
13 [Police Commissioner] DEPARTMENT OF BUSINESS LICENSING AND CONSUMER  
14 PROTECTION, with the approval of the Board of Estimates.

15 **§ 8-11. Denial, suspension, etc., of license.**

16 The [Police Commissioner] DIRECTOR OF THE DEPARTMENT OF BUSINESS LICENSING AND  
17 CONSUMER PROTECTION may deny, suspend, revoke, or refuse to renew a license if, after  
18 giving the applicant or licensee notice and an opportunity to be heard, the [Police  
19 Commissioner] DIRECTOR OF THE DEPARTMENT OF BUSINESS LICENSING AND CONSUMER  
20 PROTECTION finds that the applicant or licensee:

21 . . .

22 **§ 8-12. Judicial and appellate review.**

23 (a) *Judicial review.*

24 A person aggrieved by a decision of the [Police Commissioner] DEPARTMENT OF  
25 BUSINESS LICENSING AND CONSUMER PROTECTION under § 8-11 {“Denial, suspension,  
26 etc., of license”} of this subtitle may seek judicial review of that decision by petition to  
27 the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

28 **Subtitle 10. Motor Fuel Sales**

29 **§ 10-2. License required for retail dealers.**

30 (a) *In general.*

31 No retail dealer shall engage in the business of selling motor fuel at retail without first  
32 procuring from the Director [of Finance] THE DEPARTMENT OF BUSINESS LICENSING AND  
33 CONSUMER PROTECTION a license for each station, store, garage or other establishment at  
34 which his said business is to be conducted.

**Council Bill 23-0347**

1 (b) *Issuance; term.*

2 Licenses issued under this section:

3 (1) shall be issued upon written application to the Director [of Finance] THE  
4 DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION;  
5 . . .

6 **§ 10-8. Penalties.**

7 (a) *In general.*

8 . . .  
9 (2) Upon the 2<sup>nd</sup> conviction of any licensee or any such violation, whether by himself or  
10 by his agent or servant, the Director of [Finance] THE DEPARTMENT OF BUSINESS  
11 LICENSING AND CONSUMER PROTECTION may suspend the right of such licensee to  
12 engage in the business of selling motor fuel at retail for a period not exceeding 3  
13 months.

14 (3) Upon a 3<sup>rd</sup> or subsequent conviction of any license of any such violation, whether by  
15 himself or by his agent or servant, the Director of [Finance] THE DEPARTMENT OF  
16 BUSINESS LICENSING AND CONSUMER PROTECTION may suspend such right for a  
17 period not exceeding 1 year.

18 **Subtitle 11. Pawnbrokers**

19 **§ 11-2. Licenses.**

20 (b) *Issuance.*

21 After May 18, 1994, the Director of [Finance] THE DEPARTMENT OF BUSINESS LICENSING  
22 AND CONSUMER PROTECTION of Baltimore is hereby authorized to transfer licenses under  
23 the corporate seal, to such person, firm, or corporation as shall produce to him  
24 satisfactory evidence of his, her, their, or its good character, to exercise or carry on the  
25 house or business of pawnbrokers, which licenses shall designate the house in which such  
26 person, firm, or corporation shall respectively be licensed to carry on the said trade or  
27 business.

28 (d) *Renewals.*

29 The license granted as aforesaid may be renewed on application to the Director of  
30 [Finance] THE DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION each  
31 and every year on payment of the same sum.



**Council Bill 23-0347**

1     **§ 11-3. License required.**

2           (a) *In general.*

3           . . .

4           (2) The Director of [Finance] THE DEPARTMENT OF BUSINESS LICENSING AND CONSUMER  
5           PROTECTION shall endorse on said license the house to which the party shall have  
6           removed.

7     **§ 11-6. Daily reports required.**

8           (a) *In general.*

9           (1) Each pawnbroker shall submit to the Police Commissioner AND THE DIRECTOR OF THE  
10           DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION a daily report of  
11           all articles taken on pledge.

12           (2) The pawnbroker shall forward the daily report to the Police Department AND THE  
13           DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION, as provided in  
14           § 11-7 of this subtitle.

15     **§ 11-7. Filing with police AND DEPARTMENT.**

16           (a) *How.*

17           A pawnbroker shall submit each daily report to the Police Department AND THE  
18           DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION in the following  
19           formats:

20           . . .

21     **§ 11-12. Inspection of records and items.**

22           (a) *Dealer to allow inspection.*

23           A pawnbroker shall allow an authorized law enforcement officer OR A SPECIAL  
24           ENFORCEMENT OFFICER AS DEFINED IN CITY CODE ARTICLE 19 § 71-14 {"APPOINTMENT;  
25           DUTIES"} on request to enter the place of business or storage premises of the dealer  
26           during business hours to inspect a record of transactions and/or items as part of an  
27           investigation of stolen property.

**Council Bill 23-0347**

**§ 11-17. [Suspension] GROUNDS FOR SUSPENSION or revocation of license.**

[(a) *Grounds.*]

The license of any pawnbroker who has violated 2 or more provisions of this subtitle within a 12-month period may be suspended or revoked by the Director of [Finance] THE DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION if there appears to him sufficient cause for so doing.

[(b) *Review Board.*]

[(1) The Mayor shall appoint a review board of 3 members to recommend an appropriate course of action.]

[(2) The members of the review board shall be appointed and confirmed in accordance with the provisions of Article IV, § 6 of the Baltimore City Charter.]

[(3) 1 member of the review board shall be chosen from the Baltimore City Police Department, another from the State's Attorney's Office, and the third shall be from among the officers of the Pawnbroker's Association of Baltimore City.]

**Subtitle 12. Second-Hand Property, Antiques, and Consignment Goods**

**§ 12-3. License required.**

(b) *Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION to issue.*

The license shall be issued by the Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION.

**§ 12-4. Master license for cooperatives.**

(b) *Master license authorized.*

Subject to the rules and regulations of the Police Commissioner AND THE DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION, including provision for identifying member dealers as they change from time to time, the owner or operator of a cooperative may obtain 1 master license to cover all member dealers in the cooperative.

(c) *Scope of master license.*

(1) This master license fulfills the license requirements for all dealers who have been identified to the Police Commissioner AND THE DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION as members of the cooperative.

...

**Council Bill 23-0347**

**§ 12-7. Daily reports required.**

(a) *In general.*

(1) Each dealer shall submit to the Police Commissioner AND THE DIRECTOR OF BUSINESS LICENSING AND CONSUMER PROTECTION a daily report of each transaction in which a person transfers items to the dealer on that day.

(2) The dealer shall forward the daily report to the Police Department AND DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION, as provided in § 12-8 of this subtitle.

**§ 12-8. Filing with police.**

(a) *How.*

A dealer shall submit each daily report to the Police Department AND THE DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION in the following formats:

...

**§ 12-12. Retention of records.**

For at least 3 years after the date of a transfer, the dealer shall hold all records of the transaction:

...

(2) if otherwise specifically required by the dealer's property insurer, at some other suitable location designated by the dealer and from which the dealer can produce the records as and when needed by the Police Department AND THE DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION.

**§ 12-13. Inspection of records and items.**

(a) *Dealer to allow inspection.*

A dealer shall allow a law enforcement officer OR SPECIAL ENFORCEMENT OFFICER AS DEFINED IN CITY CODE ARTICLE 19 § 71-14. {"Appointment; duties"}, acting in the line of duty, to:

...

**§ 12-15. Rules and regulations.**

Subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General Provisions Article, the Police Commissioner, IN CONSULTATION WITH THE DIRECTOR OF BUSINESS LICENSING AND CONSUMER PROTECTION may adopt rules and regulations to implement this subtitle and shall make these rules and regulations available to dealers and the general public.

**Council Bill 23-0347**

**Article 8. Ethics**

**Subtitle 7. Financial Disclosure**

**§ 7-8. Persons required to file – Agency officials and staff.**

The following officials and employees must file the financial disclosure statements required by this subtitle:

. . .

*(4) Baltimore Development Corporation*

(i) All members of the Board of Directors.

(ii) All officers of the Corporation.

(iii) All non-clerical employees of the Corporation.

*(4A) BUSINESS LICENSING AND CONSUMER PROTECTION DEPARTMENT*

(I) DIRECTOR OF BUSINESS LICENSING AND CONSUMER PROTECTION.

(II) ALL BUREAU HEADS, DIRECTORS, AND DIVISION CHIEFS OF DEPARTMENT.

(III) MEMBERS OF THE BUSINESS LICENSING AND CONSUMER PROTECTION BOARD.

(IV) ALL NON-CLERICAL EMPLOYEES OF THE DEPARTMENT.

**Article 13. Housing and Urban Renewal**

**Subtitle 13. Licensing of Peep Show Establishments**

**§ 13-1. Definitions.**

(b) [*Commissioner*] DIRECTOR.

[“Commissioner” means the Commissioner of Housing and Community Development or the Commissioner’s designee.]

“DIRECTOR” MEANS THE DIRECTOR OF BUSINESS LICENSING AND CONSUMER PROTECTION OR THE DIRECTOR’S DESIGNEE.

**§ 13-3. License and compliance required.**

No person may operate a peep show establishment unless the person:

(1) obtains a license from the [*Commissioner*] DIRECTOR for the operation of the establishment, and

. . .

1     **§ 13-5 Investigation of applicant.**

2           The [Commissioner] DIRECTOR must investigate each applicant for a new or renewal license  
3           to determine that:

4           . . .

5     **§ 13-6. Issuance of license.**

6           The [Commissioner] Director must issue or renew the license if, on investigation, the  
7           [Commissioner] DIRECTOR finds that all the requirements of this subtitle are met.

8     **§ 13-7. Denial of license.**

9           (a) *In general.*

10           The [Commissioner] DIRECTOR may deny an application if, after the applicant has been  
11           given the opportunity for a hearing, the [Commissioner] DIRECTOR finds that any  
12           requirement of this subtitle is not met.

13           (b) *Notice of reasons.*

14           The [Commissioner] DIRECTOR must notify the applicant in writing of the reasons for the  
15           denial.

16     **§ 13-8. Revocation or suspension of license.**

17           (a) *In general.*

18           The [Commissioner] DIRECTOR may suspend or revoke any license issued under this  
19           subtitle if, after the licensee has been given the opportunity for a hearing, the  
20           [Commissioner] DIRECTOR finds that:

21           . . .

22           (b) *Notice of decision.*

23           (1) The [Commissioner] DIRECTOR must notify the licensee in writing of the reasons for  
24           the suspension or revocation.

25           . . .

26     **§ 13-9. Hearings.**

27           (a) *In general.*

28           Before the [Commissioner] DIRECTOR denies, suspends, or revokes any license or license  
29           renewal, the [Commissioner] DIRECTOR must notify the applicant or licensee in writing  
30           that a hearing will be held to determine whether grounds exist for the denial, suspension,  
31           or revocation.

**Council Bill 23-0347**

1 **§ 13-11. Device permit tags.**

2 (a) *In general.*

3 No person may operate a peep show establishment unless every peep show device in the  
4 establishment:

5 . . .

6 (2) has attached to it a permit tag issued by the [Commissioner] DIRECTOR.

7 **§ 13-16. Enforcement.**

8 In addition to any other remedy provided in this subtitle or otherwise by law, this subtitle may  
9 be enforced by the [Commissioner of Housing and Community Development] DIRECTOR OF  
10 BUSINESS LICENSING AND CONSUMER PROTECTION in the manner provided in [§ 104  
11 {"Duties and powers of Building Official"} of the Baltimore City Building Code]  
12 BALTIMORE CITY CODE ARTICLE 1 SUBTITLE 42.

13 **Article 15. Licensing and Regulation**

14 **Subtitle 1. Adult Entertainment Businesses**

15 ***Part I. Definitions; General Provisions***

16 **§ 1-1. Definitions.**

17 (d) [*Board*] DEPARTMENT.

18 ["Board"] "DEPARTMENT" means the [Board of Liquor License Commissioners]  
19 DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION for Baltimore City.

20 **§ 1-3. Rules and regulations.**

21 (a) *Board may adopt.*

22 Subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General  
23 Provisions Article, the [Board] DEPARTMENT may adopt rules, regulations, and forms to  
24 carry out the provisions of this subtitle.

25 (b) *Public hearing and comment.*

26 In accordance with General Provisions Article § 4-301:

27 (1) the [Board] DEPARTMENT must publish, for public hearing and comment, notice  
28 of all rules, regulations, and forms proposed for adoption under this subtitle; and  
29 . . .

**Council Bill 23-0347**

1 (c) *Effective date.*

2 After the public hearing and comment period, the [Board] DEPARTMENT may adopt the  
3 final rules, regulations, and forms with an effective date of at least 15 days after the date  
4 of their adoption.

5 ***Part 2. Licensing***

6 **§ 1-8. Applications — In general.**

7 (a) *Owner and operator to apply jointly.*

8 The owner and operator of the adult-entertainment business must apply jointly to the  
9 [Board] DEPARTMENT for the license.

10 (b) *Form.*

11 The application must be in the form and contain the information that the [Board]  
12 DEPARTMENT requires.

13 **§ 1-9. Applications — responsible party.**

14 (b) *Information and determination.*

15 All information required in the application about an applicant must be given with respect  
16 to the individuals making the application, and the determination of the [Board]  
17 DEPARTMENT must be based on the eligibility of those individuals.

18 **§ 1-10. Investigation of applicants.**

19 On receipt of the application, the [Board] DEPARTMENT must investigate the character and  
20 qualifications of the applicants.

21 **§ 1-11. Qualifications.**

22 (b) *Required considerations.*

23 In determining moral character, the [Board] DEPARTMENT must consider:  
24 . . .

25 **§ 1-12. Posting; objections.**

26 (a) *Posting required.*

27 On filing an application for a license (other than a renewal license), the applicant must  
28 post the proposed location for 15 days, in accordance with the [Board's] DEPARTMENT'S  
29 rules and regulations.

**Council Bill 23-0347**

1 (b) *9 or fewer objections.*

2 If, within the 15-day posting period, the [Board] DEPARTMENT receives no more than 9  
3 written objections from property owners or residents within the same election precinct as  
4 the proposed location, the adult-entertainment business license may be issued.

5 (c) *10 or more objections.*

6 (1) If, within the 15-day posting period, the [Board] DEPARTMENT receives 10 or more  
7 written objections from property owners or residents within the same election precinct  
8 as the proposed location, the [Board] DEPARTMENT must hold a hearing on the matter.  
9 . . .

10 **§ 1-13. Decision on application.**

11 (a) *[Board] DEPARTMENT to decide.*

12 The [Board] DEPARTMENT must notify the applicant in writing of its decision to grant or  
13 deny the license as follows:  
14 . . .

15 **§ 1-14. Term and renewal of licenses.**

16 (b) *Application for renewal.*

17 . . .

18 (2) The renewal application must be in the form and contain the information that the  
19 [Board] DEPARTMENT requires.

20 (c) *Approval.*

21 On filing the renewal application and payment of the renewal fee, the [Board]  
22 DEPARTMENT may approve the application, except as provided in subsection (d) of this  
23 section.

24 (d) *Protest and hearing.*

25 (1) If, before the end of the renewal period, 10 or more written objections from property  
26 owners or residents within the same election precinct as the licensed premises are  
27 filed with the [Board] DEPARTMENT, the [Board] DEPARTMENT must hold a public  
28 hearing on the proposed renewal.  
29 . . .

30 **§ 1-16. Waiting period after denial.**

31 If the [Board] DEPARTMENT denies an adult-entertainment business license or renewal  
32 license, the applicant may not reapply for at least 9 months from the date of the [Board's]  
33 DEPARTMENT'S final decision or, if that decision was appealed, from the date of the final  
34 court decision.





**Council Bill 23-0347**

**§ 1-31. Judicial and appellate review.**

(a) *Judicial review.*

A person aggrieved by a decision of the [Board] DEPARTMENT under this subtitle may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) *Review to be expedited.*

...

(2) To that end, the [Board] DEPARTMENT must join in any motion by the appellant for expedited review and cooperate fully with the appellant to obtain an expedited review.

(c) *Stays.*

(1) The filing of a petition for judicial review does not stay the decision of the [Board] DEPARTMENT.

...

**Subtitle 2. Amusements**

***Part 1. Billiards***

**§ 2-1. License required.**

(a) *In general.*

No billiard, bagatelle, pool, manhattan, klondike, or rondo table may be erected, set up, kept, or in any respect whatever used for the purpose of gain or public entertainment within the City without a license previously obtained from the Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION.

***Part 3. Amusement Devices***

**§ 2-11. Definitions.**

(c) *Director.*

“Director” means the Director of [Finance of] BUSINESS LICENSING AND CONSUMER PROTECTION OR [his or her] THE DIRECTOR’S designee.

**Council Bill 23-0347**

1 **§ 2-15. Fees and taxes.**

2 (e) *Quarterly payments for simulated slot machines.*

3 (1) Fees and taxes required to be paid under this Part 3 for simulated slot machines may  
4 be made in equal quarterly installments if:

5 . . .

6 (iii) by January 1 of each year in which quarterly payments are to be made, the  
7 person responsible for the payments:

8 . . .

9 (B) submits to the Director OF FINANCE the full amount of that year's 1<sup>st</sup>  
10 quarterly installment plus the applicable service charge.

11 ***Part 5. Theaters, Halls, etc.***

12 **§ 2-31. License required.**

13 It shall be the duty of the owner of a for profit theater, motion picture theater, hall used for  
14 entertainment, sports center, or museum, before permitting any person to use such facility for  
15 gain, to obtain a license from the Director of [Finance] THE DEPARTMENT OF BUSINESS  
16 LICENSING AND CONSUMER PROTECTION for an annual fee of \$165.

17 **§ 2-37. Fee for musical parties.**

18 (b) *Charitable exceptions.*

19 But the [Mayor] DIRECTOR OF BUSINESS LICENSING AND CONSUMER PROTECTION is  
20 authorized to grant, free of expense, all applications for license for concerts or  
21 performances of any kind, where the proceeds are intended for charitable purposes.

22 ***Part 7. Animated Riding Devices***

23 **§ 2-43. Inspections.**

24 (a) *On application.*

25 Before issuing any such license, the Director of [Finance] BUSINESS LICENSING AND  
26 COMMUNITY DEVELOPMENT shall have such animated riding device inspected by the  
27 Commissioner of Housing and Community Development and shall obtain from him a  
28 certificate to the effect that the animated riding device has been inspected and is  
29 mechanically safe for operation.

**Council Bill 23-0347**

1 (b) *Semi-annually.*

2 As a condition for retaining any such license, the applicant shall present to the Director of  
3 [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION at intervals of not more  
4 than 6 months thereafter, a similar certificate of inspection and safe condition.

5 **§ 2-44. Financial responsibility.**

6 (a) *In general.*

7 The Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION shall  
8 require each applicant for a license herein provided for to furnish proof of financial  
9 responsibility in the form of a written certificate from an insurance carrier authorized to  
10 transact business in the State of Maryland.

11 (b) *Scope; amount.*

12 Said certificate shall state that the applicant is insured against liability for damage  
13 including death or injury to persons and damage to property due to faulty equipment or  
14 negligence, and indemnifying the City against any suit or suits, losses, claims, damages,  
15 or expense to which the City may be subjected by reason of any damage to property or  
16 person, including death, or injury to the public highways and other public property done  
17 in or in connection with the transportation, erection, operation, maintenance, and  
18 supervision of such animated riding devices and said certificate shall be provided in an  
19 amount which in the discretion of the Director of [Finance] BUSINESS LICENSING AND  
20 CONSUMER PROTECTION will adequately protect the public.

21 **§ 2-45. Nonresidents.**

22 (a) *In general.*

23 Where the applicant is a nonresident, said applicant and said insurance carrier shall  
24 execute a power of attorney authorizing the Director of [Finance] BUSINESS LICENSING  
25 AND CONSUMER PROTECTION to accept on their behalf service of notices, processes, and  
26 any action arising out of the ownership, operation, maintenance, or in any wise connected  
27 with said animated riding devices, while they are within the confines of the limits of the  
28 City of Baltimore.

29 (b) *Corporations.*

30 In the event that a nonresident corporation applies for a license, the Director of [Finance]  
31 BUSINESS LICENSING AND CONSUMER PROTECTION shall issue said license provided:

32 . . .

33

**Council Bill 23-0347**

***Part 8. Mobile Riding Units***

**§ 2-52. Inspections.**

(a) *On application.*

Before issuing any such license, the Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION shall have such ride or riding device mounted on mobile equipment inspected by the Commissioner of Housing and Community Development and shall obtain from him a certificate to the effect that such ride or riding device mounted on mobile equipment has been inspected and is mechanically safe for operation.

(b) *Semi-annually.*

The applicant shall as a condition of retaining any such license present to the Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION a similar certificate of inspection and safe condition at intervals of not more than 6 months thereafter.

**§ 2-53. Financial responsibility.**

(a) *In general.*

The Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION shall require each applicant for a license herein provided for to furnish proof of financial responsibility in the form of a written certificate from an insurance carrier authorized to transact business in the State of Maryland.

(b) *Scope; amount.*

Said certificate shall state that the applicant is insured against liability for damage including death or injury to persons and damage to property due to faulty equipment or negligence, and indemnifying the City against any suit or suits, losses, claims, damages, or expense to which the City may be subjected by reason of any damage to property or person, including death, or injury to the public highways and other public property done in or in connection with the transportation, erection, operation, maintenance, and supervision of such ride or riding device mounted on mobile equipment, and said certificate shall be provided in an amount which in the discretion of the Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION will adequately protect the public.

**§ 2-54. Nonresidents.**

(a) *In general.*

Where the applicant is a nonresident, said applicant and said insurance carrier shall execute a power of attorney authorizing the Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION to accept service on their behalf of notices, processes, and any action arising out of the ownership, operation, maintenance, or in any wise connected with said ride or riding device mounted on mobile equipment while it is within the confines of the limits of the City of Baltimore.

**Council Bill 23-0347**

1 (b) *Corporations.*

2 In the event that a nonresident corporation applies for a license, the Director of [Finance]  
3 BUSINESS LICENSING AND CONSUMER PROTECTION shall issue said license provided:  
4 . . .

5 **Subtitle 3. Amusement Device Location Permits.**

6 **§ 3-1. Definitions.**

7 (c) [*Commissioner.*] DIRECTOR.

8 [“Commissioner” means the Commissioner of Housing and Community Development or  
9 the Commissioner’s designee.]

10 “DIRECTOR” MEANS THE DIRECTOR OF BUSINESS LICENSING AND COMMUNITY  
11 DEVELOPMENT OR THE DIRECTOR’S DESIGNEE.

12 **§ 3-2. Permit required.**

13 (a) *In general.*

14 Except as specified in subsection (b) of this section, any person who proposes to locate 1  
15 or more amusement devices in an establishment for the use of the general public must  
16 first obtain an amusement device location permit from the [Commissioner of Housing  
17 and Community Development] DIRECTOR.  
18 . . .

19 **§ 3-3. Applications.**

20 The application must be in the form and contain the information that the [Commissioner]  
21 DIRECTOR requires.

22 **§ 3-4. Posting; objections.**

23 (b) *9 or fewer objections.*

24 If, within the 15-day posting period, the [Commissioner] DIRECTOR receives no more  
25 than 9 written objections from persons within the same election precinct as the proposed  
26 location, the permit may be issued.

27 (c) *10 or more objections.*

28 If, within the 15-day posting period, the [Commissioner] DIRECTOR receives 10 or more  
29 written objections from persons within the same election precinct as the proposed  
30 location, the [Commissioner] DIRECTOR must refer the matter to the Zoning Board for a  
31 hearing.

**Council Bill 23-0347**

1 **§ 3-5. Hearing on objections; denial.**

2 (a) *Public hearing required.*

3 (1) On referral by the [Commissioner] DIRECTOR, the Zoning Board must hold a public  
4 hearing on the proposed location permit.

5 **§ 3-6. Term and renewal of permits.**

6 (b) *Application for renewal.*

7 . . .

8 (3) On filing the renewal application and payment of the renewal fee, the [Commissioner]  
9 DIRECTOR must approve the application unless 10 or more written objections from  
10 persons within the same election precinct as the location in question are filed with the  
11 [Commissioner] DIRECTOR no later than 30 days before the permit expires.

12 (4) If the [Commissioner] DIRECTOR receives 10 or more timely objections from persons  
13 within the same election precinct as the location in question, the [Commissioner]  
14 DIRECTOR must refer the matter to the Zoning Board for a hearing.

15 **§ 3-9. Rules and regulations.**

16 (b) [Commissioner] DIRECTOR *to adopt administrative regulations.*

17 (1) Subject to Title 4 {“Administrative Procedure Act – Regulations”} of the City  
18 General Provisions Article, the [Commissioner] DIRECTOR may adopt rules and  
19 regulations to carry out the administrative provisions of this subtitle.

20 **Subtitle 6. Carriages, Wagons, Boats, and Scows**

21 **§ 6-1. Issuance of license.**

22 The Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION shall issue all  
23 licenses for and numbers of carriages, wagons, and other vehicles, boats, and scows as  
24 enumerated in § 6-2.

25 **§ 6-2. License required.**

26 (b) *Owners to register annually.*

27 The owner or owners of such carriages, boats, or scows, shall:

28 (1) appear annually at the office of the Director of [Finance] BUSINESS LICENSING  
29 AND CONSUMER PROTECTION;

30 . . .

**Council Bill 23-0347**

1 (3) take out a license containing his or her number, and signed by the Director of  
2 [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION, with the City Seal  
3 affixed to it.

4 **§ 6-5. Fees.**

5 (c) *Transfer of license.*

6 Transfer of any of these licenses must be made at the [Office of the City Collector]  
7 DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION, and no charge will  
8 be made therefor.

9 **§ 6-8. License plates.**

10 (a) *Director to obtain.*

11 (1) It is the duty of the Director of [Finance] BUSINESS LICENSING AND CONSUMER  
12 PROTECTION, annually, on or before January 1 in each year, to purchase a sufficient  
13 number of tin plates, numbered with plain conspicuous figures, beginning with  
14 number 1, and so on progressively, 2 of each to correspond with the number of the  
15 carriage, boat, or scow, and also to purchase suitable dies for the arithmetical  
16 numbers.

17 . . .

18 (3) The plate shall be of suitable size and description in the discretion of the Director of  
19 [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION, and paid for out of the  
20 appropriation for general licenses.

21 (b) *Issuance and display.*

22 (1) It is the duty of the Director of [Finance] BUSINESS LICENSING AND CONSUMER  
23 PROTECTION to furnish for each licensed carriage, boat, or scow, 2 of these tin plates,  
24 with number corresponding with the number of the license, and the record of that  
25 carriage, boat, or scow.

26 . . .

27 (c) *Private carriage license.*

28 The Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION shall  
29 furnish to those who take out private carriage licenses, a single number, painted upon a  
30 tin plate that shall not measure more than  $2\frac{3}{4}$  x 2 inches, which number shall be placed  
31 upon the hindermost part of the hind axle of the carriage by the owner or owners.



**Council Bill 23-0347**

**§ 6-9. License numbers.**

(a) *Right to display own numbers.*

All persons who take out licenses under this subtitle are hereby authorized to provide numbers for their carriages, wagons, and other vehicles, of such design as to them may seem proper, such numbers to conform with their license, the same to be in a conspicuous place; provided, that the number furnished by the Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION be nevertheless attached to such carriage or wagon in such place inside the carriage or wagon as he may direct.

(b) *Notice.*

All persons availing themselves of the privilege of this section can retain the same number from year to year by annual notice of the Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION previous to December 20 and those desiring to retain their old numbers may do so by similar notice.

**§ 6-11. Transporters for hire.**

(a) *License required.*

No owner of any carriage shall use the same in carrying or transporting any person or persons within the said City for hire or pay, unless such owner shall:

- (1) appear at the [office of the Director of Finance] DEPARTMENT OF BUSINESS LICENSING AND COMMUNITY DEVELOPMENT and make entry and take out license as aforesaid;
- ...

**§ 6-13. Withdrawal of license.**

It shall be the duty of the [Mayor] DIRECTOR OF BUSINESS LICENSING AND CONSUMER PROTECTION to withdraw the license from any vehicle licensed by the City, the driver of which shall violate a 2<sup>nd</sup> time any of the provisions of this Code regulating the speed of horses and vehicles.

**§ 6-14. Subtitle to be advertised.**

It shall be the duty of the Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION to notify all persons annually of the necessity of attending to the provisions of this subtitle, by advertising the same at least 10 days previous to January 1 in a daily paper of general circulation in Baltimore City, and of the privilege accorded by § 6-9 by advertising the same at least 5 days previous to December 20 in a daily paper of the City.

**Council Bill 23-0347**

**Subtitle 7. Employment Agencies**

**§ 7-2. License required.**

(b) *Issuance, fees, records.*

It shall be the duty of the Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION:

...

(2) to charge for each and every such license the sum of \$250 TO BE PAID TO THE DIRECTOR OF FINANCE; and

...

**§ 7-3. Exhibition of license.**

Every person, firm, or corporation, who shall take out a license under § 7-2, and who shall conduct an employment agency under such license:

(1) shall register his, her, or its full name and address with the Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION during the 1<sup>st</sup> week of January in each year; and

...

**Subtitle 9. Late-Night Commercial Operations**

***Part 1. Definitions; General Provisions***

**§ 9-1. Definitions.**

(d) [*Finance Department;*] *Department.*

["Finance Department" or "Department" means the Baltimore City Department of Finance.]

"DEPARTMENT" MEANS THE DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION.

(d-1) [*Finance Director;*] *Director.*

["Finance Director" or "Director" means the Director of the Finance Department or the Director's designee.]

"DIRECTOR" MEANS THE DIRECTOR OF BUSINESS LICENSING AND CONSUMER PROTECTION.

**Council Bill 23-0347**

**§ 9-3. Rules, regulations, and forms.**

Subject to Title 4 {“Administrative Procedure Act – Regulations”} of the City General Provisions Article, the [Finance] Department must adopt rules, regulations, and forms to carry out this subtitle.

***Part 2. Licensing***

**§ 9-6.1. Conditional license for late-night delivery services.**

The [Finance] Department may issue a late-night operations license for a business to operate a late-night delivery-only service, conditioned upon all indoor sales and dining areas being closed to the public during late-night hours.

**§ 9-7. Applications.**

(a) *In general.*

Every application for an initial or renewal license must be in the form and contain the information that the [Finance] Department requires.

**§ 9-8. Posting and notice; Objections.**

(a) *Posting and notice required.*

On filing an application for an initial license, the applicant must, in accordance with the [Finance] Department’s rules and regulations:  
...

(b) *9 or fewer objections.*

(3) The notice of a denial must:

...  
(ii) notify the applicant of the applicant’s right to appeal to the [Finance] Director.

(4) Within 30 days of receiving the notice of denial, the applicant may appeal to the [Finance] Director for an administrative review of the application.

(c) *10 or more objections.*

(1) If, within the 15-day posting period, the Department receives 10 or more written objections from real property owners, commercial tenants that are not themselves holders of or applicants for a late-night operations license, or residents within the impact area of the business, the Department must:  
...

**Council Bill 23-0347**

1 (ii) within 7 days after the last day of the 15-day posting period, notify the  
2 applicant of the denial and of the applicant's right to appeal to the [Finance]  
3 Director.

4 (2) Within 30 days of receiving the notice of denial, the applicant may appeal to the  
5 [Finance] Director for an administrative review of the application.

6 **§ 9-9. Decision on review.**

7 (a) *[Finance] Director to decide.*

8 Within 30 days after the timely filing of an appeal, the [Finance] Director must notify the  
9 applicant in writing of his or her decision:

10 . . .

11 (b) *Considerations.*

12 In reviewing an application, the [Finance] Director must consider:

13 . . .

14 **§ 9-10. Term and renewal of license.**

15 (b) *Application for renewal.*

16 To renew a license, the licensee must:

17 . . .

18 (2) in accordance with the [Finance] Department's rules and regulations, post the  
19 premises for 15 days.

20 (c) *Approval.*

21 On filing the renewal application and payment of the renewal fee, the [Finance]  
22 Department may approve the application, except as provided in subsection (d) of this  
23 section.

24 (d) *Objections; Review.*

25 (1) If, within the 15-day posting period, 10 or more written objections from real property  
26 owners, commercial tenants that are not themselves holders of or applicants for a late-  
27 night operations license, or residents within the impact area of the business, the  
28 Department must:

29 . . .

30 (ii) within 7 days after the last day of the 15-day posting period, notify the  
31 applicant of the denial and of the applicant's right to appeal to the [Finance]  
32 Director.

33 (2) Within 30 days of receiving the notice of denial, the applicant may appeal to the  
34 [Finance] Director for an administrative review of the application.

**Council Bill 23-0347**

1 (3) The filing of an appeal to the [Finance] Director does not stay the decision of the  
2 Department pending the Director's decision.

3 (4) The considerations and decision of the [Finance] Director shall be as provided in  
4 § 9-9 of this subtitle.

5 **Subtitle 11. Massage Establishments**

6 **§ 11-1. Definitions.**

7 (a) [*Board.*] *RESERVED.*

8 [Board means the Board of Licenses for Massage Establishments.]

9 **§ 11-5. License required for massage establishments.**

10 No person shall maintain, operate, or conduct a massage establishment within the City of  
11 Baltimore without a license previously issued by the Director of [Finance] BUSINESS  
12 LICENSING AND CONSUMER PROTECTION.

13 **§ 11-6. Registration required for massagists.**

14 No person maintaining, operating, or conducting a massage establishment shall employ, or  
15 otherwise allow, any individual to perform as a massagist, and no individual shall perform as  
16 a massagist, unless such individual shall have first been duly registered as a massagist for that  
17 particular massage establishment with the [Board of Licenses for Massage Establishments]  
18 DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION.

19 **§ 11-7. [Board of Licenses for Massage Establishments.] RULES AND REGULATIONS.**

20 [(a) *Board established.*]

21 [There is hereby created and established a Board of Licenses for Massage Establishments,  
22 with the membership, powers, and duties as in this subtitle provided.]

23 [(b) *Composition.*]

24 [(1) The Board shall be composed of:]

25 [(i) the Commissioner of Health;]

26 [(ii) the Commissioner of Housing and Community Development; and]

27 [(iii) the Chief of the Fire Department.]

28 [(2) A member of the Board may designate a duly authorized officer of his Department  
29 to serve in his capacity as may be necessary from time to time.]

**Council Bill 23-0347**

1 [(c) *Officers.*]

2 [The members of the Board shall annually elect a chairman from among the members of  
3 the Board and may appoint a Secretary.]

4 [(d) *Compensation; expenses.*]

5 [The members of the Board shall receive no compensation for services rendered by them  
6 as members of the Board, but they shall be reimbursed for all necessary and proper  
7 expenses incurred in the discharge of their duties.]

8 [(e) *Rules and regulations.*]

9 Subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General  
10 Provisions Article, the [Board] DEPARTMENT OF BUSINESS LICENSING AND CONSUMER  
11 PROTECTION is authorized and empowered to promulgate and adopt rules and regulations  
12 to carry out the purpose and intent of this subtitle.

13 [(f) *Notice of applications.*]

14 [The Board through its rules, shall provide for the notification of civic associations of  
15 applications received from massage establishments within the district served by the  
16 association.]

17 **§ 11-8. Application for license — contents; fee.**

18 (a) *Required information.*

19 Applicants for a license under § 11-5 shall file upon a form provided by the  
20 [Commissioner of Housing and Community Development] DIRECTOR OF BUSINESS  
21 LICENSING AND CONSUMER PROTECTION a signed application, subject to the law relating  
22 to perjury, setting forth the following information:  
23 . . .

24 (c) *Successor license.*

25 An application for a successor license shall be filed with the [Commissioner of Housing  
26 and Community Development] DIRECTOR OF BUSINESS LICENSING AND CONSUMER  
27 PROTECTION on or before April 1 of each year.

28 **§ 11-9. Application for license — investigation.**

29 (a) *Referral to Board.*

30 The application shall be referred by the DIRECTOR OF BUSINESS LICENSING AND  
31 CONSUMER PROTECTION to the BUSINESS LICENSING AND CONSUMER PROTECTION Board  
32 for investigation and recommendation.

**Council Bill 23-0347**

**§ 11-11. Issuance of license; fee.**

(a) *In general.*

If the recommendation of the Board is favorable, the Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION shall, upon payment of a license fee in the sum of \$1,500 TO THE DIRECTOR OF FINANCE, issue a license to the applicant.

(b) *Term.*

Every license so granted shall terminate on July 1 annually, or until a successor license is issued or denied by the Director of [Finance] OF BUSINESS LICENSING AND CONSUMER PROTECTION.

(c) *Display.*

The Director of [Finance] OF BUSINESS LICENSING AND CONSUMER PROTECTION shall issue a certificate of license which shall at all times be prominently displayed inside the massage establishment.

**§ 11-13. Unlawful acts.**

(d) *Penalties.*

Any person violating the provisions of this section shall, upon conviction, be punished as hereinafter provided in this subtitle and, in addition to such penalty, it shall be the duty of the Director of [Finance] OF BUSINESS LICENSING AND CONSUMER PROTECTION to revoke the license of the establishment wherein the provisions of this section shall have been violated.

**§ 11-14. Inspection.**

(a) *In general.*

Any massage establishment, its equipment, records, and methods of operation shall be open during working or business hours to inspection by representatives of the Police Department, Health Department, Fire Department, DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION, and the Department of Housing and Community Development.

(b) *Regular inspections to be made; reports.*

The Police Commissioner, Health Commissioner, Chief of the Fire Department, DIRECTOR OF BUSINESS LICENSING AND CONSUMER PROTECTION, and the Commissioner of Housing and Community Development shall assign personnel to make regular inspection of such licenses, and a report of such inspections shall be made to the respective department heads in writing.

**Council Bill 23-0347**

1 **§ 11-15. Revocation of license; hearing.**

2 (c) *Decision.*

3 Following such hearing, the Board shall reduce findings of fact to writing, and if it  
4 determines that the licensee has violated any of the provisions of this subtitle, the rules  
5 and regulations promulgated by the Board, or is unqualified under the provisions of this  
6 subtitle to hold the license in effect, it shall transmit a copy of such findings to the  
7 Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION recommending  
8 revocation of the license, and the Director [of Finance] shall immediately revoke the  
9 license.

10 **§ 11-17. Penalties.**

11 (b) *License revocation.*

12 Conviction for any violation of the provisions of this subtitle shall constitute cause for  
13 immediate revocation of the license by the Director of [Finance] BUSINESS LICENSING  
14 AND CONSUMER PROTECTION upon the recommendation of the Board.

15 **Subtitle 12. Commercial Parking Facilities**

16 **§ 12-4. License required; fee.**

17 (d) *Online licensee list.*

18 The Director [of Finance] BUSINESS LICENSING AND CONSUMER PROTECTION shall  
19 maintain and post on the Department's website a current list of all commercial parking  
20 facilities licensed under this subtitle.

21 **§ 12-8. Rules and regulations.**

22 Subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General  
23 Provisions Article, the Director of [Finance] BUSINESS LICENSING AND CONSUMER  
24 PROTECTION may adopt rules and regulations for the administration and enforcement of this  
25 subtitle.

26 **§ 12-13. License revocation.**

27 (a) *In general.*

28 After a hearing conducted in accordance with the rules and regulations adopted under this  
29 subtitle and with proper notice to the license holder, the Department of [Finance]  
30 BUSINESS LICENSING AND CONSUMER PROTECTION may revoke a license if the  
31 Department finds that the license holder violated any provision of this subtitle.



**Council Bill 23-0347**

1 (b) *Form and effect of revocation.*

2 Any revocation under this subtitle must be in writing from the Department of [Finance]  
3 BUSINESS LICENSING AND CONSUMER PROTECTION and specify the reasons for the action.

4 (c) *Administrative appeals.*

5 (1) A license holder aggrieved by a decision [if] OF the Department of [Finance]  
6 BUSINESS LICENSING AND CONSUMER PROTECTION may appeal that decision to the  
7 [Director of Finance] BUSINESS LICENSING AND CONSUMER PROTECTION BOARD in  
8 writing within 10 days of the Department’s decision.

9 (2) The [Director of Finance] BUSINESS LICENSING AND CONSUMER PROTECTION BOARD  
10 must issue a written decision within 30 days of receipt of the license holder’s appeal.

11 **Subtitle 13. Special-Event Parking Lots**

12 **§ 13-1. Definitions.**

13 (b) *Director.*

14 “Director” means the Director of [the Department of Finance of his or her] BUSINESS  
15 LICENSING AND CONSUMER PROTECTION OR THE DIRECTOR’S designee.

16 **§ 13-10. Issuance of license.**

17 On receipt of a license application and UPON THE DIRECTOR OF FINANCE’S RECEIPT OF the  
18 applicable license fee, the Director OF BUSINESS LICENSING AND CONSUMER PROTECTION  
19 shall:

20 . . .

21 **Subtitle 15. Street Entertainers**

22 **§ 15-1. Definitions.**

23 (b) [*Board.*]

24 [“Board” means the Board of Licenses for Street Entertainers.]

26 “DEPARTMENT” MEANS THE DEPARTMENT OF BUSINESS LICENSING AND CONSUMER  
27 PROTECTION.

28 **§ 15-4. [Board of Licenses established.] {RESERVED.}**

29 [(a) *In general.*]

30 [There is a Board of Licenses for Street Entertainers.]

**Council Bill 23-0347**

1 [(b) *Composition.*]

2 [The Board comprises the following 7 members:]

3 [(1) 4 members appointed by the Mayor in accordance with City Charter  
4 Article IV, §6; and]

5 [(2) 2 members appointed by the President of the City Council; and]

6 [(3) the Director of the Community Relations Commission or the Director’s  
7 designee.]

8 **§ 15-5. [Board officers; expenses.] {RESERVED.}**

9 [(a) *Officers.*]

10 [The Board annually shall;]

11 [(1) elect a Chair from among its members; and]

12 [(2) appoint a Secretary.]

13 [(b) *Compensation; expenses.*]

14 [The members of the Board:]

15 [(1) serve without compensation; but]

16 [(2) are entitled to reimbursement for reasonable expenses incurred in the  
17 performance of their duties, as provided in the Ordinance of Estimates.]

18 **§ 15-6. [Staff.] {RESERVED.}**

19 [The Board may appoint employees, assistants, and investigators as provided in the  
20 Ordinances of Estimates.]

21 **§ 15-7. Rules and regulations.**

22 Subject to Title 4 {“Administrative Procedure Act – Regulations”} of the City General  
23 Provisions Article, the [Board] DEPARTMENT shall adopt rules and regulations to carry out  
24 this subtitle.

25 **§ 15-9. License required.**

26 No person may perform as a street entertainer without first having obtained a license to do so  
27 from the [Board of Licenses for Street Entertainers] DEPARTMENT.

**Council Bill 23-0347**

1 **§ 15-10. Classes and scope of licenses.**

2 (a) *In general.*

3 In its rules and regulations, the [Board] DEPARTMENT shall:  
4 . . .

5 (b) *Required considerations.*

6 In designating classes and specifying limitations, the [Board] DEPARTMENT shall  
7 consider:  
8 . . .

9 **§ 15-11. Limitations and conditions.**

10 The [Board] DEPARTMENT may impose reasonable limitations on any license issued under  
11 this subtitle, as necessary or proper to carry out the purpose and intent of this subtitle.

12 **§ 15-12. Applications.**

13 (a) *Form.*

14 An application for a license must be made in the form the [Board] DEPARTMENT requires.

15 (c) *Contents.*

16 The application must contain:  
17 . . .

18 (5) any other information the [Board] DEPARTMENT requires.

19 **§ 15-13. Term, renewal, fees.**

20 (b) *Renewal.*

21 Before a license expires, a licensee may renew it for an additional 1-year term, if the  
22 licensee submits to the Board a renewal application in the form the [Board] DEPARTMENT  
23 requires.

24 **§ 15-14. Entertainer identification.**

25 (a) *[Board] DEPARTMENT to issue.*

26 The [Board] DEPARTMENT shall issue an identification badge for each license issued.

27 (d) *Replacement badges.*

28 If a badge is lost, the [Board] DEPARTMENT shall issue a replacement badge on payment  
29 by the licensee of a \$10 fee.

**Council Bill 23-0347**

1    **§ 15-15. BOPA to assist.**

2           The Baltimore Office of Promotion and The Arts shall assist the [Board] DEPARTMENT by:  
3           . . .

4    **§ 15-18. Revocations and suspensions.**

5           (a) *Authorized suspension or revocation.*

6           The [Board] DEPARTMENT may suspend or revoke a license if the licensee violates any  
7           provision of:  
8           . . .

9           (b) *Mandatory revocation.*

10           On a street entertainer's 3<sup>rd</sup> violation of any provision, the [Board] DEPARTMENT must  
11           revoke the street entertainer's license.

12   **§ 15-19. Administrative appeals.**

13           (a) *Right of appeal.*

14           An aggrieved party may appeal to the BUSINESS LICENSING AND CONSUMER PROTECTION  
15           Board [of Municipal and Zoning Appeals]:

- 16           (1) the denial, suspension, or revocation of a license; or  
17           (2) any other decision or ruling by the [Board of Licenses] DEPARTMENT.

18           (c) *Hearing and decision.*

19           The BUSINESS LICENSING AND CONSUMER PROTECTION [Board of Municipal and Zoning  
20           Appeals]:

- 21           (1) shall hold a hearing on the appeal as soon as practicable; and  
22           (2) may affirm, modify, or reverse the action of the [Board of Licenses]  
23           DEPARTMENT.

**Council Bill 23-0347**

**Subtitle 18. Itinerant Wholesale Produce Dealers**

**§ 18-3. Scope of subtitle - local produce.**

(b) *Permit required.*

But it shall be unlawful, however, for any such farmer or producer or person or any employees of such farmer or producer, or person to engage in the business of selling the products herein mentioned, or any of them, to retailers, hotels, restaurants, or public institutions within the City of Baltimore unless he applies annually to the Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION for a permit so to sell.

(c) *Application.*

(1) Any farmer or producer or person desiring to secure such permit shall file with the Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION annually an application, with his post office address, subscribed and sworn to before a notary public, which shall state that he will sell or offer for sale only such products as were grown, raised, produced, made, manufactured, caught, trapped, or killed in the State of Maryland.

(2) It shall be the duty of the said Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION to investigate and verify the statements of the applicant if he is not satisfied with the proofs submitted.

**§ 18-5. Applications.**

(a) *In general.*

Written application therefor shall be made to the Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION on forms prepared by him.

(b) *Contents.*

(2) The application shall contain such further information as may be required by the Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION in order to inform him fully as to the nature of the business, the equipment and facilities to be used.

**§ 18-8. Revocation of license.**

The [Mayor] DIRECTOR OF BUSINESS LICENSING AND CONSUMER PROTECTION may revoke such license at any time by notice in writing whenever it shall appear to his satisfaction that the licensee has violated the provisions of this subtitle and has failed to correct same upon due notice from the Director [of Finance].

**Council Bill 23-0347**

1 **Subtitle 20. Transient Merchants**

2 **§ 20-2. License required.**

3 No person shall engage in business as a transient merchant unless he shall first have obtained  
4 a license to do so from the Director of [Finance] BUSINESS LICENSING AND CONSUMER  
5 PROTECTION.

6 **§ 20-5. Bonding; contracts; delivery.**

7 (a) *Bond required.*

8 Before such license is issued by the Director of [Finance] BUSINESS LICENSING AND  
9 CONSUMER PROTECTION, the applicant will be required to post a surety bond in an  
10 amount of \$1,000, with a surety company licensed to do business in the State of  
11 Maryland.

12 **§ 20-6. Reports by hotel keepers.**

13 The owner, proprietor, or manager of any hotel, motel, rooming house, or other place of  
14 public accommodation shall report, within 6 hours after renting, to the Commissioner of  
15 Police AND THE DIRECTOR OF BUSINESS LICENSING AND CONSUMER PROTECTION, the name  
16 of any person who has rented a room or other space for the sale and display of merchandise  
17 of a transient merchant, giving the location of the room so rented.

18 **Subtitle 22. Towing Services – Trespass Towing**

19 **§ 22-1. Definitions.**

20 (a) *[Board.] DEPARTMENT.*

21 [“Board” means the Board of Licenses for Towing Services of Baltimore City.]

22 “DEPARTMENT” MEANS THE DEPARTMENT OF BUSINESS LICENSING AND CONSUMER  
23 PROTECTION.

24 **§ 22-2. [Board of Licenses for Towing Services.] {RESERVED.}**

25 [(a) *Board created.*]

26 [There is hereby created a Board of Licenses for Towing Services.]

27 [(b) *Composition.*]

28 [(1) The Board comprises:]

29 [(i) the following officials of their respective designees:]

30 [(A) the Director of Finance or designee;]

**Council Bill 23-0347**

1 [(B) the Director of Transportation or designee;]

2 [(C) the Police Commissioner or designee; and]

3 [(D) the President of the City Council or a Councilmember designee; and]

4 [(ii) 3 members appointed by the Mayor in accordance with Article IV, § 6 of the  
5 City Charter, as follows:]

6 [(A) a representative of the property management industry who contracts  
7 with 1 or more trespass towers for trespass towing services;]

8 [(B) a representative of the trespass towing industry; and]

9 [(C) a citizen at large.]

10 [(2) The members shall serve a term of 4 years, concurrent with the terms of the Mayor  
11 and City Council. The members shall be appointed without regard to political party  
12 affiliation.]

13 [(c) *Officers.*]

14 [The members of the Board shall annually elect a chairman from among the members of  
15 the Board and shall appoint a secretary.]

16 [(d) *Compensation; expenses.*]

17 [The members of the Board shall receive no compensation for services rendered by them  
18 as members of the Board, but they shall be reimbursed for all necessary and proper  
19 expenses incurred in the discharge of their duties.]

20 [(e) *Staff.*]

21 [The Board shall appoint such employees, assistants, and investigators and at such  
22 compensation as may be provided in the annual Ordinance of Estimates from time to  
23 time.]

24 **§ 22-3. Rules and regulations.**

25 (a) [*Board may*] DEPARTMENT SHALL *adopt*.

26 Subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General  
27 Provisions Article, the [Board] DEPARTMENT is authorized and empowered to promulgate  
28 and adopt rules and regulations to carry out the purpose and intent of this subtitle.

29 (b) *Public hearing and comment.*

30 In accordance with General Provisions Article § 4-301, the [Board] DEPARTMENT must  
31 publish, for public hearing and comment, notice of all rules and regulations proposed for  
32 adoption under this subtitle.

**Council Bill 23-0347**

1 **§ 22-4. License required.**

2 (a) *In general.*

3 (1) It shall be unlawful for any person to engage in a towing service in Baltimore City  
4 without a valid towing license issued by the Director of [Finance] BUSINESS  
5 LICENSING AND COMMUNITY DEVELOPMENT.

6 . . .

7 **§ 22-5. Applications.**

8 (a) *In general.*

9 (1) Applications shall be made on forms furnished by the [Board] DEPARTMENT.

10 (2) With the application, the applicant shall pay a non-refundable application fee of \$100  
11 TO THE DIRECTOR OF FINANCE.

12 . . .

13 (b) *Investigation; qualifications.*

14 (1) Prior to the issuance of a license, the [Board of Licenses for Towing Services]  
15 DEPARTMENT shall determine the qualifications of each applicant to be licensed as  
16 hereinafter provided.

17 (2) The [Board of Licenses for Towing Services] DEPARTMENT shall conduct an  
18 investigation of the applicant for a towing service license.

19 (3) The investigation shall include the following:

20 . . .

21 (v) proof that the applicant has complied with any other rule or regulation  
22 provided in this subtitle or, subject to Title 4 {"Administrative Procedure Act  
23 – Regulations"} of the City General Provisions Article, adopted by the  
24 [Board] DEPARTMENT; and

25 . . .

26 (c) *Designated agent.*

27 (2) The Board must be notified within 10 days of any change in the designated agent.

28 **§ 22-6. Issuance; fees.**

29 (a) *In general.*

30 On approval by the [Board] DEPARTMENT of a license application and payment of the  
31 applicable license fee TO THE DIRECTOR OF FINANCE, the Director of [Finance] BUSINESS  
32 LICENSING AND CONSUMER PROTECTION shall issue the license.



**Council Bill 23-0347**

1 **§ 22-8. Charges.**

2 (a) *Schedule to be filed.*

3 (1) Every person engaged in providing towing services shall, at the time of application for  
4 a license, file with the [Board] DEPARTMENT a schedule setting forth the applicant's  
5 proposed charges for towing and for any services incident to towing.  
6 . . .

7 (c) *Changes.*

8 These charges shall not be changed without filing with the [Board] DEPARTMENT an  
9 amended schedule showing the charges proposed.

10 **§ 22-9. Surety bond; liability insurance.**

11 (a) *Bond required.*

12 (1) Every person who shall be licensed in the towing business under the provisions of this  
13 subtitle shall file with the [Board of Licenses for Towing Services] DEPARTMENT OF  
14 BUSINESS LICENSING AND CONSUMER PROTECTION a bond in the amount of \$20,000  
15 to save harmless the owner of any motor vehicle for any property damage occurring  
16 thereto during the time that it is in the possession of the person engaged in providing  
17 towing services.

18 **§ 22-10. Records and receipts.**

19 (d) *Inspection of records and vehicles.*

20 Each towing service licensed under the provisions of this subtitle:

21 (1) shall make available in a reasonable time and manner, for inspection by the  
22 [Board] DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION or  
23 the Police Department, its records kept in the ordinary course of business pursuant  
24 to this subtitle; and  
25 . . .

26 **§ 22-11. Storage facilities.**

27 (a) *In general.*

28 The motor vehicle shall be moved to the licensee's storage or repair facility customarily  
29 used by the person undertaking the towing or removal as designated in the license issued  
30 by Director of [Finance] OF BUSINESS LICENSING AND CONSUMER PROTECTION, unless  
31 directed otherwise by:  
32 . . .

**Council Bill 23-0347**

**§ 22-13. Prohibited acts.**

(h) *Delay in delivery to storage facility.*

It shall be unlawful for any towing service or tow truck operator to fail to immediately deliver any vehicle towed under this subtitle to its customarily used storage facility as provided for in the license issued by the Director of [Finance] BUSINESS LICENSING AND CONSUMER PROTECTION.

**§ 22-14. Denial, revocation, suspension, refusal to renew.**

(b) *Grounds for sanctions.*

The [Board] DEPARTMENT is authorized to deny, suspend, revoke, or refuse to renew any license under this subtitle if:

(1) the applicant or licensee furnished or made misleading or false statements on reports, certifications, or written documents that are required by this subtitle or that are otherwise submitted or caused by the applicant or licensee to be submitted to the [Board] DEPARTMENT ;  
...

(6) the licensee has failed to make available for inspection by the [Board] DEPARTMENT or the Police Department the daily towing log required by § 22-10(d) of this subtitle;  
...

(8) within a 6-month period, the [Board] DEPARTMENT has received 5 or more individual complaints of unfair or deceptive trade practices against a given applicant or licensee; or  
...

(c) *Term of sanction.*

(1) The [Board] DEPARTMENT may deny, suspend, revoke, or refuse any license issued under this subtitle for a period of time determined by the [Board] DEPARTMENT to be just and reasonable in relation to the severity of the violation found to exist under subsection (b) of this section.

(2) If a license has been denied, revoked, or not renewed, the applicant shall not be eligible to apply for another license for a period of 12 months after the date on which the [Board] DEPARTMENT rendered a denial, revocation, or refusal to renew decision.

**§ 22-15. Notice and hearing.**

(a) *Hearing required.*

No license shall be denied, suspended, revoked, or not renewed hereunder without the Board of BUSINESS LICENSING AND CONSUMER PROTECTION first affording the licensee an opportunity for a hearing.

**Council Bill 23-0347**

1 (b) *Notice.*

2 (1) At least 15 calendar days prior to the date set for the hearing, the Board OF BUSINESS  
3 LICENSING AND CONSUMER PROTECTION shall:

4 . . .

5 (ii) specify the reason why the Board OF BUSINESS LICENSING AND CONSUMER  
6 PROTECTION proposes to refuse, deny, suspend, revoke, or not renew the  
7 application or license; and

8 . . .

9 (c) *Decision.*

10 Within 10 working days following the hearing, the Board OF BUSINESS LICENSING AND  
11 CONSUMER PROTECTION shall render a decision and the reasons therefor in writing and  
12 shall forward a copy of the same to all parties by certified or registered mail.

13 **§ 22-16. Judicial and appellate review.**

14 (a) *Judicial review.*

15 A person aggrieved by a decision of the Board OF BUSINESS LICENSING AND CONSUMER  
16 PROTECTION under this subtitle may seek judicial review of the decision by petition to the  
17 Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

18 **§ 22-17. Enforcement.**

19 (a) *In general.*

20 The [Board] DEPARTMENT is hereby authorized to institute or cause to be instituted any  
21 and all legal or equitable actions or proceedings of any kind which may be necessary to  
22 enforce any and all provisions of this subtitle.

23 (b) *Criminal proceedings not bar to other actions.*

24 Nothing contained in this subtitle shall be construed to prevent the [Board] DEPARTMENT  
25 from instituting, causing to be instituted, or fully prosecuting any and all legal or  
26 equitable actions or proceedings of any kind necessary to compel compliance with any  
27 and all provisions of this subtitle, even though criminal proceedings may be pending or  
28 may have been completed.

29 **§ 22-18. Penalties.**

30 (a) *In general.*

31 Any person or his agent violating any provision of this subtitle or any rule or regulation  
32 promulgated by the [Board] DEPARTMENT to effectuate the provisions of this subtitle,  
33 shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of  
34 not less than \$50 nor more than \$500 or imprisonment for not more than 60 days, or both.

**Council Bill 23-0347**

**Article 19. Police Ordinances**

**Subtitle 71. Special Enforcement Officers**

**§ 71-14. Appointment; duties.**

(a) *Agency certification; appointment.*

The following officials shall from time to time certify to the Police Commissioner the names of employees of their respective departments for appointment by the Police Commissioner as Special Enforcement Officers:

(1) Commissioner of Health.

(2) Chief of the Fire Department.

(3) Director of Public Works.

(4) Commissioner of Housing and Community Development.

(5) Director of Recreation and Parks.

(6) Director of Transportation.

(7) DIRECTOR OF THE DEPARTMENT OF BUSINESS LICENSING AND CONSUMER PROTECTION.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 90<sup>th</sup> day after the date it is enacted.