
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

January 31, 2025

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

Re: City Council Bill 25-0001 – Department of Consumer Protection and Business Licensing

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0001 for form and legal sufficiency. The bill would establish a City Department of Business Licensing and Consumer Protection. It is the current iteration of Council Bill 23-0347 from the last City Council term. For the reasons discussed in that prior bill report, the creation of such a department is within the City's powers. In addition to what was previously in Council Bill 23-0347, this bill adds enforcement for the existing Street Vendor provisions in Subtitle 17 of Article 15 of the City Code to the duties of the Department of Business Licensing and Consumer Protection.

This bill also creates three new \$1,000 penalties: for operating a business without a license as required by another City Code provision, for operating a business with the wrong license as required by another City Code provision and failing to follow the terms of a business license as required by another City Code provision. The problem with these additional penalties is that they are punishing a violation of an existing City Code provision, which in most cases already has a penalty. This results in two penalties for one code provision. For example, Section 1-12(b) of Article 2 of the City Code provides that any violation of the subtitle on auctioneers that does not have an enumerated penalty is subject to a fine of \$250 for the first offense and \$500 for all subsequent offenses. City Code, Art. 2, § 1-12(b)(1). Adding any of the \$1,000 penalties proposed in this Bill's Section 42-30 to those already authorized would bring the monetary penalty for the same violation of the original code requirements above the \$1,000 limit that the General Assembly has set "for the violation of any ordinance, rule or regulations established by the City." City Charter, Art. II, § (48). Thus, this bill must be amended to remedy this problem for any license provision that already has penalties. One way to accomplish this would be to substitute these penalties for the ones already in the City Code for each respective license by changing the wording in line 24 on page 13 to "In lieu of" from "In addition to." Alternatively, the penalties for the violations of each of the licensing provisions that will be monitored by this new City Department of Business Licensing and Consumer Protection could be changed to be \$1,000. The latter approach may provide a clearer picture to residents of the penalties for failing to operate without properly heeding the City's licensing requirements.

The Law Department's report on Council Bill 23-0347 suggested several amendments, most of which are now incorporated into this bill. However, as noted for the prior bill, this bill

should either be amended to provide more detail as to what is meant by inspections or to delete the concept because there is no further reference to or explanation of the Department's "inspecting" authority and it appears no different from the Department's broad investigation and enforcement authority.

As noted in the Law Department's report on the prior bill, State law gives the Board of Liquor License Commissioners the power "to enforce the laws and regulations of the City that govern adult entertainment business licenses." Md. Code, Alc. Bev., § 12-2102. Therefore, this bill needs to be amended to remove Adult Entertainment enforcement from the kinds of licenses that can be revoked in Section 46-11(a)(1) by deleting line 15 on page 59 of the bill.

Finally, the definition of "complaint" in lines 5 through 8 on page 4 should align with the use of that word in the rest of the bill. The suggested amendment would be to delete the words after "means" in Section 42-1(D) and change the definition to "the written complaint in Sections 42-26(A) and (B) of this subtitle."

Subject to these amendments, which are also detailed in the attachment to this report, the Law Department can approve this bill for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Ebony M. Thompson, City Solicitor
Ty'lor Schnell, Mayor's Office of Government Relations
Ashlea Brown, Chief Solicitor
Michelle Toth, Assistant Solicitor
Desiree Lucky, Assistant Solicitor

LAW DEPARTMENT PROPOSED AMENDMENTS TO COUNCIL BILL 25-0001
(1st Reader Copy)

Amendment No. 1 (avoid duplication of fines for violation of same ordinance)

On page 13 in line 24 delete “IN ADDITION TO” and substitute “IN LIEU OF”.

Amendment No. 2 (delete “inspections” as duplicative of investigatory authority)

On page 5, in line 1, delete “MAKE EFFICIENT INSPECTIONS OF CITY BUSINESSES TO”.

Amendment No. 3 (remove Adult Entertainment License enforcement)

On page 59, delete line 15; and on that same page in lines 16 and 17 renumber (2) and (3) to (1) and (2), respectively.

Amendment No. 4 (conform definition of Complaint)

On page 4, in line 5 delete everything after the word “MEANS” through line 8 on that page and substitute “THE WRITTEN COMPLAINTS DESCRIBED IN SECTIONS 42-26 (A) AND (B) OF THIS SUBTITLE.”