



Legislation Details (With Text)

File #: 23-0422 **Version:** 0 **Name:** Public Nuisances - Modifications
Type: Ordinance **Status:** In Committee
File created: 8/21/2023 **In control:** Public Safety and Government Operations
On agenda: **Final action:**
Enactment date: **Enactment #:**

Title: Public Nuisances - Modifications
For the purpose of requiring certain people be notified of a hearing regarding a public nuisance; removing prostitution from the definition of public notice; altering certain penalties; and generally relating to abating public nuisance premises.

Sponsors: Kristerfer Burnett, Odette Ramos, Phylicia Porter

Indexes: Modifications, Public Nuisance

Code sections:

Attachments: 1. 23-0422~1st Reader, 2. Law 23-0422

Date	Ver.	Action By	Action	Result
8/24/2023	0	Baltimore City Council	Refer to States' Attorney's Office	
8/24/2023	0	Baltimore City Council	Refer to Dept. of Housing and Community Development	
8/24/2023	0	Baltimore City Council	Refer to City Solicitor	
8/24/2023	0	Baltimore City Council	Refer to Police Department	
8/24/2023	0	Baltimore City Council	Refer to Mayor's Office of Criminal Justice	
8/21/2023	0	Baltimore City Council	Assigned	
8/21/2023	0	Baltimore City Council	Introduced	

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

**City of Baltimore
Council Bill**

Introduced by: Councilmembers Burnett, Ramos, and Porter

A Bill Entitled

An Ordinance concerning

Public Nuisances - Modifications

For the purpose of requiring certain people be notified of a hearing regarding a public nuisance; removing prostitution from the definition of public notice; altering certain penalties; and generally relating to abating public nuisance premises.

By repealing and re-ordaining, with amendments

Article 19 - Police Ordinances
Sections 43-1, 43-4, and 43-12
Baltimore City Code
(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 19. Police Ordinances

Subtitle 43. Public Nuisances

§ 43-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

[(b) *Assignment.*]

["Assignment" means an appointment or engagement for prostitution or any act in furtherance of the appointment or engagement.]

(b) [(c)] *Commissioner.*

"Commissioner" means the Police Commissioner of Baltimore City or the Commissioner's designee.

(c) [(d)] *Controlled dangerous substance.*

"Controlled dangerous substance" means a substance listed in Schedule I or Schedule II under State Criminal Law Article § 5-402 or § 5-403.

(d) [(e)] *Controlled paraphernalia.*

"Controlled paraphernalia" has the meaning stated in State Criminal Law Article § 5-101.

(e) [(f)] *Crime of violence.*

"Crime of violence" has the meaning stated in State Criminal Law Article § 14-101.

(f) [(g)] *Operator.*

"Operator" means any person who has charge, care, or control of a premises or structure.

(g) [(h)] *Owner.*

"Owner" means the person in whose name a premises is recorded in the Land Records of Baltimore City.

(h) [(i)] *Premises.*

“Premises” means all or any part of any land, building, or other structure.

(j) *Prostitution.*

[“Prostitution” means the performance of a sexual act, sexual contact, or vaginal intercourse, as these terms are defined in State Criminal Law Article § 3-301, for hire.]

(i) [(k)] *Public nuisance.*

(1) “Public nuisance” means any premises that, on 2 or more separate occasions within a 24-month period, were used:

[(i) for prostitution, lewdness, or assignation;]

[(ii) for illegal adult entertainment;]

(i) [(iii)] by persons who assemble for the specific purpose of illegally administering a controlled dangerous substance;

(ii) [(iv)] for the illegal manufacture or distribution of:

(A) a controlled dangerous substance; or

(B) controlled paraphernalia;

(iii) [(v)] for the illegal storage or concealment of a controlled dangerous substance or controlled paraphernalia in sufficient quantity to reasonably indicate under all the circumstances an intent to manufacture, distribute, or dispense:

(A) a controlled dangerous substance; or

(B) controlled paraphernalia;

(iv) [(vi)] for gambling;

(v) [(vii)] for storage or possession of stolen property;

(vi) [(viii)] for storage or possession of unregistered firearms;

(vii) [(ix)] for furtherance of a crime of violence;

(viii) [(x)] by persons who engage in a crime of violence on or near the premises;
or

(ix) [(xi)] for criminal gang offenses prohibited under State Criminal Law Article 9, Subtitle 8.

(2) Two reports by police officers, written in the regular course of business, of a premises’ having been used for activities described in paragraph (1) of this subsection are prima facie evidence that the premises are a public nuisance.

(3) “Public nuisance” includes any premises that, within a 6-month period:

- (i) has been issued 2 or more environmental citations under City Code Article 23 § 2-1 {“Mixed Refuse Handling and Collection: Receptacles”};
- (ii) has been issued 2 or more environmental citations under City Code Article 23 § 2-2 {“Mixed Refuse Handling and Collection: Handling”}; or
- (iii) has been issued 2 or more environmental citations under Title 5, Subtitle 7 of the Health Code of Baltimore City {“Weeds”}.

§ 43-4. Notice and opportunity for hearing.

(a) *In general.*

Before issuing an order under this subtitle, the Commissioner shall give notice and an opportunity for a hearing to the owner and any operator of the premises and to any commercial tenant of the premises.

(b) *Contents of notice.*

The notice shall state:

- (1) the date, place, and time of the hearing;
- (2) the right of the persons receiving the notice to be heard and to be represented at the hearing; and
- (3) the possible consequences of failure to appear, including the possible issuance of a default order directing the premises to be closed.

(c) *Service and posting of notice.*

(1) The notice shall be given by personal service or by certified or registered mail to the owner, operator, and commercial tenant, as their names and addresses:

- (i) are recorded in the Land Records of Baltimore City;
- (ii) appear in the registration statement filed under City Code Article 13, Subtitle 4 {“Registration of Non-Owner-Occupied Dwellings, etc.”}; or
- (iii) are otherwise known or readily ascertainable.

(2) In addition, the notice shall be posted on the premises.

(3) To the extent practicable, a copy of the notice shall be sent to:

- (i) the member of the City Council who represents the district in which the premises is located;
- (ii) the community association for the neighborhood in which the premises is located; and
- (iii) the Department of Planning, who shall record the information on CodeMap or its successor system.

§ 43-12. Penalties.

(a) *In general.*

Any person who violates a provision of § 43-11 is guilty of a misdemeanor and, on conviction, is subject to the following penalties:

- (1) for a violation of § 43-11(a) {"Prohibited conduct: Destruction, etc., of posted order"}, the offender is subject to a fine of not more than [500] \$1,000; and
- (2) for a violation of § 43-11(b) {"Prohibited conduct: Failure to obey order"}, the offender is subject to a fine of not more than [500] \$1,000 or to imprisonment for not more than 90 days or to both fine and imprisonment.

(b) *Each day a separate offense.*

Each day a violation continues is a separate offense.

Section 2. And be it further ordained, That this Ordinance takes effect on the 30th day after the date it is enacted.