



Legislation Text

File #: 06-0413, Version: 0

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Conaway

A BILL ENTITLED

AN ORDINANCE concerning
Unsolicited Political Campaign Circulars -Unsolicited Placement on Vehicles or Residential Property

FOR the purpose of prohibiting the placement, without permission, of political campaign circulars in or on vehicles or residential property; defining certain terms; imposing certain penalties; correcting, clarifying, and conforming certain language; and generally relating to the distribution of political campaign circulars.

BY repealing and reordaining, with amendments

Article 19 - Police Ordinance

Section(s) 1-1 and 1-2, to be under the amended subtitle designation

"Subtitle 1. Advertising and Political Campaign Circulars"

Baltimore City Code

(As amended by Ord. 06-___ (Bill 05-082))

BY repealing and reordaining, without amendments

Article 19 - Police Ordinance

Section(s) 1-3 and 1-4

Baltimore City Code

(As amended by Ord. 06-___ (Bill 05-082))

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies

Section(s) 40-14(e)(3)(§ 1-2) and 41-14(2)(§ 1-2)

Baltimore City Code

(As amended by Ord. 06-___ (Bill 05-082))

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 1. Advertising OR POLITICAL CAMPAIGN Circulars

§ 1-1. Definitions.

(a) In general.

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

(b) Advertising circular.

"Advertising circular" means any printed or written circular, notice, or other item the predominate purpose of which is:

- (1) to advertise one or more products, services, or other things for sale, lease, or trade;
- (2) to direct attention to one or more businesses, commodities, services, events, or other activities for which a fee is charged or solicited; or
- (3) otherwise to promote activity of a business or commercial nature.

(c) Person.

(1) In general.

"Person" means, except as specified in paragraph (2) of this subsection:

- (i) any individual; and
- (ii) any partnership, firm, association, corporation, or other entity of any kind.

(2) Exclusions.

"Person" does not include a governmental entity or an instrumentality or unit of a governmental entity.

(D) POLITICAL CAMPAIGN CIRCULAR.

"POLITICAL CAMPAIGN CIRCULAR" MEANS ANY PRINTED OR WRITTEN CIRCULAR, NOTICE, OR OTHER ITEM THAT ENDORSES OR ANNOUNCES 1 OR MORE CANDIDATES SEEKING ELECTED PUBLIC OFFICE.

(E) [(d)] Vehicle.

"Vehicle" means:

- (1) any self-propelled vehicle; and

(2) any other vehicle required to be registered under the laws of this State.

§ 1-2. Placement prohibited without permission.

A person may not affix or place any advertising circular OR POLITICAL CAMPAIGN CIRCULAR:

- (1) in or on any vehicle in the City, except with the express permission of the owner or operator of the vehicle;
or
- (2) in or on any residential property in the City (whether in or on a fence, railing, door, porch, lawn, sidewalk, or otherwise), except:
 - (i) with the express permission of the owner or occupant of that property; or
 - (ii) by placing the [advertising] circular into a door slot or a nonlockable bin consistent with federal law.

§ 1-3. Enforcement by citation.

(a) In general.

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of:

- (1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or
- (2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) Process not exclusive.

The issuance of a citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

§ 1-4. Penalties.

(a) In general.

Any person who violates a provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$100 for each offense.

(b) Each circular a separate offense.

Each circular affixed or placed in violation of this subtitle constitutes a separate offense.

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(3) Article 19. Police Ordinances

§ 1-2. Placement {of [advertising] circulars} without permission \$ 50

Subtitle 41. Civil Citations

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

(2) Article 19. Police Ordinances

§ 1-2. Placement {of [advertising] circulars} without permission \$ 50

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

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

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