



## Legislation Details (With Text)

**File #:** 23-0347      **Version:** 0      **Name:** Department of Business Licensing and Consumer Protection

**Type:** Ordinance      **Status:** In Committee

**File created:** 2/6/2023      **In control:** Rules and Legislative Oversight

**On agenda:**      **Final action:**

**Enactment date:**      **Enactment #:**

**Title:** Department of Business Licensing and Consumer Protection  
 For the purpose of creating the Department of Business Licensing and Consumer Protection as an independent City agency; providing for the leadership and staffing of the Department; establishing the Department's purpose, powers, and duties; creating the Commission on Business Licensing and Consumer Protection; providing for the membership of the Commission; establishing the purpose, powers, and duties of the Commission; transferring the administration of certain business licenses to the Department; repealing certain obsolete Boards; providing for a special effective date; and generally relating to business licensing and consumer protection.

**Sponsors:** Ryan Dorsey, Kristerfer Burnett, Zeke Cohen, Odette Ramos, John T. Bullock, Phylcia Porter, Mark Conway, James Torrence

**Indexes:** Business, Licensing, Protection

**Code sections:**

**Attachments:** 1. 23-0347~1st Reader, 2. ETHICS 23-0347, 3. BCHD 23-0347, 4. BCFD 23-0347, 5. DPW\_CCB 23-0347, 6. LAW 23-0347, 7. BCRP 23-0347, 8. 23-0347 ECB, 9. DHCD 23-0347, 10. BCIT 23-0347, 11. DOT 23-0347, 12. PRP Letter in Support of Proposed Baltimore UDAP Ordinance, 13. Economic Action Maryland Testimony Baltimore City Office of Business Licensing & Consumer Protection, 14. Finance 23-0347 (1)

Date	Ver.	Action By	Action	Result
7/17/2023	0	Rules and Legislative Oversight	Scheduled for a Public Hearing	
2/9/2023	0	Baltimore City Council	Refer to Board of Ethics	
2/9/2023	0	Baltimore City Council	Refer to Dept. of Health	
2/9/2023	0	Baltimore City Council	Refer to Fire Department	
2/9/2023	0	Baltimore City Council	Refer to Dept. of Public Works	
2/9/2023	0	Baltimore City Council	Refer to Dept. of Housing and Community Development	
2/9/2023	0	Baltimore City Council	Refer to Dept. of Transportation	
2/9/2023	0	Baltimore City Council	Refer to Dept. of Finance	
2/9/2023	0	Baltimore City Council	Refer to City Solicitor	
2/9/2023	0	Baltimore City Council	Refer to Mayor's Office of Information Technology	
2/9/2023	0	Baltimore City Council	Refer to Environmental Control Board	
2/9/2023	0	Baltimore City Council	Refer to Dept. of Recreation and Parks	
2/6/2023	0	Baltimore City Council	Assigned	
2/6/2023	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 Dorsey and Burnett

#### A Bill Entitled

An Ordinance concerning

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

For the purpose of creating the Department of Business Licensing and Consumer Protection as an independent City agency; providing for the leadership and staffing of the Department; establishing the Department's purpose, powers, and duties; creating the Commission on Business Licensing and Consumer Protection; providing for the membership of the Commission; establishing the purpose, powers, and duties of the Commission; transferring the administration of certain business licenses to the Department; repealing certain obsolete Boards; providing for a special effective date; and generally relating to business licensing and consumer protection.

By repealing and re-ordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies  
Section 41-14(.25)  
Baltimore City Code  
(Edition 2000)

By adding

Article 1 - Mayor, City Council, and Municipal Agencies  
Sections 42-1 to 42-41 to be under the new subtitle designation,  
"Subtitle 42. Department of Business Licensing and Consumer Protection"  
Baltimore City Code  
(Edition 2000)

By repealing

Article 2 - Consumer Protections  
Sections 2-1 and 2-2  
Baltimore City Code  
(Edition 2000)

By repealing and re-ordaining, with amendments

Article 2 - Consumer Protections  
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), 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), 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), 12-8(a), 12-12, 12-13(a), and 12-15  
Baltimore City Code  
(Edition 2000)

By adding

Article 2 - Consumer Protections  
Sections 4-3 and 4-4

Baltimore City Code  
(Edition 2000)

By repealing and re-ordaining, with amendments

Article 8 - Ethics  
Section 7-8  
Baltimore City Code  
(Edition 2000)

By repealing and re-ordaining, with amendments

Article 13 - Housing and Urban Renewal  
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  
Baltimore City Code  
(Edition 2000)

By repealing and re-ordaining, with amendments

Article 15 - Licensing and Regulation  
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),  
(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),  
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),  
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,  
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,  
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),  
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),  
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),  
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),  
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 22-18(a)  
Baltimore City Code  
(Edition 2000)

By repealing

Article 15 - Licensing and Regulation  
Sections 15-4 to 15-6 and 22-2  
Baltimore City Code  
(Edition 2000)

By repealing and re-ordaining, with amendments

Article 19 - Police Ordinances  
Section 71-14(a)  
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 1. Mayor, City Council, and Municipal Agencies**

#### **Subtitle 41. Civil Citations**

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

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

Subtitle 42. Unfair, abusive, or deceptive trade practices	\$1000
Subtitle 16. Ticket Sales - Charges by Operators and Agents	\$750
...	

**Subtitle 42. Department of Business Licensing and Consumer Protection**

***Part I. Department Established***

**§ 42-1. Definitions.**

(a) *In general.*

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

(b) *Board.*

“Board” means the Baltimore City Business Licensing and Consumer Protection Board.

(c) *Business.*

“Business” means any person engaged in an enterprise for profit that operates in Baltimore City.

(d) *Complaint.*

“Complaint” means a written statement submitted to or issued by the Department alleging that a business is committing or has committed 1 or more of the acts described under § 42-28(a) {“Investigation procedures: Initiation of investigation”}.

(e) *Department.*

“Department” means the Baltimore City Department of Business Licensing and Consumer Protection.

(f) *Director.*

“Director” means the Director of the Baltimore City Department of Business Licensing and Consumer Protection.

(g) *Respondent.*

“Respondent” means a business that is the subject of a complaint under this subtitle.

(h) *Unfair, abusive, or deceptive trade practices.*

“Unfair, abusive, or deceptive trade practices” has the meaning stated in § 13-301 of the State Commercial Law Article.

**§ 42-2. Department established.**

There is a Baltimore City Department of Business Licensing and Consumer Protection.

**§ 42-3. Purpose.**

The purpose of the Department is:

- (1) to centralize the administration of City business licenses, permits, and practices specified in subsection §42-16 of this subtitle;
- (2) to make efficient inspections of City businesses;
- (3) to ensure City businesses are properly licensed and operating in accordance with City law;
- (4) to conduct administrative hearings on contested business licensing enforcement actions;
- (5) to investigate claims of unfair, abusive, or deceptive trade practices; and
- (6) to enforce business licensing and consumer protection provisions of the City Code.

#### § 42-4. Powers.

The Department may:

- (1) administer, oversee, and enforce City business licenses, permits, and practices, including business processes and related licenses created by the subtitles specified in § 42-9 {"Business practices under oversight of the Department - Listing"} of this subtitle;
- (2) receive complaints and take action to investigate complaints of unfair, abusive, or deceptive trade practices against consumers under City Code Article 2, Subtitle 4 {"Unfair, abusive, or deceptive trade practices"};
- (3) set licensing fees, with the approval of the Board of Estimates;
- (4) bring enforcement actions against a business for violating City law, including initiating a hearing before the Business Licensing and Consumer Protection Board;
- (5) issue summonses and subpoenas during an investigation under this subtitle;
- (6) issue environmental citations, as described under subtitle 40 of this article;
- (7) issue civil citations, as described under subtitle 41 of this article;
- (8) report to any appropriate government agency with jurisdiction any information concerning violation of any consumer protection law; and
- (9) advise the Mayor and City Council on issues relevant to City business licensing and consumer protection.

#### § 42-5. Director of the Department.

(a) *In general.*

The Director is responsible for the administration and oversight of the Department.

(b) *Appointment.*

The Director is appointed by the Mayor in accordance with Article IV, § 6 of the City Charter.

(c) *Salary.*

The Director shall receive such salary as may be provided for in the Ordinance of Estimates.

**§ 42-6. Staff and budget.**

(a) *Staff.*

The Department may employ staff in accordance with the Ordinance of Estimates.

(b) *Budget.*

The Department may expend funds authorized in the Ordinance of Estimates or any supplemental appropriations.

**§ 42-7. Rules and regulations.**

Subject to Title 4 {“Administrative Procedure Act - Regulations”} of the City General Provisions Article, the Director must adopt rules and regulations to carry out this subtitle.

**§ 42-8. Annual report.**

On or before June 30 of each year, the Department must submit an annual report for the previous calendar year to the Mayor and City Council that details:

- (1) the activities of the Department;
- (2) complaints received by the Department, including the following information:
  - (i) number of complaints filed and investigated by the Department;
  - (ii) number of investigations initiated by the Department;
  - (iii) nature of complaints filed with the Department; and
  - (iv) the disposition or resolution of each complaint or investigation;  
and
- (3) recommendations for additional legislation and policy to regulate business licensing and protect consumers.

**§ 42-9. Business practices under oversight of the Department - Listing.**

The Department is responsible for the administration, oversight, and enforcement of the business processes, related licenses, and prohibitions created by the subtitles listed below:

(1) ***Article 2. Consumer Protection***

Subtitle 1. Auctions

Subtitle 4. Unfair, Abusive, or Deceptive Trade Practices

Subtitle 6. “Going Out of Business” Sales  
Subtitle 7. Scrap Collectors and Scavengers

Subtitle 8. Scrap Metal Dealers

Subtitle 10. Motor Fuel Sales

Subtitle 11. Pawnbrokers

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

(2) **Article 13. *Housing and Urban Renewal***

Subtitle 13. Licensing of Peep Show Establishments

(3) **Article 15. *Licensing and Regulation***

Subtitle 1. Adult-Entertainment Business

Subtitle 2. Amusements

Subtitle 3. Amusement Device Location Permits

Subtitle 6. Carriages, Wagons, Boats, and Scows

Subtitle 7. Employment Agencies

Subtitle 9. Late-Night Commercial Operations

Subtitle 11. Massage Establishments

Subtitle 12. Commercial Parking Facilities

Subtitle 13. Special-Event Parking Lots

Subtitle 15. Street Entertainers

Subtitle 17. Street Vendors

Subtitle 18. Itinerant Wholesale Produce Dealers

Subtitle 20. Transient Merchants

Subtitle 22. Towing Services - Trespass Towing

§§ 42-10 to 42-15. *{Reserved}*

***Part II. Business Licensing and Consumer Protection Board***

**§ 42-16. Established.**

There is a Baltimore City Business Licensing and Consumer Protection Board.

**§ 42-17. Composition.**

(a) *In general.*

The Board comprises the following 5 members, appointed by the Mayor in accordance with Article IV, § 6 {"Appointments of municipal officers."} of the Baltimore City Charter:

- (1) 1 member nominated in consultation with the President of the City Council;
- (2) 1 member nominated in consultation with the City Comptroller; and
- (3) 3 members named by the Mayor, at least 2 of whom must be members of the Maryland Bar.

(b) *Qualifications.*

A Board member must:

- (i) be an individual of known personal integrity;
- (ii) possess a recognized knowledge in business licensing or consumer protection; and
- (iii) be a resident of the City of Baltimore.

**§ 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;
- (2) research and recommend new programs and training that could be delivered to consumers and businesses; and
- (3) evaluate current programs and proposed legislation to determine their impact on consumers and businesses.

(c) *Informational hearings and studies.*

As appropriate, the Board may hold informational hearings and undertake surveys and studies to:

- (1) evaluate existing City policies and procedures in regard to business licensing and consumer protection; and
- (2) make recommendations for the improvement of existing policies and procedures to the Director.

(d) *Annual report.*

The Board shall submit an annual report on its activities to the Department to be included in the Department's annual report to the Mayor and City Council, as described in § 42-8 {"Annual report"} of this subtitle.

**§§ 42-20 to 42-25. {Reserved}**

***Part III. Departmental Procedures***

***Upon Receipt or Issuance of Complaint***

**§ 42-26. Commencement of action.**

(a) *On complaint of other.*

- (1) Any person may file a written complaint with the Department alleging that a business is committing or has committed 1 or more of the acts described under § 42-28(a) {"Investigation procedures: Initiation of investigation"}.
- (2) A complaint filed under this subsection must be in the form required by the Director.

(b) *On Director's motion.*

The Director may issue a written complaint alleging that a business is committing or has committed 1 or more of the acts described under § 42-28(a) {"Investigation procedures: Initiation of investigation"}.

**§ 42-27. Copy to respondent.**

(a) *In general.*

Upon receipt or issuance of a complaint, the Department must, via regular mail, send a copy of the complaint to the business named in the complaint, who shall be the respondent.

(b) *Confidentiality.*

For a complaint filed under § 42-26(a) {"Commencement of action: On complaint of other"} of this subtitle, the Director must redact from the copy sent to the respondent:

- (1) the complainant's name; and
- (2) to the fullest extent possible, any other information that might identify the complainant.

**§ 42-28. Investigation procedures.**

(a) *Initiation of investigation.*

The Department shall investigate a complaint alleging that a business is:

- (1) operating without a license;
- (2) operating with improper licensure;
- (3) violating the terms of a business license; or
- (4) engaging in unfair, abusive, or deceptive trade practices.

(b) *Complaint not within jurisdiction of Department.*

(1) *Dismissal and referral.*

If a complaint is not within the jurisdiction of the Department under subsection (a) of this section, the Department shall dismiss the complaint and, if appropriate, refer the complaint to another entity with jurisdiction over the matter.

(2) *Notification.*

If a complaint is dismissed under this subsection, the Department shall promptly notify the complainant and respondent.

(c) *Investigation.*

(1) *In general.*

Upon receipt or issuance of a complaint, the Department shall promptly investigate the complaint.

(2) *Subpoenas.*

In the course of an investigation, the Department may issue a subpoena to require any person to:

- (i) produce information, documents, reports, records, accounts, or any other evidence related to the allegations in the complaint; and
- (ii) appear under oath to give testimony related to the allegations in the complaint.

(3) *Oaths.*

The Director may administer oaths as permitted under this section.

(4) *Report of findings.*

The Department shall prepare a written report of findings as soon as practicable after the conclusion of the investigation.

**§ 42-29. Director's action upon completed report of findings.**

(a) *Actions.*

If the Director determines that the report of findings contains information tending to substantiate an allegation in the complaint, the director may take 1 or more of the following actions:

- (1) refer the complaint for a hearing before the Board;
- (2) issue a civil citation;
- (3) issue an environmental citation;
- (4) provide the respondent with the opportunity to remedy the behavior at issue in the complaint;
- (5) seek injunctive relief in a court of competent jurisdiction; and
- (6) any other legal or equitable relief or enforcement available under the law.

(b) *Dismissal.*

(1) *In general.*

If the Director determines that the report of findings does not contain information that tends to substantiate an allegation in the complaint, the Director shall dismiss the complaint and, if appropriate, refer the complaint to another entity with jurisdiction over the matter.

(2) *Notification.*

If the Department dismisses a complaint under this subsection, the Director shall promptly notify the complainant and respondent of the dismissal.

**§§ 42-30 to 42-35. {Reserved}**

### *Part IV. Hearing Procedures*

#### **§ 42-36. Hearing procedures.**

(a) *In general.*

If the Director refers a complaint for a hearing before the board under § 42-29 {"Director's action upon completed report of findings"} of this subtitle, the Board must provide the respondent with notice and an opportunity for a hearing before the Board.

(b) *Representation by counsel.*

In any hearing conducted by the Board, the respondent is entitled to be represented by counsel.

(c) *Subpoenas.*

The Board may issue a subpoena to require any person to:

- (1) produce information, documents, reports, records, accounts, or any other evidence; and
- (2) appear under oath to testify.

(d) *Oaths.*

The Chair may administer oaths as permitted under this subtitle.

#### **§ 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
- (6) whether a stop order or restitution would sufficiently protect consumers or the person who made the complaint.

**§ 42-38. Enforcement by Director.**

(a) *Subpoenas.*

If any person does not comply with any subpoena issued under this subtitle, the Director may enforce the subpoena by seeking injunctive or other appropriate relief in a court of competent jurisdiction.

(b) *Civil penalties.*

The Director may bring an action in any court of competent jurisdiction to recover any civil penalty imposed by the Director or the Board.

(c) *Board orders.*

The Director may bring an action in any court of competent jurisdiction to enforce any order, decision, or other enforcement action of the Board.

(d) *Injunctive relief.*

The Director may seek injunctive or other appropriate relief in a court of competent jurisdiction to enforce any provision of law under the Department's jurisdiction.

**§ 42-39. Assistance of City Solicitor and other departments.**

(a) *City Solicitor.*

Upon request, the Office of the City Solicitor shall reasonably assist the Department and Board in carrying out the Department and Board's respective duties under this subtitle, including in any judicial enforcement action.

(b) *Assistance of other City departments.*

The Department and Board may request the assistance of other City departments as necessary to carry

out the Department and Board's respective duties under this subtitle.

**§ 42-40. Judicial review.**

A respondent or other person aggrieved by a final decision of the Board or Director 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.

**§ 42-41. Confidentiality.**

(a) *In general.*

To the extent permitted by the Maryland Public Information Act, after a complaint is filed:

- (1) the proceedings, meetings, and activities of the Department, the Board, and the Department's staff relating to the complaint are confidential; and
- (2) neither the Department, the Board, nor the Department's staff may disclose any information relating to the complaint, including the identity of the complainant or the respondent.

(b) *Permitted disclosures.*

(1) *Identity of respondent.*

The Department may release any information other than the complainant's identity if the respondent has agreed in writing to the release.

(2) *Identity of complainant.*

The Department may disclose the complainant's identity to the respondent if the complainant has agreed in writing to the release.

(c) *Duration.*

To the extent permitted by the Maryland Public Information Act, the confidentiality protections imposed by this section terminate when the Director or Board determines that the respondent or another person has violated any provision of the City Code under the Department's jurisdiction.

## **Article 2. Consumer Protections**

### **Subtitle 1. Auctions**

**§ 1-1. [Auction Advisory Board - created.] *Reserved.***

[(a) *Created.*]

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

[(b) *Member qualifications.*]

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

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

[(c) *Compensation.*]

[Board members shall serve without compensation.]

**§ 1-2. [Auction Advisory Board - duties.] *Reserved.***

[The Auction Advisory Board:]

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

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

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

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

(a) *In general.*

In accordance with the terms of this subtitle, the [Mayor] Director of the Department of Business Licensing and Consumer Protection shall appoint as many auctioneers in the City of Baltimore as [he] the Director may deem proper, not to exceed 50.

(b) *Application.*

Applications for appointment shall be under oath on a form approved by the [Mayor] Director of the Department of Business Licensing and Consumer Protection and shall contain the applicant's qualifications for appointment.

**§ 1-6. Designation of associates.**

Within 30 days of his appointment, and upon any change thereafter, every auctioneer shall deposit with the Director of [Finance] the Office of Business Licensing and Consumer Protection the names of all officers, associates, partners, or employees designated by him to conduct auction sales.

**§ 1-8. Surety bond.**

(b) *Filing.*

Said bond shall be filed in duplicate with the Director of [Finance] the Office of Business Licensing and Consumer Protection, and the duplicate shall be forwarded to the City Comptroller for his signatory approval and returned to the Director.

(c) *Loss of surety.*

(1) In the event the surety leaves the State or becomes insolvent, the Director of [Finance] the Office of Business Licensing and Consumer Protection shall demand a substitute surety.

- (2) If the auctioneer fails to provide other security within 15 days after such demand, the license issued thereupon shall become null and void and the Director of [Finance] the Office of Business Licensing and Consumer Protection shall give notice thereof in 2 or more daily newspapers.

**§ 1-9. License.**

(a) *Fee; term.*

- (1) Upon the receipt of an approved surety bond and of a \$1,600-license fee, the Director of [Finance] the Office of Business Licensing and Consumer Protection shall issue a license to a duly appointed auctioneer for the term of 1 year.

**§ 1-11. License suspension or revocation.**

(a) *In general.*

On timely notice and hearing by the [Auction Advisory] Business Licensing and Consumer Protection Board, and receipt of the Board's recommendation, the [Mayor] Director of the Office of Business Licensing and Consumer Protection may suspend or revoke the license of any auctioneer for any violation of this subtitle for which a civil liability or criminal penalty may be imposed.

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

(d) *Statement by merchant.*

- (1) Not more than 15 nor less than 10 days before commencing any sale, the merchant must file with the Police Commissioner of Baltimore City and the Director of Business Licensing and Consumer Protection a statement setting forth:

...

(e) *Affidavit and report by auctioneer.*

- (1) At least 2 days before the commencement of such sale the auctioneer named in the foregoing statement shall file with said Police Commissioner and the Director of Business Licensing and Consumer Protection an affidavit subscribed and sworn to by him:

...

- (2) Within 10 days after the conclusion of said sale, said auctioneer shall file with said Police Commissioner and the Director of Business Licensing and Consumer Protection a report subscribed by said auctioneer and sworn to by him before a notary public:

...

(g) *Other business prohibited during sale.*

Except in the case of auction sales conducted at the rooms of some duly licensed auctioneer, as set forth in subsection (c) preceding, during the time when and while such auction sale is being conducted, no business other than the jewelry business which had been conducted for the period of 90 days immediately prior to the commencement of said auction sale, shall be conducted or engaged in at and in the place so designated in the statement filed with the Police Commissioner of Baltimore City and the Director of Business Licensing and Consumer Protection.

**Subtitle 4. [False Advertising] Unfair, Abusive, or Deceptive Trade Practices**

**§ 4-1. [Prohibited conduct.] Unfair, abusive, or deceptive trade practices.**

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

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

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

“Unfair, abusive, or deceptive trade practices” has the meaning stated in Title 13 of the State Commercial Law Article.

#### **§ 4-2. [Penalties.] Prohibited conduct.**

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

It is unlawful for any person to engage in unfair, abusive, or deceptive trade practices.

#### **§ 4-3. Civil penalties.**

(a) *In general.*

A person who engages in unfair, abusive, or deceptive trade practices is subject to a civil penalty of not more than \$1,000 for each violation under City Code Article 1, subtitle 41 {“Civil citations”}.

(b) *Each violation a separate offense.*

Each violation of this subtitle is a separate offense and each day upon which a violation occurs is a separate violation.

(c) *Process not exclusive.*

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

#### **§ 4-4. Criminal penalties.**

(a) *In general.*

A person who engages in unfair, abusive, or deceptive trade practices is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1000, imprisonment for not more than 90 days, or both, for each offense.

(b) *Each violation a separate offense.*

Each violation of this subtitle is a separate offense, and each day upon which a violation occurs is a

separate violation.

### Subtitle 6. “Going Out of Business” Sales

#### § 6-1. Definitions.

(e) *Licensor.*

“Licensor” shall mean the Director [of Finance] the Department of Business Licensing and Consumer Protection of Baltimore City.

#### § 6-11. License renewal.

(c) *Renewal fee.*

The fee for this renewal of license shall be \$50 payable to the [licensor] Director of Finance.

### Subtitle 7. Scrap Collectors and Scavengers

#### § 7-3. Rules and regulations.

Subject to Title 4 {“Administrative Procedure Act - Regulations”} of the City General Provisions Article, the Department of Business Licensing and Consumer Protection, in consultation with the Police Commissioner may adopt rules and regulations to carry out this subtitle.

#### § 7-4. Permit or photo ID required.

No individual may remove scrap from any premises in the City, transport scrap through any street or alley in the City, or sell or offer to sell any scrap in the City unless the individual has, on his or her person:

- (1) a permit to do so from the [Police Commissioner] Department of Business Licensing and Consumer Protection; or

...

#### § 7-5. Permits - Application and issuance.

(a) *Application.*

- (1) An application for a permit under this subtitle must:

- (i) be on the form that the [Police Commissioner] Director of the Department of Business Licensing and Consumer Protection provides; and
- (ii) contain the information that the [Police Commissioner] Director of the Department of Business Licensing and Consumer Protection requires.

- (2) The application for an initial license must be made in person, at the places the [Police Commissioner] Director of the Department of Business Licensing and Consumer Protection designates.

...

(b) *Issuance.*

The [Police Commissioner] Director of the Department of Business Licensing and Consumer Protection must issue a permit to the applicant if:

...

- (2) in the [Commissioner's] Director's discretion and judgment, the public health, safety, or security will not suffer by the permit's issuance.

...

#### **§ 7-8. Permits - Refusal or revocation.**

The [Police Commissioner] Director of the Department of Business Licensing and Consumer Protection may refuse to issue a permit and may revoke any permit already issued if:

...

- (2) the [Commissioner] Director finds that:

...

#### **§ 7-9. Operations.**

- (b) *Hours - Special permissions.*

On application by a scrap collector or scavenger, the [Police Commissioner] Director of the Department of Business Licensing and Consumer Protection may authorize additional or alternative hours if:

- (2) the [Police Commissioner] Director of the Department of Business Licensing and Consumer Protection finds that the restrictions imposed by this section would be a health or safety hazard or create an unjust hardship.

### **Subtitle 8. Scrap Metal Dealers.**

#### **§ 8-2. Rules and regulations.**

Subject to Title 4 {"Administrative Procedure Act - Regulations"} of the City General Provisions Article, the [Police Commissioner] Department of Business Licensing and Consumer Protection may adopt rules and regulations to carry out this subtitle.

#### **§ 8-6. License required.**

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

...

- (2) has then obtained from the [Police Commissioner] Department of Business Licensing and Consumer Protection a City license under this Subtitle 8 {"Scrap Metal Dealers"}.

#### **§ 8-7. Applications.**

The application for a license shall:

- (1) be made in the form and contain the information that the [Police Commissioner] Director of the Department of Business Licensing and Consumer Protection requires; and

...

#### **§ 8-8. Fees.**

(a) *Amount.*

The application fee and annual license fee for each place of business are as set by the [Police Commissioner] Department of Business Licensing and Consumer Protection, with the approval of the Board of Estimates.

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

The [Police Commissioner] Director of the Department of Business Licensing and Consumer Protection may deny, suspend, revoke, or refuse to renew a license if, after giving the applicant or licensee notice and an opportunity to be heard, the [Police Commissioner] Director of the Department of Business Licensing and Consumer Protection finds that the applicant or licensee:

...

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

(a) *Judicial review.*

A person aggrieved by a decision of the [Police Commissioner] Department of Business Licensing and Consumer Protection under § 8-11 {"Denial, suspension, etc., of license"} of 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.

**Subtitle 10. Motor Fuel Sales**

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

(a) *In general.*

No retail dealer shall engage in the business of selling motor fuel at retail without first procuring from the Director [of Finance] the Department of Business Licensing and Consumer Protection a license for each station, store, garage or other establishment at which his said business is to be conducted.

(b) *Issuance; term.*

Licenses issued under this section:

- (1) shall be issued upon written application to the Director [of Finance] the Department of Business Licensing and Consumer Protection;

...

**§ 10-8. Penalties.**

(a) *In general.*

...

- (2) Upon the 2<sup>nd</sup> conviction of any licensee or any such violation, whether by himself or by his agent or servant, the Director of [Finance] the Department of Business Licensing and Consumer Protection may suspend the right of such licensee to engage in the business of selling motor fuel at retail for a period not exceeding 3 months.
- (3) Upon a 3<sup>rd</sup> or subsequent conviction of any license of any such violation, whether by himself or by his agent or servant, the Director of [Finance] the Department of Business Licensing and Consumer

Protection may suspend such right for a period not exceeding 1 year.

### **Subtitle 11. Pawnbrokers**

#### **§ 11-2. Licenses.**

(b) *Issuance.*

After May 18, 1994, the Director of [Finance] the Department of Business Licensing and Consumer Protection of Baltimore is hereby authorized to transfer licenses under the corporate seal, to such person, firm, or corporation as shall produce to him satisfactory evidence of his, her, their, or its good character, to exercise or carry on the house or business of pawnbrokers, which licenses shall designate the house in which such person, firm, or corporation shall respectively be licensed to carry on the said trade or business.

(d) *Renewals.*

The license granted as aforesaid may be renewed on application to the Director of [Finance] the Department of Business Licensing and Consumer Protection each and every year on payment of the same sum.

#### **§ 11-3. License required.**

(a) *In general.*

...

(2) The Director of [Finance] the Department of Business Licensing and Consumer Protection shall endorse on said license the house to which the party shall have removed.

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

(a) *In general.*

(1) Each pawnbroker shall submit to the Police Commissioner and the Director of the Department of Business Licensing and Consumer Protection a daily report of all articles taken on pledge.

(2) The pawnbroker shall forward the daily report to the Police Department and the Department of Business Licensing and Consumer Protection, as provided in § 11-7 of this subtitle.

#### **§ 11-7. Filing with police and Department.**

(a) *How.*

A pawnbroker shall submit each daily report to the Police Department and the Department of Business Licensing and Consumer Protection in the following formats:

...

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

(a) *Dealer to allow inspection.*

A pawnbroker shall allow an authorized law enforcement officer or a special enforcement officer as

defined in City Code Article 19 § 71-14 {"Appointment; duties"} on request to enter the place of business or storage premises of the dealer during business hours to inspect a record of transactions and/or items as part of an investigation of stolen property.

**§ 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.

...

**§ 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.

**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:

(3) obtains a license from the [*Commissioner*] Director for the operation of the establishment, and  
...

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

The [*Commissioner*] Director must investigate each applicant for a new or renewal license to determine that:  
...

**§ 13-6. Issuance of license.**

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

**§ 13-7. Denial of license.**

(a) *In general*.

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

(b) *Notice of reasons.*

The [Commissioner] Director must notify the applicant in writing of the reasons for the denial.

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

(a) *In general.*

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

...

(b) *Notice of decision.*

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

...

**§ 13-9. Hearings.**

(a) *In general.*

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

**§ 13-11. Device permit tags.**

(a) *In general.*

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

...

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

**§ 13-16. Enforcement.**

In addition to any other remedy provided in this subtitle or otherwise by law, this subtitle may be enforced by the [Commissioner of Housing and Community Development] Director of Business Licensing and Consumer Protection in the manner provided in [§ 104 {"Duties and powers of Building Official"} of the Baltimore City Building Code] Baltimore City Code Article 1 Subtitle 42.

**Article 15. Licensing and Regulation**

**Subtitle 1. Adult Entertainment Businesses**

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

**§ 1-1. Definitions.**

(d) *[Board] Department.*

["Board"] "Department" means the [Board of Liquor License Commissioners] Department of Business Licensing and Consumer Protection for Baltimore City.

### § 1-3. Rules and regulations.

(a) *Board may adopt.*

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

(b) *Public hearing and comment.*

In accordance with General Provisions Article § 4-301:

- (1) the [Board] Department must publish, for public hearing and comment, notice of all rules, regulations, and forms proposed for adoption under this subtitle; and

...

(c) *Effective date.*

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

### *Part 2. Licensing*

### § 1-8. Applications - In general.

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

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

(b) *Form.*

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

### § 1-9. Applications - responsible party.

(b) *Information and determination.*

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

### § 1-10. Investigation of applicants.

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

### § 1-11. Qualifications.

(b) *Required considerations.*

In determining moral character, the [Board] Department must consider:

...

**§ 1-12. Posting; objections.**

(a) *Posting required.*

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

(b) *9 or fewer objections.*

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

(c) *10 or more objections.*

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

...

**§ 1-13. Decision on application.**

(a) *[Board] Department to decide.*

The [Board] Department must notify the applicant in writing of its decision to grant or deny the license as follows:

...

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

(b) *Application for renewal.*

...

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

(c) *Approval.*

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

(d) *Protest and hearing.*

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

...

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

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

**§ 1-17. Transfer of license.**

An adult-entertainment business license is not transferable to a new owner or operator without a new application to the [Board] Department.

*Part 4. Administrative Sanctions*

**§ 1-28. Denial, suspension, or revocation.**

(a) *In general.*

The [Board] Department may deny, suspend, or revoke an adult-entertainment business license or renewal license for any of the following causes:

...

(b) *Offenses by owner, operator, or manager.*

The [Board] Department also may deny, suspend, or revoke an adult-entertainment business license or renewal license for the violation, by any owner, operator, or manager of the adult-entertainment business, of any provision of any local, state, or federal law that involves:

...

(c) *Offenses by employee, etc., or vendor.*

The [Board] Department also may deny, suspend, or revoke an adult-entertainment business license or renewal license for the violation, by any employee, agent, independent contractor, or vendor of the adult-entertainment business, of any law referred to in subsection (b) of this section, if:

...

**§ 1-29. Fines.**

For any violation that is cause for suspending or revoking a license, the [Board] Department may, instead of or in addition to suspending or revoking the license, impose a civil fine of:

...

**§ 1-30. Notice and hearing.**

(a) *In general.*

No adult-entertainment business license or renewal license may be denied, suspended, or revoked and no fine may be imposed unless the [Board] Department gives the applicant or licensee:

...

**§ 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.

#### **§ 2-15. Fees and taxes.**

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

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

...

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

...

(B) submits to the Director of Finance the full amount of that year’s 1<sup>st</sup> quarterly installment plus the applicable service charge.

*Part 5. Theaters, Halls, etc.*

**§ 2-31. License required.**

It shall be the duty of the owner of a for profit theater, motion picture theater, hall used for entertainment, sports center, or museum, before permitting any person to use such facility for gain, to obtain a license from the Director of [Finance] the Department of Business Licensing and Consumer Protection for an annual fee of \$165.

**§ 2-37. Fee for musical parties.**

(b) *Charitable exceptions.*

But the [Mayor] Director of Business Licensing and Consumer Protection is authorized to grant, free of expense, all applications for license for concerts or performances of any kind, where the proceeds are intended for charitable purposes.

*Part 7. Animated Riding Devices*

**§ 2-43. Inspections.**

(a) *On application.*

Before issuing any such license, the Director of [Finance] Business Licensing and Community Development shall have such animated riding device inspected by the Commissioner of Housing and Community Development and shall obtain from him a certificate to the effect that the animated riding device has been inspected and is mechanically safe for operation.

(b) *Semi-annually.*

As a condition for retaining any such license, the applicant shall present to the Director of [Finance] Business Licensing and Consumer Protection at intervals of not more than 6 months thereafter, a similar certificate of inspection and safe condition.

**§ 2-44. 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 animated riding devices 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.

**§ 2-45. 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 on their behalf service of notices, processes, and any action arising out of the ownership, operation, maintenance, or in any wise connected with said animated riding devices, while they are within the confines of the limits of the City of Baltimore.

(b) *Corporations.*

In the event that a nonresident corporation applies for a license, the Director of [Finance] Business Licensing and Consumer Protection shall issue said license provided:

...

***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.

(b) *Corporations.*

In the event that a nonresident corporation applies for a license, the Director of [Finance] Business Licensing and Consumer Protection shall issue said license provided:

...

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

**§ 3-1. Definitions.**

(c) [*Commissioner.*] Director.

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

“Director” means the Director of Business Licensing and Community Development or the Director’s designee.

**§ 3-2. Permit required.**

(a) *In general.*

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

...

**§ 3-3. Applications.**

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

**§ 3-4. Posting; objections.**

(b) *9 or fewer objections.*

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

(c) *10 or more objections.*

If, within the 15-day posting period, the [Commissioner] Director receives 10 or more written objections from persons within the same election precinct as the proposed location, the [Commissioner]

Director must refer the matter to the Zoning Board for a hearing.

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

(a) *Public hearing required.*

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

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

(b) *Application for renewal.*

...

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

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

**§ 3-9. Rules and regulations.**

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

(1) Subject to Title 4 {"Administrative Procedure Act - Regulations"} of the City General Provisions Article, the [Commissioner] Director may adopt rules and regulations to carry out the administrative provisions of this subtitle.

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

**§ 6-1. Issuance of license.**

The Director of [Finance] Business Licensing and Consumer Protection shall issue all licenses for and numbers of carriages, wagons, and other vehicles, boats, and scows as enumerated in § 6-2.

**§ 6-2. License required.**

(b) *Owners to register annually.*

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

(1) appear annually at the office of the Director of [Finance] Business Licensing and Consumer Protection;

...

(3) take out a license containing his or her number, and signed by the Director of [Finance] Business Licensing and Consumer Protection, with the City Seal affixed to it.

**§ 6-5. Fees.**

(c) *Transfer of license.*

Transfer of any of these licenses must be made at the [Office of the City Collector] Department of Business Licensing and Consumer Protection, and no charge will be made therefor.

**§ 6-8. License plates.**

(a) *Director to obtain.*

(1) It is the duty of the Director of [Finance] Business Licensing and Consumer Protection, annually, on or before January 1 in each year, to purchase a sufficient number of tin plates, numbered with plain conspicuous figures, beginning with number 1, and so on progressively, 2 of each to correspond with the number of the carriage, boat, or scow, and also to purchase suitable dies for the arithmetical numbers.

...

(3) The plate shall be of suitable size and description in the discretion of the Director of [Finance] Business Licensing and Consumer Protection, and paid for out of the appropriation for general licenses.

(b) *Issuance and display.*

(1) It is the duty of the Director of [Finance] Business Licensing and Consumer Protection to furnish for each licensed carriage, boat, or scow, 2 of these tin plates, with number corresponding with the number of the license, and the record of that carriage, boat, or scow.

...

(c) *Private carriage license.*

The Director of [Finance] Business Licensing and Consumer Protection shall furnish to those who take out private carriage licenses, a single number, painted upon a tin plate that shall not measure more than  $2\frac{3}{4}$  x 2 inches, which number shall be placed upon the hindermost part of the hind axle of the carriage by the owner or owners.

**§ 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.

## 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.

### § 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:

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

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

**§ 9-9. Decision on review.**

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

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

...

(b) *Considerations.*

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

...

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

(b) *Application for renewal.*

To renew a license, the licensee must:

...

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

(c) *Approval.*

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

(d) *Objections; Review.*

(1) If, within the 15-day posting period, 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:

...

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

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

- (3) The filing of an appeal to the [Finance] Director does not stay the decision of the Department pending the Director's decision.
- (4) The considerations and decision of the [Finance] Director shall be as provided in § 9-9 of this subtitle.

### **Subtitle 11. Massage Establishments**

#### **§ 11-1. Definitions.**

- (a) *[Board.] Reserved.*

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

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

No person shall maintain, operate, or conduct a massage establishment within the City of Baltimore without a license previously issued by the Director of [Finance] Business Licensing and Consumer Protection.

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

No person maintaining, operating, or conducting a massage establishment shall employ, or otherwise allow, any individual to perform as a massagist, and no individual shall perform as a massagist, unless such individual shall have first been duly registered as a massagist for that particular massage establishment with the [Board of Licenses for Massage Establishments] Department of Business Licensing and Consumer Protection.

#### **§ 11-7. [Board of Licenses for Massage Establishments.] Rules and regulations.**

- [(a) *Board established.*]

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

- [(b) *Composition.*]

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

- [(i) the Commissioner of Health;]

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

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

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

- [(c) *Officers.*]

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

[(d) *Compensation; expenses.*]

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

[(e) *Rules and regulations.*]

Subject to Title 4 {"Administrative Procedure Act - Regulations"} of the City General Provisions Article, the [Board] Department of Business Licensing and Consumer Protection is authorized and empowered to promulgate and adopt rules and regulations to carry out the purpose and intent of this subtitle.

[(f) *Notice of applications.*]

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

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

(a) *Required information.*

Applicants for a license under § 11-5 shall file upon a form provided by the [Commissioner of Housing and Community Development] Director of Business Licensing and Consumer Protection a signed application, subject to the law relating to perjury, setting forth the following information:

...

(c) *Successor license.*

An application for a successor license shall be filed with the [Commissioner of Housing and Community Development] Director of Business Licensing and Consumer Protection on or before April 1 of each year.

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

(a) Referral to Board.

The application shall be referred by the Director of Business Licensing and Consumer Protection to the Business Licensing and Consumer Protection Board for investigation and recommendation.

**§ 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.

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

(c) *Decision.*

Following such hearing, the Board shall reduce findings of fact to writing, and if it determines that the licensee has violated any of the provisions of this subtitle, the rules and regulations promulgated by the Board, or is unqualified under the provisions of this subtitle to hold the license in effect, it shall transmit a copy of such findings to the Director of [Finance] Business Licensing and Consumer Protection recommending revocation of the license, and the Director [of Finance] shall immediately revoke the license.

**§ 11-17. Penalties.**

(b) *License revocation.*

Conviction for any violation of the provisions of this subtitle shall constitute cause for immediate revocation of the license by the Director of [Finance] Business Licensing and Consumer Protection upon the recommendation of the Board.

**Subtitle 12. Commercial Parking Facilities**

**§ 12-4. License required; fee.**

(d) *Online licensee list.*

The Director [of Finance] Business Licensing and Consumer Protection shall maintain and post on the Department's website a current list of all commercial parking facilities licensed under this subtitle.

**§ 12-8. Rules and regulations.**

Subject to Title 4 {"Administrative Procedure Act - Regulations"} of the City General Provisions Article, the Director of [Finance] Business Licensing and Consumer Protection may adopt rules and regulations for the administration and enforcement of this subtitle.

**§ 12-13. License revocation.**

(a) *In general.*

After a hearing conducted in accordance with the rules and regulations adopted under this subtitle and with proper notice to the license holder, the Department of [Finance] Business Licensing and Consumer Protection may revoke a license if the Department finds that the license holder violated any provision of this subtitle.

(b) *Form and effect of revocation.*

Any revocation under this subtitle must be in writing from the Department of [Finance] Business Licensing and Consumer Protection and specify the reasons for the action.

(c) *Administrative appeals.*

(1) A license holder aggrieved by a decision [if] of the Department of [Finance] Business Licensing and Consumer Protection may appeal that decision to the [Director of Finance] Business Licensing and Consumer Protection Board in writing within 10 days of the Department's decision.

(2) The [Director of Finance] Business Licensing and Consumer Protection Board must issue a written decision within 30 days of receipt of the license holder's appeal.

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

**§ 13-1. Definitions.**

(b) *Director.*

"Director" means the Director of [the Department of Finance of his or her] Business Licensing and Consumer Protection or the Director's designee.

**§ 13-10. Issuance of license.**

On receipt of a license application and upon the Director of Finance's receipt of the applicable license fee, the Director of Business Licensing and Consumer Protection shall:

...

**Subtitle 15. Street Entertainers**

**§ 15-1. Definitions.**

(b) *[Board.]*

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

“Department” means the Department of Business Licensing and Consumer Protection.

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

[(a) *In general.*]

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

[(b) *Composition.*]

[The Board comprises the following 7 members:]

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

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

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

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

[(a) *Officers.*]

[The Board annually shall;]

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

[(2) appoint a Secretary.]

[(b) *Compensation; expenses.*]

[The members of the Board:]

[(1) serve without compensation; but]

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

**§ 15-6. [Staff.] {Reserved.}**

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

**§ 15-7. Rules and regulations.**

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

**§ 15-9. License required.**

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

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

(a) *In general.*

In its rules and regulations, the [Board] Department shall:

...

(b) *Required considerations.*

In designating classes and specifying limitations, the [Board] Department shall consider:

...

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

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

**§ 15-12. Applications.**

(a) *Form.*

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

(c) *Contents.*

The application must contain:

...

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

**§ 15-13. Term, renewal, fees.**

(b) *Renewal.*

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

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

(a) *[Board] Department to issue.*

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

(d) *Replacement badges.*

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

**§ 15-15. BOPA to assist.**

The Baltimore Office of Promotion and The Arts shall assist the [Board] Department by:

...

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

(a) *Authorized suspension or revocation.*

The [Board] Department may suspend or revoke a license if the licensee violates any provision of:

...

(b) *Mandatory revocation.*

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

**§ 15-19. Administrative appeals.**

(a) *Right of appeal.*

An aggrieved party may appeal to the Business Licensing and Consumer Protection Board [of Municipal and Zoning Appeals]:

(2) the denial, suspension, or revocation of a license; or

(3) any other decision or ruling by the [Board of Licenses] Department.

(c) *Hearing and decision.*

The Business Licensing and Consumer Protection [Board of Municipal and Zoning Appeals]:

(1) shall hold a hearing on the appeal as soon as practicable; and

(2) may affirm, modify, or reverse the action of the [Board of Licenses] Department.

**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].

## **Subtitle 20. Transient Merchants**

### **§ 20-2. License required.**

No person shall engage in business as a transient merchant unless he shall first have obtained a license to do so from the Director of [Finance] Business Licensing and Consumer Protection.

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

- (a) *Bond required.*

Before such license is issued by the Director of [Finance] Business Licensing and Consumer Protection, the applicant will be required to post a surety bond in an amount of \$1,000, with a surety company licensed to do business in the State of Maryland.

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

The owner, proprietor, or manager of any hotel, motel, rooming house, or other place of public accommodation shall report, within 6 hours after renting, to the Commissioner of Police and the Director of Business Licensing and Consumer Protection, the name of any person who has rented a room or other space for the sale and display of merchandise of a transient merchant, giving the location of the room so rented.

## **Subtitle 22. Towing Services - Trespass Towing**

### **§ 22-1. Definitions.**

(a) *[Board.] Department.*

["Board" means the Board of Licenses for Towing Services of Baltimore City.]

"Department" means the Department of Business Licensing and Consumer Protection.

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

[(a) *Board created.*]

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

[(b) *Composition.*]

[(1) The Board comprises:]

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

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

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

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

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

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

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

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

[(C) a citizen at large.]

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

[(c) *Officers.*]

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

[(d) *Compensation; expenses.*]

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

[(e) *Staff.*]

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

**§ 22-3. Rules and regulations.**

(a) *[Board may]* Department shall *adopt*.

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

(b) *Public hearing and comment.*

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

**§ 22-4. License required.**

(a) *In general.*

(1) It shall be unlawful for any person to engage in a towing service in Baltimore City without a valid towing license issued by the Director of [Finance] Business Licensing and Community Development.

...

**§ 22-5. Applications.**

(a) *In general.*

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

(2) With the application, the applicant shall pay a non-refundable application fee of \$100 to the Director of Finance.

...

(b) *Investigation; qualifications.*

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

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

(3) The investigation shall include the following:

...

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

...

(c) *Designated agent.*

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

**§ 22-6. Issuance; fees.**

(a) *In general.*

On approval by the [Board] Department of a license application and payment of the applicable license fee to the Director of Finance, the Director of [Finance] Business Licensing and Consumer Protection shall issue the license.

**§ 22-8. Charges.**

(a) *Schedule to be filed.*

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

(c) *Changes.*

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

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

(a) *Bond required.*

(1) Every person who shall be licensed in the towing business under the provisions of this subtitle shall file with the [Board of Licenses for Towing Services] Department of Business Licensing and Consumer Protection a bond in the amount of \$20,000 to save harmless the owner of any motor vehicle for any property damage occurring thereto during the time that it is in the possession of the person engaged in providing towing services.

**§ 22-10. Records and receipts.**

(d) *Inspection of records and vehicles.*

Each towing service licensed under the provisions of this subtitle:

(1) shall make available in a reasonable time and manner, for inspection by the [Board] Department of Business Licensing and Consumer Protection or the Police Department, its records kept in the ordinary course of business pursuant to this subtitle; and

...

**§ 22-11. Storage facilities.**

(a) *In general.*

The motor vehicle shall be moved to the licensee's storage or repair facility customarily used by the person undertaking the towing or removal as designated in the license issued by Director of [Finance] of Business Licensing and Consumer Protection, unless directed otherwise by:

...

**§ 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.

(b) *Notice.*

(1) At least 15 calendar days prior to the date set for the hearing, the Board of Business Licensing and

Consumer Protection shall:

- ...
- (ii) specify the reason why the Board of Business Licensing and Consumer Protection proposes to refuse, deny, suspend, revoke, or not renew the application or license; and
- ...

(c) *Decision.*

Within 10 working days following the hearing, the Board of Business Licensing and Consumer Protection shall render a decision and the reasons therefor in writing and shall forward a copy of the same to all parties by certified or registered mail.

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

(a) *Judicial review.*

A person aggrieved by a decision of the Board of Business Licensing and Consumer Protection under this subtitle may seek judicial review of the decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

**§ 22-17. Enforcement.**

(a) *In general.*

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

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

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

**§ 22-18. Penalties.**

(a) *In general.*

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

**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.