



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Legislation Text

File #: 07-0747, **Version:** 0

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Council President Rawlings-Blake

A BILL ENTITLED

AN ORDINANCE concerning
Advertising Circulars

FOR the purpose of extending the prohibition on placing circulars to encompass those who cause the placement; specifying persons presumptively responsible for a violation; increasing the criminal penalty for violation; and generally relating to the placement of advertising circulars in or on vehicles or residential property.

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances

Section(s) 1-2 through 1-4

Baltimore City Code

(Edition 2000)

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

Baltimore City Code

Article 19. Police Ordinances

Subtitle 1. Advertising Circulars

§ 1-2. [Placement prohibited without permission] PROHIBITED PLACEMENTS.

A person may not affix, [or] place, OR CAUSE TO BE AFFIXED OR PLACED any advertising circular:

- (1) in or on any vehicle in the City[, except with the express permission of the owner or operator of the vehicle];
or
- (2) in or on any residential property in the City (whether in or on a fence, railing, door, porch, lawn, sidewalk, or

otherwise), except[:

(i) with the express permission of the owner or occupant of that property; or

(ii)] by placing the advertising circular into a door slot or a nonlockable bin consistent with federal law.

§ 1-3. PERSONS RESPONSIBLE.

(A) IN GENERAL.

THE PERSON WHOSE NAME, EVENT, BUSINESS, LOCATION, OR MERCHANDISE IS ADVERTISED ON A CIRCULAR AFFIXED OR PLACED IN VIOLATION OF THIS SUBTITLE IS PRESUMPTIVELY RESPONSIBLE FOR THE VIOLATION AND SUBJECT TO THE PENALTIES IMPOSED UNDER THIS SUBTITLE.

(B) OVERCOMING PRESUMPTION.

THE BURDEN OF OVERCOMING THE PRESUMPTION IS ON THE CONTESTING PARTY.

§ 1-4. [§ 1-3.] Enforcement by citation.

(a) In general.

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

(1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}; or

(2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) Process not exclusive.

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

§ 1-5. [§ 1-4.] Penalties.

(a) In general.

Any person who violates a provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than [\$100] \$500 for each offense.

(b) Each circular a separate offense.

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

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

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

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