

ARTICLE 19
POLICE ORDINANCES

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For information – call, write, or fax:

Department of Legislative Reference
626 City Hall
Baltimore, Maryland 21202
Tel: (410) 396-4730 • Fax: (410) 396-8483

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SUBTITLE 1
ADVERTISING CIRCULARS

§ 1-1. Definitions.

(a) *In general.*

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

(b) *Advertising circular.*

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

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

(c) *Person.*

(1) *In general.*

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

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

(2) *Exclusions.*

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

(d) *Vehicle.*

“Vehicle” means:

- (1) any self-propelled vehicle; and
- (2) any other vehicle required to be registered under the laws of this State.

(*City Code, 1976/83, art. 19, §1A(a.) (Ord. 87-890; Ord. 06-205.)*)

§ 1-2. Placement prohibited without permission.*(a) In general.*

A person may not affix, 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.

(b) Lack of permission presumed.

In a civil proceeding, an advertising circular found on an unattended property or vehicle is presumed to have been placed there without permission unless the person responsible for its placement can affirmatively establish otherwise.

(City Code, 1976/83, art. 19, §1A(b).) (Ord. 87-890; Ord. 06-205; Ord. 07-507; Ord. 11-523.)

§ 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.

(Ord. 07-507.)

§ 1-4. 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.
(*Ord. 06-205; Ord. 07-507.*)

§ 1-5. 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 \$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.
(*City Code, 1976/83, art. 19, §1A(d).*) (*Ord. 87-890; Ord. 06-205; Ord. 07-507.*)

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SUBTITLE 2
ASSAULTS ON ELDERLY

§ 2-1. “Elderly individual” defined.

“Elderly individual” means any individual who is 65 years or older.
(*City Code, 1976/83, art. 19, §3A(b).*) (*Ord. 93-222; Ord. 04-672.*)

§ 2-2. Enhanced penalties.

When a defendant is found guilty of assault or assault and battery on an elderly individual and the defendant is charged under this section:

(1) the court shall impose a sentence of 12 months imprisonment; and

(2) the court may order restitution for any personal injury or property damage suffered by the elderly individual.

(*City Code, 1976/83, art. 19, §3A(a).*) (*Ord. 93-222.*)

**SUBTITLE 3
BODY ARMOR**

§ 3-1. Definitions.

(a) *In general.*

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

(b) *Ammunition.*

“Ammunition” means any cartridge, shell, or other device that contains explosive or incendiary material and is designed or intended for use in firearm.

(c) *Body armor.*

“Body armor” means any material or object that is designed to cover or be worn on any part of the body to prevent, deflect, or slow down the penetration of ammunition.

(d) *Firearm.*

“Firearm” includes any pistol, revolver, rifle, shotgun, short-barreled rifle, short-barreled shotgun, or other firearm.

(e) *Minor.*

“Minor” means any person under the age of 18.

(Ord. 00-058.)

§ 3-2. Prohibited conduct.

(a) *Possession.*

No person may possess any body armor unless the person is:

- (1) an adult; and
- (2) expressly authorized under this subtitle to do so.

(b) *Transfer.*

No person may sell, give, or otherwise transfer, or attempt to sell, give, or otherwise transfer any body armor to:

- (1) any minor; or
- (2) except as expressly authorized in this subtitle, any other person.

(Ord. 00-058.)

§ 3-3. Exceptions.

This subtitle does not apply to or prevent the possession of body armor by or the sale or other transfer of body armor to:

- (1) a Federal, State, City, or County law enforcement agency or officer;
- (2) a sheriff, Deputy Sheriff, or other employee designated by the Sheriff;
- (3) public safety officers, including fire and emergency medical services;
- (4) a State's Attorney, Deputy State's Attorney, Assistant State's Attorney, or other employee designated by the State's Attorney;
- (5) Special Police Officers commissioned by the State;
- (6) correctional officers;
- (7) licensed private detectives;
- (8) certified security guards; and
- (9) any other class of public safety personnel designated by the Police Commissioner.

(Ord. 00-058.)

§ 3-4. Authorized possession, transfer, etc.

The possession of body armor by and the sale or other transfer of body armor to any person is authorized only if:

- (1) the person is one of those excepted under § 3-3 of this subtitle; or
- (2) after a background check, the Police Commissioner certifies that the person:
 - (i) is not a minor; and
 - (ii) has not been previously convicted of:
 - (A) any felony;
 - (B) any offense committed with or while possessing a firearm; or
 - (C) any offense involving the possession, use, or distribution of a controlled dangerous substance.

(Ord. 00-058.)

§ 3-5. Identification required.

No person may sell, give, or otherwise transfer or attempt to sell, give, or otherwise transfer any body armor to any individual without first verifying that the individual is authorized under this subtitle to obtain body armor.

(Ord. 00-058.)

§ 3-6. Rules and regulations; fees.

(a) *In general.*

The Police Commissioner may adopt rules and regulations to carry out this subtitle.

(b) *Fees.*

The Police Commissioner may establish and impose reasonable fees for undertaking a background check under this subtitle.

(Ord. 00-058.)

§ 3-7. Penalties.

Any person who violates any provision of this subtitle or of a rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of \$1,000 or imprisonment for 1 year or both.

(Ord. 00-058.)

**SUBTITLE 4
BODY STUDIOS**

§ 4-1. “Body studio” defined.

(a) *In general.*

A “body studio” is any premises upon which is furnished for a fee or charge or other like consideration the opportunity:

- (1) to paint, massage, feel, handle, or touch the unclothed body or an unclothed portion of the body of another person;
- (2) to be so painted, massaged, felt, handled, or touched by another person; or
- (3) to observe, view, or photograph any such activity.

(b) *Inclusions.*

“Body studio” shall include any such premises:

- (1) which is advertised or represented in any manner whatsoever as a “body painting studio”, “model studio”, “art studio”, “sensitivity awareness studio”, or any other expression or characterization which conveys the same or similar meaning; and
- (2) which leads to the reasonable belief that there will be furnished on such premises for a fee or charge or other like consideration the opportunity:
 - (i) to paint, massage, feel, handle, or touch the unclothed body or an unclothed portion of the body of another person;
 - (ii) to be so painted, massaged, felt, handled, or touched by another person; or
 - (iii) to observe, view, or photograph any such activity.

(City Code, 1976/83, art. 19, §7A(a).) (Ord. 76-164.)

§ 4-2. Exceptions.

The term body studio shall not be construed to mean:

- (1) premises licensed as a massage parlor under Article 15 of the City Code;
- (2) weight control salons;
- (3) medical facilities duly licensed by the State of Maryland;
- (4) training facilities of any duly constituted athletic team;

(5) educational institutions accredited by the State Department of Education;

(6) any bona fide health spa or health club:

- (i) offering or providing massages solely incidental to the furnishing of facilities for and instruction in physical fitness; and
- (ii) actually occupying premises of not less than 3,000 square feet, of which not more than 10% is used for massages; or

(7) any corporation or association which:

- (i) is organized and operated exclusively for social or athletic purposes;
- (ii) offers or provides massages solely incidental to the furnishing of facilities for such purposes; and
- (iii) actually occupies premises of not less than 3,000 square feet, of which area not more than 10% is used for massages.

(City Code, 1976/83, art. 19, §7A(b).) (Ord. 76-164.)

§ 4-3. Body studios prohibited.

It is unlawful for any person:

- (1) to operate, conduct, or maintain a body studio;
- (2) to knowingly conduct any business related thereto on the premises of a body studio; or
- (3) to knowingly be employed on such premises.

(City Code, 1976/83, art. 19, §7A(c).) (Ord. 76-164.)

§ 4-4. Penalties.

(a) *In general.*

Any person, firm, or corporation violating the provisions of this subtitle shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500.

(b) *Continuing violations.*

If any violation be continuing, each day's violation shall be deemed a separate violation.

(City Code, 1976/83, art. 19, §7A(d).) (Ord. 76-164.)

SUBTITLE 5
BURGLAR ALARMS - FALSE ALARMS

§ 5-1. Scope of subtitle.

This section shall not apply to an accidental setting off of an intrusion detection device by the owner of such device or by his employee or agent.

(City Code, 1976/83, art. 19, §28(2nd sen.)) (Ord. 69-534.)

§ 5-2. Prohibited conduct.

It shall be unlawful for any person or persons to knowingly set off or cause to be set off any intrusion detection device or burglar alarm on the premises of another.

(City Code, 1976/83, art. 19, §28(1st sen.)) (Ord. 69-534.)

§ 5-3. Penalties.

Any person violating the provisions of this subtitle shall be guilty of a misdemeanor and any person convicted thereof shall be subject to a fine of not more than \$500 or to imprisonment for not more than 12 months or to both such fine and imprisonment at the discretion of the court.

(City Code, 1976/83, art. 19, §28(3rd sen.)) (Ord. 69-534.)

**SUBTITLE 6
BURGLAR ALARMS - PUBLIC NUISANCE ALARMS**

§ 6-1. Definitions.

(a) *In general.*

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

(b) *Alarm system.*

“Alarm system” means a burglary or robbery alarm system.

(c) *Audible alarm system.*

“Audible alarm system” means any alarm system with an audible annunciator, such as a horn, bell, or siren.

(d) *Person.*

“Person” includes an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.

(e) *Public nuisance alarm.*

(1) “Public nuisance alarm” means an audible alarm system that sounds continuously for more than 15 minutes.

(2) “Public nuisance alarm” does not include an audible alarm system installed in a motor vehicle.

(City Code, 1976/83, art. 19, §28A(a.)) (Ord. 97-211; Ord. 02-329.)

§ 6-2. Public nuisance alarm prohibited.

A person may not allow a public nuisance alarm to be maintained on any property owned or occupied by that person.

(City Code, 1976/83, art. 19, §28A(b.)) (Ord. 97-211.)

§ 6-3. Procedures.

(a) *Notice to owner, etc.*

Whenever a public nuisance alarm exists, the Police Commissioner shall make a reasonable attempt to notify the person owning, occupying, or leasing the property where the nuisance exists.

(b) *Abatement by court order.*

- (1) If the notification attempt fails, the Commissioner may request from a court of appropriate jurisdiction an order to enter and abate the nuisance.
- (2) On issuance of the order, the Commissioner may use any reasonable means and enlist any reasonable assistance to enter the property and silence the alarm. The Commissioner shall take reasonable measures to secure the property after entry and abatement are completed.
- (3) After entering the premises to abate the nuisance, the Commissioner shall leave behind, in a conspicuous place, a notice to the owner, occupant, or lessee advising of the violation of this section, the penalty, and a telephone number to call for further information.

(City Code, 1976/83, art. 19, §28A(d).) (Ord. 97-211.)

§ 6-4. Penalties.

A person who violates § 6-2 of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not less than \$50 and not more than \$500 for each offense.

(City Code, 1976/83, art. 19, §28A(c).) (Ord. 97-211; Ord. 02-329.)

SUBTITLE 7
BURGLAR ALARMS - VEHICLE ALARMS

§ 7-1. Definitions.

(a) *In general.*

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

(b) *Audible status indicator.*

“Audible status indicator” means any sound reproduction device on a vehicle that emits a continuous or near continuous sound for the purpose of:

- (1) warning that a vehicle alarm system has been installed on the vehicle and is operational;
or
- (2) creating the appearance that an alarm system has been installed and is operational.

(c) *Vehicle alarm system.*

“Vehicle alarm system” means an alarm system that is attached to a vehicle and has an audible noise annunciator, such as a horn, bell, or siren.

(City Code, 1976/83, art. 19, §28B(a).) (Ord. 98-263.)

§ 7-2. Prohibited devices.

(a) *Audible status indicator prohibited.*

The owner, lessee, or operator of a vehicle may not have in operation any audible status indicator.

(b) *Activation to be by contact or remote device.*

The owner, lessee, or operator of a vehicle may not have in operation any vehicle alarm system that is capable of being activated other than by:

- (1) direct physical contact with the vehicle; or
- (2) the use of an individual remote activation device that is designed to be used with the alarm system of the vehicle.

(c) *Automatic turn-off.*

The owner, lessee, or operator of a vehicle may not have in operation any vehicle alarm system unless the system:

- (1) automatically terminates its audible response within 3 minutes of being activated; and

(2) will not be reactivated other than by one of the methods specified in subsection (b) of this section.

(City Code, 1976/83, art. 19, §28B(b).) (Ord. 98-263.)

§ 7-3. Impounding vehicle.

(a) *When authorized.*

If the vehicle is parked on a public street or in a parking lot open to the public and all reasonable and necessary steps to locate the owner or operator have been taken without success, the police officer may arrange for the removal and impoundment of the vehicle.

(b) *Retrieval by owner.*

The owner of a vehicle removed and impounded under this section:

(1) may retrieve the vehicle as provided in Article 31, § 31-46 of the City Code; and

(2) must be given an opportunity for a hearing, as set out in Article 31, § 31-43 of the City Code, to determine whether there was a basis for the removal and impoundment.

(City Code, 1976/83, art. 19, §28B(c).) (Ord. 98-263.)

§ 7-4. Civil penalties.

(a) *In general.*

A person who violates any provision of this subtitle is subject to a civil penalty of \$100 for each offense, in addition to any towing and storage charges.

(b) *Enforcement by citation.*

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

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

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

(2) 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.

(City Code, 1976/83, art. 19, §28B(f), (g).) (Ord. 98-263; Ord. 99-548; Ord. 03-595.)

SUBTITLE 8
BURGLAR ALARMS - REGISTRATION AND REGULATION

§ 8-1. Definitions.

(a) *In general.*

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

(b) *Alarm system.*

(1) “Alarm system” means a device or series of devices that emits, transmits, or relays:

(i) an audible, visual, or electronic alarm signal that is electronically programmed to cause contact with or summon police; or

(ii) an audible or visual alarm signal that is intended to elicit a police response at the alarm system user’s property when activated.

(2) “Alarm system” does not include:

(i) telephone lines used to carry alarm signals; or

(ii) any device installed in a vehicle, as defined in the Maryland Vehicle Law.

(c) *Commissioner.*

“Commissioner” means the Housing Commissioner of Baltimore City or the Commissioner’s designee.

(d) *Contractor.*

“Contractor” means any person engaged in the business of installing, maintaining, altering, inspecting, administering, selling, or servicing alarm systems.

(e) *False alarm.*

(1) “False alarm” means any alarm system signal:

(i) that results in a police response to the user’s property; and

(ii) for which no evidence is found, after reasonable investigation, of any criminal activity, property damage, or medical emergency that would justify a police response.

(2) “False alarm” does not include:

(i) an alarm signal that is cancelled by the monitor before a responding police officer arrives at the alarm location;

(ii) an alarm signal that occurs within 30 days of the original installation of the alarm system; or

(iii) an alarm signal from a medical alert device.

(f) *Hold-up alarm.*

“Hold-up alarm” means a silent alarm system that is manually activated to signal a robbery in progress.

(g) *Monitor.*

“Monitor” means any person engaged in the business of monitoring alarm systems for the purpose of reporting an alarm system’s activation to the Police Department.

(h) *Panic alarm.*

“Panic alarm” means an alarm system that is activated by an individual on or near the premises to alert others that a robbery or other crime is in progress.

(i) *Person.*

“Person” means:

(1) an individual;

(2) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; or

(3) a partnership, firm, association, corporation, or other entity of any kind.

(j) *User.*

(1) “User” means, except as specified in paragraph (2) of this subsection:

(i) the owner or lessee of any alarm system;

(ii) the owner or lessee of any dwelling unit, place of business, or other premises that has been equipped with an alarm system; or

(iii) any other person that uses an alarm system.

(2) “User” does not include:

(i) the owner or manager of a multi-tenant building with respect to any alarm system that is used solely by a tenant of that building; or

(ii) a governmental entity or an instrumentality or unit of a governmental entity.

(*Ord. 00-069; Ord. 02-329; Ord. 12-061.*)

§ 8-2. Rules and regulations.*(a) Commissioner to adopt.*

The Commissioner must adopt and enforce rules and regulations to carry out this subtitle.

(b) Scope.

The Commissioner's rules and regulations shall include:

- (1) the form of application for and required information to be given for registrations, renewals of registration, notifications, and reports required under this subtitle;
- (2) subject to the approval of the Board of Estimates, reasonable fees for registrations, renewals of registration, and reinstatements of revoked registration under this subtitle;
- (3) criteria for revoking any registration required by this subtitle, which criteria may include:
 - (i) the failure to pay any fine, false alarm fee, or other fee imposed under this subtitle; or
 - (ii) any other violation of this subtitle or of any rule or regulation adopted under it;
- (4) criteria for reinstating registration after revocation;
- (5) procedures for filing and hearing administrative appeals under this subtitle; and
- (6) procedures for police responses to an alarm location.

(c) Filing.

A copy of all rules and regulations adopted under this subtitle must be filed with the Department of Legislative Reference before they take effect.

(Ord. 00-069; Ord. 02-329.)

§ 8-3. Registration – Contractors.*(a) Registration required.*

An alarm system contractor must register with the Commissioner before undertaking to install, maintain, alter, inspect, administer, sell, or service any alarm system in Baltimore City.

(b) Registration updates required.

An alarm system contractor must keep its registration with the Commissioner current by, within 10 days of the undertaking, reporting to the commissioner, on a form approved by the Commissioner, whenever it undertakes to install, maintain, alter, inspect, administer, sell, or service any alarm system in Baltimore City.

(c) *Violations.*

For purposes of the penalties imposed by this subtitle, each event that violates this section constitutes a separate offense.

(Ord. 00-069; Ord. 02-329; Ord. 12-061.)

§ 8-4. Registration – Monitors.(a) *Registration required.*

An alarm system monitor must register with the Commissioner before undertaking to monitor any alarm system in Baltimore City.

(b) *Registration updates required.*

An alarm system monitor must keep its registration with the Commissioner current by, within 10 days of the undertaking, reporting to the commissioner, on a form approved by the Commissioner, whenever it undertakes to monitor any alarm system in Baltimore City.

(c) *Violations.*

For purposes of the penalties imposed by this subtitle, each contract by an unregistered alarm system monitor on behalf of an alarm system user constitutes a separate offense.

(Ord. 00-069; Ord. 12-061.)

§ 8-5. Registration – Users.(a) *Registration required.*

An alarm system user must:

- (1) register with the Commissioner within 10 days of activating an alarm system; and
- (2) update the registration, within 10 days of any change, if any information the Commissioner requires on the registration form changes after the registration is filed.

(b) *Violations.*

For purposes of the penalties imposed by this subtitle, each event that violates this section constitutes a separate offense.

(c) *No registration fee for users.*

A user may not be charged any fees for registrations or renewals of registrations required by this section.

(Ord. 00-069; Ord. 12-061.)

§ 8-6. Notices and reports.*(a) Notice to user.*

- (1) Any person who sells or leases alarm systems must post conspicuously in that person's place of business notice of a user's obligation to register under this subtitle.
- (2) Any person who sells or leases alarm systems must provide printed notice to the user, before the user takes possession of the system, of:
 - (i) the user's obligation to register under this subtitle; and
 - (ii) the contact information provided by the Commissioner for the office where the user can register the alarm system.
- (3) The wording, size, and placement of the notices required by this subsection must comply with the rules and regulations adopted by the Commissioner under this subtitle.

(b) Reports to Commissioner – unmonitored systems.

- (1) If the person selling or leasing an alarm system is not under contract to monitor that system, the person must report the transaction to the Commissioner.
- (2) This report must:
 - (i) be made within 10 days of the sale or lease; and
 - (ii) contain:
 - (A) the user's name, address, and telephone number;
 - (B) the make and model of the system; and
 - (C) any other information that the Commissioner requires.

(c) Reports to Commissioner – monitored systems.

- (1) Each monitor doing business in the City must provide the Commissioner with a monthly report of all users in the City to whom the monitor is then providing services.
- (2) Each monitor doing business in the City must provide the Commissioner with additional updated reports of all users in the City to whom the monitor is then providing services upon the Commissioner's request.
- (3) These reports must:
 - (i) be made at the time the Commissioner requires; and

(ii) be in the format, and contain the information, that the Commissioner requires.
(*Ord. 00-069; Ord. 02-329; Ord. 12-061.*)

§ 8-7. Unregistered users.

(a) *Prohibited conduct.*

- (1) It is unlawful for an alarm service to be unregistered.
- (2) It is unlawful for the alarm system of any unregistered user to cause contact with or summon City police.
- (3) For purposes of the penalties imposed by this subtitle, each event that causes contact with or summons police constitutes a separate offense.

(b) *Monitor to report activation.*

Any alarm monitor who detects an alarm system activation from an unregistered alarm system user or location must:

- (1) report the activation to the Police Department in the normal manner; and
- (2) report the unregistered user or location to the Commissioner, in the manner the Commissioner requires.

(*Ord. 00-069; Ord. 02-329; Ord. 12-061.*)

§ 8-8. False alarm fees.

(a) *User responsible.*

- (1) The user of an alarm system is responsible for payment to the City of the false alarm fees imposed under this section. Failure to pay a false alarm fee or attendant late fee within 60 days of imposition is a violation of this subtitle.
- (2) For purposes of this section, 2 or more false alarms that occur within the same calendar day as a result of a single event are considered a single false alarm.

(b) *Fee schedule.*

After 1 false alarm in any 12-month period, a false alarm fee is imposed for each false alarm, based on the following schedule:

False alarms within 12-month period	Fee
2 nd or 3 rd	\$ 50
4 th	100
5 th	150
6 th	200
7 th	250

8 th	300
9 th	350
10 th	400
11 th	450
12 th and above, for residential users	500
12 th , 13 th , or 14 th , for non-residential users	1,000
15 th and above, for non-residential users	2,000

(c) *Waiver.*

(1) The Commissioner must waive 1 false alarm fee if the alarm system user:

- (i) has the alarm system inspected by a registered contractor or monitor; and
- (ii) obtains from the contractor or monitor a certification that the alarm system has been inspected and is functioning properly.

(2) If a false alarm fee is waived under this subsection and the user is subject to a subsequent false alarm fee, that subsequent fee will be assessed as if the previous fee had not been waived.

(d) *Late fee.*

(1) The Commissioner may assess a late fee of \$25 for any false alarm fee that is not paid:

- (i) within 30 days of the Commissioner’s notice that the false alarm fee has been imposed; or
- (ii) if a timely appeal has been made, within 30 days of the final decision in that appeal.

(2) If the false alarm or late fee is not paid within 10 business days of the Commissioner’s notice that the late fee has been imposed, the Commissioner may place the user’s alarm system on no-response status, as provided in § 8-9 of this subtitle.

(e) *Warning of no-response status.*

(1) After a 10th false alarm within any 12-month period, the Commissioner must send a warning notice by certified mail, return receipt requested, to the user, with a copy by regular mail to the monitor.

(2) The notice must state that:

- (i) a 10th false alarm has occurred;
- (ii) if 5 more false alarms occur within the same 12-month period, the user’s alarm system will be placed on no-response status, as provided in § 8-9 of this subtitle; and

(iii) reinstatement may only be obtained on written application to the Commissioner.
(*Ord. 00-069; Ord. 02-329; Ord. 12-061; Ord. 13-111.*)

§ 8-9. No-response status.

(a) *“No-response status” defined.*

In this section, “no-response status” means that, except for a hold-up alarm or a panic alarm, police will not be dispatched to investigate an alarm signal

(b) *When required.*

(1) An alarm system will be placed on no-response status if, after a warning notice has been sent in accord with § 8-8(e) of this subtitle, the alarm system has had 15 or more false alarms in any 12-month period.

(2) The Commissioner may reinstate the alarm system only if:

(i) the user applies in writing for reinstatement; and

(ii) the Commissioner finds that the alarm system has been repaired, upgraded, or replaced and the cause of the false alarms corrected.

(c) *When authorized.*

The Commissioner may place an alarm system on no-response status if:

(1) the alarm system user has made any false statement of material fact in the user’s registration application;

(2) the user’s registration is revoked; or

(3) the user fails to pay timely any fee imposed under § 8-8 of this subtitle.

(*Ord. 02-329.*)

§ 8-10. Automatic dialers prohibited.

No contractor, monitor, or user may install, operate, or maintain any device that, on activation of an alarm system, automatically sends a pre-recorded message or a coded signal to the Police Department or other City office.

(*Ord. 02-329.*)

§ 8-11. Verification of alarm signal.

(a) *Scope.*

This section does not apply to a hold-up alarm or panic alarm.

(b) *Monitor to attempt to verify.*

Before requesting a police response to an alarm signal, a monitor must attempt to contact the alarm system site, by telephone, electronically, or visually, to verify the need for a police response.

(Ord. 02-329.)

§§ 8-12 to 8-15. {Reserved}**§ 8-16. Administrative and judicial review.**(a) *Appeal of false alarm fee.*

(1) A user against whom the Commissioner has assessed a fee under § 8-8 {"False alarm fees"} of this subtitle may appeal in writing to the Board of Municipal and Zoning Appeals.

(2) On good cause shown, the Board may waive the fee.

(b) *Appeal of revocation.*

(1) A person whose registration has been revoked under this subtitle may appeal in writing to the Board of Municipal and Zoning Appeals.

(2) On good cause shown, the Board may rescind the revocation.

(c) *Judicial and appellate review.*

(1) A person aggrieved by a decision of the Board of Municipal and Zoning Appeals under this section may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(2) A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

(Ord. 00-069; Ord. 02-329; Ord. 04-672.)

§ 8-17. 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) *Methods 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.
(*Ord. 00-069; Ord. 02-329; Ord. 03-595.*)

§ 8-18. Criminal penalties.

(a) *Users.*

Any unregistered user of an unmonitored system that causes contact with or summons City police is guilty of a misdemeanor and, on conviction, is subject to a fine of \$500 for each offense.

(b) *Others.*

Any contractor, monitor, or other person who violates any provision of this subtitle or of a rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of \$1,000 for each offense.
(*Ord. 00-069; Ord. 02-329.*)

SUBTITLE 9
CHEMICALLY TREATED PAPER

§ 9-1. “Chemically treated paper” defined.

For the purposes of this subtitle, “chemically treated paper” is paper which:

- (1) has been treated with celluloid and nitrate, or with other substances or chemicals to give it a high combustibility;
- (2) has been treated with substances or chemicals to give it a high solubility; or
- (3) has been treated with substances or chemicals to give it a quick disposability.

(City Code, 1976/83, art. 19, §8(a.) (Ord. 79-1191.)

§ 9-2. Sale or possession prohibited.

It shall be unlawful for any person to sell, use, or possess chemically treated paper, except magicians or other entertainers or their suppliers who have a lawful business purpose for the sale, use, or possession of such paper.

(City Code, 1976/83, art. 19, §8(b.) (Ord. 79-1191.)

§ 9-3. Record keeping.

(a) *By dealers.*

(1) No dealer shall sell or transfer any chemically treated paper unless such dealer:

- (i) shall maintain complete and accurate record of all stock of such paper in hand; and
- (ii) shall maintain complete and accurate record of all such stock sold or transferred, to include:

- (A) the verified name and address of the purchaser or transferee;
- (B) the amount of such paper sold or transferred;
- (C) the purpose for which such paper was procured; and
- (D) the signature of the purchaser or transferee or his authorized agent.

(2) Thereafter, such record shall be maintained for 3 years.

(b) *By recipient.*

(1) Any person who purchases or receives any chemically treated paper shall maintain complete and accurate record of all such paper purchased or received, to include:

- (i) the name of the dealer or supplier;
- (ii) the date of purchase or transfer;
- (iii) the amount of such paper supplied; and
- (iv) the specific purpose for which such paper was obtained.

(2) Thereafter such record shall be maintained for 3 years.
(*City Code, 1976/83, art. 19, §8(c).*) (*Ord. 79-1191.*)

§ 9-4. Penalties.

Any person who violates this subtitle, upon conviction, is guilty of a misdemeanor and subject to a fine of no more than \$250 or to imprisonment for not more than 1 year, or to both the fine and imprisonment in the discretion of the court.
(*City Code, 1976/83, art. 19, §8(d).*) (*Ord. 79-1191.*)

**SUBTITLE 10
CRIMINAL STREET GANGS**

§ 10-1. Definitions.

(a) *Criminal street gang.*

“Criminal street gang” means any ongoing organization, association, or group of 3 or more persons, whether formal or informal:

- (1) having as one of its primary activities the commission of 1 or more of the criminal acts enumerated in subsection (b);
- (2) having a common name or common identifying sign or symbol; and
- (3) comprised of members who individually or collectively engage in or have engaged in a pattern of criminal gang activity.

(b) *Pattern of criminal gang activity.*

“Pattern of criminal gang activity” means the commission or attempted commission of, or solicitation for, 2 or more of the following offenses within a period of 3 years, provided that the more recent commission or solicitation occurred after July 29, 1995:

- (1) assault with intent to murder, ravish, or rob;
- (2) robbery;
- (3) murder or manslaughter;
- (4) the sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled dangerous substances;
- (5) unlawful wearing, carrying, or transporting a handgun; or
- (6) arson.

(City Code, 1976/83, art. 19, §250.) (Ord. 95-586.)

§ 10-2. Prohibited conduct.

It is unlawful for any person:

- (1) to participate actively in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity; and
- (2) to willfully promote, further, or assist in any felonious criminal conduct by members of that gang.

(City Code, 1976/83, art. 19, §251(1st sen.)) (Ord. 95-586.)

§ 10-3. Penalties.

Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, is subject to a fine of not more than \$1,000 or imprisonment in jail for not more than 1 year, or to both fine and imprisonment, in the discretion of the court.
(City Code, 1976/83, art. 19, §251(2nd sen.).) (Ord. 95-586.)

**SUBTITLE 11
CRIMINAL TOOLS**

§ 11-1. Definitions.

(a) *In general.*

For the purpose of this subtitle, the following terms, phrases, words, and their derivation shall have the meaning given herein.

(b) *Detached ignition device.*

“Detached ignition device” means any ignition cylinder capable of completing the electrical circuit in the ignition system of an automobile.

(c) *Jumper wire device.*

“Jumper wire device” means any electrical connecting device designed to complete the electrical circuit in the ignition of an automobile.

(d) *Key cutter.*

“Key cutter” means key-making device capable of cutting or punching out keys.

(e) *Person.*

“Person” means every individual, firm, partnership, association, or corporation.

(f) *Slidehammer, etc.*

“Slidehammer”, “slaphammer”, or “dent-puller” means a device with a moveable weighted sleeve on a rod used to remove automobile locks.

(g) *Slim-jim.*

“Slim-jim” means a device for unlocking car doors.
(*City Code, 1976/83, art. 19, §9(c).*) (*Ord. 74-769; Ord. 85-378.*)

§ 11-2. Possession to commit crime prohibited.

No person shall knowingly possess or have under his control any device, instrument, or article listed herein, with purpose to do any unlawful act:

- (1) detached ignition switch;
- (2) jumper wire device;
- (3) key cutter;

(4) slidehammer;

(5) slim-jim; or

(6) any other device, instrument, or article commonly used, designed, or specially adapted for criminal use.

(City Code, 1976/83, art. 19, §9(a).) (Ord. 74-769; Ord. 85-378.)

§ 11-3. Sale, etc., to minors prohibited.

A person may not give, sell, rent, or offer for sale any of the following devices to any minor child who is known to be under the age of 18:

(1) detached ignition switch;

(2) jumper wire device;

(3) key cutter;

(4) slidehammer;

(5) slim-jim; or

(6) other device, instrument, or article commonly used, designed, or specially adapted for criminal use.

(City Code, 1976/83, art. 19, §9(b).) (Ord. 85-378.)

§ 11-4. Record keeping.

(a) *In general.*

Every person who sells, rents, or lends the devices listed in this subtitle shall keep at his place of business a book in which shall be legibly written, in English, at the time of each transaction in the course of his business:

(1) an accurate description of the device sold, rented, or lent; and

(2) the name, residence, and description of the person buying, renting, or borrowing the device.

(b) *Scope of description.*

The description of the person shall consist of the color, sex, approximate height, age, and any distinguishing feature of such person.

(City Code, 1976/83, art. 19, §9(d).) (Ord. 85-378.)

§ 11-5. Recipient to give true information.

No person who purchases, receives, or accepts said regulated tools shall fail or refuse to give his true name, correct age, and correct address.
(City Code, 1976/83, art. 19, §9(e).) (Ord. 85-378.)

§ 11-6. Penalties.

Any person violating the provisions of this subtitle is guilty of a misdemeanor and, upon the conviction thereof, shall be fined not more than \$500 or imprisoned for not more than 6 months, or both.
(City Code, 1976/83, art. 19, §9(e).) (Ord. 85-378.)

SUBTITLE 12
{RESERVED}

**SUBTITLE 13
DISORDERLY DRINKING**

§ 13-1. Prohibited conduct - in general.

A person may not:

- (1) be intoxicated and endanger the safety of another person or property; or
- (2) be intoxicated or drink any alcoholic beverage in a public place and cause a public disturbance.

(City Code, 1976/83, art. 19, §19A(a).) (Ord. 90-615.)

§ 13-2. Prohibited conduct - parents or guardians of minors.

A parent or guardian shall not knowingly permit a minor for whom the parent or guardian has responsibility to violate the provisions of this subtitle.

(City Code, 1976/83, art. 19, §19A(b)(3)(i).) (Ord. 90-615.)

§ 13-3. Enforcement - adult offenders.

(a) *Citation.*

A police officer who finds any person 18 years of age or older violating this subtitle may issue such person a citation to appear in court for trial.

(b) *Arrest.*

The officer is not required to take the person into physical custody for the violation unless:

- (1) the person charged does not furnish satisfactory evidence of identity; or
- (2) the officer has reasonable grounds to believe the person charged will disregard a written promise to appear.

(City Code, 1976/83, art. 19, §19A(b)(4).) (Ord. 90-615.)

§ 13-4. Enforcement - minors.

(a) *Order to cease and desist.*

A police officer who finds any person under 18 years of age violating this subtitle shall order the person to cease and desist.

(b) *Action on failure to comply.*

(1) Any person under 18 years of age who fails to comply with such order:

- (i) may be taken into custody; and

(ii) after the information necessary to carry out the purposes of this subtitle has been recorded, shall be promptly released to his or her parent or guardian with written notice of said violation.

(2) The released person shall be referred to the Baltimore City Police Department's court-sanctioned pre-intake adjustment program.

(City Code, 1976/83, art. 19, §19A(b)(1), (2).) (Ord. 90-615.)

§ 13-4.1. Enforcement – citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Method not exclusive.*

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

(Ord. 03-595.)

§ 13-5. Penalties.

(a) *In general.*

Any person who violates the provisions of this subtitle is guilty of a misdemeanor and upon conviction is subject to the penalties specified below.

(b) *Parent or guardian of minor.*

Any parent or guardian who violates § 13-2 of this subtitle after having received written notice of his or her child or ward having committed a violation of this subtitle within the preceding 12 months may be issued a citation to appear in court for trial and is subject to a fine of \$50 for each offense.

(c) *Adult offender.*

Any person 18 years of age or older who violates a provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or imprisonment for not more than 90 days or both fine and imprisonment for each offense.

(City Code, 1976/83, art. 19, §19A(b)(3)(ii), (5).) (Ord. 90-615; Ord. 10-340.)

SUBTITLE 14
DRINKING IN PUBLIC PLACES

§ 14-1. Exemptions from subtitle.

(a) *Home or tavern.*

This subtitle shall not be applicable:

- (1) to the drinking or consumption of any alcoholic beverage by an owner or lessee of property or the guest of either, on the property owned or leased; nor
- (2) to the drinking or consumption of any alcoholic beverage on any premises licensed under Article 2B of the Annotated Code for the sale or consumption of alcoholic beverages.

(b) *City property with permit.*

Drinking in public parks and public buildings and on public ground may be allowed subject to the terms of a permit therefor issued by the City agency having jurisdiction over the park, building, or ground.

(City Code, 1966, art. 19, §18(b); 1976/83, art. 19, §20(b).) (Ord. 64-352; Ord. 78-822; Ord. 79-990.)

§ 14-2. Prohibited conduct - in general.

(a) *While on streets, etc.*

It is unlawful for any person to drink or consume any alcoholic beverage (as that term is defined from time to time in Article 2B of the Annotated Code of Maryland) or to possess in an open container any alcoholic beverage, in or on any public street, avenue, alley, lane, sidewalk, park, building, or ground in this City.

(b) *While in or on motor vehicle.*

This section shall be applicable to drinking or consumption of alcoholic beverages in or on any Class A *{passenger}* or Class D *{motorcycle}* or Class M *{multipurpose}* vehicle (as these classes of vehicles are designated from time to time in the State Transportation Article).

(City Code, 1966, art. 19, §18(a); 1976/83, art. 19, §20(a).) (Ord. 64-352; Ord. 78-822; Ord. 79-990.)

§ 14-3. Prohibited conduct - parents or guardians of minors.

A parent or guardian shall not knowingly permit a minor under the age of 18 years for whom the parent or guardian has responsibility to violate the provisions of this subtitle.

(City Code, 1976/83, art. 19, §20(c)(3)(i).) (Ord. 90-615.)

§ 14-4. 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) Methods 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.

(City Code, 1976/83, art. 19, §20(c)(4).) (Ord. 90-615; Ord. 99-548; Ord. 03-595.)

§ 14-5. Enforcement - minors.*(a) Order to cease and desist.*

A police officer who finds any person under 18 years of age violating this subtitle shall order the person to cease and desist.

(b) Action on failure to comply.

(1) Any person under 18 years of age who fails to comply with such order:

- (i) may be taken into custody; and
- (ii) after the information necessary to carry out the purposes of this subtitle has been recorded, shall be promptly released to his or her parent or guardian with written notice of said violation.

(2) The released person shall be referred to the Baltimore City Police Department's court-sanctioned pre-intake adjustment program.

(City Code, 1976/83, art. 19, §20(c)(1), (2).) (Ord. 90-615.)

§ 14-6. Penalties.*(a) In general.*

Any person who violates the provisions of this subtitle is guilty of a misdemeanor and, on conviction, is subject to the penalties specified below.

(b) *Parent or guardian of minor.*

Any parent or guardian who violates § 14-3 of this subtitle after having received written notice of his or her child or ward having committed a violation of this subtitle within the preceding 12 months may receive a citation and is subject to a fine of \$50 for each offense.

(c) *Adult offender.*

Any person 18 years of age or older who violates a provision of this subtitle is guilty of a misdemeanor and, on conviction, subject to a fine of not more than \$1,000 or imprisonment for not more than 30 days or both fine and imprisonment for each offense.

(City Code, 1976/83, art. 19, §20(c)(3)(ii), (5).) (Ord. 64-352; Ord. 78-822; Ord. 79-990.; Ord. 90-615; Ord. 10-340.)

SUBTITLE 15
DRUGS - CODEINE AND OPIUM DERIVATIVES

§ 15-1. Scope of subtitle.

Opium or derivatives thereof shall include codeine and any compound, manufacture, salt, derivative, mixture, or preparation of opium, natural or synthetic.
(*City Code, 1976/83, art. 19, §22(1).*) (*Ord. 69-524.*)

§ 15-2. Sale without prescription prohibited.

(a) *In general.*

It shall be unlawful for any person to sell, dispense, or give away any preparation containing opium except upon a valid prescription of a physician, dentist, or veterinarian.

(b) *Exemptions.*

Exempt from this prohibition are:

(1) sales made to registered practitioners of pharmacy, medicine, dentistry, or veterinary medicine; or

(2) sales made by any manufacturer, wholesale druggist, or licensed pharmacist to a hospital or institution operating a dispensary in which a practitioner licensed by law to administer dangerous drugs is in charge.

(*City Code, 1976/83, art. 19, §22(2).*) (*Ord. 69-524.*)

§ 15-3. Possession without prescription prohibited.

It shall be unlawful for any person to possess or have under his control, except where such is in the regular course of business, occupation, profession, employment, or duty of such person, any preparation containing opium, unless such person obtained such drug on prescription of a physician, dentist, or veterinarian.

(*City Code, 1976/83, art. 19, §22(3).*) (*Ord. 69-524.*)

§ 15-4. Penalties.

Any person who violates the provisions of this subtitle shall be guilty of a misdemeanor and, upon conviction thereof:

(1) shall be fined not less than \$100 nor more than \$250 for the 1st offense; and

(2) if convicted a 2nd time for a violation of this subtitle, the person or persons so offending shall be fined a sum not less than \$250 nor more than \$500; and

(3) in case of being convicted more than twice for a violation of this subtitle, such person or persons shall be subject to a fine of not less than \$500 nor more than \$500 or to imprisonment for not more than 180 days, or to both such fine and imprisonment, in the discretion of the court.

(City Code, 1976/83, art. 19, §22(4).) (Ord. 69-524.)

SUBTITLE 16
DRUGS - LSD

§ 16-1. “LSD” defined.

The drug or compound herein referred to as “LSD” means:

(1) the drug or compound described as “d-Lysergic acid diethylamide” or “7-methyl-indolo [4, 3-fg] quinoline-9-carboxylic acid”; and

(2) any other similar or comparable drug or compound.

(City Code, 1966, art 19, §19(e); 1976/83, art. 19, §21(e).) (Ord. 66-863.)

§ 16-2. Prohibited conduct.

(a) *Sale.*

It is unlawful for any person to sell, barter, or trade, without the certificate of a medical physician, the drug or compound known generally as LSD.

(b) *Possession.*

It is unlawful for any person to have in his possession, unless for purposes of scientific research, the drug or compound known generally as LSD.

(c) *Manufacture.*

It is unlawful for any person to manufacture, make, or compound the drug or compound known generally as LSD.

(d) *Use.*

It is unlawful for any person to administer to himself or take internally the drug or compound known generally as LSD, unless under the direction and control of a medical physician.

(City Code, 1966, art 19, §19(a) - (d); 1976/83, art. 19, §21(a) - (d).) (Ord. 66-863.)

§ 16-3. Penalties.

(a) *Violation a misdemeanor.*

Any person violating any of the provisions of this subtitle is guilty of a misdemeanor.

(b) *Sale, possession, or manufacture.*

Upon conviction of a violation of § 16-2(a), (b), or (c), he is subject to a fine not in excess of \$500 or to imprisonment not in excess of 1 year, or to both fine and imprisonment in the discretion of the court.

(c) *Use.*

For a violation of the provisions of § 16-2(d), he shall be subject to a fine not to exceed \$100.
(*City Code, 1966, art 19, §19(f); 1976/83, art. 19, §21(f).*) (*Ord. 66-863.*)

SUBTITLE 17
DRUGS - PARAPHERNALIA

§ 17-1. Definitions.

(a) *In general.*

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

(b) *Controlled dangerous substance.*

“Controlled dangerous substance” has the meaning stated in § 5-101 of the State Criminal Law Article.

(c) *Deliver.*

“Deliver” means to make an actual, constructive, or attempted transfer or exchange from one person to another, whether or not remuneration is paid or an agency relationship exists.

(d) *Person.*

“Person” means an individual, sole proprietorship, partnership, firm, association, corporation, or other entity.

(e) *Possess.*

“Possess” means to exercise actual or constructive dominion or control over a thing by one or more persons.

(*Ord. 03-620.*)

§ 17-2. Use or possession prohibited.

A person may not use or possess with intent to use any of the following to manufacture, process, prepare, package, repack, store, contain, or conceal or to ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance in violation of the Maryland Controlled Dangerous Substances Act:

(1) any small glassine or plastic bag, glass or plastic vial, or other container that holds less than $\frac{1}{8}$ of an ounce and is designed or intended for use in packaging controlled dangerous substances; or

(2) any metal, wood, acrylic, glass, stone, plastic, ceramic, or other pipe, tube, or other device that is designed or intended for use in smoking or otherwise inhaling a controlled dangerous substance.

(*City Code, 1976/83, art. 19, §22B(a).*) (*Ord. 92-129; Ord. 03-620.*)

§ 17-3. Sale or delivery prohibited – In general.

A person may not sell or deliver or possess with the intent to sell or deliver any of the following knowing or under circumstances where one reasonably should know that it will be used to manufacture, process, prepare, package, repackage, store, contain, or conceal or to ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance in violation of the Maryland Controlled Dangerous Substances Act:

- (1) any small glassine or plastic bag, glass or plastic vial, or other container that holds less than $\frac{1}{8}$ of an ounce and is designed or intended for use in packaging controlled dangerous substances; or
- (ii) any metal, wood, acrylic, glass, stone, plastic, ceramic, or other pipe, tube, or other device that is designed or intended for use in smoking or otherwise inhaling a controlled dangerous substance.

(City Code, 1976/83, art. 19, §22B(b).) (Ord. 92-129; Ord. 03-620.)

§ 17-4. Sale or delivery prohibited – Minors.

(a) *In general.*

A person who is 18 years old or older may not sell or deliver an object prohibited by this subtitle to a minor who is at least 3 years younger than that person.

(b) *Violation a separate offense.*

A violation of this section is punishable as a separate offense.
(Ord. 03-620.)

§ 17-5. Advertising prohibited.

A person may not advertise in any newspaper, magazine, handbill, poster, sign, mailing, or other writing or publication, knowing or under circumstances where one should reasonably know that the purpose of the advertisement, in whole or in part, is to promote the use, sale, or delivery of any object prohibited by this subtitle.

(City Code, 1976/83, art. 19, §22B(c).) (Ord. 92-129; Ord. 03-620.)

§ 17-6. Relevant factors.

(a) *In general.*

To determine whether the use, possession, sale, or delivery of an object is prohibited by §§ 17-2 through 17-5 of this subtitle, a court should consider, among other logically relevant factors:

- (1) any statement by an owner or a person in control of the object concerning its use;

- (2) any prior conviction of an owner or a person in control of the object under a state or federal law relating to controlled dangerous substances;
- (3) the proximity of the object, in time and space, to a direct violation of this subtitle or to a controlled dangerous substance;
- (4) any residue of a controlled dangerous substance on the object;
- (5) direct or circumstantial evidence of the intent of an owner or a person in control of the object to deliver it to another who the owner or person in control knows or should reasonably know, intends to use the object to facilitate a violation of *{the}* Maryland Controlled Dangerous Substances Act;
- (6) any instructions, oral or written, provided with the object concerning its use;
- (7) any descriptive materials accompanying the object that explain or depict its use;
- (8) national or local advertising concerning the object's use;
- (9) the manner in which the object is displayed for sale;
- (10) whether the owner or a person in control of the object is a licensed distributor or dealer of tobacco products or a legitimate supplier of related items to the community;
- (11) direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- (12) the existence and scope of legitimate uses for the object in the community;
- (13) expert testimony concerning the object's use; and
- (14) any other verifiable information that indicates that the object is intended or designed for use in violation of law.

(b) *Innocence of owner not dispositive.*

The innocence of an owner or person in control of the object as to a direct violation of this subtitle does not prevent a finding that the object is intended or designed for use in violation of this subtitle or the Maryland Controlled Dangerous Substances Act.

(*City Code, 1976/83, art. 19, §22B(e).*) (*Ord. 92-129; Ord. 03-620; Ord. 15-365.*)

§ 17-7. Commercial display to minors prohibited.

(a) *Placement in windows prohibited.*

A person may not place any of the following in a window of a commercial establishment:

- (1) any small glassine or plastic bag, glass or plastic vial, or other container that holds less than 1/8 of an ounce and is designed or intended for use in packaging controlled dangerous substances; or

(2) any metal, wood, acrylic, glass, stone, plastic, ceramic, or other pipe, tube, or other device, including cigarette rolling paper, that is:

- (i) designed or intended for smoking any substance; and
- (ii) capable of use in smoking or otherwise inhaling a controlled dangerous substance.

(b) *Required placement in establishments open to minors.*

In any commercial establishment open to minors, any of the following available for sale must be placed behind a sales counter and be inaccessible to minors:

- (1) any small glassine or plastic bag, glass or plastic vial, or other container that holds less than $\frac{1}{8}$ of an ounce and is designed or intended for use in packaging controlled dangerous substances; or
- (2) any metal, wood, acrylic, glass, stone, plastic, ceramic, or other pipe, tube, or other device, including cigarette rolling paper, that is:
 - (i) designed or intended for smoking any substance; and
 - (ii) capable of use in smoking or otherwise inhaling a controlled dangerous substance.

(Ord. 15-365.)

§§ 17-8 to 17-9. {Reserved}

§ 17-10. Penalties.

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of \$1,000 or imprisonment for 1 year or both fine and imprisonment. *(City Code, 1976/83, art. 19, §22B(d).) (Ord. 92-129; Ord. 03-620.)*

SUBTITLE 18
{RESERVED}

SUBTITLE 19
FRAUD - AGAINST RESTAURANT

§ 19-1. Prohibited conduct; penalties.

Any person who:

- (1) obtains any food or other service at any restaurant without paying therefor, except when credit shall have been given by express agreement;
- (2) obtains credit at any restaurant by any false or fraudulent means or representations;
- (3) after obtaining food or other service at any restaurant, absconds without paying for such food or other service; or
- (4) in any other manner defrauds any such restaurant, the proprietor, manager, clerk, cashier, or other person in charge thereof;

shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding \$100.

(City Code, 1966, art. 19, §25; 1976/83, art. 19, §30.) (Ord. 52-218.)

SUBTITLE 20
FRAUD - IDENTIFICATION CARDS

§ 20-1. Issuance of inaccurate cards.

(a) *Correct information required.*

It shall be unlawful for any person, firm, or corporation within the limits of Baltimore City to give, sell, or issue to any person, any form of identification card or paper which purports to give personal information concerning the said person, including such possible items as name, address, employment, and age, as well as physical characteristics of the person, unless the person, firm, or corporation which gives, sells, or issues any such identification card or paper has taken due caution to assure that the information purportedly contained on such identification card or paper is correct.

(b) *Penalties.*

Any person, firm, or corporation which gives, sells, or issues to any person such an identification card or paper, without having taken due caution to assure the correctness of the information contained thereon, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine in an amount not exceeding \$100 for each such violation.

(City Code, 1966, art. 19, §29(1st, 2nd sens.); 1976/83, art. 19, §34(1st, 2nd sens.).) (Ord. 58-1390.)

§ 20-2. Use of inaccurate card.

Any person who makes use of any such identification card or paper, for which he himself wilfully has provided false information, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to the same penalty.

(City Code, 1966, art. 19, §29(3rd sen.); 1976/83, art. 19, §34(3rd sen.).) (Ord. 58-1390.)

SUBTITLE 21
FRAUD - IMPERSONATIONS AND FALSE REPRESENTATIONS

§ 21-1. Impersonating inspector or other official.

It shall be unlawful for any person falsely to represent or imply within the City of Baltimore that he is an inspector or other official or employee of any department, bureau, board, commission, or other agency of the Mayor and City Council of Baltimore
(City Code, 1966, art. 19, §31(1st sen.)(1st cl.); 1976/83, art. 19, §36(1st sen.)(1st cl.).) (Ord. 57-1163.)

§ 21-2. Misrepresenting regulated structures, etc.

It shall be unlawful for any person wilfully to make a false representation or implication within the City of Baltimore as to the condition, workability, or efficiency of any building, structure, mechanical device, or other thing which is subject in any way to the regulating powers or control of the Mayor and City Council of Baltimore, for the purpose of persuading or inducing the owner or person in control thereof to have made any change, repair, or improvement in the building, structure, mechanical device, or thing.
(City Code, 1966, art. 19, §31(1st sen.)(2nd cl.); 1976/83, art. 19, §36(1st sen.)(2nd cl.).) (Ord. 57-1163.)

§ 21-3. Penalties.

Any person, firm, or corporation violating any provision of this subtitle shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding \$500, or to imprisonment for a period not exceeding 12 months, or to both such fine and imprisonment, in the discretion of the court.
(City Code, 1966, art. 19, §31(2nd sen.); 1976/83, art. 19, §36(2nd sen.).) (Ord. 57-1163.)

SUBTITLE 22
FRAUD - PROFESSIONAL BASEBALL

§ 22-1. Purpose and findings.

(a) *Purpose.*

The purpose of this subtitle is to prohibit the use of non-major league baseball players at Oriole Park at Camden Yards.

(b) *Findings.*

- (1) Oriole Park at Camden Yards was built to provide a place for major league baseball games to be played by the Baltimore Orioles baseball team for the benefit of fans of professional baseball in the Mid-Atlantic area.
- (2) Oriole Park at Camden Yards was constructed pursuant to funding by the Maryland Stadium Authority and agreements between the Stadium Authority and the City of Baltimore. In addition, state laws impose continuing duties to be performed by the City of Baltimore in conjunction with the operation of the stadium.
- (3) The operation of the stadium is an economic benefit to the City and the State of Maryland. A total sold-out season means the attendance of 4,600,000 fans in the City of Baltimore. Those fans, between April and October, patronize businesses that provide employment for many citizens in the metropolitan area.
- (4) These major league baseball fans expect to see major league baseball players playing at Oriole Park at Camden Yards. Any player of less than major league caliber will be unacceptable to fans and will cause a substantial decrease in attendance.
- (5) The recent position of the Commissioner of Baseball, at the request of the owners of the baseball teams to field non-major league baseball players in place of striking major league baseball players threatens the social and economic stability of the citizens of Baltimore and the Baltimore metropolitan area. The Commissioner's proposal to withdraw the franchise of any major league baseball team that does not comply further threatens the social and economic stability of the citizens of Baltimore and Baltimore metropolitan area.
- (6) The City of Baltimore has a vested interest in the operation of Oriole Park and, hence, has the power and authority in the exercise of its police powers to enact laws to protect the safety, health, and welfare of the citizens of Baltimore.

(City Code, 1976/83, art. 21, §12(a).) (Ord. 95-510.)

§ 22-2. Prohibited conduct.

Major league baseball games shall not be played at Oriole Park at Camden Yards with non-major league baseball players.

(City Code, 1976/83, art. 21, §12(b).) (Ord. 95-510.)

§ 22-3. Penalties.

(a) *In general.*

Any person who authorizes the playing of a game in violation of this subtitle is guilty of a misdemeanor and, on conviction, is guilty of a misdemeanor and is subject to a fine of not more than \$1,000 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.
(*City Code, 1976/83, art. 21, §12(c).*) (*Ord. 95-510.*)

SUBTITLE 23
HATE CRIMES

§ 23-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated, unless their context clearly indicates otherwise.

(b) *Institution.*

“Institution” means a publicly or privately owned, leased, or used building, including:

- (1) a school;
- (2) a library;
- (3) a recreation center;
- (4) a meeting hall; or
- (5) a cemetery.

(c) *Person.*

“Person” means an individual, corporation, partnership, personal representative, agent, joint venture, or any other public or private entity.

(d) *Property.*

“Property” means real and personal property and includes the lot, grounds, and premises contiguous with or adjacent to real or personal property.

(e) *Religious real property.*

“Religious real property” includes:

- (1) a church, synagogue, meeting house, mosque, or other place of worship;
- (2) a cemetery;
- (3) a religious school, educational facility, community center, structure, or other real property used for any religious purpose; and
- (4) the lot, premises, and grounds contiguous with or adjacent to the property described in paragraphs (1) through (3) of this subsection.

(f) *Vandalize.*

“Vandalize” means to deface, damage, destroy, or attempt to deface, damage, or destroy real or personal property.

(*City Code, 1976/83, art. 19, §253.*) (*Ord. 98-380.*)

§ 23-2. Purpose of subtitle.(a) *Increase in hate crimes.*

(1) The Baltimore City Police Department keeps records on incidents of criminal acts directed against individuals or groups because of the victim’s race, color, religious beliefs, sexual orientation, or national origin. These records show a particular increase in criminal acts directed against those who practice or espouse homosexuality.

(2) Investigations of incidents of vandalism, harassment, threats, physical harm, and the probable murder of homosexuals have increased dramatically in the past 5 years. The national media report a remarkable increase in crimes committed against homosexuals and, in particular, the grisly murder in October 1998 of a gay college student in Wyoming.

(b) *Expanded coverage required.*

(1) Article 27, § 470A of the Maryland Code, under the subtitle “Religious and Ethnic Crimes”, commonly described as the “hate crimes law”, prohibits a person from damaging the property of or committing crimes against a person because of that person’s race, color, religious beliefs, or national origin. That law does not include sexual orientation as a protected class.

(2) This subtitle adopts the State’s “Religious and Ethnic Crimes” subtitle and adds sexual orientation as a protected class of people who will benefit from the “hate crimes law”.

(*City Code, 1976/83, art. 19, §252.*) (*Ord. 98-380.*)

§ 23-3. Prohibited conduct.

A person may not:

- (1) vandalize religious property that is owned, leased, or used by any religious entity;
- (2) obstruct, or attempt to obstruct by force or threat of force, a person in the free exercise of that person’s religious beliefs;
- (3) harass or commit a crime on a person or damage the property of a person because of that person’s race, color, religious beliefs, national origin, or sexual orientation;
- (4) harass or commit a crime on an institution or damage the property of an institution:
 - (i) because of the institution’s contacts or association with a person or group of a particular race, color, religious beliefs, national origin, or sexual orientation; or
 - (ii) where there is evidence that exhibits animosity on the part of the person committing

the act against a person or group because of that person's or group's race, color, religious beliefs, national origin, or sexual orientation;

(5) vandalize or burn or attempt to burn any object on the property of a person because of that person's race, color, religious beliefs, national origin, or sexual orientation;

(6) vandalize or burn or attempt to burn any object on the property of an institution:

(i) because of the institution's contacts or association with a person or group of a particular race, color, religious beliefs, national origin, or sexual orientation; or

(ii) where there is evidence that exhibits animosity on the part of the person committing the act against a person or group because of that person's or group's race, color, religious beliefs, national origin, or sexual orientation.

(City Code, 1976/83, art. 19, §254.) (Ord. 98-380.)

§ 23-4. Penalties.

(a) *In general.*

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or imprisonment for not more than 12 months or both fine and imprisonment.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

(c) *Prosecution under subtitle not exclusive.*

Prosecution of a person under this subtitle does not preclude prosecution and imposition of penalties for any other crime in addition to any penalties imposed under this subtitle.

(City Code, 1976/83, art. 19, §255.) (Ord. 98-380.)

SUBTITLE 24
{RESERVED}

SUBTITLE 25
LOITERING - GENERAL

§ 25-1. Public places.

(a) *Definitions.*

(1) *Loiter.*

“Loiter” means:

- (i) to stand around or remain or to park or remain parked in a motor vehicle at a public place or place open to the public and to engage in any conduct prohibited under this law; or
- (ii) to collect, gather, congregate, or to be a member of a group or a crowd of people who are gathered together in any public place or place open to the public and to engage in any conduct prohibited under this law.

(2) *Place open to the public.*

- (i) “Place open to the public” means any place open to the public or any place to which the public is invited and in, on, or around any privately owned place of business, private parking lot, or private institution, including places of worship, cemetery, or any place of amusement and entertainment, whether or not a charge of admission or entry thereto is made.
- (ii) It includes the elevator, lobby, halls, corridors, and areas open to the public of any store, office, or apartment building.

(3) *Public place.*

“Public place” means any public street, road, or highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, park, playground, public building or grounds appurtenant thereto, public parking lot, or any vacant lot.

(b) *Prohibited loitering.*

(1) It shall be unlawful for any person to loiter at, on, or in a public place or place open to the public in such manner:

- (i) to interfere with, impede, or hinder the free passage of pedestrian or vehicular traffic;
- (ii) to interfere with, obstruct, harass, curse, or threaten or to do physical harm to another member or members of the public; or
- (iii) that by words, acts, or other conduct, it is clear that there is a reasonable likelihood a breach of the peace or disorderly conduct shall result.

(2) It shall be unlawful for any person to loiter at a public place or place open to the public and to fail to obey the direction of a uniformed police officer or the direction of a properly identified police officer not in uniform to move on, when not to obey such direction shall endanger the public peace.

(c) *Scope.*

(1) No person shall be charged with a violation of this section unless and until the arresting officer has first warned the person of the violation and the person has failed or refused to stop the violation.

(2) Nothing herein shall be construed to prohibit orderly picketing or other lawful assembly.

(d) *Penalties.*

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$500 or imprisonment for not more than 10 days, or both fine and imprisonment in the discretion of the court.

(City Code, 1976/83, art. 19, §58B.) (Ord. 79-1195.)

§ 25-2. Liquor establishments, drug abuse centers, or amusement arcades.

(a) *Prohibited conduct.*

It is unlawful for any person who is standing or loitering

(1) within 100 feet of a Class A, B, B-D7, C, or D retail establishment which sells alcoholic beverages, or

(2) within 50 yards of a

(i) drug abuse rehabilitation and treatment center, or

(ii) amusement arcade (as that term is defined in § 1-109 of the Zoning Code of Baltimore City),

in such a manner as to obstruct free passage on or along the street or sidewalk, to disobey a request by a police officer to move on.

(b) *Measurements.*

The distances specified in this section are to be measured along the street or other public way in both directions from the center of the main entrance, or any other entrance used by the public, of the establishment, center, or arcade.

(c) *Exception.*

Nothing in this section prevents property owners or their guests from sitting on their front steps or standing on their sidewalk in front of their property, regardless of whether or not the property is within the distances specified in this section.

(d) *Penalties.*

Any person who violates the provisions of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense.

(City Code, 1976/83, art. 19, §56.) (Ord. 70-822; Ord. 71-1070; Ord. 82-701; Ord. 99-439.)

§ 25-3. Bus and railroad stations.(a) *“Loitering” defined.*

“Loitering”:

- (1) shall mean remaining idle in essentially 1 location;
- (2) shall include the concept of spending time idly, to be dilatory, to linger, to stay, to saunter, to delay, to stand around; and
- (3) shall also include the colloquial expression “hanging around”.

(b) *Prohibited conduct.*

It shall be unlawful for any person who is without a business purpose for being there to loiter in any bus station or railroad station in such manner as to interfere with the free and uninterrupted use of the station by passengers and to refuse to leave the premises when requested to do so by a special officer employed by the owner of the terminal.

(c) *Penalties.*

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$500 or imprisonment for not more than 30 days, or both fine and imprisonment, in the discretion of the court.

(City Code, 1976/83, art. 19, §57.) (Ord. 74-589.)

§ 25-4. Schools, day care centers, and family-support centers.(a) *Prohibited conduct.*

It is unlawful for any person who is without a business purpose for being there to loiter in any public or private school building, group day care center, or community family-support centers, around an entrance thereof, upon the school or center grounds, or upon a public way within 100 yards of the school or center grounds, and to refuse to leave such premises when requested to do so by a school security officer, a center representative, or a police officer.

(b) *Penalties.*

Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, is subject to a fine of not more than \$500 or imprisonment for not more than 90 days, or both fine and imprisonment, in the discretion of the court
(*City Code, 1976/83, art. 19, §58.*) (*Ord. 75-976; Ord. 91-839.*)

§ 25-5. {Reserved}

§ 25-6. 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 a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Method not exclusive.*

The issuance of a civil citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(*Ord. 03-595.*)

SUBTITLE 26
LOITERING -DRUG-FREE ZONES

Editor's Note: The following provisions formerly appeared as §58C, as enacted by Ord. 89-375 and extended by Ord. 90-561A. Ord. 92-131 later amended §58C to add provisions for a curfew; that Ordinance, however, had a "sunset" date of September 30, 1993. This recodification, therefore, is based on §58C as it existed before Ord. 92-131 temporarily modified it.

§ 26-1. "Certified drug-free zone" defined.

A "certified drug-free zone" is a geographical area of Baltimore City certified as such by the Police Commissioner, including but not limited to identifiable segments of streets, alleys, walkways, parks, recreation centers, schools, bus stations, train depots, taxi stands, commercial parking lots, places of public accommodation and convenience, public housing complexes, and public access areas in residential apartment structures.

(City Code, 1976/83, art. 19, §58C(e)(1)(1st sen.)) (Ord. 89-375; Ord. 90-561A.)

§ 26-2. Findings and declarations.

The Mayor and City Council finds and declares that:

- (1) the illegal manufacture, distribution, possession, and administration of drugs and other unlawful drug-related activities is a City-wide evil of substantial and urgent proportions, constituting a clear and present danger to the citizens of the City;
- (2) innocent persons, including children, who come into contact with illegal drug-related activity are seriously and adversely affected and their health and safety are jeopardized by the violence and materials (such as discarded syringes) associated with these practices; and
- (3) criminalizing the act of loitering about or using places within a certified drug-free zone for the purpose of engaging in drug-related activity is a necessary exercise of the police power to maintain the peace, good government, health, and welfare of Baltimore City.

(City Code, 1976/83, art. 19, §58C(a.)) (Ord. 89-375; Ord. 90-561A; Ord. 04-672.)

§ 26-3. Commissioner to certify zones; term.

(a) *In general.*

The Commissioner may establish, alter, recertify, or terminate such certification *{of drug-free zones}* from time to time.

(b) *3-month limit.*

But any such certification will expire 3 months from the date of its certification unless recertified for an additional 3 months prior to expiring.

(City Code, 1976/83, art. 19, §58C(e)(1)(2nd sen.)) (Ord. 89-375; Ord. 90-561A.)

§ 26-4. Considerations for certification.

To determine whether to certify an area as a “drug-free zone”, the Commissioner shall consider the following:

- (1) arrests or other statistical criteria for reporting crime accepted and relied upon by law enforcement agencies which indicate a disproportionately high occurrence of illegal drug possession or distribution activity in the proposed drug-free zone;
- (2) 1 homicide or more than 1 instance of violent crime verified to have been related to the possession or distribution of illegal drugs committed within the previous 6-month period within the proposed drug-free zone;
- (3) reliable, objective, and verifiable information that indicates illegal drug activity is occurring in an area listed in § 26-1 herein or any other identifiable area legally accessible to the public;
- (4) any other verifiable information accepted by law enforcement agencies that indicates to the Commissioner that the health or safety of residents that live in or near the proposed drug-free zone are endangered by the possession or distribution of illegal drugs.

(City Code, 1976/83, art. 19, §58C(e)(2).) (Ord. 89-375; Ord. 90-561A.)

§ 26-5. Public notices of zones.

(a) *Pre-certification notices.*

Prior to certifying or recertifying a drug-free zone, the Police Commissioner shall:

- (1) cause to be published at least 1 week prior to certifying a listing of the specific area to be certified in 1 or more newspapers of general circulation in Baltimore City;
- (2) provide written notice not less than 1 week prior to such certification to the Mayor and the President and members of the City Council of the specific area to be certified, including the boundaries of the area and the date when the certification will begin;
- (3) post at least 3 days prior to certification a notice in the area to be certified the boundaries of the certified drug-free zone, the date certification will begin and end, and a phone number to call for additional information; and
- (4) take any other steps necessary and reasonable to inform the community in and surrounding the area to be certified of such certification, including by way of example: use of mass media, publication in community newsletters or newspapers, meetings with Community groups and citizens, notification at community relations councils, or any other means deemed appropriate.

(b) *Dissemination of list of zones.*

The Commissioner shall cause to be disseminated to all police enforcement personnel a current list of certified drug-free zones.

(City Code, 1976/83, art. 19, §58C(e)(1)(3rd sen.), (3).) (Ord. 89-375; Ord. 90-561A.)

§ 26-6. Prohibited conduct.(a) *In general.*

It is unlawful for any person to loiter about or remain at any public way, public place, or place open or legally accessible to the public within a certified drug-free zone, as herein provided, for the purpose of engaging in drug-related activity that is prohibited by any of the provisions of Article 27, Subtitle Health-Controlled Dangerous Substances of the Maryland Code relating to the manufacture, distribution, sale, possession, or administration of substances covered therein.

(b) *Refusal to leave.*

(1) A police officer shall first request a person suspected of loitering under this subtitle within a drug-free zone to leave the premises.

(2) Failure to obey the police officer shall subject the person to arrest.

(City Code, 1976/83, art. 19, §58C(b), (d).) (Ord. 89-375; Ord. 90-561A.)

§ 26-7. Considerations.(a) *“Known ... seller” defined.*

A “known unlawful drug user, possessor, or seller” is:

(1) a person who has, within the knowledge of the arresting officer, been:

(i) convicted in any court of any violation of a referenced provision of the referenced state code involving the regulation, use, possession, purchase, or sale of any of the substances referred to therein; or

(ii) convicted of violating a substantially similar provision of federal law or such law of any other jurisdiction;

(2) a person who displays physical characteristics of drug intoxication or usage, such as dilated pupils, glassy eyes, or “needle tracks”; or

(3) a person who possesses drug paraphernalia as defined in Article 27, § 287A of the Maryland Code.

(b) *Totality of circumstances.*

In making a determination that a person is loitering about or remaining in any public way, public place, or place open or legally accessible to the public within a certified drug-free zone, as herein provided, for the purpose of engaging in prohibited drug-related activity, the totality of the circumstances involved shall be considered.

(c) *Circumstances to consider.*

Among the circumstances which may be considered in determining whether such purpose is manifested are:

- (1) the conduct of the person being observed, including by way of example only, that such person is behaving in a manner raising a reasonable belief that the person is engaging or is about to engage in illegal drug activity such as:
 - (i) the observable distribution of small packages to other persons;
 - (ii) the receipt of currency for the exchange of a small package;
 - (iii) operating as a “lookout”;
 - (iv) warning others of the arrival of police;
 - (v) fleeing without other apparent reason upon the appearance of a police officer;
 - (vi) concealing himself or herself or any object which reasonably may be connected to unlawful drug-related activity; or
 - (vii) engaging in any other conduct normally associated by law enforcement agencies with the illegal distribution or possession of drugs;
- (2) information from a reliable source indicating that the person being observed routinely distributes illegal drugs within the drug-free zone;
- (3) information from a reliable source indicating that the person being observed is currently engaging in illegal drug-related activity within the drug-free zone;
- (4) such person is physically identified by the officer as a member of a “gang” or association which engages in illegal drug activity;
- (5) such person is a known unlawful drug user, possessor, or seller;
- (6) such person has no other apparent lawful reason for loitering or remaining in the drug-free zone (e.g., such as waiting for a bus or being near one’s own residence);
- (7) any vehicle involved in the observed circumstances is registered to:

(i) a known unlawful drug user, possessor, or seller; or

(ii) a person for whom there is an outstanding arrest warrant for a crime involving drug-related activity.

(City Code, 1976/83, art. 19, §58C(c).) (Ord. 89-375; Ord. 90-561A.)

§ 26-7.1. 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 a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Method not exclusive.*

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

(Ord. 03-596.)

§ 26-8. Penalties.

Any person who violates the provisions of this subtitle is guilty of a misdemeanor and, upon conviction, shall be subject to imprisonment for not more than 30 days or a fine of not more than \$400, or both.

(City Code, 1976/83, art. 19, §58C(f).) (Ord. 89-375; Ord. 90-561A.)

**SUBTITLE 27
LOITERING - PROSTITUTION**

Part 1. In General

§ 27-1. Definitions.

(a) *Assignment.*

The term “assignment” shall be construed to include:

- (1) the making of any appointment or engagement for prostitution or lewdness; or
- (2) any act in furtherance of such appointment or engagement.

(b) *Lewdness.*

The term “lewdness” shall be construed to mean any unnatural sexual practice.

(c) *Person.*

“Person” shall be construed to include both males and females.

(d) *Prostitution.*

The term “prostitution” shall be construed to mean the offering or receiving of the body for sexual intercourse for hire.

(e) *Public place.*

“Public place” means:

- (1) any street, sidewalk, bridge, or alley or alleyway, plaza, park, driveway, parking lot, or transportation facility; or
- (2) a motor vehicle in or on any such place.

(City Code, 1976/83, art. 19, §58A(b).) (Ord. 77-434; Ord. 79-1131.)

§ 27-2. Legislative findings.

The Mayor and City Council hereby finds and declares that:

- (1) loitering for the purpose of prostitution, lewdness, or assignment, patronizing, or promoting same is disruptive of the public peace in that certain persons engaged in such conduct in public places harass and interfere with the use and enjoyment by other persons of such public places thereby constituting a danger to the public health and safety; and

(2) in recent years, the incidence of such conduct in public places has increased significantly in that persons aggressively engaging in promoting, patronizing, or soliciting for the purposes of prostitution, lewdness, or assignation have, by their course of conduct in public places, caused citizens who venture into such public places to be the unwilling victims of repeated harassment, interference, and assault upon their individual privacy, as a result of which such public places have become unsafe and the ordinary community and commercial life of certain neighborhoods has been disrupted and has deteriorated.

(City Code, 1976/83, art. 19, §58A(a).) (Ord. 77-434; Ord. 79-1131; Ord. 04-672.)

§ 27-3. Prohibited conduct.

It shall be unlawful for any person or persons, who are remaining, standing, loitering, or wandering about at any public place or place open or legally accessible to the public in such a manner as to beckon to, or repeatedly stop, or repeatedly attempt to engage passersby in conversation, or repeatedly stop or attempt to stop motor vehicles, or repeatedly interfere with the free passage of other persons, for the purpose or with the intention of either engaging in and/or promoting prostitution, lewdness, or assignation, to disobey a request by a police officer to move on.

(City Code, 1976/83, art. 19, §58A(c).) (Ord. 77-434; Ord. 79-1131; Ord. 94-315.)

§ 27-3.1. 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 a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Method not exclusive.*

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

(Ord. 03-595.)

§ 27-4. Penalties.

Any person violating any of the provisions of this Part shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$1,000 or imprisonment in jail not exceeding 12 months, or to both fine and imprisonment, in the discretion of the court.

(City Code, 1976/83, art. 19, §58A(d).) (Ord. 77-434; Ord. 79-1131; Ord. 85-568; Ord. 94-315.)

§§ 27-5 to 27-10. {Reserved}

Part 2. Prostitution-Free Zones

§ 27-11. "Certified prostitution-free zone" defined.

A "certified prostitution-free zone" is a geographical area of Baltimore City certified as such by the Police Commissioner, encompassing specified segments of streets, alleys, walkways, parks, public

access areas in residential apartment structures, places of public accommodations, schools, bus stations, train depots, and taxi stands.
(City Code, 1976/83, art. 19, §58A-1(a).) (Ord. 94-315.)

§ 27-12. Commissioner to certify zones; term.

(a) *In general.*

The Police Commissioner may establish, alter, recertify, or terminate such certification *{of prostitution-free zones}* from time to time.

(b) *3-month limit.*

Provided, however, that any certification will expire 3 months after the date of its certification unless recertified for an additional 3 months prior to expiration.

(c) *Conditions for recertification.*

The Commissioner may certify or recertify a prostitution-free zone after the two 3-month periods provided herein if:

(1) the conditions in § 27-13 are met; and

(2) those findings indicate that the conduct prohibited herein has returned to that particular public place or place open or legally accessible to the public.

(City Code, 1976/83, art. 19, §58A-1(b)(1st, 2nd sens.).) (Ord. 94-315.)

§ 27-13. Considerations for certification.

To determine whether to certify an area as a “prostitution-free zone”, the Police Commissioner shall consider the following:

(1) arrests or other statistical criteria for reporting crime which are accepted and relied upon by law enforcement agencies and which indicate a disproportionately high occurrence of prostitution in the proposed prostitution-free zone;

(2) reliable, objective, and verifiable information which indicates that prostitution is occurring in the proposed prostitution-free zone; and

(3) any other verifiable information acceptable by law enforcement agencies that indicates to the Police Commissioner that the health or safety of the residents that live in or near the proposed prostitution-free zone is endangered by the activity of prostitution.

(City Code, 1976/83, art. 19, §58A-1(c).) (Ord. 94-315.)

§ 27-14. Public notices of zones.

(a) *Pre-certification notices.*

Prior to certifying or recertifying a prostitution-free zone, the Police Commissioner shall:

- (1) cause to be published in 1 or more newspapers of general circulation in Baltimore City, at least 1 week prior to certification, a listing of specific areas to be certified;
- (2) provide written notice to the Mayor and the President and members of the City Council, not less than 1 week prior to certification, of the specific area to be certified, including the boundaries of the area and the date when certification will begin; and
- (3) at least 3 days prior to certification, publish a notice of certification in the area to be certified. Publication shall be by use of mass media, community newsletters or newspapers, community relations councils, by posting notices on city-owned poles or other structures in the area, posting notices, after obtaining permission, in local shops and shop windows and on utility poles, or any other means deemed appropriate.

(b) *Dissemination of list of zones.*

The Commissioner shall disseminate to all police enforcement personnel a current list of certified prostitution-free zones.

(City Code, 1976/83, art. 19, §58A-1(b)(3rd sen.), (d).) (Ord. 94-315.)

§ 27-15. Prohibited conduct.

It shall be unlawful for any person to loiter or remain at any public place or place open or legally accessible to the public within a certified prostitution-free zone, as herein provided, if the person intentionally engages in or promotes prostitution, lewdness, or assignation.

(City Code, 1976/83, art. 19, §58A-1(intro).) (Ord. 94-315.)

§ 27-15.1. 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 a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Method not exclusive.*

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

(Ord. 03-595.)

§ 27-16. Penalties.

Any person violating any of the provisions of this Part shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$1,000 or imprisonment in jail not exceeding 90 days, or both fine and imprisonment, in the discretion of the court.

(City Code, 1976/83, art. 19, §58A-1(e).) (Ord. 94-315.)

SUBTITLE 28
{RESERVED}

SUBTITLE 29
MASS TRANSIT VEHICLES

§ 29-1. *{Repealed by Ord. 09-142}*

§ 29-2. *{Repealed by Ord. 07-392}*

§ 29-3. *{Repealed by Ord. 09-142}*

§ 29-4. Outside riding.

(a) *Prohibited conduct.*

It is unlawful for any person to ride on a bumper, fender, or any exterior portion of any public passenger motor bus or other common carrier.

(b) *Penalties.*

Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding \$10.

(City Code, 1976/83, art. 19, §216.) (Ord. 70-927.)

§ 29-5. *{Repealed by Ord. 09-142}*

SUBTITLE 30
MERCHANDISE CARTS

§ 30-1. Scope of subtitle.

The provisions of this subtitle apply only to wheeled carts and other similar devices which have the name and address of the owners thereof clearly marked thereon.
(City Code, 1966, art. 19, §26(3rd sen.); 1976/83, art. 19, §31(3rd sen.).) (Ord. 61-936.)

§ 30-2. Prohibited conduct.

Any person who:

- (1) removes from the premises of any grocery store, store, or market any wheeled cart or other similar device belonging to the owner of such grocery store, store, or market and used for the purpose of assembling or carrying materials there purchased;
- (2) destroys, mutilates, or damages any such wheeled cart or other device;
- (3) abandons any such wheeled cart or device upon the streets, highways, or alleys of the City of Baltimore; or
- (4) has in his possession any such wheeled cart or other device away from the premises of the owner of such wheeled cart or device,

is guilty of a misdemeanor.
(City Code, 1966, art. 19, §26(1st sen.); 1976/83, art. 19, §31(1st sen.).) (Ord. 59-1977; Ord. 61-936.)

§ 30-3. Penalties.

Upon conviction thereof, he is subject to a fine of not more than \$100 for each such offense.
(City Code, 1966, art. 19, §26(2nd sen.); 1976/83, art. 19, §31(2nd sen.).) (Ord. 59-1977; Ord. 61-936.)

SUBTITLE 31
{REPEALED BY ORDINANCE 07-573.}

SUBTITLE 32
MINORS - SALES IN PROXIMITY TO LIQUOR STORE

§ 32-1. Definitions.

(a) *In general.*

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

(b) *Close proximity*

“Close proximity to liquor store” means located:

- (1) on the premises of a liquor store; or
- (2) in a structure that immediately adjoins a liquor store and has direct access to the interior of that liquor store.

(c) *Liquor store.*

(1) *In general.*

Except as otherwise provided in this subsection, “liquor store” means any establishment that sells alcoholic beverages for off-premise consumption.

(2) *Inclusions.*

“Liquor store” includes a licensee who holds one of the following off-sale licenses:

- (i) a Class A beer, wine, and liquor license;
- (ii) a Class A-2 beer, wine, and liquor off-sale package goods license; and
- (iii) a Class B-D-7 beer, wine, and liquor license if, on an annual basis, the Class B-D-7 licensee’s average daily receipts from sales of alcoholic beverages for off-premise consumption exceeds 40% of the licensee’s total average daily receipts from all sales (on-sale and off-sale) of alcoholic beverages.

(3) *Exclusions.*

“Liquor store” does not include:

- (i) an establishment that sells non-alcoholic products (e.g., groceries or other food items, paper goods, home and office supplies, and other goods or merchandise) the average daily receipts from which sales, on an annual basis, exceed 80% of the establishment’s total average daily receipts; or
- (ii) a licensee who holds:

(A) an on-sale license (other than a Class B-D-7 license included under paragraph (2)(iii) of this subsection); or

(B) one of the following off-sale licenses:

1. Class A beer and light wine license (off-sale); and
2. Class A2 light wine license (on- and off-sale).

(d) *Minor*.

“Minor” means a person under the age of 18.

(Ord. 12-046.)

§ 32-2. {Reserved}

§ 32-3. Sales to minors.

No person in close proximity to a liquor store may sell any food, goods, supplies, or other merchandise (even if non-alcoholic) to any minor.

(Ord. 12-046.)

§ 32-4. Inducing minor to purchase.

No person may request or induce a minor to purchase any food, goods, supplies, or other merchandise in violation of § 32-3 {“Sales to minors”} of this subtitle.

(Ord. 12-046.)

§ 32-5. False representation by minor.

No minor may knowingly and falsely represent her- or himself to any person as being 18 years old or older for the purpose of purchasing any food, goods, supplies, or other merchandise in violation of § 32-3 {“Sales to minors”} of this subtitle.

(Ord. 12-046.)

§§ 32-6 to 32-8. {Reserved}

§ 32-9. 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.

(Ord. 12-046.)

§ 32-10. Criminal penalties.

(a) *In general.*

Any person who violates a provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in this section.

(b) *Penalty amounts.*

(1) For a violation of § 32-3 {"Sales to minors"} or § 32-4 {"Inducing minor to purchase"}, the penalty is a fine of not more than \$500 for each offense.

(2) For a violation of § 32-5 {"False representation by minor"}, the penalty is as follows:

(1) for a 1st conviction, a fine of not more than \$100 for each offense; and

(2) for a 2nd or subsequent conviction, a fine of not more than \$250 for each offense.

(Ord. 12-046.)

SUBTITLE 33
MINORS - ALCOHOLIC BEVERAGES

§ 33-1. “Minor” defined.

The word “minor” shall apply to every person under 21 years of age, except to bona fide employees in the course of their employment and whose employment is not prohibited by Article 2B of the Maryland Code.

(City Code, 1950, art. 24, §30(2nd sen.); 1966, art. 19, §67(2nd sen.); 1976/83, art. 19, §77(a)(2nd sen.) (Ord. 44-162; Ord. 56-626.)

§ 33-2. Purchase or possession by minor.

(a) *Prohibited conduct.*

It shall be unlawful for any minor:

- (1) to attempt to purchase alcoholic beverages; or
- (2) to drink or have in his or her possession any alcoholic beverages:
 - (i) in any public place; or
 - (ii) on any public highway.

(b) *Penalties.*

Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof:

- (1) shall be subject to a fine not exceeding \$100 for the minor’s 1st conviction; and
- (2) for the 2nd or any subsequent conviction thereof, the minor shall be subject to a fine not exceeding \$250 or to imprisonment in jail for a period not exceeding 60 days or both such fine and imprisonment in the discretion of the court.

(City Code, 1950, art. 24, §30(1st, 3rd sens.); 1966, art. 19, §67(a)(1st, 3rd sens.); 1976/83, art. 19, §77(a)(1st, 3rd sens.) (Ord. 44-162; Ord. 56-626.)

§ 33-3. False representation.

(a) *Prohibited conduct.*

It shall be unlawful for any minor knowingly and falsely to represent himself to be 21 years of age to any licensed person engaged in the sale of alcoholic beverages, for the purpose of procuring or having such alcoholic beverages furnished to him by sale, gift, or otherwise.

(b) *Penalties.*

Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof:

(1) shall be subject to a fine not exceeding \$100 for his 1st conviction; and

(2) for the 2nd or any subsequent conviction thereof, the minor shall be subject to a fine not exceeding \$250 or to imprisonment in jail for a period not exceeding 60 days or both such fine and imprisonment, in the discretion of the court.

(City Code, 1966, art. 19, §67(b); 1976/83, art. 19, §77(b.)) (Ord. 56-626.)

§ 33-4. Providing to or inducing minor.

(a) *Prohibited conduct.*

It shall be unlawful for any person:

(1) to request or induce a minor to purchase or to attempt to purchase any alcoholic beverages; or

(2) to give to, supply with, or in any way furnish to a minor, on any street or public way or in any place of public resort, any alcoholic beverage.

(b) *Penalties.*

Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500 for each and every such violation.

(City Code, 1950, art. 24, §31; 1966, art. 19, §68; 1976/83, art. 19, §78.) (Ord. 44-162; Ord. 58-1410.)

SUBTITLE 34
MINORS - DAYTIME AND NIGHTTIME CURFEWS

§ 34-1. Definitions.

(a) *In general.*

In this subtitle the following terms have the meanings indicated.

(b) *Establishment.*

“Establishment” means:

- (1) any privately-owned place of business carried on for a profit; or
- (2) any place of amusement or entertainment to which the public is invited.

(c) *{Vacant}*

(d) *Minor.*

“Minor” means any person under the age of 17 years.

(e) *Operator.*

(1) “Operator” means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment.

(2) Whenever used in any clause prescribing a penalty, the term “operator”:

- (i) as applied to associations or partnerships, shall include the members or partners thereof; and
- (ii) as applied to corporations, shall include the officers thereof.

(f) *Parent.*

“Parent” means:

- (1) any natural parent of a minor;
- (2) a guardian; or
- (3) any person 18 years old or older who is legally responsible for the care and custody of a minor.

(g) *Public place.*

“Public place” means any public street, highway, road, alley, park, playground, wharf, dock, public building, or vacant lot.

(h) *Remain.*

“Remain” means to loiter, idle, wander, stroll, or play in or upon.

(i) *Youth Connection Center.*

“Youth Connection Center” means a place, as established or designated by the City, to which minors believed to be in violation of § 34-3 {“Prohibited conduct of minors – Nighttime curfew”} or § 34-4 {“Prohibited conduct of minors – Daytime curfew”} of this subtitle can be taken to determine an appropriate course of action.

(*City Code, 1976/83, art. 19, §92.*)

(*Ord. 75-1046; Ord. 80-207; Ord. 94-419; Ord. 95-614; Ord. 03-539; Ord. 06-183; Ord. 14-307.*)

§ 34-2. Legislative findings.

The Mayor and City Council find that:

- (1) An emergency has been created by a substantial increase in the number and in the seriousness of crimes committed by minors against persons and property within the City, and this has created a menace to the preservation of public peace, safety, health, morals, and welfare.
- (2) The increase in juvenile delinquency has been caused in part by the large number of minors who are permitted to remain in public places and in certain establishments during night hours without adult supervision, and during daylight hours at times when, by law, they are required to attend school.
- (3) Education is the foundation of success and a productive life. The City of Baltimore provides the educational system and its staff, but the cooperation of students and their parents determines the productivity of the educational system. Late evening activity by certain of our youth prevents them from concentrating in class or, even worse, causes their absence from class. This, together with truancy, has risen alarmingly in recent years and youth is thus deprived of a necessary basic education. The rate of absenteeism has risen alarmingly in recent years while the achievement rate has rapidly decreased. The end result is an increase in failures and dropouts, frustration, malcontent, antisocial conduct, and, for many, a future without promise.
- (4) The problem of juvenile delinquency can be reduced by regulating the hours during which minors may remain in public places and in certain establishments without adult supervision, and by imposing certain duties and responsibilities upon the parents or other adult persons who have care and custody of minors.

(*City Code, 1976/83, art. 19, §91.*)

(*Ord. 75-1046; Ord. 77-316; Ord. 80-207.*)

§ 34-3. Prohibited conduct of minors – Nighttime curfew.*(a) Scope of section.*

This section does not apply to a minor:

- (1) accompanied by the minor's parent;
- (2) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, or the right of assembly;
- (3) in a motor vehicle involved in interstate travel;
- (4) engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;
- (5) involved in an emergency;
- (6) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence; or
- (7) attending or, without any detour or stop, going to or returning from an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Baltimore, a civic organization, or another similar entity that takes responsibility for the minor.

(b) Prohibited conduct – Minors less than 14 years old.

No minor less than 14 years of age may remain in or about any public place or any establishment between the hours of 9 p.m. on any day and 6 a.m. of the following day.

(c) Prohibited conduct – Minors at least 14 but less than 17 years old.

- (1) From and including 12:01 a.m. on the Friday preceding Memorial Day each year through 12 midnight of the last Sunday of August each year, no minor at least 14, but less than 17, years of age may remain in or about any public place or any establishment between the hours of 11 p.m. on any day and 6 a.m. of the following day.
- (2) For the remainder of the calendar year, no minor at least 14, but less than 17, years of age may remain in or about any public place or any establishment:
 - (i) between the hours of 11 p.m. on a Friday and 6:00 a.m. of the following Saturday;
 - (ii) between the hours of 11 p.m. on a Saturday and 6:00 a.m. of the following Sunday; or

(iii) between the hours of 10 p.m. and 6 a.m. of the following day, on any other day of the week.

(City Code, 1976/83, art. 19, §93(a).)

(Ord. 75-1046; Ord. 77-316; Ord. 80-207; Ord. 85-523; Ord. 94-419; Ord 95-614; Ord. 06-183; Ord. 14-231.)

§ 34-4. Prohibited conduct of minors – Daytime curfew.

(a) *In general.*

Except as otherwise provided in subsection (b) of this section, no minor under the age of 16 may remain in or about any public place or any establishment between the hours of 7:30 a.m. and 3 p.m. on any day during which the minor is required to be in school.

(b) *Exceptions.*

Subsection (a) of this section does not apply if:

- (1) the minor has written proof from school authorities excusing his or her attendance at that particular time; or
- (2) the minor is accompanied by the minor’s parent or by a person 21 years old or older; or
- (3) the minor is traveling to or from school.

(City Code, 1976/83, art. 19, §93(b).)

(Ord. 75-1046; Ord. 77-316; Ord. 80-207; Ord. 85-523; Ord. 94-419; Ord 95-614; Ord. 03-539; Ord. 06-183; Ord. 14-231.)

§ 34-5. Prohibited conduct of parents, guardians, etc.

It is unlawful for the parent of any minor to knowingly permit or, by insufficient control, to allow that minor to be in or about any public place or any establishment if that minor’s presence would violate § 34-3 {“Prohibited conduct of minors – Nighttime curfew”} or § 34-4 {“Prohibited conduct of minors – Daytime curfew”} of this subtitle.

(City Code, 1976/83, art. 19, §94.)

(Ord. 75-1046; Ord. 77-316; Ord. 80-207; Ord. 94-419; Ord. 95-614; Ord. 06-183; Ord. 14-231.)

§ 34-6. Prohibited conduct of establishments.

No operator of an establishment or his agents or employees may knowingly permit any minor to remain on the premises of that establishment if that minor’s presence would violate § 34-3 {“Prohibited conduct of minors – Nighttime curfew”} or § 34-4 {“Prohibited conduct of minors – Daytime curfew”} of this subtitle.

(City Code, 1976/83, art. 19, §95.)

(Ord. 75-1046; Ord. 77-316; Ord. 80-207; Ord. 94-419; Ord. 95-614; Ord. 06-183; Ord. 14-231.)

§ 34-7. Detention of minor not an arrest.

Detention of a minor under this subtitle is not considered an arrest and does not create a criminal record for the minor under State law.

(*City Code, 1976/83, art. 19, §96(f).*)
(*Ord. 95-614; Ord. 06-183.*)

§ 34-8. Enforcement generally.**(a) Identification.**

If a police officer has reason to believe that a minor is in violation of § 34-3 {"Prohibited conduct of minors – Nighttime curfew"} or § 34-4 {"Prohibited conduct of minors – Daytime curfew"} of this subtitle, the police officer shall seek to obtain from the minor:

- (1) the minor's name, address, school or other valid identification, and age; and
- (1) the name of the minor's parent or parents.

(b) Daytime curfew.

(1) For a minor believed to be in violation of § 34-4 {"Prohibited conduct of minors – Daytime curfew"}, the minor shall be taken, as appropriate, to:

- (i) the minor's school;
- (ii) a Youth Connection Center; or
- (iii) the minor's home.

(2) If the minor is taken to school or to a Youth Connection Center, the school or center, as the case may be, shall:

- (i) notify a parent about the violation of this subtitle; and
- (ii) take appropriate measures to reduce the probability that the minor will commit a subsequent violation of this subtitle.

(c) Nighttime curfew.

(1) For a minor believed to be in violation of § 34-3 {"Prohibited conduct of minors – Nighttime curfew"}, the minor shall be taken, as appropriate, to:

- (i) the minor's home; or
- (ii) a Youth Connection Center.

(2) If the minor is taken to a Youth Connection Center, the facility shall:

- (i) notify a parent or an adult brother, sister, aunt, uncle, or grandparent to come and take charge of the minor;
 - (ii) notify a parent about the violation of this subtitle; and
 - (iii) take appropriate measures to reduce the probability that the minor will commit a subsequent violation of this subtitle.
- (3) If the minor is taken to a Youth Connection Center and, by 6 a.m. of the following morning, no parent or adult brother, sister, aunt, uncle, or grandparent can be located or none come and take charge of the minor, the minor shall be, as appropriate:
- (i) taken to the minor's home;
 - (ii) referred to or placed in the custody of the Baltimore City Department of Social Services; or
 - (iii) released from the Youth Connection Center.
- (d) *Maximum period of detention.*

In no event may a minor be detained for more than 24 hours if the minor is charged solely with a violation of this subtitle.

(e) *Notices.*

Notice is presumed to be received by a parent if deposited in a depository for mailing United States Mail, properly addressed and with first-class postage paid. The mailing may be shown by the records of the sending agency made in the regular course of its business.

*(City Code, 1976/83, art. 19, §96(a)(intro), (a)(1)(i), (a)(2), (b).)
(Ord. 75-1046; Ord. 77-316; Ord. 80-207; Ord. 94-418; Ord. 94-419; Ord. 95-614;
Ord. 03-539; Ord. 06-183; Ord. 14-231.)*

§ 34-8.1. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, § 34-5 {"Prohibited conduct of parents, guardians, etc."} of this subtitle and § 34-6 {"Prohibited conduct of establishments"} of this subtitle may be enforced by issuance of a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a civil citation to enforce those sections does not preclude pursuing any other civil or criminal remedy authorized by law.

(Ord. 06-183.)

§ 34-9. Penalties.*(a) Parents, guardians, etc.*

(1) A parent who violates § 34-5 {"Prohibited conduct of parents, guardians, etc."} of this subtitle for the 1st time may be issued:

(i) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}; or

(ii) if the parent agrees to attend family counseling sessions with the minor at an agency approved by the City of Baltimore, a notice that a civil citation will be issued if the counseling sessions are not completed.

(2) A parent who violates § 34-5 {"Prohibited conduct of parents, guardians, etc."} of this subtitle after having received notice under § 34-8 {"Enforcement"} of a prior violation or after having been issued a civil citation or a notice under paragraph (1) of this subsection for a prior violation is guilty of a misdemeanor and, on conviction, is subject to 1 or more of the following, in the discretion of the court:

(i) a fine not to exceed \$500 and costs; and

(ii) community service.

(b) Operator of establishment.

Any operator of an establishment and any agent or employee of any operator who violates any provision of § 34-6 {"Prohibited conduct of establishments"} of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each violation.

(c) Separate offenses.

Each violation of a provision of this subtitle constitutes a separate offense.

(City Code, 1976/83, art. 19, §96(a)(1)(ii), (c) - (e).)

(Ord. 75-1046; Ord. 77-316; Ord. 80-207; Ord. 94-418; Ord. 94-419; Ord. 95-614; Ord. 99-492; Ord. 06-183; Ord. 14-231.)

§ 34-10. Continuing evaluation.

The Mayor and City Council shall continue evaluating and updating this subtitle through methods including but not limited to:

(1) Annually, on or before February 1 of each year, the Police Commissioner must report to the Mayor and City Council:

(i) on the effect of this subtitle on crimes committed by and against minors;

(ii) the number of warnings issued and arrests of minors, parents, and operators hereunder; and

(iii) such other information as the Mayor and City Council may request.

(2) On a regular basis, the Mayor and City Council shall receive informal reports of all exceptional cases hereunder and advisory opinions for consideration in further updating and continuing evaluation of this subtitle.

(City Code, 1976/83, art. 19, §96A.) (Ord. 95-614; Ord. 14-231.)

SUBTITLE 35
MINORS - HARMFUL SUBSTANCES

§ 35-1. Controlled dangerous substances.

(a) *Definitions.*

(1) *In general.*

As used in this section, the following words have the meanings indicated unless the context clearly indicates otherwise.

(2) *Adult.*

“Adult” means any person 18 years old or older.

(3) *Controlled dangerous substance.*

“Controlled dangerous substance” means a controlled dangerous substance as defined in the Article 27, Subtitle “Health - Controlled Dangerous Substances” of the Maryland Code.

(4) *Minor.*

“Minor” means any person 17 years old or younger.

(5) *Parent.*

“Parent” includes guardian.

(b) *Prohibited conduct.*

An adult, including a parent, shall not:

- (1) buy a controlled dangerous substance from a minor;
- (2) sell or induce a minor to use or possess a controlled dangerous substance; or
- (3) cause to hold, look out, deliver, transport, or hold money or drugs, or in any way conspire to induce a minor to violate the provisions of this section.

(c) *Lack of knowledge no defense.*

A person charged with a violation of this section shall not use his or her lack of knowledge of the minor’s age as a defense in the prosecution of any case under this section.

(d) *Penalties.*

A person who violates this section is guilty of a misdemeanor and on conviction may be fined not more than \$1,000 or imprisoned for a mandatory minimum period of not less than 60 days or not more than 1 year or both fine and imprisonment.

(*City Code, 1976/83, art. 19, §79A.*) (*Ord. 95-561.*)

§ 35-2. Glue, carbon tetrachloride, paints, etc.

(a) *Definitions.*

(1) “*Glue ...*”

As used in this section, the phrase “glue containing a solvent having the property or releasing toxic vapors or fumes” shall mean and include any glue, cement, or other adhesive containing 1 or more of the following chemical compounds: acetone, and acetate, benzene, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, or toluene.

(2) *Carbon tetrachloride.*

As used in this section, the phrase “carbon tetrachloride” shall mean any product containing, as its primary ingredient, carbon tetrachloride.

(b) *Inhalation of glue or carbon tetrachloride.*

(1) No person shall, for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of his brain or nervous system, intentionally smell or inhale the fumes of any glue and carbon tetrachloride product containing a solvent having the property of releasing toxic vapors or fumes.

(2) Providing that nothing in this section shall be interpreted as applying to the inhalation of any anesthetic used for medical or dental purposes.

(c) *Use or possession of glue or carbon tetrachloride.*

(1) No person shall, for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of his brain or nervous system, intentionally use or have in his possession for the purpose of using any glue and carbon tetrachloride product containing a solvent having the property of releasing toxic vapors or fumes.

(2) Providing that nothing in this section shall be interpreted as applying to the inhalation of any anesthetic used for medical or dental purposes.

(d) *Sale, etc., to minor of glue and carbon tetrachloride.*

It shall be unlawful for any person, excepting a parent or legal guardian of a minor, to sell, offer to sell, transfer, or act as an agent for the sale or transfer to any person under the age of 21 years

any tube or other container of glue and carbon tetrachloride product containing a solvent having the property of releasing toxic vapors or fumes.

(e) *Sale, etc., to minor of spray paints, etc.*

It shall be unlawful for any person, excepting a parent or legal guardian of a minor, to sell, offer to sell, transfer, or act as an agent for the sale or transfer to any person under the age of 21 years any paint, enamel, lacquer, or other coloring matter in pressurized spray containers.

(f) *Sale, etc., to minor of certain cleaning fluids.*

It shall be unlawful for any person, excepting a parent or legal guardian of a minor, to sell, offer to sell, transfer, or act as an agent for the sale or transfer to any person under the age of 21 years any type of cleaning fluid containing 1 or more of the following chemical compounds: acetone, and acetate, benzene, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, or toluene.

(g) *Penalties.*

(1) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment for not more than 6 months, or both, for each offense.

(2) In addition to a fine or imprisonment or both or in lieu of a fine or imprisonment or both, a judge may sentence a person convicted under this section to perform community service.

(h) *Severability.*

If any provisions of this section or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this section which can be given effect without the invalid provision or application, and to this end, all the provisions of this section are hereby declared to be severable.

(City Code, 1976/83, art. 19, §80.) (Ord. 68-039; Ord. 71-1093; Ord. 86-764.)

§ 35-3. Butyl nitrate, amyl nitrate, etc.

(a) *Sale, etc., to minor.*

It shall be unlawful for any person to sell, transfer, or act as an agent for the sale or transfer to any person under the age of 18 years any product containing as its primary ingredient butyl nitrite, amyl nitrite, isobutyl nitrite, isoamyl nitrite or their congenors, except when prescribed by a physician.

(b) *Penalties.*

Any person violating any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment for not more than 6 months, or both, for each offense.

(City Code, 1976/83, art. 19, §80A.) (Ord. 79-1151.)

§ 35-4. Spray paint.*(a) Transfers to minor.*

It is unlawful for any person to sell, exchange, give, or loan any pressurized spray can containing any substance commonly known as paint, or containing any other opaque liquid capable of being propelled by the aerosol can, to any minor under the age of 18 years, if such sale, gift, or loan is with the intent to induce or with the knowledge that the minor will use the aerosol spray for the purpose of defacing, damaging, injuring or in any other manner unlawfully applying the spray substance to any personal or real property of another.

(b) Possession by minor.

It is unlawful for any person under the age of 18 years to have in his or her possession any pressurized spray can containing any substance commonly known as paint or containing any other opaque liquid capable of being propelled by the pressurized can, with the intent to deface, injure, damage, or in any other manner lawfully apply the sprayed substance to any personal or real property of another, while on public property or upon private property without the consent of the owner of such private property.

(c) Inhalation.

It is unlawful for any person to deliberately smell or inhale such excessive quantities of the substance or chemical emitted from a pressurized spray can of paint as cause conditions of intoxication, inebriation, excitement, stupefaction, or dulling the brain or nervous system.

(d) Penalties.

Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$500 for each offense.

(City Code, 1976/83, art. 19, §81A.) (Ord. 84-182.)

SUBTITLE 36
MINORS - INDECENT MATERIALS

§ 36-1. Definitions.

(a) *Harmful to minors.*

“Harmful to minors” means that quality of representation in a film of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:

- (1) predominantly appeals to the prurient, shameful, or morbid interest of young persons;
- (2) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for young persons; and
- (3) is utterly without redeeming social importance for young persons.

(b) *Knowingly.*

(1) “Knowingly” means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry or both:

- (i) the character and content of any material described herein which is reasonably susceptible of examination by the defendant; and
- (ii) the age of the minor.

(2) Provided, however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

(c) *Minor.*

“Minor” means any person under the age of 18 years.

(d) *Nudity.*

“Nudity” means:

- (1) the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering; or
- (2) the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or
- (3) the depiction of covered male genitals in a discernibly turgid state.

(e) *Sexual conduct.*

“Sexual conduct” means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breast.

(f) *Sexual excitement.*

“Sexual excitement” means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(g) *Sadomasochistic abuse.*

“Sadomasochistic abuse” means:

- (1) flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume; or
- (2) the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

(City Code, 1976/83, art. 19, §81(1).) (Ord. 69-467.)

§ 36-2. Prohibited conduct.

It shall be unlawful for any person knowingly to sell, exhibit, or transfer to a minor:

- (1) any picture, photograph, drawing, sculpture, film, or similar visual representation or image of a person or portion of the human body which:
 - (i) depicts nudity, sexual conduct, or sadomasochistic abuse; and
 - (ii) is harmful to minors; or
- (2) any book, pamphlet, magazine, printed matter however reproduced, or sound recording which:
 - (i) contains any matter enumerated in item (1) immediately above or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sadomasochistic abuse; and
 - (ii) taken as a whole, is harmful to minors.

(City Code, 1976/83, art. 19, §81(2).) (Ord. 69-467.)

§ 36-3. Penalties.

Any person violating any of the provisions of this subtitle shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment for not more than 12 months, or both, for each offense.

(City Code, 1976/83, art. 19, §81(3).) (Ord. 69-467.)

§ 36-4. Severability.

If any provision of this subtitle or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this subtitle which can be given effect without the invalid provision or application, and to this end, all the provisions of this subtitle are hereby declared to be severable.
(City Code, 1976/83, art. 19, §81(4).) (Ord. 69-467.)

SUBTITLE 37
MINORS - MISAPPROPRIATIONS AND NEGLECT

§ 37-1. Scope of subtitle.(a) *Corporations and voluntary associations included.*

- (1) The word “person” as used in the subtitle shall include corporations and voluntary associations.
- (2) And every officer, trustee, director, agent, or employee of any corporation or voluntary association who directly or indirectly engages in any of the acts therein prohibited or assists any corporation or voluntary association to do such prohibited acts shall be subject to the provisions of this subtitle.

(b) *Parents and guardians excluded.*

No parent or duly appointed guardian shall be proceeded against under this subtitle for any alleged mistreatment or abuse of his or her own child or children or child or children for whom he or she has been appointed guardian.

(City Code, 1927, art. 32, §§33(2nd sen.), 34(2nd sen.); 1950, art. 24, §§27(2nd sen.), 28(2nd sen.); 1966, art. 19, §§64(2nd sen.), 65(2nd sen.); 1976/83, art. 19, §§74(2nd sen.), 75(2nd sen.)) (Ord. 25-422; Ord. 77-573.)

§ 37-2. Misappropriation of minor’s property.

Any person having the custody of any minor child or children, and who shall appropriate to his own use or for his personal gain or profit any sum of money or any valuable article contributed or given for the support or maintenance of said minor child or children shall be deemed guilty of a misdemeanor and, upon conviction of said offense by a court of competent jurisdiction, shall be punished by a fine of not more than \$300, or imprisonment for not more than 30 days, or both fine and imprisonment.

(City Code, 1927, art. 32, §31; 1950, art. 24, §25; 1966, art. 19, §62; 1976/83, art. 19, §72.) (Ord. 25-422.)

§ 37-3. General neglect; inducing to beg.

Any person who shall induce a minor child to beg or ask alms, or any person having the custody of any minor child or children who shall refuse or neglect to provide food, clothing, housing facilities, or medical attention sufficient to preserve the health of such child or children, shall be deemed guilty of a misdemeanor and, upon conviction of said offense by a court of competent jurisdiction, shall be punished by a fine of not more than \$300, or imprisonment for not more than 30 days, or both.

(City Code, 1927, art. 32, §32; 1950, art. 24, §26; 1966, art. 19, §63; 1976/83, art. 19, §73.) (Ord. 25-422.)

§ 37-4. Child left unattended in vehicle.

Any person, having the care or custody of any child under the age of 11 years who shall cause or permit the child to remain in a motor vehicle while not attended or accompanied in that motor vehicle by a person at least 13 years of age or more shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$500 or imprisonment for not more than 30 days, or both fine and imprisonment.

(City Code, 1976/83, art. 19, §73A.) (Ord. 87-939.)

§§ 37-5 to 37-10. {Reserved}**§ 37-11. Enjoining custody.**

Any person convicted of violating the provisions of this subtitle may be enjoined from:

- (1) receiving or having the custody of any minor child or children; or
- (2) acting as officer or agent of any association, corporation, or other organization formed, operated, or maintained for the purpose of having the custody of or caring for any minor child or children.

(City Code, 1927, art. 82, §32(1st sen.); 1950, art. 24, §27(1st sen.); 1966, art. 19, §64(1st sen.); 1976/83, art. 19, §74(1st sen.) (Ord. 25-422.)

§ 37-12. Enforcement by Social Services.

It shall be the duty of the Department of Social Services to:

- (1) promptly investigate any complaint of a violation of the provisions of this subtitle;
- (2) prosecute any person so violating the said provisions; and
- (3) whenever they shall deem proper, seek the issuance of an injunction as above provided.

(City Code, 1927, art. 32, §34(1st sen.); 1950, art. 24, §28(1st sen.); 1966, art. 19, §65(1st sen.); 1976/83, art. 19, §75(1st sen.) (Ord. 25-422; Ord. 77-573.)

§ 37-13. Application of subtitle.

This subtitle shall not be construed to repeal any existing provision of law, but shall be in addition to any existing provisions of law on this subject.

(City Code, 1927, art. 32, §35; 1950, art. 24, §29; 1966, art. 19, §66; 1976/83, art. 19, §76.) (Ord. 25-422.)

SUBTITLE 38
MINORS - MISCELLANEOUS

§ 38-1. Enticing child into vehicle.

(a) *“Minor” defined.*

“Minor” means any person under the age of 18 years.

(b) *Prohibited conduct.*

Except as otherwise specified in this section, no person may, by any means, solicit, coax, entice, or lure any minor to enter into any vehicle, regardless of whether the person knows the age of the minor.

(c) *Exceptions.*

This section does not apply to:

- (1) a person who has express or implied permission from the minor’s parent, guardian, or other legal custodian for the activity; or
- (2) a law enforcement officer, medic, firefighter, or other person who undertakes the activity:
 - (i) in response to a bona fide emergency situation; or
 - (ii) otherwise in the reasonable belief that it was necessary to preserve the health, safety, or welfare of the minor.

(d) *Penalties.*

Any person who violates any provision of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or to imprisonment for not more than 12 months or both fine and imprisonment for each offense.

(City Code, 1976/83, art. 19, §78A.) (Ord. 87-940; Ord. 09-143.)

§ 38-2. {Repealed by Ord. 09-144}

SUBTITLE 39
{RESERVED}

SUBTITLE 40
UNREGISTERED MOTORCYCLES AND SIMILAR VEHICLES

Part 1. Definitions; General Provisions

§ 40-1. Definitions.

(a) *In general.*

In this subtitle, the following words have the meaning indicated.

(b) *Department.*

“Department” means the Department of Transportation.

(c) *Dirt bike.*

(1) “Dirt bike” means, except as provided in paragraph (3) of this subsection, any motorcycle or similar vehicle that is not registered under the Maryland Vehicle Law.

(2) “Dirt bike” includes:

(i) a minibike;

(ii) an all-terrain vehicle of either the 3- or 4-wheel variety; and

(iii) except as provided in paragraph (3) of this subsection, any other motorcycle or similar vehicle that is not eligible for registration under the Maryland Vehicle Law.

(3) “Dirt bike” does not include:

(i) a moped, as defined in State Transportation Article § 11-134.1; or

(ii) a motor scooter, as defined in State Transportation Article § 11-134.5.

(d) *Minibike.*

(1) “Minibike” means, except as provided in paragraph (2) of this subsection, a motor vehicle that:

(i) has a saddle for the use of the rider;

(ii) is designed to travel on not more than 3 wheels in contact with the ground;

(iii) is not eligible for registration under the Maryland Vehicle Law; and

(iv) has:

A. a 10-inch (254 mm) or less nominal wheel-rim diameter;

B. 40 inches or less wheel base;

C. 25 inches or less seat height, measured at the lowest point on the top of the seat cushion without rider; or

D. a propelling engine with piston displacement of 50 cc or less.

(2) “Minibike” does not include:

(i) a moped, as defined in State Transportation Article § 11-134.1; or

(ii) a motor scooter, as defined in State Transportation Article § 11-134.5.

(e) *Motorcycle or similar vehicle.*

(1) “Motorcycle or similar vehicle” means any motor vehicle that is designed to travel on not more than 3 wheels in contact with ground.

(2) “Motorcycle or similar vehicle” includes a minibike.

(f) *Unregistered motorcycle or similar vehicle.*

“Unregistered motorcycle or similar vehicle” means a motorcycle or similar vehicle that:

(1) is eligible for registration under the Maryland Vehicle Law; but

(2) is not in fact registered.

(*Ord. 00-040; Ord. 07-398; Ord. 07-504; Ord. 08-063; Ord. 09-217; Ord. 16-503.*)

§ 40-2. Exclusions from subtitle.

(a) *In general.*

This subtitle does not apply to any of the following while being used for their designed purposes:

(1) tractors;

(2) snowblowers;

(3) lawn mowers;

(4) wheel chairs; or

(5) golf carts.

(b) *Government vehicles.*

This subtitle does not apply to any vehicle owned and operated by an agency or instrumentality of Federal, State, City, or other local government.

(*Ord. 00-040.*)

§ 40-3. Rules and regulations.

(a) *Department may adopt.*

The Department of Transportation may adopt rules and regulations to carry out this subtitle.

(b) *Filing with Legislative Reference.*

A copy of all rules and regulations must be filed with the Department of Legislative Reference before they take effect.

(Ord. 00-040; Ord. 07-398.)

§§ 40-4 to 40-5. {Reserved}

Part 2. Prohibited Operations

§ 40-6. Driving or riding; leaving unimmobilized.

(a) *Driving or riding vehicle.*

No person may drive or ride any dirt bike or any unregistered motorcycle or similar vehicle on any public or private property that is located in Baltimore City or, wherever located, that is owned or regulated by the City.

(b) *Possessing unimmobilized vehicle.*

No person may own, control, possess, or have custody of any dirt bike or any unregistered motorcycle or similar vehicle in Baltimore City unless the vehicle is securely locked or otherwise immobilized by a wheel clamp or other object, device, method, or mechanism, whether attached to the vehicle or not, that:

(1) prevents the vehicle from being freely moved; and

(2) cannot be removed or deactivated without the assistance of the vehicle's owner.

(Ord. 00-040; Ord. 01-144; Ord. 08-060.)

§ 40-7. Permitting another to drive or ride.

No owner or other person in control or custody of a dirt bike or an unregistered motorcycle or similar vehicle may permit it to be driven or ridden by any other person on any public or private property that is located in Baltimore City or, wherever located, that is owned or regulated by the City.

(Ord. 00-040; Ord. 01-144.)

§ 40-8. Parents and guardians.

No parent or guardian of a minor may knowingly permit the minor to violate any provision of § 40-6 or § 40-7 of this subtitle.

(Ord. 00-040.)

§ 40-9. Motor fuel sales.(a) *In general.*

No service station nor any other person may sell, transfer, or dispense motor fuel for delivery into any dirt bike or into any unregistered motorcycle or similar vehicle.

(b) *Enforcement by citation.*

(1) In addition to any other civil or criminal remedy or enforcement procedure, this section may be enforced by issuance of a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

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

Editor's Note: Chapters 114 and 115, Acts of 2010, enacted state legislation that, among other things, imposes additional penalties on persons dispensing motor fuel into a dirt bike (State Transportation Article § 21-1128 and § 27-101(dd)) and requires service stations in Baltimore City to post signs of the State and City prohibitions relating to dispensing motor fuel for dirt bikes (State Business Regulation Article § 10-503).

(Ord. 00-130; Ord. 04-683.)

§ 40-10. {Reserved}***Part 3. Seizure and Forfeiture*****§ 40-11. When authorized.**(a) *Grounds for seizure.*

Except as provided in subsection (b) of this section, a dirt bike or unregistered motorcycle or similar vehicle is subject to seizure and forfeiture if it is used in violation of this subtitle.

(b) *Defense.*

A vehicle may not be forfeited under this subtitle solely because of an act or omission by a person other than the vehicle's owner committed or omitted while the vehicle was unlawfully in that other person's possession.

(Ord. 00-040; Ord. 07-398.)

§ 40-12. Seizure by police.(a) *When warrant not needed.*

A police officer need not have a warrant to seize a vehicle if:

(1) the police officer has probable cause to believe the vehicle has been used in violation of this subtitle; and

(2) a warrant is not constitutionally required under the circumstances.

(b) *Removal of vehicle.*

Whenever a police officer seizes a vehicle under this subtitle, the police officer may cause it to be moved to a place designated by the Police Commissioner.

(c) *Vehicle not repleviable.*

A vehicle seized under this subtitle is not repleviable and remains in the custody of the Police Department, subject only to the orders and decrees of the court or official with jurisdiction over it.

(Ord. 00-040; Ord. 07-398.)

§ 40-13. Referral to Solicitor.(a) *Police to refer case.*

Promptly after seizure, the Police Department shall notify the City Solicitor in writing of the facts and circumstances supporting the seizure.

(b) *Solicitor's review.*

(1) On receiving the report, the Solicitor shall conduct an independent review of the facts and circumstances surrounding the seizure.

(2) If the Solicitor finds sufficient evidence that the vehicle was used in violation of this subtitle, the Solicitor shall notify the vehicle's owner, by registered or certified mail, of the seizure and of the City's intent to institute forfeiture proceedings.

(3) If, on the other hand, the Solicitor finds that there is insufficient evidence to prove violation, the Solicitor shall surrender the vehicle to the owner on the owner's request.

(Ord. 00-040.)

§ 40-14. Forfeiture petition; notice.(a) *Filing; copies to parties in interest.*

If the Solicitor determines that the vehicle should be forfeited, the Solicitor shall, within 90 days after the seizure of the vehicle:

(1) file a forfeiture petition in a court of competent jurisdiction, in the name of the City against the vehicle, as designated by make, model, year, and motor or serial number; and

(2) at the same time, send copies of the petition by registered or certified mail to the owner and any known secured party.

(b) *Contents.*

The petition for forfeiture shall contain:

- (1) the name of the registered owners of the vehicle;
- (2) the name of any secured party whose interest appears among the records maintained by the Clerk of the Circuit Court for Baltimore City;
- (3) a statement of the facts and circumstances surrounding the seizure of the vehicle;
- (4) a statement of the specific grounds for forfeiture; and
- (5) a request that the vehicle be forfeited to the City.

(c) *Publication of notice.*

(1) Within 7 days of the petition's filing, the Solicitor shall publish notice of the seizure and forfeiture proceeding in 1 or more newspapers of general circulation in the City.

(2) The notice shall:

(i) state the substance and object of the forfeiture petition; and

(ii) state that any person claiming an interest in the seized vehicle must file a defense to the petition within 15 days of the date of the notice.

(*Ord. 00-040; Ord. 08-060.*)

§ 40-15. Answer to petition.

(a) *When to be made.*

Any defense to the petition must be filed within 15 days after publication of the notice.

(b) *How to be made.*

(1) All defenses to a petition for forfeiture must be made by answer.

(2) The answer must:

(i) comply with the Maryland Rules of Procedure as to form and contents;

(ii) be divided into numbered paragraphs, each containing a separate and distinctive averment; and

(iii) respond to each material allegation contained in the petition, specifically admitting, denying, or explaining the facts alleged, unless the respondent is without knowledge or an admission or explanation would tend to incriminate the respondent, in either of which events the respondent must so state and that statement will operate as a denial.

(c) *Effect.*

(1) Every allegation in the petition that is not denied in the answer is considered admitted, except as to persons unknown.

(2) New or affirmative matter alleged in the answer is considered denied or avoided by the petitioner without the need of any replication, unless the court orders otherwise.
(*Ord. 00-040.*)

§ 40-16. {Repealed by Ord. 08-060.}

§ 40-17. Order of forfeiture.

(a) *In general.*

- (1) If the court determines that the vehicle should be forfeited, the court shall order the vehicle forfeited to the City.
- (2) If, however, the court determines that the vehicle is subject to a bona fide recorded security interest created without the knowledge that the vehicle was being or was to be used in violation of this subtitle, the court shall order that the vehicle be released within 5 days to the secured party of record.

(b) *Disposition of vehicle subject to security interest.*

- (1) The secured party:
 - (i) shall sell the vehicle in a commercially reasonable manner; and
 - (ii) may not sell the vehicle to the owner or other person from whom it was seized.
- (2) The proceeds of the sale shall be applied as follows:
 - (i) to the court costs of the forfeiture proceedings;
 - (ii) to the balance due to the secured party, including all reasonable costs incident to the sale;
 - (iii) to payment of all other expenses of the proceedings for forfeiture, including expenses of seizure, maintenance, or custody; and
 - (iv) to the general funds of the City.

(c) *Disposition of forfeited vehicle.*

A vehicle that has been ordered forfeited to the City may be:

- (1) sold as provided in City Code Article 31, Subtitle 31, Part 5;
- (2) transferred to a charitable organization for export abroad, as provided in City Code Article 31, § 31-58(c); or
- (3) destroyed.

(*Ord. 00-040; Ord. 02-285; Ord. 08-060.*)

§ 40-18. Order of release.

If, after a full hearing, the court determines that the vehicle should not be forfeited, the court shall order the vehicle released.

(Ord. 00-040.)

§§ 40-19 to 40-20. {Reserved}***Part 4. Penalties*****§ 40-21. Penalties.**

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense or to imprisonment for not more than 90 days, or both fine and imprisonment, for each offense.

(Ord. 00-040; Ord. 00-130; Ord. 07-398.)

**SUBTITLE 41
OUTDOOR TELEPHONES**

§ 41-1. “Person” defined.

(a) *In general.*

“Person“ means:

- (1) an individual;
- (2) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; or
- (3) a partnership, firm, association, corporation, or other entity of any kind.

(b) *Exclusions.*

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

(City Code, 1976/83, art. 19, §167A(a).) (Ord. 99-487.)

§ 41-2. Prohibited placement.

A person may not install an outdoor telephone:

- (1) in any public right-of-way without a minor privilege permit issued by or under the authority of the Board of Estimates; or
- (2) on any other public or private property without:
 - (i) approval of the owner of the property; and
 - (ii) all permits required by the Public Service Commission.

(City Code, 1976/83, art. 19, §167A(b).) (Ord. 99-487; Ord. 15-435.)

§ 41-3. 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) *Methods 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.

(City Code, 1976/83, art. 19, §167A(d).) (Ord. 99-487; Ord. 03-595.)

§ 41-4. {Repealed by Ord. 15-435.}

§ 41-5. {Reserved}

§ 41-6. Penalties.

(a) *In general.*

Any person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to a fine of \$1,000 for each offense, in addition to costs for removal.

(b) *Each day a separate offense.*

Each day that a violation continues constitutes a separate offense.

(City Code, 1976/83, art. 19, §167A(c).) (Ord. 99-487.)

SUBTITLE 42
PRESS CARDS FOR NEWS MEDIA

§ 42-1. Commissioner authorized to issue.

The Police Commissioner of Baltimore City is authorized to issue personal press identification cards and press vehicle identification cards to any employee of a newspaper, news gathering agency, news photography agency, motion picture newsreel agency, radio broadcasting company, or television company operating in Baltimore City who is designated by his employer to gather information or pictures for distribution or broadcast to the general public as news.

(City Code, 1927, art. 32, §27; 1950, art. 24, §61; 1966, art. 19, §101; 1976/83, art. 19, §119(1st sen.))
(Ord. 1894-132; Ord. 14-478; Ord. 45-271; Ord. 49-842; Ord. 60-210.)

§ 42-2. Applications.

Application for such identification cards shall be made by the individual employee, with appropriate verification of his employment responsibilities and duties, to the Police Commissioner on forms to be designated by the Police Commissioner.

(City Code, 1927, art. 32, §27; 1950, art. 24, §61; 1966, art. 19, §101; 1976/83, art. 19, §119(2nd sen.))
(Ord. 1894-132; Ord. 14-478; Ord. 45-271; Ord. 49-842; Ord. 60-210.)

§ 42-3. Issuance, term, revocation.

(a) *Issuance; revocation.*

Upon approval of personal press identification card applications or press vehicle identification card applications, the Police Commissioner of Baltimore City may issue personal press identification cards and/or press vehicle identification cards to qualified applicants, which cards shall be subject to revocation at sound discretion of the Police Commissioner.

(b) *Term.*

The personal press identification cards and press vehicle identification cards shall not be issued for a period longer than 1 year.

(c) *Renewal.*

Qualified persons may be granted renewal personal press identification cards and/or press vehicle identification cards upon application.

(City Code, 1966, art. 19, §102; 1976/83, art. 19, §120.) (Ord. 60-210.)

§ 42-4. Rules and regulations.

The Police Commissioner of Baltimore City is authorized to promulgate and issue rules and regulations concerning:

- (1) application procedures; and

- (2) temporary emergency parking and standing privileges and emergency area admittance privileges for holders of personal press identification cards and/or press vehicle identification cards.

(City Code, 1966, art. 19, §103; 1976/83, art. 19, §121.) (Ord. 60-210.)

§ 42-5. Prohibited conduct; penalties.

Any person who shall:

- (1) obtain or attempt to obtain either a personal press identification card or a press vehicle identification card contrary to the requirements of this subtitle;
- (2) duplicate, attempt to duplicate, counterfeit, or attempt to counterfeit, a personal press identification card and/or press vehicle identification card;
- (3) fail to surrender to the Police Commissioner any personal press identification card or press vehicle identification card within 3 days after notice of revocation of such card; or
- (4) fraudulently display such a card or display it contrary to the rules and regulations promulgated by the Police Commissioner pursuant to this subtitle,

shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$5 nor more than \$100, in the discretion of the court.

(City Code, 1966, art. 19, §104; 1976/83, art. 19, §122.) (Ord. 60-210.)

**SUBTITLE 43
PUBLIC NUISANCES**

§ 43-1. Definitions.

(a) *In general.*

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

(b) *Assignment.*

“Assignment” means an appointment or engagement for prostitution or any act in furtherance of the appointment or engagement.

(c) *Commissioner.*

“Commissioner” means the Police Commissioner of Baltimore City or the Commissioner’s designee.

(d) *Controlled dangerous substance.*

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

(e) *Controlled paraphernalia.*

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

(f) *Crime of violence.*

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

(g) *Operator.*

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

(h) *Owner.*

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

(i) *Person.*

“Person” means:

- (1) an individual;
- (2) a partnership, firm, association, corporation, or other entity of any kind; and

(3) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.

(j) *Premises.*

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

(k) *Prostitution.*

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

(l) *Public nuisance.*

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

(i) for prostitution, lewdness, or assignation;

(ii) for illegal adult entertainment;

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

(iv) for the illegal manufacture or distribution of:

(A) a controlled dangerous substance; or

(B) controlled paraphernalia;

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

(A) a controlled dangerous substance; or

(B) controlled paraphernalia;

(vi) for gambling;

(vii) for storage or possession of stolen property;

(viii) for storage or possession of unregistered firearms;

(ix) for furtherance of a crime of violence;

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

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

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

Editor's Note: Ordinance 08-012, amended this definition to add, in what is now paragraph (1), the requirement for "2 or more ... occasions" and to add new paragraph (2). Section 2 of Ord. 08-012 elaborates:

[T]his Ordinance applies to any 2 occasions within a 24-month period of the activities described in Article 19, § 43-1(I), as amended by this Ordinance, as long as the 1st occasion occurred on or after January 2, 2007 and the 2nd occasion occurred on or after January 2, 2008.

(City Code, 1976/83, art. 19, §233.) (Ord. 86-642; Ord 89-373; Ord. 07-619; Ord. 08-012.)

§ 43-2. {Repealed by Ord. 07-619.}

§ 43-3. Nuisance abatement authorized.

- (a) *Commissioner's basic authority.*

On determining that a public nuisance exists, the Commissioner may:

- (1) order the discontinuance of the public nuisance in the premises where the public nuisance exists; or
- (2) order the closing of the premises to the extent necessary to abate the nuisance.

- (b) *Limitations.*

- (1) Except as specified in paragraph (2) of this subsection, if the premises consists entirely of residential units or mixed residential and other use units, and the public nuisance has occurred solely within 1 or more residential units, abatement authority is restricted to the residential units in which the public nuisance has occurred, and does not extend to any other unit in the premises.
- (2) The restrictions of paragraph (1) of this subsection do not apply to a public nuisance occurring in any:

(i) motel;

(ii) hotel; or

(iii) rooming house or rooming unit, as those terms are defined in the Zoning Code of Baltimore City.

(City Code, 1976/83, art. 19, §234(a.)) (Ord. 86-642; Ord. 89-373; Ord. 99-547; Ord. 07-619.)

§ 43-4. Notice and opportunity for hearing.*(a) In general.*

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

(b) Contents of notice.

The notice shall state:

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

(c) Service and posting of notice.

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

- (i) are recorded in the Land Records of Baltimore City;
- (ii) appear in the registration statement made under City Code Article 13, Subtitle 4 {"Registration of Residential Properties"}; or
- (iii) are otherwise known or readily ascertainable.

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

(City Code, 1976/83, art. 19, §234(b)(1) - (3).) (Ord. 86-642; Ord. 02-475; Ord. 07-619.)

§ 43-5. Applicable standards.*(a) Proof of knowledge not required.*

The Commissioner may order appropriate relief under § 43-3 of this subtitle without proof that an owner, operator, or tenant knew of the existence of the public nuisance.

(b) Discontinuance not a bar to relief.

Evidence that the nuisance has been discontinued at the time notice was provided or at the time of the hearing does not bar the Commissioner from imposing appropriate relief under § 43-3 of this subtitle.

(City Code, 1976/83, art. 19, §234(d).) (Ord. 86-642; Ord. 07-619.)

§ 43-6. Issuance and enforcement of order.*(a) Issuance of order or finding.*

Following the hearing procedure, the Commissioner shall:

- (1) on determining that a public nuisance exists, issue a written order in accordance with § 43-3 of this subtitle; or
- (2) on determining that a public nuisance does not exist, issue a written finding to that effect.

(b) Posting and notice of order.

Following the hearing procedure, an order issued under this subtitle shall be posted on the premises and notice of the order shall be given to the persons and in the manner set forth in § 43-4 of this subtitle.

(c) Enforcement; period of closing.

- (1) After the order has been posted, as set forth in subsection (b) of this section, the order may be enforced on written directive of the Commissioner.
- (2) A closing shall be for the period that the Commissioner reasonably may direct, but in no event may the closing be for longer than 1 year.

(d) Nature of closing.

A closing directed by the Commissioner under this subtitle is not an act of possession, ownership, or control by the City of Baltimore.

(e) Modification.

- (1) The Commissioner may modify or rescind an order issued under this subtitle:
 - (i) an owner or tenant affected by the order submits to the Commissioner a written request for modification or rescission; and
 - (ii) a hearing is held on the request.
- (2) An owner or tenant submitting a request under this subsection shall attach to the request any documents or other evidence that the owner or tenant wishes the Commissioner to consider in ruling on the request.
- (3) The Commissioner may grant the request if the Commissioner determines that the nuisance has been abated.

(City Code, 1976/83, art. 19, §234(b)(4), (c), (e), (g).) (Ord. 86-642; Ord. 07-619.)

§ 43-7. {Repealed by Ord. 07-619.}

§ 43-8. Rules and regulations.*(a) Commissioner to adopt.*

The Commissioner shall adopt rules, regulations, and hearing procedures as necessary or proper to carry out this subtitle.

(b) Filing with Legislative Reference.

A copy of all rules, regulations, and procedures must be filed with the Department of Legislative Reference before they take effect.

(City Code, 1976/83, art. 19, §237.) (Ord. 86-642; Ord. 89-373; Ord. 07-619.)

§ 43-9. Judicial and appellate review.*(a) Judicial review.*

Any person aggrieved by any act of the Commissioner taken under this subtitle may seek judicial review of that act by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) Appellate review.

A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

(City Code, 1976/83, art. 19, §238.) (Ord. 86-642; Ord. 04-672; Ord. 07-619.)

§ 43-10. {Reserved}**§ 43-11. Prohibited conduct.***(a) Destruction, etc., of posted order.*

No person may destroy, remove, or deface an order posted by the Commissioner under this subtitle.

(b) Failure to obey order.

No person may:

- (1) intentionally disobey any proper order issued by the Commissioner under this subtitle; or
- (2) use or occupy or permit any other person to use or occupy any premises ordered closed under this subtitle.

(c) Liability for unauthorized occupancy.

If any person uses or occupies or permits any other person to use or occupy any premises ordered closed by the Commissioner:

(1) the Commissioner may execute the terms of the order to close the premises; and

(2) the person is liable for all costs incurred by the Commissioner in executing the terms of the order to close the premises.

(City Code, 1976/83, art. 19, §236.) (Ord. 86-642; Ord. 07-619.)

§ 43-12. Penalties.

(a) *In general.*

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

(1) for a violation of § 43-11(a) {"Prohibited conduct: Destruction, etc., of posted order"}, the offender is subject to a fine of not more than \$500; and

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

(b) *Each day a separate offense.*

Each day a violation continues is a separate offense.

(City Code, 1976/83, art. 19, §236.) (Ord. 86-642; Ord. 07-619; Ord. 08-063.)

SUBTITLE 43A
NEIGHBORHOOD NUISANCES – ABATEMENT

§ 43A-1. Definitions.

(a) *In general.*

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

(b) *Commissioner.*

“Commissioner” means the Police Commissioner of Baltimore City or the Commissioner’s designee.

(c) *Neighborhood nuisance.*

(1) “Neighborhood nuisance” means any premises where, on 2 or more separate occasions within a 6-month period before the start of a proceeding under this subtitle, an owner or tenant of the premises engaged in acts or created or maintained conditions that:

(i) significantly affected neighboring residents by being disorderly in manner; or

(ii) disturbed the peace of neighboring residents by:

(A) making an unreasonably loud noise ; or

(B) the unreasonable use of profanity, cursing, or swearing.

(2) The 2nd report by a police officer, written in the regular course of business, of behavior or action of the type described in paragraph (1) of this subsection is prima facie evidence that a neighborhood nuisance has occurred.

(d) *Operator.*

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

(e) *Owner.*

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

(f) *Person.*

“Person” means:

(1) an individual;

(2) a partnership, firm, association, corporation, or other entity of any kind; and

- (3) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.

(g) *Premises.*

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

(h) *Tenant.*

- (1) “Tenant” means a lessee or any person occupying property, whether or not a party to a lease.

- (2) “Tenant” includes a lessee or a person occupying a mobile home, whether or not a party to a lease.

(Ord. 07-532.)

§ 43A-2. Nuisance abatement authorized.

(a) *Commissioner’s authority.*

On determining that a neighborhood nuisance exists, the Commissioner may:

- (1) order the discontinuance of the neighborhood nuisance in the premises where the nuisance exists; or
- (2) order the closing of the premises to the extent necessary to abate the nuisance.

(b) *Limitations.*

- (1) Except as specified in paragraph (2) of this subsection, if the premises consists entirely of residential units or mixed residential and other use units, and the neighborhood nuisance has occurred solely within 1 or more residential units, abatement authority is restricted to the residential units in which the neighborhood nuisance has occurred, and does not extend to any other unit in the premises.

- (2) The restrictions of paragraph (1) of this subsection do not apply to a neighborhood nuisance occurring in any:

- (i) hotel;

- (ii) motel; or

- (iii) rooming house or rooming unit, as those terms are defined in the Zoning Code of Baltimore City.

(Ord. 07-532.)

§ 43A-3. Notice and opportunity for hearing.*(a) In general.*

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

(b) Contents of notice.

The notice shall state:

- (1) the date, place, and time of the hearing;
- (2) the right of the persons receiving the notice to be heard and to be represented at the hearing; and
- (3) the possible consequences of failure to appear, including but not limited to the issuance of a default order directing the premises to be closed to the extent necessary to abate the nuisance.

(c) Service and posting of notice.

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

- (i) are recorded in the Land Records of Baltimore City;
- (ii) appear in the registration statement made under City Code Article 13, Subtitle 4 {"Registration of Residential Properties"}; or
- (iii) are otherwise known or readily ascertainable.

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

(Ord. 07-532.)

§ 43A-4. Issuance and enforcement of order.*(a) Issuance of order or finding.*

Following the hearing procedure, the Commissioner shall:

- (1) on determining that a neighborhood nuisance exists, issue a written order in accordance with § 43A-2; or
- (2) on determining that a neighborhood nuisance does not exist, issue a written finding so stating.

(b) *Posting and notice of order.*

Following the hearing procedure, an order of the Commissioner issued under this subtitle shall be posted on the premises and notice of the order shall be given to those persons and in the manner set forth in § 43A-3 of this subtitle.

(c) *Enforcement; period of closing.*

(1) After the order has been posted, as set forth in § 43A-3 of this subtitle, the order may be enforced.

(2) A closing shall be for the period that the Commissioner reasonably may direct, but in no event may the closing be for longer than 1 year.

(d) *Nature of closing.*

A closing directed by the Commissioner under this subtitle is not an act of possession, ownership, or control by the City of Baltimore.

(e) *Modification.*

(1) The Commissioner may modify or rescind an order issued under this subtitle if:

(i) an owner or tenant affected by the order submits a written request to the Commissioner asking for the order to be modified or rescinded; and

(ii) a hearing is held on the request.

(2) An owner or tenant submitting a request under this subsection shall attach as an exhibit any documents or other evidence that the owner or tenant wishes the Commissioner to consider in ruling on the request.

(3) The Commissioner may grant a request submitted under this subsection if the Commissioner determines that the nuisance has been abated.

(Ord. 07-532.)

§ 43A-5. Rules and regulations.(a) *Commissioner to adopt.*

The commissioner shall adopt rules, regulations, and hearing procedures as necessary or proper to carry out this subtitle.

(b) *Filing with Legislative Reference.*

A copy of all rules, regulations, and procedures must be filed with the Department of Legislative Reference before they take effect.

(Ord. 07-532.)

§ 43A-6. Judicial review.*(a) Judicial review.*

Any person aggrieved by any act of the Commissioner 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) Appellate review.

A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

(Ord. 07-532.)

§ 43A-7. Prohibited conduct.*(a) Destruction, etc., of posted order.*

No person may destroy, remove, or deface an order posted by the Commissioner under this subtitle

(b) Failure to obey order.

No person may:

- (1) intentionally disobey any proper order issued by the Commissioner under this subtitle; or
- (2) use or occupy or permit any other person to use or occupy any premises ordered closed under this subtitle.

(Ord. 07-532.)

§ 43A-8. Penalties.*(a) In general.*

Any person who violates a provision of § 43A-7 is guilty of a misdemeanor and, on conviction, is subject to the following penalties:

- (1) for a violation of § 43A-7(a) {"Prohibited conduct: Destruction, etc., of posted order"}, the offender is subject to a fine of not more than \$500; and
- (2) for a violation of § 43A-7(b) {"Prohibited conduct: Failure to obey order"}, the offender is subject to a fine of not more than \$500 or to imprisonment for not more than 90 days or to both fine and imprisonment.

(b) Each day a separate offense.

Each day that a violation continues is a separate offense.

(Ord. 07-532.)

SUBTITLE 43B
NEIGHBORHOOD NUISANCES AND UNRULY SOCIAL EVENTS

§ 43B-1. Definitions.

(a) *In general.*

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

(b) *Neighborhood nuisance.*

“Neighborhood nuisance” means any privately owned premises on or in which an owner, operator, tenant, or occupant of or the holder of any possessory interest in those premises:

- (1) acts in a disorderly manner that disturbs the public peace; or
- (2) creates or maintains conditions that let others act in a disorderly manner that disturbs the public peace.

(c) *{Reserved}*

(d) *Alcoholic beverage.*

(1) *In general.*

“Alcoholic beverage” has the meaning stated in State Code Article 2B, § 1-102.

(2) *Inclusions.*

“Alcoholic beverage” includes any mixture of an alcoholic beverage with a non-alcoholic beverage.

(e) *Family event.*

“Family event” means a party or gathering where each underage person present is directly supervised by an adult family member who is 21 years old or over.

(f) *Includes; Including.*

“Includes” or “including” means by way of illustration and not by way of limitation.

(g) *Occupant.*

“Occupant” means any person occupying a premises, whether or not a party to a lease.

(h) *Operator.*

“Operator” means any person who has charge, care, or control of all or any part of a premises.

(i) *Owner.*(1) *In general.*

“Owner” means:

- (i) the person in whose name a premises is recorded in the Land Records of Baltimore City; and
- (ii) any other person with a legal or equitable interest in a premises.

(2) *Inclusions.*

“Owner” includes a person who has an interest as a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.

(3) *Exclusions.*

“Owner” does not include the holder of a tax sale certificate until a judgment foreclosing all rights of redemption has been entered.

(j) *Person.*

“Person” means:

- (1) an individual;
- (2) a partnership, firm, association, corporation, or other entity of any kind; and
- (3) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.

(k) *Person responsible.*

“Person responsible”, when used with reference to any premises, means the owner, operator, tenant, or occupant of or the holder of any possessory interest in those premises, whether alone or jointly with any other person.

(l) *Premises.*

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

(m) *Tenant.*

“Tenant” means any tenant or lessee, whether under a written or oral lease.

(n) *Underage person.*

“Underage person” means any individual who is under the age of 21.

(o) *Unruly social event.*

“Unruly social event” means a party or gathering of 2 or more individuals on or in any privately owned premises at which:

- (1) alcoholic beverages are consumed by, furnished to, or possessed by any underage person in violation of law; or
- (2) the conduct creates a disturbance of the peaceful enjoyment by others of private or public property, including:
 - (i) noise in excess of the levels set by City Code Health Article, Title 9 {“Noise Regulation”}, or other law;
 - (ii) obstruction of public rights-of-way by unruly crowds;
 - (iii) public drunkenness;
 - (iv) assaults, batteries, or other disorderly conduct that disturbs the public peace;
 - (v) vandalism of public or private property;
 - (vi) littering; or
 - (vii) any other conduct that constitutes a threat to the public health, safety, or general welfare.

(*Ord. 11-414; Ord. 15-389.*)

§ 43B-2. Exemptions from subtitle.

The activities described in § 43B-1(o)(1) of this subtitle {*underage consumption, possession, etc., of alcoholic beverages*} do not apply to:

- (1) legally-protected religious activities; or
- (2) family events.

(*Ord. 15-389.*)

§ 43B-3. {Reserved}**§ 43B-4. Duties of persons responsible.**(a) *In general.*

- (1) Every person responsible for any premises is required to maintain, manage, and supervise the premises and all persons on or in the premises in a manner so as not to violate the provisions of this subtitle.

- (2) A person responsible for any premises remains liable for a neighborhood nuisance or an unruly social event even if that person was not present during the nuisance activity or the social event.

(b) *Owner or operator.*

An owner or operator of the premises remains liable for violating this subtitle regardless of any contract or agreement with any third party regarding the premises.

(c) *Parents of juveniles.*

(1) *Definitions.*

(i) *In general.*

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

(ii) *Juvenile.*

“Juvenile” means any individual who is under the age of 18.

(iii) *Parent.*

“Parent” means any natural parent, adoptive parent, step-parent, or foster parent.

(2) *Joint liability.*

If the person responsible for the premises on or in which a neighborhood nuisance or an unruly social event occurs is a juvenile, then the juvenile and the parents or legal guardians of the juvenile are jointly and severally liable for the civil penalties imposed by this subtitle.

(*Ord. 15-389.*)

§ 43B-5. Prohibited conduct.

No person responsible for any premises may conduct, cause, permit, aid, or condone a neighborhood nuisance or any unruly social event on or in those premises.

(*Ord. 11-414; Ord. 15-389.*)

§§ 43B-6 to 43B-7. {Reserved}

§ 43B-8. 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 a civil citation, as authorized by City Code Article 1, Subtitle 41 {“Civil Citations”}.

(b) *Process not exclusive.*

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

(c) *Applicable standards.*

(1) A civil citation may be issued under this subtitle without proof that the cited owner, operator, tenant, occupant, or holder of a possessory interest knew of or participated in the neighborhood nuisance or unruly social event.

(2) For a civil citation issued under this subtitle to the owner or operator of leased property, it is a defense to any fine imposed on the owner or operator that:

(i) the owner or operator neither authorized, knew in advance of, nor participated in the neighborhood nuisance or unruly social event; and

(ii) the owner or operator provides proof:

(A) that the owner or operator has regained possession of the leased property; or

(B) that the owner or operator has filed court proceedings under State Real Property Article § 8-402.1 {"Breach of lease"} and City Public Local Laws § 9-14, as applicable, to regain possession of the leased property and that:

1. the court has entered a judgment in favor of the owner or operator; or

2. those court proceedings are still pending at the time the citation is being adjudicated, in which case the court adjudicating the citation may postpone its proceedings until the conclusion of the court proceedings to regain possession.

(3) For purposes of court proceedings filed under paragraph (2)(ii)(B) of this subsection, it is the intent of the Mayor and City Council that a violation of this subtitle shall be construed as demonstrating a clear and imminent danger that the persons responsible or others involved will do serious harm to themselves or others, within the scope and meaning of State Real Property Article § 8-402.1(a)(1)(i)2.B.

(Ord. 11-414; Ord. 15-389.)

§ 43B-9. {Reserved}**§ 43B-10. Severability.**

All provisions of this subtitle are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstances is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

(Ord. 15-389.)

SUBTITLE 44
SCAVENGING RECYCLABLE MATERIALS

§ 44-1. “Scavenging” defined.

“Scavenging” means removing recyclable materials from a designated recycling container or area without approval from the owner or operator of the recycling operation designated to recover and process the materials.

(City Code, 1976/83, art. 19, §139A(a).) (Ord. 91-665.)

§ 44-2. Prohibited conduct.

It is unlawful for any person not authorized by the Director of Public Works to remove or cause to be removed, any materials separated for the purpose of recycling and set at curbside or other pick-up locations for collection by authorized collectors.

(City Code, 1976/83, art. 19, §139A(b).) (Ord. 91-665; Ord. 15-435.)

§ 44-3. {Reserved}

§ 44-4. Penalties.

Any person violating a provision of this subtitle is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.

(City Code, 1976/83, art. 19, §139A(c).) (Ord. 91-665.)

SUBTITLE 45
SIGNS - ON OR AFFECTING PUBLIC PROPERTY

§ 45-1. Definitions.

(a) *In general.*

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

(b) *City.*

“City” means the Mayor and City Council of Baltimore.

(c) *Person.*

“Person” means any individual, political candidate, political committee, person, firm, partnership, association, corporation, company, organization, or other entity of any kind.

(d) *Sign.*

“Sign” includes any bill, poster, placard, handbill, flyer, painting, notice, advertisement, or other similar object or matter that contains printed or written matter in words, symbols, pictures, or any combination of them.

(*City Code, 1976/83, art. 19, §1(a).*) (*Ord. 85-478; Ord. 99-520.*)

§ 45-2. Postings prohibited.

No person may post, place, or affix a sign:

- (1) on any building owned, leased, or controlled by the City;
- (2) on or within the confines of any public park, recreation area, or other landscaped grounds owned or operated by the City;
- (3) on any flagpole or tree owned by the City;
- (4) on any traffic-control sign or device, including but not limited to, stop lights and their standards, stop signs, yield signs, 1-way street signs, and any other sign or device that directs traffic or controls traffic signals, or on the supporting post of any traffic-control sign or device;
- (5) in any way that:
 - (i) blocks a motorist’s, cyclist’s, or pedestrian’s view of a traffic-control sign or device so as to create a hazard;
 - (ii) protrudes into a street or sidewalk so as to interfere with the safe passage of the public; or

(iii) otherwise poses a hazard to motorists, pedestrians, or cyclists;

(6) on any other property owned, leased, or controlled by the City; or

(7) on any pole, building or property that is owned, leased, or controlled by a public utility and located within or on any public street, alley, or other public property.

(City Code, 1976/83, art. 19, §1(b).) (Ord. 85-478; Ord. 99-520.)

§ 45-3. Removal of illegal signs.

(a) *From City property – by Department.*

For any sign posted in violation of § 45-2(1) through (6) of this subtitle, the Department of Housing and Community Development may:

- (1) summarily remove the sign or make the appropriate referral to have the sign removed; or
- (2) send written notice to the person responsible, as described in § 45-5 of this subtitle, ordering that person to remove the sign within the time specified in the notice.

(b) *From City property – by others.*

(1) For any sign posted in violation of § 45-2(1) through (6) of this subtitle, any individual may:

- (i) summarily remove the sign; and
- (ii) either:

(A) discard the sign in an appropriate manner; or

(B) submit the sign to the Department of Housing and Community Development for further enforcement proceedings.

(2) A submission to the Department of Housing and Community Development for further enforcement proceedings:

- (i) must be accompanied by an affidavit, in the form and tenor required by the regulations adopted under § 45-4 of this subtitle, that describes the circumstances of the violation and removal; and
- (ii) may designate a non-profit community or neighborhood association listed with the Department of Planning to share in any fines that might be collected in the matter.

(3) An association so designated is entitled to receive 50% of any fine collected under City Code Article 1, Subtitle 40 {“Environmental Control Board”} or Subtitle 41 {“Civil Citations”}.

(c) *From public utility property.*

For any sign posted in violation of § 45-2(7) of this subtitle:

(1) the public utility may summarily remove the sign; or

(2) the public utility or the Department of Housing and Community Development may send written notice to the person responsible, as described in § 45-5 of this subtitle, ordering that person to remove the sign within the time specified in the notice.

(City Code, 1976/83, art. 19, §1(c.)) (Ord. 85-478; Ord. 99-520; Ord. 06-232; Ord. 07-622.)

§ 45-4. Liability for costs and expenses.

(a) *In general.*

Any person who posts a sign in violation of this subtitle and any other person responsible for the sign, as described in § 45-5 of this subtitle, is liable to the City or to the public utility, as the case may be, for the costs of:

(1) removing the sign; and

(2) repairing any damage caused by the placement or removal of the sign.

(b) *Rules and regulations for City property.*

(1) The Commissioner of Housing and Community Development shall adopt regulations to provide for the removal of signs illegally placed on City property.

(2) The regulations shall include:

(i) charges to be assessed for the costs of removing illegal signs and repairing damages;

(ii) rules, procedures, and forms to carry out § 45-3(b) {“Removal of illegal signs: From City property – by others”} of this subtitle; and

(iii) provisions that require the Director to report:

(A) the name of the person or entity represented on the material removed;

(B) the number of advertisements, notices, or other signs removed;

(C) the location of the material; and

(D) the type of structure from which the material was removed.

(City Code, 1976/83, art. 19, §1(d.)) (Ord. 85-478; Ord. 99-520; Ord. 06-232; Ord. 07-622.)

§ 45-5. Persons responsible.

(a) *Political campaigns.*

(1) In the case of a political campaign, a candidate for any office and the chairman and treasurer of any registered political committee is presumptively liable for the costs of sign removal imposed by § 45-4 of this subtitle, as well as for the civil and criminal penalties imposed by

this subtitle, if the candidate or the committee was responsible for printing the sign. If the liability is contested, the burden of overcoming the presumption is on the contesting party.

- (2) A candidate for public office shall, at the time of filing with the Board of Supervisors of Elections for the candidacy, sign a written statement that acknowledges the candidate's responsibilities under this subtitle. Failure to sign the statement does not affect the liability of the candidate for the penalties and costs provided for in this subtitle.

(b) *Other cases.*

In all other cases, the person whose name, event, business, location, or merchandise is written on the sign is presumptively liable for the charges imposed by § 45-4 of this subtitle, as well as for the civil and criminal penalties imposed by this subtitle. The burden of overcoming the presumption is on the contesting party.

(City Code, 1976/83, art. 19, §1(e).) (Ord. 85-478; Ord. 07-622.)

§ 45-6. {Reserved}

§ 45-7. Enforcement; penalties.

(a) *Enforcement by citation.*

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

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

- (2) 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.

(b) *Criminal penalties.*

Any person who posts a sign in violation of this subtitle or who fails to comply with a notice to remove a sign posted in violation of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each sign.

(City Code, 1976/83, art. 19, §1(f).) (Ord. 85-478; Ord. 99-520; Ord. 03-595.)

**SUBTITLE 46
SIGNS - CAMPAIGN SIGNS IN RESIDENTIAL AREAS**

§ 46-1. When signs may be displayed.

(a) *Earliest date.*

Signs announcing candidates seeking elected public office may be erected on the exterior of structures or in yards in Residence and Office-Residence Zoning Districts in Baltimore City no earlier than on the last day on which a certificate of candidacy must be withdrawn.

(b) *Latest date.*

The signs must be removed within 30 days after any primary election day by an unsuccessful primary candidate and within 30 days after any general election day by all other candidates whenever the signs were erected at the direction of or with the consent of the candidates. *(City Code, 1976/83, art. 19, §232(a)(1st, 4th sens.).) (Ord. 86-618; Ord. 07-430.)*

§ 46-2. Where and how displayed.

(a) *In general.*

All signs:

- (1) shall be confined within private property; and
- (2) may not be placed so as to obstruct the vision of operators of motor vehicles.

(b) *Required relocation.*

The Police Commissioner or the Commissioner’s agent may require that a sign be relocated:

- (1) if he or she reasonably determines that its placement may obstruct the vision of operators of motor vehicles; or
- (2) for other public safety reasons.

(City Code, 1976/83, art. 19, §232(a)(2nd, 3rd sens.).) (Ord. 86-618; Ord. 07-430.)

§ 46-3. Maximum size.

(a) *In general.*

No sign erected under this subtitle may exceed an area of 16 square feet.

(b) *Computing area.*

A sign’s area shall be computed as provided in § 11-203 of the City Zoning Code. *(Ord. 07- 430.)*

§ 46-4. Permitted inferences.

For purposes of enforcing this subtitle, the presence of a violative sign permits, but does not require, an inference that it was placed or erected at the direction of or with the consent of the candidate whose name appears on the sign.

(City Code, 1976/83, art. 19, §232(c).) (Ord. 86-618; Ord. 07-430.)

§ 46-5. 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.

(Ord. 07- 430.)

§ 46-6. Penalties.

(a) *In general.*

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

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

(City Code, 1976/83, art. 19, §232(b).) (Ord. 86-618; Ord. 07-430.)

SUBTITLE 47
SOLICITING AND AGGRESSIVE SOLICITING

§ 47-1. Definitions.

(a) *Aggressive soliciting.*

“Aggressive soliciting” means soliciting which is accompanied by 1 or more of the following:

- (1) approaching, speaking to, or following a person in such a manner as would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person or upon property in the person’s immediate possession;
- (2) in the course of soliciting, touching another person without that person’s consent;
- (3) continuously soliciting from a person or following the person after the person has made a negative response;
- (4) intentionally blocking or interfering with the safe passage of a person or a vehicle by any means, including unreasonably causing a person to take evasive action to avoid physical contact;
- (5) using obscene or abusive language either during the course of soliciting or following a refusal; or
- (6) acting with the intent of intimidating another person into giving money or another thing of value.

(b) *Place open to the general public.*

“Place open to the general public” means sidewalks, streets, alleys, driveways, parking lots and garages, parks, plazas, buildings, doorways and entrances to buildings, the grounds enclosing buildings, or the mall and/or adjacent parking areas of any shopping center to which the general public is invited for business purposes.

(c) *Soliciting.*

- (1) “Soliciting” means any act by which 1 person requests an immediate donation of money or other thing of value from another or others in person, regardless of the solicitor’s purpose or intended use of the money or other thing of value.

- (2) The solicitation may be oral, written, or by other means of communication.

(*City Code, 1976/83, art. 19, §249(b).*) (*Ord. 93-275; Ord. 94-447.*)

§ 47-2. Findings and declarations.

The Mayor and City Council:

(1) finds and declares that aggressive soliciting and soliciting in certain places and circumstances have a detrimental effect on the creation of a safe environment in the City of Baltimore; and

(2) finds that restricting certain acts, without prohibiting soliciting, is a necessary exercise of the police, health, and welfare power in order to maintain the peace and good government of Baltimore City and to preserve and protect the rights of all citizens.

(City Code, 1976/83, art. 19, §249(a).) (Ord. 93-275; Ord. 94-447; Ord. 04-672.)

§ 47-3. Aggressive soliciting in public places prohibited.

It is unlawful for any person to engage in aggressive soliciting in any place open to the general public.

(City Code, 1976/83, art. 19, §249(c).) (Ord. 93-275; Ord. 94-447.)

§ 47-4. Soliciting in certain ways and places prohibited.

It is unlawful for any person to engage in soliciting:

(1) within 10 feet of any automatic teller machine (ATM);

(2) in any public transportation vehicle or at any bus, train, light rail, or subway station or stop;

(3) on private property or residential property, if the owner, tenant, or occupant has asked the person not to solicit on the property or has posted a sign on the property indicating no soliciting;

(4) from any operator or occupant of a motor vehicle that is in traffic on a public street, whether in exchange for cleaning the vehicle's windows or otherwise; or

(5) from any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying, or reserving a public parking space or directing the occupant to a public parking space.

(City Code, 1976/83, art. 19, §249(e).) (Ord. 93-275; Ord. 94-447.)

§ 47-5. Nighttime soliciting prohibited.

(a) *In general.*

Except as provided in subsection (b) of this section, no person may engage in soliciting between sunset and sunrise.

(b) *Exception.*

This section does not apply to soliciting that is done solely:

- (i) by passively standing or sitting with a sign or other indication that one is seeking donations; and
- (ii) without addressing any oral or other solicitation to any specific person other than in response to an inquiry by that person.

(c) *Enforcement by Civil Citation.*

- (1) This section may be enforced by issuance of a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.
- (2) A citation may be issued under this section only by a police officer.
- (3) No person may be imprisoned for a violation of this section, for failing to pay a fine imposed under this section, or for failing to appear in court.

(Ord. 04-675.)

Editor's Note: Ord. 04-675, which added § 47-5 and amended the succeeding sections, provides:

[T]his Ordinance ... will remain effective until the repeal or abrogation of City Code Article 1, Subtitle 41 {"Civil Citations"}, as enacted by Ordinance 03-595; on the repeal or abrogation of that subtitle, with no further action by the Mayor and City Council, this Ordinance will be abrogated and of no further effect.

§ 47-6. {Reserved}

§ 47-7. Other soliciting permitted.

"Soliciting" as defined in § 47-1(c) of this subtitle is lawful except only as specified in this subtitle. (City Code, 1976/83, art. 19, §249(d).) (Ord. 93-275; Ord. 94-447; Ord. 04-675.)

§ 47-8. {Reserved}

§ 47-9. Penalties.

(a) *In general.*

Except as provided in subsection (b) of this section, any person who violates a provision of this subtitle is guilty of a misdemeanor and, upon conviction thereof:

- (1) shall be fined not more than \$100 or imprisoned for not more than 30 days, or both; or
- (2) if the person has been convicted of a violation of this subtitle within the previous year, the person shall be fined not more than \$250 or imprisoned for not more than 90 days, or both.

(b) *Exception.*

This section does not apply to any violation of § 47-5 {"Nighttime soliciting prohibited"} of this subtitle.

(City Code, 1976/83, art. 19, §249(f).) (Ord. 93-275; Ord. 94-447; Ord. 04-675.)

SUBTITLE 48
SPORTING EVENTS

§ 48-1. Throwing missiles.

(a) *“Missile” defined.*

In this section, “missile” means any object capable of being thrown or used as a projectile, but does not include empty paper wrappers.

(b) *Exclusions.*

This section does not apply to a member of a team or an official participating as a principal in a sporting event while engaged in the course of conduct required by that sporting event.

(c) *Prohibited conduct.*

It is unlawful for any person to toss, throw, fling, or project, or to cause the tossing, throwing, flinging, or projecting of any missile:

- (1) on or in the direction of any member of a team or official participating as a principal in a sporting event; or
- (2) on any playing field or arena during the course of a sporting event.

(d) *Penalties.*

Any person who violates a provision of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or to imprisonment for not more than 12 months or to both fine and imprisonment for each offense.

(City Code, 1976/83, art. 19, §192A.) (Ord. 77-521; Ord. 09-145.)

§ 48-2. Resale near stadiums.
{Repealed by Ord. 07-471.}

§ 48-3. Preakness Stakes tickets.

(a) *Prohibited conduct.*

It is unlawful for any person to offer for sale or resale or to possess for sale or resale any Preakness Stakes ticket that:

- (1) is forged or counterfeit; or
- (2) is in any way printed or issued without the consent of the Maryland Jockey Club of Baltimore City, Inc.

(b) *Penalties.*

(1) Any person who violates a provision of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.

(2) Each ticket that is offered or possessed in violation of this section is a separate offense. (*City Code, 1976/83, art. 19, §198B.*) (*Ord. 97-133; Ord. 09-145.*)

§ 48-4. Flying over stadium.

(a) *Prohibited conduct.*

It is unlawful for any person *{to}* operate an aircraft over or around the outer limits of M&T Bank Stadium or Oriole Park at Camden Yards for any advertising or commercial purposes.

(b) *Penalties.*

Any person who violates a provision of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000.

(*City Code, 1927, art. 32, §§5, 6; 1950, art. 24, §§1, 2; 1966, art. 19, §§1, 2; 1976/83, art. 19, §§2, 3.*) (*Ord. 25-324; Ord. 92-053; Ord. 09-145.*)

SUBTITLE 49
STAR-SPANGLED BANNER

§ 49-1. To be performed as entirety.

(a) *In general.*

“The Star-Spangled Banner” shall not be played, sung or rendered in the City of Baltimore in any public place, or at any public entertainment, or in any theatre or moving picture hall, restaurant, or cafe, except as an entire and separate composition or number, without embellishments of national or other melodies.

(b) *Use in medley prohibited.*

Nor shall “The Star-Spangled Banner” or any part thereof or selection from the same be played as a part or selection of a medley of any kind.

(City Code, 1927, art. 32, §118(1st sen.)(1st, 2nd cls.); 1950, art. 24, §84(1st sen.)(1st, 2nd cls.); 1966, art. 19, §127(1st sen.)(1st, 2nd cls.); 1976/83, art. 19, §152(1st sen.)(1st, 2nd cls.)) (Ord. 16-167.)

§ 49-2. Use for dancing or exit march prohibited.

Nor shall “The Star-Spangled Banner” be played at or in any of the places mentioned for dancing or as an exit march.

(City Code, 1927, art. 32, §118(1st sen.)(3rd cl.); 1950, art. 24, §84(1st sen.)(3rd cl.); 1966, art. 19, §127(1st sen.)(3rd cl.); 1976/83, art. 19, §152(1st sen.)(3rd cl.)) (Ord. 16-167.)

§ 49-3. Performers, etc., to stand.

And whenever and wherever practicable, the musicians, performers, or other persons shall stand while playing, singing, or rendering “The Star-Spangled Banner”.

(City Code, 1927, art. 32, §118(1st sen.)(4th cl.); 1950, art. 24, §84(1st sen.)(4th cl.); 1966, art. 19, §127(1st sen.)(4th cl.); 1976/83, art. 19, §152(1st sen.)(4th cl.)) (Ord. 16-167.)

§ 49-4. Proprietor responsible.

No owner, proprietor, or manager of any theatre, moving picture hall, or restaurant, cafe or other place in the City of Baltimore where the public gathers shall permit or allow anyone playing, singing, or performing therein to play, sing, or render “The Star-Spangled Banner” in violation of the provisions of this subtitle, and in the event of any such permission or allowance, such owner, proprietor, or manager, upon conviction thereof, shall be subject to the penalties imposed by § 49-6 of this subtitle.

(City Code, 1927, art. 32, §119; 1950, art. 24, §85; 1966, art. 19, §128; 1976/83, art. 19, §153.) (Ord. 16-167.)

§ 49-5. {Reserved}

§ 49-6. Penalties.

Any person violating the provisions of this subtitle shall be guilty of a misdemeanor and, upon conviction thereof before a Court of competent jurisdiction of this State, shall be fined not more than \$100.

(City Code, 1927, art. 32, §118(2nd sen.); 1950, art. 24, §84(2nd sen.); 1966, art. 19, §127(2nd sen.); 1976/83, art. 19, §152(2nd sen.)) (Ord. 16-167.)

**SUBTITLE 50
STREET REGULATIONS**

PART 1. OBSTRUCTIONS

§ 50-1. {Repealed by Ord. 09-146}

§ 50-2. Obstructing street, etc., or gutter.

(a) *Prohibited conduct.*

Except as specifically provided in this section, no person may in any manner obstruct any street, lane, sidewalk, footway, or alley in the City or any of their gutters.

(b) *Exception for deliveries, etc.*

This section does not apply to someone in the immediate act of delivering items to or removing items from a place of business or a dwelling as long as the items do not use more space than ½ of the pavement.

(c) *Enforcement by citation.*

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

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

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

(d) *Penalties.*

(1) Any person who violates any provision of this section is guilty of a misdemeanor, and on conviction, is subject to the penalties specified in this subsection.

(2) On a 1st conviction, the penalty for a violation of this section is a fine of not more than \$250 for each offense.

(3) On a 2nd or subsequent conviction, the penalty for a violation of this section is a fine of not more than \$500 for each offense.

(City Code, 1879, art. 47, §116; 1893, art. 48, §135; 1927, art. 32, §91; 1950, art. 24, §91; 1966, art. 19, §132; 1976/83, art. 19, §157.) (Rev. Ords. 1858-033; Ord. 74-528; Ord. 99-548; Ord. 03-595; Ord. 09-146.)

§ 50-3. Merchandise projecting from building.*(a) Prohibited conduct.*

No person may place, set, or display any vegetables or fruit or any other goods, wares, or merchandise at a distance of more than 3 feet from the house or store from which they are being sold.

(b) Enforcement by citation.

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

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

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

(2) The issuance of an environmental citation to enforce this section does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(c) Penalties.

(1) Any person who violates any provision of this section is guilty of a misdemeanor, and on conviction, is subject to the penalties specified in this section.

(2) On a 1st conviction, the penalty for a violation of this section is a fine of not more than \$50 for each offense.

(3) On a 2nd or subsequent conviction, the penalty for a violation of this section is a fine of not more than \$100 for each offense.

(City Code, 1879, art. 47, §117; 1893, art. 48, §136; 1927, art. 32, §48; 1950, art. 24, §92; 1966, art. 19, §133; 1976/83, art. 19, §158.) (Ord. 1869-068; Ord. 99-548; Ord. 03-595.)

§ 50-4. Throwing bales, etc.; using slides, etc.*(a) Prohibited conduct.*

It shall not be lawful for any person:

(1) to throw any bale or bulky article from the 2nd or higher story door or window into the street; or

(2) to use, or cause to be used, in or upon any street, lane, or alley, wharf, or place of public resort, any sliding board, skid, or other device or contrivance for the purpose of receiving or delivering merchandise, without having the same well secured, so as to prevent the same from slipping.

(b) *Exceptions.*

Provided, that this section shall not be construed to extend to the removing of any merchandise or other article in case of danger by fire or other casualty.

(c) *Penalties.*

And every person who shall offend in manner aforesaid shall pay for every such offense the sum of \$20.

(*City Code, 1879, art. 47, §128; 1893, art. 48, §150; 1927, art. 32, §68; 1950, art. 24, §99; 1966, art. 19, §138; 1976/83, art. 19, §163.*) (*Ord. 1871-022.*)

§§ 50-5 to 50-10. {Reserved}**§ 50-11. Removal of obstructions by City.**

The Director of Transportation is authorized and empowered to remove or cause to be removed any obstruction to passage through a street, lane, or alley.

(*City Code, 1879, art. 47, §119; 1893, art. 48, §139; 1927, art. 32, §53; 1950, art. 24, §97; 1966, art. 19, §136; 1976/83, art. 19, §161.*) (*Ord. 77-573; Ord. 91-651.*)

§ 50-12. {Repealed}

EDITOR'S NOTE: Ordinance 07-496 repealed former § 50-12, "Eviction chattels", and enacted new City Code Article 13, Subtitle 8A, in its stead.

§§ 50-13 to 50-15. {Reserved}

PART 2. COASTING
{Repealed by Ord. 15-435}

§§ 50-16 to 50-20. {Reserved}

PART 3. STREET SALES NEAR FARMERS' MARKETS
{Repealed by Ord. 04-854}

EDITOR'S NOTE: Ordinance 04-854 repealed former Part 3, "Street Sales Near Farmers' Markets", and rewrote City Code Article 15, Subtitle 17, to include similar provisions.

§§ 50-21 to 50-25. {Reserved}

PART 4. FIRES
{Repealed by Ord. 15-435}

EDITOR'S NOTE: Ordinance 15-435 repealed former Part 4, dealing with the fires in streets, lanes, and alleys. The provisions of that part (virtually unchanged since their enactment in 1858) have been effectively superseded by the more extensive provisions of the International Fire Code Chapter 3 {"General

Requirements”}, as adopted by Part VIII of the City’s Building, Fire, and Related Codes Article. *See, e.g.*, FC § 303 {“Asphalt kettles”}, § 307 {“Open burning...”}, and § 308 {“Open flames”}.

§§ 50-26 to 50-30. {Reserved}

PART 5. PARADES

§ 50-31. Permit required.

(a) *In general.*

It is unlawful for any organization or persons to parade through the streets of the City without first obtaining a permit to do so from the Department of Transportation.

(b) *Specifications.*

The permit shall specify the streets through which, and the hours within which, the parade is to pass.

(c) *Notice.*

Before a permit is granted, the Department of Transportation shall make reasonable efforts to notify the local community and business groups, as listed in the Community Association Directory published by the Department of Planning, that might be affected by the proposed parade.

(d) *Rules and regulations.*

(1) The Director of Transportation may adopt rules and regulations to carry out this section.

(2) A copy of these rules and regulations must be filed with the Department of Legislative Reference before they take effect.

(e) *Penalties.*

Any person who violates this section is guilty of a misdemeanor and, on conviction, subject to a fine of not more than \$500 or to imprisonment for not more than 60 days or to both fine and imprisonment for each offense.

(*City Code, 1927, art. 32, §74; 1950, art. 24, §137; 1966, art. 19, §144; 1976/83, art. 19, §169.*)
(*Ord. 1894-139; Ord. 90-611; Ord. 09-147; Ord. 15-435.*)

§§ 50-32 to 50-40. {Reserved}

PART 6. PLAYING BALL, ETC.**§ 50-41. Playing in street.***(a) Prohibited conduct.*

It is not lawful for any person to play ball, fly a kite, or throw a stone or other object or missile while in or on any street, alley, lane, or other public thoroughfare in this City.

(a-1) Enforcement by citation.

- (1) In addition to any other civil or criminal remedy or enforcement procedure, this section may be enforced by issuance of a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.
- (2) The issuance of a civil citation to enforce this section does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(b) Penalties.

Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, is subject to a fine not to exceed \$5.

(City Code, 1879, art. 47, §129; 1893, art. 48, §151; 1927, art. 32, §69; 1950, art. 24, §139; 1966, art. 19, §146; 1976/83, art. 19, §171.) (Rev. Ords. 1858-033; Ord. 66-871; Ord. 03-595.)

§§ 50-42 to 50-45. {Reserved}***PART 7. {REPEALED}***

Editor's Note: Ordinance 09-148 repealed this Part 7, in its entirety, and enacted a new section, Property Maintenance Code § 305.8, with similar requirements.

§§ 50-46 to 50-55. {Reserved}***PART 8. SOLICITING CUSTOMERS***

Editor's Note: As introduced, Ordinance 09-149 (Council Bill 08-253) would have amended § 50-56 to add the solicitation of donations to its coverage. Accordingly, the bill also amended the name of this Part to "Soliciting Customers *or Donations*". Before enactment, however, the proposed reference to donations was deleted from the section, but not from the Part's title. In codifying the amended section, we have omitted the no-longer relevant title change.

§ 50-56. Obstructing passage prohibited.

It is unlawful for any person in or on any street or sidewalk or footways to obstruct passage along the street or sidewalk by catching hold of or soliciting persons or in any way interfering with their free passage, for the purpose of inducing or compelling them to buy any article or thing.

(City Code, 1893, art. 48, §155; 1927, art. 32, §79; 1950, art. 24, §146; 1966, art. 19, §153; 1976/83, art. 19, §179.) (Ord. 1889-139; Ord. 09-149; Ord. 12-157; Ord. 13-245.)

§§ 50-57 to 50-58. {Repealed by Ord. 09-149.}**§ 50-59. Enforcement by citation.**(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, § 50-56 of this subtitle may be enforced by issuance of a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Method not exclusive.*

The issuance of a civil citation to enforce § 50-56 of this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.
(*Ord. 03-595; Ord. 09-149.*)

§ 50-60. Criminal penalties.

Any person who violates a provision of § 50-56 of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$200 for each offense.
(*Ord. 09-149.*)

PART 9. SAND, WATER, ETC.**§ 50-61. Sand, ashes, etc., prohibited on streets.**(a) *In general.*

It shall be unlawful for any person or persons, or corporation, to deposit or scatter sand, ashes, or other matter on any part of the streets or alleys of the City of Baltimore, excepting sidewalks thereof, in time of ice or sleet.

(b) *Exceptions.*

Provided, that nothing in this section shall be construed as to prevent street railway companies from placing sand on their rails at heavy grades.

(c) *Penalties.*

Any person or persons, or corporation, violating the provisions of this section shall forfeit and pay a fine of \$10 for each and every offense, to be recovered as other fines and forfeitures for the violation of City ordinances are recovered.
(*City Code, 1893, art. 48, §145; 1927, art. 32, §62; 1950, art. 24, §153; 1966, art. 19, §157; 1976/83, art. 19, §182.*) (*Ord. 1887-057.*)

§ 50-62. {Repealed by Ord. 09-150}

**SUBTITLE 51
PARK RULES****§ 51-1. Definitions.**(a) *In general.*

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

(b) *Park rule.*

“Park rule” means any rule or regulation adopted by the Director of Recreation and Parks under the authority of Article VII, § 67(f) of the City Charter.

(Ord. 03-572.)

§ 51-2. Compliance with rules required.

No person may violate a park rule.

(Ord. 03-572.)

§ 51-3. Enforcement by citation.(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, a park rule may be enforced by issuance of:

- (1) an environmental citation under City Code Article 1, Subtitle 40 {“Environmental Control Board”};
- (2) a civil citation under City Code Article 1, Subtitle 41 {“Civil Citations”}; or
- (3) a prepayable criminal citation under City Code Article 19, Subtitle 71 {“Special Enforcement Officers”}.

(b) *Methods not exclusive.*

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

(Ord. 03-572; Ord. 03-595.)

§ 51-4. Penalties.

Any person who violates any provision of a park rule is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.

(Ord. 03-572.)

**SUBTITLE 52
TAXICABS**

§ 52-1. Refusal to pay fare.

(a) *Prohibited conduct.*

It is unlawful for any person who engages and accepts transportation in a taxicab or other vehicle operated as a common carrier to wilfully refuse to pay the proper charges at the conclusion of the transportation.

(b) *Special arrangements allowed.*

This section does not prevent the owner or operator of the taxicab or other common carrier from arranging with the person who engaged and accepted transportation for subsequent payment of the charges due.

(c) *Penalties.*

Any person who violates a provision of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of \$250 for each offense.

(City Code, 1976/83, art. 19, §187.) (Ord. 73-329; Ord. 09-151.)

§ 52-2. Providing taxi services without license.

(a) *Prohibited conduct.*

It shall be unlawful for any person to solicit, offer to transport, or transport a passenger or passengers for hire in Baltimore City unless said person offering to transport shall be operating a vehicle duly authorized to perform taxicab services in Baltimore City under the authority of the Public Service Commission of Maryland.

(b) *Scope of prohibition.*

This section is intended to include as illegal:

- (1) the operation of a licensed taxicab in Baltimore City from a jurisdiction other than Baltimore City, unless such transportation is a fare or the continuation of a fare originating in said other jurisdiction; and
- (2) any use of a private vehicle to transport passengers for hire in performing taxicab services.

(c) *Enforcement; penalties.*

A police officer shall issue a citation to any violator of this section and said charge shall be deemed a misdemeanor and, upon conviction thereof, said person shall be subject to a fine of not greater than \$500 or to imprisonment for a period of not longer than 6 months, or to both such fine and imprisonment in the discretion of the Court.

(City Code, 1976/83, art. 19, §187A.) (Ord. 79-956.)

SUBTITLE 53
TELEPHONE HARASSMENT

§ 53-1. Prohibited conduct.

It is unlawful for any person to make use of telephone facilities or equipment:

(1) for an anonymous call, if in a manner which may annoy, abuse, torment, harass, or embarrass one or more persons; or

(2) for any request, suggestion, or proposal which, to the person receiving the call, is objectionably profane, obscene, vulgar, lewd, lascivious, or indecent.

(City Code, 1966, art. 19, §165(1st sen.); 1976/83, art. 19, §188(1st sen.)) (Ord. 60-382.)

§ 53-2. Penalties.

A violation of any one of the provisions of this section is a misdemeanor, subject upon conviction of a fine not greater than \$500 or to imprisonment for a period not longer than 12 months, or to both such fine and imprisonment in the discretion of the Court.

(City Code, 1966, art. 19, §165(2nd sen.); 1976/83, art. 19, §188(2nd sen.)) (Ord. 60-382.)

SUBTITLE 54
THEATRICAL EXHIBITIONS

§ 54-1. Obscene performances prohibited.

(a) *Definitions.*

(1) *Obscene.*

(i) Any performance is “obscene” if:

(A) considered as a whole, its predominant appeal is to prurient, shameful, or morbid interest in nudity, sex, excretion, sadism, or masochism;

(B) it goes substantially beyond customary limits of candor in describing or representing such matters; and

(C) it is utterly without redeeming social value.

(ii) Predominant appeal shall be judged with reference to ordinary adults unless it appears from the character of the circumstances of its dissemination to be designed for children or other specially susceptible audiences.

(2) *Performance.*

“Performance” means any play, dance, or other exhibition performed or displayed before an audience.

(b) *Prohibited conduct; penalty.*

Every person who shall within the City of Baltimore knowingly act, exhibit, show, or perform in, or cause to be acted, exhibited, shown, or performed, or be in any manner concerned in or permits to be conducted at any premises or place under his control, the acting, exhibition, showing, or performance of any obscene play, farce, opera, public exhibition, show, or entertainment or performance whatsoever or participate in any part of any such obscene play, farce, opera, public exhibition, show, entertainment, or performance whatsoever, shall be deemed guilty of a misdemeanor subject to a penalty for each offense of a fine not over \$100. (*City Code, 1879, art. 51, §1; 1893, art. 52, §1; 1927, art. 32, §121; 1950, art. 24, §159; 1966, art. 19, §166; 1976/83, art. 19, §190.*) (*Rev. Ords. 1858-037; Ord. 57-805; Ord. 69-443.*)

§ 54-2. Nets required for high acts.

(a) *Prohibited conduct.*

No agent, owner, or lessee of any house of public amusement, or any agent, owner, or lessee of any show, circus, or public exhibition of any kind whatsoever, shall suffer or permit any person whomsoever to do or perform those acts in which feats of strength and skill are exhibited by the performer from apparatus suspended at an extraordinary elevation above the stage, without first

providing a network of such character and materials as in the event of any miscalculation on the part of the performer or performers, will be the means of saving him, her or them from accident or injury.

(b) *Penalties.*

Any agent, owner, or lessee of any house of public amusement, or any agent, owner, or lessee of any show, circus, or public exhibition of any kind whatsoever, offending against the provisions of this section shall forfeit and pay a fine of \$50 for every time such offense may be committed in his, her, or their house or place of public amusement, to be recovered as other fines are recoverable.

(City Code, 1879, art. 51, §§3, 4; 1893, art. 52, §§3, 4; 1927, art. 32, §§123, 124; 1950, art. 24, §§161, 163; 1966, art. 19, §§167, 168; 1976/83, art. 19, §§191, 192.) (Ord. 1873-104.)

SUBTITLE 55
TICKET SALES

Editor's Note: Ordinance 13-157 repealed this Article 19, Subtitle 55 {"Ticket Sales"} and Article 15, Subtitle 21 {"Ticket Agencies"}, replacing their provisions with a new Article 2, Subtitle 16 {"Ticket Sales"}. Ord. 13-157 became effective September 18, 2013.

SUBTITLE 56
{RESERVED}

SUBTITLE 57
VANDALISM

§ 57-1. In general.

(a) *Prohibited conduct.*

It is unlawful for any person to wilfully and maliciously destroy, injure, deface, molest, or spray or splash with paint, lacquer, or similar substance any theatre, place of worship, public building, or any real or personal property of another.

(b) *Penalties.*

(1) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, is subject to a fine of not less than \$100 and not more than \$1,000, or imprisonment in jail not exceeding 90 days, or to both fine and imprisonment, in the discretion of the court.

(2) In addition to a fine or imprisonment, or both, or in lieu of a fine or imprisonment or both, a judge may sentence a person convicted under this section to perform community service, which may include the cleaning of any property defaced by such vandalism.

(City Code, 1976/83, art. 19, §217.) (Ord. 71-1002; Ord. 86-763; Ord. 90-533.)

§ 57-2. Religious desecration.

(a) *Prohibited conduct.*

Any person who wilfully or maliciously:

(1) defaces or molests the real or personal property or premises of a church, religious organization, religious institution, parsonage, or church home;

(2) inscribes or places upon, adjacent, or near to any such property or premises, a mark, letter, or symbol for the purpose of inciting or causing the hatred, criticism, ridicule, disaffection, or disturbance of a religious group, sect, or congregation, or of any member thereof; or

(3) desecrates, mutilates, or disfigures any such property or premises,

is guilty of a misdemeanor.

(b) *Penalties.*

Upon conviction thereof, he is subject to a fine not to exceed \$500 or to imprisonment for a period not to exceed 12 months or to both such fine and imprisonment in the discretion of the court.

(City Code, 1966, art. 19, §115; 1976/83, art. 19, §133.) (Ord. 60-239.)

§ 57-3. Utility structures, etc.*(a) Prohibited conduct.*

No person may wilfully break, defile, remove, deface, carry away, or otherwise damage or injure any street lighting or other public utility structure, or any equipment, part, or appurtenance of a public utility structure.

(b) Liability.

Any person who violates this section is, in addition to any other applicable penalty, liable to the City or other owner of the structure, equipment, etc., for the expense of repairing, cleaning, and restoring it.

(c) Penalties.

(1) Any person who violates this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or to imprisonment for not more than 12 months or to both fine and imprisonment for each offense.

(2) Each structure damaged or injured under this section is a separate offense.

(City Code, 1950, art. 24, §10; 1966, art. 19, §17; 1976/83, art. 19, §19.) (Ord. 50-1326; Ord. 09-152.)

SUBTITLE 58
{RESERVED}

SUBTITLE 59
WEAPONS

PART 1. FIREARMS — IN GENERAL

§ 59-1. Carrying long-barrel firearms.

(a) *Carrying prohibited — in general.*

- (1) It shall be unlawful for any person to carry in any vehicles or about his person, except in his place of abode, fixed place of business, target range, gun show, historic reenactment, or civic event held on a National Monument or a Historic Shrine or parade for which a permit has been obtained, any rifle, shotgun or other firearm the barrel of which is over 14 inches in length.
- (2) Provided that this subsection shall not apply to:
 - (i) marshals, sheriffs, prison or jail wardens, or their deputies while in the performance of their official duty;
 - (ii) policemen or other law enforcement officers;
 - (iii) members of the armed forces of the United States or of the National Guard or organized reserves when on duty;
 - (iv) holders of special police commissions issued under Title 4, Subtitle 9, of Article 41 of the Maryland Code, while actually on duty on the property for which the commission was issued or while traveling to or from such duty;
 - (v) uniformed security guards, special railway police, and watchmen who have been cleared for such employment by the appropriate governmental agency, while in the course of their employment or while traveling to or from the place of employment;
 - (vi) guards in the employ of a bank, savings and loan association, building and loan association, or express or armored car agency, while in the course of their employment or while traveling to or from the place of employment;
 - (vii) manufacture, transportation, or sale of weapons to persons authorized under law to possess such under the laws of the United States;
 - (viii) transportation of firearms unloaded and carried in an enclosed case or rack designed for that purpose;
 - (ix) antique firearms, meaning:
 - (A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(B) any replica of any firearm described in subitem (A) if such replica:

1. is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or
2. uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(b) *Carrying prohibited — intent to commit crime.*

It shall be unlawful for any person to carry in any about his person any rifle, shotgun, or other firearms the barrel of which is over 14 inches in length with the intent to use the rifle, shotgun, or other firearm in the commission of a crime against the person or property of another.

(c) *Penalties.*

Any violation of the provisions of this section shall be deemed a misdemeanor, subject upon conviction to a fine of not more than \$500 or to imprisonment for not longer than 60 days or to both fine and imprisonment, in the discretion of the Court.

(City Code, 1976/83, art. 19, §97.) (Ord. 80-154; Ord. 81-215.)

§ 59-2. Discharging firearms.

(a) *Prohibited conduct; penalties.*

If any person shall fire or discharge any gun, pistol, or firearm within the City, unless it be on some occasion of military parade, and then by order of some officer having the command, every such person for every such offense shall be guilty of a misdemeanor and, upon conviction, pay a fine not to exceed \$1,000, or be imprisoned for a term not to exceed 1 year, or both.

(b) *Discharge on vessel.*

If any gun, pistol, or firearm shall be discharged from on board any vessel within the harbor of Baltimore, the captain of the vessel, as well as the offender, shall be liable to the said penalty.

(c) *Exception.*

Nothing in this section shall be held to apply to or prohibit the discharge or firing of any such firearms on permanently located, properly posted and bona fide target ranges, the location of which has been filed with the Police Department of Baltimore City.

(City Code, 1879, art. 47, §112; 1893, art. 48, §129; 1927, art. 32, §41; 1950, art. 24, §58; 1966, art. 19, §96; 1976/83, art. 19, §112.) (Rev. Ords. 1858-033; Ord. 19-001; Ord. 37-549; Ord. 56-423; Ord. 87-922.)

§ 59-3. *{Repealed by Ord. 14-307.}*

§ 59-4. *{Repealed by Ord. 14-307.}*

§§ 59-5 to 59-10. *{Reserved}*

PART 2. FIREARMS — ACCESS BY MINORS

§ 59-11. Definitions.

(a) *In general.*

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

(b) *Ammunition.*

“Ammunition” means any cartridge, shell, or other device that contains explosive or incendiary material and is designed or intended for use in any firearm.

(c) *Child safety lock.*

“Child safety lock” means:

- (1) a device that, when locked in place, prevents the trigger from being moved and can itself be removed only by using a key or combination; or
- (2) any other device that:
 - (i) when locked in place, otherwise renders the firearm inoperable and can itself be removed only by using a key or combination; and
 - (ii) has been approved for this purpose by the Police Commissioner.

(d) *Firearm.*

“Firearm” means any pistol, revolver, rifle, shotgun, short-barreled rifle, short-barreled shotgun, or other firearm, except an inoperable antique firearm.

(e) *Minor.*

“Minor” means any person under the age of 18.
(*City Code, 1976/83, art. 19, §117A(a).*) (*Ord. 91-720; Ord. 98-243; Ord. 14-307.*)

§ 59-12. Access by minors prohibited.*(a) Prohibited conduct.*

Except as provided in subsection (b) of this section, a person may not leave a loaded firearm, or an unloaded firearm that is in close proximity to ammunition, in any location where the person knows or reasonably should know that an unsupervised minor might gain access to the firearm.

(b) Exceptions.

Subsection (a) of this section does not apply if:

- (1) the minor's access to the firearm is supervised by a person 21 years old or older;
- (2) the firearm is in a locked gun cabinet or similar locked location;
- (3) the firearm is secured with a child safety lock;
- (4) the minor obtained access to the firearm as the result of an unlawful entry to the premises; or
- (5) the firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties.

(City Code, 1976/83, art. 19, §117A(b).) (Ord. 91-720; Ord. 98-243.)

§ 59-13. Safety locks.*(a) Dealers must provide.*

- (1) A licensed firearm dealer may not sell, lease, or otherwise transfer a firearm without an accompanying child safety lock suitable for that firearm.
- (2) The dealer must provide the child safety lock to the recipient of the firearm when transferring the firearm. The dealer may charge for the child safety lock.

(b) Notices.

- (1) A licensed firearm dealer who sells, leases, or otherwise transfers a firearm must post conspicuously in the dealer's place of business:

- (i) a notice of the prohibition in § 59-12 of this Part against leaving a firearm where an unsupervised minor can obtain access to it; and
- (ii) a notice of the prohibition in subsection (a) of this section against the transfer of a firearm without an accompanying child safety lock.

- (2) If the transaction occurs outside the dealer's place of business, or if the dealer does not maintain a place of business in a commercial establishment, the dealer must provide the required notices in writing when transferring the firearm.

(City Code, 1976/83, art. 19, §117A(c), (d).) (Ord. 91-720; Ord. 98-243.)

§ 59-14. Rules and regulations.

The Police Commissioner may adopt rules and regulations to carry out this Part, including but not limited to rules or regulations governing the wording, size, and placement of the notices required by this Part.

(City Code, 1976/83, art. 19, §117A(e).) (Ord. 91-720; Ord. 98-243.)

§ 59-15. {Reserved}**§ 59-16. Penalties.**

Any person who violates any provision of this Part or of a rule or regulation adopted under this Part is guilty of a misdemeanor and, on conviction, is subject to a fine of \$1,000 or to imprisonment for 1 year or both.

(City Code, 1976/83, art. 19, §117A(f).) (Ord. 91-720; Ord. 98-243.)

PART 2A. FIREARMS — REPORTING THEFT OR LOSS**§ 59-17. “Firearm” defined.**

In this Part 2A, “firearm” includes any pistol, revolver, rifle, shotgun, short-barreled rifle, short-barreled shotgun, or other firearm.

(Ord. 08-065.)

§ 59-18. Reporting required.

If a firearm is lost or stolen, the person who owned the firearm shall report the theft or loss to the Baltimore Police Department. The report shall be made within 48 hours after the theft or loss is first discovered.

(Ord. 08-065.)

§ 59-19. Entry to NCIC Database.

On receipt of a report of a stolen or lost firearm, the Baltimore Police Department shall enter into the National Crime Information Center Database the following information, to the extent known:

(1) the firearm’s caliber, make, model, manufacturer, and serial number; and

(2) any other distinguishing number or identification mark on the firearm.

(Ord. 08-065.)

§ 59-20. {Reserved}

§ 59-20A. Enforcement by citation.(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, § 59-18 of this Part 2A may be enforced by issuance of a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(b) *Process not exclusive.*

The issuance of a civil citation to enforce § 59-18 of this Part 2A does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 08-065.)

§ 59-20B. Criminal penalties.

Any person who violates § 59-18 of this Part 2A is guilty of a misdemeanor and, on conviction, is subject to the following penalties:

(1) for a 1st offense, a fine of not more than \$500; and

(2) for any subsequent offense, a fine of not more than \$750 or imprisonment for not more than 90 days or both fine and imprisonment.

(Ord. 08-065.)

PART 3. OTHER WEAPONS**§ 59-21. Metal knuckles, etc.**(a) *Sale prohibited.*

It shall be unlawful for any person to sell any metal knuckles, sling shot, slung shot, sand club, or black jack in the City of Baltimore.

(b) *Exceptions.*

Except that black jacks may be sold to:

(1) duly qualified police officers; or

(2) any person having a permit from the Police Commissioner to permit him to make such purchase or purchases.

(c) *Penalties.*

Any person violating the provisions of this section shall, upon conviction thereof, be fined not more than \$500 or be imprisoned for not more than 1 year, or both, in the discretion of the court.

(City Code, 1950, art. 24, §178; 1966, art. 19, §6; 1976/83, art. 19, §7.) (Ord. 51-1528; Ord. 51-066.)

§ 59-22. Switchblade knives – Possession or sale, etc.(a) *“Person” defined.*

In this section, “person” means any individual, partnership, firm, association, corporation, limited liability company, or other entity of any kind.

(b) *Prohibited possession or sale, etc.*

No person may sell, carry, or possess any knife with an automatic spring or other device for opening or closing the blade, commonly known as a switchblade knife.

(c) *Penalties.*

Any person who violates any provision of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or to imprisonment for not more than 12 months or to both fine and imprisonment for each offense.

(City Code, 1950, art. 24, §155; 1966, art. 19, §160; 1976/83, art. 19, §185.)
(Ord. 44-057; Ord. 16-466.)

§ 59-23. Dangerous knives – Transfer, etc., to individuals under 21.(a) *Definitions.*(1) *In general.*

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

(2) *Dangerous knife.*

“Dangerous knife” means any:

(i) Bowie knife;

(ii) dirk knife;

(iii) gravity knife;

(iv) shooting knife, as described in State Criminal Law Article § 4-105;

(v) star knife, as defined in State Criminal Law Article § 4-101;

(vi) straight razor;

(vii) switchblade knife, as described in § 59-22 of this subtitle or in State Criminal Law Article § 4-105; or

(viii) any knife with a blade that is longer than 3 inches.

(3) *Person.*

“Person” means any individual, partnership, firm, association, corporation, limited liability company, or other entity of any kind.

(b) *Prohibited transfer, etc., to individuals under 21.*

No person may sell, give, or otherwise transfer a dangerous knife to, or permit the use or possession of a dangerous knife by, any individual that the person knows or has reasonable cause to believe is under the age of 21.

(c) *Penalties.*

Any person who violates any provision of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or to imprisonment for not more than 12 months or to both fine and imprisonment for each offense.

(Ord. 16-466.)

§ 59-24. Mini- and pistol-crossbows.(a) *Definitions.*(1) *In general.*

As used in this section, the following words have the meanings indicated unless their context clearly indicates otherwise.

(2) *Mini-crossbow; pistol-crossbow.*

“Mini-crossbow” or “pistol-crossbow” means a weapon:

- (i) consisting of a bow fixed across a stock or pistol-shaped device having a groove or barrel for the arrow or similar missile and a mechanism for holding and releasing the string;
- (ii) used for shooting arrows or similar missiles; and
- (iii) having an overall length of less than 18 inches.

(3) *Person.*

“Person” means an individual, corporation, partnership, business entity, sole proprietorship, or any other public or private entity.

(b) *Possession or sale, etc., prohibited.*

A person shall not wear, carry, possess, sell, purchase, transfer, give, or trade a mini-crossbow or pistol-crossbow in the City of Baltimore.

(c) *Exceptions.*

The provisions of this section shall not apply to:

- (1) a sworn police officer;
- (2) a museum or similar institution for historical display purposes; or
- (3) a demonstration by an organization at a public event approved by the Police Commissioner of Baltimore City.

(d) *Penalties.*

Any person who violates a provision of this section shall be guilty of a misdemeanor and subject to a fine of not more than \$500 or imprisonment for not more than 90 days or both fine and imprisonment.

(City Code, 1976/83, art. 19, §116A.) (Ord. 94-320.)

§ 59-25. {Reserved}

§ 59-26. Gas- or air-pellet guns.

(a) *Definitions.*

(1) *In general.*

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

(2) *“Gas- or air-pellet gun”.*

“Gas- or air-pellet gun” means any gun or other device, by whatever name or description known, that is designed to discharge or can readily be converted to discharge a pellet or other object by the expansion of gas or air.

(3) *Paintball gun.*

“Paintball” means any gun or other device, including a gas- or air- pellet gun, that is used or designed or intended to be used to discharge a paintball or other object designed or intended to mark a target with pigmentation.

(4) *“Person”.*

“Person” means any individual, partnership, firm, association, corporation, limited liability company, or other entity of any kind.

(b) *Giving, etc., to minor prohibited.*

No person may sell, give away, or otherwise transfer a gas- or air-pellet gun or paintball gun to, or permit the use or possession of a gas- or air-pellet gun or paintball gun by, any individual whom that person knows or has reasonable cause to believe is a minor.

(c) *Possess, discharge, or use.*

No person may possess, discharge or use any gas- or air- pellet gun or paintball gun in Baltimore City except:

- (1) if the gun is kept within his or her domicile or is used by him or her exclusively for the purpose of teaching the use and care of firearms at a properly constructed indoor or outdoor range;
- (2) on a properly constructed target range or recreational paintball facility;
- (3) on private grounds or residence under circumstances in which the gun is operated so as to not endanger person or property and in a manner that prevents the projectile from traversing any grounds or space outside of the private grounds or residence; or
- (4) if the gun is being transported in a motor vehicle for any lawful purpose and is not being carried on a person.

(d) *Penalties.*

Any person who violates any provision of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or to imprisonment for not more than 12 months or to both fine and imprisonment for each offense.

(City Code, 1966, art. 19, §99(a) - (c), (e); 1976/83, art. 19, §115(a) - (c), (f).) (Ord. 56-233; Ord. 63-1655; Ord. 85-385; Ord. 07-383; Ord. 12-064; Ord. 14-307.)

§ 59-27. Dart or blow guns.

(a) *Possession or sale, etc., prohibited.*

It shall be unlawful for any person, firm, or corporation to sell, offer for sale by any means whatsoever, give away, lend, rent, or otherwise transfer or attempt to transfer, or to own, possess, use, handle, or permit the use of, any dart gun, blow gun, or other device by whatever name or description known, which is discharged or operated by introducing air or any type of gas into any part of a hollow tube or shaft and thereby causing to be ejected therefrom any dart, needle, arrow, pin, pellet, or any other object which is capable of inflicting any injury, damage, or harm to or upon any person, animal, or bird.

(b) *Exception.*

Nothing contained in this section shall be construed to prevent the use of any such device for the treatment, capture, or destruction of animals when any such use takes place under the supervision of a veterinarian, policeman, or any other person who is regularly engaged or employed in the handling, training, treatment, or maintenance of animals.

(c) *Penalties.*

Any violation of the provisions of this section shall be deemed to be a misdemeanor, subject upon conviction to a fine of not more than \$500 or to imprisonment for not longer than 60 days or to both fine and imprisonment, in the discretion of the Court.

(*City Code, 1966, art. 19, §99(d), (e); 1976/83, art. 19, §115(d), (f.) (Ord. 56-233; Ord. 63-1655; Ord. 85-385.)*)

§ 59-28. Stun guns.

(a) *Possession or sale, etc., prohibited.*

(1) It shall be unlawful for any person, firm, or corporation to sell, give away, lend, rent or transfer to any individual, firm, or corporation a stun gun or other electronic device by whatever name or description which discharges a non-projectile electric current within the limits of the City of Baltimore.

(2) It further shall be unlawful for any person to possess, fire, or discharge any such stun gun or electronic device within the City.

(b) *Exceptions.*

Nothing in this subsection shall be held to apply to any member of the Baltimore City Police Department or any other law enforcement officer while in the performance of his or her official duty.

(c) *Penalties.*

Any violation of the provisions of this section shall be deemed to be a misdemeanor, subject upon conviction to a fine of not more than \$500 or to imprisonment for not longer than 60 days or to both fine and imprisonment, in the discretion of the Court.

(*City Code, 1976/83, art. 19, §115(e), (f.) (Ord. 56-233; Ord. 85-385.)*)

§ 59-29. {Reserved}

§ 59-30. Stench bombs.

(a) *“Stench bomb” defined.*

A stench bomb is herein defined as any liquid, gaseous, or solid substance or matter of any kind which is intended to be thrown, dropped, poured, deposited, or discharged for the purpose of producing a noxious, nauseating, sickening, irritating, or offensive odor.

(b) *Possession, sale, use, etc., prohibited.*

It is unlawful for any person to:

(1) sell, barter, or trade a stench bomb;

- (2) manufacture, make, or prepare a stench bomb;
- (3) throw, drop, pour, deposit, or discharge a stench bomb; or
- (4) aid or abet another in throwing, dropping, pouring, depositing, or discharging a stench bomb.

(c) *Exceptions.*

Nothing in the above provisions shall apply to:

- (1) regularly appointed police officers acting in line of duty; nor
- (2) proprietors of business places who may keep or use certain acid diffusing bombs solely for the purpose of repelling robbers, thieves, or other law violators.

(d) *Penalties.*

Any person who violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, is subject to a fine of not less than \$5 and not more than \$500 at the discretion of the court.

(City Code, 1976/83, art. 19, §117.) (Ord. 70--903.)

§ 59-31. {Reserved}

§ 59-32. Tear gas devices.

(a) *Possession, use, etc., by minors prohibited.*

It shall be unlawful for any person under the age of 18 years to carry, use, or discharge any weapon or device commonly known as a tear gas gun, or any tear gas device.

(b) *Penalties.*

Any person violating the provisions of this section shall, upon conviction thereof, be fined not more than \$100 for each such violation.

(City Code, 1976/83, art. 19, §116.) (Ord. 69-330.)

§§ 59-33 to 59-40. {Reserved}

PART 4. {REPEALED}

§§ 59-41 to 59-60. {Repealed by Ord. 02-452.}

PART 5. FORFEITURES**§ 59-61. Weapon forfeited on conviction.**(a) *In general.*

The Court or Police Magistrate who convicts any person of any criminal offense shall declare as forfeited and confiscated any gun, pistol, firearm, switch-blade knife, or other dangerous weapon which was in the possession of the person at the time of committing the offense and which either was used or held for possible use in connection with the offense.

(b) *Disposition.*

The said weapon shall be turned over to the Police Department of Baltimore City for disposal and shall not be treated or considered as the property of the person so convicted.
(*City Code, 1966, art. 19, §15; 1976/83, art. 19, §17.*) (*Ord. 56-530.*)

SUBTITLE 60
GUN OFFENDER REGISTRATION

§ 60-1. Definitions.

(a) *In general.*

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

(b) *Convicted.*

“Convicted” means:

- (1) having been found guilty of a gun offense by a jury or judicial officer;
- (2) the acceptance of a plea of guilty or nolo contendere for a gun offense;
- (3) having been granted a probation before judgment after a finding of guilt for a gun offense, if the court orders compliance with this subtitle as a condition of probation; or
- (4) having been found not criminally responsible for a gun offense.

(c) *Correctional facility.*

“Correctional facility” means a facility that is operated for the purpose of detaining or confining adults who are charged with or found guilty of a crime.

(d) *Gun offender.*

(1) *In general.*

“Gun offender” means any person who is convicted of a gun offense in the Circuit Court for Baltimore City or the District Court of Maryland for Baltimore City.

(2) *Exclusions.*

“Gun offender” does not include a person:

- (i) whose conviction for a gun offense has been reversed on appeal or otherwise set aside pursuant to law; or
- (ii) who has been pardoned by the Governor.

(e) *Gun offense.*

“Gun offense” means:

- (1) a violation of any of the following sections of the State Criminal Law Article:

- (i) § 4-203 {Wearing, carrying, or transporting handgun};
- (ii) § 4-204 {Use of handgun or antique firearm in commission of crime};
- (iii) § 4-303 {Assault pistols – Prohibited};
- (iv) § 4-404 {Use of machine gun in crime of violence};
- (v) § 4-405 {Use of machine gun for aggressive purpose};
- (vi) §5-621 {Crimes involving controlled dangerous substances and paraphernalia – Use of weapon as separate crime}; or
- (vii) § 5-622 {Firearm crimes};

(2) a violation of any of the following sections of the State Public Safety Article:

- (i) § 5-133(b) {Possession of regulated firearm prohibited};
- (ii) § 5-133(c) {Restrictions on possession of regulated firearms – Penalty for possession by person convicted of crime of violence};
- (iii) § 5-133(d) {Possession [of regulated firearms] by person under age of 21 years prohibited}
- (iv) § 5-138 {Sale, transfer, or disposal of stolen regulated firearm prohibited};
- (v) § 5-140 {Transporting regulated firearm for unlawful sale or trafficking};
- (vi) § 5-142 {Removal or alteration of identification mark or number on firearm};
- (vii) § 5-203 {Possession of short-barreled rifle or short-barreled shotgun};
- (viii) § 5-205 {Possession [of rifle or shotgun] by person with mental disorder}; or
- (ix) § 5-406 {Manufacture or sale of handguns}; or

(3) a violation of any of the following sections of this City Code Article 19 {"Police Ordinances"}:

- (i) § 59-1 {Carrying long-barrel firearms}; or
- (ii) § 59-2 {Discharging firearms}.

(f) *Police Commissioner.*

"Police Commissioner" means the Police Commissioner of Baltimore City or his or her designee.

(*Ord. 07-506; Ord. 09-168.*)

§ 60-2. Rules and regulations.

(a) *Commissioner may adopt.*

The Police Commissioner may adopt rules and regulations to carry out this subtitle.

(b) *Scope.*

These rules and regulations may govern:

- (1) the form, content, and processing of the acknowledgment required by this subtitle;
- (2) the form and content of the registration required under this subtitle;
- (3) the documentation required to verify the content of the registration required under this subtitle;
- (4) the maintenance, use, and availability of the information that is collected by the Police Commissioner under this subtitle.

(c) *Filing.*

A copy of all rules and regulations adopted under this subtitle must be filed with the Department of Legislative Reference before they take effect.

(Ord. 07-506.)

§ 60-3. Registration – In general.

(a) *Registration required.*

A gun offender must register with the Police Commissioner.

(b) *Acknowledgment of duty to register.*

When requested to do so, the gun offender must acknowledge, in writing, his or her duty to register under this subtitle.

(Ord. 07-506; Ord. 09-168.)

§ 60-4. Registration – When and where.

(a) *When.*

The registration must be made within 48 hours of:

- (1) if the gun offender receives a sentence that does not include imprisonment, the date that the sentence is imposed;
- (2) if the gun offender receives a sentence that includes imprisonment, the date of the gun offender’s release from a correctional facility;

- (3) if the gun offender is granted probation before judgment, the date that the probation before judgment is granted;
- (4) if the gun offender is found not criminally responsible and is released, the date of the gun offender's release; or
- (5) if the gun offender is found not criminally responsible and committed to the State Department of Health and Mental Hygiene, the date of the gun offender's discharge or conditional release from that commitment.

(b) *Where.*

To register, a gun offender must personally appear at an office designated by the Police Commissioner.

(Ord. 07-506; Ord. 09-168.)

§ 60-5. Registration – Content and form.

(a) *In general.*

The registration must be in the form and contain the information that the Police Commissioner requires.

(b) *Specific information.*

The registration must specify:

- (1) the gun offender's name;
- (2) a description of the crime for which the gun offender was convicted;
- (3) the date that the gun offender was convicted;
- (4) any other name by which the gun offender has been legally known;
- (5) a list of all aliases that the gun offender has used;
- (6) identifying factors of the gun offender, including a physical description;
- (7) the gun offender's residence; and
- (8) any other information required by the rules and regulations adopted by the Police Commissioner under this subtitle.

(c) *Signature and date.*

The registration must be signed and dated by the gun offender.

(d) *Photograph permitted.*

At the time that the gun offender appears at the office, the Police Commissioner may photograph the gun offender.

(e) *Documentation required.*

The Police Commissioner may require the gun offender to provide documentation that verifies the contents of the registration
(*Ord. 07-506.*)

§ 60-6. Verification by resident offenders.

(a) *Scope.*

This section applies only to gun offenders who are residents of Baltimore City.

(b) *Periodic verification.*

- (1) Except as provided in paragraph (2) of this subsection, within 20 calendar days after each 6-month anniversary of a gun offender's initial registration, the gun offender must personally appear at an office designated by the Police Commissioner to verify and update, as appropriate, the contents of the registration.
- (2) If a gun offender is confined to any correctional facility, hospital, or institution throughout the 20-day period described in paragraph (1) of this subsection, the gun offender must personally appear at an office designated by the Police Commissioner, within 48 hours of release, to verify and update, as appropriate, the contents of the registration.

(c) *Update on change of residence.*

A gun offender must personally appear at an office designated by the Police Commissioner to update his or her residence address and other contents of the registration:

- (1) within 10 calendar days after establishing a residence in Baltimore City;
- (2) within 10 calendar days after moving from one residence in Baltimore City to another residence in Baltimore City; and
- (3) before moving from a residence in Baltimore City and assuming a new residence out of Baltimore City.

(d) *Photograph permitted.*

At the time that the gun offender appears at the office, the Police Commissioner may photograph the gun offender.

(e) *Documentation required.*

The Police Commissioner may require the gun offender to provide documentation that verifies the contents of the registration.

(Ord. 07-506; Ord. 09-168; Ord. 10-363.)

§ 60-7. Term of verification requirement.

The gun offender must verify the contents of the registration, as required by § 60-6 of this subtitle, for a period of 3 years from the date of the gun offender's initial registration.

(Ord. 07-506; Ord. 09-168.)

§ 60-8. Sharing registration information.

The Police Commissioner may make the information collected under this subtitle available to:

(1) any federal, state, or local law enforcement agency; and

(2) any City agency.

(Ord. 07-506.)

§ 60-9. Cooperation with other agencies.

The Police Commissioner may cooperate with other federal, state and City agencies and the judiciary to facilitate implementation of this subtitle.

(Ord. 07-506.)

§ 60-10. Prohibited conduct.

No gun offender may:

(1) knowingly fail to acknowledge in writing his or her duty to register under this subtitle;

(2) fail to register as required by this subtitle or the rules and regulations adopted under it;

(3) fail to verify information as required by this subtitle or the rules and regulations adopted under it; or

(4) provide false information in the registration or verification required by this subtitle or the rules and regulations adopted under it.

(Ord. 07-506.)

§ 60-11. Penalties.

(a) *In general.*

Any gun offender who violates any provision of § 60-10 of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or imprisonment for not more than 12 months or both fine and imprisonment for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense
(*Ord. 07-506.*)

SUBTITLES 61 TO 70
{RESERVED}

SUBTITLE 71
SPECIAL ENFORCEMENT OFFICERS

§ 71-1. 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.

(b) *Duties.*

- (1) On appointment, a Special Enforcement Officer may serve summonses and issue criminal citations to appear before the housing or other appropriate part of the District Court for Baltimore City in proceedings to enforce any City ordinance, rule or regulation, or public local law pertaining to buildings, housing, zoning, fire, public health, parks, and sanitation.
- (2) "Criminal citation" means a written or printed charging document with a summons to appear for trial.

(c) *Officers have no arrest powers.*

The officers appointed may not arrest or take into custody any violator or otherwise have the power of arrest in their official capacity.

(d) *Record of appointments; revocation.*

A record of appointment of the officers shall be kept by the Police Commissioner and any appointment may be revoked by the Commissioner at any time.

(e) *Badge and uniform.*

The form of badge and type of uniform, if any, worn by the appointed officers shall be approved by the Police Commissioner.

(f) *Additional authority.*

In addition to issuing prepayable criminal citations under § 71-2 of this subtitle, Special Enforcement Officers may issue and serve civil administrative citations to appear before the Environmental Control Board under Article 1, Subtitle 40 {"Environmental Control Board"} of the City Code.

(City Code, 1976/83, art. 19, §144.) (Ord. 74-509; Ord. 89-224; Ord. 90-612; Ord. 91-835; Ord. 98-359; Ord. 03-572; Ord. 07-399.)

§ 71-2. Prepayable criminal citations.(a) *Citation with prepayable fine.*

The criminal citations that Special Enforcement Officers are authorized to issue may provide that the recipient may waive trial and prepay a specified fine.

(b) *Limitation on use.*

The authority of the Special Enforcement Officers to issue prepayable citations is limited to violations that are specifically enumerated in this section and for which a specific prepayable fine is designated in this section.

(c) *Procedure for issuance.*(1) *Prior notice.*

Notwithstanding any other provision of the City Code to the contrary, notice need not be given before issuance of a criminal citation under this section if, within the preceding 12 months:

- (i) a notice for a prior violation of the same provision of law at the same address was issued to the same person, following which the violation was abated; or
- (ii) a citation for the same violation at the same address was issued to the same person.

(2) *Certification.*

Every citation shall contain a certification signed by the issuing officer under penalties of perjury that the facts contained in the citation are true to the best of the officer's information, knowledge, and belief.

(3) *Numbering; cancellation.*

Citations issued under this section shall be numbered consecutively. After issuance, no citation may be canceled or voided except by the District Court.

(4) *Distribution of original and copies.*

Each citation shall be made with sufficient copies so that a copy can be served on the defendant or an agent authorized to receive court process, a copy retained by the officer, and

copies provided as necessary for prosecution and collection purposes. After issuance and service, the issuing officer shall promptly file the original with the District Court.

(5) *Dates entered.*

On each citation, the Special Enforcement Officer shall enter:

- (i) a trial date that is at least 2 weeks after the date of issuance; and
- (ii) a date by which the specified fine may be paid if the recipient wishes to waive trial.

(6) *Recipient's statement and signature.*

The recipient of a citation is required to sign a statement on the citation acknowledging its receipt and promising to either appear for the scheduled trial or prepay the specified fine as directed. Failure to sign does not invalidate a citation.

(7) *Identification.*

It is unlawful for any person to whom a citation is issued to refuse to provide personal identification on request. Any person so refusing is subject to police arrest and, on conviction, to a fine not to exceed \$500.

(d) *Procedure for compliance.*

- (1) Prepayment of the fine constitutes a waiver of the right to trial. Prepayment authorizes the entry of a plea of no contest and a disposition of the charge in accordance with the facts contained in the citation.
- (2) If payment of the fine has not been made in the time and manner directed, the recipient shall appear for trial in the housing part of the District Court of Maryland for Baltimore City on the scheduled date.
- (3) The citation shall set forth a means by which the recipient may request the presence of the issuing officer at the trial. If the officer is not present at the trial and his or her presence has not been requested, the citation constitutes a stipulation by the recipient that if the officer were present at the trial, the officer would testify that the facts are as set forth in the citation. This stipulation, however, is not a waiver of the recipient's right to testify and to controvert the facts forth in the citation. The facts set forth in the citation shall be offered at the trial as all or part of the prosecution's case.
- (4) Where the fine has not been prepaid as directed and the recipient fails to appear for trial on the scheduled date, the recipient is subject to the issuance of a bench warrant for arrest or the issuance of a show cause order for contempt of court. No bench warrant may issue until 5 days after the scheduled trial date.

(e) *Form of citation.*

Citations issued under this section shall be in a form approved by the District Court of Maryland.

(f) *Contents of citation.*

The contents of citations issued under this section shall comply with all relevant requirements of the Maryland Rules of Procedure and with § 16-16A of the Public Local Laws of Baltimore City.

(g) *Continuing and recurring violations.*

- (1) Where the provision of law that has been violated provides that the continuation or recurrence of a violation constitutes a separate offense, a separate citation may be issued for each such separate offense.
- (2) For 12 months after the District Court has disposed of a citation other than by a verdict of “not guilty”, the fine specified for a violation is doubled on any citation issued to the same person for recurrence of the same violation at the same address.
- (3) Issuance of a citation under this section does not preclude pursuit of other remedies and enforcement actions.

(h) *Implementation.*

Uniform administrative procedures for implementing this section shall be jointly devised and adopted by the Commissioner of Housing and Community Development, the Chief of the Fire Department, and the Commissioner of Health, in consultation with the District Court on any matter affecting the Court's operation.

(i) *Enumeration of code violations and penalties.*

The authority of a Special Enforcement Officer to issue prepayable criminal citations is limited to the following provisions of the City Code:

(1) *Building, Fire, and Related Codes Article –
Fire Code*

§ 107.5. Maintenance: Overcrowding	
1-99 persons over capacity	\$250
100-199 persons over capacity	\$500
200 or more persons over capacity	\$1,000
§ 110.1. Unsafe Buildings: General	\$250
§ 1001.2. Means of Egress: Minimum requirements	\$250

(2) *Building, Fire, and Related Codes Article – Property Maintenance Code*

§§ 305 - 308. Sanitary Maintenance

Residential properties	\$ 50
Commercial properties	\$100

(3) *Zoning Code*

§ 2-402. Use permit required	\$100
§ 3-107. Prohibited uses – Storage, etc., of vehicles	\$ 50

(3a) *Article 7. Natural Resources*

Division I. Floodplain Management	\$500
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(4) *Article 19. Police Ordinances*

§ 51-2. Compliance with park rules	\$200
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(City Code, 1976/83, art. 19, §145.) (Ord. 98-359; Ord. 02-475; Ord. 03-572; Ord. 08-063; Ord. 13-093; Ord. 14-208; Ord. 15-427.)

§ 71-3. Code enforcement injunction.

(a) *Petition.*

A special enforcement officer of the Department of Housing and Community Development may issue and serve a petition for a code enforcement injunction, to be adjudicated in the District Court, for any violation that is subject to equitable remedies of a code, ordinance, regulation, or Public Local Law pertaining to building, housing, zoning, fire, public health, and sanitation.

(b) *Summons.*

- (1) If approved by the District Court, the form for a code enforcement injunction petition may contain the summons, directing the defendant to appear for hearing on a specified date.
- (2) Except in an emergency, a specified hearing date may not be less than 7 days after service of the summons on the defendant.
- (3) An enforcement officer must coordinate the selection of hearing dates with the appropriate District Court officials.

(c) *Contents of petition.*

- (1) A code enforcement injunction petition must contain:

- (i) the name and address of the person charged;
 - (ii) the nature of the violation and the section of law violated;
 - (iii) the location, date, and time the violation was observed;
 - (iv) the nature of equitable relief requested;
 - (v) the effect of failing to appear for hearing;
 - (vi) the enforcement officer's certification attesting to the truth of the matter set forth;
and
 - (vii) any additional facts necessary to entitle the plaintiff to the relief requested.
- (2) If the violation is subject to a civil fine, the injunction petition may include a request that the fine be imposed.
- (3) If the violation is a condition on real property owned by the defendant, the injunction petition may include a request for judgment in the amount of any outstanding municipal liens on the property, if the property is:
- (i) a vacant lot; or
 - (ii) a vacant building that is unfit for habitation.

(d) *Service on defendant — in general.*

A District Court code enforcement injunction petition may be served on the defendant:

- (1) in accordance with Maryland Rule 3-121; or
- (2) for violations related to real property owned by the defendant, if proof is made by affidavit that a good faith effort to serve the defendant by personal delivery or by certified mail, return receipt requested, has not succeeded, then:
 - (i) by regular mail to the defendant's last known address and either delivery to an adult or posting of the injunction petition at the defendant's last known address; or
 - (ii) if the last known address of the defendant is a post office box or is out-of-state, by regular mail to the defendant's last known address and posting of the injunction petition at the property on which code violations are cited.

(e) *Service on defendant — "last known address".*

For the purpose of service of a District Court code enforcement injunction petition:

- (1) the address provided in the rental property registration records of Baltimore City may be used as the last known address of a defendant who is an absentee owner of residential real property on which code violations are cited; or
- (2) the mail-to address provided in the real property tax records of Baltimore City may be used as the last known address of a defendant who:
 - (i) is an absentee owner of residential real property on which code violations are cited; and
 - (ii) has failed to register in the rental property registration records of Baltimore City.

(f) *Service on defendant — registered properties.*

If an owner has properly registered a current local agent and local address for service of process under the requirements of the Baltimore City Code relating to rental property registration, and if service is made by mail and posting at a last known address other than that provided in the owner's rental property registration form, then notice of the proceeding shall be sent to the owner at the rental property registration address, by certified mail, at least 72 hours before the time and date of the hearing on the permanent injunction.

(g) *Default judgment on failure to appear.*

If the defendant fails to appear for a hearing on the specified date, on motion of the plaintiff, the Court may enter a default judgment against the defendant for 1 or more of the following, as appropriate:

- (1) the equitable relief requested;
- (2) the amount of unpaid municipal liens on the property; and
- (3) the amount of civil fine for the violation, which, following the defendant's failure to appear, may be doubled to no more than \$1,000.

(h) *Civil fines: judgment; collection; suspension.*

When the Court imposes a civil fine:

- (1) the fine is a judgment in favor of the City;
- (2) if the fine is unpaid 30 days after the date of entry, the judgment is enforceable like other money judgments unless the Court has suspended or deferred payment under item (3) of this subsection; and
- (3) the Court may set conditions for suspending or deferring payment of the fine.

(i) *Abatement order; payment of expenses.*

(1) The equitable relief ordered by the Court may include an order authorizing the City to perform acts, described with particularity, to abate a violation at the expense of the defendant.

(2) The City may present a bill for its abatement expenses under this subsection by:

(i) regular mail to the defendant's last known address; or

(ii) any other means reasonably calculated to bring the bill to the defendant's attention.

(3) If the defendant does not pay the City's bill within 30 days of presentment, the City may file a motion in accordance with the Maryland Rules for entry of judgment against the defendant for the abatement expenses.

(j) *Evidentiary standards.*

(1) Except as provided otherwise in paragraph (2) of this subsection, the plaintiff must prove he is entitled to the relief requested by a preponderance of the evidence.

(2) If the plaintiff seeks to have a civil fine imposed, he must prove by clear and convincing evidence that the defendant committed the violation cited.

(k) *Contempt.*

(1) Except as provided in paragraph (2) of this subsection, if a defendant fails to pay a fine or Court cost imposed by the Court or fails to comply with any other order of the Court, the Court may hold the defendant in contempt under Maryland Rules 15-205 and 15-206 and may enforce the order under Maryland Rule 3-648.

(2) A money judgment for municipal liens or abatement expenses may not be enforced by contempt.

(l) *City representative.*

The State's Attorney, the City Solicitor, or any attorney designated by the City may represent the City in a code enforcement injunction proceeding.

(City Code, 1976/83, art. 19, §146.) (Ord. 99-430.)

SUBTITLE 72
SPECIAL TRAFFIC ENFORCEMENT OFFICERS

§ 72-1. Appointment.

(a) *In general.*

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 Traffic Enforcement Officers:

- (1) Director of Recreation and Parks.
- (2) Director of Transportation.

(b) *Revocation.*

The Police Commissioner may revoke any appointment at any time.
(*City Code, 1976/83, art. 19, §243(a), (d)(2nd cl.) (Ord. 93-235; Ord. 03-572; Ord. 14-192.)*)

§ 72-2. Powers.

(a) *Directing traffic.*

A Special Traffic Enforcement Officer has the same authority as a police officer to control and direct pedestrian and vehicular traffic under the Maryland Vehicle Law and under City laws that regulate motor vehicles.

(b) *Citations.*

A Special Traffic Enforcement Officer has no power to issue citations for moving violations other than for a failure to obey lawful traffic direction and control devices.

(c) *No arrest powers.*

A Special Traffic Enforcement Officer has no power to make arrests.
(*City Code, 1976/83, art. 19, §243(b), (c.) (Ord. 93-235; Ord. 03-572; Ord. 14-192.)*)

§ 72-3. Badges and uniforms.

The form of badge and type of uniform, if any, worn by the appointed Special Traffic Enforcement Officers shall be approved by the Police Commissioner.
(*City Code, 1976/83, art. 19, §243(e.) (Ord. 93-235.)*)

§ 72-4. Record of appointments.

A record of the appointment of Special Traffic Enforcement Officers shall be kept by the Police Commissioner.

(City Code, 1976/83, art. 19, §243(d)(1st cl.) (Ord. 93-235.)

SUBTITLE 73
SPECIAL PARKING ENFORCEMENT OFFICERS

§ 73-1. Appointment.

(a) *In general.*

The Director of Transportation shall from time to time certify to the Police Commissioner of Baltimore City the names of employees of that department for appointment by the Police Commissioner as Special Parking Enforcement Officers.

(b) *Revocation.*

Any appointment may be revoked by the Commissioner at any time.
(*City Code, 1976/83, art. 19, §151B(1)(1st sen.), (4)(2nd cl.) (Ord. 79-1159; Ord. 83-863; Ord. 15-435.)*)

§ 73-2. Powers.

(a) *Parking citations.*

Upon their appointment, the Officers shall have the power to issue citations to appear before the appropriate division of the District Court for violation within the City of any City or state law or regulation pertaining to parking.

(b) *Vehicle impoundment and immobilization.*

The Officers are empowered:

- (1) to cause motor vehicles to be impounded within the City of Baltimore in the enforcement of any City or state law or regulation pertaining to parking; and
- (2) to immobilize motor vehicles within the City of Baltimore in the enforcement of Article 31, Subtitle 31, Part 3 of the City Code.

(c) *No arrest powers.*

The Officers appointed may not arrest or take into custody any violator of such law or regulation or otherwise have the power of arrest in their official capacity.
(*City Code, 1976/83, art. 19, §151B(1)(2nd sen.), (2), (3.) (Ord. 79-1159; Ord. 83-863.)*)

§ 73-3. Badges and uniforms.

The form of badge and type of uniform that may be worn by these Officers shall be approved by the Police Commissioner.
(*City Code, 1976/83, art. 19, §151B(5.) (Ord. 79-1159; Ord. 83-863.)*)

§ 73-4. Record of appointments.

A record of appointment of the Officers shall be kept by the Police Commissioner.
(*City Code, 1976/83, art. 19, §151B(4)(1st cl.*) (Ord. 79-1159; Ord. 83-863.)