

CIVIL CITATIONS

DIGEST OF LAWS

EDITION 2008

**{Incorporating all Amendments and Additions
through December 31, 2007}**

NOTE: This is a digest only. For the full, official, and up-to-date text of provisions excerpted here, be sure to use this site's links for "Baltimore City Code" and consult the corresponding code article and section(s).

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PART 1

LAWS GOVERNING ISSUANCE

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ARTICLE 1
MAYOR, CITY COUNCIL, AND MUNICIPAL AGENCIES

SUBTITLE 41
CIVIL CITATIONS

§ 41-1. Definitions.

(a) *In general.*

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

(b) *Civil citation.*

“Civil citation” means a prepayable civil citation issued under this subtitle for violation of any offense listed in § 41-14 of this subtitle.

(c) *Enforcement officer.*

“Enforcement officer” means:

(1) a police officer; or

(2) a Special Enforcement Officer appointed under City Code Article 19, § 71-1 and authorized by the Police Commissioner to issue citations under this subtitle.

(d) *Person.*

“Person” means:

(1) an individual;

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

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

(Ord. 03-595.)

§ 41-2. Subtitle not exclusive.

The issuance and enforcement of a civil citation under this subtitle does not preclude pursuit of any other remedy or enforcement action authorized by law.

(Ord. 03-595.)

§ 41-3. Rules and regulations.

(a) *Commissioner may adopt.*

The Police Commissioner, in consultation with the Director of Finance, 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. 03-595.)

§ 41-4. Authority to issue citation.

(a) *In general.*

An enforcement officer may issue a civil citation to any adult who the officer, on observation, report, or investigation, believes is committing or has committed an offense listed in § 41-14 of this subtitle.

(b) *Prior notice not required.*

Notwithstanding any other provision of the City Code to the contrary, notice need not be given before issuance and enforcement of a civil citation under this subtitle.

(Ord. 03-595.)

§ 41-5. Form, etc., of citation.

(a) *Form.*

The civil citation shall be in the form specified by the Chief Judge of the District Court.

(b) *Contents.*

The citation shall contain:

- (1) the name and address, if known, of the person charged;
- (2) the violation with which the person is charged, including a narrative statement of the cause for issuing the citation;
- (3) the time when and place where the violation occurred;
- (4) the amount of the fine;
- (5) the manner and time within which the person must either:

- (i) pay the fine specified in the citation; or
- (ii) request a trial on the violation.

(c) *Certification.*

The citation also shall contain a certification, signed by the issuing enforcement officer under penalties of perjury, that the facts contained in it are true to the best of the officer's information, knowledge, and belief.

(Ord. 03-595.)

§ 41-6. Service; copies.

(a) *In general.*

The citation may be served on the person charged by 1 of the following methods:

- (1) in person;
- (2) by certified mail, return receipt requested;
- (3) by delivery to a person of suitable age and discretion who resides at the last-known address of the person charged; or
- (4) for service on an occupant of the premises at which the violation occurred, by:
 - (i) posting on the main entrance of the premises; and
 - (ii) mailing by regular mail to the person charged, at that person's last-known address.

(b) *Copy to be retained.*

The enforcement officer shall retain a copy of the citation and file it with the Department of Finance.

(Ord. 03-595.)

§ 41-7. Tenor of citation.

(a) *In general.*

On certification, issuance, and service, the citation:

- (1) constitutes full and complete notice of the violation charged in it; and
- (2) is prima facie evidence of the facts contained in it.

(b) *No administrative appeal.*

The issuance of the civil citation is not appealable to any City board or agency.
(*Ord. 03-595.*)

§ 41-8. Payment of fine.

(a) *When. due.*

(1) The fine specified in a civil citation is due and payable by the date specified in the citation.

(2) The date specified must be at least 30 days from the date the citation is issued.

(b) *To whom payable.*

The fine shall be paid to the Director of Finance.
(*Ord. 03-595.*)

§ 41-9. Election to stand trial.

(a) *In general.*

The person charged under a civil citation may elect to stand trial for the alleged violation by filing with the Director of Finance, at least 5 days before the due date of the fine, a notice of intent to stand trial.

(b) *Notice to Court.*

On timely receipt of a notice of intent to stand trial, the Director of Finance shall send a copy of the notice and of the citation to the District Court.

(c) *Scheduling trial.*

On receipt of the notice and citation, the District Court shall:

(1) schedule the case for trial; and

(2) notify all parties of the trial date.

(*Ord. 03-595.*)

§ 41-10. Default.

(a) *In general.*

A person charged under a civil citation is in default and is conclusively considered to have admitted liability for the violation charged if the person neither:

(1) pays the fine specified in the citation by its due date; nor

(2) files a timely notice of intent to stand trial.

(b) *Default notice.*

On a default, the Director of Finance shall send a default notice to the person charged, at that person's last-known address.

(c) *Default penalty.*

If the fine specified in the citation is not paid within 15 days of the date of the default notice, the person is liable to the City for both:

- (1) the fine specified in the citation; and
- (2) a default penalty equal to the lesser of:
 - (i) \$1,000; or
 - (ii) 3 times the fine specified in the citation.

(d) *Request for adjudication.*

- (1) If the fine and default penalty are not paid within 35 days of the date of the default notice, the Director of Finance may request the District Court to adjudicate the case.
- (2) On the Director's request, the District Court shall:
 - (i) schedule the case for trial; and
 - (ii) notify all parties of the trial date.

(Ord. 03-595.)

§ 41-11. Adjudication by District Court.

(a) *In general.*

- (1) This section applies to proceedings in the District Court to enforce a civil citation issued under this subtitle.
- (2) Adjudication of a civil citation is not a criminal proceeding, and a finding of guilty does not impose any civil disability ordinarily imposed by a criminal conviction.

(b) *Burden of proof.*

Except in the case of a default under § 41-10 of this subtitle, the City has the burden to prove, by a preponderance of the evidence, that the defendant has committed the offense charged.

(c) *Right to counsel.*

The defendant may be represented by counsel of her or his own choice, at her or his own expense.

(d) *Plea.*

The defendant shall enter a plea of “guilty” or “not guilty”.

(e) *Testimony, etc.*

The defendant may:

- (1) testify on his or her own behalf;
- (2) produce evidence and witnesses in his or her own behalf; and
- (3) cross-examine witnesses who testify against the defendant.

(f) *Verdict.*

(1) The court shall issue a verdict of “guilty” or “not guilty” of the offense charged.

(2) If the court finds the defendant guilty, the court may:

- (i) impose on the defendant the fine and, if applicable, default penalty prescribed;
- (ii) impose court costs on the defendant; and
- (iii) suspend or defer payment of a fine or penalty under conditions, including the performance of community service, that the court sets.

(Ord. 03-595.)

§ 41-12. Enforcement of court verdict.

(a) *In general.*

Any fine or penalty imposed by the District Court under this subtitle is a judgment in favor of the City.

(b) *Contempt for willful failure to pay.*

If a defendant willfully fails to pay any fine, penalty, or costs imposed by the court, the court may punish that failure as a contempt of court.

(Ord. 03-595.)

§ 41-13. Offenses to which subtitle applies – General.*(a) In general.*

A civil citation may be issued under this subtitle only for violation of a provision of the Baltimore City Code listed in § 41-14 of this subtitle.

(b) Prepayable-fine amounts.

The prepayable civil fine for the violation of a provision is as specified next to the listing of that provision in § 41-14 of this subtitle.

(c) Continuing or recurring violations.

(1) If a provision of law provides that the continuation or recurrence of a violation constitutes a separate offense, a separate civil citation may be issued for each separate offense.

(2) The payment of a fine or penalty under this subtitle does not relieve the offender of the duty to fully abate and correct any continuing violation or other unlawful act.

(Ord. 03-595.)

§ 41-14. Offenses to which subtitle applies – Listing.*(1) Article 15. Licensing and Regulation*

Subtitle 17. Street Vendors	\$ 50
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Subtitle 18. Itinerant Wholesale Produce Dealers	\$ 50
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(2) Article 19. Police Ordinances

§ 1-2. Placement {of advertising circulars} without permission	\$ 50
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§ 7-2. Vehicle alarms: Prohibited devices	\$100
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§ 8-18. Burglar alarms: Penalties	
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Users	\$250
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Contractors, Monitors, Others	\$500
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§ 13-1 or § 13-2. Disorderly drinking	\$150
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§ 14-2 or § 14-3. Drinking or possessing open containers in public places	\$ 50
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Subtitle 25. Loitering – General	\$ 50
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§ 26-6. Loitering – Drug-Free Zone	\$ 50
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§ 27-3. Loitering – For assignation, etc.	\$ 50
§ 27-15. Loitering – Prostitution-Free Zone	\$ 50
§ 34-5. Curfews: Prohibited conduct of parents, guardians, etc.	\$ 50
§ 34-6. Curfews: Prohibited conduct of establishments	\$500
§ 40-9. Dirt Bikes, etc. – Motor fuel sales	\$100
§ 41-2. Outdoor telephones: Prohibited placement	\$500
§ 45-2. Signs on public property: Posting prohibited	\$200
Subtitle 46. Signs – Campaign Signs in Residential Areas	\$100
§ 47-5. Nighttime soliciting	\$100
§ 48-2. Resale of tickets near sports facilities <i>{§ 48-2 was repealed by Ord. 07-471}</i>	\$ 50
§ 50-2. Obstructing street, etc., or gutter	\$ 50
§ 50-3. Merchandise projecting from building	\$ 50
§ 50-22. Street sales near farmers' markets <i>{§ 50-22 was repealed by Ord. 04-854}</i>	\$100
§ 50-26. Fires in street, lane, or alley	\$ 50
§ 50-41. Playing, etc., in street, etc.	\$ 50
§ 50-46 or § 50-47. Snow: Cleaning required	\$ 50
§ 50-56, § 50-57, or § 50-58. Soliciting customers	\$100
§ 51-2. Compliance with <i>{park}</i> rules required	\$ 50
§ 55-1. Ticket “scalping”	\$100
§ 55-2. Street sales of theater or circus tickets	\$100

(3) Article 24. Water

§ 21-1. Rules and regulations	\$250
§ 21-2. Suspension, etc., of certain uses	\$100
§ 21-3. Injuring fire hydrants	\$250

§ 21-4. Wrongful use after cut-off	\$150
§ 21-5. Refusal of entry	\$100
§ 21-6. Interference with equipment; illegal use of water	\$500

(4) **Article 31. Transit and Traffic**

Subtitle 10. Residential Permit Parking Program

§ 10-40. Falsifying or concealing information	\$500
§ 10-41. Fraudulent obtaining, etc., permit	\$500
§ 10-42. Counterfeiting or altering permits	\$500
§ 10-43. Using invalid permits	\$500
§ 10-44. Misusing visitor's permit	\$500
§ 10-45. Landlord abuse	\$500
§ 10-46. Aiding another in violation	\$500

Subtitle 16. Use-of-the-Road Regulations

§ 16-12. Vehicles on sidewalks	\$ 50
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Subtitle 18. Bicycles

§ 18-8. Riding <i>{bicycles}</i> on sidewalk	\$ 50
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(5) **Building, Fire, and Related Codes –
Fire Code**

§ 1001.3. Means of Egress: Overcrowding
{Transferred by Ord. 07-552 to § 107.6. Maintenance: Overcrowding}

1-99 persons over capacity	\$100
100-199 persons over capacity	\$250
200 or more persons over capacity	\$500
§ 1001.2. Means of Egress: Minimum requirements	\$250

(6) *Health Code*

Title 5: Nuisance Control

Subtitle 5: Bodily Wastes

§ 5-501. Spitting	\$ 25
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§ 5-503. Urinating, etc. – In general	\$150
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§ 5-504. Urinating, etc. – Parents	\$150
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Title 7: Waste Control

Subtitle 2: Solid Waste Collection	\$100
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Subtitle 4: Landfills	\$200
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Subtitle 6: Prohibited Disposal

Less than 25 lbs. in 24-hour period	\$150
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25 lbs or more in 24-hour period	\$250
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Subtitle 7: Littering	\$ 50
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Title 8: Air Pollution	\$100
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Title 9: Noise Regulation

Subtitle 2: Basic Sound Level Standards	\$100
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Subtitle 3: Entertainment and Commercial Noise	\$ 50
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Subtitle 4: Amplified Sounds in Market Center	\$ 50
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Title 10: Animal Control and Protection

Subtitle 2: Licensing

Part I. Dog and Cat Licenses	\$ 25
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Part II. Facility Licenses	\$100
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Subtitle 3: General Care and Control

§ 10-301. Rabies vaccinations	\$ 50
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§ 10-302. Reporting possible rabies exposure	\$ 50
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All other provisions	\$100
Subtitle 4: Animal Protection	
§ 10-403. Abuse of animal	\$200
§ 10-406. Animal fights	
Generally	\$100
Dogfights	\$500
All other provisions	\$100
Subtitle 5: Animal Disturbing Peace	\$100
Subtitle 6: Wild and Dangerous Animals	
§ 10-601. Attack dogs	\$200
All other provisions	\$100
Subtitle 7: Vicious Dogs	\$200
Title 12: Tobacco Products	
Subtitle 1: Indoor Smoking	
Person smoking	\$250
Employer, other person in charge	\$500
Subtitle 2: Sale of Unpackaged Cigarettes	\$150
Subtitle 4: Placement of Tobacco Products	\$500
Subtitle 5: Distribution to Minors	\$500

(7) Zoning Code

§ 3-107. Prohibited uses – Storage, etc., of vehicles	\$ 50
<i>(Ord. 03-595; Ord. 04-672; Ord. 04-675; Ord. 04-683; Ord. 06-183; Ord. 06-205; Ord. 06-232; Ord. 06-247; Ord. 06-316; Ord. 07-392; Ord. 07-430.)</i>	

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ARTICLE 19
POLICE ORDINANCES

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.*)

PART 2

COVERED OFFENSES

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ARTICLE 15
LICENSING AND REGULATION

SUBTITLE 17
STREET VENDORS

Part I. Definitions; General Provisions

§ 17-1. Definitions.

(d) *Food product.*

(1) *In general.*

“Food product” means any item used as food, drink, confectionery, or condiment for human consumption, whether simple or compound.

(2) *Exclusions.*

“Food product” does not include medicine, drugs, or alcohol.

(e) *Person.*

(1) *In general.*

“Person” means:

(i) an individual;

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

(iii) a 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.

(f) *Street.*

“Street” means any street, boulevard, road, highway, alley, lane, sidewalk, footway, mall, esplanade, or other way or place that is owned by the City or habitually used by the public.

(g) *Street vendor.*

“Street vendor” means any person who sells or offers to sell food products or merchandise of any kind on any street.

(h) *Vehicle*.

“Vehicle” means:

(1) any animal-drawn wagon;

(2) any motor vehicle; or

(3) any trailer, handcart, pushcart, or other vehicle.

(*City Code, 1976/83, art. 15, §100(a)(3rd sen.*).) (*Ord. 74-590; Ord. 86-685; Ord. 04-854.*)

§ 17-3. Scope.

This subtitle does not apply to the sale of newspapers.

(*Ord. 04-854.*)

Part III. Licensing**§ 17-11. License required.**

No person may sell or offer for sale in the streets of Baltimore City any food products or other merchandise without first having obtained a license to do so from the Board of Licenses for Street Vendors.

(*City Code, 1976/83, art. 15, §100(b).*) (*Ord. 74-590; Ord. 80-199; Ord. 86-685; Ord. 04-854.*)

§ 17-12. Classes and scope of licenses.(a) *In general.*

In its rules and regulations, the Board shall:

(1) designate various classes of licenses to be issued; and

(2) for each class of license, specify:

(i) the types of merchandise that may be sold under the license;

(ii) the locations or areas for which the license is effective;

(iii) the days and times for which the license is effective; and

(iv) the maximum number of licenses to be issued for a particular location or area or for a particular day or time of day.

....
(*City Code, 1976/83, art. 15, §100(c)(3)(1st sen.*).) (*Ord. 74-590; Ord. 77-493; Ord. 04-854.*)

§ 17-13. Limitations and conditions.*(a) In general.*

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

(b) Containers and vehicles.

The Board may determine the size, shape, design, and dimensions of any container, conveyance, or vehicle to be used in connection with the sale of merchandise under this subtitle.

(City Code, 1976/83, art. 15, §100(c)(3)(2nd sen.), (h).) (Ord. 74-590; Ord. 77-493; Ord. 04-854.)

§ 17-17. Vendor identification – In general.*(a) Scope of section.*

This section does not apply to a person who obtains a country grower's license under § 17-18 of this subtitle.

(b) Board to issue.

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

....

(d) Vendor to display.

Each street vendor must prominently display the badge while vending.

....

(City Code, 1976/83, art. 15, §100(i).) (Ord. 74-590; Ord. 77-493; Ord. 04-854.)

§ 17-18. Vendor identification – Country growers.*(a) In general.*

A street vendor who sells fruits, vegetables, or other perishable articles that have been produced or grown by that vendor may apply for a special, country grower's license under this section.

....

(c) Sign.

(1) Instead of the badge provided for in §17-17 of this subtitle, the Board shall provide the producer or grower with a sign to be displayed on his or her vehicle.

....

(3) The producer or grower must display this sign in a conspicuous place on his or her vehicle.

(City Code, 1927, art. 25, §50; 1950, art. 19, §66; 1966, art. 15, §83; 1976/83, art. 15, §99.) (Ord.13-252; Ord. 76-067; Ord. 99-526; Ord. 04-854.)

Part IV. Prohibited Conduct**§ 17-21. Food vendors – Residential areas.****(a) *In general.***

In a residential area, no street vendor of food products may stand or park his or her vehicle:

- (1) for more than 15 minutes at a given location; or
- (2) within 300 feet of any location at which the vehicle stood or parked during the preceding 48 hours.

....
(*City Code, 1976/83, art. 15, §§98A, 98D.*) (*Ord. 77-592; Ord. 04-854.*)

§ 17-22. Food vendors – Near schools.**(a) *In general.***

On school days from 7 a.m. to 5 p.m., no street vendor of food products may stand or park her or his vehicle within 500 feet of the grounds of any building used as a public or private kindergarten, elementary school, or secondary school.

....
(*City Code, 1976/83, art. 15, §§98B, 98D.*) (*Ord. 77-592; Ord. 04-854.*)

§ 17-23. Food vendors – Receptacles; clean-up.**(a) *Receptacles required.***

Every street vendor of food products must provide sufficient trash receptacles for the use of customers.

(b) *Trash removal.*

On leaving any location, the street vendor must remove all trash within a 10-foot radius of the place at which the vehicle stood or was parked.

....
(*City Code, 1976/83, art. 15, §§98C, 98D.*) (*Ord. 77-592; Ord. 04-854.*)

§ 17-24. Food vendors – Truck peddler near retail store.**(a) *In general.***

No street vendor may park a motor vehicle for the purpose of selling any food product meant for immediate consumption within 300 feet of any retail business establishment that sells similar food products.

....
(*City Code, 1976/83, art. 19, §§173, 174.*) (*Ord. 69-526; Ord. 70-708; Ord. 99-548; Ord. 04-672; Ord. 04-854.*)

§ 17-26. All vendors – Near farmers' market.**(a) *In general.***

No street vendor may sell any food product or other merchandise within 300 feet of the perimeter of any farmers' market authorized by the Commissioner of Housing and Community Development when the farmers' market is in operation.

.....
(*City Code, 1976/83, art. 19, §165A.*) (*Ord. 84-033; Ord. 03-595; Ord. 04-854.*)

SUBTITLE 18
ITINERANT WHOLESALE PRODUCE DEALERS

§ 18-1. Definitions.

(a) *Established place of business.*

The term “established place of business”, as used in this subtitle, shall mean and include any building or room licensed for the handling of the products in this subtitle named.

(b) *Itinerant wholesale produce dealer.*

The term “itinerant wholesale produce dealer”, for the purposes of this subtitle, shall mean and include any person, firm, association, or corporation who is a non-resident of the City of Baltimore and/or the State of Maryland and who is without an established place of business within the City of Baltimore, selling or offering for sale from any cart, wagon, truck, automobile, or other vehicle any fruits, vegetables, garden produce, butter, eggs, cheese, game, veal, pork, mutton, lamb, rabbits, or poultry not grown, raised, produced, made, manufactured, caught, trapped, or killed in the State of Maryland to any person, firm, or corporation for the purpose of resale, or to any restaurant, hotel, or public institution within the City of Baltimore.

(City Code, 1950, art. 19, §67(a), (b); 1966, art. 15, §84(a), (b); 1976/83, art. 15, §102(a)(1st cl.), (b).)
(Ord. 33-449.)

§ 18-2. Scope of subtitle – General exceptions.

(a) *Established business in City.*

Provided, however, that this subtitle shall not apply to or affect any dealer having an established place of business within the City of Baltimore.

(b) *Duly accredited establishments.*

Nor shall it apply to or affect any person, firm, or corporation who sells exclusively to or through, or who buys exclusively from, a duly accredited wholesale food establishment that is licensed and complies with the requirements, as such, of the City of Baltimore, and State of Maryland.

(City Code, 1950, art. 19, §67(a); 1966, art. 15, §84(a); 1976/83, art. 15, §102(a)(2nd cl.).)
(Ord. 33-449.)

§ 18-3. Scope of subtitle – Local produce.

(a) *In general.*

Provided further, that this subtitle shall not apply to a farmer or producer or person who offers for sale or sells to retailers, hotels, restaurants, processors, or public institutions or to commission merchants the products herein mentioned, or any of them, which were grown, raised, or produced, made, manufactured, caught, trapped, or killed, within the State of Maryland.

(b) *Permit required.*

But it shall be unlawful, however, for any such farmer or producer or person or any employees of such farmer or producer, or person to engage in the business of selling the products herein mentioned, or any of them, to retailers, hotels, restaurants, or public institutions within the City of Baltimore unless he applies annually to the Director of Finance for a permit so to sell.

....

(e) *Display.*

Said plate shall be displayed in a conspicuous place on wagon or other vehicle by said farmer or producer or person at all times when selling his products.

(*City Code, 1950, art. 19, §67(c), (d); 1966, art. 15, §84(c), (d); 1976/83, art. 15, §102(c), (d).*)
(*Ord. 33-449; Ord. 76-067.*)

§ 18-4. License required for itinerant dealers.

It shall be unlawful for any person, firm, association, or corporation to conduct or operate the business of an itinerant wholesale produce dealer, as hereinbefore in this subtitle defined, without first having obtained a license so to do.

(*City Code, 1950, art. 19, §68; 1966, art. 15, §86; 1976/83, art. 15, §103(1st sen.).*) (*Ord. 33-449; Ord. 76-067.*)

§ 18-7. Regulations.(a) *In general.*

The following regulations and conditions shall be observed by itinerant wholesale produce dealers licensed under this subtitle.

(b) *Display of name and license.*

(1) Each such dealer shall have his name, address, and the number of his license painted conspicuously on both sides of his, its, or her cart or carts, wagon or wagons, truck or trucks, automobile or automobiles, or other vehicles in letters and figures of not less than 2 inches in height, or have the same printed or stamped on metal plates to be so displayed on both sides of said vehicles.

(2) And he or she or it shall also carry such license and shall exhibit the same whenever required by any police officer or other officer authorized under the laws or ordinances of the City of Baltimore to make arrests.

(c) *Compliance with laws.*

In addition to the conditions and regulations above set forth, each itinerant wholesale produce dealer licensed under this subtitle shall be subject to the laws of Maryland and the ordinances of Baltimore City governing the sale of food products.

(*City Code, 1950, art. 19, §70; 1966, art. 15, §87; 1976/83, art. 15, §105.*) (*Ord. 33-449.*)

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ARTICLE 19
POLICE ORDINANCES

SUBTITLE 1. ADVERTISING CIRCULARS

§ 1-1. Definitions.

(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 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.

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

§ 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.)

SUBTITLE 7
BURGLAR ALARMS – VEHICLE ALARMS

§ 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.)

SUBTITLE 8
BURGLAR ALARMS – REGISTRATION AND REGULATION

§ 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 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.)

SUBTITLE 14
DRINKING IN PUBLIC PLACES

§ 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 18years 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.)

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.

....
(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.

....
(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.

....
(*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.

....
(*City Code, 1976/83, art. 19, §58.*) (*Ord. 75-976; Ord. 91-839.*)

SUBTITLE 26
LOITERING – DRUG-FREE ZONES

§ 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.)

§ 26-6. 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.)

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.*)

§ 27-3. 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 assignment, 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.*)

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.)

§ 27-15. 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.)

SUBTITLE 34
MINORS – DAYTIME AND NIGHTTIME CURFEWS

§ 34-1. Definitions.

(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.

(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.
(*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.*)

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

(a) *Nighttime curfew.*

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:

- (1) between the hours of 12:00:01 a.m. Saturday and 6 a.m. Saturday;
- (2) between the hours of 12:00:01 a.m. Sunday and 6 a.m. Sunday; or
- (3) between the hours of 11 p.m. and 6 a.m. of the following day,
on any other day of the week.

(b) *Daytime curfew.*

It is unlawful for the parent of any minor under the age 16 to knowingly permit or, by insufficient control, to allow that minor to be in or about any public place or any establishment between the hours of 9 a.m. and 2:30 p.m. on any day during which the minor is required to be in school.

(c) *Construction.*

This section is to be read in conjunction with § 34-3 {“Prohibited conduct of minors – nighttime curfew”} and § 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.*)

§ 34-6. Prohibited conduct of establishments.

(a) *Nighttime curfew.*

No operator of an establishment or his agents or employees may knowingly permit any minor to remain on the premises of that establishment:

- (1) between the hours of 12:00:01 a.m. Saturday and 6 a.m. Saturday;
- (2) between the hours of 12:00:01 a.m. Sunday and 6 a.m. Sunday; or
- (3) between the hours of 11 p.m. and 6 a.m. of the following day,
on any other day of the week.

(b) *Daytime curfew.*

No operator of an establishment or his agents or employees may knowingly permit any minor under the age of 16 to remain on the premises of that establishment between the hours of 9 a.m. and 2:30 p.m. on any school day, unless:

- (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.

(c) *Construction.*

This section is to be read in conjunction with § 34-3 {"Prohibited conduct of minors – nighttime curfew"} and § 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.*)

SUBTITLE 40
UNREGISTERED MOTORCYCLES AND SIMILAR VEHICLES

§ 40-1. Definitions.

(c) *Dirt bike.*

- (1) “Dirt bike” means 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) any other motorcycle or similar vehicle that is not eligible for registration under the Maryland Vehicle Law.

(d) *Minibike.*

“Minibike” means a motor vehicle that:

- (1) has a saddle for the use of the rider;
- (2) is designed to travel on not more than 3 wheels in contact with the ground;
- (3) is not eligible for registration under the Maryland Vehicle Law; and
- (4) has:
 - (i) a 10-inch (254 mm) or less nominal wheel-rim diameter;
 - (ii) 40 inches or less wheel base;
 - (iii) 25 inches or less seat height, measured at the lowest point on the top of the seat cushion without rider; or
 - (iv) a propelling engine with piston displacement of 50 cc or less.

(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.)

§ 40-9. Prohibited conduct – 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.

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

SUBTITLE 41
OUTDOOR TELEPHONES

§ 41-2. Prohibited placement.

A person may not install an outdoor telephone:

(1) in any public right-of-way without a minor privilege permit from the Department of Public Works; 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.)

SUBTITLE 45
SIGNS – ON OR AFFECTING PUBLIC PROPERTY

§ 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.)*

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.)

SUBTITLE 47
SOLICITING AND AGGRESSIVE SOLICITING

§ 47-1. Definitions.

(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.*)

§ 47-5. 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:

- (1) by passively standing or sitting with a sign or other indication that one is seeking donations; and
- (2) 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.*)

SUBTITLE 50
STREET REGULATIONS

Part 1. Obstructions

§ 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, or alley of the City or any of their gutters.

(b) *Exception – deliveries, etc.*

This section does not apply to someone while in the immediate act of delivering or removing some article to or from a place of business or dwelling.

(c) *Exception – items requiring inspection, etc.*

Articles that are to be inspected or guarded under law may be placed on the sidewalk, but only if they are arranged so as not to obstruct the passage through the streets or sidewalks between the pavement and any house, store, cellar, or backyard, without the consent of the owner or occupant.

....
(*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.*)

§ 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.

....
(*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.*)

Part 4. Fires

§ 50-26. Prohibited conduct.

It shall be unlawful for any person, firm, or corporation to make or cause to be made any fire in any street, lane, or alley.

(*City Code, 1879, art. 47, §120(1st cl.); 1893, art. 48, §140(1st cl.); 1927, art. 32, §55(1st cl.); 1950, art. 24, §135(1st sen.)(1st cl.); 1966, art. 19, §141(1st sen.)(1st cl.); 1976/83, art. 19, §166(1st sen.)(1st cl.).*) (*Rev. Ords. 1858-033; Ord. 1895-118; Ord. 49-593; Ord. 77-573.*)

§ 50-27. Exception.

The provisions of this Part shall not apply to fires made and used for the purpose of preparing any article or material to be used in the construction, reconstruction, alteration or repair of any building or other structure, provided that:

(1) in all such cases, said fire is made and used in a cart or other receptacle and in such manner as may be approved by the Director of Public Works from time to time; and

(2) said cart or other receptacle is placed at the property being improved and does not reasonably interfere with the use of any such street, lane, or alley.

(City Code, 1879, art. 47, §120(2nd, 3rd cls.); 1893, art. 48, §140(2nd, 3rd cls.); 1927, art. 32, §55(2nd, 3rd cls.); 1950, art. 24, §135(2nd sen.); 1966, art. 19, §141(2nd sen.); 1976/83, art. 19, §166(2nd sen.).) (Rev. Ords. 1858-033; Ord. 1895-118; Ord. 49-593; Ord. 77-573.)

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.

....
(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.)

Part 7. Snow and Ice**§ 50-46. Cleaning pavements required.**

(a) *In general.*

After any snowfall that results in an accumulation of snow on the ground:

(1) every person using or occupying in any manner, or for any purpose, any house, store, shop, stable, or tenement of any kind;

(2) every person having charge of any church or public building of any kind; and

(3) the owner of any unoccupied house or unimproved lot situated on any paved street, lane, or alley in the City,

must remove and clear away the snow or cause it to be removed and cleared away from the foot pavement fronting the house, store, shop, stable, church, building, or lot.

(b) *Time and manner.*

(1) The snow must be removed and cleared away:

(i) within 3 hours after the snow has stopped falling; or

(ii) if the snow stopped falling between 3 p.m. and 6 a.m., before 11 a.m.

(2) The snow must be removed and cleared away in such a way as not to obstruct the passage of water in the gutters.

....
 (City Code, 1879, art. 47, §125(1st sen.); 1893, art. 48, §147(1st sen.); 1927, art. 32, §65(1st sen.); 1950, art. 24, §144(1st sen.); 1966, art. 19, §151(1st sen.); 1976/83, art. 19, §177(a).) (Rev. Ords. 1858-033; Ord. 66-871; Ord. 88-047; Ord. 99-548.)

§ 50-47. Keeping pavements and gutters clear.(a) *In general.*

Every person described in § 50-46 of this Part must keep the gutters leading to, and the pavements or sidewalks situated in the front, rear, or sides of the premises, free from ice and every obstruction of any kind.

....
 (City Code, 1879, art. 47, §125(2nd sen.); 1893, art. 48, §147(2nd sen.); 1927, art. 32, §65(2nd sen.); 1950, art. 24, §144(2nd sen.); 1966, art. 19, §151(2nd sen.); 1976/83, art. 19, §177(b).) (Rev. Ords. 1858-033; Ord. 66-871; Ord. 88-047; Ord. 99-548.)

Part 8. Soliciting Customers**§ 50-56. Obstructing passage prohibited.**

Any person who shall be found in any of the streets or highways or upon any sidewalks or footways engaged in obstructing the passage along any of said streets or highways or upon any of the said sidewalks or footways by catching hold of or soliciting persons or in any way interfering with their free passage along said streets, highways, sidewalks, or footways, for the purpose of inducing or compelling them to buy any article or thing from any store or stand or any livery or sale stable, shall be subject to a fine of \$10 for each and every offense.

(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. 12-157; Ord. 13-245.)

§ 50-57. In front of store – Soliciting business.

Any person who shall stop, accost, or solicit any person on the pavement, sidewalk, or footway in front of or adjacent to any store or establishment within the corporate limits of the City of Baltimore, where goods are sold at wholesale or retail, for the purpose of enticing away, selling to, or in any

manner interfering with such last-named person, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined \$10 for each and every offense.

(City Code, 1927, art. 32, §80; 1950, art. 24, §147; 1966, art. 19, §154; 1976/83, art. 19, §180.)
(Ord. 13-245.)

§ 50-58. In front of store – Enticing away.

Any person remaining in front of or entering any store where goods are sold at retail, or any livery or sale stable, for the purpose of enticing away or in any manner interfering with any person or persons who may be in front of or who may have entered therein for the purpose of buying, shall be subject to a fine of \$20 for each and every offense, said fine to be recovered as other fines and penalties are recovered.

(City Code, 1893, art. 48, §156; 1927, art. 32, §81; 1950, art. 24, §148; 1966, art. 19, §155; 1976/83, art. 19, §181.) (Ord. 1889-139.)

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.)

SUBTITLE 55
TICKET SALES

§ 55-1. Ticket “scalping”.

(a) *Prohibited conduct.*

It shall be unlawful for any person, firm, association, or corporation to sell or exchange, or offer to sell or exchange, for more than the price stated thereon or for remuneration in any form greater than such price, any ticket or tickets for admission to a public amusement, athletic, educational, or other event in the City of Baltimore.

(b) *Exception.*

Nothing in this section shall be construed to make illegal or invalidate the excess sum which is permitted to be charged for certain tickets by a person engaged in the business of selling tickets under the provisions of Article 15, Subtitle 21{“Ticket Agencies”} of the City Code.

.....
(*City Code*, 1966, art. 19, §174; 1976/83, art. 19, §198.) (Ord. 58-1574; Ord. 94-385; Ord. 03-595.)

§ 55-2. Street sales of theater and circus tickets.

(a) *Sale on public streets prohibited.*

It shall not be lawful for any person or persons to sell, barter, or exchange or offer for sale, barter, or exchange, upon the public streets or highways, tickets of admission to any theatre or circus.

.....
(*City Code*, 1927, art. 32, §77; 1950, art. 24, §163; 1966, art. 19, §169; 1976/83, art. 19, §193.)
(Ord. 03-023; Ord. 03-595.)

**ARTICLE 24
WATER*****SUBTITLE 21
PROHIBITED CONDUCT; PENALTIES*****§ 21-1. Rules and regulations.**

No person may violate any rule or regulation adopted under § 1-1 of this article to protect the City's water supply and facilities.
(*Ord. 02-476.*)

§ 21-2. Suspension, etc., of certain uses.

No person may violate any order issued under § 1-6 of this article to suspend, condition, limit, or temporarily prohibit the use of water.
(*Ord. 02-476.*)

§ 21-3. Injuring fire hydrants.

No person may wilfully injure or deface any fire hydrant belonging to the City.
(*City Code, 1879, art. 53, §57; 1893, art. 54, §57; 1927, art. 48, §70; 1950, art. 39, §13; 1966, art. 29, §13; 1976/83, art. 29, §13.*) (*Rev. Ords. 1858-043; Ord. 1859-080; Ord. 50-1141; Ord. 02-476.*)

§ 21-4. Wrongful use after cut-off.

No person may, without authorization from the Department of Public Works, connect with any water pipe that belongs to the City or otherwise turn on the water to any premises to which the water was turned off by an officer of the Department.
(*City Code, 1893, art. 54, §42; 1927, art. 48, §55; 1950, art. 39, §32; 1966, art. 29, §27; 1976/83, art. 29, §27.*) (*Rev. Ords. 1858-043; Ord. 1880-043; Ord. 50-1393; Ord. 76-142; Ord. 02-476.*)

§ 21-5. Refusal of entry.

No person may refuse to permit an agent of the Department of Public Works to visit his, her, or its premises in the discharge of that agent's official duties.
(*City Code, 1879, art. 53, §43; 1893, art. 54, §43; 1927, art. 48, §56; 1950, art. 39, §33; 1966, art. 29, §28; 1976/83, art. 29, §28.*) (*Rev. Ords. 1858-043; Ord. 50-1393; Ord. 02-476.*)

§ 21-6. Interference with equipment; illegal use of water.**(a) *Scope of section.***

This section does not apply to the lawful governmental regulation of water companies, their canals, springs, reservoirs, tunnels, mounds, dams, plugs, fire hydrants, mains, pipes, conduits, connections, taps, valves, engines, and machinery.

(b) *Prohibited conduct.*

Unless authorized by law or by permit from the Department of Public Works, no person may:

- (1) connect, disconnect, tap, or interfere or tamper with any of the canals, springs, reservoirs, tunnels, mounds, dams, plugs, fire hydrants, mains, pipes, conduits, connections, taps, valves, engines, or machinery belonging to the City;
- (2) connect with any canal, spring, reservoir, tunnel, mound, dam, plug, fire hydrant, main, pipe, conduit, connection, tap, valve, engine, or machinery for the purpose of using or wasting water;
- (3) tamper in any way with any meter used to register water consumption; or
- (4) introduce water to any premises not entitled to use it.

(*City Code, 1976/83, art. 29, §14.*) (*Ord. 94-346; Ord. 02-476.*)

ARTICLE 31
TRANSIT AND TRAFFIC

SUBTITLE 10
RESIDENTIAL PERMIT PARKING PROGRAM

§ 10-40. Falsifying or concealing information.

No person may, in connection with any matter governed by this subtitle, wilfully:

- (1) falsify, conceal, or cover up any material fact; or
- (2) submit any writing or document knowing that it contains a false or misleading statement or entry.

(Ord. 06-316.)

§ 10-41. Fraudulently obtaining, etc., permit.

No person may fraudulently obtain, keep, or attempt to obtain or keep a permit issued under this subtitle.

(Ord. 06-316.)

§ 10-42. Counterfeiting or altering permit.

No person may:

- (1) copy, create, or otherwise produce any counterfeit or facsimile of a residential area parking permit; or
- (2) alter any permit issued under this subtitle to change its expiration date or any condition of its use.

(Ord. 06-316.)

§ 10-43. Using invalid permit.

No person may display in any vehicle:

- (1) any counterfeit or facsimile of a residential area parking permit;
- (2) any permit altered to change its expiration date or any condition of its use; or
- (3) a residential parking permit that has expired or is otherwise void.

(Ord. 06-316.)

§ 10-44. Misusing visitor's permit.

No person may:

- (1) charge any fee for the use of a visitor's permit;

- (2) allow another to use a visitor's permit in violation of any rule or regulation governing the use of visitors' permits.

(Ord. 06-316.)

§ 10-45. Landlord abuse.

No landlord or other person may, directly or indirectly, require a tenant or other resident of a dwelling to allow the landlord or other person to use or control any permit issued to the tenant or other resident.

(Ord. 06-316.)

§ 10-46. Aiding another in violation.

No person may knowingly aid another in violating any provision of this Part VII.

(Ord. 06-316.)

SUBTITLE 16
USE-OF-THE-ROAD REGULATIONS

§ 16-12. Vehicles on sidewalk.

(a) *Prohibited conduct.*

No person may back, draw, move, propel, drive, or operate any motor vehicle of any kind or any vehicle of any kind that is drawn by a horse or mule on or over any sidewalk or curbing of the City unless:

- (1) the curbing is lowered to grade and the sidewalk so paved and arranged as to allow the passage of these vehicles; or
- (2) the person has special permission to do so from the Director of Public Works.

.....
(*City Code, 1893, art. 48, §138; 1927, art. 32, §52; 1950, art. 24, §96; 1966, art. 19, §135; 1976/83, art. 19, §160.*) (*Ord. 1885-033; Ord. 26-756; Ord. 45-267; Ord. 77-573; Ord. 99-548; Ord. 03-595.*)

SUBTITLE 18
BICYCLES

§ 18-1. “Bicycle” defined.

For the purposes of this subtitle, a bicycle is defined as a mechanical device, propelled by human power and having 2 tandem wheels.
(*City Code, 1966, art. 31, §11; 1976/83, art. 31, §10.*) (*Ord. 58-1352; Ord. 69-469.*)

§ 18-8. Riding on sidewalk.

(a) *Riding prohibited.*

It is unlawful for any person to ride a bicycle on any sidewalk or footway of this City.

(b) *Walking, standing permitted.*

However, when dismounted and on foot, a person may:

- (1) lead the bicycle on a sidewalk or footway in a manner that does not obstruct the sidewalk or footway; and
- (2) allow the bicycle to remain standing on the sidewalk or footway in a manner that does not obstruct the sidewalk or footway.

.....
(*City Code, 1966, art. 31, §26; 1976/83, art. 31, §17.*) (*Ord. 58-1352; Ord. 04-683.*)

**BUILDING, FIRE, AND RELATED CODES –
FIRE CODE**

***CHAPTER 1
ADMINISTRATION***

§ 107. Maintenance.

107.6 Overcrowding. Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The Fire Code Official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.
(Ord. 07-552.)

***CHAPTER 10
MEANS OF EGRESS***

§ 1001. Administration.

1001.2 Minimum requirements. It shall be unlawful to alter a building or structure in a manner that will reduce the number of exits or the capacity of the means of egress to less than required by this Code.
(Ord. 07-552.)

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HEALTH CODE**TITLE 5
NUISANCE CONTROL*****Subtitle 5. Bodily Wastes*****§ 5-501. Spitting in public places.**

No person may spit on:

- (1) any footpath or sidewalk of any public street or public square;
- (2) the floor or anywhere else in any public building under the control of the Mayor and City Council of Baltimore;
- (3) the floor, platform, or steps of any railroad, bus, or other common carrier or of any depot or station;
- (4) the floor or steps of any theater, store, factory, or other building that is used in common by the public;

(5) the floor of any hall or office used in common by the guests of a hotel or lodging house.
(*City Code, 1976/83, art. 11, §138.*) (*Ord. 99-548.*)

§ 5-503. Urinating or defecating in public places – in general.

No person may urinate or defecate on or about:

- (1) any public place, way, or park; or
- (2) the mall or adjacent parking area of any shopping center.

(*City Code, 1976/83, art. 19, §171A(a)(1st cl.).*) (*Ord. 99-548.*)

§ 5-504. Urinating or defecating in public places – parents or guardians of minors.

A parent or guardian may not knowingly permit a minor for whom the parent or guardian is responsible to violate § 5-503 {“Urinating or defecating in public places – in general”} of this subtitle.

(*City Code, 1976/83, art. 19, §171A(b)(3)(i.).*) (*Ord. 99-548.*)

TITLE 7
WASTE CONTROL

Subtitle 1. Definitions; General Provisions

§ 7-101. Definitions.

(b) *Dispose.*

“Dispose” includes abandon, deposit, discard, discharge, dump, junk, leave, place, scrap, or throw.

City Code, 1976/83, art. 11, §264(b)(2). (Ord. 99-548.)

(c) *Garbage.*

“Garbage” means waste that results from the distribution, preparation, or serving of food.

(City Code, 1976/83, art. 11, §221(c). (Ord. 99-548.)

(d) *Hauler.*

(1) *In general.*

“Hauler” means any person who:

- (i) contracts with others for the collection, transportation, or disposal of solid waste; or
- (ii) except as specified in paragraph (3) of this subsection, engages in the collection, transportation, or disposal of solid waste generated by that person him-, her-, or itself.

(2) *Inclusions.*

“Hauler” includes a person described in paragraph (1) of this subsection even if that person is operating under a demolition permit issued by the City.

(3) *Exclusions.*

“Hauler” does not include any person who occupies residential property and collects, transports, or disposes of solid waste generated by the residential use of that property.

(City Code, 1976/83, art. 11, §§266(c)(parts), 267(a). (Ord. 99-548.)

(e) *Land clearance debris.*

“Land clearance debris” means any trees, other vegetation, or their roots that result from land clearance for streets, parks, playgrounds, construction projects, or other similar projects.

(City Code, 1976/83, art. 11, §221(d). (Ord. 99-548.)

(f) *Landfill.*

“Landfill” means any private or public property where waste is disposed of by placement on or burial in the ground.

(*Ord. 99-548.*)

(g) *Rock.*

“Rock” means rock, stones, or boulders that result from land clearance, grading, and the preparation of construction sites and similar projects.

(*City Code, 1976/83, art. 11, §221(e).*) (*Ord. 99-548.*)

(h) *Rubbish.*

“Rubbish” includes paper, rags, ashes, leaves, tree branches, yard trimmings, furniture, appliances, cans, glass, crockery, junk vehicles, tires, automotive parts, paints, and oils.

(*City Code, 1976/83, art. 11, §221(g).*) (*Ord. 99-548.*)

(i) *Rubble.*

(1) *In general.*

“Rubble” means any waste that results from the demolition of buildings, structures, or streets.

(2) *Inclusions.*

“Rubble” includes masonry, concrete, asphalt, wood, plaster, paper, glass, metal, roof materials, or other materials used in the construction of buildings, structures, or streets.

(*City Code, 1976/83, art. 11, §221(b), (f).*) (*Ord. 99-548.*)

(j) *Solid waste.*

“Solid waste” means all waste that is neither gaseous nor liquid.

(*City Code, 1976/83, art. 11, §266(b)(1st sen.).*) (*Ord. 99-548.*)

(k) *Trade waste.*

(1) *In general.*

“Trade waste” means waste that results from construction or from any other business, commercial, or industrial operation.

(2) *Inclusions.*

“Trade waste” includes plastics, cartons, chemicals, paints, greases, oils, and other petroleum products, sawdust, and dead animals.

(*City Code, 1976/83, art. 11, §221(h).*) (*Ord. 99-548.*)

(1) *Waste.*

(1) *Defined inclusions.*

“Waste” includes any of the following material, as defined in this section, whether putrescible or nonputrescible:

- (i) garbage;
- (ii) land clearance debris;
- (iii) rock;
- (iv) rubbish;
- (v) rubble; and
- (vi) trade waste.

(2) *Additional inclusions.*

“Waste” also includes any of the following material, whether putrescible or nonputrescible:

- (i) asbestos;
- (ii) ashes;
- (iii) dead animals;
- (iv) hazardous waste;
- (v) incinerator residue;
- (vi) medical waste;
- (vii) refuse;
- (viii) street cleanings;
- (ix) trash; and

- (x) wastewater treatment residue.

(*City Code, 1976/83, art. 11, §§221(a)(1st cl.), 266(b)(2nd sen.), art. 23, §22(a)(7). (Ord. 99-548.)*)

Subtitle 2. Solid Waste Collection**§ 7-201. Definitions.**

(c) *Small hauler.*

“Small hauler” means a hauler that uses only 1 truck for which the manufacturer’s rated capacity is $\frac{3}{4}$ ton or less and the gross weight of which is 7,000 pounds or less.

(*City Code, 1976/83, art. 11, §266(c).*) (*Ord. 99-548.*)

§ 7-202. Scope of subtitle.

This subtitle does not apply to:

- (1) any person while employed by or under contract with the City for public work;
- (2) a 1- or 2-day community clean-up where neighbors join in to pay the cost of hiring a truck; or
- (3) a scrap metal processor who:

(i) is licensed under City Code Article 2, Subtitle 8; and

(ii) is transporting materials for purchase, sale, recycling, or storage (but not for disposal).

(*City Code, 1976/83, art. 11, §266(c).*) (*Ord. 99-548; Ord. 04-692.*)

§ 7-205. License required.

No person may operate as a hauler in the City without a license to do so from the Commissioner of Health.

(*City Code, 1976/83, art. 11, §267(a), (a-1).*) (*Ord. 99-548.*)

§ 7-218. Identification of vehicles.

(a) *In general.*

- (1) Except as specified in subsection (b) of this section, every vehicle used by a hauler to collect, transport, or dispose of waste must be identified as specified in this subsection.
- (2) The name and business telephone number of the hauler must be displayed:
 - (i) on both sides of the vehicle; and
 - (ii) in lettering that:
 - (A) conspicuously contrasts with its background; and

(B) is of a size, shape, and color to be readily legible, during daylight hours, from a distance of 50 feet while the vehicle is stationary.

(3) The required display may be on removable devices.

(b) *Small haulers.*

Every vehicle used by a small hauler must have its license displayed inside the vehicle in a way that is visible at all times from outside the vehicle.

(City Code, 1976/83, art. 11, §269(d), (h).) (Ord. 99-548.)

§ 7-219. Identification of containers.

(a) *In general.*

Each waste container that has a capacity of 2 cubic yards or more must be labeled with:

- (1) the name of the licensee; and
- (2) an identification number assigned by the Commissioner.

(b) *Form.*

The label must be:

- (1) on the outside of the container; and
- (2) in permanent lettering that is:

(i) plainly distinguishable; and

(ii) at least 3 inches high.

(City Code, 1976/83, art. 11, §269(e).) (Ord. 99-548.)

§ 7-220. Sanitation requirements.

(a) *Preventing spills.*

Each licensee must:

- (1) comply with the requirements of Subtitle 3 {“Transporting Waste”} of this title;
- (2) cover or tie down all solid waste being transported on an open-type vehicle so as to prevent spillage; and
- (3) take all other action necessary to prevent leakage or loss of any waste from either containers or vehicles.

(b) *Cleaning vehicles.*

Each vehicle used to collect, transport, or dispose of waste must be maintained in a clean condition that minimizes odors and prevents insect and rodent breeding.

(City Code, 1976/83, art. 11, §269(a) - (c).) (Ord. 99-548.)

§ 7-221. Hours of collection.

(a) *In general.*

Except as specified in subsection (b) of this section, no hauler may collect solid waste in the City before 7 a.m. or after 11 p.m. on any day, weekends and legal holidays included.

(b) *Nonresidential areas.*

A licensee may collect solid waste at any time from a business, commercial, industrial, institutional, or other nonresidential use structure as long as no residential structure is within 100 feet of any collection point.

(City Code, 1976/83, art. 11, §26(f).) (Ord. 99-548.)

§ 7-222. Daily log.

(a) *Driver to keep.*

The driver of any vehicle being used under a hauler's license must keep a daily log that includes, for each collection of solid waste:

- (1) the location from which the waste is collected;
- (2) the general nature of the solid waste;
- (3) the name of the customer from whom the waste is collected; and
- (4) when, where, and how the waste was disposed of.

(b) *Inspection.*

The licensee must permit the Commissioner to inspect this log at any time during regular business hours.

(City Code, 1976/83, art. 11, §269(g).) (Ord. 99-548.)

§ 7-226. Prohibited conduct.

No person may contract with or hire any hauler who is not licensed under this subtitle.

(City Code, 1976/83, art. 11, §267(b).) (Ord. 99-548.)

Subtitle 3. Transporting Waste**§ 7-301. Coverings and containers required.****(a) *In general.***

Every vehicle that transports waste on the streets of this City, including vehicles used by the City, must be equipped with adequate coverings and containers to prevent the spilling or dropping of any waste.

(b) *Construction.*

The vehicle and all waste containers must:

(1) be strong and tight;

(2) have sides high enough above the load that no part of the load can fall, leak, or spill; and

(3) be covered with heavy canvas or other substantial material.

(*City Code, 1976/83, art. 11, §121(2nd sen.), art. 23, §§15, 16.*) (*Ord. 99-548.*)

§ 7-302. Loading and care.**(a) *In general.***

No person may allow any vehicle or container to be so fully loaded, in such bad repair, of such faulty construction, or so improperly operated that any waste can fall, leak, or spill.

(b) *Care by drivers, etc.*

No person driving, loading, unloading, or cleaning any vehicle or container used to carry waste may do so or permit any other person to do so in any way that is needlessly offensive or filthy in respect to any person or property.

(*City Code, 1976/83, art. 23, §§17, 18(1st cl.).*) (*Ord. 99-548.*)

§ 7-304. Replacement of spills.

If any material falls, leaks, or spills from a vehicle or container, the individual operating the vehicle or in charge of the container must immediately stop and remove and secure the fallen, leaked, or spilled material.

(*City Code, 1976/83, art. 11, §121(3rd sen.(last cl.)), art. 23, §18(2nd cl.).*) (*Ord. 99-548.*)

Subtitle 4. Landfills**§ 7-402. Exceptions from subtitle.**

This subtitle does not apply to:

(1) the random placement of broken stones or rubble as a foundation sustaining wall, or similar structure to control erosion; or

(2) to the otherwise lawful filling of land exclusively with earth fill material that contains:

(i) no more than 10% organic matter or rubble by volume; and

(ii) no object larger than 12 inches in any dimension.

(City Code, 1976/83, art. 11, §§221(a)(2nd cl.), 221(1), 224.) (Ord. 99-548.)

§ 7-406. License required.

No person may operate a landfill in the City without a license to do so from the Commissioner of Health.

(City Code, 1976/83, art. 11, §222(b).) (Ord. 99-548.)

§ 7-411. Notice of changed information.

A licensee must immediately notify the Commissioner of any change in any of the information contained in or accompanying the licensee's application for a license or a renewal.

(City Code, 1976/83, art. 11, §223(a)(1)(2nd cl.).) (Ord. 99-548.)

Subtitle 6. Prohibited Disposal**§ 7-601. In general.**

No person may dispose of any waste or other material except:

(1) in a receptacle and at a location approved by law for waste disposal;

(2) at a licensed landfill; or

(3) at any other disposal site authorized by law to receive waste.

(City Code, 1976/83, art. 11, §§135(c), 220, 222(a), 264(c), art. 23, §13.) (Ord. 99-548.)

§ 7-602. Disposing of offensive materials.**(a) *In general.***

No person may dispose of or permit to discharge or flow onto any public or private property, with or without the owner's permission, any liquid or solid matter that is or that, after exposure to the atmosphere or otherwise, is likely to become offensive or otherwise a nuisance.

(b) *Illustrations.*

This section applies to, among other things, any:

- (1) blood;
- (2) refuse coal oil;
- (3) dead animal or part of an animal;
- (4) domestic or sanitary sewage;
- (5) excrement;
- (6) filth;
- (7) foul or nauseous liquid;
- (8) garbage;
- (9) slaughter house or other trade cleanings;
- (10) stagnant water; or
- (11) offensive matter of any kind.

(City Code, 1976/83, art. 11, §119, inter alia.) (Ord. 99-548.)

§ 7-603. Dumping on public property.

No person may dump or dispose of any wire, glass, nails, garbage, waste, or any other matter in or on any gutter, sidewalk, street, open space, wharf, or other public place.

(City Code, 1976/83, art. 19, §§167, 172.) (Ord. 99-548.)

§ 7-604. Dumping on private property.

No person may dump or otherwise dispose of any earth, dirt, sand, ashes, gravel, rocks, garbage, waste, or any other matter on any private property without the permission of the property owner or the owner's agent.

(City Code, 1976/83, art. 11, §§135, 160(1st cl.)) (Ord. 99-548.)

§ 7-605. Burning waste.

No person may burn or cause to be burned any garbage or other waste except as specifically authorized by law.

City Code, 1976/83, art. 11, §137, art. 23, §14.) (Ord. 99-548.)

§ 7-608. Material from vehicle.

The registered owner of a vehicle is prima facie responsible for any waste or other material disposed of from that vehicle.

(City Code, 1976/83, art. 11, §136(3rd sen.).) (Ord. 99-548.)

Subtitle 7. Littering**§ 7-701. “Litter” defined.**

“Litter” means to discard or otherwise dispose of, in any way other than as authorized by § 7-601 of this title, of small amounts of paper, beverage containers, glass, garbage, or other waste that:

(1) weigh less than 1 pound;

(2) comprise less than 1 cubic foot; and

(3) are not toxic, noxious, or otherwise a threat to the public health or safety.

(City Code, 1976/83, art. 11, §254(b), (c)(part).) (Ord. 99-548.)

§ 7-702. Littering prohibited.

No person may:

(1) litter on any public or private property; or

(2) permit the accumulation of litter on any property under that person’s control.

(City Code, 1976/83, art. 11, §264(c).) (Ord. 99-548.)

TITLE 8
AIR POLLUTION

Subtitle 1. Prohibited Emissions

§ 8-101. Definitions.

(b) *Air pollution.*

“Air pollution” means the presence in the outdoor atmosphere of any odor, solid, vapor, liquid, gas, or other substance in such quantities and of such duration that it:

(1) can be predicted with reasonable certainty to be injurious to property or to human, plant, or animal life; or

(2) unreasonably interferes with the proper enjoyment of the property of others or with the comfort of the public.

(Ord. 99-548.)

(c) *Emission standard.*

(1) “Emission standard” means a requirement that limits the quantity, quality, rate, or concentration of emissions from a source.

(2) “Emission standard” includes any requirement that relates to the operation or maintenance of a source to assure continuous emission reduction.

(Ord. 99-548.)

(d) *Source.*

“Source” means any equipment, process, structure, space, material, or activity that contributes to air pollution.

(Ord. 99-548.)

§ 8-105. Prohibited conduct.

No person may operate or use any source, whether indoors or outdoors, static or mobile, that contributes to air pollution in any way or amount that exceeds emission standards:

(1) set by federal or state law or regulation; or

(2) set by the Commissioner.

(City Code, 1976/83, art. 11, §7.) (Ord. 99-548.)

Subtitle 2. Open Burning**§ 8-201. Definitions.****(b) *Open burning.***

“Open burning” means any fire or smoke-producing process that emits particulates or gases directly into the atmosphere without passing through any air pollution control equipment.
(*City Code, 1976/83, art. 11, §18(a), (f).*) (*Ord. 99-548.*)

(c) *Waste.*

“Waste” has the meaning stated in § 7-101 of this article.
(*Ord. 99-548.*)

§ 8-203. Open burning prohibited.

Except as specified in § 8-204 {“Exceptions”} of this subtitle, no person may permit or carry on any open burning of waste.
(*City Code, 1976/83, art. 11, §19.*) (*Ord. 99-548.*)

§ 8-204. Exceptions.**(a) *Outdoor cooking.***

The use of outdoor grills and fireplaces to prepare food is permitted unless prohibited by the Fire Department.

(b) *Disposal of explosives.*

The open burning of highly explosive or other dangerous materials for which there is no other known method of disposal or under other unusual circumstances is permitted if, on written request, the burning is:

(1) approved by the Commissioner and the Chief of the Fire Department; and

(2) done under the supervision of the Fire Department.

(c) *Training.*

The open burning of solid, liquid, or gaseous fuels, materials, or buildings is permitted if done for training purposes under the direct control and supervision of Fire Department instructors.

(d) *Salamanders, etc.*

Unless prohibited by the Fire Department, the use of salamanders or similar devices by construction or other workers for heat is permitted if:

(1) no smoke violation or other nuisance is created; and

(2) the salamander or other device is of a type approved by the Chief of the Fire Department.

(e) *Emergencies.*

In an emergency declared by the Commissioner, the open burning of household and normal business waste is permitted if it is done in compliance with the conditions and requirements that the Commissioner specifies for the emergency.

(*City Code, 1976/83, art. 11, §20.*) (*Ord. 99-548.*)

TITLE 9
NOISE REGULATION

Subtitle 1. Definitions; General Provisions

§ 9-101. Definitions.

(b) *Impulse sound.*

“Impulse sound” means a short burst of acoustical energy such as that produced by weapons fire, a punch press, or a drop hammer. A pressure time history of a single impulse includes a rapid rise to a maximum peak pressure followed by a somewhat slower decay, both occurring within 1 second.

(City Code, 1976/83, art. 11, §230(g)(1).) (Ord. 99-548.)

(c) *Motor vehicle.*

“Motor vehicle” has the meaning stated in § 11-135 of the State Transportation Article {“Maryland Vehicle Law”}.

(City Code, 1976/83, art. 11, §230(c).) (Ord. 99-548.)

(d) *Noise.*

“Noise” means any steady-state or impulse sound that occurs on either a continuous or intermittent basis.

(City Code, 1976/83, art. 11, §230(f).) (Ord. 99-548.)

(e) *Peak pressure.*

“Peak pressure” is the sound level in decibels of an impulse sound measured with sound instrumentation that uses the flat response or linear scale

(City Code, 1976/83, art. 11, §230(e).) (Ord. 99-548.)

(f) *Steady-state sound.*

“Steady-state sound” means a periodic or random variation, with a duration of more than 1 second, in atmospheric pressure at audible frequencies.

(City Code, 1976/83, art. 11, §230(g)(2).) (Ord. 99-548.)

Subtitle 2. Basic Sound Level Standards

§ 9-201. Definitions.

(b) *Decibel or dB.*

- (1) “Decibel” or “dB” means the unit of measurement of relative sound intensity equal to 20 times the logarithm to the base 10 of the ratio of the effective sound pressure to a reference pressure of 20 micronewtons per square meter.

- (2) In formula,

$$\text{dB} = 20 \text{ Log}_{10} P/P_0$$

where P is the average pressure of the measured sound, and P₀ indicates the reference pressure considered to be the weakest audible pressure a young ear can detect under ideal listening conditions.

(City Code, 1976/83, art. 11, §230(a).) (Ord. 99-548.)

(d) *Sound Level A or db(A).*

“Sound level A” or “dB(A)” is the sound level in decibels, measured with a sound level meter that uses the A-weighting network or scale, as specified in ANSI S1.4 (“Specification for Sound Level Meters”), as amended from time to time.

(City Code, 1976/83, art. 11, §230(d).) (Ord. 99-548.)

(e) *Use.*

“Use” means any activity, occupation, business, or operation that is conducted on land or in or on a street, building, pier, wharf, or other structure.

(City Code, 1976/83, art. 11, §230(h)(1st sen.).) (Ord. 99-548.)

(f) *Zone, commercial.*

“Zone, commercial” means any of the following zoning districts, as established under the Zoning Code of Baltimore City:

- (1) all business zoning districts; and

- (2) all M-1 industrial zoning districts.

(City Code, 1976/83, art. 11, §230(i)(2).) (Ord. 99-548.)

(g) *Zone, manufacturing.*

“Zone, manufacturing” means all M-2 and M-3 industrial zoning districts, as established under the Zoning Code of Baltimore City.

(City Code, 1976/83, art. 11, §230(i)(1).) (Ord. 99-548.)

(h) *Zone, residential.*

“Zone, residential” means any of the following zoning districts, as established under the Zoning Code of Baltimore City:

(1) all residence zoning districts; and

(2) all office-residence zoning districts.

(*City Code, 1976/83, art. 11, §230(i)(3).*) (*Ord. 99-548.*)

§ 9-205. Prohibited conduct.

(a) *In general.*

(1) No person may cause or permit a sound level that exceeds the applicable level specified in this subtitle.

(2) No person may cause or permit a sound level from the construction, repair, or demolition of a structure or street that exceeds any applicable level set by a rule or regulation of Commissioner, except in accordance with a temporary exemption permit or as necessary to do emergency work.

(3) No person may operate a motor vehicle so as to exceed any applicable sound level set by a rule or regulation of the Commissioner.

(4) No person may use a vehicle horn except:

(i) as reasonably necessary to assure safe operation; or

(ii) as an emergency warning signal.

(b) *Measurements.*

For sound levels set in this subtitle, measurements must be made with instruments calibrated by means of accepted acoustical techniques to an accuracy of plus or minus 1 dB(A).

(*City Code, 1976/83, art. 11, §§235(a), (e), 238(a), (b), (e).*) (*Ord. 99-548.*)

§ 9-206. Limits.

(a) *In general.*

(1) Except as otherwise specified in this subtitle, the maximum permissible sound levels are as set in this section for the applicable zone.

(2) Where the property line of a use coincides with a zone boundary, the level specified in this section for the zone boundary controls.

(3) Where the use is on a public street, the “property line” referred to in this section is the boundary of the public right-of-way.

(b) *Manufacturing zones.*

If the sound is from a use in a manufacturing zone, the maximum permissible sound level is:

- (1) 75 dB(A) at any point on the property line of the use;
- (2) 70 dB(A) at any point on a boundary that separates the manufacturing zone from a commercial zone; and
- (3) 70 dB(A) at any point on a boundary that separates the manufacturing zone from a residential zone.

(c) *Commercial zones.*

If the sound is from a use in a commercial zone, the maximum permissible sound level is:

- (1) 61 dB(A) at any point on the property line of the use;
- (2) 64 dB(A) at any point on a boundary that separates the commercial zone from a manufacturing zone; and
- (3) 58 dB(A) at any point on a boundary that separates the commercial zone from a residential zone.

(d) *Residential zone.*

If the sound is from a use in a residential zone, the maximum permissible sound level is:

- (1) 55 dB(A) at any point on the property line of the use;
- (2) 61 dB(A) at any point on a boundary that separates the residential zone from a manufacturing zone; and
- (3) 58 dB(A) at any point on a boundary that separates the residential zone from a commercial zone.

(City Code, 1976/83, art. 11, §235(b), (c).) (Ord. 99-548.)

§ 9-207. Nighttime sound reductions.

Between the hours of 9 p.m. and 7 a.m., the maximum permissible sound specified in § 9-206 {"Limits"} of this subtitle must be reduced by 5 dB(A) for any use that:

- (1) borders on a residential zone; or

- (2) except for the level permitted by § 9-206(d)(2) of this subtitle, is in a residential zone.

(City Code, 1976/83, art. 11, §236(a).) (Ord. 99-548.)

§ 9-208. Permitted deviations.**(a) *Short, durational deviations.***

The maximum permissible sound levels specified in § 9-206 {"Limits"} of this subtitle may be exceeded by no more than:

- (1) 5 dB(A) for a total of not more than 12 minutes in any 1-hour period;
- (2) 10 dB(A) for a total of not more than 3 minutes in any 1-hour period; or
- (3) 15 dB(A) for a total of not more than 30 seconds in any 1-hour period.

(b) *Home activities – vehicle repairs; power tools.*

Noncommercial vehicular repairs and the use of home workshops, power tools, and power garden equipment are allowed:

- (1) between the hours of 7 a.m. and 9 p.m. on weekdays; and
- (2) between the hours of 10 a.m. and 10 p.m. on weekends and legal holidays.

(c) *Home activities – air conditioners; heat pumps.*

Air conditioning and heat pump equipment used to cool or heat housing on residential property may exceed the maximum sound levels specified in § 9-206 {"Limits"} of this subtitle as long as the sound level does not exceed:

- (1) for air conditioning equipment, 70 dB(A) at any point on the property line of any other residential property; and
- (2) for heat pump equipment, 75 dB(A) at any point on the property line of any other residential property.

(City Code, 1976/83, art. 11, §236(b), (d).) (Ord. 99-548.)

Subtitle 3. Entertainment and Commercial Noise**§ 9-302. Scope of subtitle.****(a) *Commercial, etc., speech.***

This subtitle applies to commercial, religious, political, civic, or free speech activities only:

- (1) where the application is clearly indicated; or
- (2) where religious, fraternal, civic, political, charitable, or civic organizations provide entertainment, as in the case of "fund raisers" or similar activities.

(b) *Exemptions from subtitle.*

This subtitle does not apply to:

- (1) City-sponsored events in public parks;
- (2) sound equipment used at any professional sports stadium; or
- (3) any public service company, as defined in State Code Article 78.

(*City Code, 1976/83, art. 19, §§220(parts), 221(d).*) (*Ord. 99-548.*)

§ 9-306. Prohibited conduct – In general.

Except as authorized under § 9-303 {“Temporary exemptions”} of this subtitle, no person may play, operate, or permit to be played or operated any radio, musical instrument, phonograph, tape- or compact disc-player, or other device for the production or reproduction of sound if:

- (1) that sound is used or intended for entertainment; and
- (2) either:
 - (i) the device is in a building or other structure or in a vehicle, and the sound can be heard more than 50 feet away from the building, structure, or vehicle or, if further, 50 feet from the boundaries of the property surrounding the building or structure;
 - (ii) the device is in or on a public street, building, park, or other public area, in or on a public access area, such as a shopping mall, parking lot, etc., or on any private property and the sound can be heard more than 50 feet from its source; or
 - (iii) the device is being played between 10 p.m. and 8 a.m. in or on a public street, unless the person is participating in a school band or a licensed parade or has otherwise been authorized to play the device.

(*City Code, 1976/83, art. 11, §238(d), art. 19, §221(a).*) (*Ord. 99-548.*)

§ 9-307. Prohibited conduct – Parents or guardians of minors.

A parent or guardian may not knowingly permit a minor for whom the parent or guardian is responsible to violate § 9-306 {“Prohibited conduct – in general”} of this subtitle.

(*City Code, 1976/83, art. 19, §221(c)(3)(i).*) (*Ord. 99-548.*)

§ 9-308. Presumptions.

(a) *Devices indoors.*

If the device is located in a building or other structure or in a vehicle, the owner, occupant, resident, manager, operator, or other person in charge of the premises or vehicle, if present, is presumed to be responsible in the absence of evidence to the contrary.

(b) *Devices outdoors.*

If the device is outdoors, the person possessing it is presumed to be responsible in the absence of evidence to the contrary.

(*City Code, 1976/83, art. 19, §221(b).*) (*Ord. 99-548.*)

§ 9-312. Loudspeakers, etc.

(a) *In general.*

No commercial enterprise may broadcast over a loudspeaker or other device so that the sound can be heard more than 100 feet from the boundaries of the building or property where the device is located or, if the device is in a vehicle, more than 100 feet from that vehicle.

(b) *Presumption.*

The owner, manager, operator, or other person in charge of the building, premises, or vehicle from which the sound emanates is presumed to be responsible in the absence of evidence to the contrary.

(*City Code, 1976/83, art. 19, §222.*) (*Ord. 99-548.*)

§ 9-313. Outcrying.

(a) *Restricted hours.*

Except as specified in subsection (b) of this section, no person may sell anything by outcry between 10 p.m. and 8 a.m.

(b) *Sporting events, etc.*

This section does not apply to the sale of merchandise, food, or beverages at licensed sporting events, parades, fairs, circuses, and similar, licensed entertainment events.

(*City Code, 1976/83, art. 11, §238(c).*) (*Ord. 99-548.*)

Subtitle 4. Amplified Sounds in Market Center

§ 9-401. Definitions.

(b) *Commercial speech.*

“Commercial speech” means speech or sound intended to promote any business or other activity carried on for profit.

(*City Code, 1976/83, art. 19, §225(d).*) (*Ord. 99-548.*)

(c) *Market Center Urban Renewal Area.*

“Market Center Urban Renewal Area” means the urban renewal area established by the Market Center Urban Renewal Plan.

(Ord. 99-548.)

(d) *Publicly amplified sound.*

“Publicly amplified sound” means any radio, phonograph, tape- or compact disc-player, loudspeaker, or other device that:

(1) electronically produces, reproduces, or amplifies the human voice or other sound; and

(2) is located:

(i) on public property; or

(ii) on private property, but either:

(A) in an unenclosed area; or

(B) if in an enclosed area, within 9 feet of the nearest outside edge of the enclosed area.

(City Code, 1976/83, art. 19, §225(a).) (Ord. 99-548.)

§ 9-403. Scope of subtitle.

(a) *In general.*

With respect to publicly amplified sounds in the Market Center Urban Renewal Area, this subtitle supersedes all other noise regulations of the City Code.

(b) *Public service companies excepted.*

This subtitle does not apply work performed by a public service company, as defined in State Code Article 78.

(City Code, 1976/83, art. 19, §226, 227.) (Ord. 99-548.)

§ 9-406. Commercial speech.

(a) *Prohibited during certain hours.*

In the Market Center Urban Renewal Area, between 11 a.m. and 3 p.m., Monday through Saturday, no person may use any publicly amplified sound that contains commercial speech.

(b) *Permit required for other times.*

At all other times in the Market Center Urban Renewal Area, no person may use any publicly amplified sound that contains commercial speech without a permit to do so from the Commissioner.

(City Code, 1976/83, art. 19, §§228, 229(b)(1st sen.).) (Ord. 99-548.)

§ 9-407. Noncommercial speech.

At all times in the Market Center Urban Renewal Area, no person may use any publicly amplified sound not containing commercial speech without a permit to do so from the Commissioner.

(City Code, 1976/83, art. 19, §229(a)(1st sen.).) (Ord. 99-548.)

§ 9-408. Loud and raucous sounds prohibited.

All loud and raucous sound is prohibited in the Market Center Urban Renewal Area. The receipt of a permit is not a defense to a charge of producing or causing any loud and raucous sound.

(City Code, 1976/83, art. 19, §229(e).) (Ord. 99-548.)

TITLE 10
ANIMAL CONTROL AND PROTECTION

Subtitle 1. Definitions; General Provisions

§ 10-101. Definitions.

(a-1) *Alter.*

“Alter” means to surgically or chemically render an animal incapable of reproducing.
(*Ord. 00-024.*)

(b) *Animal.*

“Animal” means any non-human vertebrate.
(*City Code, 1976/83, art. 11, §24(1).*) (*Ord. 99-548.*)

(c) *Animal clinic.*

“Animal clinic” means any facility that is regularly used by a veterinarian for the immunization, diagnosis, or treatment of or surgery on animals.
(*City Code, 1976/83, art. 11, §24(2), (32).*) (*Ord. 99-548.*)

(d) *Animal shelter.*

“Animal shelter” means any facility that is owned or operated by or under contract with the City or a humane society for the care or detention of animals under authority of State or City law.
(*City Code, 1976/83, art. 11, §24(4).*) (*Ord. 99-548.*)

(e) *Animal show.*

“Animal show” means any commercial circus, variety show, spectacle, display, act, or event in which animals perform.
(*City Code, 1976/83, art. 11, §24(9), (25).*) (*Ord. 99-548.*)

(f-1) *Cat.*

“Cat” means a member of the species *felis catus*.
(*Ord. 07-583.*)

(g) *Commercial establishment.*

“Commercial establishment” means any:

- (1) animal auction;
- (2) animal show;
- (3) commercial kennel;

(4) grooming shop or similar facility where animals are bathed, clipped, plucked, or otherwise groomed for a fee;

(5) pet shop;

(6) stable or other riding, boarding, sales, or breeding facility for horses, ponies, donkeys, mules, or burros; or

(7) zoological park.

(City Code, 1976/83, art. 11, §24(10), (16), (30).) (Ord. 99-548.)

(h) *Commercial kennel.*

(1) *In general.*

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

(i) for the commercial breeding of dogs or cats; or

(ii) where dogs or cats are boarded, groomed, sold, or trained for a fee.

(2) *Exclusions.*

“Commercial kennel” does not include any:

(i) animal clinic; or

(ii) kennel maintained by a dog fancier who owns or keeps dogs for the non-commercial purposes of hunting, practice tracking, or exhibition in dog shows or in field or obedience trials.

(City Code, 1976/83, art. 11, §24(11), (14), (15).) (Ord. 99-548.)

(i) *Dangerous animal.*

“Dangerous animal” means any animal that:

(1) has bitten or attacked a human being or another animal without provocation; or

(2) presents a physical threat to human beings or to other animals due to a disposition or propensity to cause injury or to behave in a way that could reasonably be expected to cause injury, regardless of whether its behavior is hostile.

(City Code, 1976/83, art. 11, §24(33).) (Ord. 99-548.)

(i-1) *Feral cat.*

“Feral cat” means a cat that is unsocialized to humans and has a temperament of extreme fear of and resistance to contact with humans.

(Ord. 07-583.)

(i-2) *Feral cat caregiver.*

“Feral cat caregiver” means any person who, in accordance with a program approved by the Commissioner to trap, alter, vaccinate for rabies and distemper, ear tip, and return feral cats:

(1) provides care, including food, shelter, or medical care, to the cat; or

(2) has temporary custody of the cat.

(*Ord. 07-583.*)

(j) *Humane society.*

“Humane society” means an entity incorporated under the laws of this State for the prevention of cruelty to animals.

(*City Code, 1976/83, art. 11, §24(19).*) (*Ord. 99-548.*)

(k) *Keeper.*

(1) *In general.*

“Keeper” means any person:

(i) who has legal title to, a property interest in, or permanent custody of any animal regulated by this subtitle; or

(ii) who, for 3 days or more, has temporary custody of, keeps, possesses, regularly feeds, or exercises control over any animal.

(2) *Exception.*

“Keeper” does not include a person keeping a feral cat as a feral cat caregiver.

(*City Code, 1976/83, art. 11, §24(20), (24).*) (*Ord. 99-548; Ord. 00-024; Ord. 07-583.*)

(l) *Kennel.*

(1) *In general.*

“Kennel” means any premises or part of any premises where 3 or more dogs or cats over 6 months old are boarded or maintained.

(2) *Exception.*

“Kennel” does not include the premises of a feral cat caregiver, unless 3 or more dogs or non-feral cats over 6 months old are boarded or maintained on the premises.

(*City Code, 1976/83, art. 11, §24(21).*) (*Ord. 99-548; Ord. 07-583.*)

(l-1) *Owner.*

“Owner” does not include a person keeping a feral cat as a feral cat caregiver.
(*Ord. 07-583.*)

(m) *Pet.*

“Pet” means any animal kept for pleasure rather than utility.
(*City Code, 1976/83, art. 11, §24(26).*) (*Ord. 99-548.*)

(n) *Pet shop.*

“Pet shop” means any establishment, whether maintained separately or in connection with another commercial enterprise, that offers live animals for sale with the intent or expectation that they be kept as pets.
(*City Code, 1976/83, art. 11, §24(27).*) (*Ord. 99-548.*)

(o) *Private kennel.*

“Private kennel” means any kennel that is not a commercial kennel.
(*Ord. 99-548.*)

(p) *Veterinarian.*

“Veterinarian” means an individual authorized by law to practice veterinary medicine in the State of Maryland.
(*Ord. 99-548.*)

(q) *Vicious dog.*

(1) *In general.*

“Vicious dog” means any dog that:

- (i) has bitten or attacked a human being or another animal; or
- (ii) has attempted to bite or attack a human being or another animal and was prevented from doing so only because it was restrained by a leash, fence, or other means.

(2) *Exclusions — instigation by other.*

“Vicious dog” does not include a dog that has bitten or attacked or has attempted to bite or attack if the injury, damage, or threat was sustained by one who:

- (i) at the time was committing a willful trespass or other tort on the premises occupied by the owner or keeper of the dog;
- (ii) was tormenting, abusing, or assaulting the dog;

(iii) in the past has been observed or reported to have tormented, abused, or assaulted the dog; or

(iv) was committing or attempting to commit a crime.

(3) *Exclusions — dog protecting young or in pain.*

“Vicious dog” does not include a dog that has bitten or attacked or attempted to attack or bite if the dog was:

(i) protecting or defending itself, its young, or another animal; or

(ii) responding to pain or injury.

(*City Code, 1976/83, art. 11, §24(33a).*) (*Ord. 99-548; Ord. 00-073.*)

(r) *Zoological park.*

(1) *In general.*

“Zoological park” means, except as specified in paragraph (2) of this subsection, any facility that displays or exhibits 1 or more species of animals.

(2) *Exclusions.*

“Zoological park” does not include any:

(i) animal show;

(ii) kennel; or

(iii) pet shop.

(*City Code, 1976/83, art. 11, §24(35).*) (*Ord. 99-548.*)

Subtitle 2. Licensing

Part I. Dog and Cat Licenses

§ 10-201. License required.

(a) *In general.*

The keeper of any dog or cat must obtain and annually renew a license for that dog or cat, as provided in this Part I.

(b) *When to be obtained.*

The license must be obtained within 10 days of the following, whichever is later:

(1) when the dog or cat becomes 4 months old; or

(2) when the dog or cat was acquired by the owner, whether or not the previous owner has a license for the animal.

(City Code, 1976/83, art. 11, §27(a).) (Ord. 99-548; Ord. 00-024.)

§ 10-207. Prohibited conduct.

No person may:

(1) fail to obtain a license as required by this Part I;

(2) permit any or cat dog for which the person is required to obtain a license to be outdoors at any time unless it is wearing a valid identification tag issued under this subtitle;

(3) use any license or identification tag for any dog or cat other than the one for which it was issued;

(4) use any license or identification tag that was issued to a previous keeper of the dog or cat;

(5) remove any identification tag from any dog or cat without the consent of its owner or keeper;

(6) use any microchip required under this subtitle for any dog or cat other than the one to which the microchip applies; or

(7) except as authorized by the Commissioner, remove from any dog or cat any microchip required under this subtitle.

(City Code, 1976/83, art. 11, §27(e), (g), (i), (j).) (Ord. 99-548; Ord. 00-024; Ord. 02-323.)

Part II. Facility Licenses

§ 10-210. License required.

(a) *In general.*

No person may operate any of the following facilities without a license to do so from the Commissioner of Health, as provided in this Part II:

(1) animal clinic;

(2) animal shelter;

(3) commercial establishment; or

(4) private kennel.

(b) *Separate permit for each facility.*

Every facility subject to this title is considered a separate enterprise and requires a separate permit.

(City Code, 1976/83, art. 11, §28(a), (e), (h).) (Ord. 99-548.)

§ 10-215. Dog and cat records.

(a) *Required records.*

Every facility that sells or gives away any dog or cat must keep a record of:

- (1) the name, address, and telephone number of the person to whom the dog or cat was sold or given; and
- (2) the breed, color, sex, and age of the dog or cat.

(b) *Retention and inspection.*

The facility must:

- (1) retain these records for at least 2 years; and
- (2) make them available for inspection by the Bureau of Animal Control during normal business hours.

(Ord. 00-024.)

§ 10-216. Prohibited conduct.

No person may operate any facility subject to this Part II in violation of:

- (1) any condition imposed on the facility's license; or
- (2) any provision of this title or of a rule or regulation adopted under this title.

(Ord. 99-548; Ord. 00-024.)

Subtitle 3. General Care and Control

§ 10-301. Rabies – Vaccinations.

(a) *Vaccination required.*

No person may own or keep a dog or cat that is older than 4 months unless it has a current rabies vaccination.

(b) *Certificate required.*

- (1) Any person who brings a dog or cat over 4 months old into the City must have readily available a current rabies vaccination certificate signed by a veterinarian or issued by an approved government agency.
- (2) A dog or cat for which there is no evidence of a current vaccination must immediately be:
 - (i) vaccinated by a veterinarian; or
 - (ii) removed from the City.

(c) *Unlicensed dog or cat presumed unvaccinated.*

(1) *In general.*

Any unlicensed dog or cat that is older than 4 months is presumed to be unvaccinated. This presumption can be rebutted only by a current rabies vaccination certificate signed by a veterinarian or issued by an approved government agency.

(2) Exception for ear-tipped feral cats.

A feral cat that has been ear tipped is presumed to have been vaccinated at least once.

(d) *Issuance of certificates.*

- (1) Any veterinarian who administers a rabies vaccination to an animal must complete a vaccination certificate and give a copy of the certificate to the animal's owner or keeper.
- (2) In addition to any other information that the Commissioner requires, the certificate must state:
 - (i) the date the vaccination was administered; and
 - (ii) the vaccination's expiration date.

(e) *Commissioner may operate anti-rabies clinics.*

The Commissioner may operate rabies vaccination clinics and charge reasonable fees to defray the cost of the services provided.

(City Code, 1976/83, art. 11, §§27(k), 35(a) - (c).) (Ord. 99-548; Ord. 00-024; Ord. 07-583.)

§ 10-302. Rabies – Possible exposure.

(a) *Required reporting.*

A person must immediately, by telephone or in person, report to the Commissioner and the Baltimore City Police Department whenever that person has knowledge of:

(1) any animal susceptible to rabies that has bitten or scratched any human being or otherwise has exposed any human being to a possible rabies infection; or

(2) any other animal that is suspected of having rabies.

(b) *Isolation and examination of animal.*

(1) The animal must be isolated in the manner and for the period that the Commissioner directs.

(2) At any time during the isolation, the Commissioner or the owner or keeper of the animal may direct that the animal be humanely killed for the purpose of rabies testing.

(c) *Expenses.*

The isolation of an animal under this section is at the expense of the animal's owner or keeper.

(d) *Release of animal.*

An animal isolated under this section may be released only:

(1) with the consent of the Commissioner; and

(2) on payment of:

(i) the fee set for each day or part of a day that the animal was held; and

(ii) all costs incurred during the isolation.

(City Code, 1976/83, art. 11, §35(d), (e).) (Ord. 99-548.)

§ 10-303. Humane care required.

Every owner or keeper of an animal must provide the animal with humane care and treatment, including:

(1) sufficient and wholesome food and water;

(2) proper shelter and protection from the weather;

(3) sufficient exercise space; and

(4) veterinary care when needed to prevent suffering.

(City Code, 1976/83, art. 11, §32(a).) (Ord. 99-548.)

§ 10-306. Owner to prevent nuisance.

Every owner or keeper of an animal must exercise proper care and control to prevent the animal from becoming a public nuisance.

(City Code, 1976/83, art. 11, §30(b).) (Ord. 99-548.)

§ 10-307. Restraints required.**(a) *In general.***

All animals must be restrained:

- (1) as required by this section; and
- (2) in the case of a dangerous animal, as required by § 10-602 of this title.

(b) *Dogs.*

All dogs must be kept:

- (1) confined in a building or secure enclosure; or
- (2) secured by a leash or otherwise.

(c) *Female dogs or cats in heat.*

Every female dog or cat in heat must be confined in a building or secure enclosure so that it cannot come into contact with a male dog or cat, except for planned breeding.

(City Code, 1976/83, art. 11, §§24(29), 30(a), (c).) (Ord. 99-548.)

§ 10-308. Impounding animals – In general.**(a) *Scope of section.***

This section applies to:

- (1) any dog or cat that is unlicensed, not wearing a valid identification tag while outdoors, or otherwise in violation of § 10-207 {“Prohibited conduct”} of this subtitle; and
- (ii) any animal that is not restrained as required by § 10-307 {“Restraints required”} of this subtitle or otherwise by law.

(b) *Seizure of animal.*

- (1) An animal described in subsection (a) of this section may be seized by the Bureau or by any police officer, humane officer, designated employee of the Department, or other person contracting with the City to do so.
- (2) For this purpose, these persons may pursue the animal onto any public or private property.
- (3) The Commissioner may adopt rules and regulations to govern the circumstances and procedures under which feral cats are seized.

(c) *Impoundment.*

- (1) An animal seized under this section must be taken to an animal shelter and impounded there in a humane manner.
- (2) If the owner or keeper of the animal can be identified, the animal shelter must immediately notify the owner or keeper by telephone or mail.
- (3) An impounded animal, other than a feral cat, must be kept for at least 3 working days, unless sooner reclaimed by its owner or keeper.
- (4) An impounded feral cat must be kept for at least 3 working days, unless sooner reclaimed in accordance with rules and regulations adopted by the Commissioner.

(d) *Owner responsible for charges.*

- (1) The owner or keeper of an impounded animal must pay:
 - (i) the fee set for each day the animal has been impounded; and
 - (ii) all other costs incurred in maintaining the animal, including boarding and inoculations.
- (2) The owner or keeper must pay these fees and costs:
 - (i) when reclaiming the animal; or
 - (ii) if the animal is not reclaimed, within 10 days of receiving a bill for them.

(e) *Unclaimed animals.*

Any animal that is not reclaimed within the time specified in subsection (c) of this section:

- (1) becomes the property of the Mayor and City Council of Baltimore; and
- (2) must be:
 - (i) placed for adoption in a suitable home; or
 - (ii) humanely killed.

(City Code, 1976/83, art. 11, § 26(f), 31(a) - (d), 31(e)(1st cl.) .) (Ord. 99-548; Ord. 00-024; Ord. 02-323; Ord. 05-122; Ord. 07-583.)

§ 10-309. Impounding animals – Dogs and cats.

(a) *Scope of section.*

This sections applies to any dog or cat that has been impounded under §10-308 of this subtitle or under any other provision of law.

(b) *Assessment of dog.*

- (1) During the impoundment of any dog, the Bureau must assess the dog to determine whether it is a vicious dog.
- (2) If the Bureau reasonably believes that the dog is a vicious dog, the Bureau must:
 - (i) submit a written investigation report to the Vicious Dog Hearing Board; and
 - (ii) retain the dog pending a hearing under Subtitle 7 {"Vicious Dogs"} of this title.

(c) *Conditions for return to owner.*

- (1) On a first or subsequent impoundment of a dog or cat, the Commissioner may require that, as a condition for the animal's return to its owner or keeper:
 - (i) a microchip, containing the information the Commissioner specifies, be surgically implanted in the animal; and
 - (ii) the owner or keeper agree to keep the information current, as directed by the Commissioner.
- (2) On a second or subsequent impoundment, the Commissioner may require that, as a condition of the animal's return to its owner or keeper, the animal be altered.
- (3) The costs incurred in these procedures must be paid by the owner or keeper when reclaiming the animal.

(Ord. 02-323.)

§ 10-312. Exotic, farm, and other animals.

(a) *Definitions.*

(1) *In general.*

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

(2) *Exotic animal.*

"Exotic animal" means:

- (i) any native or foreign wildlife whose possession or sale is prohibited by federal, state, or local law; and
- (ii) any other animal that the Commissioner so specifies by rule or regulation.

(3) *Farm animal.*

"Farm animal" means any:

- (i) bovine;
- (ii) equine;
- (iii) porcine;
- (iv) caprine; or
- (v) domestic fowl.

(b) *Permit required.*

No person may keep any of the following without a permit to do so from the Commissioner of Health:

- (1) an exotic animal;
- (2) a farm animal;
- (3) a pigeon;
- (4) bees; or

(5) a Vietnamese pot bellied pig.

(*City Code, 1976/83, art. 11, §32(h).*) (*Ord. 99-548; Ord. 06-182.*)

§ 10-313. Animal waste.

(a) *In general.*

Except as provided in subsection (b) of this section, the owner, keeper, or other person having custody of an animal must:

- (1) have in his or her possession a means for the removal and sanitary disposal of the animal's feces; and
- (2) immediately remove all feces left by the animal:
 - (i) on that person's or any other person's private property; or
 - (ii) on any public property, including any street, sidewalk, foot path, median, gutter, alley, park, or recreation area.

(b) *Exceptions.*

This section does not apply to:

- (1) an animal owned by and while working for a law enforcement or other governmental agency; or

(2) an animal professionally trained to aid the visually, hearing, or mobility impaired, while actually in use for that purpose.
(City Code, 1976/83, art. 11, §36.) (Ord. 99-548; Ord. 05-121.)

§ 10-314. Injury by vehicle.

If a motor vehicle hits or is hit by an animal, the driver of the motor vehicle must immediately:

(1) stop the vehicle; and

(2) if the animal is injured or killed, report the accident to:

(i) the Baltimore City Police Department; and

(ii) the animal's owner or keeper, if the owner or keeper can be determined and located.
(City Code, 1976/83, art. 11, §33(f), art. 19, §15.) (Ord. 99-548.)

§ 10-315. Misrepresentation to obtain custody.

No person may willfully misrepresent that person's identity or address when seeking to obtain the custody of any dog, cat, or other animal.
(City Code, 1976/83, art. 11, §37(1st sen.)) (Ord. 99-548.)

Subtitle 4. Animal Protection

§ 10-401. Neglect of animal.

No person may neglect to provide humane care and treatment, as described in §10-303 {"Humane care required"} of this title, for any animal that the person owns, keeps, restrains, or confines, whether as a pet or for any other purpose.
(City Code, 1976/83, art. 19, §13.) (Ord. 99-548.)

§ 10-402. Abandonment of animal.

(a) *In general.*

No person may desert or abandon any animal that the person owns, keeps, restrains, or confines, whether as a pet or for any other purpose.

(b) *Exception.*

A feral cat caregiver who provides care to or has temporary custody of a feral cat in accordance with an approved program to trap, alter, vaccinate, ear tip, and return feral cats is not deemed to have deserted or abandoned the feral cat.
(City Code, 1976/83, art. 11, §32(c), art. 19, §19.) (Ord. 99-548; Ord. 07-583.)

§ 10-403. Abuse of animal.

No person may abuse, beat, torment, mistreat, overload, overwork, or otherwise wilfully cause injury or suffering to any animal.

(City Code, 1976/83, art. 11, §32(b)(1st cl.), art. 19, §14.) (Ord. 99-548.)

§ 10-406. Animal fights.

(a) *“Animal fight” defined.*

In this section, “animal fight” means any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(b) *Prohibited conduct.*

No person may:

- (1) conduct, cause, or participate in any animal fight;
- (2) permit any animal that the person owns or keeps to participate in an animal fight;
- (3) prepare any animal for an animal fight; or
- (4) wager on any animal fight.

(City Code, 1976/83, art. 11, §32(b)(2nd cl.), art. 19, §10.) (Ord. 99-548.)

§ 10-407. Animal shows.

(a) *Certain devices prohibited.*

No animal show may be conducted or held if any animal is induced or encouraged to perform through the use of any chemical, mechanical, electrical, or manual device that is likely to cause physical injury or suffering.

(b) *Proper equipment required.*

All equipment used on or by a performing animal must fit properly and be in good working condition.

(City Code, 1976/83, art. 11, §34.) (Ord. 99-548.)

§ 10-408. Exposure to poisons.

No person may use or expose any pesticide or poison, whether mixed with food or not, without taking all necessary precautions to protect non-target animals from exposure to the pesticide or poison.

(City Code, 1976/83, art. 11, §32(g).) (Ord. 99-548.)

§ 10-409. Confinement in cage.

No person may confine any animal in a cage that consists entirely of solid walls.
(*City Code, 1976/83, art. 11, §24(8)(2nd sen.). (Ord. 99-548.)*)

§ 10-412. Animals as prizes or inducements.

No person may give away or offer to give away any live animal:

- (1) as a prize for or as an inducement to enter any contest, game, or other competition;
- (2) as an inducement to enter a place of amusement; or
- (3) as an incentive to enter into any business agreement.

(*City Code, 1976/83, art. 11, §32(e.). (Ord. 99-548.)*)

§ 10-413. Chicks and ducklings.

(a) *Quantities.*

No person may sell chicks or ducklings younger than 8 weeks in any quantity less than 25.

(b) *Coloring at Easter.*

During the 2-week period immediately before and the 2-week period immediately after Easter Day, no person may:

- (1) color, dye, or otherwise impart an artificial color on any living chick or duckling; or

- (2) sell or offer for sale, any living chick or duckling that has been colored, dyed, or otherwise treated so as to impart an artificial color.

(*City Code, 1976/83, art. 11, §32(d), art. 19, §4.). (Ord. 99-548.)*)

§ 10-414. Fowl tied by legs.

No person may offer for sale any live fowl that is tied by the legs.
(*City Code, 1976/83, art. 19, §11.). (Ord. 99-548.)*)

§ 10-415. Molesting birds.

No person may:

- (1) kill, injure, molest, or attempt to kill, injure, or molest, in any way, any migratory bird or any sparrow, robin, wren, or other insectivorous bird on any of the streets, public squares, or parks in the City; or

- (2) destroy, remove, or attempt to destroy or remove, any box placed in any tree or other suitable place in the City for the use of these birds.

(*City Code, 1976/83, art. 19, §5.). (Ord. 99-548.)*)

Subtitle 5. Animals Disturbing the Peace

§ 10-502. Prohibited conduct.

No owner or keeper of any animal may allow the animal to disturb the peace of any person or neighborhood.

(City Code, 1976/83, art. 11, §40(a).) (Ord. 99-548.)

Subtitle 6. Wild and Dangerous Animals

§ 10-601. Attack dogs.

(a) *“Attack dog” defined.*

“Attack dog” means a dog that is trained to attack:

(1) on command; or

(2) to protect persons or property.

(b) *Keeping or training prohibited.*

Except as specified in subsection (c) of this section, no person may keep or train any attack dog in the City.

(c) *Exception.*

This section does not apply to a dog owned by and working for a law enforcement or other governmental agency.

(City Code, 1976/83, art. 11, §§24(6), 40A(a)(1)(ii), (h).) (Ord. 99-548.)

§ 10-602. Dangerous animals.

(a) *Restraints required – Generally.*

Every dangerous animal must be:

(1) maintained in a building or secure enclosure on the premises of its owner or keeper;
and

(2) whenever outside of the building or enclosure:

(i) securely caged; or

(ii) muzzled and leashed.

(b) *Restraints required – Dangerous dogs.*

(1) In this subsection, “dangerous dog” means a dog that, under Subtitle 7 {“Vicious Dogs”} of this title, the Vicious Dog Hearing Board determines to be a dangerous animal.

(2) Except as otherwise ordered by the Vicious Dog Hearing Board, every dangerous dog must be:

(1) maintained in a building or secure enclosure on the premises of its owner or keeper; and

(2) whenever outside of the building or enclosure:

(i) securely caged; or

(ii) muzzled and leashed.

(c) *Keeping for display prohibited.*

(1) Except as specified in paragraph (2) of this subsection, no person may keep or allow to be kept on that person’s premises any dangerous animal for display or exhibition purposes, whether a fee is charged or not.

(2) This subsection does not apply to any animal show or zoological park licensed under this title. (*City Code, 1976/83, art. 11, §§24(29), 30(d), 33(a).*) (*Ord. 99-548; Ord. 07-632.*)

§ 10-603. Wild animals.

(a) *Definitions.*

(1) *In general.*

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

(2) *Dangerous reptile.*

“Dangerous reptile” means any reptile that is:

(i) poisonous; or

(ii) more than 5 feet long.

(3) *Wild animal.*

“Wild animal” means any:

(i) warm-blooded animal that normally is found in the wild;

(ii) bird; or

(iii) dangerous reptile.

(b) *Keeping for display prohibited.*

(1) Except as specified in paragraph (2) of this subsection, no person may keep or allow to be kept on that person's premises any wild animal for display or exhibition purposes, whether a fee is charged or not.

(2) This subsection does not apply to any animal show or zoological park licensed under this title.

(c) *Permit required to keep as pet.*

No person may keep any wild animal as a pet without a permit from the Commissioner to do so.

(d) *Keeping reptiles.*

In addition to the other restrictions of this section, no person may:

(1) keep or allow to be kept in any dwelling any dangerous reptile for any purpose; or

(2) permit any minor to keep, possess, or handle any dangerous reptile.

(e) *Temporary permit for homeless infant.*

(1) The Commissioner may issue a temporary permit to keep, care for, and protect an infant wild animal that is native to this area and homeless.

(2) The Commissioner may order the release of any infant wild animal kept under a temporary permit as soon as the animal is capable of survival in the wild.

(City Code, 1976/83, art. 11, §§24(34), 33, art. 19, §143.) (Ord. 99-548.)

§ 10-606. Importation of wild rabbits and hares.

(a) *Definitions.*

(1) *In general.*

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

(2) *Wild rabbit or hare.*

“Wild rabbit or hare” means any rabbit or hare that has not been bred and supervised in a properly maintained rabbitry.

(b) *Prohibited conduct.*

Except as specified in subsection (c) of this section, no person may:

(1) bring or import into the City, for sale, any wild rabbit or hare, dead or alive; or

(2) sell or offer for sale in the City any imported wild rabbit or hare, dead or alive.

(c) *Exceptions.*

This section does not apply to the importation of wild rabbits or hares by the following, if done in conformity with the rules and regulations of the Commissioner:

(1) zoological park licensed under this title; or

(2) a laboratory in which scientific research is carried out.

(City Code, 1976/83, art. 19, §§127, 128.) (Ord. 99-548.)

Subtitle 7. Vicious Dogs

§ 10-702. Keeping vicious dog prohibited.

(a) *In general.*

No person may keep in the City any dog that the Vicious Dog Hearing Board determines under this subtitle to be a vicious dog .

(b) *Exception.*

This subtitle does not apply to a dog owned by and working for a law enforcement or other governmental agency.

(City Code, 1976/83, art. 11, §40A(a)(1)(i), (h).) (Ord. 99-548; Ord. 07-632.)

***TITLE 12
TOBACCO PRODUCTS***

Subtitle 1. Indoor Smoking

§ 12-101. Definitions.

(b) *Enclosed area.*

(i) “Enclosed area” means an area that is bounded on all sides by walls that extend, with or without doors, windows, vents, or like openings, from floor to ceiling.

(ii) “Enclosed area” includes the interior of a vehicle.

(c) *Person in charge.*

“Person in charge” means the person who owns, operates, or manages a place subject to this subtitle.

(d) *Smoke.*

“Smoke” means to inhale, burn, or carry any lighted cigarette, cigar, pipe tobacco, or other tobacco, weed, or plant product of any kind.

(Ord. 07-392.)

§ 12-105. Where smoking prohibited.

Except as otherwise specified in this subtitle, smoking is prohibited in:

(1) any enclosed area to or in which the public is invited or permitted; or

(2) any enclosed area that is part of a place of employment.

(Ord. 07-392.)

Subtitle 2. Sale of Unpackaged Cigarettes

§ 12-201. Definitions.

(b) *Unpackaged cigarette.*

“Unpackaged cigarette” means any cigarette not contained in a sealed package of 20 or more cigarettes that are designed and intended to be sold or distributed as a unit.

(City Code, 1976/83, art. 19, §8A(a)(3).) (Ord. 99-548; Ord. 01-072.)

§ 12-202. Sale of unpackaged cigarettes prohibited.

No person may sell or otherwise transfer for consideration unpackaged cigarettes to any other person.

(City Code, 1976/83, art. 19, §8A(a)(2), (b).) (Ord. 99-548.)

Subtitle 4. Placement of Tobacco Products**§ 12-401. Definitions.****(b) Tobacco product.****(1) In general.**

“Tobacco product” means any substance that contains tobacco.

(2) Inclusions.

“Tobacco product” includes any:

(i) cigarette;

(ii) cigar;

(iii) bidi;

(iv) pipe or other smoking tobacco; or

(v) chewing tobacco, spit tobacco, snuff, or other smokeless tobacco.

(Ord. 01-076.)

§ 12-402. Placement requirements – in general.**(a) Prohibited placement.**

Except as otherwise specified in this subtitle, no establishment that sells tobacco products at retail may display, store, or place any tobacco product anywhere that is accessible to customers without the intervention of the seller or an employee of the seller.

(b) Examples of complying placement.

The display, storage, or placement of tobacco products in accord with one of the following methods does not violate subsection (a) of this section:

- (1) behind a sales counter in a place that, absent extraordinary efforts, is beyond the physical reach of customers;

(2) in a locked display case for which seller assistance is needed to gain access to products in the case; or

(3) in an overhead merchandise rack that:

(i) at its lowest point, is at least 6 feet above the floor; and

(ii) permits access to products in the rack only from the side facing away from customers.

(Ord. 01-076.)

§ 12-403. Placement requirements – exceptions.

This subtitle does not apply to:

(1) the sale of tobacco products from a vending machine that complies with all requirements of State Business Regulation Article, Title 16, Subtitle 3A; or

(2) an establishment that:

(i) sells tobacco products exclusively or primarily; and

(ii) makes bona fide efforts to prevent minors from entering the establishment.

(Ord. 01-076.)

Subtitle 5. Distribution to Minors

§ 12-501. Definitions.

(b) *Distribute.*

“Distribute” means to:

(1) give away, sell, deliver, dispense, or issue;

(2) offer to give away, sell, deliver, dispense, or issue; or

(3) cause or hire any person to:

(i) give away, sell, deliver, dispense, or issue; or

(ii) offer to give away, sell, deliver, dispense, or issue.

(c) *Tobacco product.*

(1) *In general.*

“Tobacco product” means any substance that contains tobacco.

(2) *Inclusions.*

“Tobacco product” includes any:

- (i) cigarette;
- (ii) cigar;
- (iii) bidi;
- (iv) pipe or other smoking tobacco; or
- (v) chewing tobacco, spit tobacco, snuff, or other smokeless tobacco.

(Ord. 02-322.)

§ 12-502. Unlawful distribution.

(a) *Persons in business.*

A person engaged in the business of selling or otherwise distributing tobacco products for commercial purposes may not:

- (1) distribute any tobacco product to a minor, unless the minor is acting solely as the agent of an employer engaged in the business of distributing tobacco products;
- (2) distribute any cigarette rolling paper to a minor; or
- (3) distribute to a minor any coupon redeemable for any tobacco product.

(b) *Others.*

A person not described in subsection (a) of this section may not:

- (1) buy for or sell to a minor any tobacco product; or
- (2) buy for or sell or deliver to a minor any cigarette rolling paper.

(Ord. 02-322.)

§ 12-503. Exceptions.

(a) *Published coupon.*

This subtitle does not apply to the distribution of a coupon that is:

- (1) contained in a newspaper, magazine, or other type of publication in which the coupon is incidental to the primary purpose of the publication; or
- (2) sent through the mail.

(b) *Identification as adult.*

A person has not violated this subtitle if:

- (1) the person examined a buyer's or recipient's driver's license or other identification issued by an employer, governmental entity, or institution of higher education; and
- (2) the license or other identification identified the buyer or recipient as being at least 18 years old.

(Ord. 02-322.)

ZONING CODE***TITLE 3******GENERAL RULES FOR USE, BULK, AND OTHER REGULATIONS******Subtitle 1. Use Regulations*****§ 3-107. Prohibited uses – Storage, etc., of vehicles.****(a) *Definitions.*****(1) *In general.***

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

(2) *Derelict vehicle.*

“Derelict vehicle” means a vehicle that exhibits a defect, damage, or deterioration sufficient to preclude proper operation on the highway.

(3) *Unlicensed vehicle.*

“Unlicensed vehicle” means:

- (i) an unregistered vehicle; or
- (ii) a vehicle on which current registration tags are not displayed.

(b) *Prohibited uses.***(1) *Indoor or outdoor storage, etc.***

The indoor or outdoor storage or maintenance of abandoned, junked, or derelict vehicles is prohibited in all:

- (i) Open Space Districts;
- (ii) Business Districts;
- (iii) M-1 and M-2 Districts; and
- (iv) Public Use Districts.

(2) *Outdoor storage, etc.*

The outdoor storage or maintenance of abandoned, unlicensed, junked, or derelict vehicles is prohibited in all:

- (i) Residence Districts;

(ii) Office-Residence Districts; and

(iii) Flood Plain Overlay Districts.

(3) *Outdoor facilities for storage, etc.*

Outdoor facilities for the storage, maintenance, or dismantling of abandoned, unlicensed, junked, or derelict vehicles are prohibited within the Buffer of the Critical Area Overlay District.

(City Code, 1976/83, art. 30, §3A.0-1d(2nd sen.), §3B.0-1d(2nd sen.), §3C.0-1d3, §4.0-1d(2nd sen.), §5.0-1d(2nd sen.), §6.0-1d(2nd sen.), §7.0-1f(2nd sen.), §13.0-2-23½, §13.0-2-93a.) (Ord. 99-547; Ord. 07-530.)