

ARTICLE 15
LICENSING AND REGULATION

(As Last Amended by Ord. 20-361)

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SUBTITLE 1
ADULT-ENTERTAINMENT BUSINESSES

PART I. DEFINITIONS; GENERAL PROVISIONS

§ 1-1. Definitions.

(a) *In general.*

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

(b) *Adult entertainment.*

(1) *Supplemental terms defined.*

(i) *In general.*

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

(ii) *Nudity.*

“Nudity” means:

- (A) the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering;
- (B) the showing of the female breast with less than a fully opaque covering over any part below the top of the nipple; or
- (C) the depiction of covered male genitals in a discernibly turgid state.

(iii) *Partial nudity.*

“Partial nudity” means a state of dress in which opaque clothing covers no more than:

- (A) the human male or female genitals, pubic area, or buttocks;
- (B) the female breasts below the top of the nipples; and
- (C) portions of the body covered by supporting straps or devices.

(2) *“Adult entertainment” defined.*

“Adult entertainment” means live entertainment:

- (i) in which individuals appear for public view in a state of nudity or partial nudity;
- (ii) that is intended to provide sexual stimulation or sexual gratification;

(iii) that is distinguished or characterized by an emphasis on material that depicts, describes, or relates to:

(A) human genitals in a discernible state of sexual stimulation or arousal; or

(B) acts of human masturbation, sexual intercourse, sodomy, or physical contact with an individual's clothed or unclothed genitals, pubic area, buttocks, or, if the individual is female, breast; or

(iv) that, applying contemporary standards, the average individual would find, taken as a whole, appeals to the prurient interest.

(c) *Adult-entertainment business.*

“Adult-entertainment business” means any cabaret, lounge, night club, modeling studio, or other establishment that offers its customers adult entertainment.

(d) *Board.*

“Board” means the Board of Liquor License Commissioners for Baltimore City.

(e) *Includes; including.*

“Includes” or “including” means by way of illustration and not by way of limitation.

(f) *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, unless otherwise expressly provided, a governmental entity or an instrumentality or unit of a governmental entity.

(City Code, 1976/83, art. 30, §13.0-1-6.) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§ 1-2. Mandatory, prohibitory, and permissive terms.(a) *Mandatory terms.*

“Must” and “shall” are each mandatory terms used to express a requirement or to impose a duty.

(b) *Prohibitory terms.*

“Must not” and “may not” are each mandatory negative terms used to establish a prohibition.

(c) *Permissive terms.*

“May” is permissive.

(Ord. 99-417.)

§ 1-3. Rules, regulations, and forms.(a) *Board to adopt.*

The Board may adopt rules, regulations, and forms to carry out the provisions of this subtitle.

(b) *Advertising for hearing and comment.*

(1) The Board must advertise for public hearing and comment all rules and regulations proposed for adoption under this subtitle.

(2) The advertisement:

(i) must be published in a newspaper of general circulation at least 15 days before the hearing; and

(ii) must include:

(A) a description of the proposed rules and regulations;

(B) the date, time, and location of the public hearing; and

(C) information on how a person can obtain a copy of the proposed rules and regulations before the hearing.

(c) *Adoption; filing.*

(1) After the public hearing, the Board may adopt the final rules and regulations with an effective date of at least 15 days after the date of their adoption.

(2) A copy of the rules, regulations, and forms and of any amendments to them must be filed with the Department of Legislative Reference before they may take effect.

(City Code, 1976/83, art. 30, §11.0-3f(5th-7th sens), §11.0-8b7.) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§ 1-4. Scope.

Nothing in this subtitle is intended to permit any activity that is otherwise prohibited by federal, state, or local law.

Ord. 99-417.)

§§ 1-5 to 1-6. {Reserved}

PART 2. LICENSING

§ 1-7. License required.

A person may not own or operate any adult-entertainment business without having first obtained an adult-entertainment business license as provided in this subtitle.

(City Code, 1976/83, art. 30, §11.0-8a.) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§ 1-8. Applications — in general.

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

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

(b) *Form.*

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

(c) *When made.*

(1) An application for an adult-entertainment business license must be made on or before the date of applying for the conditional use approval required under the Zoning Code.

(2) The adult-entertainment business license may not become effective unless a conditional use has been approved and any right of appeal contesting that approval has been exhausted.

(City Code, 1976/83, art. 30, §11.0-8b1.) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§ 1-9. Applications — responsible party.

(a) *By whom made.*

The application of every owner and operator must be made as follows:

(1) if a corporation, by its chief executive officer;

(2) if a partnership, by its managing partner; or

(3) if a proprietorship, by its owners.

(b) *Information and determination.*

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

(City Code, 1976/83, art. 30, §11.0-8b2(4th sen.)) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§ 1-10. Investigation of applicants.

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

(City Code, 1976/83, art. 30, §11.0-8b2(1st sen.)) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§ 1-11. Qualifications.(a) *In general.*

An adult-entertainment business license may not be issued to any person to own or operate an adult-entertainment business unless the applicant:

- (1) based on the considerations specified in subsection (b) of this section, is of good moral character;
- (2) is at least 18 years of age; and
- (3) within the preceding 3 years, has not been convicted of or pleaded guilty or nolo contendere in any jurisdiction to a felony involving:
 - (i) moral turpitude;
 - (ii) controlled dangerous substances;
 - (iii) prostitution;
 - (iv) obscenity; or
 - (v) any other crime that is sexual in nature.

(b) *Required considerations.*

In determining moral character, the Board must consider:

- (1) all criminal convictions of the applicant; and
- (2) the business history of the applicant.

(City Code, 1976/83, art. 30, §11.0-8b2(2nd, 3rd sens), §11.0-8b3.) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§ 1-12. Posting; objections.*(a) Posting required.*

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

(b) 9 or fewer objections.

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

(c) 10 or more objections.

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

(2) Unless the applicant agrees to a later date, the hearing must be held within 15 days after the last day of the 15-day posting period.

(3) At the hearing, parties in interest and citizens must be given an opportunity to be heard. (*City Code, 1976/83, art. 30, §11.0-8b6(1st-4th, 8th sens).*) (*Ord. 93-258; Ord. 94-443; Ord. 99-417.*)

§ 1-13. Decision on application.*(a) Board to decide.*

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

(1) if no hearing is held under § 1-12(c) of this subtitle, within 15 days after the last day of the 15-day posting period; and

(2) if a hearing is held under § 1-12(c) of this subtitle, within 15 days after conclusion of the hearing.

(b) Denial.

(1) Any denial of an adult-entertainment business license must be based solely on the qualifications set forth in § 1-11 of this subtitle.

(2) The notice of a denial must:

(i) specify the reasons for the denial; and

- (ii) notify the applicant of the opportunity to request a hearing under § 1-30 of this subtitle.

(City Code, 1976/83, art. 30, §11.0-8b6(5th, 6th sens), §11.0-8b5(1st, 3rd sens).) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§ 1-14. Term and renewal of licenses.

(a) *Term.*

Each adult-entertainment business license expires annually on June 30 and is renewable as provided in this section.

(b) *Application for renewal.*

- (1) To renew an adult-entertainment business license, the licensee must apply no less than 30 days nor more than 60 days before the license expires.
- (2) The renewal application must be in the form and contain the information that the Board requires.

(c) *Approval.*

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

(d) *Protest and hearing.*

- (1) If, before the end of the renewal period, 10 or more written objections from property owners or residents within the same election precinct as the licensed premises are filed with the Board, the Board must hold a public hearing on the proposed renewal.
- (2) Parties in interest and citizens must be given an opportunity to be heard.
- (3) Any denial of a renewal license must be based solely on the standards set forth in § 1-28 of this subtitle.

(City Code, 1976/83, art. 30, §11.0-8b4, 8f.) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§ 1-15. Fee for license.

(a) *Annual fee.*

The annual license fee is \$1,000 for each adult-entertainment business, payable on or before June 30 of each year.

(b) *Initial fee.*

The license fee for less than a full initial year is prorated quarterly.

(City Code, 1976/83, art. 30, §11.0-8e.) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§ 1-16. Waiting period after denial.

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

(City Code, 1976/83, art. 30, §11.0-8b(6th sen.).) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§ 1-17. Transfer of license.

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

(City Code, 1976/83, art. 30, §11.0-8j(1st sen.).) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§§ 1-18 to 1-19. {Reserved}

PART 3. STANDARDS OF OPERATION

§ 1-20. Hours of operation.

(a) In general.

Except as provided in subsection (b) of this section, no live adult entertainment may be conducted between the hours of 2 a.m. and noon.

(b) Exception.

If the State changes the closing time for holders of alcoholic beverage licenses, that closing time will apply to adult-entertainment businesses.

(City Code, 1976/83, art. 30, §11.0-8c1.) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§ 1-21. Entrances and exteriors of premises.

(a) Exterior entrance doors.

Exterior entrance doors:

- (1) must be kept closed so that adult entertainment activities are not visible from the exterior of the building; and
- (2) may be opened only:
 - (i) to permit entry and exit; or
 - (ii) for cleaning or ventilation during nonoperational hours.

(b) Entertainment not to be visible from exterior.

The conduct of adult entertainment may not be visible at any time from the exterior of the premises in which it is conducted.

(c) *Enclosed vestibule or lobby.*

The premises of each adult-entertainment business must have a vestibule or lobby enclosed by immobile walls and consisting of a passage, hall, or room between the outer door facing the street and the part of the premises where the adult entertainment is conducted.

(City Code, 1976/83, art. 30, §11.0-8c2(a), (b), (d).) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§ 1-22. “Barking”.

Any attempt to urge, invite, or entice people to enter the premises of an adult-entertainment business is prohibited anywhere within 50 feet of the premises.

(City Code, 1976/83, art. 30, §11.0-8c2(c).) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§ 1-23. Owner, etc., to prevent nuisance.

Every owner, operator, and manager of an adult-entertainment business must exercise proper care and control to prevent the business or its operations from becoming or creating a public nuisance, whether by the generation of noise, the blocking of public ways, or otherwise.

(Ord. 99-417.)

§ 1-24. {Reserved}**§ 1-25. License to be posted.**

The person to whom an adult-entertainment business license is issued must display it in the lobby, vestibule, or other prominent place on the premises.

(City Code, 1976/83, art. 30, §11.0-8k.) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§ 1-26. {Repealed by Ord. 19-218}**§ 1-27. {Reserved}*****PART 4. ADMINISTRATIVE SANCTIONS*****§ 1-28. Denial, suspension, or revocation.**(a) *In general.*

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

- (1) failing to pay the applicable license fee on or before the due date;
- (2) making any material false statement in any application for an initial or renewal license;
- (3) lack of accessibility for fire and police protection;

- (4) failing to comply with any provision of the City Building, Fire, and Related Codes Article, Health Code Article, or Zoning Code Article;
- (5) failing to comply with any provision of this subtitle or of any rule or regulation adopted under this subtitle; or
- (6) failing to comply with any provision of any other local, state, or federal law that affects or relates to the operation of the adult-entertainment business.

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

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

- (1) the manufacture, distribution, possession, or administration of controlled dangerous substances;
- (2) prostitution, sodomy, perverted sexual practices, or a bawdy house or disorderly house; or
- (3) obscene matter or immoral practices.

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

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

- (1) the offense occurred on the premises of the adult-entertainment business; and
- (2) either:
 - (i) the owner, operator, or manager affirmatively or tacitly approved of the offense;
 - (ii) the owner, operator, or manager had actual or constructive knowledge of the offense;
 - (iii) the owner, operator, or manager reasonably should have known of the offense; or
 - (iv) the offense was a result of the owner, operator, or manager's failure to supervise.

(City Code, 1976/83, art. 30, §11.0-8g, 8h.) (Ord. 93-258; Ord. 94-443; Ord. 99-417; Ord. 07-552; Ord. 15-427.)

§ 1-29. Fines.

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

(1) for a 1st offense, not more than \$500; and

(2) for any subsequent offense, not more than \$1,000.

(Ord. 99-417.)

§ 1-30. Notice and hearing.

(a) *In general.*

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

(1) at least 10 days' written notice of the intent to impose sanctions; and

(2) an opportunity to be heard as to why sanctions should not be imposed.

(b) *Denial of initial license.*

For the proposed denial of an initial license, a hearing must be held within 30 days of a timely request, unless the applicant agrees to a later date.

(City Code, 1976/83, art. 30, §11.0-8i(1st sen.).) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§ 1-31. Judicial and appellate review.

(a) *Judicial review.*

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

(b) *Review to be expedited.*

(1) It is the desire and intent of the Mayor and City Council that any review under this section be heard and decided by the Court as expeditiously as possible.

(2) To that end, the Board must join in any motion by the appellant for expedited review and cooperate fully with the appellant to obtain an expedited review.

(c) *Stays.*

(1) The filing of a petition for judicial review does not stay the decision of the Board.

(2) However, on motion and after hearing, the Court may grant a stay as provided in the Maryland Rules of Procedure.

(d) *Appellate review.*

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

(City Code, 1976/83, art. 30, §11.0-8b6(7th sen.), §11.0-8i(3rd sen.)) (Ord. 93-258; Ord. 94-443; Ord. 99-417; Ord. 04-672; Ord. 19-332.)

§ 1-32. {Reserved}**PART 5. ADVISORY TASK FORCE****§ 1-33. Task Force established.**

There is an Adult-Entertainment Business Advisory Task Force.

(City Code, 1976/83, art. 30, §11.0-8l(1st sen.)) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§ 1-34. Purpose.

The purpose of the Advisory Task Force is to advise the appropriate administrative and elected officials on matters related to the conduct of adult-entertainment businesses.

(City Code, 1976/83, art. 30, §11.0-8l(2nd sen.)) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§ 1-35. Appointment and composition.(a) *In general.*

The Advisory Task Force consists of 9 members who serve without compensation.

(b) *Representation.*

The Mayor appoints the members of the Advisory Task Force, as follows:

- (1) 2 members from a list of 4 nominees by the Citizens Planning and Housing Association;
- (2) 1 member from a list of 2 nominees by the Greater Baltimore Committee;
- (3) 1 member from a list of 2 nominees by the Baltimore City Chamber of Commerce;
- (4) 3 members, 2 of whom must be members of the Baltimore Entertainment Center, Inc., from a list of 6 nominees by the holders of adult-entertainment business licenses;
- (5) 1 member from a list of 2 nominees by the Downtown Partnership, Inc.; and
- (6) 1 member, who must be a member of the Baltimore City Council, nominated by the President of the City Council.

(c) *Terms.*

(1) The terms of the members are as provided in Article IV, § 6 of the City Charter.

(2) No individual may serve more than 2 consecutive terms on the Advisory Task Force.

(d) *Chair.*

The Mayor designates the chair of the Advisory Task Force.

(City Code, 1976/83, art. 30, §11.0-8m.) (Ord. 93-258; Ord. 94-443; Ord. 99-417.)

§§ 1-36 to 1-37. {Reserved}

PART 6. PENALTIES

§ 1-38. Penalties.

(a) *In general.*

Any person who violates, omits, neglects, or refuses to comply with, or resists the enforcement of any provision of this subtitle or of any rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500.

(b) *Each day a separate offense.*

Each day that a violation continues after notification constitutes a separate offense.

(City Code, 1976/83, art. 30, §11.0-7a(part).) (Ord. 31-1247; Ord. 53-711; Ord. 57-830; Ord. 87-1032; Ord. 94-288; Ord. 94-307; Ord. 94-349; Ord. 99-417.)

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**SUBTITLE 2
AMUSEMENTS**

PART 1. BILLIARDS

§ 2-1. License required.

(a) *In general.*

No billiard, bagatelle, pool, manhattan, klondike, or rondo table may be erected, set up, kept, or in any respect whatever used for the purpose of gain or public entertainment within the City without a license previously obtained from the Director of Finance.

(b) *Term.*

Every license granted under this section terminates on January 1 annually.

(c) *Fee.*

For every license granted under this section, the person obtaining it shall pay to the Director of Finance for the use of the City \$130 for each billiard, bagatelle, pool, manhattan, klondike, or rondo table.

(City Code, 1879, art. 33, §1; 1893, art. 33, §1; 1927, art. 25, §1; 1950, art. 19, §1; 1966, art. 15, §8; 1976/83, art. 15, §8.) (Rev. Ords. 1858-036; Ord. 1860-046; Ord. 1866-027; Ord. 1867-010; Ord. 1879-031; Ord. 1894-023; Ord. 08-107, Ord. 57-1112; Ord. 70-851; Ord. 77-394; Ord. 90-503; Ord. 99-526.)

§ 2-2. Prohibited games.

Every game or games played upon billiard tables shall be deemed and considered unlawful, and are hereby prohibited, except only the game played with 2 balls, the game played with 3 balls, the game played with 4 balls, and the game commonly called pool, such being the usual games of billiards.

(City Code, 1879, art. 33, §3; 1893, art. 33, §3; 1927, art. 25, §2; 1950, art. 19, §2; 1966, art. 15, §9; 1976/83, art. 15, §9.) (Rev. Ords. 1858-036.)

§ 2-3. Hours.

It is unlawful for any person having a license to erect or keep a pool or billiard saloon or pool or billiard table as mentioned in § 2-2:

(1) to allow any person or persons to play on or use any pool or billiard table between the hours of 1 a.m. and 7 a.m.; or

(2) knowingly to allow a minor to play on or use any pool or billiard table, or play at any game in that saloon, or be on the premises, at any time.

(City Code, 1879, art. 33, §4; 1893, art. 33, §4; 1927, art. 25, §3; 1950, art. 19, §3; 1966, art. 15, §10; 1976/83, art. 15, §10.) (Ord. 1869-031; Ord. 09-303; Ord. 20-494; Ord. 49-700; Ord. 99-526.)

§§ 2-4 to 2-5. {Reserved}

PART 2. BOWLING ALLEYS**§ 2-6. License required.**(a) *In general.*

No person may erect, set up, keep, maintain, or in any respect whatever use for amusement or entertainment within the City, any bowling saloon, bowling alley, nine- or ten-pin alley, or any other device or structure, in or upon which 1 or more pins are set up, for the purpose of casting, throwing, pushing, or rolling against the pin or pins, 1 or more balls or other missiles, without having obtained a license therefor.

(b) *Fee.*

For this license there shall be annually paid a sum computed at the rate of \$40 for each separate "lane" or "alley", with a minimum license fee for any 1 location or premises to be \$100 annually.

(c) *Exceptions.*

Nothing in this section, however, shall be construed to require any bona fide religious, charitable, educational, or medical institution, operating 7 or fewer "lanes" or "alleys" to obtain a license, as long as any proceeds from the operation of these "lanes" or "alleys" are devoted to charitable purposes exclusively or in furtherance of the purposes of that institution.

(*City Code, 1879, art. 33, §5; 1893, art. 33, §5; 1927, art. 25, §4; 1950, art. 19 §4; 1966, art. 15, §11; 1976/83, art. 15, §11.*) (*Rev. Ords. 1858-036; Ord. 57-1114; Ord. 70-863; Ord. 81-287; Ord. 99-526.*)

§ 2-7. Hours.

It is unlawful for the proprietor of any bowling alley, device, or structure, or for any person who has a permit or license to erect or keep any bowling alley, device, or structure:

(1) to allow any person to play on or use the alley, device, or structure, in any manner whatever, after 2 a.m. and before sunrise in the morning; or

(2) to allow any minor under 14 years of age to play on or use the bowling alley, device, or structure after 11 p.m. and before sunrise in the morning, unless in the custody of a parent, guardian, or adult.

(*City Code, 1879, art. 33, §7; 1893, art. 33, §7; 1927, art. 25, §§6, 7; 1950, art. 19, §§6, 7; 1966, art. 15, §12; 1976/83, art. 15, §12.*) (*Ord. 1866-014; Ord. 37-474; Ord. 59-1969; Ord. 99-526.*)

§§ 2-8 to 2-10. {Reserved}

PART 3. AMUSEMENT DEVICES

Editor's Note: This Part 3 was substantially amended by Ordinance 10-337. Section 4 of Ord. 10-337, provides that the amendments "tak[e] effect on January 1, 2011, or, if later, on the 60th day after notice is given to the State Comptroller of the changes enacted by the Ordinance" to the City Admissions and Amusement Tax.

§ 2-11. Definitions.(a) *In general.*

In this Part 3, the following terms have the meanings indicated.

(b) *Amusement device.*(1) *In general.*

"Amusement device" means any electronic or mechanical device that is designed to provide amusement or entertainment and for which a fee is charged to operate or use.

(2) *Illustrations.*

"Amusement device" includes any of the following for which a fee is charged to operate or use:

- (i) video or electronic game;
- (ii) computer console or Internet connection;
- (iii) pinball or console machine;
- (iv) bowling or shuffleboard machine;
- (v) pool table or poolette;
- (vi) target machine;
- (vii) baseball machine;
- (viii) riding device;
- (ix) claw machine, digger, or rotary merchandiser;
- (x) jukebox or other music player;
- (xi) player piano;
- (xii) peep show device; or
- (xiii) similar device.

(3) *Exclusion.*

“Amusement device” does not include:

- (i) a bona fide vending machine that does not incorporate an amusement or entertainment feature; or
- (ii) a video lottery terminal licensed by the State under State Government Article, Title 9, Subtitle 1A.

(c) *Director.*

“Director” means the Director of Finance of his or her designee.

(d) *Includes; including.*

“Includes” or “including” means by way of illustration and not by way of limitation.

(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, unless otherwise expressly provided, a governmental entity or an instrumentality or unit of a governmental entity.

(f) *Simulated slot machine.*

“Simulated slot machine” means any amusement device equipped with a knock-off device that enables an owner or custodian of the device to remove free plays or other game credits accumulated by a winning player.

(Ord. 04-706; Ord. 10-337.)

§ 2-12. Licenses required.

(a) *Device license.*

- (1) No person may permit any amusement device on his, her, or its premises to be used by the public unless the person first obtains from the Director a license for that device.

- (2) For a simulated slot machine, if the device has been registered by the owner under § 2-13 of this subtitle, the device is exempt from the license fee provided for in § 2-15(a) of this subtitle.

(b) *Master's license.*

No person may own, control, or possess more than 5 simulated slot machines unless that person first obtains from the Director a master's license.

(c) *Application.*

(1) The application for a license must be in the form that the Director requires.

(2) In addition to any other information that the Director requires, the application must include:

- (i) the name, address, and telephone number of the applicant;
- (ii) a description of the device or devices;
- (iii) the location of the device or devices; and
- (iv) the name, address, and telephone number of the owner of the device or devices.

(d) *Transfers.*

A device may be transferred to another licensee or to another location on:

- (1) approval from the Director; and
- (2) payment of the required transfer fee.

(Ord. 04-706; Ord. 10-337.)

§ 2-13. Registration required.

(a) *In general.*

The owner of any amusement device that is located in the City must register that device with the Director.

(b) *Application.*

(1) The registration must be made in the form that the Director requires.

(2) In addition to any other information that the Director requires, the registration must include:

- (i) the name, address, and telephone number of the owner;
- (ii) the name, address, and telephone number of any lessee or other person who possesses the device; and

(iii) a description of the device.

(c) *Supplemental information.*

The owner must report to the Director, within 30 days of the event:

- (1) any newly acquired amusement devices;
- (2) the transfer of ownership or location of any registered amusement device; and
- (3) any other change in the registration information provided.

(Ord. 04-706; Ord. 10-337.)

§ 2-14. Term and renewal.

(a) *Term.*

Each license issued and each registration filed under this Part 3 expires annually on December 31, unless renewed.

(b) *Renewal.*

The application for renewal of a license or registration must be made in the form that the Director requires.

(Ord. 04-706.)

§ 2-15. Fees and taxes.

(a) *License fees.*

- (1) The annual license fee for an amusement device is \$180 per device.
- (2) The annual fee for a simulated slot machine master's license is \$5,000.
- (3) The fee for a transfer of a licensed device is \$10.

(b) *Registration tax.*

(1) For simulated slot machines, the annual registration tax is as follows:

- (i) for each of the first 5 devices – \$2,250 per device;
- (ii) for each additional device up to the 20th – \$1,750 per device; and
- (iii) for each device in addition to 20 – \$1,250 per device.

(2) For all other types of amusement devices, the annual registration tax is as follows:

- (i) \$200; plus

(ii) \$50 per device.

(c) *For less than full year..*

The annual fee or tax for less than a full initial year is prorated quarterly.

(d) *Payments not refundable.*

No refunds, in whole or in part, may be made of any of the fees or taxes paid under this Part 3.

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

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

(i) an additional service charge is paid with each quarterly payment;

(ii) all payments required by this Part for the previous year have been made; and

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

(A) makes a written election, in the form required by the Director, to make quarterly payments; and

(B) submits to the Director the full amount of that year's 1st quarterly installment plus the applicable service charge.

(2) (i) Quarterly installments of the license fee and registration tax for a simulated slot machine need not be paid for:

(A) as to the license fee, any quarter that follows surrender to the Director of the device's license, together with evidence satisfactory to the Director that the device has been taken out of service for the rest of the license year; and

(B) as to the registration tax, any quarter that follows surrender to the Director of the device's registration, together with evidence satisfactory to the Director that the device has been removed from the City for the rest of the license year.

(ii) If a master licensee surrenders the license and registration for 1 or more devices under this paragraph, together with evidence satisfactory to the Director that the devices have been taken out of service or removed from the City, as the case may be, for the rest of the license year, and is left with 5 or fewer devices being owned, controlled, or possessed by the licensee, the licensee may surrender the master license to the Director and need not pay any quarterly installment for any quarter that follows the surrender.

(3) The rules and regulations adopted under § 2-17 of this subtitle must establish:

(i) the amount of the service charge to be paid with each quarterly installment; *{and}*

(ii) a schedule indicating when quarterly payments are due each year.
(*Ord. 04-706; Ord. 10-337; Ord. 10-356; Ord. 11-579.*)

§ 2-16. License to be posted.

The license for each amusement device must be:

(1) securely affixed to the device; or

(2) prominently displayed on the premises.

(*Ord. 04-706.*)

§ 2-17. Rules and regulations.

(a) *Director to adopt.*

The Director shall adopt and enforce rules and regulations to carry out this Part 3.

(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. 04-706; Ord. 10-337.*)

§ 2-17.1. Bounty for unlicensed, etc., devices.

(a) *In general.*

The rules and regulations adopted under § 2-17 of this subtitle shall establish, subject to the appropriation of funds as approved by the Board of Estimates, a bounty program to reward persons who report devices being operated without the license or registration required by this Part.

(b) *Source of reward.*

The reward for a report shall be a set percentage, as specified in the rules and regulations but not to exceed 50%, of all fines and penalties that the City collects as a result of the report.

(*Ord. 10-337.*)

§ 2-18. Operating without license.

(a) *Order.*

If an amusement device is operated without a license or registration required by this subtitle, the Director shall issue a written order to the proprietor or other person in charge of the premises to:

(1) immediately render the device inoperable; and

(2) within 5 working days of the order:

- (i) obtain the required license or registration; or
- (ii) remove the device from the premises.

(b) *Confiscation or disablement.*

The Director may confiscate the amusement device or render it inoperable if:

- (1) the device is not immediately rendered inoperable, as ordered under subsection (a)(1) of this section;
- (2) after having been rendered inoperable, the device is placed back in operation without the required license or registration; or
- (3) the required license or registration is not obtained within the period specified in subsection (a)(2) of this section and the device has not been removed from the premises.

(c) *Redeeming confiscated device.*

(1) If an amusement device is confiscated by the Director under this section, the owner may redeem the device on payment of:

- (i) a recovery charge, as established by the Board of Estimates from time to time; and
- (ii) all outstanding registration and licensing taxes, fees, interest, and penalties.

(2) The recovery charge will be set to cover the costs of transportation, storage, and other related expenses.

(3) If a device is not redeemed within 180 days after its confiscation, the device is considered abandoned.

(d) *Reinstating disabled device.*

(1) If an amusement device is rendered inoperable by the Director under this section, the owner may have the device reinstated on payment of:

- (i) a reinstatement charge, as established by the Board of Estimates from time to time; and
- (ii) all outstanding registration and licensing taxes, fees, interest, and penalties.

(2) The reinstatement charge will be set to cover all costs associated with rendering the device inoperable and operable.

(Ord. 04-706; Ord. 10-337.)

§ 2-19. Penalties.

(a) *In general.*

Any person who violates any provision of this Part 3 or of a rule or regulation adopted under this Part 3 is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

(Ord. 04-706.)

§ 2-20. {Reserved}

PART 4. PINBALL MACHINES OPERATED BY MINORS

§ 2-21. Minors under 16.

It is unlawful for the proprietor or person in charge of any premises on which there is a pinball machine (as that term is described and characterized in this article), which is or should be licensed under this article, to permit any person under 16 years of age to operate that device at any time.

(City Code, 1966, art. 15, §73(1st sen.); 1976/83, art. 15, §93(1st sen.)) (Ord. 56-664; Ord. 99-526.)

§ 2-22. Minors 16 or older.

It also is unlawful for the proprietor or person in charge of the premises to permit any minor 16 years old or older to operate the device between the hours of 8:00 a.m. and 4:00 p.m. on any day between September 1 of any year and June 15 of the following year, except on Sundays and public school holidays if otherwise permitted by law.

(City Code, 1950, art. 19, §8; 1966, art. 15, §73(2nd sen.); 1976/83, art. 15, §93(2nd sen.)) (Ord. 49-699; Ord. 56-664; Ord. 99-526.)

§ 2-23. Identification required.

Any proprietor or person in charge who is asked to permit the playing of the device by any person whom he has reason to believe may be a minor within the terms of this subtitle, shall require identification and proof of age from the applicant.

(City Code, 1966, art. 15, §73(3rd sen.); 1976/83, art. 15, §93(3rd sen.)) (Ord. 56-664; Ord. 99-526.)

§§ 2-24 to 2-30. {Reserved}

PART 5. THEATERS, HALLS, ETC.**§ 2-31. License required.**

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

(City Code, 1879, art. 33, §11; 1893, art. 33, §11; 1927, art. 25, §10; 1950, art. 19, §11; 1966, art. 15, §14; 1976/83, art. 15, §14.) (Rev. Ords. 1858-038; Ord. 90-517.)

§ 2-32. Minors on premises, etc.*(a) Presence on premises.*

It is unlawful for any owner, operator, servant, agent, or employee of any theater, concert hall, dance hall, club, or other place of public amusement knowingly to permit on the premises of that place of public amusement, between the hours of 9 a.m. and 3 p.m., any child under the age of 16, unless:

- (1) the child is accompanied by his or her parent or guardian;
- (2) the child has a permit issued by the Board of Education or the principal of the parochial or private school having jurisdiction, authorizing his or her absence from school; or
- (3) the school at which the child is enrolled is not in session.

(b) Operating certain devices.

It also is unlawful for any owner, operator, servant, agent, or employee of any theater, concert hall, dance hall, club, or other place where public amusement is provided, including those places where coin-operated amusement devices, including electronic games, are provided for the public use, to knowingly permit the operation of these coin-operated amusement devices, including electronic games, between the hours of 9 a.m. and 3 p.m. by any child under the age of 16, unless the school at which the child is enrolled is not in session.

(City Code, 1950, art. 19, §12; 1966, art. 15, §15; 1976/83, art. 15, §15.) (Ord. 46-383; Ord. 82-819; Ord. 99-526.)

§ 2-33. Minors at burlesque shows.

It is unlawful for any owner, operator, servant, agent, or employee of any burlesque show, whether it be held in a permanent theater, side show, carnival, or by a private organization, to allow on the premises any child, male or female, under the age of 16.

(City Code, 1950, art. 19, §10; 1966, art. 15, §13; 1976/83, art. 15, §13.) (Ord. 46-382.)

§§ 2-34 to 2-35. {Reserved}

PART 6. DANCE AND MUSIC

§ 2-36. Dancing schools.

(a) *License required.*

A license is required for regular dancing academies or places used for instruction in the art of dancing.

(b) *Fee.*

[The licensee] shall pay an annual license fee of \$50 for such privilege.

(City Code, 1879, art. 33, §14; 1893, art. 33, §14; 1927, art. 25, §13; 1950, art. 19, §15; 1966, art. 15, §18; 1976/83, art. 15, §18.) (Ord. 1864-010; Ord. 13-265; Ord. 57-1105; Ord. 76-067; Ord. 77-393; Ord. 90-502.)

§ 2-37. Fee for musical parties.

(a) *In general.*

The tax or license for musical parties shall be:

- (1) \$5 per night, when the admission fee does not exceed 25¢;
- (2) \$8 per night, when it exceeds 25¢ but not over 50¢; and
- (3) \$10 per night, when it exceeds 50¢.

(b) *Charitable exceptions.*

But the Mayor is authorized to grant, free of expense, all applications for license for concerts or performances of any kind, where the proceeds are intended for charitable purposes.

(City Code, 1879, art. 33, §15; 1893, art. 33, §15; 1927, art. 25, §15; 1950, art. 19, §17; 1966, art. 15, §20; 1976/83, art. 15, §20.) (Rev. Ords. 1858-037; Ord. 57-1105.)

§§ 2-38 to 2-40. {Reserved}

PART 7. ANIMATED RIDING DEVICES

§ 2-41. Definitions.

(a) *In general.*

In this Part 7, the following terms have the meanings indicated.

(b) *Amusement device.*

“Amusement device” has the meaning stated in § 2-11 of this article.

(c) *Animated riding device.*

(1) *In general.*

“Animated riding device” means an amusement device that provides a moving ride or activated operation.

(2) *Illustrations.*

“Animated riding device” includes any rocking horse, airplane, boat, spaceship, or similar device.

(*City Code, 1966, art. 15, §25(b); 1976/83, art. 15, §25(b).*) (*Ord. 57-1130; Ord. 04-706.*)

§ 2-42. License required; fee.

(a) *License required.*

No person, firm, corporation, or other entity may operate any animated riding device unless the device is licensed under Part 3 of this subtitle.

(b) *Fee.*

Notwithstanding the fees set in Part 3 of this subtitle, the annual fee for an animated riding device license is \$25 per device.

(*City Code, 1966, art. 15, §25(a); 1976/83, art. 15, §25(a).*) (*Ord. 57-1130; Ord. 76-067; Ord. 77-395; Ord. 04-706.*)

§ 2-43. Inspections.

(a) *On application.*

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

(b) *Semi-annually.*

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

(*City Code, 1966, art. 15, §25(c); 1976/83, art. 15, §25(c).*) (*Ord. 57-1130; Ord. 76-067.*)

§ 2-44. Financial responsibility.

(a) *In general.*

The Director of Finance shall require each applicant for a license herein provided for to furnish proof of financial responsibility in the form of a written certificate from an insurance carrier authorized to transact business in the State of Maryland.

(b) *Scope; amount.*

Said certificate shall state that the applicant is insured against liability for damage including death or injury to persons and damage to property due to faulty equipment or negligence, and indemnifying the City against any suit or suits, losses, claims, damages, or expense to which the City may be subjected by reason of any damage to property or person, including death, or injury to the public highways and other public property done in or in connection with the transportation, erection, operation, maintenance, and supervision of such animated riding devices and said certificate shall be provided in an amount which in the discretion of the Director of Finance will adequately protect the public.

(City Code, 1966, art. 15, §25(d); 1976/83, art. 15, §25(d).) (Ord. 57-1130; Ord. 76-067.)

§ 2-45. Nonresidents.(a) *In general.*

Where the applicant is a nonresident, said applicant and said insurance carrier shall execute a power of attorney authorizing the Director of Finance to accept on their behalf service of notices, processes, and any action arising out of the ownership, operation, maintenance, or in any wise connected with said animated riding devices, while they are within the confines of the limits of the City of Baltimore.

(b) *Corporations.*

In the event that a nonresident corporation applies for a license, the Director of Finance shall issue said license provided:

(1) the nonresident corporation complies with all conditions herein contained; and

(2) in addition thereto, submits with its application for said license a certificate from the State Department of Assessments and Taxation certifying that the nonresident corporation is a duly constituted corporation authorized to do business in the State of Maryland.

(City Code, 1966, art. 15, §25(e), (f); 1976/83, art. 15, §25(e), (f).) (Ord. 57-1130; Ord. 76-067.)

§ 2-46. Building Code.

The provisions of § 432.9 of the Baltimore City Building Code, which relate to the electrical and mechanical requirements for certain circuses and carnivals, apply in all respects to the animated riding devices provided for in this Part 7. However, no other provisions of § 432 of the Building Code apply to animated riding devices.

(City Code, 1966, art. 15, §25(g); 1976/83, art. 15, §25(g).) (Ord. 57-1130; Ord. 02-475; Ord. 13-093; Ord. 15-427; Ord. 20-361.)

§§ 2-47 to 2-50. {Reserved}

PART 8. MOBILE RIDING UNITS**§ 2-51. License required.**

No person, firm, corporation, or other entity may operate any type of ride or riding device mounted on mobile equipment unless the device is licensed under Part 3 of this subtitle.

(*City Code, 1966, art. 15, §55(a); 1976/83, art. 15, §74(a).*) (*Ord. 53-727; Ord. 76-067; Ord. 77-396; Ord. 90-510; Ord. 04-706.*)

§ 2-52. Inspections.(a) *On application.*

Before issuing any such license, the Director of Finance shall have such ride or riding device mounted on mobile equipment inspected by the Commissioner of Housing and Community Development and shall obtain from him a certificate to the effect that such ride or riding device mounted on mobile equipment has been inspected and is mechanically safe for operation.

(b) *Semi-annually.*

The applicant shall as a condition of retaining any such license present to the Director of Finance a similar certificate of inspection and safe condition at intervals of not more than 6 months thereafter.

(*City Code, 1966, art. 15, §55(b); 1976/83, art. 15, §74(b).*) (*Ord. 53-727; Ord. 76-067.*)

§ 2-53. Financial responsibility.(a) *In general.*

The Director of Finance shall require each applicant for a license herein provided for to furnish proof of financial responsibility in the form of a written certificate from an insurance carrier authorized to transact business in the State of Maryland.

(b) *Scope; amount.*

Said certificate shall state that the applicant is insured against liability for damage including death or injury to persons and damage to property due to faulty equipment or negligence, and indemnifying the City against any suit or suits, losses, claims, damages, or expense to which the City may be subjected by reason of any damage to property or person, including death, or injury to the public highways and other public property done in or in connection with the transportation, erection, operation, maintenance, and supervision of such ride or riding device mounted on mobile equipment, and said certificate shall be provided in an amount which in the discretion of the Director of Finance will adequately protect the public.

(*City Code, 1966, art. 15, §55(c); 1976/83, art. 15, §74(c).*) (*Ord. 53-727; Ord. 76-067.*)

§ 2-54. Nonresidents.

(a) *In general.*

Where the applicant is a nonresident, said applicant and said insurance carrier shall execute a power of attorney authorizing the Director of Finance to accept service on their behalf of notices, processes, and any action arising out of the ownership, operation, maintenance, or in any wise connected with said ride or riding device mounted on mobile equipment while it is within the confines of the limits of the City of Baltimore.

(b) *Corporations.*

In the event that a nonresident corporation applies for a license, the Director of Finance shall issue said license provided:

- (1) the said nonresident corporation complies with all conditions herein contained; and
- (2) in addition thereto, submits with its application for said license a certificate from the State Department of Assessments and Taxation certifying that the nonresident corporation is a duly constituted corporation authorized to do business in the State of Maryland.

(City Code, 1966, art. 15, §55(d), (e); 1976/83, art. 15, §74(d),(e).) (Ord. 53-727; Ord. 76-067.)

§ 2-55. Building Code; time limit on operation.

(a) *Building Code.*

Subject to a licensee’s compliance with subsection (b) of this section, the provisions of § 432 {“Circuses and Carnivals”} of the Baltimore City Building Code, which regulates circuses and carnivals, do apply to applications and licenses to operate any type of ride or riding device mounted on mobile equipment.

(b) *Time limit on operation.*

No licensee may operate a ride or riding device mounted on mobile equipment in any 1 block for longer than 1 hour.

(City Code, 1966, art. 15, §55(f); 1976/83, art. 15, §74(f).) (Ord. 53-727; Ord. 02-475; Ord. 13-093; Ord. 15-427; Ord. 20-361.)

SUBTITLE 3
AMUSEMENT DEVICE LOCATION PERMITS

§ 3-1. Definitions.(a) *In general.*

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

(b) *Amusement device.*

“Amusement device” has the meaning stated in § 2-11 of this article.

(c) *Commissioner.*

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

(d) *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, unless otherwise expressly provided, a governmental entity or an instrumentality or unit of a governmental entity.

(e) *Zoning Board.*

“Zoning Board” means the Board of Municipal and Zoning Appeals of Baltimore City. (*City Code, 1976/83, art. 15, §92A-1.*) (*Ord. 99-547; Ord. 04-706.*)

§ 3-2. Permit required.(a) *In general.*

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

(b) *Exceptions.*

A location permit is not required under this subtitle for any amusement arcade or recreation center that is operated by the City.

(City Code, 1976/83, art. 15, §92A-2.) (Ord. 83-1112; Ord. 99-547; Ord. 16-581.)

§ 3-3. Applications.

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

(City Code, 1976/83, art. 15, §92A-3.) (Ord. 99-547.)

§ 3-4. Posting; objections.

(a) *Posting required.*

Before a location permit (other than a renewal permit) may be issued, the applicant must post the proposed location for 15 days.

(b) *9 or fewer objections.*

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

(c) *10 or more objections.*

If, within the 15-day posting period, the Commissioner receives 10 or more written objections from persons within the same election precinct as the proposed location, the Commissioner must refer the matter to the Zoning Board for a hearing.

(City Code, 1976/83, art. 15, §92A-4.) (Ord. 83-1112; Ord. 99-547.)

§ 3-5. Hearing on objections; denial.

(a) *Public hearing required.*

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

(2) Parties in interest and citizens must be given an opportunity to be heard at the hearing.

(b) *Denial to be in writing.*

Any denial of a permit must be in writing, with specific reasons given for the denial.

(c) *Reapplication waiting period.*

If the Zoning Board denies a permit, then the applicant may not reapply for a permit for at least 12 months.

(City Code, 1976/83, art. 15, §92A-5.) (Ord. 83-1112; Ord. 99-547.)

§ 3-6. Term and renewal of permits.

(a) *Term.*

Each permit expires annually on June 30 and is renewable as provided in this section.

(b) *Application for renewal.*

- (1) To renew a permit, the permit holder must apply no less than 30 days nor more than 60 days before the permit expires.
- (2) The renewal application must be in the form and contain the information that the Commissioner requires.
- (3) On filing the renewal application and payment of the renewal fee, the Commissioner must approve the application unless 10 or more written objections from persons within the same election precinct as the location in question are filed with the Commissioner no later than 30 days before the permit expires.
- (4) If the Commissioner receives 10 or more timely objections from persons within the same election precinct as the location in question, the Commissioner must refer the matter to the Zoning Board for a hearing.

(City Code, 1976/83, art. 15, §92A-6.) (Ord. 83-1112; Ord. 99-547.)

§ 3-7. Fee for permit.

(a) *Annual fee.*

The annual fee for the permit is \$15, payable on or before July 1 of each year.

(b) *Fee not refundable.*

No refunds may be made of this fee, in whole or in part.

(City Code, 1976/83, art. 15, §92A-7.) (Ord. 83-1112; Ord. 99-547.)

§ 3-8. Denial or suspension of permit.

(a) *In general.*

On a finding that an applicant or permit holder has committed one of the offenses specified in subsection (b) of this section, the Zoning Board may:

- (1) deny the permit or permit renewal; or
- (2) suspend the permit for not less than 30 days nor more than 90 days.

(b) *Grounds.*

The Zoning Board may take action under subsection (a) of this section for any of the following causes:

- (1) failing or refusing to comply with any provision of this subtitle or of any rule or regulation adopted under this subtitle;
- (2) making any material false statement in any application for an initial or renewal permit;
- (3) violating any provision of the City Building, Fire, and Related Codes Article, Health Code Article, or Zoning Code Article, or of any other ordinance, rule, or regulation of the City;
- (4) conviction of an owner, operator, or employee of the establishment of any violation of City Code Article 19, § 34-6 {"Daytime and Nighttime Curfews: Prohibited conduct of establishments"};
- (5) conviction of an owner, operator, or employee of the establishment of any violation of City Code Article 19, Subtitle 25 {"Loitering — General"};
- (6) permitting the installation, maintenance, or operation of amusement devices in any way that impairs the safety, health, or general welfare of patrons or of the public in the immediate vicinity of the premises;
- (7) lack of accessibility for fire and police protection; or
- (8) lack of accessibility of light and air.

(c) *Written decision and order.*

The Zoning Board must issue a written decision and order on any application for a permit or renewal application within 5 days of the hearing on the matter.

(*City Code, 1976/83, art. 15, §92A-8.*) (*Ord. 83-1112; Ord. 99-547; Ord. 07-552; Ord. 15-427.*)

§ 3-9. Rules and regulations.

(a) *Board to adopt procedural rules.*

- (1) The Zoning Board may adopt rules and regulations for procedural purposes to carry out this subtitle.
- (2) These rules and regulations become effective 7 days after they are filed with the Department of Legislative Reference.

(b) *Commissioner to adopt administrative regulations.*

(1) The Commissioner may adopt rules and regulations to carry out the administrative provisions of this subtitle.

(2) These rules and regulations become effective 7 days after they are filed with the Department of Legislative Reference.

(City Code, 1976/83, art. 15, §92A-9.) (Ord. 83-1112; Ord. 99-547.)

§ 3-10. Penalties.

Any person required to obtain a location permit who fails to do so is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$15 for each day of the violation.

(City Code, 1976/83, art. 15, §92A-10.) (Ord. 83-1112; Ord. 99-547.)

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SUBTITLES 4 TO 5
{RESERVED}

SUBTITLE 6
CARRIAGES, WAGONS, BOATS, AND SCOWS

Editor's Note: In the 1950 City Code, the then-provisions of this subtitle were codified as Article 38, §§47 through 58 {"Licenses and Numbers"}. In the 1966 Code (legalized by Ord. 66-774, effective April 18, 1966), those provisions, as amended in the intervening years, were recodified as Article 31, §§60 through 73 {"Licenses and Numbers"}. In the same year, however, Ord. 66-887 was enacted, effective October 29, 1966, to repeal all of Article 38, §§47 through 58 of the 1950 Code and to ordain a new §49 under the new subtitle "Licenses for Vehicles and Vessels". Neither of the 1966 enactments gave effect to the other.

Whether Ord. 66-887 was ever given effect is uncertain. That it was soon forgotten, though, is quite evident: In 1975, the Mayor and City Council enacted Ord. 75-881, which amended Article 31, §§ 60 through 73 of the 1966 Code (the same provisions as those that had been repealed by Ord. 66-887) and recodified them as Article 15, §§92 through 105 under the current subtitle designation "Carriages, Wagons, Boats and Scows".

This recodification conforms to the later enactment, Ord. 75-881 (and subsequent amendments), and does not purport to give effect to the long-lost Ord. 66-887.

§ 6-1. Issuance of license.

The Director of Finance shall issue all licenses for and numbers of carriages, wagons, and other vehicles, boats, and scows as enumerated in § 6-2.
(*City Code, 1879, art. 8, §27; 1893, art. 8, §28; 1927, art. 4, §116; 1950, art. 38, §48; 1966, art. 31, §61; 1976/83, art. 15, §28.*) (*Rev. Ords. 1858-009; Ord. 66-887; Ord. 75-881.*)

§ 6-2. License required.

(a) *Registration number to be displayed.*

All hackney coaches, buggies, cabs, and gigs, kept for hire, and all wagons, furniture carriages, carts, drays, package carts, boats (other than open rowboats of every description), and scows, owned or commonly used or employed in the City, shall be numbered with plain conspicuous figures, on plates of tin, to be provided as hereinafter directed, to begin with number 1 and so on progressively.

(b) *Owners to register annually.*

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

- (1) appear annually at the office of the Director of Finance;
- (2) have entered in a book kept for that purpose:
 - (i) his or her name and place of abode;
 - (ii) the description of every carriage, boat, or scow by him or her owned; and
 - (iii) the number thereon to be affixed; and
- (3) take out a license containing his or her number, and signed by the Director of Finance, with the City Seal affixed to it.

(c) *Compliance required.*

No owner is permitted to use or employ, or let for hire on any street, lane, or alley, nor in any water within the City, any hackney coach, buggy, cab, or gig, kept for hire, wagon, furniture carriage, cart, dray, package cart, boat (other than an open rowboat), or scow, until he or she first complies with the regulations contained in this subtitle.

(*City Code, 1893, art. 8, §29; 1927, art. 4, §117; 1950, art. 38, §49; 1966, art. 31, §62; 1976/83, art. 15, §29.*) (*Ord. 1891-022; Ord. 66-887; Ord. 75-881; Ord. 99-526.*)

§ 6-3. “Commonly used or employed” defined.

Any vehicle mentioned in § 6-2 which is used upon the streets of Baltimore City upon more than 1 day per week, on an average, for a period of more than 3 months in any 1 year, shall be considered as “commonly used or employed”, in the City, within the meaning of said § 6-2.

(*City Code, 1927, art. 4, §118; 1950, art. 38, §50; 1966, art. 31, §65; 1976/83, art. 15, §32.*) (*Ord. 17-243; Ord. 66-887; Ord. 75-881.*)

§ 6-4. Term of licenses.

All licenses shall terminate on January 1 annually, but the holder of a license can at any time between that time and the January 30 take out a new license without being subject to penalty.

(*City Code, 1893, art. 8, §30; 1927, art. 4, §119; 1950, art. 38, §51; 1966, art. 31, §66; 1976/83, art. 15, §33.*) (*Ord. 1891-022; Ord. 66-887; Ord. 75-881.*)

§ 6-5. Fees.(a) *Annual fee.*

The owner of any carriage, boat, or scow shall pay the following annual license fee:

- (1) Hackney coaches, cabs, or other pleasure carriages kept for hire, and wagons, carts, or other carriages of burden drawn by 1 or more horses — \$20
- (2) Boats (other than open rowboats), water taxis, and scows — \$80
- (3) Package carts — \$10

(b) *Payment.*

The owners shall pay the fees to the Director of Finance.

(c) *Transfer of license.*

Transfer of any of these licenses must be made at the Office of the City Collector, and no charge will be made therefor.

(*City Code, 1893, art. 8, §33; 1927, art. 4, §122; 1950, art. 38, §54; 1966, art. 31, §69; 1976/83, art. 15, §36.*) (*Ord. 1891-022; Ord. 57-1115; Ord. 66-887; Ord. 70-855; Ord. 75-881; Ord. 77-397; Ord. 90-523.*)

§ 6-6. Rental records — in general.(a) *Proof of identity, etc.*

No owner licensed as provided in § 6-2 of this subtitle shall rent a vehicle to any person without first requiring proof of the identity (which shall include a clear photograph and a record of fingerprints) and address of the person proposing to rent the vehicle.

(b) *Records to be kept.*

Said owner shall keep a permanent record on his premises of the names and addresses of all persons renting a vehicle or vehicles from him and the date of each rental.

(*City Code, 1966, art. 31, §63; 1976/83, art. 15, §30.*) (*Ord. 60-430; Ord. 75-881.*)

§ 6-7. {Repealed by Ord. 01-243}**§ 6-8. License plates.**(a) *Director to obtain.*

- (1) It is the duty of the Director of Finance, annually, on or before January 1 in each year, to purchase a sufficient number of tin plates, numbered with plain conspicuous figures, beginning with number 1, and so on progressively, 2 of each to correspond with the number of the carriage, boat, or scow, and also to purchase suitable dies for the arithmetical numbers.
- (2) The figures standing for the year in which those numbers were issued shall be stamped on the top of each numbered plate.
- (3) The plate shall be of suitable size and description in the discretion of the Director of Finance, and paid for out of the appropriation for general licenses.

(b) *Issuance and display.*

- (1) It is the duty of the Director of Finance to furnish for each licensed carriage, boat, or scow, 2 of these tin plates, with number corresponding with the number of the license, and the record of that carriage, boat, or scow.
- (2) These numbered plates shall be fastened on each side of and the most conspicuous part of the carriage, boat, or scow, so that the numbers may be plainly seen.

(c) *Private carriage license.*

The Director of Finance shall furnish to those who take out private carriage licenses, a single number, painted upon a tin plate that shall not measure more than 2¾ x 2 inches, which number shall be placed upon the hindermost part of the hind axle of the carriage by the owner or owners.

(*City Code, 1879, art. 8, §30; 1893, art. 8, §31; 1927, art. 4, §120; 1950, art. 38, §52; 1966, art. 31, §67; 1976/83, art. 15, §34.*) (*Rev. Ords. 1858-032; Ord. 1891-022; Ord. 66-887; Ord. 75-881; Ord. 99-526.*)

§ 6-9. License numbers.*(a) Right to display own numbers.*

All persons who take out licenses under this subtitle are hereby authorized to provide numbers for their carriages, wagons, and other vehicles, of such design as to them may seem proper, such numbers to conform with their license, the same to be in a conspicuous place; provided, that the number furnished by the Director of Finance be nevertheless attached to such carriage or wagon in such place inside the carriage or wagon as he may direct.

(b) Notice.

All persons availing themselves of the privilege of this section can retain the same number from year to year by annual notice of the Director of Finance previous to December 20 and those desiring to retain their old numbers may do so by similar notice.

(City Code, 1879, art. 8, §31; 1893, art. 8, §32; 1927, art. 4, §121; 1950, art. 38, §53; 1966, art. 31, §68; 1976/83, art. 15, §35.) (Rev. Ords. 1858-032; Ord. 1891-022; Ord. 66-887; Ord. 75-881.)

§ 6-10. False entries.

No person may:

- (1) cause or procure a false entry to be made of any such carriage, boat, or scow;
- (2) after a true entry, alter the number of his carriage, boat, or scow, being registered; or
- (3) not having a license, permit a number to be fixed to or remain on his or her carriage, boat, or scow.

(City Code, 1879, art. 8, §33; 1893, art. 8, §34; 1927, art. 4, §123; 1950, art. 38, §55; 1966, art. 31, §70; 1976/83, art. 15, §37.) (Rev. Ords. 1858-032; Ord. 66-887; Ord. 75-887; Ord. 99-526.)

§ 6-11. Transporters for hire.*(a) License required.*

No owner of any carriage shall use the same in carrying or transporting any person or persons within the said City for hire or pay, unless such owner shall:

- (1) appear at the office of the Director of Finance and make entry and take out license as aforesaid;
- (2) number such carriage on the middle panel or other conspicuous place, of each side, with plain and conspicuous figures; and
- (3) the same renew annually.

(b) *Applicability of other regulations.*

Such owner shall be subject to all the other rules and regulations herein contained, respecting wagoners, carters, and draymen, and shall be liable to the same forfeitures and penalties upon the noncompliance with or violation of any such rule or regulation.

(City Code, 1879, art. 8, §34; 1893, art. 8, §35; 1927, art. 4, §124; 1950, art. 38, §56; 1966, art. 31, §71; 1976/83, art. 15, §38.) (Rev. Ords. 1858-032; Ord. 66-887; Ord. 75-881.)

§ 6-12. Numbers and licenses.

It is unlawful for the owner or owners of any carriage, wagon, cart, dray, package cart, furniture wagon, boat, or scow to retain or suffer to be placed on that vehicle any other number than one corresponding with the license for the vehicle.

(City Code, 1879, art. 8, §35; 1893, art. 8, §36; 1927, art. 4, §125; 1950, art. 38, §67; 1966, art. 31, §72; 1976/83, art. 15, §39.) (Rev. Ords. 1858-032; Ord. 66-887; Ord. 75-881; Ord. 99-526.)

§ 6-13. Withdrawal of license.

It shall be the duty of the Mayor to withdraw the license from any vehicle licensed by the City, the driver of which shall violate a 2nd time any of the provisions of this Code regulating the speed of horses and vehicles.

(City Code, 1879, art. 8, §26; 1893, art. 8, §27; 1927, art. 4, §116; 1950, art. 38, §47; 1966, art. 31, §60; 1976/83, art. 15, §27.) (Rev. Ords. 1858-032; Ord. 66-887; Ord. 75-881.)

§ 6-14. Subtitle to be advertised.

It shall be the duty of the Director of Finance to notify all persons annually of the necessity of attending to the provisions of this subtitle, by advertising the same at least 10 days previous to January 1 in a daily paper of general circulation in Baltimore City, and of the privilege accorded by § 6-9 by advertising the same at least 5 days previous to December 20 in a daily paper of the City.

(City Code, 1879, art. 8, §36; 1893, art. 8, §37; 1927, art. 4, §126; 1950, art. 38, §58; 1966, art. 31, §73; 1976/83, art. 15, §40.) (Rev. Ords. 1858-032; Ord. 1891-022; Ord. 66-887; Ord. 75-881.)

SUBTITLE 7
EMPLOYMENT AGENCIES

§ 7-1. Definitions.

(a) *In general.*

The following terms have the meanings indicated unless their context clearly indicates otherwise.

(b) *Employment agency.*

(1) *In general.*

“Employment agency” means any sole proprietorship, partnership, association, corporation, contractor, or subcontractor who, for a fee, paid by either the prospective employer, employee, or both:

- (i) procures or offers or attempts to procure employees for persons seeking the service of employees;
- (ii) procures or offers or attempts to procure employment for persons, seeking employment; or
- (iii) engages in the business of furnishing information to persons seeking employment for the purpose of enabling the persons to secure employment.

(2) *Inclusions.*

“Employment agency” includes:

- (i) any person conducting a business which consists of employing individuals directly for the purpose of furnishing part-time or temporary help to others; and
- (ii) any person, partnership, or corporation:
 - (A) whose fee is paid 100% by the employer, and
 - (B) that does not collect any money from an applicant.

(3) *Exclusions.*

“Employment agency” does not include:

- (i) bona fide educational, religious, charitable, fraternal, or benevolent organizations in which no fee, commission, or other charge is made for services rendered other than the ordinary membership dues;

- (ii) bona fide labor organizations undertaking to secure or securing work for their own members;
- (iii) bona fide employers' organizations undertaking to secure or securing help for their own members; or
- (iv) any person who merely conducts a business that:
 - (A) receives a fee that is paid wholly by an employer;
 - (B) does not collect money from an individual seeking employment; and
 - (C) does not require an individual seeking employment to make a contract.

(c) *Person.*

“Person” means an individual, corporation, partnership, joint venture, firm, association, company, or any other public or private entity, or representative of any kind.
(City Code, 1976/83, art. 15, §51(b).) (Ord. 90-506; Ord. 94-382.)

§ 7-2. License required.

(a) *In general.*

No person shall carry on the business of an employment agency without first obtaining a license to conduct an employment agency.

(b) *Issuance, fees, records.*

It shall be the duty of the Director of Finance:

- (1) to issue licenses for employment agencies annually;
- (2) to charge for each and every such license the sum of \$250; and
- (3) to keep a record of the name and place of business of each and every person, firm, or corporation, who may take out such license, which record shall be kept on file in his office.

(City Code, 1927, art. 25, §28; 1950, art. 19, §31; 1966, art. 15, §48; 1976/83, art. 15, §51(a).) (Ord. 09-433; Ord. 76-067; Ord. 84-161; Ord. 90-506.)

§ 7-3. Exhibition of license.

Every person, firm, or corporation, who shall take out a license under § 7-2, and who shall conduct an employment agency under such license:

(1) shall register his, her, or its full name and address with the Director of Finance during the 1st week of January in each year; and

(2) shall exhibit on the front of the building in which such business shall be conducted, a sign containing:

(i) the words, "Licensed Employment Agency"; and

(ii) the name of the person, firm, or corporation so conducting such business.

(City Code, 1927, art. 25, §28; 1950, art. 19, §32; 1966, art. 15, §49; 1976/83, art. 15, §52.) (Ord. 09-433; Ord. 76-067.)

**SUBTITLE 8
GARAGE AND LAWN SALES**

§ 8-1. Scope of subtitle.

This subtitle does not apply to:

(1) judicial sales;

(2) sales made by a licensed auctioneer; or

(3) sales made by a duly licensed business, such as a grocery store.

(City Code, 1976/83, art. 19, §141A(3rd sen.)) (Ord. 77-522.)

§ 8-2. Limit on frequency and duration of sales.

(a) *1 sale per 6-month period.*

It is unlawful to conduct more than 1 public sale of tangible personal property commonly known as garage sales or lawn sales on residential property within any 6-month period.

(b) *3 days per sale.*

Any 1 sale shall not be conducted for more than 3 consecutive days.

(City Code, 1976/83, art. 19, §141A(1st, 2nd sens.)) (Ord. 77-252A; Ord. 77-522.)

§ 8-3. Penalties.

Any person violating any provision of this subtitle is guilty of a misdemeanor and, upon conviction thereof, is subject to a fine not exceeding \$100 for each and every violation.

(City Code, 1976/83, art. 19, §141A(4th sen.)) (Ord. 77-252A; Ord. 77-522.)

SUBTITLE 9
LATE-NIGHT COMMERCIAL OPERATIONS

Part 1. Definitions; General Provisions

§ 9-1. Definitions.

(a) *In general.*

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

(b) *{Vacant}*

(c) *Business.*

“Business” means any place of business or commercial activity conducted by a person, whether sales, service, rental, professional, or otherwise.

(d) *Finance Department; Department.*

“Finance Department” or “Department” means the Baltimore City Department of Finance.

(d-1) *Finance Director; Director.*

“Finance Director” or “Director” means the Director of the Finance Department or the Director’s designee.

(e) *Impact area.*

“Impact area” means the area:

- (1) within the same election precinct as that in which a business is located; and
- (2) if a different precinct, within the election precinct of the block face opposing the block face in which a business is located.

(f) *Includes; including.*

“Includes” or “including” means by way of illustration and not by way of limitation.

(g) *Late-night operations license; license.*

“Late-night operations license” or “license” means a license issued under this subtitle.

(h) *Person.*

(1) *In general.*

“Person” means:

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

(2) *Exclusions.*

“Person” does not include, unless otherwise expressly provided, a governmental entity or an instrumentality or unit of a governmental entity.

(Ord. 12-011; Ord. 15-336; Ord. 16-496.)

§ 9-2. Mandatory, prohibitory, and permissive terms.

(a) *Mandatory terms.*

“Must” and “shall” are each mandatory terms used to express a requirement or to impose a duty.

(b) *Prohibitory terms.*

“Must not” and “may not” are each mandatory negative terms used to establish a prohibition.

(c) *Permissive terms.*

“May” is permissive.

(Ord. 12-011.)

§ 9-3. Rules, regulations, and forms.

(a) *Department to adopt.*

The Finance Department must adopt rules, regulations, and forms to carry out this subtitle.

(b) *Filing.*

A copy of the rules, regulations, and forms and of any amendments to them must be filed with the Department of Legislative Reference before they take effect.

(Ord. 12-011.)

§ 9-4. Scope.

(a) *In general.*

Except as specified in subsection (b) of this section, this subtitle applies to all businesses that are located in any Residential Zoning District, Office-Residential Zoning District, or C-1, C-1-E, C-1-VC, C-2, or C-3 Commercial Zoning District.

(b) *Exceptions.*

This subtitle does not apply to:

- (1) a hotel or motel;
- (2) a restaurant or tavern operating during hours authorized by its alcoholic beverage license;
- (3) the sale of motor vehicle fuels;
- (4) the provision of emergency medical or veterinary care;
- (5) a video lottery facility operating during hours authorized by its State Video Lottery Operating license; or
- (6) drive-through food-service windows, if:
 - (i) all indoor sales and dining areas are closed to the public during late-night hours; and
 - (ii) no pedestrians are served at these windows during late-night hours.

(Ord. 12-011; Ord. 15-336; Ord. 16-496; Ord. 16-581.)

§ 9-5. {Reserved}

Part 2. Licensing

§ 9-6. License required.

No business in a Residential Zoning District, Office-Residential Zoning District, or C-1, C-1-E, C-1-VC, C-2, or C-3 Commercial Zoning District may be open to the public at any time between the hours of midnight and 5 a.m. without having first obtained a late-night operations license under this subtitle.

(Ord. 12-011; Ord. 16-496; Ord. 16-581.)

§ 9-6.1. Conditional license for late-night delivery services.

The Finance Department may issue a late-night operations license for a business to operate a late-night delivery-only service, conditioned upon all indoor sales and dining areas being closed to the public during late-night hours.

(Ord. 19-259.)

§ 9-7. Applications.

(a) *In general.*

Every application for an initial or renewal license must be in the form and contain the information that the Finance Department requires.

(b) *Multiple businesses owned or franchised by same person.*

Any person that owns or is the franchisor of 2 or more businesses subject to this subtitle may:

(1) submit a joint application for an initial or renewal license for each of those businesses; and

(2) remit in one lump-sum payment the aggregate fees owed for those businesses.

(Ord. 12-011; Ord. 15-336.)

§ 9-8. Posting and notice; Objections.(a) *Posting and notice required.*

On filing an application for an initial license, the applicant must, in accordance with the Finance Department's rules and regulations:

(1) post the premises for 15 days; and

(2) within 5 days of the filing, send notice of the application by email or by certified or registered mail to the City Councilmember who represents the Councilmanic District in which the business is located.

(b) *9 or fewer objections.*

(1) If, within the 15-day posting period, the Department receives no more than 9 written objections from real property owners, commercial tenants that are not themselves holders of or applicants for a late-night operations license, or residents within the impact area of the business, the Department must grant or deny the license within 15 days after the last day of the 15-day posting period.

(2) A denial must be based solely on one or more of the following factors:

(i) any cause for denial that is specified in § 9-16 {"Denial, suspension, or revocation"} of this subtitle;

(ii) the specific days and hours proposed for late-night operations;

(iii) the lack or inadequacy of an indoor and outdoor security plan; and

(iv) the inability or unwillingness of the applicant to accept reasonable conditions on the license to protect the public health, safety, and welfare

(3) The notice of a denial must:

(i) state the reasons for the denial; and

(ii) notify the applicant of the applicant's right to appeal to the Finance Director.

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

(c) *10 or more objections.*

(1) If, within the 15-day posting period, the Department receives 10 or more written objections from real property owners, commercial tenants that are not themselves holders of or applicants for a late-night operations license, or residents within the impact area of the business, the Department must:

(i) deny the application; and

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

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

(Ord. 12-011; Ord. 15-336.)

§ 9-9. Decision on review.

(a) *Finance Director to decide.*

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

(1) to affirm the denial of the license; or

(2) to direct the Department to grant the license.

(b) *Considerations.*

In reviewing an application, the Finance Director must consider:

(1) all letters submitted in opposition to or support of the application;

(2) any cause for denial that is specified in § 9-16 {"Denial, suspension, or revocation"} of this subtitle;

(3) the specific days and hours proposed for late-night operations;

(4) the adequacy of an indoor and outdoor security plan, including any evaluation made by the Police Commissioner or his or her designee; and

(5) the ability and willingness of the applicant to accept reasonable conditions on the license to protect the public health, safety, and welfare.

(Ord. 12-011; Ord. 15-336.)

§ 9-10. Term and renewal of license.**(a) Term.**

Each late-night operations license expires annually on the anniversary of its issuance and is renewable as provided in this section.

(b) Application for renewal.

To renew a license, the licensee must:

- (1) apply no less than 60 days nor more than 90 days before the license expires; and
- (2) in accordance with the Finance Department's rules and regulations, post the premises for 15 days.

(c) Approval.

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

(d) Objections; Review.

- (1) If, within the 15-day posting period, 10 or more written objections from real property owners, commercial tenants that are not themselves holders of or applicants for a late-night operations license, or residents within the impact area of the business, the Department must:
 - (i) deny the application; and
 - (ii) within 7 days after the last day of the 15-day posting period, notify the applicant of the denial and of the applicant's right to appeal to the Finance Director.
- (2) Within 30 days of receiving the notice of denial, the applicant may appeal to the Finance Director for an administrative review of the application.
- (3) The filing of an appeal to the Finance Director does not stay the decision of the Department pending the Director's decision.
- (4) The considerations and decision of the Finance Director shall be as provided in § 9-9 of this subtitle.

(Ord. 12-011; Ord. 15-336.)

§ 9-11. Fee for license.

The annual license fee is \$460 per business, subject to adjustment in accordance with the City Fee Policy.

(Ord. 12-011.)

§ 9-12. Waiting period after denial.

If a license or renewal license is denied under this subtitle, the applicant may not reapply for at least 12 months from the date of the final decision of the Department or, if judicial review of that decision was obtained, from the date of the final court decision.

(Ord. 12-011; Ord. 15-336.)

§§ 9-13 to 9-15. {Reserved}***Part 3. Administrative Sanctions*****§ 9-16. Denial, suspension, or revocation.**

The Finance Department or, on appeal, the Finance Director may deny, suspend, or revoke a late-night operations license or renewal license for any of the following causes:

- (1) failing to pay the applicable license fee on or before the due date;
- (2) making any material false statement in any application for an initial or renewal license;
- (3) failing to abate within 30 days of receipt any notice or citation for violating any provision of the City Building, Fire, and Related Codes Article, Health Code Article, or Zoning Code Article; or
- (4) failing to comply with any provision of:
 - (i) this subtitle;
 - (ii) a rule or regulation adopted under this subtitle; or
 - (iii) a condition imposed under this subtitle on the license.

(Ord. 12-011; Ord. 15-336; 15-427.)

§ 9-17. Fines.

For any violation that is cause for suspending or revoking a license, the Finance Department or, on appeal, the Finance Director may, instead of or in addition to suspending or revoking the license, impose a civil fine of:

- (1) for a 1st offense, not more than \$500; and
- (2) for any subsequent offense, not more than \$1,000.

(Ord. 12-011; Ord. 15-336.)

§ 9-18. Appeal to Finance Director.**(a) Scope of section.**

This section does not apply to the denial of a license or a renewal license under § 9-8 or § 9-10(d).

(b) *Appeal.*

- (1) Within 30 days of receiving the Department's decision to deny, suspend, or revoke a license or to impose a civil fine, an aggrieved applicant or licensee may appeal the sanction imposed to the Finance Director for an administrative review.
- (2) The filing of an appeal to the Finance Director stays the decision of the Department pending the Director's decision.
- (3) Within 30 days after the timely filing of an appeal, the Finance Director must notify the applicant or licensee in writing of his or her decision.
- (4) The Finance Director may affirm, reject, increase, or otherwise modify any or all of the sanctions from which the appeal was taken.

(Ord. 12-011; Ord. 15-336.)

§ 9-19. Judicial and appellate review.(a) *Judicial review.*

A person aggrieved by a decision of the Finance Director under this subtitle may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) *Stays.*

- (1) The filing of a petition for judicial review does not stay the decision of the Finance Director.
- (2) However, on motion and after hearing, the Court may grant a stay as provided in the Maryland Rules of Procedure.

(c) *Appellate review.*

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

(Ord. 12-011; Ord. 15-336; Ord. 19-332.)

§ 9-20. {Reserved}***Part 4. Penalties*****§ 9-21. Penalties.**(a) *In general.*

Any person who violates or who neglects or refuses to comply with any provision of this subtitle or of any rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 or imprisonment for not more than 6 months or both fine and imprisonment.

(b) *Each day a separate offense.*

Each day that a violation continues after notification constitutes a separate offense.
(*Ord. 12-011.*)

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SUBTITLE 10
HOTELS

§ 10-1. Definitions.

(a) *In general.*

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

(b) *Hotel.*

“Hotel” means any building, including any motel, that:

- (1) contains sleeping accommodations for more than 5 persons; and
- (2) is open to the transient public.

(c) *Housing Department; Department.*

“Housing Department” or “Department” means the City Department of Housing and Community Development.

(d) *Human trafficking.*

“Human trafficking” means:

- (1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform a commercial sex act has not attained 18 years of age; or
- (2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(e) *Person.*

“Person” means:

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

(*Ord. 15-353; Ord. 16-503; Ord. 19-332.*)

§ 10-2. Registration required.

No person may operate a hotel in Baltimore City without first registering the hotel with the Housing Department on the form required by that Department.
(Ord. 15-353; Ord. 16-503.)

§ 10-3. Rules, regulations, and forms.

(a) *Department to adopt.*

The Housing Department must adopt rules, regulations, and forms to carry out this subtitle.

(b) *Filing.*

A copy of the rules, regulations, and forms and of any amendments to them must be filed with the Department of Legislative Reference before they take effect.
(Ord. 15-353.)

§§ 10-4 and 10-5. {Reserved}

§ 10-6. Anti-trafficking training required.

EDITOR’S NOTE: This section were amended by Ordinance 19-241, effective October 19, 2019, to, among other things, require biennial training for all employees and to modify the filing deadline for annual certifications of compliance.

(a) *Hotel employees to be trained.*

Any person who owns or operates a hotel within the City must provide training on how to identify human trafficking activities and human trafficking victims:

- (1) to all new hotel employees, within 90 days of hire; and
- (2) to all hotel employees, at least once every two years.

(b) *Training to be approved by Health Commissioner.*

The anti-trafficking training program required by this section must be approved by the Health Commissioner as appropriate for training employees on how to identify human trafficking activities and human trafficking victims.

(c) *Certification required.*

Beginning in calendar year 2020, any person who owns or operates a hotel within the City must annually certify to the Housing Commissioner, no later than December 31 of each year, that all hotel employees have completed the training required by this section.
(Ord. 15-353; Ord. 16-503; Ord. 19-241.)

§ 10-7. Posting certification.*(a) In general*

After the issuance to a hotel of a multiple-family dwelling license required by City Code Article 13 {"Housing and Urban Renewal"}, § 5-4 {"License required"}, the hotel must prominently display a sign stating that the facility has provided training to all employees on how to identify human trafficking activities and human trafficking victims.

(b) Manner of display.

The sign required by subsection (a) of this section must be prominently displayed in the lobby of the hotel in the form and manner required by the Department.

(Ord. 15-353.)

§ 10-8. {Reserved}**§ 10-9. Penalties.***(a) In general.*

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

(b) Each day after notice a separate offense.

Each day that a violation continues after notification constitutes a separate offense.

(Ord. 15-353.)

SUBTITLE 11
MASSAGE ESTABLISHMENTS

§ 11-1. Definitions.

(a) *Board.*

Board means the Board of Licenses for Massage Establishments.

(b) *Massage.*

“Massage” means the administration by any person of any method of exerting or applying pressure, friction, moisture, heat, or cold to the human body, or the rubbing, stroking, kneading, pounding, or tapping of the human body by any physical or mechanical means for any form of consideration.

(c) *Massage establishment.*

“Massage establishment” means any building, place, or operation wherein a massage is administered or permitted to be administered for any form of consideration.

(d) *Massage therapist.*

“Massage therapist” means an individual who has completed at least 500 hours of training at, and has received certification from, a school which has a massage training program approved by the Commissioner of Health and by a professional organization having the authority to approve massage training programs.

(e) *Massagist.*

“Massagist” means any person who administers a massage for any form of consideration.

(f) *Person.*

“Person” includes individuals, firms, corporations, partnerships, associations, and all other organizations.

(City Code, 1976/83, art. 15, §58(a) - (d) and ("person").) (Ord. 76-159; Ord. 94-286.)

§ 11-2. Rules of construction.

(a) *In general.*

For the purposes of this subtitle, the following rules shall be observed and applied, except where the context indicates otherwise.

(b) *Building.*

The word “building” shall be deemed to apply to any part or portion of such building.

(c) *Number.*

Words used in the singular number shall include the plural, and the plural the singular.

(d) *Tense.*

Words used in the present tense shall include the future.

(e) *Words of authority.*

(1) The word “shall” is always mandatory and not discretionary.

(2) The word “may” is permissive.

(City Code, 1976/83, art. 15, §58(2nd part).) (Ord. 76-159.)

§ 11-3. Purpose and intent.

It is the declared purpose and intent of the Mayor and City Council of Baltimore in ordaining this subtitle to protect and preserve the health, safety, and welfare of the inhabitants of this City by providing a program for regulating massage establishments in order to eliminate the social difficulties that now exist in many massage parlors and to promote higher standards of health, sanitation, and professional competence therein.

(City Code, 1976/83, art. 15, subtitle intro.) (Ord. 76-159.)

§ 11-4. Exemptions.

This subtitle shall not apply to:

- (1) physicians, surgeons, osteopaths, chiropractors, or therapists who are duly licensed to practice their respective professions in the State of Maryland or who are permitted to practice temporarily under the auspices of any associate or establishment duly licensed in the State of Maryland, while in the course of their licensed business or profession;
- (2) nurses and practical nurses, who are registered under the laws of this State and operating under a physician's direction;
- (3) any duly licensed hospital, medical clinic, or nursing home;
- (4) a trainer of any duly constituted athletic team while in the normal course of his duties;
- (5) any bona fide health spa or health club offering or providing massages solely incidental to the furnishing of facilities for and instruction in physical fitness and actually occupying premises of not less than 3,000 square feet, of which not more than 10% is used for massages;
- (6) any corporation or association which is organized and operated exclusively for social or athletic purposes and which offers or provides massages solely incidental to the furnishing of

facilities for such purposes and which actually occupies premises of not less than 3,000 square feet, of which area not more than 10% is used for massages; or

(7) massage therapists.

(City Code, 1976/83, art. 15, §59.) (Ord. 76-159; Ord. 94-286.)

§ 11-5. License required for massage establishments.

No person shall maintain, operate, or conduct a massage establishment within the City of Baltimore without a license previously issued by the Director of Finance.

(City Code, 1976/83, art. 15, §60.) (Ord. 76-159.)

§ 11-6. Registration required for massagists.

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

(City Code, 1976/83, art. 15, §61.) (Ord. 76-159.)

§ 11-7. Board of Licenses for Massage Establishments.

(a) *Board established.*

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

(b) *Composition.*

(1) The Board shall be composed of:

- (i) the Commissioner of Health;
- (ii) the Commissioner of Housing and Community Development; and
- (iii) the Chief of the Fire Department.

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

(c) *Officers.*

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

(d) *Compensation; expenses.*

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

(e) *Rules and regulations.*

The Board is authorized and empowered to promulgate and adopt rules and regulations to carry out the purpose and intent of this subtitle.

(f) *Notice of applications.*

The Board through its rules, shall provide for the notification of civic associations of applications received from massage establishments within the district served by the association. (*City Code, 1976/83, art. 15, §62.*) (*Ord. 76-159.*)

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

(a) *Required information.*

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

- (1) a definition of service to be provided;
- (2) the address where it is proposed to conduct the business for which application is made;
- (3) the name, local and permanent addresses, and local telephone number of each applicant;
- (4) if applicant is a corporation, the state of corporation, the names and residence addresses of each of the officers and directors of said corporation and of each stockholder owning more than 10% of the stock of the corporation, and the address of the corporation itself, if different from the address of the massage establishment;
- (5) if applicant is a partnership, the names and residence addresses of each of the partners including limited partners, and the address of the partnership itself, if different from the address of the massage establishment;
- (6) a photograph, at least 2 inches by 2 inches in size, showing the head and shoulders of the applicant in a clear and distinguishing manner;
- (7) description: height, weight, age, date of birth, color of hair and eyes, other distinguishing physical characteristics of the applicant;
- (8) a statement indicating whether the applicant has ever been licensed to practice or carry on the same business and, if so, when and where it was last practiced or carried on;
- (9) a statement that the applicant has never been convicted of any crime, motor vehicle laws excepted, or convicted of violation of any municipal code or ordinance or, if so convicted, the nature of the offense and the punishment or penalty imposed;

(10) the number of rooms to be occupied by the business, together with a drawing of the interior arrangement and a list of the proposed equipment with a brief description of each piece of proposed equipment; and

(11) the name and address of each massagist who is or will be employed in said establishment, together with a statement of his/her individual qualifications and the name and address of the last place of business where each individual worked.

(b) *Application fee.*

The sum of \$25 shall accompany the application to reimburse the City for the cost of investigation, which sum shall be retained by the City whether the license is granted or denied.

(c) *Successor license.*

An application for a successor license shall be filed with the Commissioner of Housing and Community Development on or before April 1 of each year.

(City Code, 1976/83, art. 15, §63.) (Ord. 76-159.)

§ 11-9. Application for license — investigation.

(a) *Referral to Board.*

The application shall be referred by the Commissioner of Housing and Community Development to the Board for investigation and recommendation.

(b) *Police interview.*

Before the recommendation is made, the applicant shall be personally interviewed by the Police Commissioner or by his duly authorized representative.

(c) *Investigation of qualifications.*

The Board, in addition to investigating the items set forth in the application, shall also investigate the qualifications of the applicant.

(City Code, 1976/83, art. 15, §64.) (Ord. 76-159.)

§ 11-10. Denials; appeals.

(a) *Reasons for denial to be in writing.*

If the recommendation of the Board, after investigation, is that the applicant not be licensed, the Board shall state the reasons therefore in writing.

(b) *Judicial and appellate review.*

(1) *Judicial review.*

An applicant aggrieved by a decision under this subtitle may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(2) *Appellate review.*

A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.
(*City Code, 1976/83, art. 15, §65.*) (*Ord. 76-159; Ord. 04-672; Ord. 19-332.*)

§ 11-11. Issuance of license; fee.

(a) *In general.*

If the recommendation of the Board is favorable, the Director of Finance shall, upon payment of a license fee in the sum of \$1,500 issue a license to the applicant.

(b) *Term.*

Every license so granted shall terminate on July 1 annually, or until a successor license is issued or denied by the Director of Finance.

(c) *Display.*

The Director of Finance shall issue a certificate of license which shall at all times be prominently displayed inside the massage establishment.
(*City Code, 1976/83, art. 15, §66.*) (*Ord. 76-159; Ord. 77-319.*)

§ 11-12. License not transferable.

No massage establishment license shall be transferable.
(*City Code, 1976/83, art. 15, §67.*) (*Ord. 76-159.*)

§ 11-13. Unlawful acts.

(a) *General operations.*

It is unlawful for any person maintaining, operating, or conducting a massage establishment to:

- (1) remain open or provide services any time between the hours of midnight and 8 a.m., Official City Time;
- (2) provide treatment at the same time to persons of the opposite sex in the same room or quarters; or

(3) provide to any person at any time any service which the Health Commissioner may reasonably consider to be dangerous to health or safety.

(b) *Violation of State law.*

No person conducting a massage establishment shall tolerate on the premises any activity or behavior prohibited by the laws of the State, particularly, but not exclusively, those sections within Article 27 of the Annotated Code of Maryland proscribing prostitution, sodomy, perverted sexual practices, a bawdy place, adultery, fornication, any lewd and lascivious cohabitation, and all laws relating to obscene matter.

(c) *Violations of City law.*

No person conducting a massage establishment shall tolerate in his establishment any activity or behavior which violates this Code, particularly, but not exclusively, those sections which parallel the State statutes on immorality and obscenity detailed above.

(d) *Penalties.*

Any person violating the provisions of this section shall, upon conviction, be punished as hereinafter provided in this subtitle and, in addition to such penalty, it shall be the duty of the Director of Finance to revoke the license of the establishment wherein the provisions of this section shall have been violated.

(City Code, 1976/83, art. 15, §68.) (Ord. 76-159.)

§ 11-14. Inspection.

(a) *In general.*

Any massage establishment, its equipment, records, and methods of operation shall be open during working or business hours to inspection by representatives of the Police Department, Health Department, Fire Department, and the Department of Housing and Community Development.

(b) *Regular inspections to be made; reports.*

The Police Commissioner, Health Commissioner, Chief of the Fire Department, and the Commissioner of Housing and Community Development shall assign personnel to make regular inspection of such licenses, and a report of such inspections shall be made to the respective department heads in writing.

(c) *Denial of entry cause for revocation.*

Denial of entry of such inspectors during business hours shall be cause for revocation of the license.

(City Code, 1976/83, art. 15, §69.) (Ord. 76-159.)

§ 11-15. Revocation of license; hearing.**(a) Grounds.**

Whenever the Board believes that any licensed massage establishment or registered massagist has violated any of the provisions of this subtitle, the rules and regulations promulgated by the Board, or is not qualified to hold a license, it may order a hearing.

(b) Notice and hearing.

Such hearing shall be held at a reasonable time and place designated by the Board in written notice to the licensee. The hearing shall not be held until at least 10 days following actual receipt of notice by the licensee.

(c) Decision.

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

(City Code, 1976/83, art. 15, §70.) (Ord. 76-159.)

§ 11-16. Severability.

The provisions of this subtitle are hereby declared to be severable. If any clause, sentence, paragraph, or part of this subtitle shall be adjudged by any court of competent jurisdiction to be invalid, said judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part of such section directly involved in the controversy and in which such judgment shall have been rendered.

(City Code, 1976/83, art. 15, §73.) (Ord. 76-159.)

§ 11-17. Penalties.**(a) In general.**

(1) Any person violating any provision of this subtitle or failing to comply therewith is guilty of a misdemeanor, punishable upon conviction by a fine not to exceed \$500 or imprisonment not to exceed 90 days, or by both such fine and imprisonment.

(2) Each day that a violation continues is deemed to be a separate offense.

(b) License revocation.

Conviction for any violation of the provisions of this subtitle shall constitute cause for immediate revocation of the license by the Director of Finance upon the recommendation of the Board.

(City Code, 1976/83, art. 15, §72.) (Ord. 76-159.)

**SUBTITLE 12
COMMERCIAL PARKING FACILITIES**

§ 12-1. Definitions.

(a) *In general.*

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

(b) *Commercial parking facility.*

“Commercial parking facility” means any:

- (1) garage, structure, or part of a structure for the parking, storage, housing, or keeping of 3 or more motor vehicles in exchange for a fee or other consideration; or
- (2) parking lot or outdoor area or space for the parking, storage, housing, or keeping of 3 or more motor vehicles in exchange for a fee or other consideration.

(c) *Person.*

“Person” means:

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

(City Code, 1950, art. 19, §38(2nd par.); 1966, art. 15, §56(b); 1976/83, art. 15, §75(b).) (Ord. 41-534; Ord. 49-620; Ord. 53-904; Ord. 01-271; Ord. 19-264.)

§ 12-2. Subtitle inapplicable to special-event parking.

This subtitle does not apply to special-event parking lots operating under and in compliance with Subtitle 13 {“Special-Event Parking Lots”} of this article.
(Ord. 11-572; Ord. 19-264.)

§ 12-3. {Reserved}

§ 12-4. License required; fee.(a) *In general.*

- (1) No person may operate a commercial parking facility in the City of Baltimore unless the person has first obtained an annual license for the facility and has paid the annual fee for the license.
- (2) The term of a license is from May 1 of each year through April 30 of the next year.

(b) *Fee.*

- (1) The annual fee for a commercial parking facility license is \$5.10 for every 100 square feet (or fraction of 100 square feet) of the gross area used for parking facility purposes, including all parking spaces, offices, ramps, driveways, aisles, toilets, car washing, greasing, or other facilities used in connection with the operation of the parking facility.
- (2) For a license issued after July 31 and before November 1, the fee is 75% of that prescribed for the entire year.
- (3) For a license issued after October 31 and before February 1, the fee is 50% of that prescribed for the entire year.
- (4) For a license issued after January 31, the fee is 25% of that prescribed for the entire year.

(c) *Partial-year license.*

- (1) Any person desiring to operate a commercial parking facility for an aggregate of no more than 6 months in any 1 license year may obtain a special partial-year license.
- (2) The fee for a partial-year license is 1/12 of the annual license fee for each month or fraction of a month that the parking facility is in operation.

(d) *Online licensee list.*

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

(City Code, 1950, art. 19, §38(1st par.); 1966, art. 15, §56(a); 1976/83, art. 15, §75(a).) (Ord. 41-534; Ord. 49-620; Ord. 53-904; Ord. 55-078; Ord. 57-1116; Ord. 57-1146; Ord. 58-1245; Ord. 60-275; Ord. 70-861; Ord. 79-968; Ord. 82-813; Ord. 83-918; Ord. 90-512; Ord. 01-271; Ord. 19-264; Ord. 19-332.)

§ 12-5. Transfer of licenses.

Except as otherwise provided in this subtitle, a license issued under this subtitle is transferable during the license year.

(City Code, 1966, art. 15, §56(e); 1976/83, art. 15, §75(e)(2nd sen.)) (Ord. 41-534; Ord. 49-620; Ord. 53-904; Ord. 01-271; Ord. 19-264.)

§ 12-6. Tax arrearage bars renewal or transfer.

A license may not be issued to, renewed by, or transferred from or to any person from whom taxes, interest, or penalties are due and unpaid under City Code Article 28, Subtitle 22.
(*Ord. 01-271; Ord. 19-264.*)

§ 12-7. Refund on acquisition, etc., by City.

If the City acquires title to or control of a commercial parking facility or terminates an existing lease covering any property used as a parking facility, and the owner, lessee, or operator of the commercial parking facility is thereby required to terminate the operation of the facility, then the owner, lessee, or operator is entitled to a refund of that portion of the license fee paid for the unexpired term of the license.
(*City Code, 1976/83, art. 15, §75(a)(1).*) (*Ord. 74-748; Ord. 01-271.*)

§ 12-8. Rules and regulations.**(a) Authorized.**

The Director of Finance may adopt rules and regulations for the administration and enforcement of this subtitle.

(b) Filing.

A copy of all rules and regulations adopted under this subtitle must be filed with the Department of Legislative Reference before they become effective.
(*City Code, 1966, art. 15, §56(d); 1976/83, art. 15, §75(d).*) (*Ord. 53-904; Ord. 76-067; Ord. 01-271; Ord. 19-264.*)

§ 12-9. Cars left in street.**(a) Prohibited conduct.**

Except as specifically authorized in subsection (b) of this section, no person operating or employed by a commercial parking facility may store, park, or place a motor vehicle left for storage or parking on any street, alley, or highway in the City.

(b) Exception.

(1) Subsection (a) of this section does not apply to the parking or placement of a vehicle on a street, alley, or highway if it is parked or placed there only for a sufficient time to permit the removal of another car from the commercial parking facility.

(2) This exception does not apply between 7 a.m. and 10 a.m. or between 4 p.m. and 6 p.m.
(*City Code, 1950, art. 24, §42, 1966, art. 19, §80; 1976/83, art. 19, §90.*) (*Ord. 41-388; Ord. 54-958; Ord. 01-271; Ord. 19-264.*)

§ 12-10. Proof-of-payment required.*(a) In general.*

As a condition of licensure, a commercial parking facility must provide proof of payment to each customer of the facility at the time of payment.

(b) Form.

The proof of payment required by this section may be provided in either paper or electronic form.

(Ord. 19-264; Ord. 19-332.)

§ 12-11. Removal of vehicles.

A commercial parking lot may not tow or contract with another person to tow a motor vehicle from a commercial parking lot without the motor vehicle's or authorized representative's authorization, unless the facility holds a valid license under § 12-4 {"License required; fee" of this subtitle.

(Ord. 19-264.)

§ 12-12. {Reserved}**§ 12-13. License revocation.***(a) In general.*

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

(b) Form and effect of revocation.

Any revocation under this subtitle must be in writing from the Department of Finance and specify the reasons for the action.

(c) Administrative appeals.

(1) A license holder aggrieved by a decision of the Department of Finance may appeal that decision to the Director of Finance in writing within 10 days of the Department's decision.

(2) The Director of Finance must issue a written decision within 30 days of receipt of the license holder's appeal.

(Ord. 19-264.)

§ 12-14. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

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

(c) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

(d) *Each vehicle towed a separate offense.*

Each vehicle towed in violation of § 12-11 {"Removal of vehicles"} of this subtitle is a separate offense.

(Ord. 09-169; Ord. 19-264.)

§ 12-15. Criminal penalties.

(a) *In general.*

Any person who violates any provision of this subtitle or of a rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or imprisonment for not more than 6 months or both fine and imprisonment for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

(C) *Each vehicle towed a separate offense.*

Each vehicle towed in violation of § 12-11 {"Removal of vehicles"} of this subtitle is a separate offense.

(Ord. 09-169; Ord. 19-264.)

SUBTITLE 13
SPECIAL-EVENT PARKING LOTS

§ 13-1. Definitions.

(a) *In general.*

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

(b) *Director.*

“Director” means the Director of the Department of Finance of his or her designee.

(c) *Includes; including.*

“Includes” or “including” means by way of illustration and not by way of limitation.

(d) *Parking lot.*

“Parking lot” means any outdoor area or space for the parking, storage, housing, or keeping of 3 or more motor vehicles in exchange for a fee or other consideration.

(e) *Person.*

“Person” means:

- (1) an individual;
- (2) a partnership, firm, association, limited liability company, corporation, or other entity of any kind;
- (3) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; and
- (4) a governmental entity or an instrumentality or unit of a governmental entity.

(f) *Special-Event Parking District.*

“Special-Event Parking District” means the following area of the City:

Beginning at the intersection of Bush Street and the northbound side of Russell Street; from this point of beginning, binding northwesterly on the centerline of Bush Street for ~2,018 feet to intersect with W. Hamburg Street; then binding northeasterly on the centerline of W. Hamburg Street ~2,485 feet to the intersection with Scott Street; then turning north on the centerline of Scott Street for ~1,935 to the intersection with W. Pratt Street; following the centerline of W. Pratt Street for ~2,770 feet in an easterly direction to the intersection with S. Howard Street; then heading south on the centerline S. Howard Street for ~181 feet until the split; and then continuing south on the northbound centerline of S. Howard Street for another ~636 feet to the intersection with the westbound centerline of W. Conway Street; continuing east on the westbound centerline of W. Conway Street for ~1,238 feet to the northbound

centerline of S. Charles Street; binding on the centerline of S. Charles Street for ~3,120 feet in a southerly direction to the intersection with W. West Street; then continuing west on said centerline for ~330 feet to the intersection with the street centerline of S. Hanover Street; heading south of S. Hanover Street for ~335 feet to intersect the centerline of E. Ostend Street; heading in a westerly direction on E. Ostend Street for ~706 feet to the extended western property line of Block 0975 Lot 002 (139 W. Ostend Street); following the western and southern property lines of 139 W. Ostend Street for a total of ~560 feet; continuing across Leadenhall Street to the southeastern corner of Block 0974 Lot 001 (175 W. Ostend Street); following the southern boundary of said property and extending to the centerline of S. Sharp Street for a total of ~494 feet; binding southwestwardly on the centerline of S. Sharp Street for ~55 feet where it turns into Stockholm Street; then moving southeast ~7.5 feet to join the northwestern corner of Block 0987 Lot 001 (1800 Race Street) and follow this western property line [joins the eastern property line of Block 0985 Lot 002 (215 Stockholm Street)] for ~405 feet; extending from this same property line on an imaginary line into the Middle Branch; wrapping around the coastline for ~4200 feet and intersecting the point of beginning.

(g) *Special-event parking lot.*

“Special-event parking lot” means a parking lot that:

- (1) is not otherwise licensed under Subtitle 12 {“Parking Facilities”} of this article;
- (2) is located within the Special-Event Parking District;
- (3) provides parking services to persons attending sporting, social, cultural, or other special events; and
- (4) operates:
 - (i) only on days in which events are held at the Camden Yards Stadium Complex; and
 - (ii) for no more than 149 days in any license year.

(Ord. 11-575; Ord. 16-581.)

§ 13-2. Mandatory, prohibitory, and permissive terms.

(a) *Mandatory terms.*

“Must” and “shall” are each mandatory terms used to express a requirement or to impose a duty.

(b) *Prohibitory terms.*

“Must not” and “may not” are each mandatory negative terms used to establish a prohibition.

(c) *Permissive terms.*

“May” is permissive.

(Ord. 11-572.)

§ 13-3. Rules, regulations, and forms.*(a) Director may adopt.*

The Director may adopt rules, regulations, and forms to carry out this subtitle.

(b) Filing.

A copy of the rules, regulations, and forms and of any amendments to them must be filed with the Department of Legislative Reference before they take effect.

(Ord. 11-572.)

§ 13-4. {Reserved}**§ 13-5. License required.**

No person may operate a special-event parking lot without having first obtained a license to do so from the Director.

(Ord. 11-572.)

§ 13-6. Applications – General.*(a) In general.*

The operator of the proposed special-event parking lot must apply to the Director for the special-event parking lot license.

(b) Form.

The application must be in the form that the Director requires.

(Ord. 11-572.)

§ 13-7. Applications – Required information.

The application must include:

- (1) the name, address, and telephone number of the parking lot's operator;
- (2) the name, address, and telephone number of the owner of the property on which the parking lot will operate;
- (3) the address of the proposed special-event parking lot;
- (4) the gross area of the parking lot, including all parking spaces, driveways, entrances, exits, aisles, and facilities used in connection with the operation of the parking lot;
- (5) the dates and times of the events for which the proposed parking lot will be in operation;
- (6) a schedule of parking fees to be charged;

- (7) evidence satisfactory to the Director that the operator has obtained liability insurance coverage in at least the amounts and tenor set by the Director in the rules and regulations adopted under this subtitle;
- (8) a traffic management plan that meets the requirements set in the rules and regulations adopted under this subtitle;
- (9) a security plan that meets the requirements set in the rules and regulations adopted under this subtitle;
- (10) a diagram of the property on which the proposed parking lot would be located, showing all parking spaces, driveways, entrances, exits, aisles, structures, and other facilities;
- (11) any other information that the Director requires; and
- (12) a signed affirmation, under penalties of perjury, that the applicant either:
 - (i) is the owner of the property on which the parking lot will be operated; or
 - (ii) is authorized by the owner of the property to operate the parking lot.

(Ord. 11-572.)

§ 13-8. License term and renewal.

(a) *Term.*

Each special-event parking lot license expires annually on the anniversary of its issuance and is renewable as provided in this section.

(b) *Application for renewal.*

(1) To renew a special-event parking lot license, the licensee must apply no less than 30 days nor more than 90 days before the license expires.

(2) The application must be in the form and contain the information that the Director requires.

(Ord. 11-572.)

§ 13-9. License fee.

The annual fee for a special-event parking lot license is as set by the Board of Estimates.

(Ord. 11-572.)

§ 13-10. Issuance of license.

On receipt of a license application and the applicable license fee, the Director shall:

- (1) review the application; and
- (2) issue the license if the following conditions are met:

- (i) the security plan included in the application ensures that vehicles parked in the parking lot are protected from theft and vandalism at all times during hours of operations;
- (ii) the traffic management plan included in the application ensures that the flow of pedestrian and vehicular traffic in the surrounding area is not significantly impeded by the operation of the parking lot; and
- (iii) the application is otherwise complete, in accordance with the requirements of this subtitle.

(Ord. 11-572.)

§ 13-11. Transfer.

A special-event parking lot license is not transferable to a new operator, to a different location, or otherwise.

(Ord. 11-572.)

§ 13-12. Tax arrearage bars issuance or renewal.

A license may not be issued to or renewed by any person from whom taxes, interest, or penalties are due and unpaid under City Code Article 28, Subtitle 22 {"Parking Tax"}.

(Ord. 11-572.)

§ 13-13. Identification signs.

(a) Required.

At all times while a special-event parking lot is in operation, an identification sign must be posted on each street frontage of the lot.

(b) Contents.

Each identification sign must contain:

- (1) the name, address, and telephone number of the lot's operator;
- (2) the license number of the operator's special-event parking lot license; and
- (3) the fee charged for parking.

(c) Limitations.

No sign may:

- (1) exceed 12 square feet;
- (2) be more than 24 feet high;
- (3) project more than 3 feet across a street line;

(4) be illuminated; or

(5) remain on the property for longer than 2 hours after the end of the event for which the lot was open.

(Ord. 11-572.)

§ 13-14. Attendant on duty.

An adult attendant must be present at all times while any vehicle remains parked on a special-event parking lot.

(Ord. 11-572.)

§ 13-15. Cars left in street.

(a) *Prohibited conduct.*

Except as specifically authorized in subsection (b) of this section, no person operating or employed by a special-event parking lot may park or place a motor vehicle left for parking on any street, alley, or highway in the City.

(b) *Exception.*

(1) Subsection (a) of this section does not apply to the parking or placement of a vehicle on a street, alley, or highway if it is parked or placed there only for a sufficient time to permit the removal of another car from the parking lot.

(2) This exception does not apply between 7 a.m. and 10 a.m. or between 4 p.m. and 6 p.m.

(Ord. 11-572.)

§§ 13-16 to 13-20. {Reserved}

§ 13-21. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

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

(Ord. 11-572.)

§ 13-22. Criminal penalties.*(a) In general.*

Any person who violates any provision of this subtitle or of a rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or imprisonment for not more than 6 months or both fine and imprisonment for each offense.

(b) Each day a separate offense.

Each day that a violation continues is a separate offense.
(Ord. 11-572.)

SUBTITLE 14
{RESERVED}

SUBTITLE 15
STREET ENTERTAINERS

§ 15-1. Definitions.

(a) *In General.*

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

(b) *Board.*

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

(c) *{Repealed}*

(d) *Includes; including.*

“Includes” or “including” means by way of illustration and not by way of limitation.

(e) *Person.*

(1) *In general.*

“Person” means:

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

(2) *Exclusions.*

“Person” does not include a governmental entity or and instrumentally 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 entertainer.*

(1) *In general.*

“Street entertainer” means any person who, either alone or as part of a group:

- (i) performs on the streets of this City; and
- (ii) solicits, encourages, or accepts donations before, during, or after the performance.

(2) *Illustrations.*

“Street entertainer” includes a:

- (i) musician;
- (ii) juggler;
- (iii) mime;
- (iv) puppeteer;
- (v) unicyclist;
- (vi) clown;
- (vii) magician
- (viii) sword swallower;
- (ix) dancer;
- (x) poet;
- (xi) performance artist; or
- (xii) comedian.

(*Ord. 04-801; Ord. 06-191.*)

§ 15-2. Mandatory, prohibitory, and permissive terms.

(a) *Mandatory terms.*

“Must” and “shall” are each mandatory terms used to express a requirement or to impose a duty.

(b) *Prohibitory terms.*

“Must not” and “may not” are each mandatory negative terms used to establish a prohibition.

(c) *Permissive terms.*

“May” is permissive.

(*Ord. 04-801.*)

§ 15-3. {Reserved}

§ 15-4. Board of Licenses established.*(a) In general.*

There is a Board of Licenses for Street Entertainers.

(b) Composition.

The Board comprises the following 7 members:

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

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

(3) the Director of the Community Relations Commission or the Director's designee.

(Ord. 04-801; Ord. 06-191.)

§ 15-5. Board officers; expenses.*(a) Officers.*

The Board annually shall;

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

(2) appoint a Secretary.

(b) Compensation; expenses.

The members of the Board:

(1) serve without compensation; but

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

(Ord. 04-801; Ord. 16-503.)

§ 15-6. Staff.

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

(Ord. 04-801.)

§ 15-7. Rules and regulations.*(a) Board to adopt.*

The Board shall 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. 04-801.)

§ 15-8. {Reserved}

§ 15-9. License required.

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

(Ord. 04-801.)

§ 15-10. 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 entertainment that may be performed 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.

(b) *Required considerations.*

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

- (1) the volume and types of vehicular and pedestrian traffic in a proposed street entertainment location or area;
- (2) the proximity of schools, religious institutions, parks, or residencies to a proposed street entertainment location or area;
- (3) the number of licenses issued to the same person; and
- (4) the impact of street entertainment activities on the health, safety, and general welfare of the public.

(Ord. 04-801.)

§ 15-11. Limitations and conditions.

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

(Ord. 04-801.)

§ 15-12. Applications.**(a) Form.**

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

(b) Application fee.

The application must be accompanied by a one-time, non-refundable application fee of \$25, to cover the cost of investigating and processing the application.

(c) Contents.

The application must contain:

- (1) the applicant's name and address;
- (2) the applicant's age;
- (3) the type of entertainment for which the license is sought;
- (4) the location or area for which the license is sought; and
- (5) any other information the Board requires.

(d) Verification

The application must be verified before a notary public or other officer authorized to administer oaths.

(Ord. 04-801; Ord. 06-191.)

§ 15-13. Term, renewal, fees.**(a) Term.**

Unless renewed, a license expires on the 1st anniversary of its effective date.

(b) Renewal.

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

(c) *Fees.*

(1) Except as specified in paragraph (2) of this subsection, no fee may be imposed for the timely renewal of a license.

(2) If a licensee seeks to modify the terms of her or his license (e.g., location or type of entertainment), the renewal application must be accompanied by a one-time, non-refundable application fee of \$25.

(Ord. 04-801; Ord. 06-191.)

§ 15-14. Entertainer identification.

(a) *Board to issue.*

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

(b) *Form and contents.*

The identification badge:

(1) shall be of laminated plastic or other durable substance; and

(2) shall bear:

(i) the name and address of the licensee;

(ii) the type of entertainment for which the license is issued;

(iii) the location or area for which the license is issued;

(iv) the days or times to which the license is limited;

(v) the year for which the license is issued; and

(vi) an identifying number that corresponds with the number of the license.

(c) *Entertainer to display.*

Each entertainer must prominently display the badge while entertaining.

(d) *Replacement badges.*

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

(Ord. 04-801; Ord. 06-191.)

§ 15-15. BOPA to assist.

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

- (1) advertising and promoting the availability of licenses under this subtitle; and
- (2) distributing to licensees the licenses and badges issued under this subtitle.

(Ord. 06-191.)

§ 15-16. Prohibited conduct.

A street entertainer may not:

- (1) set any fee or require any donation for his or her performance; or
- (2) suggest any minimum or maximum donation.

(Ord. 04-801.)

§ 15-17. {Reserved}**§ 15-18. Revocations and suspensions.**

(a) *Authorized suspension or revocation.*

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

- (1) this subtitle;
- (2) the rules and regulations adopted under this subtitle; or
- (3) any other applicable law of the State or City.

(b) *Mandatory revocation.*

On a street entertainer's 3rd violation of any provision, the Board must revoke the street entertainer's license.

(c) *Application following revocation.*

If a license is revoked, the former licensee may not apply for a new license until 1 year from the date of revocation.

(Ord. 04-801.)

§ 15-19. Administrative appeals.

(a) *Right of appeal.*

An aggrieved party may appeal to the Board of Municipal and Zoning Appeals:

- (1) the denial, suspension, or revocation of a license; or
- (2) any other decision or ruling by the Board of Licenses.

(b) *How and when taken.*

The appeal must be taken in writing within 10 days from the date of notice of the denial, suspension, revocation, decision, or ruling.

(c) *Hearing and decision.*

The Board of Municipal and Zoning Appeals:

- (1) shall hold a hearing on the appeal as soon as practicable; and
- (2) may affirm, modify, or reverse the action of the Board of Licenses.

(Ord. 04-801.)

§ 15-20. {Reserved}

§ 15-21. Penalties.

Any person who violates any provision of this subtitle or of the rules and regulations adopted under it is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense.

(Ord. 04-801.)

SUBTITLE 16
{REPEALED}

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SUBTITLE 17
STREET VENDORS

EDITOR’S NOTE: Ordinance 14-237 substantially rewrote this subtitle, transferring the powers of the former “Board of Licenses for Street Vendors” to the Department of General Services and, among other things, establishing special regulatory provisions for mobile vendors. Pursuant to Section 4 of Ord. 14-237, the new subtitle becomes effective on February 28, 2015, that being the 30th day after the Department of General Services filed its rules and regulations for this subtitle.

Part I. Definitions; General Provisions

§ 17-1. Definitions.

(a) *In general.*

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

(b) *Department.*

“Department” means the Department of General Services.

(c) *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.

(d) *Ice cream truck.*

“Ice cream truck” means a vendor that earns substantially all of its revenue from the sale of ice cream or similar frozen food confections from a vehicle.

(e) *Mobile vendor.*

(1) *In general.*

“Mobile vendor” means any person that sells, distributes, or offers to sell or distribute food products, other merchandise of any kind, or services from a motor vehicle on City streets or private property within the City of Baltimore.

(2) *Exclusion.*

“Mobile vendor” does not include a horse-drawn wagon.

(f) *Mobile vending zone.*

“Mobile vending zone” means an area designated in accordance with § 17-5 {“Mobile vending zones”} of this subtitle for the use of mobile vendors.

(g) *Motor vehicle.*

“Motor vehicle” has the meaning stated in Article 31, §1-2(c){“Motor vehicle”}.

(h) *Person.*

(1) *In general.*

“Person” means:

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

(2) *Exclusions.*

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

(i) *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.

(j) *Street vendor.*

“Street vendor” means:

- (1) a mobile vendor; or
- (2) any other person who sells or distributes, or offers to sell or distribute food products or other merchandise on any street.

(k) *Vendor truck.*

“Vendor truck” means any motor vehicle used for the purpose of selling any food product, other merchandise, or service by a mobile vendor.

(l) *Vendor vehicle.*

“Vendor 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; Ord. 14-237.)

§ 17-2. Mandatory, prohibitory, and permissive terms.

(a) *Mandatory terms.*

“Must” and “shall” are each mandatory terms used to express a requirement or to impose a duty.

(b) *Prohibitory terms.*

“Must not” and “may not” are each mandatory negative terms used to establish a prohibition.

(c) *Permissive terms.*

“May” is permissive.
(Ord. 04-854; Ord. 14-237.)

§ 17-3. {Reserved}

§ 17-4. Rules and regulations.

(a) *Department may adopt.*

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

(b) *Public notice and comment.*

Before adopting any rule or regulation under this subtitle, the Department must first:

- (1) publish the proposed rule or regulation; and
- (2) provide adequate public notice and opportunity for public comment at a hearing on the proposed rule or regulation.

(c) *Filing with Legislative Reference.*

A copy of all rules and regulations under this subtitle must be filed with the Department of Legislative Reference at least 30 days before they take effect.
(City Code, 1976/83, art. 15, §100(c)(4).)
(Ord. 74-590; Ord. 77-493; Ord. 99-526 Ord. 04-854; Ord. 14-237.)

§ 17-5. Mobile vending zones.*(a) Designation.**(1) In general.*

At the request of the Department of General Services, and after public notice has been provided to area business and neighborhood organizations, the Director of Transportation may designate spaces on City streets or other public property as “mobile vending zones” for the exclusive use of mobile vendors during designated hours.

(2) Required considerations.

A proposed designation under paragraph (1) of this subsection must contain an assessment of the zone’s potential impact on:

- (i) vehicular and pedestrian traffic, including any impediment to ingress to and egress from established businesses;
- (ii) public safety and health;
- (iii) parking in the area; and
- (iv) area residents and businesses.

(3) Restriction on zones near schools.

No mobile vending zone may be designated within 2 blocks of the grounds of any building used as a public or private kindergarten, elementary school, or secondary school.

(b) Time-limited zones.

The mobile vending zones designated under this section may be set aside for the use of mobile vendors at all times or for specified times, dates, and days.

(c) Temporary relocation or suspension.

The Department of General Services or Department of Transportation may temporarily relocate or suspend mobile vending zones at any time due to emergencies or to further public safety, public health interests, or City operations.

(d) Signage.

Mobile vending zones designated under this section must be marked by clear signs that specify the hours and times during which the zones are reserved for the exclusive use of mobile vendors.

(e) Rules and regulations.

The rules and regulations adopted under this subtitle must:

(1) establish a process and timeline for requesting, establishing, assigning, and removing mobile vending zones; and

(2) require a public hearing, as well as provide an opportunity for the filing of written protests, before a mobile vending zone is designated.

(Ord. 14-237.)

§ 17-6. Newspaper sales excepted from subtitle.

This subtitle does not apply to the sale of newspapers.

(Ord. 04-854; Ord. 14-237.)

§§ 17-7 to 17-14. {Reserved}

Part II. Licensing

§ 17-15. License required.

No street vendor may operate in Baltimore City without first having obtained a license to do so from the Department of General Services.

(City Code, 1976/83, art. 15, §100(c)(4).)

(Ord. 74-590; Ord. 77-493; Ord. 99-526 Ord. 04-854; Ord. 14-237.)

§ 17-16. Classes and scope of licenses.

(a) *In general.*

In its rules and regulations, the Department may:

(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;

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

(v) the maximum number of licenses of each class that may be issued in total; and

(vi) the maximum number of licenses that may be issued to a single person.

(b) *Required considerations.*

In designating classes and specifying limitations, the Department must consider:

- (1) the volume and types of vehicular and pedestrian traffic in a proposed vending location or area;
- (2) the proximity to a proposed vending location or area of schools, religious institutions, parks, and residences;
- (3) the number of licenses issued to the same person;
- (4) the impact of street vending activities on the health, safety, and general welfare of the public; and

(5) comments from area schools, businesses, institutions, and residents.

(City Code, 1976/83, art. 15, §100(c)(3)(1st sen.)

(Ord. 74-590; Ord. 77-493; Ord. 04-854; Ord. 14-237.)

§ 17-17. Limitations and conditions.

(a) *In general.*

The Department of General Services 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 vendor vehicles.*

- (1) Except as otherwise provided in paragraph (2) of this subsection, the Department may determine the size, shape, design, and dimensions of any container, conveyance, sign, table, chair, other appurtenance, or vendor vehicle to be used in connection with a license issued under this subtitle.
- (2) The Department may not issue a new or renewal license for a mobile vendor to operate out of any vehicle with a total operating space that is longer than 25 feet, including any generator, hitch, trailer, or other motor vehicle attachment.

EDITOR'S NOTE: Section 3 of Ordinance 14-237 qualifies this subsection as follows:

[N]otwithstanding Article 15, § 17-17(b)(2), as enacted by this Ordinance, a mobile vendor who, on the effective date of this Ordinance, held a valid street vendor's license for a vehicle longer than 25 feet is entitled, if otherwise qualified for a license and renewals under this Ordinance, to obtain a license and 1 or more consecutive renewals for the continued operation of that vehicle for up to, but not beyond, 5 years after the effective date of this Ordinance.

Ord. 14-237 became effective February 28, 2015.

(City Code, 1976/83, art. 15, §100(c)(3)(2nd sen.), (h).)

(Ord. 74-590; Ord. 77-493; Ord. 04-854; Ord. 14-237.)

§ 17-18. Applications.**(a) Form.**

An application for a license must be made in the form the Department of General Service requires.

(b) Contents.

The application must contain:

- (1) the applicant's name and address;
- (2) the applicant's age;
- (3) the type of merchandise or service for which the license is sought;
- (4) the location or area for which the license is sought;
- (5) for the sale of any food product, evidence that the applicant has obtained the appropriate license from the Health Department; and
- (6) any other information the Department of General Services requires.

(c) Signature and verification.

- (1) The application must be signed and verified before a notary public or other officer authorized to administer oaths.
- (2) If the application is by a sole proprietorship, it must be signed by the owner; if by a partnership, it must be signed by an authorized partner; or, if by a corporation, limited liability company, or similar entity, it must be signed by an authorized officer.

(City Code, 1976/83, art. 15, §100(d).)

(Ord. 74-590; Ord. 77-493; Ord. 04-854; Ord. 04-237.)

§ 17-19. Term and renewal.**(a) Term.**

Except as provided in § 17-20 {"Temporary Licenses"} of this subtitle, a license expires on the 1st anniversary of its effective date.

(b) Renewal.

- (1) Before a license expires, the street vendor may renew it for an additional 1-year term.
- (2) A renewal application must be:

(i) in the form the Department of General Services requires; and

(ii) submitted to the Department, with the applicable annual fee, at least 30 days before the current license expires.

(Ord. 14-237.)

§ 17-20. Temporary licenses.

(a) *In general.*

The Department of General Services may issue a temporary license to be used in connection with a charitable, educational, artistic, civic, or other public function or activity.

(b) *Term and renewal.*

(1) The term of a temporary license is 4 days.

(2) A temporary license may be renewed for 1 additional 4-day period on application and payment of an additional license fee for that renewal period.

(3) Further renewal periods beyond the 1 authorized by paragraph (2) of this subsection require the approval of the Department after consultation with affected businesses, residents, and community organizations.

(City Code, 1976/83, art. 15, §100(f).)

(Ord. 74-590; Ord. 77-491; Ord. 04-854; Ord. 14-237.)

§ 17-21. Fees.

(a) *Board of Estimates to set fees.*

Application, license, and other fees are as set by the Board of Estimates from time to time.

(b) *Varying fees.*

The fees established by the Board of Estimates may vary based on the license class, vendor type, or location at which a vendor is authorized to operate.

(City Code, 1976/83, art. 15, §100(e).)

(Ord. 74-590; Ord. 77-435; Ord. 77-491; Ord. 77-493; Ord. 90-507; Ord. 04-854; Ord. 14-237.)

§ 17-22. Department to maintain list of licenses.

The Department must maintain a list of all current licenses issued under this subtitle.

(Ord. 14-237.)

§ 17-23. {Reserved}

§ 17-24. Vendor identification – In general.(a) *Scope of section.*

This section does not apply to a person who obtains a country grower's license under § 17-25 {"Vendor identification – Country growers"} of this subtitle.

(b) *Department to issue.*

The Department of General Services must issue an identification badge for each license issued.

(c) *Form and contents.*

The identification badge:

- (1) must be of laminated plastic or other durable substance; and
- (2) must bear:
 - (i) the street vendor's name and address;
 - (ii) the type of merchandise or service for which the license is issued;
 - (iii) the location or area for which the license is issued;
 - (iv) the days or times to which the license is limited;
 - (v) the date on which the license expires; and
 - (vi) an identifying number that corresponds with number of the license.

(d) *Vendor to display.*

While vending, each street vendor must prominently display the badge in the manner specified in the rules and regulations adopted under this subtitle.

(e) *Replacement badges.*

If a badge is lost, the Department must issue a replacement badge on payment by the licensee of the applicable fee.

(City Code, 1976/83, art. 15, §100(i).)
(Ord. 74-590; Ord. 77-493; Ord. 04-854; Ord. 14-237.)

§ 17-25. 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.

(b) *Application.*

The application for a country grower's license must contain, in addition to the information required by § 17-18 {"Applications"} of this subtitle:

- (1) the location of the land from which the fruits, vegetables, and other perishable articles are produced or grown;
- (2) whether the applicant owns or leases that land and, if the latter, the name of the owner and the term of the lease; and
- (2) a statement that the applicant:
 - (i) intends to use the license personally or by agent solely for the sale of his or her own produce; and
 - (ii) will not permit the license or the sign issued under this section to be used by any other person or for the sale of any produce other than that which he or she produces or grows.

(c) *Sign.*

- (1) Instead of the badge provided for in § 17-24 {"Vendor identification – In general"} of this subtitle, the Department of General Services must provide the producer or grower with a sign to be displayed on his or her vehicle.
- (2) This sign must be:
 - (i) of the size and design the Department determines; and
 - (ii) imprinted with:
 - (A) the words "Country Grower's License No. _____"; and
 - (B) the date the license expires.
- (3) The producer or grower must display this sign in a conspicuous place on his or her vendor 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; Ord. 14-237.)

§§ 17-26 to 17-29. {Reserved}

Part III. Prohibited Conduct

§ 17-30. 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 vendor vehicle stood or was parked.

*(City Code, 1976/83, art. 15, §§98C, 98D.)
(Ord. 77-592; Ord. 04-854; Ord. 14-237.)*

§ 17-31. {Reserved}

§ 17-32. Mobile vendors – Near mobile vending zones.

A mobile vendor may not park a vendor truck within 2 blocks of a mobile vending zone.
(Ord. 14-237.)

§ 17-33. Mobile vendors – Near retail store.

A mobile vendor may not park a vendor truck within 300 feet of any retail business establishment that is primarily engaged in selling the same type of food product, other merchandise, or service as that offered by the mobile vendor.

*(City Code, 1976/83, art. 19, §§173, 174.)
(Ord. 69-526; Ord. 70-708; Ord. 99-548; Ord. 04-672; Ord. 04-854; Ord. 14-237.)*

§ 17-34. Mobile food vendors – Operating without logbook.

(a) *In general.*

A mobile vendor may not sell any food product without keeping a detailed logbook noting the vendor's daily use of its supporting commissary.

(b) *Form of logbook.*

The logbook must:

- (1) be in the form the Department of General Services requires; and
- (2) contain all the information required by the rules and regulations adopted under this subtitle.

(c) *Logbook to be available for inspection.*

The logbook must be made available for review to any City inspector or enforcement officer upon request.

(Ord. 14-237.)

§ 17-35. All Vendors – Residential areas.(a) *In general.*

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

- (1) for more than 15 minutes at a given location, except as authorized by subsection (b) of this section; or
- (2) within 300 feet of any location at which the vehicle stood or parked during the preceding 48 hours.

(b) *Exception for ice cream trucks with customers.*

An ice cream truck may not stand or park at a given location for more than 15 minutes unless necessary to serve immediate customers.

(Ord. 14-237.)

§ 17-36. All vendors – Between midnight and 6 a.m.(a) *In general.*

Except as provided in subsection (b) of this section, a street vendor may not operate between the hours of midnight and 6 a.m.

(b) *Exception.*

Subsection (a) of this section does not apply to a street vendor operating between the hours of midnight and 6 a.m. in accordance with the terms and conditions of a special event permit from the Department of General Services that explicitly grants permission to operate during those hours.

(Ord. 14-237.)

§ 17-37. All vendors – Near City market.

No street vendor may operate within 2 blocks of a City market designated in City Code Article 16, § 1-2 {"Scope of article"}.

(Ord. 14-237.)

§ 17-38. All vendors – Near school or school transit stop.

From 7 a.m. to 8 p.m., no street vendor may stand or park her or his vendor vehicle within 2 blocks of the grounds of:

(1) any building used as a public or private kindergarten, elementary school, or secondary school; or

(2) any public transit stop serving a kindergarten, elementary school, or secondary school.

(City Code, 1976/83, art. 15, §§98B, 98D.)

(Ord. 77-592; Ord. 04-854; Ord. 14-237.)

§ 17-39. All vendors – Near farmers’ market.

(a) *In general.*

Except as provided in subsection (b) of this section, a street vendor may not sell any food product, other merchandise, or service within 2 blocks of the perimeter of any farmers’ market authorized by the Commissioner of Housing and Community Development when the farmers’ market is in operation.

(b) *Exception.*

Subsection (a) of this section does not apply to a street vendor who:

(1) has written permission from the farmers’ market organizer and permit holder to operate as a participating vendor of the farmers’ market; and

(2) prominently displays documentation evidencing this permission issued in accordance with the rules and regulations adopted under this subtitle.

(City Code, 1976/83, art. 19, §165A.)

(Ord. 84-033; Ord. 03-595; Ord. 04-854; Ord. 14-237.)

§ 17-40. {Reserved}

Part IV. Penalties; Enforcement

§ 17-41. Enforcement by citation.

(a) *In general.*

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

(1) an environmental citation as authorized by City Code Article 1, Subtitle 40 {“Environmental Control Board”}; or

(2) a civil citation as authorized by City Code Article 1, Subtitle 41 {“Civil Citations”}

(b) *Process not exclusive.*

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

(Ord. 14-237.)

§ 17-42. Criminal penalties.

A 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 penalty of \$500 for each offense.

(Ord. 14-237.)

§ 17-43. {Reserved}**§ 17-44. Revocations and suspensions.***(a) Authorized suspension or revocation.*

The Department of General Services may suspend or revoke a license if the licensee violates any provision of:

- (1) this subtitle;
- (2) the rules and regulations adopted under this subtitle; or
- (3) any other applicable law of the State or City.

(b) Mandatory revocation.

On a street vendor's 3rd violation of any provision of Part III of this subtitle within any 1-year period, the Department must revoke that street vendor's license.

(c) Application following revocation.

If a license is revoked, the former licensee may not apply for a new license until at least 1 year from the date of revocation.

(d) Stay of operations.

The Department's issuance of a denial, suspension, or revocation of a license is effective immediately, and any operations previously allowed by the denied, suspended, or revoked license must cease immediately and may not resume until the Board of Municipal and Zoning Appeals issues a written decision reversing the Department's decision.

(City Code, 1976/83, art. 15, §100(k).)

(Ord. 74-590; Ord. 04-854; Ord. 14-237.)

§ 17-45. Administrative appeals.*(a) Right of appeal.*

An aggrieved party may appeal to the Board of Municipal and Zoning Appeals:

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

(2) any other decision or ruling by the the Department of General Services relating to the administration of this subtitle.

(b) *How and when taken.*

The appeal must be taken in writing within 10 days from the date of notice of the denial, suspension, revocation, decision, or ruling.

(c) *Hearing and decision.*

The Board of Municipal and Zoning Appeals:

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

(2) may affirm, modify, or reverse the action of the Department.

(City Code, 1976/83, art. 15, §100(l).)

(Ord. 74-590; Ord. 04-854; Ord. 14-237.)

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.

(c) *Application.*

- (1) Any farmer or producer or person desiring to secure such permit shall file with the Director of Finance annually an application, with his post office address, subscribed and sworn to before a notary public, which shall state that he will sell or offer for sale only such products as were grown, raised, produced, made, manufactured, caught, trapped, or killed in the State of Maryland.
- (2) It shall be the duty of the said Director of Finance to investigate and verify the statements of the applicant if he is not satisfied with the proofs submitted.

(d) *Issuance; fee.*

- (1) The permits issued to farmers or producers or persons shall be in the form of a metal plate, on which shall be printed or stamped "Farmer's Permit No. ____".
- (2) The fee for such permit shall not exceed \$1 each.

(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.)

§ 18-5. Applications.(a) *In general.*

Written application therefor shall be made to the Director of Finance on forms prepared by him.

(b) *Contents.*

(1) Such application shall contain

- (i) the name and address of the applicant;
- (ii) if the applicant is a firm, the name and address of each member of the firm; and
- (iii) if the applicant is a corporation or association, the names and addresses of its principal officers.

(2) The application shall contain such further information as may be required by the Director of Finance in order to inform him fully as to the nature of the business, the equipment and facilities to be used.

(*City Code, 1950, art. 19, §68; 1966, art. 15, §85; 1976/83, art. 15, §103(2nd - 5th sens.) (Ord. 33-449; Ord. 76-067.)*)

§ 18-6. Fees; term; transfers.(a) *License fee.*

The license fee for each and every cart, wagon, truck, automobile, or other vehicle used in the business of an itinerant wholesale produce dealer and operated or propelled along or upon the streets or thoroughfares of the City of Baltimore shall be \$200 per annum, or a portion thereof, for each vehicle, which amount shall be paid to the Director of Finance.

(b) *Term; nontransferable.*

Said license:

(1) shall expire on January 1 of each year; and

(2) shall not be transferable.

(*City Code, 1950, art. 19, §69; 1966, art. 16, §85; 1976/83, art. 15, §104(1st par.) (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.*)

§ 18-8. Revocation of license.

The Mayor may revoke such license at any time by notice in writing whenever it shall appear to his satisfaction that the licensee has violated the provisions of this subtitle and has failed to correct same upon due notice from the Director of Finance.

(*City Code, 1950, art. 19, §69(2nd par.); 1966, art. 15, §86(2nd par.); 1976/83, art. 15, §104(2nd par.).*) (*Ord. 33-449; Ord. 76-067.*)

§ 18-9. Severability.

In the event any provision or section of this subtitle shall be declared or adjudged by a court or competent jurisdiction to be invalid or unconstitutional, such adjudication shall in no manner affect the other provisions or sections of this subtitle, which shall be in full force and effect as if the said provision or section so declared or adjudged invalid or unconstitutional was not originally a part hereof.

(*City Code, 1950, art.19, §72; 1966, art.15, §89; 1976/83, art. 15, §107.*) (*Ord. 33-449.*)

§ 18-10. Enforcement by citation.

(a) *In general.*

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

(b) *Method not exclusive.*

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

(*Ord. 03-595.*)

SUBTITLE 19
NEWSPAPER VENDING BOXES IN DOWNTOWN AREA

§ 19-1. Definitions.

(a) *In general.*

Whenever the following words and phrases are used in this subtitle, they shall have the meaning ascribed to them in this section.

(b) *Commissioner.*

“Commissioner” shall mean the Commissioner of Housing and Community Development or his or her designated representative.

(c) *Distributor.*

“Distributor” shall mean the person responsible for placing and maintaining a newspaper vending box in a public right-of-way in the downtown area.

(d) *Downtown area.*

(1) “Downtown area” shall mean that area of Baltimore City within the following boundaries:

Beginning at the intersection of Fallsway and Madison Street, thence in a general southerly and southeasterly direction along Fallsway to Baltimore Street, thence westerly along Baltimore Street to West Falls Avenue, thence southerly along West Falls Avenue to Pratt Street, thence easterly along Pratt Street to East Falls Avenue, thence southerly along East Falls Avenue to Aliceanna Street, thence westerly along an imaginary line connecting the intersection of East Falls Avenue and Aliceanna Street to the intersection of Light Street and Lee Street, thence westerly along Lee Street to Russell Street, thence northerly along Russell Street to Greene Street, thence northerly along Greene Street to Pennsylvania Avenue, thence northwesterly along Pennsylvania Avenue to St. Mary Street, thence northeasterly along St. Mary Street to Eutaw Street, thence southerly along Eutaw Street to Madison Street, thence easterly along Madison Street to its intersection with Fallsway, the point of beginning.

(2) This area is identical to the boundaries of the Downtown Fire District, as described in the Baltimore City Building Code.

(3) The area shall include both sides of each street referred to in the above description establishing the boundaries of said area.

(e) *Newspaper vending box.*

“Newspaper vending box” shall mean any self-service or coin-operated box, container, storage unit, or other dispenser installed, used, or maintained for the display, sale, or distribution of newspapers or similar publications.

(f) *Parkway.*

“Parkway” shall mean:

- (1) the area between the sidewalk and the curb of a roadway;
- (2) where there is no sidewalk, that area between the edge of the roadway and the edge of a public right-of-way; and
- (3) any area within a roadway that is not open to vehicular travel.

(g) *Public right-of-way.*

- (1) “Public right-of-way” shall mean any place of any nature which is dedicated to use by the public for pedestrian and vehicular travel.
- (2) “Public right-of-way” includes, but is not limited to, a street, sidewalk, curb, gutter, crossing, intersection, parkway, highway, alley, lane, mall, court, way, avenue, boulevard, road, roadway, viaduct, subway, tunnel, bridge, thoroughfare, park, square, and any other similar public way.

(h) *Roadway.*

“Roadway” shall mean that part of a public right-of-way that is designated and used primarily for vehicular travel.

(i) *Sidewalk.*

“Sidewalk” shall mean that part of a public right-of-way that is designated and ordinarily used for pedestrian travel.

(City Code, 1976/83, art. 15, §122.) (Ord. 86-859.)

§ 19-2. Compliance with subtitle required.

No person shall knowingly place, install, use, or maintain any newspaper vending box which rests in whole or in part upon, in, or on any portion of a public right-of-way in the downtown area or which projects onto, into, or over any part of a public right-of-way in the downtown area, except in compliance with the provisions of this subtitle.

(City Code, 1976/83, art. 15, §123.) (Ord. 86-859.)

§ 19-3. Standards for vending boxes.

(a) *In general.*

Any newspaper vending box which rests in whole or in part upon, in, or on any portion of a public right-of-way in the downtown area or which projects onto, into, or over any part of a public right-of-way in the downtown area, shall comply with the standards set forth in this section.

(b) *Maximum dimensions.*

- (1) No newspaper vending box shall exceed 60 inches in height, 30 inches in width, and 24 inches in depth.

(2) Where the volume of newspaper sales or the bulk of the particular publication being sold warrants, double boxes or additional boxes at the same location are permitted.

(c) *Unrelated commercial advertising prohibited.*

No commercial advertising signs or material other than those dealing with the name of the publication contained within the newspaper vending box or anything related to the information conveyed by that publication shall be displayed on the outside of any newspaper vending box.

(d) *Coin-return mechanism required.*

Each newspaper vending box shall be equipped with a coin-return mechanism to permit a person using the machine to secure immediate refund in the event he is unable to receive the publication for which he has paid. The coin-return mechanism shall be maintained in good working order.

(e) *Posted name and telephone number.*

Each newspaper vending box shall have affixed to it in a readily visible place, so as to be seen by anyone using the newspaper vending box, a notice setting forth:

(1) the name of the distributor; and

(2) the telephone number of a working telephone service to call:

(i) to report a malfunction;

(ii) to secure a refund in the event of a malfunction of the coin return mechanism; or

(iii) to give the notices provided for in this subtitle.

(f) *Maintenance.*

(1) Each newspaper vending box shall be maintained in a neat and clean condition and in good repair at all times.

(2) Specifically, but without limiting the generality of the foregoing, each newspaper vending box shall be serviced and maintained so that:

(i) it is reasonably free of dirt and grease;

(ii) it is reasonably free of chipped, faded, peeling, and cracked paint in the visible, painted areas thereof;

(iii) it is reasonably free of rust and corrosion in the visible, unpainted metal areas thereof;

(iv) the clear plastic or glass parts thereof, if any, through which the publications therein are viewed are unbroken and reasonably free of cracks, dents, blemishes, and discoloration;

(v) the paper or cardboard parts of inserts thereon are reasonably free of tears, peeling, or facing; and

(vi) the structural parts thereof are not broken or unduly misshapen.

(City Code, 1976/83, art. 15, §124.) (Ord. 86-859.)

§ 19-4. Location of vending boxes.

(a) *In general.*

Any newspaper vending box which rests in whole or in part upon, in, or on any portion of a public right-of-way in the downtown area, or which projects onto, into, or over any part of a public right-of-way in the downtown area, shall be located in accordance with the provisions of this section.

(b) *Placement in roadway prohibited.*

No newspaper vending box shall be located in whole or in part in any roadway.

(c) *Other prohibited placements.*

(1) The provisions contained in paragraph (3)(i) to (v) of this subsection shall not apply if such provisions would prohibit the placement of newspaper vending boxes for a distance of 100 feet on the same side of the street in the same block.

(2) “Crosswalk” means the area marked by the outside edges of the 2 parallel lines indicating the crosswalk, and not by the car stop line running parallel to the crosswalk.

(3) No newspaper vending box shall be placed, installed, used, or maintained:

(i) within 12 inches of any marked crosswalk;

(ii) within 12 inches of the line marked by the extension of the interior edge of the sidewalk, in the absence of a marked crosswalk;

(iii) within 3 feet of either end of any bus stop bench located within 3 feet of the curb;

(iv) within any designated bus stop along the curb;

(v) within 75 feet of any other newspaper vending box on the same side of the street in the same block containing the same issue or edition of the same publication, unless the box be a double box or 2 boxes located together as provided for in § 19-3(b);

(vi) within 3 feet of any fire hydrant or 3 feet from the front of any fire call box, police call box, or other emergency facility;

(vii) within 3 feet of any driveway; or

(viii) at any location where the clear space for the passageway of pedestrians is reduced to less than 4 feet.

(d) *Near curb, roadway, or structure.*

(1) Newspaper vending boxes shall be located only:

(i) near the curb or, if there be no curb, the edge of the roadway; or

(ii) along the building, wall, or other structure.

(2) Newspaper vending boxes located near the curb shall be located no less than 12 inches nor more than 24 inches from the roadway edge of the curb.

(3) Newspaper vending boxes located adjacent to a building, wall, or other structure shall be located parallel to and not more than 6 inches from the wall thereof.

(e) *Groupings.*

(1) Newspaper vending boxes may be placed next to each other, provided that no group of newspaper vending boxes shall extend for a distance of more than 8 feet along a curb, and a space of not less than 3 feet shall separate each group of newspaper vending boxes.

(2) No newspaper vending box shall be located on a sidewalk or parkway directly opposite another newspaper vending box unless the distance between them is at least 8 feet.

(f) *Attachments — special fixtures erected by City.*

(1) The City may, after notice to (or request from) and consultation with each newspaper distributor who has a newspaper box or boxes at any particular location, erect structural tube pipe fixtures (U-shaped type or post type) to which newspaper vending boxes may be attached.

(2) The City shall, to the extent possible, place any such fixtures in the proximity to the location of existing newspaper vending boxes, the corner of the intersection, and pedestrian traffic so as to maximize the convenience and availability to the public of any newspaper vending boxes to be attached to any such fixtures.

(3) When such a fixture has been erected by the City, no newspaper vending box shall be placed on the same side of the street on the same block within 75 feet of that fixture if a vacancy exists in the fixture. If no vacancy exists, then newspaper vending boxes may be placed at any location otherwise in compliance with the provisions of this section.

(g) *Attachments — use of existing fixtures.*

(1) Newspaper vending boxes shall not be attached to any:

(i) fire hydrant, fire call box, police call box, or other emergency facility; or

- (ii) sign post with a diameter of 2½ inches or less.
- (2) A newspaper vending box may be attached to any other fixture located in the public right-of-way, at any point on the post, if:
 - (i) its location is in compliance with the provisions of this section; and
 - (ii) so as to minimize lateral movement, it is securely cinched to said fixture by means of a vinyl-coated cable that is:
 - (A) color coded to match the box or fixture; and
 - (B) designed to avoid damage to the fixture.

(h) *Attachments — to ground.*

- (1) A newspaper vending box may be free-standing or may be attached to any concrete City sidewalk by bolts or other devices if its location is in compliance with the provisions of this section.
- (2) Upon removal of any such box, any bolt holes or other damage to the sidewalk shall be repaired by the newspaper distributor whose newspaper vending box caused the holes or damage.

(City Code, 1976/83, art. 15, §125.) (Ord. 86-859.)

§ 19-5. Minor privilege requirements not affected.

This subtitle shall be deemed to have no effect on the minor privilege application process required by Article VIII of the City Charter.

(City Code, 1976/83, art. 15, §126.) (Ord. 86-859.)

§ 19-6. Enforcement.

(a) *Order to correct.*

- (1) Upon a determination by the Commissioner that a newspaper vending box has been installed, used, or maintained in violation of any of the provisions of this subtitle, he or she shall cause an order to be issued to the distributor to correct the offending condition.
- (2) The order shall be:
 - (i) telephoned to the distributor; and
 - (ii) confirmed by mailing a copy of the order by certified mail, return receipt requested, to the distributor.

(3) The order shall:

- (i) specifically describe the offending condition;
- (ii) suggest actions necessary to correct it; and
- (iii) advise the distributor of its right to appeal the order pursuant to § 19-7.

(b) *Removal by Commissioner.*

- (1) If, within 5 days (excluding Saturdays, Sundays, and legal holidays) after receipt of the order, the distributor fails to properly correct the offending conditions or request an appeal hearing before the Board of Estimates, the Commissioner shall cause the offending newspaper vending box to be summarily removed and processed as unclaimed property under applicable provisions of law relating thereto.
- (2) If the distributor of the offending newspaper vending box cannot be identified, the newspaper vending box shall be removed immediately and processed as unclaimed property under applicable provisions of law.
- (3) The foregoing provisions are not exclusive and are in addition to any other penalty or remedy provided by law.

(City Code, 1976/83, art. 15, §127.) (Ord. 86-859.)

§ 19-7. Appeals.(a) *Right to appeal.*

Within 5 days (excluding Saturdays, Sundays, and legal holidays) of receipt of an order of the Commissioner pursuant to § 19-6, any party affected by the decision may file with the Clerk to the Board of Estimates of Baltimore City a written request for a public hearing before the Board of Estimates.

(b) *Notice and hearing.*

- (1) Upon the filing of such a request, the Clerk to the Board of Estimates shall set a time and place for the hearing and shall notify the parties thereof at least 5 days before the hearing date.
- (2) The hearing shall be held within 30 days after the request is filed.

- (3) The decision of the Board of Estimates shall be final in the absence of fraud or collusion.

(City Code, 1976/83, art. 15, §128.) (Ord. 86-859.)

§ 19-8. Summary correction of minor violations.

In the case of minor violations of this subtitle that can be corrected on the spot, any City employee, as an alternative to the removal of the newspaper vending box, is authorized to correct the violation summarily.

(City Code, 1976/83, art. 15, §129.) (Ord. 86-859.)

§ 19-9. Abandonment.

In the event a newspaper vending box remains empty for a period of 30 continuous days, the same shall be deemed abandoned, and may be treated in the manner as provided in § 19-6 for newspaper vending boxes in violation of the provisions of this subtitle.

(City Code, 1976/83, art. 15, §130.) (Ord. 86-859.)

**SUBTITLE 20
TRANSIENT MERCHANTS**

§ 20-1. “Transient merchant” defined.

(a) *In general.*

A “transient merchant” is any person who:

- (1) displays samples, models, goods, wares, or merchandise in any hotel or motel room, rooming house, store, club, storehouse, house, or other place for the purpose of securing orders for the retail sale of such goods, wares, or merchandise; and
- (2) does not own said premises or is not the holder of a formal lease thereon.

(b) *Farmers excepted.*

Exempted from this definition are farmers.

(City Code, 1976/83, art. 15, §101(a).) (Ord. 71-1212.)

§ 20-2. License required.

No person shall engage in business as a transient merchant unless he shall first have obtained a license to do so from the Director of Finance.

(City Code, 1976/83, art. 15, §101(b)(1st sen.).) (Ord. 71-1212.)

§ 20-3. Application for license.

An applicant for a transient merchant's license shall provide the following information:

- (1) his home address;
- (2) the firm or firms he represents, together with credentials establishing the exact relationship;
- (3) a brief description of the nature of the business and the kind of goods or commodities he desires to sell; and
- (4) the hotel, room, or other place where the applicant proposes to sell such merchandise.

(City Code, 1976/83, art. 15, §101(c).) (Ord. 71-1212.)

§ 20-4. Fee.

The fee for a transient merchant's license shall be at the rate of \$375 for each 60-day period or portion thereof.

(City Code, 1976/83, art. 15, §101(b)(2nd sen.).) (Ord. 71-1212; Ord. 77-402.)

§ 20-5. Bonding; contracts; delivery.**(a) Bond required.**

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

(b) Form and tenor of bond; merchant's duties.

(1) Said bond shall be approved as to form and sufficiency by the City Solicitor before such license is issued.

(2) The condition of such bond shall be:

(i) that said transient merchant will well and truly perform any and all contracts or sales orders made within the City; and

(ii) more particularly, that if said merchant takes orders for merchandise to be delivered at a future date and accepts payment in part or in full therefor, he will deliver said merchandise in a satisfactory condition within a period of 4 months from the date of said contract, copy of which contract or sales order with full particulars is to be delivered to the purchaser at the time of sale.

(3) There shall be no forfeiture in respect to the 4-months limitation where there is proof that nondelivery was due to strikes or other extraordinary events beyond the control of said merchant. However, in such event the merchant upon demand shall promptly return in full the purchaser's deposit; and, if he fails so to do, the surety will be required to make restitution under said bond.

(City Code, 1976/83, art. 15, §101(d).) (Ord. 71-1212.)

§ 20-6. Reports by hotel keepers.

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

(City Code, 1976/83, art. 15, §101(e).) (Ord. 71-1212.)

SUBTITLE 21
TICKET AGENCIES

Editor's Note: Ordinance 13-157 repealed this Article 15, Subtitle 21 {"Ticket Agencies"} and Article 19, Subtitle 55 {"Ticket Sales"}, replacing their provisions with a new Article 2, Subtitle 16 {"Ticket Sales"}. Ord. 13-157 became effective September 18, 2013.

SUBTITLE 22
TOWING SERVICES – TRESPASS TOWING

Editor’s Note: Ordinance 08-077 {“Accident and Disabled-Vehicle Towing”} renamed this subtitle to better distinguish its scope from that of Article 31, Subtitle 22 {“Towing Services – Accident Towing”}.

§ 22-1. Definitions.

(a) *Board.*

“Board” means the Board of Licenses for Towing Services of Baltimore City.

(b) *License.*

“License” means the license to engage in the business of towing vehicles within Baltimore City issued pursuant to this subtitle.

(c) *Motor vehicle.*

“Motor vehicle” means any vehicle which is self-propelled or propelled by electric power obtained from overhead electrical wires, but not operated upon rails.

(d) *Person.*

(1) “Person” means every natural person, partnership, corporation, fiduciary, association, or other entity.

(2) When used in any clause prescribing and imposing a penalty, the term “person” as applied to any partnership or association shall mean the partners or members thereof, and as applied to any corporation shall include the officers thereof.

(e) *Police Department.*

“Police Department” means the Baltimore City Police Department.

(f) *Storage.*

“Storage” means the holding and safekeeping of motor vehicles.

(g) *Towing.*

“Towing” means the moving or removing of a vehicle by another motor vehicle.

(h) *Towing service.*

“Towing service” means the operation of removing or towing motor vehicles for compensation.

(i) *Tow truck operator.*

“Tow truck operator” means any person who is the operator of a towing vehicle.
(*City Code, 1976/83, art. 15, §132.*) (*Ord. 89-273.*)

§ 22-2. Board of Licenses for Towing Services.

(a) *Board created.*

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

(b) *Composition.*

(1) The Board comprises:

(i) the following officials of their respective designees:

(A) the Director of Finance or designee;

(B) the Director of Transportation or designee;

(C) the Police Commissioner or designee; and

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

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

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

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

(C) a citizen at large.

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

(c) *Officers.*

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

(d) *Compensation; expenses.*

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

(e) *Staff.*

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

(City Code, 1976/83, art. 15, §134(a).) (Ord. 89-273; Ord. 11-475.)

§ 22-3. Rules and regulations.

(a) *Board to adopt.*

The Board is authorized and empowered to promulgate and adopt rules and regulations to carry out the purpose and intent of this subtitle.

(b) *Notice and hearing.*

The Board shall promulgate and adopt rules and regulations after notice and a public hearing.

(c) *Effect.*

The rules and regulations shall have the same force and effect as law.

(City Code, 1976/83, art. 15, §134(b).) (Ord. 89-273.)

§ 22-4. License required.

(a) *In general.*

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

(2) The license is renewable annually.

(b) *Exemptions.*

The provisions of this section shall not apply to:

(1) persons towing their own motor vehicles;

(2) a motor vehicle towed with permission of the owner or operator of the motor vehicle;

(3) a towing service that tows without any charge, fees, or dues connected therewith;

(4) a towing service that tows a motor vehicle into or through Baltimore City, from a point outside the City;

(5) the transportation of motor vehicles for sale to and from licensed automobile dealers; or

(6) a towing service owned and operated by the government of the United States, State of Maryland, Baltimore City, or any other governmental entity.
(*City Code, 1976/83, art. 15, §133.*) (*Ord. 89-273; Ord. 94-408.*)

§ 22-5. Applications.

(a) *In general.*

- (1) Applications shall be made on forms furnished by the Board.
- (2) With the application, the applicant shall pay a non-refundable application fee of \$100.
- (3) Before the examination, the applicant shall pay an additional non-refundable fee, to be set from time to time by the Board of Estimates in an amount sufficient to cover the cost to the City of necessary background checks and investigations.

(b) *Investigation; qualifications.*

- (1) Prior to the issuance of a license, the Board of Licenses for Towing Services shall determine the qualifications of each applicant to be licensed as hereinafter provided.
- (2) The Board shall conduct an investigation of the applicant for a towing service license.
- (3) The investigation shall include the following:
 - (i) a determination that the applicant has the ability to engage in the licensed activity without detriment to the public;
 - (ii) the adequacy of the applicant's storage and/or repair facilities;
 - (iii) whether the storage facility is located in a location that is readily accessible for the recovery of a motor vehicle;
 - (iv) proof that the vehicle(s) to be licensed is properly registered and complies with all applicable laws, regulations, and rules established by the State of Maryland pursuant to the State Transportation Article;
 - (v) proof that the applicant has complied with any other rule or regulation established by the Board or provided in this subtitle; and
 - (vi) proof that the applicant's storage and/or repair facilities are located in a place which is properly zoned for such use.
- (4) No person shall be denied a license solely on the grounds that he has a criminal record, unless such conviction is within a period of 3 years prior to the application and involves the theft of property or constitutes a series of crimes which include the theft, receiving, or sale of stolen motor vehicles.

(c) *Designated agent.*

(1) Each application shall include the name and business address of a natural person 18 years of age or older who:

(i) is customarily present in an office in the City for the purposes of transacting business; and

(ii) has been designated by the applicant as the applicant's authorized agent:

(A) for receiving notices issued pursuant to this subtitle; and

(B) for receiving court process on behalf of the applicant in connection with the enforcement of this subtitle.

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

(City Code, 1976/83, art. 15, §135(a)(intro), (2) - (4).) (Ord. 89-273, Ord. 91-726; Ord. 06-357.)

§ 22-6. Issuance; fees.

(a) *In general.*

On approval by the Board of a license application and payment of the applicable license fee, the Director of Finance shall issue the license.

(b) *Annual fee.*

The annual license fee is \$100 for each vehicle to be used by the licensee for towing under this subtitle.

(c) *Replacement fee.*

If a license is lost, mutilated, or destroyed, a duplicate shall be issued on payment of a replacement fee of \$10.

(City Code, 1976/83, art. 15, §135(a)(1), (b).) (Ord. 89-273; Ord. 06-357.)

§ 22-7. Display of license; truck identification.

(a) *License.*

(1) The license issued under this subtitle must be prominently displayed in the licensee's storage facilities.

(2) A copy of the license shall be kept in each tow truck licensed under this subtitle.

(b) *Truck markings.*

Each tow truck shall have painted on both sides of the vehicle or on a sign attached thereto, in a color which contrasts with the color of the body paint and in letters not less than 4 inches in height, the name, address, telephone number, and license number of the licensee.

(City Code, 1976/83, art. 15, §135(c), (d).) (Ord. 89-273.)

§ 22-8. Charges.

(a) *Schedule to be filed.*

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

(2) The charges shall be stated clearly on the application for a towing services license filed by the person engaged in the towing business.

(b) *Permitted basis.*

The charges may be measured by mileage, time, and type of service or may be measured on a flat fee basis.

(c) *Changes.*

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

(City Code, 1976/83, art. 15, §136.) (Ord. 89-273.)

§ 22-9. Surety bond; liability insurance.

(a) *Bond required.*

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

(2) Evidence of the filing of such surety bond shall also be provided to the Police Commissioner of Baltimore City who is authorized to recognize such bond as fulfilling the requirements of Article 31, § 22-5 of the City Code.

(b) *Insurance required.*

Every person who shall be licensed in the towing business under the provisions of this subtitle shall obtain commercial liability insurance in the amount of at least \$100,000 per person,

\$300,000 per occurrence bodily injury liability, and \$100,000 per occurrence property damage liability, to cover the cost of any damage to the vehicle resulting from the person's negligence. (*City Code, 1976/83, art. 15, §140.*) (*Ord. 89-273; Ord. 94-380.*)

§ 22-10. Records and receipts.

(a) *Work order statements.*

- (1) At the request of the owner or operator of the motor vehicle, each tow truck operator shall:
 - (i) inform the owner or operator of the motor vehicle of the towing service charges; and
 - (ii) provide a towing service work order statement.
- (2) Each towing service work order statement shall contain the following:
 - (i) the name, business address, license number, and telephone number of the towing service;
 - (ii) a brief description of the motor vehicle, including the motor vehicle license plate number and vehicle identification number;
 - (iii) the location to which the motor vehicle was towed;
 - (iv) the towing charge and the basis for such charge;
 - (v) the rate chargeable per day for storage where the motor vehicle is to be stored by the towing service; and
 - (vi) any other fees or charges to be paid by the owner or operator.

(b) *Receipts.*

- (1) Upon payment of any fees for towing services, the tow truck operator or any other employee of the towing service shall provide a receipt for the amount paid to him as the charge for the service and shall sign and deliver to the owner and/or operator of the motor vehicle a receipt of such payment.
- (2) The operator shall sign the receipt in a legible manner and shall print his name under the signature.

(c) *Daily log.*

- (1) Each towing service licensed under the provisions of this subtitle shall maintain a record in its ordinary course of business of every tow made under this subtitle.
- (2) The record shall include the following for each vehicle towed:

- (i) the license plate number of the motor vehicle towed and the motor vehicle identification number;
- (ii) the locations from which and to which the motor vehicle was towed;
- (iii) the reason for towing;
- (iv) the name of the person authorizing the towing of the motor vehicle; and
- (v) additional pertinent information, other than financial, as required by the Board.

(3) The record shall be retained by the licensee for a minimum of 2 years.

(d) *Inspection of records and vehicles.*

Each towing service licensed under the provisions of this subtitle:

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

(2) shall make available for inspection by the Police Department those motor vehicles which remain impounded or stored in the storage or repair facility of the towing service.

(City Code, 1976/83, art. 15, §137(a).) (Ord. 89-273.)

§ 22-11. Storage facilities.

(a) *In general.*

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

- (1) the Police Department;
- (2) the owner of the vehicle; or
- (3) the owner's authorized agent.

(b) *No work without authorization.*

Any motor vehicle so moved shall only be stored and no work shall be done on the motor vehicle until the owner of the motor vehicle or his authorized agent shall so authorize.

(c) *Commencement of storage charges.*

Where the motor vehicle is towed without the consent of the owner or operator, storage charges shall not commence prior to 12 hours after the motor vehicle is in fact available for recovery by the owner or operator.

(d) *Separate offices not required.*

Supplementary or overflow storage shall not require separate offices.
(*City Code, 1976/83, art. 15, §137(b).*) (*Ord. 89-273.*)

§ 22-12. Repairs.

(a) *Signed agreement required.*

It shall be unlawful for any person engaged in providing towing service to make repairs for consideration on any vehicle removed by a towing vehicle without first entering into a signed agreement with the owner of the vehicle or his authorized representative, which agreement shall include an estimate of the cost of repairs.

(b) *Copies.*

(1) 1 copy of this agreement shall be given to the owner of the vehicle or to his authorized representative.

(2) 1 copy of this agreement shall be retained as a record for 2 years by the licensed person who owns or leases from another person the towing vehicle used in towing or removing the vehicle.

(*City Code, 1976/83, art. 15, §137(c).*) (*Ord. 89-273.*)

§ 22-13. Prohibited acts.

(a) *10-mile limit.*

It shall be unlawful for any towing service or tow truck operator licensed under the provisions of this subtitle to tow any motor vehicle to a place more than 10 miles from the place of removal without the consent of the owner or operator of the motor vehicle.

(b) *False representations.*

It shall be unlawful for any towing service or tow truck operator by any statement or action, to make:

(1) any false representation to the effect that such person conducting the towing service represents or is approved by any organization which provides emergency road service for motor vehicles; or

(2) any false representation as to the name of the towing service.

(c) *Towing conditioned on repair.*

It shall be unlawful for any towing service or tow truck operator at the scene of an accident or breakdown to require the execution of an agreement to have repair work performed as a condition of providing towing service.

(d) *Use of public space.*

It shall be unlawful for any towing service or tow truck operator to use any public space for the accommodation of a motor vehicle removed from the scene of an accident or breakdown, except as the use of any such space may be directed by a member of the Police Department.

(e) *Unbidden presence at scene.*

It shall be unlawful for any tow truck operator to furnish any towing service at the scene of an accident or breakdown unless he has been authorized or called to such scene by the owner or operator of the motor vehicle or by a member of the Police Department.

(f) *Employing "spotters".*

It shall be unlawful for any towing service or tow truck operator to employ or compensate individuals, commonly referred to as "spotters", whose primary task is to report the presence of unauthorized parked vehicles for the purposes of towing or removal, and impounding.

(g) *Payments for right to tow.*

It shall be unlawful for any towing service or tow truck operator to compensate the owner or agent of the owner of a parking lot or other facility for the right to tow vehicles.

(h) *Delay in delivery to storage facility.*

It shall be unlawful for any towing service or tow truck operator to fail to immediately deliver any vehicle towed under this subtitle to its customarily used storage facility as provided for in the license issued by the Director of Finance.

(i) *Denying immediate right of recovery.*

It shall be unlawful for any towing service to deny the owner or the owner's agent immediate and continuous opportunity, 24 hours a day, to retake possession of the vehicle, from the time the vehicle was received at the storage facility.

(City Code, 1976/83, art. 15, §138.) (Ord. 89-273.)

§ 22-14. Denial, revocation, suspension, refusal to renew.

(a) *"Unfair ... practice" defined; nolo plea.*

(1) In this section, "unfair or deceptive trade practice" means any false or misleading oral or written statement or representation of any kind that has the capacity, tendency, or effect of deceiving or misleading consumers, including any omission of material fact that would tend to mislead a consumer.

(2) For purposes of this section, a plea of nolo contendere is the equivalent of a conviction or a guilty plea.

(b) *Grounds for sanctions.*

The Board is authorized to deny, suspend, revoke, or refuse to renew any license under this subtitle if:

- (1) the applicant or licensee furnished or made misleading or false statements on reports, certifications, or written documents that are required by this subtitle or that are otherwise submitted or caused by the applicant or licensee to be submitted to the Board;
- (2) during the preceding 3 years, a court of competent jurisdiction has found an applicant for a license or a licensee guilty of criminal activity directly relating to the operation of the business of towing;
- (3) a court of competent jurisdiction has found a tow truck operator guilty of a criminal act that was authorized by the licensee;
- (4) a motor vehicle has been towed by a towing service without the consent of the owner or operator of the motor vehicle, without the direction of the Police Department, or without complying with local, state, or federal law;
- (5) a tow truck operator has failed to comply with any law regulating the towing of motor vehicles;
- (6) the licensee has failed to make available for inspection by the Board or the Police Department the daily towing log required by § 22-10(d) of this subtitle;
- (7) the licensee has failed to allow the Police Department reasonable access to inspect any motor vehicle listed in the licensee's records that is stored upon the storage facility of the towing service;
- (8) within a 6-month period, the Board has received 5 or more individual complaints of unfair or deceptive trade practices against a given applicant or licensee; or
- (9) the applicant or licensee has failed to comply with or has violated the provisions of this subtitle, the rules or regulations adopted under this subtitle, or any applicable federal, state, or local law or rule.

(c) *Term of sanction.*

- (1) The Board may deny, suspend, revoke, or refuse any license issued under this subtitle for a period of time determined by the Board to be just and reasonable in relation to the severity of the violation found to exist under subsection (b) of this section.
- (2) If a license has been denied, revoked, or not renewed, the applicant shall not be eligible to apply for another license for a period of 12 months after the date on which the Board rendered a denial, revocation, or refusal to renew decision.

(City Code, 1976/83, art. 15, §139(a), (c).) (Ord. 89-273; Ord. 11-475.)

§ 22-15. Notice and hearing.*(a) Hearing required.*

No license shall be denied, suspended, revoked, or not renewed hereunder without the Board first affording the licensee an opportunity for a hearing.

(b) Notice.

(1) At least 15 calendar days prior to the date set for the hearing, the Board shall:

- (i) notify the applicant or the licensee in writing of the date, time, and place set for the hearing;
- (ii) specify the reason why the Board proposes to refuse, deny, suspend, revoke, or not renew the application or license; and
- (iii) afford all parties the opportunity to be heard in person and by counsel.

(2) The written notice shall be served by registered or certified mail.

(c) Decision.

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

(City Code, 1976/83, art. 15, §139(b).) (Ord. 89-273.)

§ 22-16. Judicial and appellate review.*(a) Judicial review.*

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

(b) Appellate review.

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

(City Code, 1976/83, art. 15, §139(d).) (Ord. 89-273; Ord. 04-672; Ord. 19-332.)

§ 22-17. Enforcement.*(a) In general.*

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

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

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

(City Code, 1976/83, art. 15, §141(c).) (Ord. 91-726.)

§ 22-18. Penalties.

(a) *In general.*

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

(b) *Continuing violations.*

Each day that a violation continues shall be deemed a separate offense.

(City Code, 1976/83, art. 15, §141(a), (b).) (Ord. 89-273; Ord. 91-726.)

SUBTITLES 23 TO 25
{RESERVED}

SUBTITLE 26
MISCELLANEOUS

§ 26-1. Defacing posters.

It is unlawful for any person to destroy, tear, or otherwise deface any bill (if posted where permitted) descriptive of any performance paying a license to the City for permission to hold the performance. (*City Code, 1879, art. 33, §16; 1893, art. 33, §16; 1927, art. 25, §16; 1950, art. 19, §18; 1966, art. 15, §21; 1976/83, art. 15, §21.*) (*Rev. Ords. 1858-037; Ord. 99-526.*)

SUBTITLES 27 TO 40
{RESERVED}

SUBTITLE 41
LICENSING OF CONVICTED DRUG OFFENDERS

§ 41-1. Definitions.

(a) *In general.*

The following terms have the meanings indicated unless their context clearly indicates otherwise.

(b) *City.*

“City” means the Mayor and City Council of Baltimore, the body corporate as established by the Baltimore City Charter.

(c) *Controlled dangerous substance offense.*

“Controlled dangerous substance offense” means:

- (1) an offense under Article 27, Subtitle “Health — Controlled Dangerous Substances”, of the Maryland Code; or
- (2) a violation of the law of any other jurisdiction if the prohibited conduct would be a violation of Article 27, Subtitle “Health — Controlled Dangerous Substances”, of the Maryland Code if committed in this State.

(d) *License.*

- (1) “License” means a license, permit, certification, registration, or other legal authorization issued to or granted to a person by the licensing authority and required for engaging in a business, employment, or an occupation that may endanger the life, health, or safety of the citizens of Baltimore.
- (2) “License” includes licenses for:
 - (i) animated riding devices;
 - (ii) child care/day nurseries;
 - (iii) demolition;
 - (iv) electricians;
 - (v) gas fitters;
 - (vi) horse drawn vehicles;
 - (vii) horse driver;

- (viii) mobile riding units;
- (ix) public swimming pools;
- (x) shooting gallery; and
- (xi) tattooing.

(e) *Licensee.*

“Licensee”:

- (1) means a person to whom a license has been issued by any municipal agency of the City; and
- (2) includes any agent, officer, or employee of the licensee.

(f) *Licensing authority.*

“Licensing authority” means any board, commission, council, or other body of City government authorized by law to issue licenses.

(g) *Person.*

“Person” means an individual, corporation, partnership, joint venture, firm, association, company, or any other public or private entity, or representative of any kind.

(City Code, 1976/83, art. 19, §22A(a).) (Ord. 90-613; Ord. 99-526.)

§ 41-2. Disclosure of conviction.

Except as provided in this subtitle, as a condition to issuance of a license or renewal of a license, a licensing authority may require an individual or a licensee applying for a license to disclose whether the individual or licensee has ever been convicted of a controlled dangerous substance offense committed within 5 years of the date of the application for an initial license or an application for a renewal of a license.

(City Code, 1976/83, art. 19, §22A(b).) (Ord. 90-613.)

§ 41-3. Sanctions for nondisclosure.

Unless an individual shows good cause for failure to disclose the information required by this subtitle, and if an individual applying for a license has been convicted of committing a controlled dangerous substance offense within 5 years of the date of the application, a licensing authority may:

- (1) refuse to issue the license; or
- (2) issue the license subject to any terms and conditions that the licensing authority considers appropriate under this subtitle.

(City Code, 1976/83, art. 19, §22A(c).) (Ord. 90-613.)

§ 41-4. Court may report conviction to City.

When a person is convicted of a controlled dangerous substance offense, the court:

(1) may determine at the time of sentencing whether the individual holds or works under a license issued by the City; and

(2) if so, may obtain the licensing information and forward it to the City Solicitor.

(City Code, 1976/83, art. 19, §22A(d).) (Ord. 90-613.)

§ 41-5. Options of licensing authority.

If a licensing authority receives notice that a licensee has been convicted of a controlled dangerous substance offense committed within 5 years of the date of an application for a renewal of a license, a licensing authority may:

(1) either:

(i) place the licensee on probation for a reasonable period of time;

(ii) suspend or revoke the license; or

(iii) reprimand the licensee;

(2) assess the licensee, in accordance with the applicable regulations, all or part of the cost of any disciplinary proceedings and sanctions; or

(3) impose any other sanction or any other action authorized by law.

(City Code, 1976/83, art. 19, §22A(e).) (Ord. 90-613.)

§ 41-6. Probation.

(a) *Conditions of probation.*

If a licensee is placed on probation, the licensing authority may:

(1) require the licensee to submit to periodic drug testing during the period of probation;

(2) require the licensee to participate in appropriate counseling or treatment; and

(3) impose any other reasonable term or condition of probation.

(b) *Violation of condition.*

If a licensee who is on probation violates any condition of probation, the licensing authority may:

(1) revoke the probation;

(2) suspend or revoke the licensee's license; or

(3) impose additional terms of probation.

(City Code, 1976/83, art. 19, §22A(f).) (Ord. 90-613.)

§ 41-7. Notice and hearing.

(a) *Notice required.*

A licensing authority, before taking any action in regard to an initial license application, any application for a license renewal or against a licensee under this subtitle, shall give the individual or licensee 30 days' notice of its intention to take action under this subtitle.

(b) *Request for hearing.*

The individual or the licensee may request a hearing before the licensing authority.

(City Code, 1976/83, art. 19, §22A(g).) (Ord. 90-613.)

§ 41-8. Factors to be considered.

(a) *In general.*

In deciding whether to deny an applicant's application for a license, or whether to impose license sanctions against a licensee and the nature of the sanctions, a licensing authority shall consider the following factors:

(1) the relationship between the controlled dangerous substance offense and the license, including:

(i) the licensee's ability to perform the tasks authorized by the license; and

(ii) whether the public will be protected if:

(A) in the case of an applicant, the license is issued; or

(B) in the case of a licensee, the license is not suspended or revoked;

(2) the nature and circumstance of the controlled dangerous substance offense;

(3) if an individual is applying for a license or license renewal, the date of the controlled dangerous substance offense; and

(4) any other relevant information.

(b) *Sanctions against licensee.*

If a license authority decides that sanctions against a licensee may be appropriate, before imposing sanctions, the licensing authority:

- (1) shall consider the impact any sanctions may have on third persons; and
- (2) may take any action to protect the rights of innocent third persons which is in the interests of justice and which is not inconsistent with the provisions of this subtitle.

(c) *Suspensions and revocations.*

If a licensing authority decides to suspend or revoke a license, the licensing authority may grant the licensee a reasonable time period to complete any existing contracts.

(City Code, 1976/83, art. 19, §22A(h) - (j).) (Ord. 90-613.)

§ 41-9. Regulations.

Each licensing authority may adopt regulations to carry out the provisions of this subtitle.

(City Code, 1976/83, art. 19, §22A(k).) (Ord. 90-613.)

§ 41-10. Judicial and appellate review.

(a) *Judicial review.*

An applicant or licensee aggrieved by a decision of a licensing authority under this subtitle may seek judicial review of the decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) *Appellate review.*

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

(City Code, 1976/83, art. 19, §22A(l).) (Ord. 90-613; Ord. 04-672; Ord. 19-332.)

SUBTITLE 42
HUMAN TRAFFICKING NOTICE REQUIREMENTS

§ 42-1. Definitions.

(a) *In general.*

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

(b) *Adult-entertainment business.*

“Adult-entertainment business” has the meaning stated in § 1-1(c) {“Adult-entertainment business”} of this article.

(c) *Food service facility.*

“Food service facility” has the meaning stated in City Code Article - Health, § 6-101(d) {“Food service facility”}.

(d) *Hotel.*

“Hotel” has the meaning stated in § 10-1(b) {“Hotel”} of this article.

(e) *Must.*

“Must” is a mandatory term used to express a requirement or to impose a duty.

(f) *Permit holder.*

“Permit holder” means any person holding a building permit issued by the Department of Housing and Community Development under the City Building Code for construction or demolition.

(g) *Person.*

“Person” means:

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

(h) *Shall.*

“Shall” is a mandatory term used to express a requirement or to impose a duty.
(*Ord. 19-218.*)

§ 42-2. Human trafficking prevention signs to be posted.

(a) *Applicability.*

The requirements of this section apply only to:

- (1) adult-entertainment businesses;
- (2) food service facilities;
- (3) hotels; and
- (4) permit holders.

(b) *In general.*

- (1) The owner of any business described in subsection (a) of this section must post a sign that states the following:

“REPORT HUMAN TRAFFICKING:

National Human Trafficking Resource Center

Call 1-888-373-7888 or text “BeFree” (233733)

CALL FOR HELP IF YOU OR SOMEONE YOU KNOW:

- is being forced to have sex without consent
- has had an ID or documents taken away
- is being threatened by or is in debt to an employer
- wants to leave a job but cannot freely do so

TOLL-FREE ‡ 24/7 ‡ CONFIDENTIAL ‡ INTERPRETERS AVAILABLE

This sign is required by Baltimore City law”

- (2) The sign must:

- (i) be at least 3 by 5 inches in size;
- (ii) contain the text required under paragraph (1) of this subsection in English and Spanish; and
- (iii) draw attention to the phone number of the National Human Trafficking Resource Center Hotline by showing the phone number in bold type.

- (3) The owner of a business described in subsection (a) of this section may meet the requirements of this subsection:

- (i) by creating their own signs, using a font size of not less than 30 points for the hotline numbers and a font size of not less than 12 points for the body text; or
- (ii) by using copies of the signs created and made available online by the Maryland Department of Labor, Licensing, and Regulation under Maryland Business Regulation Article § 15-207, if the signs are altered to indicate that they are required by Baltimore City law rather than State law.

(c) *Sign location.*

- (1) Adult-entertainment businesses and food service facilities must post a sign required by this section in a conspicuous place in clear view of the public and employees where similar notices are customarily posted and on the back of the door at the entrance to each restroom.
- (2) Permit holders must post the sign required by this section in a conspicuous place in clear view of the public.
- (3) Hotels must post the sign required by this section on the back of each hotel room entry door.

(d) *Hotels to certify.*

Beginning in calendar year 2020, any person who owns or operates a hotel within the City must annually certify to the Housing Commissioner, in the form and manner required by the Department of Housing and Community Development, no later than December 31 of each year, that the hotel is in compliance with this section.

(Ord. 19-218; Ord. 19-319; Ord. 19-332.)

§ 42-3. {Reserved}

§ 42-4. Agencies to enforce.

Enforcement of this subtitle shall be conducted by:

- (1) the Board of Liquor License Commissioners for Baltimore City, with regard to adult-entertainment businesses;
- (2) the Baltimore City Department of Health, with regard to food service facilities; and
- (3) the Baltimore City Department of Housing and Community Development, with regard to hotels and permit holders.

(Ord. 19-218.)

§ 42-5. Annual report.

(a) *In general.*

On or before June 30 of each year, the Commissioner of the Baltimore City Health Department, the Commissioner of the Baltimore City Department of Housing and Community Development, and the Chair of the Board of Liquor License Commissioners for Baltimore City shall each

prepare and submit to the Mayor and the City Council an annual report detailing compliance with this subtitle.

(b) *Contents.*

The report shall include the following information for the previous calendar year:

(1) the number of inspections conducted of businesses regulated under this subtitle; and

(2) the number of citations issued pursuant to this subtitle.

(*Ord. 19-218.*)

§ 42-6. {Reserved}

§ 42-7. Enforcement by citation.

(a) *In general.*

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

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

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

(b) *Process not exclusive.*

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

(*Ord. 19-218.*)

§ 42-8. Criminal penalties.

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

(*Ord. 19-218; Ord. 19-332.*)

**SUBTITLE 43
PUBLIC RESTROOMS**

§ 43-1. Definitions.

(a) *In general.*

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

(b) *Gender-inclusive signage.*

“Gender-inclusive signage” means a sign identifying a restroom that does not indicate a specific gender, such as “Restroom,” “Bathroom”, “Toilet”, or a symbol indicating the restroom’s availability for use by any individual regardless of gender.

(c) *Place of public accommodation.*

“Place of public accommodation” has the meaning stated in State Government Article, § 20-301 {“Place of public accommodation’ defined”}.

(d) *Public single-user restroom.*

(1) *In general.*

“Public single-user restroom” means a single-occupancy restroom for public use with at least one water closet and with an outer door that can be locked by the occupant.

(2) *Exclusions.*

“Public single-user restroom” does not include:

- (i) any private restroom in a residence, apartment, hotel, or hospital; or
- (ii) a restroom only accessible from a private room or office.

(Ord. 19-265.)

§ 43-2. {Reserved}

§ 43-3. Requirements for single-user restrooms.

Any public single-user restroom in a commercial or industrial establishment, a place of public accommodation, or a City-owned or -occupied building must be:

- (1) made available for use by individuals of any gender; and
- (2) identified with gender-inclusive signage.

(Ord. 19-265.)

§ 43-4. Agencies to enforce.

Enforcement of this subtitle shall be conducted by “Code Enforcement Officers” and “Enforcement Officers” (as defined in City Code Article 1, § 40-1(c) and § 41-1(c), respectively) who are employed by any of the following agencies:

- (1) Department of Health;
- (2) Department of Housing and Community Development;
- (3) Department of Public Works;
- (4) Department of Recreation and Parks;
- (5) Department of Transportation;
- (6) Fire Department;
- (7) Police Department; and

(8) any other agency with 1 or more employees who are in a “position of trust” and authorized to serve as a “Code Enforcement Officer” in accord with City Code Article 1, § 40-1(c)(3).
(*Ord. 19-265.*)

§ 43-5. Enforcement by citation.

(a) *In general.*

(1) *Prerequisite to issuance.*

A citation under this section may only be issued after the issuance of a written warning and a failure to correct the violation within 30 days of the date of the warning.

(2) *Authorization to issue.*

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

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

(b) *Process not exclusive.*

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

(c) *Each day a separate offense.*

Each day a violation continues is a separate offense.
(*Ord. 19-265.*)

§ 43-6. Criminal penalties.

(a) *In general.*

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

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.
(*Ord. 19-265.*)

SUBTITLES 44 TO 45
{RESERVED}

SUBTITLE 46
ADMINISTRATION AND ENFORCEMENT

§ 46-1. Standard license year; fees not prorated.

Unless otherwise specified, wherever in this article or in any ordinance of the Mayor and City Council of Baltimore, an annual license fee is imposed, those provisions shall be construed to render the fee collectible in the 1st week of January in each and every year, and the entire charge prescribed for the entire year shall be collected when the license is issued.

(City Code, 1927, art. 25, §62; 1950, art. 19, §73; 1966, art. 16, §90; 1976/83, art. 15, §108.)
(Ord. 27-1084; Ord. 57-1147; Ord. 99-526.)

§ 46-2. Interest and penalties for unpaid fees.

(a) *Imposition.*

(1) Except as where otherwise provided in this article, any person, firm, corporation, or other legal entity who, within 30 days from when it becomes due and payable, fails to pay any license or permit fee or any registration tax imposed by any provision of this article:

(i) is liable for interest on the amount of unpaid fee or tax at the rate of 1% per month or any fraction of a month during which the fee or tax remains unpaid; and

(ii) is also liable for a penalty of 10% of the unpaid fee or tax.

(2) This interest and penalty shall be collected as a part of the fee or tax itself.

(b) *Waivers.*

For good and sufficient cause shown, the Director of Finance may waive interest and penalty in connection with the payment of any fee or tax imposed by any provision of this article.

(City Code, 1976/83, art. 15, §88(b), (c).) (Ord. 74-761; Ord. 84-017; Ord. 10-337.)

§§ 46-3 to 46-10. {Reserved}

§ 46-11. Refusal, revocation of license.

Upon the approval of the Mayor, the Director of Finance shall have full power and authority to refuse to grant licenses under the provisions of this article, and also, when directed by the Mayor, shall have full power and authority to revoke any license granted by virtue of this article.

(City Code, 1879, art. 33, §17; 1893, art. 33, §17; 1927, art. 25, §17; 1950, art. 19, §19; 1966, art. 15, §22; 1976/83, art. 15, §22.) (Rev. Ords. 1858-037; Ord. 16-194; Ord. 76-067.)

§ 46-12. Enforcement by Solicitor.

Whenever the City Solicitor shall be notified of any violation of the provisions of this article, it shall be his duty immediately to institute legal proceedings against the offender or offenders to recover from him, her, or them, the penalty or penalties prescribed by this article.

(City Code, 1879, art. 33, §18; 1893, art. 33, §18; 1927, art. 25, §18; 1950, art. 19, §20; 1966, art. 15, §23; 1976/83, art. 15, §23.) (Rev. Ords. 1858-037.)

SUBTITLE 47
PENALTIES

§ 47-1. In general.

Unless otherwise provided, a person, firm, corporation, or other legal entity that violates any provision of this article or of a rule or regulation adopted under this article is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$250 for each offense. (*City Code, 1976/83, art. 15, §88(a)(1st sen.)*) (*Ord. 74-761; Ord. 94-332; Ord. 04-854.*)

§ 47-2. Continuing offenses.

Each day that a violation continues constitutes a separate offense. (*City Code, 1976/83, art. 15, §88(a)(2nd sen.)*) (*Ord. 74-761; Ord. 94-332; Ord. 04-854.*)

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SUBTITLE 48
SHORT-TERM RESIDENTIAL RENTALS

EDITOR’S NOTE: This subtitle was enacted by Ordinance 19-217, effective December 31, 2019.

Part 1. Definitions; General Provisions

§ 48-1. Definitions.

(a) *In general.*

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

(b) *Booking transaction.*

“Booking transaction” means a reservation transaction between a host and a prospective transient guest for a short-term residential rental.

(c) *Dwelling unit.*

“Dwelling unit” has the meaning stated in § 202.2 of the Baltimore City Building Code.

(d) *Host.*

“Host” means the owner of a dwelling unit who provides or offers to provide all or part of the dwelling unit for short-term residential rental use in exchange for a fee.

(e) *Hosting platform.*

“Hosting platform” means an internet-based entity that, in exchange for a fee:

- (1) facilitates reservations of short-term residential rentals;
- (2) serves as a conduit of communication between hosts and transient guests; or
- (3) otherwise facilitates booking transactions for short-term residential rentals.

(f) *Housing Commissioner; Commissioner.*

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

(g) *Permanent residence.*

(1) “Permanent residence” means a dwelling unit:

- (i) in which the owner resides for an aggregate of at least 180 days annually; and
- (ii) that is the owner’s usual place of return for housing, as documented by at least one of the following:

(A) driver's license;

(B) voter registration; or

(C) official designation of the dwelling unit as the owner's principle residence in accordance with the criteria governing the State Homestead Tax Credit.

(2) For purposes of this subtitle, a host may have only 1 "permanent residence".

(h) *Short-term residential rental.*

"Short-term residential rental" means the use, facilitated in whole or in part by a hosting platform, of all or any part of a dwelling unit to provide accommodations to transient guests for sleeping or lodging purposes in exchange for a fee.

(i) *Transient guest.*

(1) *Ancillary definition of "transient".*

In this subsection, "transient" means any person who occupies, or has been given the right to occupy, sleeping or lodging accommodations for a period of fewer than 90 consecutive days.

(2) *"Transient guest" defined.*

"Transient guest" means any transient who uses a hosting platform to facilitate a short-term residential rental.

(Ord. 19-217.)

§ 48-2. Mandatory, prohibitory, and permissive terms.

(a) *Mandatory terms.*

"Must" and "shall" are each mandatory terms used to express a requirement or to impose a duty.

(b) *Prohibitory terms.*

"May not" and "no ... may" are each mandatory negative terms used to establish a prohibition.

(c) *Permissive terms.*

"May" is permissive.

(Ord. 19-217.)

§ 48-3. Rules and Regulations.

(a) *In general.*

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

(b) *Filing with Legislative Reference.*

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

(Ord. 19-217.)

§§ 48-4 to 48-5. *{Reserved}*

Part 2. Licensing

§ 48-6. License required.

(a) *In general.*

No person may operate a short-term residential rental without a currently effective license to do so from the Housing Commissioner.

(b) *Application for license..*

The application for an initial or renewal short-term residential rental license must be made in the form and contain the information and documentation that the Housing Commissioner requires.

(Ord. 19-217.)

§ 48-7. Licensing prerequisites.

(a) *Limitations.*

(1) Except as provided in paragraph (2) of this subsection, a person may only be issued a short-term residential rental license for his or her permanent residence.

(2) (i) A host may be issued a short-term residential rental license for 1 additional dwelling unit if:

(A) the dwelling unit had a successfully executed booking transaction, as described in subparagraph (ii) of this paragraph (2), between August 1, 2017, and December 31, 2018;

(B) the host became the owner of the additional dwelling unit on or before December 31, 2018; and

(C) the host applies for a short-term residential rental license for the additional dwelling unit no later than the 90th day after the date on which this subtitle takes effect.

(ii) For purposes of this paragraph (2), a booking transaction is deemed successfully executed if a fee was exchanged, whether directly or indirectly, between the host applying for the dwelling unit's short-term residential rental license and a transient guest, for the short-term residential rental of the dwelling unit.

- (3) Short-term residential rental licenses are not property rights, and a short-term residential rental license does not transfer on the sale or any other ownership transfer of a dwelling unit.

(b) *Additional requirements.*

(1) *In general.*

All applicants for an initial or renewal license must meet the following requirements.

(2) *Proof of owner's permanent residence.*

The owner must provide proof that the dwelling unit (or, if 2 dwelling units are applied for, 1 of those units) is the owner's permanent residence.

(3) *Non-owner-occupied dwellings.*

For any dwelling unit that is a "non-owner-occupied dwelling unit" (as defined in City Code Article 13, Subtitle 4 {"Registration of Non-Owner-Occupied Dwellings ..."}):

- (i) the dwelling unit must be currently registered, as required by that Subtitle 4;
- (ii) all registration fees and all related interest required by that Subtitle 4 must have been paid; and
- (iii) all other requirements of Article 13 applicable to non-owner-occupied dwelling units must be complied with.

(4) *Sales and use tax.*

The owner must be registered with the State Comptroller for the collection of the State's sales and use tax.

EDITOR'S NOTE TO § 48-7: Section 3 of Ordinance 19-217 provides for the following exception to the preceding section:

"[N]otwithstanding Article 15, § 48-7(a)(1) and (2) and (b)(2), as added by this Ordinance:

- (a) (1) Any natural person who, as of December 31, 2018, owned and operated 1 or more short-term residential rental dwelling units in the City, none of which dwelling units qualify as his or her "permanent residence" (as defined in § 48-1(g) and otherwise a licensing prerequisite under § 48-7(a)(1) and (b)(2)), is nonetheless entitled to apply for and, if otherwise qualified, be issued a short-term residential rental license for 1, but not more than 1, of these preexisting short-term residential rental dwelling units, if:
 - (i) the dwelling unit to be licensed had a successfully executed booking transaction, as described in paragraph (2) of this subsection, between August 1, 2017, and December 31, 2018, inclusive;
 - (ii) the host became the owner of that dwelling unit on or before December 31, 2018; and

(iii) the host applies for the short-term residential rental license for that dwelling unit no later than the 90th day after the date on which Article 15, Subtitle 48, as added by this Ordinance, takes effect.

(2) For purposes of paragraph (1)(i) of this subsection, a booking transaction is deemed successfully executed if a fee was exchanged, whether directly or indirectly, between the host applying for the dwelling unit’s short-term residential rental license and a transient guest, for the short-term residential rental of the dwelling unit.

(b) Unless the dwelling unit licensed under this section subsequently becomes the host’s “permanent residence”, the host is not eligible for any additional license under Article 15, § 48-7(a)(2).”

(Ord. 19-217.)

§ 48-8. License term and renewal.

(a) *Term.*

Each short-term residential rental license expires biennially on the anniversary of its issuance.

(b) *Renewal.*

(1) Before a license expires, the host may apply to renew it for an additional 2-year term.

(2) The renewal application must be submitted to the Housing Commissioner, with the applicable annual fee, at least 30 days before the current license expires.

(Ord. 19-217.)

§ 48-9. License fee.

The biennial license fee for a short-term residential rental license is \$200 per dwelling unit, subject to adjustment in accordance with the City Fee Policy.

(Ord. 19-217.)

§§ 48-10 to 48-14. {Reserved}

Part 3. Operational Requirements

§ 48-15. Hosts.

(a) *In general.*

All hosts must comply with the following requirements.

(b) *City Codes compliance.*

The dwelling unit must be maintained in compliance with the City Building, Fire, and Related Codes Article, the City Health Article, and the Zoning Code of Baltimore City.

(c) *Record of rentals.*

The host must:

- (1) make a record, in the form and containing the information required by the rules and regulations adopted under this subtitle, of all of the host's short-term residential rentals;
- (2) maintain that record for at least the period of years required by the rules and regulations adopted under this subtitle; and
- (3) on request, make that record available for inspection by the Housing Commissioner.

(d) *Posting emergency contact.*

- (1) During the term of any rental, the host must prominently display, in an area of the dwelling unit that is readily accessible to the transient guests, emergency contact information for a representative of the host.
- (2) This representative must reside within 15 miles of the dwelling unit and be accessible for the entire term of the rental.

(e) *Posting notice of licensure.*

At all times during the term of a short-term residential rental, the host must prominently display a sign, in the form and manner required by the rules and regulations adopted under this subtitle, stating that the dwelling unit is licensed for short-term residential rentals.

(f) *Displaying license number on hosting platform.*

The host must include his or her license number in any advertisement or listing of the dwelling unit on a hosting platform.

(Ord. 19-217.)

§ 48-16. Hosting platforms.

(a) *In general.*

- (1) All hosting platforms must comply with the following requirements.
- (2) The Housing Commissioner may issue and serve administrative subpoenas as necessary to ensure compliance by hosting platforms with this subtitle.

(b) *Verification of host's bona fides.*

- (1) No hosting platform may advertise, list, or otherwise facilitate booking transactions for a short-term residential rental in the City without having verified with the Housing Commissioner that the license of the host is valid and that the address of the dwelling unit matches the address listed for the license.

- (2) A hosting platform that has verified the validity of a license for a short-term residential rental is not required to re-verify the validity of the license, unless:
 - (i) the Housing Commissioner has notified the hosting platform that the dwelling unit cannot lawfully be used for a short-term residential rental; or
 - (ii) the host has ceased to offer short-term residential rentals through that hosting platform for a period of 12 months or more since the license was last verified.
- (3) If the Housing Commissioner notifies a hosting platform that a dwelling unit cannot lawfully be used for a short-term residential rental, the hosting platform may not advertise, list, or otherwise facilitate booking transactions for that dwelling until it receives subsequent confirmation from the Commissioner that the short-term residential rental can lawfully be provided.
- (4) If a hosting platform receives written notice from the Housing Commissioner that a dwelling unit advertised or listed for short-term residential rental on the hosting platform cannot lawfully be used for a short-term residential rental, the hosting platform must remove the advertisement or listing within 3 days.
- (5) A hosting platform may not collect or receive a fee in exchange for facilitating reservations, advertisements, or listings of short-term residential rentals, for serving as a communication conduit between hosts and transient guests, or for otherwise facilitating booking transactions for short-term residential rentals if the dwelling unit cannot lawfully be used for a short-term residential rental.

(c) *Rental records.*

(1) *In general.*

A hosting platform must:

- (i) make a record of all short-term residential rentals in Baltimore City advertised, listed, or otherwise facilitated by that platform;
- (ii) maintain that record for at least the period of years required by the rules and regulations adopted under this subtitle; and
- (iii) on request, make that record available for inspection by the Housing Commissioner.

(2) *Contents.*

These records must include, for each short-term residential rental:

- (i) the name and license number of the host who provided the short-term residential rental;
- (ii) the street address and the Block and Lot Numbers of the short-term residential rental;

- (iii) the date of the booking transaction;
- (iv) the start and end dates of the short-term residential rental;
- (v) the rent and other fees charged by the host and by the hosting platform for providing or facilitating the short-term residential rental and related services; and
- (vi) any other information required by the rules and regulations adopted under this subtitle.

(d) *Display of license numbers.*

In any advertisement or listing of a dwelling unit available for short-term residential rentals in Baltimore City, hosting platforms must include the license numbers of the hosts offering those rentals.

(Ord. 19-217.)

§§ 48-17 to 48-20 {Reserved}

Part 4. Administrative Sanctions

§ 48-21. Denial, suspension, or revocation of license – In general.

Subject to the hearing provisions of § 48-22 of this subtitle, the Housing Commissioner may deny, suspend, or revoke a short-term residential rental license or renewal license for any of the following causes:

- (1) making any material false statement in an application for an initial or renewal license;
- (2) fraudulently or deceptively obtaining the license for oneself or for another;
- (3) fraudulently or deceptively using the license;
- (4) failing to abate within 120 days of issuance any violation notice, order, or citation for violating any provision of the City Building, Fire, and Related Codes Article, the City Health Article, or the Zoning Code of Baltimore City; or
- (5) failing to comply with any provision of this subtitle or of any rule or regulation adopted under this subtitle.

(Ord. 19-217.)

§ 48-22. Denial, suspension, or revocation of license – Notice and hearing.

(a) *In general.*

No license may be denied, suspended, or revoked under this subtitle unless the Housing Commissioner first gives the licensee:

- (1) not less than 10 days notice in writing of the Commissioner's intent to deny, suspend, or revoke the license; and
- (2) an opportunity to be heard as to why the license should not be denied, suspended, or revoked.

(b) *Exception.*

The Housing Commissioner may deny, suspend, or revoke a license without prior notice and opportunity to be heard if, in the opinion of the Housing Commissioner or of the Fire Chief, Health Commissioner, or Police Commissioner, the health, safety, or welfare of the occupants or of the general public are in imminent danger.

(Ord. 19-217.)

§ 48-23. Judicial and appellate review.

(a) *Judicial review.*

A person aggrieved by a decision of the Housing Commissioner under this subtitle may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) *Stays.*

- (1) The filing of a petition for judicial review does not stay the decision of the Commissioner.
- (2) However, on motion and after hearing, the Court may grant a stay as provided in the Maryland Rules of Procedure.

(c) *Appellate review.*

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

(Ord. 19-217.)

§ 48-24 {Reserved}

Part 5. Enforcement

§ 48-25. Enforcement by Environmental Citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of an environmental citation under City Code Article 1, Subtitle 40 {"Environmental Control Board"}.

(b) *Process not exclusive.*

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

(Ord. 19-217.)

§ 48-26. Penalties.

(a) *In general.*

Any person who violates any provision of this subtitle (including any offense listed in § 48-21 of this subtitle as potential cause for a denial, suspension, or revocation of a license) or any provision of a rule or regulation adopted under this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

(Ord. 19-217.)