

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2009, Legislative Day No. 11

Bill No. 49-09

Mr. John Olszewski, Sr., Councilman

By the County Council, June 1, 2009

A BILL
ENTITLED

AN ACT concerning

Unsolicited Advertising Circulars

FOR the purpose of prohibiting the delivery of unsolicited advertising circulars to any residential address in the County unless the circular contains a certain notice; prohibiting the placement of such circulars on motor vehicles; defining terms; providing penalties for violations; providing for enforcement of the law; and generally relating to the delivery of unsolicited advertising circulars.

By adding

Sections 21-19-101 to 21-19-104
Article 21 - Permits, Licenses, and Business Regulation
Title 19 - Unsolicited Advertising Circulars
Baltimore County Code, 2003

WHEREAS, the County Council finds that the distribution of unsolicited written commercial advertising information may be injurious to the public health, safety and welfare because the accumulation of such unsolicited materials dirties the streets and sidewalks and also identifies temporarily vacant residences as potential targets for burglary, vandalism and other crimes; now therefore

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

COUNTY, MARYLAND, that Sections 21-19-101 to 21-19-104 be and they are hereby added to Article 21 - Permits, Licenses, and Business Regulation, Title 19 - Unsolicited Advertising Circulars, of the Baltimore County Code, 2003, to read as follows:

TITLE 19. UNSOLICITED ADVERTISING CIRCULARS.

21-19-101. DEFINITIONS.

(A) DEFINITIONS. IN THIS TITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) UNSOLICITED ADVERTISING CIRCULAR. “UNSOLICITED ADVERTISING CIRCULAR” MEANS ANY PRINTED OR WRITTEN CIRCULAR, NOTICE, OR OTHER ITEM THE PREDOMINATE PURPOSE OF WHICH IS:

(1) TO ADVERTISE ONE OR MORE PRODUCTS, SERVICES, OR OTHER THINGS FOR SALE, LEASE, OR TRADE;

(2) TO DIRECT ATTENTION TO ONE OR MORE BUSINESSES, COMMODITIES, SERVICES, EVENTS, OR OTHER ACTIVITIES FOR WHICH A FEE IS CHARGED OR SOLICITED; OR

(3) OTHERWISE TO PROMOTE ACTIVITY OF A BUSINESS OR COMMERCIAL NATURE.

(C) THE TERM “UNSOLICITED ADVERTISING CIRCULAR” DOES NOT INCLUDE:

(1) A NEWSPAPER, AS DEFINED IN ARTICLE 1 OF THE ANNOTATED CODE OF MARYLAND; OR

(2) CAMPAIGN MATERIAL, AS DEFINED IN THE ELECTION LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

~~(C)~~ (D) DELIVER. “DELIVER” MEANS TO THROW, PLACE, OR DEPOSIT. THE TERM DOES NOT INCLUDE DELIVERY BY MEANS OF THE ~~UNITED~~ UNITED STATES POSTAL SERVICE OR A PRIVATE MAIL DELIVERY SERVICE.

~~(D)~~ (E) DIRECTOR. “DIRECTOR” MEANS THE DIRECTOR OF THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT OR HIS DESIGNEE.

~~(E)~~ (F) PUBLISHER. “PUBLISHER” MEANS THE PERSON RESPONSIBLE FOR THE PUBLICATION OF AN UNSOLICITED ADVERTISING CIRCULAR.

21-19-102. DELIVERY PROHIBITED.

1 (A) A PUBLISHER MAY NOT DELIVER, OR CAUSE TO BE DELIVERED, AN
2 UNSOLICITED ADVERTISING CIRCULAR TO A RESIDENTIAL ADDRESS IN THE
3 COUNTY (WHETHER DELIVERED IN OR ON A FENCE, RAILING, DOOR, PORCH, LAWN,
4 SIDEWALK OR OTHERWISE) UNLESS THE CIRCULAR CONTAINS A CONSPICUOUS
5 NOTICE, PRINTED IN AT LEAST 12 POINT BOLDFACE TYPE, THAT INCLUDES:

6 (1) THE STATEMENT “IF YOU NO LONGER WISH TO RECEIVE THIS
7 PUBLICATION, PLEASE CALL THE FOLLOWING TOLL-FREE NUMBER:”; AND

8 (2) A TOLL-FREE TELEPHONE NUMBER THAT A RESIDENT MAY CALL TO
9 NOTIFY THE PUBLISHER THAT THE RESIDENT NO LONGER WISHES TO RECEIVE THE
10 UNSOLICITED ADVERTISING CIRCULAR.

11 (B) A PUBLISHER MAY NOT DELIVER, OR CAUSE TO BE DELIVERED, AN
12 UNSOLICITED ADVERTISING CIRCULAR TO A RESIDENTIAL ADDRESS IN THE
13 COUNTY AFTER 7 DAYS FROM THE DATE THE PUBLISHER RECEIVED NOTICE FROM
14 THE RESIDENT THAT THE RESIDENT DOES NOT WISH TO RECEIVE THE UNSOLICITED
15 CIRCULAR.

16 (C) A PUBLISHER MAY NOT DELIVER, OR CAUSE TO BE DELIVERED, AN
17 UNSOLICITED ADVERTISING CIRCULAR IN OR ON ANY MOTOR VEHICLE IN THE
18 COUNTY.

19 21-19-103. PENALTY.

20 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS SUBJECT TO A CIVIL
21 PENALTY.

22 (B) THE AMOUNT OF THE PENALTY MAY NOT EXCEED:

23 (1) \$500 FOR THE FIRST OFFENSE; AND

24 (2) \$1,000 FOR EACH ADDITIONAL OFFENSE.

25 21-19-104. ENFORCEMENT.

26 (A) (1) THE DIRECTOR SHALL ENFORCE THE PROVISIONS OF THIS TITLE IN
27 ACCORDANCE WITH ARTICLE 3, TITLE 6 OF THE CODE.

28 (2) THE DIRECTOR MAY ADOPT REGULATIONS, IN ACCORDANCE WITH
29 ARTICLE 3, TITLE 7 OF THE CODE, TO CARRY OUT THE PROVISIONS OF THIS TITLE.

1 (B) THE DIRECTOR MAY ISSUE A CITATION ALLEGING A VIOLATION OF THIS TITLE
2 TO THE PUBLISHER OR TO THE PERSON WHO DELIVERS AN UNSOLICITED
3 ADVERTISING CIRCULAR.

4 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
5 after its enactment.

b04909.wpd