

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2010, Legislative Day No. 16

Bill No. 87-10

Mr. S. G. Samuel Moxley, Councilman

By the County Council, October 4, 2010

A BILL
ENTITLED

AN ACT concerning

Solicitation of Donations

FOR the purpose of reauthorizing the County program that requires a permit to be obtained by any person or organization that solicits on County roadways; defining terms; providing for the application for a permit and its contents; authorizing the Department of Permits and Development Management to investigate the application and to issue or deny the permit requested; providing for the contents, term, and display of a permit; providing for enforcement of the Act; providing penalties; stating the purpose of the Act; and generally relating to the regulation of certain types of solicitation.

BY repealing and re-enacting, with amendments

Sections 21-18-101 through 21-18-109
Article 21 - Permits, Licenses, and Business Regulation
Title 18 - Permit to Solicit Donations
Baltimore County Code 2003

WHEREAS, there have been increased incidences of persons standing on lane dividers of County roads or roadways for the purpose of soliciting donations; and

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.

WHEREAS, the Baltimore County Council finds that persons standing on lane dividers of County roads or roadways for the purpose of soliciting donations creates a safety and traffic hazzard because it unduly distracts motorists and pedestrians in the area of such persons; and

WHEREAS, the Baltimore County Council further finds that persons standing on lane dividers for the purpose of soliciting donations poses a threat to the health, safety, and welfare of motorists and pedestrians in the area of persons standing on lane dividers of County roads or roadways; and

WHEREAS, the County Council believes it is necessary to regulate persons standing on lane dividers of County roads or roadways for the purpose of soliciting donations by requiring that such persons obtain a permit in order to protect the public health, safety, and welfare; and

WHEREAS, the County Council created such a regulatory process by the adoption of Bill 39-06; and

WHEREAS, the General Assembly of Maryland subsequently adopted legislation to authorize Baltimore County to create such a process (Chapter 669 of the Acts of 2009); and

WHEREAS, the purpose of this Act is to reauthorize the County regulatory process pursuant to the State law as now codified in Section 21-507 of the Transportation Article of the Annotated Code of Maryland; now, therefore

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Sections 21-18-101 through 21-18-109 of Article 21 - Permits,
3 Licenses, and Business Regulation, Title 18 - Permit to Solicit Donations, of the Baltimore County
4 Code 2003, be and they are hereby repealed and re-enacted, with amendments, to read as follows:

1 §21-18-101. DEFINITIONS.

2 (a) *Definitions.* In this title, the following words have the meanings indicated.

3 (b) *Department.* “Department” means the Department of Permits and Development Management.

4 (c) *Lane divider.* “Lane divider” means any intervening space, barrier, or clearly indicated separator
5 constructed to impede vehicular traffic between county roadways.

6 (d) *Roadway.* “Roadway” means that part of a highway that is improved, designed, or ordinarily
7 used for vehicular traffic.

8 (e) *Solicit.* “Solicit” means any act by which one person requests an immediate donation of money
9 or other thing of value from another or others, in person, regardless of the solicitor's purpose or
10 intended use of the money or other thing of value. The act of solicitation may be oral, written, or by
11 other means of communication.

12 § 21-18-102. PERMIT REQUIRED.

13 [A] IN ACCORDANCE WITH SECTION 21-507 OF THE TRANSPORTATION ARTICLE OF
14 THE ANNOTATED CODE OF MARYLAND, A person may not occupy or stand on a lane divider
15 or in a roadway to solicit without possessing and displaying a permit issued by the Department.

16 § 21-18-103. APPLICATION FOR A PERMIT.

17 At least 15 days before the time when the permit applied for is to become effective, an applicant
18 shall file with the Department an application which shall contain the following information:

19 [(1) The name, address and age of each person who will solicit;]

20 [(2)] (1) The name and address of the employing or sponsoring person, agency, or entity THAT

1 WILL SOLICIT;

2 [(3)] (2) The exact location or locations where each solicitor will be assigned;

3 [(4) The purpose of the solicitation;]

4 [(5)] (3) The time frame and duration of the solicitation;

5 [(6)] (4) The means of travel to and from the place of solicitation; and

6 [(7)] (5) The name, address, and telephone number of a contact person who will be able to provide
7 additional information to the Department or its designee.

8 § 21-18-104. INVESTIGATION.

9 The Department shall examine each application and make such further investigation as deemed
10 necessary in order to determine the truth of the statements made on the application.

11 § 21-18-105. DENIAL.

12 The Department shall deny the permit if it determines that:

13 (1) Any statement made on the application is untrue; or

14 (2) The location or method of the solicitation or its duration are such that it will be harmful to the
15 health, safety, convenience, or welfare of the general public.

16 § 21-18-106. CONTENTS OF PERMIT; TERM.

17 (a) *Contents of permit.* A permit issued under this division shall contain:

- 1 (1) The name and address of the person or entity making the solicitation;
- 2 (2) The date and time on which the person may solicit; and
- 3 (3) A statement that the permit does not constitute an endorsement by the county of the solicitation
- 4 or the person conducting the solicitation.

5 (b) *Signed by Director.* A permit shall be signed by the Director of the Department or his designee.

6 (c) *Term of permit.* The term of a permit may not exceed 24 hours.

7 [(d) *Limitation on number.* No more than 12 permits may be issued to the same person or entity in

8 a calendar year.]

9 [(e)] (D) *Copy to Police Department.* The Department shall send a copy of a permit to the Baltimore

10 County Police Department.

11 § 21-18-107. DISPLAY OF PERMIT.

12 A person to whom a permit is issued shall conspicuously display the permit while soliciting.

13 § 21-18-108. ENFORCEMENT.

14 (A) *ENFORCEMENT ACTION.* THE DEPARTMENT MAY INSTITUTE AT LAW OR EQUITY,

15 INCLUDING INJUNCTION OR MANDAMUS, TO ENFORCE THE PROVISIONS OF THIS

16 TITLE.

17 (B) *OTHER REMEDIES; CIVIL PENALTIES.* ALTERNATIVELY, AND IN ADDITION TO AND

18 CONCURRENT WITH ALL OTHER REMEDIES, THE DEPARTMENT MAY ENFORCE THE

19 PROVISIONS OF THIS TITLE WITH CIVIL PENALTIES IN ACCORDANCE WITH ARTICLE

1 3, TITLE 6 OF THE CODE.

2 (C) *CIVIL PENALTY*. A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS
3 SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$500.

4 (D) *CONTINUING VIOLATION*. EACH DAY THAT A VIOLATION CONTINUES IS A
5 SEPARATE OFFENSE.

6 (E) *ISSUANCE OF CITATION*. THE DIRECTOR MAY ISSUE A CITATION ALLEGING A
7 VIOLATION OF THIS TITLE TO THE SPONSORING PERSON, AGENCY OR ENTITY OR TO
8 THE PERSON WHO SOLICITS.

9 § 21-18-109. PENALTY.

10 A person who violates the provisions of this title is guilty of a misdemeanor and on conviction is
11 subject to a fine not exceeding [~~\$100~~] \$500 for each violation.

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