

# **Rule and Regulations Promulgated by the Department of Housing and Community Development**

## **RULE AND REGULATION #2:**

### **Pursuant to Baltimore City Code, Article 19 Subtitle 45, Police Ordinances, governing The Removal of Illegal Signs From City Property By Others**

Pursuant to the power conferred upon the Commissioner of Housing and Community Development by Article 19 § 45-4(b)(1) of the Baltimore City Code the following rules and regulations are hereby adopted:

#### **A. Definitions**

1. In these rules and regulations, the following terms have the meanings indicated.

2. *City*

“City” means the Mayor and City Council of Baltimore.

3. *Department*

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

4. *Designated entity*

“Designated entity “ means a non-profit community or neighborhood association that is a community-based organization in which membership is open to all residents of the community and whose objective is to support or engage in activities of public interest without any commercial or monetary profit. A “Non-profit community or neighborhood association” must be organized under the laws of the State of Maryland and listed with the Baltimore City Department of Planning.

5. *Director*

“Director” means the Deputy Commissioner of Code Enforcement for the Department of Housing and Community Development.

6. *Individual*

“Individual” means someone who is 18 years of age or older.

7. *Person*

“Person” means any individual, political candidate, political committee, firm, partnership, association, corporation, company, organization, or other entity of any kind.



7. *Sign*

“Sign” includes any bill, poster, placard, handbill, flyer, painting, notice, advertisement, or other similar object or matter that contains printed or written matter in words, symbols, pictures, or any combination of them.

**B. Scope**

1. These rules and procedures apply to the removal by individuals (other than the City or its employees) of signs that are posted in violation of Article 19 §§45-2(1) through (6).
2. These rules and procedures do not apply to the removal of signs that are posted in violation of Article 19 § 45-2(7), which prohibits the placement of signs on any pole (electric pole), building or property that is owned, leased, or controlled by a public utility and located within or on any public street, alley, or other public property.

**C. Removal of Illegal Signs By An Individual**

1. If any sign is posted in violation of Article 19, §§ 45-2(1) through (6), an individual may remove the sign, except as provided in §C(2), and either:
  - a. Discard the sign; or
  - b. Submit it, together with an affidavit that meets the requirements of § D, to the Department.
2. If the sign is posted at a height that is unreachable by the unassisted individual, or in a manner that creates a hazardous situation, the individual should not remove the sign. Instead, the individual may report the sign to the City using 311 Services.

**D. Requirements of the Affidavit**

1. The affidavit must describe a single alleged violation. A separate affidavit should be submitted with each sign.
2. The affidavit must be made using the form that is attached to these rules and regulations.
3. The affidavit must be complete.
4. The affidavit must be accompanied by:
  - a. The sign that was removed from the location and is identified in the affidavit;
  - b. Two photographs of the sign before being removed from the City property. One photograph must be a close up of the sign sufficient to identify the sign as



posted and the immediate background. The second photograph should be a wider shot that includes the sign with a broader view of the background. Both photographs must be identified on the front of the photos with the address or description of where the sign was posted, the date and time the photograph was taken, the printed name and signature of the individual signing the affidavit;

- c. If the sign was posted on City property that has a proper address or block and lot identification the affidavit should be submitted with a print out from the Maryland Department of Assessment and Taxation showing the property is owned by the City;
  - d. If the sign was posted on City property that does not have a proper address or block lot identifier (as examples: a median, light pole, parking meter) the affidavit should be submitted with a map that identifies the location where the sign was posted.
5. The affidavit must be signed, under the penalty of perjury, by the individual who removed the sign.
  6. The affidavit must be notarized.
  7. Completed affidavits and signs must be submitted to the Department within ten (10) calendar days of removal. Affidavits may be dropped off at 417 E. Fayette Street, Room 128, Monday through Friday, 8:30 a.m. – 4:30 p.m.

**E. Testimony of the Individual who Removed the Sign**

1. In order for enforcement to proceed, the individual who supplied the affidavit must be willing and available to appear and testify at any administrative or court hearings concerning the violation.
2. Any individual who fails to appear or testify at an administrative hearing or court when requested to do so forfeits the designation of fines to the named non-profit community or neighborhood association.
3. Affidavits submitted by an individual who fails to appear or testify at an administrative hearing or court when requested to do so will not be considered for enforcement actions for a 12 month period following the failure to appear.

**F. Designation of an Entity To Share in any Collected Fines**

1. The affidavit may designate an entity to share in any collected fines.
2. The designated entity must be a non-profit community or neighborhood association organized under the laws of the State of Maryland and listed with the Baltimore City Department of Planning.
3. The designated entity must provide the City with a completed IRS Form W-9 (Request for Taxpayer Identification Number and Certification) in order to obtain



a vendor identification number. The IRS Form W – 9 is available online at [www.irs.gov](http://www.irs.gov). Only one W-9 form is required per designated entity per year.

4. The designated entity must have a completed W-9 on file with the City at the time of submission of the affidavit.
5. The City may require that the designated entity provide proof of its non-profit status or its registration with the Department of Planning, as applicable. The City also may require that the entity provide additional information necessary to process payment.
6. If the designated entity provides the information required by the City, the designated entity may receive 50% of any fine that is collected in the matter pursuant to Subtitles 40 or 41 of Article 1 of the City Code.
7. The designated entity may not share in any penalties or interest collected by the City as assessed by the Department of Finance, The Environmental Control Board or their designated Administrative Judge.

**G. Costs for Removal of Signs**

The Department may charge the person responsible for posting the illegal sign on City property for the costs of removal of the illegal sign and the cost of repairing any damaged caused by placing or removing of the sign.

**H. Report of the Director**

1. The Director of the Department must maintain a data system capable of reporting on:
  - a. The name of the person or entity represented on the material removed;
  - b. The number of advertisements, notices, or other signs removed;
  - c. The location of the material; and
  - d. The type of structure from which the material was removed.
2. The Director of the Division must report on the data collected to the Commissioner of Housing when requested.

**I. Issuing Citation**

1. The determination to issue a citation is the sole discretion of the Department.

**J. Severability**

The provisions of this regulation are hereby severable. If any word, phrase, clause, sentence, paragraph, section or part in or of this regulation or the application thereof to any person, circumstance or thing is declared invalid for any reason whatsoever, the remaining provisions and the application of such provisions to other persons, circumstances or things shall not be affected thereby but shall remain in full force and effect, the Commissioner hereby declaring that he would have ordained the remaining provisions of this regulation without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof, so held





invalid.


**K. Filing with Legislative Reference**

The Department shall file these rules and procedures with the Department of Legislative Reference.

**L. Effective Date**

These rules and procedures take effect on 9/25/08.

Approved and Adopted:

  
\_\_\_\_\_  
Paul T. Graziano

9/25/08  
Date

Commissioner

Department of Housing and Community Development



**Affidavit Regarding the Removal of an Illegal Sign**

For office use  
Citation Number

My name is \_\_\_\_\_

My mailing address is \_\_\_\_\_

My telephone number is \_\_\_\_\_

My alternative telephone number is \_\_\_\_\_

In submitting this affidavit I agree to appear and testify at any court or administrative hearings regarding the alleged violation. I understand that the entity listed below will not share in any fines if I fail to appear and testify at any administrative or court hearings concerning the violation. \_\_\_\_\_ (initial)

I agree to supply any additional information that the City of Baltimore requests regarding my removal of the Sign. \_\_\_\_\_ (initial)

I designate the following non-profit community or neighborhood association (designated entity) to share in any fines that are collected in this matter (optional):  
\_\_\_\_\_  
\_\_\_\_\_

(state the designated entity's name, address, phone number and if available the City vendor identification number).

I understand that this entity will not share in any fines if none are collected in this matter. I understand that the entity might be required to provide additional information to the City of Baltimore before the entity may receive any payment. \_\_\_\_\_ (initial)

I, \_\_\_\_\_, solemnly affirm on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, under the penalty of perjury that:

1. I am at least 18 years old;
2. I am not currently employed by the City of Baltimore;
3. At \_\_\_\_\_ a.m. / p.m. on \_\_\_\_\_ (date), I personally observed that the sign submitted with this affidavit (the "sign") was posted on \_\_\_\_\_ (describe the structure or area), which is located at \_\_\_\_\_  
\_\_\_\_\_  
(state the street address and any additional description regarding the location of the sign).  
The sign was posted using the following method: \_\_\_\_\_  
\_\_\_\_\_ (for example, tape, staples).
4. True and accurate photographs (the "photographs") of the sign that I observed are submitted with this affidavit.
5. I have submitted with this affidavit the sign that I observed.



6. Select section a or select and complete section b, as applicable.

a. \_\_\_\_\_ I do not know who posted the sign; or

For office use only.  
Citation Number: \_\_\_\_\_

b. \_\_\_\_\_ To the best of my information and belief, the following person(s) **posted the Sign:** \_\_\_\_\_. The address and telephone number of that person or persons is: \_\_\_\_\_. My information and belief is based on the following facts: \_\_\_\_\_

7. Select section a or select and complete section b, as applicable.

a. \_\_\_\_\_ I do not know who is responsible for the sign; or

b. \_\_\_\_\_ To the best of my information and belief, the following person(s) are **responsible for the Sign:** \_\_\_\_\_. The address and telephone number of that person or persons is: \_\_\_\_\_. My information and belief is based on the following facts: \_\_\_\_\_

I FURTHER AFFIRM under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true and accurate.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Notarization: State of Maryland, City/County of \_\_\_\_\_

I certify that on this \_\_\_\_\_ date of \_\_\_\_\_, 20\_\_, before me, a Notary Public in and for the City/County of \_\_\_\_\_, personally appeared \_\_\_\_\_, who acknowledged that the preceding affidavit was his/her act. As witness, my hand and Notarized Seal:

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**Submit the completed affidavit, together with the sign and photographs to: Baltimore Housing, Sanitation Enforcement, 417 E. Fayette Street, Room 128.**

