

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 05-0034**

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Introduced by: The Council President  
At the request of: The Administration (Office of Neighborhoods)  
Introduced and read first time: February 14, 2005  
Assigned to: Judiciary and Legislative Investigations Committee

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Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: March 19, 2007

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**AN ORDINANCE CONCERNING**

**Gating and Greening Alleys**

FOR the purpose of establishing standards and procedures for the gating and greening of alleys; requiring certain petitions, consents, reviews, notices, and hearings; specifying certain minimum requirements for a lease of a gated or greened area; authorizing ~~administrative and judicial~~ and appellate reviews of certain decisions; defining certain terms; and generally relating to the gating, greening, and leasing of alleys under the authority of City Charter Article II, § 35(e) and (f).

By adding

Article 26 - Surveys, Streets, and Highways  
Section(s) 8A-1 through ~~8A-10~~ 8A-14, to be under the new subtitle,  
“Subtitle 8A. Gating and Greening Alleys”  
Baltimore City Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Laws of Baltimore City read as follows:

**Baltimore City Code**

**Article 26. Surveys, Streets, and Highways**

**SUBTITLE 8A. GATING AND GREENING ALLEYS**

**§ 8A-1. DEFINITIONS.**

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 (B) ABANDONED PROPERTY.

2 “ABANDONED PROPERTY” MEANS:

3 (1) AN UNOCCUPIED STRUCTURE OR VACANT LOT ON WHICH TAXES ARE IN ARREARS  
4 FOR AT LEAST 2 YEARS; OR

5 (2) A BUILDING THAT:

6 (I) IS UNOCCUPIED BY AN OWNER OR TENANT;

7 (II) IS UNFIT FOR HABITATION;

8 (III) HAS DETERIORATED TO THE POINT AT WHICH:

9 A. IT IS STRUCTURALLY UNSOUND; OR

10 B. THE COST OF REHABILITATING THE BUILDING WOULD  
11 SIGNIFICANTLY EXCEED THE BUILDING’S POST-REHABILITATION  
12 MARKET VALUE; AND

13 (IV) HAS BEEN THE SUBJECT OF A VIOLATION NOTICE OR ORDER FROM THE CITY  
14 THAT REQUIRES THE OWNER TO:

15 A. REHABILITATE THE BUILDING TO CONFORM TO MINIMUM CODE  
16 HABITABILITY REQUIREMENTS; OR

17 B. DEMOLISH THE BUILDING FOR HEALTH AND SAFETY REASONS.

18 (C) ~~(B)~~ DIRECTOR.

19 “DIRECTOR” OR “DIRECTOR OF PUBLIC WORKS” MEANS THE DIRECTOR OF THE  
20 DEPARTMENT OF PUBLIC WORKS OR THE DIRECTOR’S DESIGNEE.

21 (D) GREENING.

22 (1) “GREENING” MEANS ANY ALTERATION TO AN ALLEY, BEYOND MERE GATING, THAT  
23 NEWLY RESTRICTS VEHICULAR ACCESS TO OR IN THE ALLEY.

24 (2) “GREENING” INCLUDES, BUT IS NOT LIMITED TO, THE INSTALLATION OF A FIXED  
25 OBJECT, PLANT, OR TREE THAT NEWLY RESTRICTS VEHICULAR ACCESS TO OR IN THE  
26 ALLEY.

27 (3) “GREENING” DOES NOT INCLUDE ANY SODDING, SEEDING, OR PAVEMENT REMOVAL  
28 THAT DOES NOT RESTRICT VEHICULAR ACCESS TO OR IN THE ALLEY.

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1 **§ 8A-2. IN GENERAL.**

2 (A) *SCOPE.*

3 THIS SUBTITLE GOVERNS THE PROCEDURES FOR GATING, GREENING, AND LEASING ALLEYS  
4 UNDER THE AUTHORITY OF CITY CHARTER ARTICLE II, § 35(E) AND (F).

5 (B) *STANDARD.*

6 THE DIRECTOR OF PUBLIC WORKS MAY AUTHORIZE THE GATING AND, IF APPLICABLE, THE  
7 GREENING OF AN ALLEY IF, ON PETITION, PUBLIC NOTICE, AND HEARING AS PROVIDED IN  
8 THIS SUBTITLE, THE DIRECTOR DETERMINES THAT:

9 (1) THE STRUCTURES ABUTTING THE ALLEY ARE PREDOMINANTLY RESIDENTIAL;

10 (2) ~~(1)~~ THE ALLEY IS NO LONGER NEEDED FOR THROUGH PEDESTRIAN OR VEHICULAR  
11 TRAFFIC; AND

12 (3) ~~(2)~~ THE GATING AND, IF APPLICABLE, THE GREENING WILL PROMOTE THE PUBLIC  
13 HEALTH, SAFETY, OR WELFARE.

14 (C) *RULES AND REGULATIONS.*

15 (1) THE DIRECTOR OF PUBLIC WORKS SHALL ADOPT RULES AND REGULATIONS TO CARRY  
16 OUT THIS SUBTITLE.

17 (2) THESE RULES AND REGULATIONS MAY SET REASONABLE FEES TO COVER THE COSTS  
18 INCURRED BY THE DEPARTMENT OF PUBLIC WORKS IN PROCESSING A ~~GATING~~  
19 ~~PETITION~~ PETITION UNDER THIS SUBTITLE.

20 (3) A COPY OF THESE RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT  
21 OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

22 **§ 8A-3. RECORD OF ABUTTING OWNERS.**

23 AT THE REQUEST OF ANY PERSON INTERESTED IN THE GATING OR GREENING OF AN ALLEY, THE  
24 DEPARTMENT OF PUBLIC WORKS SHALL PROVIDE THAT PERSON WITH A LIST OF THE NAMES  
25 AND ADDRESSES, AS THEN SHOWN ON THE DEPARTMENT'S RECORDS, OF THE OWNERS OF ALL  
26 PROPERTIES ABUTTING THAT ALLEY.

27 **§ 8A-4. PETITION BY ABUTTING OWNERS – GENERAL.**

28 (A) *IN GENERAL.*

29 TO INITIATE A PROCEEDING UNDER THIS SUBTITLE, A ~~GATING PETITION~~ PETITION MUST BE  
30 SUBMITTED TO THE DIRECTOR OF PUBLIC WORKS.

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(B) FORM.

THE ~~GATING PETITION~~ PETITION MUST BE IN THE FORM AND CONTAIN THE INFORMATION THAT THE DIRECTOR REQUIRES.

§ 8A-5. PETITION BY ABUTTING OWNERS – CONSENTS FOR GATING.

(A) ~~IN GENERAL~~ REQUIRED CONSENTS.

(1) ~~EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE GATING PETITION A~~ PETITION TO GATE, BUT NOT TO GREEN AN ALLEY MUST BE ACCOMPANIED BY THE SIGNED CONSENTS OF ~~ALL~~ AT LEAST 80% OF THE OWNERS OF ALL ABUTTING PROPERTIES, AS IDENTIFIED ON THE LIST PROVIDED UNDER ~~§ 8A-3~~ OF THIS SUBTITLE NOT INCLUDING ABANDONED PROPERTIES.

(2) THESE CONSENTS MUST BE IN THE FORM AND TENOR THAT THE DIRECTOR REQUIRES.

(B) ~~UNOCCUPIED PROPERTIES~~ STATEMENT OF DILIGENT ATTEMPTS.

~~IF 1 OR MORE ABUTTING PROPERTIES ARE UNOCCUPIED AND, NOTWITHSTANDING DUE DILIGENCE, THEIR OWNERS HAVE NOT BEEN FOUND, THE GATING PETITION MAY STILL BE FILED AND CONSIDERED IF:~~

~~(1) THE PETITION IS ACCOMPANIED BY THE SIGNED CONSENTS OF ALL OF THE OWNERS OF ALL OCCUPIED PROPERTIES;~~

~~(2) THE PROPERTIES FOR WHICH SIGNED CONSENTS HAVE BEEN OBTAINED CONSTITUTE AT LEAST 80% OF ALL OF THE PROPERTIES ABUTTING THE ALLEY; AND~~

~~(3) THE PETITION IS~~ IF 1 OR MORE ABUTTING OWNERS HAS NOT CONSENTED IN WRITING TO THE PROPOSED GATING, THE PETITION MUST BE ACCOMPANIED BY AN AFFIDAVIT, MADE UNDER THE PENALTIES OF PERJURY, THAT: ~~(f)~~ DESCRIBES AND SUBSTANTIATES DILIGENT ATTEMPTS MADE BY THE PETITIONERS TO FIND AND OBTAIN THE CONSENT CONSENTS OF ALL 100% OF THE OWNERS OF UNOCCUPIED ALL ABUTTING PROPERTIES; AND (h) AFFIRMS THAT NO OWNER OF ANY ABUTTING PROPERTY HAS REFUSED TO SIGN A CONSENT OR OTHERWISE IS KNOWN TO OBJECT TO THE PETITION.

§ 8A-6. PETITION BY ABUTTING OWNERS – CONSENTS FOR GREENING.

(A) IN GENERAL.

(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PETITION TO GATE AND GREEN AN ALLEY, OR A PETITION TO GREEN AN ALLEY FOR WHICH GATING ALREADY HAS BEEN APPROVED, MUST BE ACCOMPANIED BY THE SIGNED CONSENTS OF 100% OF THE OWNERS OF ALL ABUTTING PROPERTIES.

(2) THESE CONSENTS MUST BE IN THE FORM AND TENOR THAT THE DIRECTOR REQUIRES.

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1 (B) EXCEPTED PROPERTIES.

2 IF 1 OR MORE ABUTTING PROPERTIES ARE UNOCCUPIED OR ABANDONED AND,  
3 NOTWITHSTANDING DUE DILIGENCE, THEIR OWNERS HAVE NOT BEEN FOUND, THE PETITION  
4 MAY STILL BE FILED AND CONSIDERED IF:

5 (1) THE PETITION IS ACCOMPANIED BY THE SIGNED CONSENTS OF 100% OF THE  
6 OWNERS OF ALL OCCUPIED PROPERTIES ABUTTING THE ALLEY;

7 (2) THE PROPERTIES FOR WHICH SIGNED CONSENTS HAVE BEEN OBTAINED CONSTITUTE  
8 AT LEAST 80% OF ALL OF THE PROPERTIES, NOT INCLUDING ANY ABANDONED  
9 PROPERTIES, ABUTTING THE ALLEY; AND

10 (3) THE PETITION IS ACCOMPANIED BY AN AFFIDAVIT, MADE UNDER THE PENALTIES OF  
11 PERJURY, THAT:

12 (i) DESCRIBES AND SUBSTANTIATES DILIGENT ATTEMPTS MADE BY THE  
13 PETITIONERS TO OBTAIN THE CONSENTS OF 100% OF THE OWNERS OF ALL  
14 UNOCCUPIED PROPERTIES AND ABANDONED PROPERTIES ABUTTING THE  
15 ALLEY; AND

16 (ii) AFFIRMS THAT NO OWNER OF ANY ABUTTING PROPERTY HAS REFUSED TO  
17 SIGN A CONSENT OR OTHERWISE IS KNOWN TO OBJECT TO THE PETITION.

18 **§ 8A-7. PETITION BY ABUTTING OWNERS – SHOWING OF PUBLIC HEALTH, SAFETY, OR**  
19 **WELFARE.**

20 (A) GATING PETITION.

21 A PETITION TO GATE, BUT NOT GREEN, AN ALLEY MUST BE ACCOMPANIED BY:

22 (1) A STATEMENT THAT SPECIFIES HOW THE GATING WOULD PROMOTE THE PUBLIC  
23 HEALTH, SAFETY, OR WELFARE; AND

24 (2) IF THE PETITIONERS ANTICIPATE THAT THEY WILL SEEK TO GREEN THE ALLEY IN  
25 THE FUTURE, A STATEMENT THAT SPECIFIES HOW THE GREENING WOULD PROMOTE  
26 THE PUBLIC HEALTH, SAFETY, OR WELFARE.

27 (B) GREENING PETITION.

28 A PETITION TO GATE AND GREEN AN ALLEY, OR A PETITION TO GREEN AN ALLEY FOR  
29 WHICH GATING ALREADY HAS BEEN APPROVED, MUST BE ACCOMPANIED BY A STATEMENT  
30 THAT SPECIFIES HOW GRANTING THE PETITION WOULD PROMOTE THE PUBLIC HEALTH,  
31 SAFETY, OR WELFARE.

32 **§ 8A-8. ~~§ 8A-6.~~ PETITION BY ABUTTING OWNERS – POLICE AND FIRE REVIEWS.**

33 THE ~~GATING PETITION~~ PETITION MUST ALSO BE ACCOMPANIED BY A LETTER FROM THE LOCAL  
34 POLICE DISTRICT AND LOCAL FIRE STATION POLICE COMMISSIONER AND THE FIRE MARSHALL  
35 INDICATING THAT EACH HAS REVIEWED THE PROPOSED ~~GATING~~ PETITION AND HAS NO  
36 OBJECTION TO IT.

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1 ~~§ 8A-9. § 8A-7. PUBLIC HEARING.~~

2 (A) *DIRECTOR TO CONDUCT.*

3 THE DIRECTOR OF PUBLIC WORKS SHALL CONDUCT A PUBLIC HEARING ON THE ~~GATING~~  
4 ~~PETITION~~ PETITION .

5 (B) *POSTING NOTICE.*

6 (1) AT LEAST 10 DAYS BEFORE THE DATE FOR WHICH THE HEARING IS SCHEDULED, THE  
7 PETITIONERS SHALL POST A NOTICE OF THE HEARING AT EACH END OF THE ALLEY.

8 (2) THE NOTICE MUST BE OF THE SIZE AND CONTAIN THE INFORMATION THAT THE  
9 DIRECTOR REQUIRES.

10 (C) *MAILED NOTICE.*

11 AT LEAST 14 10 DAYS BEFORE THE HEARING, THE ~~DIRECTOR OF PUBLIC WORKS~~  
12 ~~PETITIONERS~~ SHALL MAIL NOTICE OF THE HEARING TO THE OWNERS OF ALL PROPERTIES  
13 ABUTTING THE ALLEY, AS THEN SHOWN ON THE DEPARTMENT'S RECORDS.

14 ~~§ 8A-10. § 8A-8. DECISION.~~

15 (A) *IN GENERAL.*

16 (1) THE DIRECTOR OF PUBLIC WORKS SHALL ISSUE A WRITTEN DECISION ON THE PETITION  
17 WITHIN 30 DAYS OF THE HEARING.

18 (2) A COPY OF THE WRITTEN DECISION SHALL BE SENT TO A PERSON DESIGNATED BY THE  
19 PETITIONERS.

20 (B) *ADDITIONAL FINDING FOR GATING PETITIONS.*

21 (1) IF THE PETITIONERS REQUEST TO GATE, NOT GREEN, THE ALLEY, BUT INDICATE THAT  
22 THEY MIGHT SEEK TO GREEN THE ALLEY IN THE FUTURE, THE DIRECTOR SHALL MAKE A  
23 WRITTEN FINDING THAT:

24 (i) THE POTENTIAL GREENING WOULD PROMOTE THE PUBLIC HEALTH, SAFETY, OR  
25 WELFARE;

26 (ii) THE POTENTIAL GREENING WOULD NOT PROMOTE THE PUBLIC HEALTH, SAFETY,  
27 OR WELFARE; OR

28 (iii) MORE INFORMATION WOULD BE NEEDED IN ORDER TO DETERMINE WHETHER  
29 THE POTENTIAL GREENING WOULD PROMOTE THE PUBLIC HEALTH, SAFETY, OR  
30 WELFARE.

31 (2) IF, SUBSEQUENT TO THE ISSUANCE OF THE DIRECTOR'S DECISION ON GATING, THE  
32 PETITIONERS SUBMIT A PETITION TO GREEN THE ALLEY, THE DIRECTOR MAY RELY ON  
33 HIS OR HER EARLIER FINDING OF WHETHER THE GREENING WOULD PROMOTE THE  
34 PUBLIC HEALTH, SAFETY, OR WELFARE.

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1 § 8A-11. ~~§ 8A-9.~~ REQUIRED LEASE – GATING.

2 (A) *IN GENERAL.*

3 THE APPROVAL OF ANY ~~GATING PETITION~~ PETITION TO GATE, BUT NOT TO GREEN, AN  
4 ALLEY IS SUBJECT TO THE ENTRY INTO A LEASE, IN THE FORM AND ON THE TERMS  
5 APPROVED BY THE BOARD OF ESTIMATES, BETWEEN THE CITY, AS LESSOR, AND A  
6 NEIGHBORHOOD OR COMMUNITY ASSOCIATION LISTED WITH THE DEPARTMENT OF  
7 PLANNING AN ENTITY THAT CONSISTS OF PROPERTY OWNERS WHOSE LOTS ABUT THE  
8 ALLEY, AS LESSEE.

9 (B) *TERMS.*

10 THE LEASE SHALL INCLUDE, AT A MINIMUM, PROVISIONS TO THE FOLLOWING EFFECT:

11 (1) ALL PLANS FOR THE DESIGN AND CONSTRUCTION OF GATES AND FOR ANY  
12 SODDING, ~~GREENING~~ REMOVAL OF PAVEMENT, OR OTHER LANDSCAPING OF THE  
13 ALLEY MUST BE REVIEWED AND APPROVED BY THE DEPARTMENT OF PUBLIC  
14 WORKS.

15 (2) ALL COSTS RELATED TO THE PREPARATION OF THESE PLANS, TO THE PURCHASE,  
16 INSTALLATION, AND MAINTENANCE OF GATES, TO LANDSCAPING, INCLUDING THE  
17 REMOVAL OF PAVEMENT, AND TO GENERAL MAINTENANCE OF THE ALLEY,  
18 INCLUDING ALL FEES FOR BUILDING, FIRE, OR RELATED PERMITS, ARE AT THE  
19 LESSEE’S EXPENSE.

20 (3) THE LESSEE MAY NOT CAUSE OR PERMIT THE “GREENING” OF THE ALLEY. THAT IS,  
21 THE LESSEE MAY NOT MAKE OR PERMIT ANY ALTERATION TO THE ALLEY, BEYOND  
22 MERE GATING, THAT WOULD NEWLY RESTRICT VEHICULAR ACCESS TO OR IN THE  
23 ALLEY.

24 (4) ~~(3)~~ ACCESS TO THE ALLEY MUST BE AVAILABLE TO FIRE, POLICE, PUBLIC WORKS,  
25 AND OTHER APPROPRIATE AGENCIES OF THE CITY AND TO ALL COMPANIES THAT  
26 HAVE UTILITIES LAWFULLY LOCATED IN THE ALLEY.

27 (5) ~~(4)~~ A KNOX BOX MUST BE PLACED ON EACH GATE FOR ACCESS BY AUTHORIZED  
28 VEHICLES AND PEDESTRIANS.

29 (6) ~~(5)~~ NO UTILITIES IN THE ALLEY MAY BE DISTURBED OR BUILT UPON, AND ALL CITY  
30 EASEMENTS FOR UTILITIES MUST BE PRESERVED.

31 (7) ~~(6)~~ IF THE DEPARTMENT OF PUBLIC WORKS, ITS EMPLOYEES, AGENTS, OR  
32 CONTRACTORS ENTER THE ALLEY FOR MAINTENANCE, REPAIR, OR REPLACEMENT  
33 OF CITY UTILITIES, THE DEPARTMENT:

34 (I) IS RESPONSIBLE, ON COMPLETION OF ITS WORK, FOR RESTORING THE ALLEY  
35 TO GRADE; BUT

36 (II) IS NOT RESPONSIBLE FOR ANY OTHER WORK IN THE ALLEY OR FOR ANY  
37 OTHER COSTS INCURRED IN RESTORING THE ALLEY.

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1 ~~(8) (7)~~ NOTHING IN THE LEASE IS TO BE CONSTRUED TO AFFECT ANY PERSON'S  
2 PRIVATE RIGHTS IN THE ALLEY.

3 ~~(9) (8)~~ THE DIRECTOR OF PUBLIC WORKS MAY TERMINATE THE LEASE AND MAY  
4 ORDER OR CAUSE, AT THE LESSEE'S EXPENSE, THE REMOVAL OF ALL GATES  
5 AND OTHER OBSTRUCTIONS AND THE ALLEY'S RESTORATION IF, ~~AT ANY TIME:~~

6 ~~(i) THE LESSEE IS IN DEFAULT OF ANY TERM OF THE LEASE; OR~~

7 ~~(ii) THE DIRECTOR DETERMINES, IN HER OR HIS OWN DISCRETION, THAT THE~~  
8 ~~GATING NO LONGER PROMOTES THE PUBLIC HEALTH, SAFETY, OR~~  
9 ~~WELFARE.~~

10 (i) AT ANY TIME, THE LESSEE IS IN DEFAULT OF ANY TERM OF THE LEASE AND  
11 HAS FAILED TO CURE THAT DEFAULT IN ACCORDANCE WITH THE TERMS OF  
12 THE LEASE; OR

13 (ii) AFTER A PUBLIC HEARING, WITH PRIOR NOTICE AS PROVIDED IN THE LEASE,  
14 THE DIRECTOR DETERMINES THAT:

15 A. THE ALLEY IS NEEDED FOR THROUGH PEDESTRIAN OR VEHICULAR  
16 TRAFFIC; OR

17 B. THE GATING NO LONGER PROMOTES THE PUBLIC HEALTH, SAFETY,  
18 OR WELFARE.

19 ~~(10) (9)~~ THE DIRECTOR OF PUBLIC WORKS MUST AFTER A PUBLIC HEARING, WITH  
20 PRIOR NOTICE AS PROVIDED IN THE LEASE, TERMINATE THE LEASE AND ORDER OR  
21 CAUSE, AT THE LESSEE'S SOLE EXPENSE, THE REMOVAL OF ALL GATES AND OTHER  
22 OBSTRUCTIONS AND THE ALLEY'S RESTORATION IF, AT ANY TIME, THE OWNERS OF  
23 A MAJORITY OF THE ABUTTING PROPERTIES, NOT INCLUDING ANY ABANDONED  
24 PROPERTIES, SO REQUEST IN WRITING.

25 **§ 8A-12. REQUIRED LEASE – GREENING.**

26 (A) IN GENERAL.

27 THE APPROVAL OF ANY PETITION TO GATE AND GREEN AN ALLEY, OR TO GREEN AN ALLEY  
28 FOR WHICH GATING ALREADY HAS BEEN APPROVED, IS SUBJECT TO THE ENTRY INTO A  
29 LEASE, IN THE FORM AND ON THE TERMS APPROVED BY THE BOARD OF ESTIMATES,  
30 BETWEEN THE CITY, AS LESSOR, AND AN ENTITY THAT CONSISTS OF PROPERTY OWNERS  
31 WHOSE LOTS ABUT THE ALLEY, AS LESSEE.

32 (B) TERMS.

33 THE LEASE SHALL INCLUDE, AT A MINIMUM, PROVISIONS TO THE FOLLOWING EFFECT:

34 (1) ALL PLANS FOR THE DESIGN AND CONSTRUCTION OF GATES, FOR THE GREENING OF  
35 THE ALLEY, AND FOR ANY SODDING, REMOVAL OF PAVEMENT, OR OTHER  
36 LANDSCAPING OF THE ALLEY MUST BE REVIEWED AND APPROVED BY THE  
37 DEPARTMENT OF PUBLIC WORKS.



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1 (2) ALL COSTS RELATED TO THE PREPARATION OF THESE PLANS, TO THE PURCHASE,  
2 INSTALLATION, AND MAINTENANCE OF GATES, TO GREENING, TO LANDSCAPING,  
3 INCLUDING THE REMOVAL OF PAVEMENT, AND TO GENERAL MAINTENANCE OF THE  
4 ALLEY, INCLUDING ALL FEES FOR BUILDING, FIRE, OR RELATED PERMITS, ARE AT  
5 THE LESSEE'S EXPENSE.

6 (3) ACCESS TO THE ALLEY MUST BE AVAILABLE TO FIRE, POLICE, PUBLIC WORKS,  
7 AND OTHER APPROPRIATE AGENCIES OF THE CITY AND TO ALL COMPANIES THAT  
8 HAVE UTILITIES LAWFULLY LOCATED IN THE ALLEY.

9 (4) A KNOX BOX MUST BE PLACED ON EACH GATE FOR ACCESS BY AUTHORIZED  
10 VEHICLES AND PEDESTRIANS.

11 (5) NO UTILITIES IN THE ALLEY MAY BE DISTURBED OR BUILT UPON, AND ALL  
12 EASEMENTS FOR UTILITIES MUST BE PRESERVED.

13 (6) IF THE DEPARTMENT OF PUBLIC WORKS, ITS EMPLOYEES, AGENTS, OR  
14 CONTRACTORS ENTER THE ALLEY FOR MAINTENANCE, REPAIR, OR REPLACEMENT  
15 OF CITY UTILITIES, THE DEPARTMENT:

16 (I) IS RESPONSIBLE, ON COMPLETION OF ITS WORK, FOR RESTORING THE ALLEY  
17 TO GRADE; BUT

18 (II) IS NOT RESPONSIBLE FOR ANY OTHER WORK IN THE ALLEY OR FOR ANY  
19 OTHER COSTS INCURRED IN RESTORING THE ALLEY.

20 (7) NOTHING IN THE LEASE IS TO BE CONSTRUED TO AFFECT ANY PERSON'S PRIVATE  
21 RIGHTS IN THE ALLEY.

22 (8) THE DIRECTOR OF PUBLIC WORKS MAY TERMINATE THE LEASE AND MAY ORDER  
23 OR CAUSE, AT THE LESSEE'S EXPENSE, THE REMOVAL OF ALL GATES AND OTHER  
24 OBSTRUCTIONS AND THE ALLEY'S RESTORATION IF:

25 (I) AT ANY TIME, THE LESSEE IS IN DEFAULT OF ANY TERM OF THE LEASE AND  
26 HAS FAILED TO CURE THAT DEFAULT IN ACCORDANCE WITH THE TERMS OF  
27 THE LEASE; OR

28 (II) AFTER A PUBLIC HEARING, WITH PRIOR NOTICE AS PROVIDED IN THE LEASE,  
29 THE DIRECTOR DETERMINES THAT:

30 A. THE ALLEY IS NEEDED FOR THROUGH PEDESTRIAN OR VEHICULAR  
31 TRAFFIC; OR

32 B. THE GATING OR GREENING NO LONGER PROMOTES THE PUBLIC  
33 HEALTH, SAFETY, OR WELFARE.

34 (9) THE DIRECTOR OF PUBLIC WORKS MUST, AFTER A PUBLIC HEARING, WITH PRIOR  
35 NOTICE AS PROVIDED IN THE LEASE, TERMINATE THE LEASE AND ORDER OR CAUSE,  
36 AT THE LESSEE'S SOLE EXPENSE, THE REMOVAL OF ALL GATES AND OTHER  
37 OBSTRUCTIONS AND THE ALLEY'S RESTORATION IF, AT ANY TIME, THE OWNERS OF

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1 A MAJORITY OF THE ABUTTING PROPERTIES, NOT INCLUDING ANY ABANDONED  
2 PROPERTIES, SO REQUEST IN WRITING.

3 **§ 8A-13. RESTORATION OF ALLEY BY UTILITY COMPANIES.**

4 IF A COMPANY THAT HAS UTILITIES LAWFULLY LOCATED IN A LEASED ALLEY ENTERS THE  
5 ALLEY FOR MAINTENANCE, REPAIR, OR REPLACEMENT OF THE UTILITIES, THE COMPANY:

6 (1) IS RESPONSIBLE, ON COMPLETION OF ITS WORK, FOR RESTORING THE ALLEY TO GRADE;  
7 BUT

8 (2) IS NOT RESPONSIBLE TO THE LESSEE FOR ANY OTHER WORK IN THE ALLEY OR FOR ANY  
9 OTHER COSTS INCURRED IN RESTORING THE ALLEY.

10 **§ 8A-14. ~~§ 8A-10. ADMINISTRATIVE AND JUDICIAL~~ JUDICIAL AND APPELLATE REVIEW.**

11 ~~(A) ADMINISTRATIVE APPEAL.~~

12 ~~(1) ANY PERSON AGGRIEVED BY A DECISION OF THE DIRECTOR OF PUBLIC WORKS UNDER~~  
13 ~~§ 8A-8 OF THIS SUBTITLE MAY APPEAL THAT DECISION TO THE BOARD OF MUNICIPAL~~  
14 ~~AND ZONING APPEALS.~~

15 ~~(2) THE APPEAL MUST BE TAKEN WITHIN 30 DAYS OF THE DATE ON WHICH THE DECISION~~  
16 ~~WAS MADE.~~

17 ~~(A) (B) JUDICIAL AND APPELLATE REVIEW.~~

18 ~~(1) A PERSON AGGRIEVED BY THE A FINAL DECISION OF THE BOARD~~ DIRECTOR OF PUBLIC  
19 WORKS UNDER THIS SUBTITLE MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY  
20 PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE  
21 MARYLAND RULES OF PROCEDURE.

22 ~~(B) APPELLATE REVIEW.~~

23 ~~(2) A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE~~  
24 ~~COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF~~  
25 ~~PROCEDURE.~~

26 SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance does not affect any right  
27 of entry that the City granted before enactment of this Ordinance to provide for the temporary  
28 gating of an alley.

29 SECTION 3. AND BE IT FURTHER ORDAINED, That where, before enactment of this  
30 Ordinance, the City granted a right of entry for the temporary gating of an alley in response to a  
31 petition of the owners of properties abutting the alley and the signed consent of at least 80% of  
32 the owners of property abutting the alley, that petition and those consents shall be deemed to  
33 satisfy the requirements of Article 26, § 8A-5 {"Petition by Abutting Owners – Consents for  
34 Gating"} and § 8A-8 {"Petition by Abutting Owners – Police and Fire Reviews"}, as enacted by  
35 this Ordinance.

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1        **SECTION 2-4. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this  
2 Ordinance are not law and may not be considered to have been enacted as a part of this or any  
3 prior Ordinance.

4        **SECTION 3-5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th  
5 day after the date it is enacted.

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City