

**CITY OF BALTIMORE
COUNCIL BILL 17-0115
(First Reader)**

Introduced by: The Council President, Councilmember Middleton

At the request of: Department of Legislative Reference

Introduced and read first time: September 11, 2017

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Minority and Women's Business Opportunity Office, Board of Ethics, Department of Housing and Community Development, Employees' Retirement System, Fire and Police Employees' Retirement System, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Corrective Bill 2017**

3 FOR the purpose of correcting certain technical errors and omissions in the City Code; repealing
4 certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions;
5 correcting, clarifying, and conforming certain language; and providing for a special effective
6 date.

7 BY repealing and reordaining, with amendments
8 Article 1 - Mayor, City Council, and Municipal Agencies
9 Section 56-2
10 Baltimore City Code
11 (Edition 2000)

12 BY repealing and reordaining, with amendments
13 Article 5 - Finance, Property, and Procurement
14 Sections 28-13(d), 28-96(h)(2), 28-103(c), 28-106(a)(3), 28-107(a)(1) and (b),
15 28-114(a)(1) and (b)(1), 28-117(c)(2) and (e)(3)(intro), and 28-118(a)(1)
16 Baltimore City Code
17 (Edition 2000)

18 BY repealing and reordaining, with amendments
19 Article 8 - Ethics
20 Sections 2-17(b) and 3-21(a)(intro)
21 Baltimore City Code
22 (Edition 2000)

23 BY repealing and reordaining, with amendments
24 Article 13 - Department of Housing and Community Development
25 Sections 2-1(c)(3), 2-6(d)(7), and 4-1(e)(2)
26 Baltimore City Code
27 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 BY repealing and reordaining, with amendments

2 Article 14 - Special Benefits Districts

3 Section 19-4(a)

4 Baltimore City Code

5 (Edition 2000)

6 BY repealing and reordaining, with amendments

7 Article 22 - Retirement Systems

8 Sections 5(b)(ii)3.A(intro) and 33(b)(9)(ii)3.A(intro)

9 Baltimore City Code

10 (Edition 2000)

11 BY repealing and reordaining, with amendments

12 Article 22A - Retirement Savings Plan

13 Section 2-20(b)(4)(i)(intro)

14 Baltimore City Code

15 (Edition 2000)

16 BY repealing and reordaining, with amendments

17 Article 26 - Surveys, Streets, and Highways

18 Section 16-3(c)

19 Baltimore City Code

20 (Edition 2000)

21 BY repealing and reordaining, with amendments

22 Article 28 - Taxes

23 Sections 10-17(d)(1)(intro), 10-18(d)(1)(intro), and 24-1(d)

24 Baltimore City Code

25 (Edition 2000)

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

28 **Baltimore City Code**

29 **Article 1. Mayor, City Council, and Municipal Agencies**

30 **Subtitle 56. Citizens Advisory Commission for Public Safety**

31 **§ 56-2. Commission composition.**

32 (c) *Ex officio members.*

33 The ex officio members are as follows:

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1 (1) the Chair of the City Council’s Public Safety Committee [(or the Chair’s
2 designee)] or OF any City Council Committee succeeding to the duties of the City
3 Council’s Public Safety Committee (OR THE CHAIR’S DESIGNEE);

4 (2) the Police Commissioner (or the Commissioner’s designee); and

5 (3) the Director of the Office of Civil Rights and Wage Enforcement [(or the
6 Director’s designee)] or OF any office or agency succeeding to the duties of the
7 Office of Civil Rights and Wage Enforcement relevant to duties of the Citizens
8 Advisory Commission for Public Safety (OR THE DIRECTOR’S DESIGNEE).

9 **COMMENT:** Corrects misplaced modifiers.

10 **Article 5. Finance, Property, and Procurement**

11 **Subtitle 28. Minority and Women’s Business Enterprises;**
12 **SMALL LOCAL BUSINESS ENTERPRISES**

13 **COMMENT:** Corrects subtitle’s name to reflect major expansion added by Ord. 16-695.

14 ***Chapter 2. MBE/WBE Subcontracting Requirements***

15 **§ 28-13. Definitions.**

16 (d) *Certified business enterprise.*

17 “Certified business enterprise” means a minority or women’s business enterprise that
18 has been certified by the Minority and Women’s Business Opportunity Office as
19 meeting the criteria for certification under this [subtitle] CHAPTER.

20 **COMMENT:** Corrects reference to specify applicable statutory unit.

21 ***Chapter 3. Small Local Business Enterprise Procurement Requirements***

22 **§ 28-96. Definitions.**

23 (h) *Professional services.*

24 (2) The term “professional services” as used in this chapter is not intended to be restricted
25 to those professional services [which] THAT are exempted from formal advertising
26 requirements pursuant to Article VI, § 11, of the City Charter or competitive bidding
27 requirements pursuant to Article VII, § 17, of the City Charter.

28 **COMMENT:** Corrects grammatical-cum-usage error.

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1 **§ 28-103. Program performance review.**

2 (c) *Periodic City review.*

3 The Board of Estimates, or its designee, must periodically review the SLBE Program to
4 determine whether the various contracting procedures used to enhance SLBE contract
5 participation need to be adjusted or used more or less aggressively in future years to
6 achieve the goals stated IN § 28-97 {"Purpose; Scope"} and § 28-98 {"Program
7 objectives"} of this chapter.

8 COMMENT: Inserts missing preposition.

9 **§ 28-106. Certification or decertification as an SLBE.**

10 (a) *In general.*

11 In order to apply for certification or recertification as an SLBE, an enterprise must
12 provide the Office with:

13

14 (3) a signed affidavit stating that it meets all of the SLBE eligibility criteria [as] set
15 forth in § 28-105 {"Eligibility for SLBE Program"}.

16 COMMENT: Deletes extraneous adverb.

17 **§ 28-107. Certification or decertification as an Emerging SLBE.**

18 (a) *Eligibility.*

19 A firm is eligible for certification as an Emerging SLBE if it meets the following
20 eligibility criteria:

21 (1) the firm complies with ALL OF THE SLBE criteria [as specified] SET FORTH in
22 § 28-105 {"Eligibility for SLBE Program"};

23

24 (b) *Application.*

25 In order to apply for certification or recertification as an Emerging SLBE, an enterprise
26 must provide the Office with:

27 (1) a completed application for certification OR RECERTIFICATION in the form
28 [specified] REQUIRED by the Office;

29 (2) all supporting documentation required by the Office; and

30 (3) a signed affidavit stating that it meets all of the eligibility criteria SET FORTH in
31 subsection (a) of this section.

32 COMMENT: Corrects and conforms language to usage elsewhere

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§ 28-114. Bonding or insurance waiver.

(a) *Public works contracts.*

(1) Subject to applicable federal and state law, as well as the City Charter, and applicable regulations, policies, and procedures, the Board of Estimates, on the recommendation of the contracting agency, may waive or reduce the bonding or insurance requirements for public works contracts, depending on the type of contract and whether the contracting agency determines that the bonding or insurance requirements would deny an SLBE, or Emerging SLBE, an opportunity to perform a contract [which] THAT the SLBE or Emerging SLBE has shown itself otherwise capable of performing.

(b) *All other contracts.*

(1) Subject to applicable federal and state law, as well as the City Charter, and applicable regulations, policies, and procedures, the Board of Estimates, on the recommendation of the Department of Finance, may waive or reduce the bonding or insurance requirements, depending on the type of contract and whether the Department determines that the bonding or insurance requirements would deny an SLBE or Emerging SLBE an opportunity to perform a contract [which] THAT the SLBE or Emerging SLBE has shown itself otherwise capable of performing.

COMMENT: Corrects grammatical-cum-usage errors.

§ 28-117. Mandatory subcontracting.

(c) *Required bidder submissions.*

(2) At the time of bidding, a bidder may request a full or partial waiver of this mandatory subcontracting requirement from the Chief for good cause, by submitting an SLBE unavailability certification to the Chief along WITH adequate documentation of good faith efforts to obtain SLBE participation, in the form required by the Office.

COMMENT: Inserts missing preposition.

(e) *Failure to satisfy SLBE subcontracting goals.*

(3) A Contractor commits a material breach of contract if it fails to notify and obtain written approval from the Chief in advance of any negative change [is] IN usage of a designated SLBE or Emerging SLBE subcontractor, including any:

.....

COMMENT: Corrects typographical error.

§ 28-118. Sheltered Market Program.

(a) *Eligible contracts.*

(1) The Chief and a contracting agency may select certain contracts [which] THAT have a contract value of \$250,000 or less for award to a certified SLBE, or a joint venture with a certified SLBE, through the Sheltered Market Program.

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1 COMMENT: Corrects grammatical-cum-usage error.

2 **Article 8. Ethics**

3 **Subtitle 2. Definitions; General Provisions**

4 **§ 2-17. “Gift”.**

5 (b) *Exclusions.*

6 “Gift” does not include the solicitation, acceptance, receipt, or disposition of a political
7 contribution that is regulated under State [Code Article 33] ELECTION LAW ARTICLE,
8 Title 13 {“Campaign Finance”}, or under any other state law that regulates the conduct of
9 elections or the receipt of political contributions.

10 COMMENT: Updates obsolete cross-reference.

11 **Subtitle 3. Administration**

12 **§ 3-21. Conflicts affidavit.**

13 (a) *Officials to file.*

14 Each official must, within 6 months of his or her INITIAL appointment to office, complete
15 and file with the Ethics Board and with that official’s appointing authority, an affidavit
16 that certifies, under penalties of perjury, that the official:

17

18 COMMENT: Amends language to clarify, as per the Ethics Board’s understanding and
19 long-time practice, that this filing is generally but a one-time requirement, triggered by
20 one’s *initial* “appointment to office” – unlike, for example, the training requirement in
21 § 3-20(b)(1), which is expressly triggered anew on an official’s “appointment *or*
22 *reappointment* to office”.

23 **Article 13. Housing and Urban Renewal**

24 **Subtitle 2. Department of Housing and Community Development**

25 **§ 2-1. Determinations, declarations, and definitions.**

26 (c) *Definitions.*

27 (3) *Zoning change.*

28 In this subtitle, “zoning change”:

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1 (i) means [a zoning map amendment] ANY “LEGISLATIVE AUTHORIZATION”, as
2 [described] DEFINED in Baltimore City Zoning Code [Title 5, Subtitle 5
3 {“Legislative Authorizations”}], § 5-501 {“LEGISLATIVE AUTHORIZATION”
4 DEFINED”}; [and] BUT

5 (ii) does not include any use or bulk regulation restriction that is imposed by a
6 Renewal Plan or Conservation Plan.

7 **COMMENT:** Corrects cross-reference; clarifies conjunction.

8 **§ 2-6. Adoption and approval of plan.**

9 (d) *Enabling ordinances.*

10 (7) Any zoning change proposed by a Renewal Plan or a Conservation Plan must be
11 approved by an ordinance enacted in accordance [with Article 66B of] the State
12 [Code] LAND USE ARTICLE AND THE BALTIMORE CITY ZONING CODE.

13 **COMMENT:** Updates obsolete cross-reference; adds reference to City Zoning Code.

14 **Subtitle 4. Registration of Non-Owner-Occupied Dwellings,**
15 **Rooming Houses, and Vacant Structures**

16 **§ 4-1. Definitions.**

17 (e) *Non-owner-occupied dwelling unit.*

18 (2) *Qualifications.*

19 For purposes of this definition:

20 (i) an owner may only have one owner-occupied dwelling in Baltimore City; and

21 (ii) an owner-occupied unit must be [title] TITLED to a natural person.

22 **COMMENT:** Corrects typographical error.

23 **Article 14. Special Benefits District**

24 **Subtitle 19. South Baltimore Gateway Community Impact District**

25 **§ 19-4. Powers and functions of Authority.**

26 (a) *Governmental body.*

27 To the greatest extent allowable by law, the Authority is and shall [ee] BE deemed to be a
28 governmental body, both politic and corporate, exercising only those powers as are
29 provided for in this subtitle.

30 **COMMENT:** Corrects typographical error.

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Article 22. Retirement Systems

Subtitle – Employees’ Retirement System

§ 5. Administration; Board of Trustees.

(b) Members.

(5)(ii)3.A. Notwithstanding City Code Article 8 {“Ethics”}, § 6-28(3) {“Gifts: Qualified exemptions; travel, etc., expenses”} [or § 6-30 {“Honoraria”}], no Trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

....

COMMENT: Deletes reference to repealed section.

Subtitle – Fire and Police Employees’ Retirement System

§ 33. Administration.

(b) Members.

(9)(ii)3.A. Notwithstanding City Code Article 8 {“Ethics”}, § 6-28(3) {“Gifts: Qualified exemptions; travel, etc., expenses”} [or § 6-30 {“Honoraria”}], no Trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

....

COMMENT: Deletes reference to repealed section.

Article 22A. Retirement Savings Plan

Subtitle 2. Administration

§ 2-20. Conflicts of interest.

(b) Additional standards and requirements.

(4) Gifts, payments, free admissions, expense reimbursements.

(i) Notwithstanding City Code Article 8 {“Ethics”}, § 6-28(3) {“Gifts: Qualified exemptions; travel, etc., expenses”} [or § 6-30 {“Honoraria”}], no trustee or Board employee may accept any gift or any payment, free admission, or expense reimbursement for attendance at a conference, seminar, or similar meeting, or for related food, travel, lodging, or entertainment, if the gift or the payment, free admission, or reimbursement is, directly or indirectly, from:

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1

2 **COMMENT:** Deletes reference to repealed section.

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

4 **Subtitle 16. Pavement Protection**

5 **§ 16-3. Concrete; oil products; weight on asphalt.**

6 (c) *Weight-bearing devices on asphalt.*

7 Nor shall it be lawful to place any stick, trestle, or other supporting device bearing any
8 weight whatsoever, for any purpose, upon any sheet asphalt or other bituminous
9 pavement on any street, lane, or alley in the City, unless the said stick, trestle, or other
10 supporting device shall have a [fiat] FLAT base resting upon the pavement of not less than
11 12 inches square.

12 **COMMENT:** Corrects typographical error.

13 **Article 28. Taxes**

14 **Subtitle 10. Credits**

15 **§ 10-17. High-performance market-rate rental housing – Targeted areas.**

16 (d) *Amount of credit.*

17 (1) The amount of the credit shall equal a percentage, as specified in paragraph (2) of this
18 subsection, of 1 OR ANOTHER OF THE FOLLOWING:

19

20 **COMMENT:** Adds clarifying phrasing.

21 **§ 10-18. High-performance market-rate rental housing – Citywide.**

22 (d) *Amount of credit.*

23 (1) The amount of the credit shall equal a percentage, as specified in paragraph (2) of this
24 subsection, of 1 OR ANOTHER OF THE FOLLOWING:

25

26 **COMMENT:** Adds clarifying phrasing.

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Subtitle 24. Passenger-for-Hire Services

§ 24-1. Definitions.

(d) *Passenger-for-hire service.*

(1) *In general.*

“Passenger-for-hire service” means any taxicab service, limousine service, [or] sedan service, OR TRANSPORTATION NETWORK SERVICE that, for [a fee] FOR REMUNERATION, transports passengers within, from, or to Baltimore City.

(2) *Supplemental definitions.*

“Taxicab service”, “limousine service”, [and] “sedan service”, “TRANSPORTATION NETWORK SERVICE”, AND “REMUNERATION” have the meanings stated in the State Public Utilities Article § 10-101.

COMMENT: Modifies subsection to reflect recent changes made to State Public Utilities Article § 10-101.

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

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect when it is enacted.