

**CITY OF BALTIMORE
COUNCIL BILL 07-0633
(First Reader)**

Introduced by: The Council President
At the request of: The Department of Legislative Reference
Introduced and read first time: April 16, 2007
Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Board of Municipal and Zoning Appeals, Department of Housing and Community Development, Department of Public Works, Department of Transportation, Health Department, Police Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Corrective Bill 2007**

3 FOR the purpose of correcting certain technical errors and omissions in the City Code and other
4 enactments; repealing certain obsolete provisions; correcting, clarifying, and conforming
5 certain language; and providing for a special effective date.

6 BY repealing

7 Article 1 - Mayor, City Council, and Municipal Agencies
8 Section(s) 5-1 through 5-5, inclusive, and the subtitle designation
9 "Subtitle 5. Compensation Commission for Elected Officials"
10 Baltimore City Code
11 (Edition 2000)

12 BY repealing and reordaining, with amendments

13 Article - Building, Fire, and Related Codes
14 Section(s) 2-103 (IBC § 34A05.1)
15 Baltimore City Revised Code
16 (Edition 2000)

17 BY repealing and reordaining, with amendments

18 Article - Health
19 Section(s) 3-101(a)
20 Baltimore City Revised Code
21 (Edition 2000)

22 BY repealing and reordaining, with amendments

23 Article 13 - Housing and Urban Renewal
24 Section(s) 2-7(f)(1)
25 Baltimore City Code
26 (Edition 2000)

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

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1 BY repealing

2 Article 19 - Police Ordinances
3 Section(s) 40-1
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing and reordaining, with amendments

7 Article 31 - Transit and Traffic
8 Section(s) 31-106(a)
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and reordaining

12 Ordinance 05-124
13 Section(s) 1(2), (4), and (5)

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
15 following provisions of the Code are repealed:

16 Article 1 - Mayor, City Council, and Municipal Agencies
17 Section(s) 5-1 through 5-5, inclusive, and the subtitle designation
18 “Subtitle 5. Compensation Commission for Elected Officials”

19 **COMMENT:** Repeals provision made obsolete by ratification of new Charter
20 Article VII, §§ 117 to 125.

21 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Laws of Baltimore City read as
22 follows:

23 **Baltimore City Revised Code**

24 **Article – Building, Fire, and Related Codes**

25 **Part II. International Building Code**

26 **§ 2-103. City modifications.**

27 The additions, deletions, amendments, and other modifications adopted by the City are as
28 follows:

29 **Chapter 34A. Visitability Requirements for Publicly Assisted Dwellings**

30 **Section 34A05 Relationship to other laws.**

31 **34A05.1 Federal and state laws.** Federal and state laws also govern multiple-family
32 dwellings and public accommodations. Newly constructed multiple-family DWELLINGS may

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1 also be subject to the federal Americans with Disabilities Act and the federal Fair Housing
2 Act and their respective guidelines.

3 **COMMENT:** Corrects inadvertent omission.

4 **Article – Health**

5 **Title 3. Health Facilities**

6 ***Subtitle 1. Ordinance Required to Establish***

7 **§ 3-101. “Health facility” defined.**

8 (a) *In general.*

9 In this subtitle, “health facility” means:

- 10 (1) any hospital or similar facility for the care, custody, or treatment of 2 or more
11 unrelated patients suffering mental or physical ailments; AND
- 12 (2) any home for the rehabilitation of non-bedridden alcoholics, as that term is used
13 in the Zoning Code of Baltimore City[; and
- 14 (3) any substance abuse treatment center, as defined in the Zoning Code of Baltimore
15 City].

16 **COMMENT:** Ord. 06-342 {Bill 05-220} repealed the separate Zoning Code
17 classification for (and definition of) “substance abuse treatment center”. It also
18 broadened the classification for clinics to encompass treatment centers and the
19 like. Under the Zoning Code, these clinics do not require an ordinance for
20 approval. The residual reference here is thus obsolete.

21 **Baltimore City Code**

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

23 **§ 2-7. Specific powers.**

24 (f) *Disposing of property.*

- 25 (1) In accordance with applicable Renewal Plans or Conservation Plans, to sell at public
26 or private sale, lease, convey, transfer, or otherwise dispose of any land or property,
27 or any interest [therein] IN THEM, acquired by it regardless of whether or not it has
28 been developed, redeveloped, altered, or improved and irrespective of the manner or
29 means in or by which it may have been acquired, to the United States of America, the
30 Housing Authority of Baltimore City, [or] the State of Maryland, or any department
31 or agency [thereof] OF THEM, or [of] TO any private, public, or quasi-public
32 corporation, partnership, association, person, or other legal entity, for conservation,
33 development, or redevelopment, including but not limited to [the] renovation or
34 rehabilitation [thereof].

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COMMENT: Corrects a misleading preposition. Specifically, the phrase “of any private ... entity” should read “to any private ... entity”. *Cf.* Charter Article II, § 15(c) and § 15A(b). Also removes some archaisms.

Article 19. Police Ordinances

Subtitle 40. Unregistered Motorcycles and Similar Vehicles

§ 40-1. Definitions.

(a) *In general.*

In this subtitle, the following words have the meaning indicated.

(b) *Department.*

“Department” means the [Mayor’s] Department of Transportation.

(c) *Dirt bike.*

(1) “Dirt bike” means any motorcycle or similar vehicle that is not registered under the Maryland Vehicle Law.

(2) “Dirt bike” includes:

(i) a minibike;

(ii) an all-terrain vehicle of either the 3- or 4-wheel variety; and

(iii) any other motorcycle or similar vehicle that is not eligible for registration under the Maryland Vehicle Law.

(d) *Minibike.*

“Minibike” means a motor vehicle that:

(1) has a saddle for the use of the rider;

(2) is designed to travel on not more than 3 wheels in contact with the ground;

(3) is not eligible for registration under the Maryland Vehicle Law [or this subtitle];
and

(4) has:

(i) a 10-inch (254 mm) or less nominal wheel-rim diameter;

(ii) 40 inches or less wheel base;

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(iii) 25 inches or less seat height, measured at the lowest point on the top of the seat cushion without rider; or

(iv) a propelling engine with piston displacement of 50 cc or less.

(e) *Motorcycle or similar vehicle.*

(1) “Motorcycle or similar vehicle” means any motor vehicle that is designed to travel on not more than 3 wheels in contact with ground.

(2) “Motorcycle or similar vehicle” includes a minibike.

[(f) *Motor scooter.*

“Motor scooter” has the meaning stated in State Transportation Article § 11-134.4.]

(F) [(g)] *Unregistered motorcycle or similar vehicle.*

“Unregistered motorcycle or similar vehicle” means a motorcycle or similar vehicle that:

(1) is eligible for registration under the Maryland Vehicle Law; but

(2) is not in fact registered.

COMMENT: This section was enacted by Ord. 07-398, which rewrote much of the subtitle. During deliberations, proposed registration requirements, as well as references to “motor scooters”, were deleted. This clears up some of the consequent inconsistencies.

Article 31. Transit and Traffic

Subtitle 31. Clear Streets and Impoundment

§ 31-106. Driveways, service drives, private ways.

(a) *In general.*

Within any zone marked as tow away, pursuant to [§ 6-2] § 6-12 of this article, so as to obstruct or impede egress or ingress to or from a driveway, service drive, or private way.

COMMENT: Corrects cross-reference.

Uncodified Ordinances

Ordinance 05-124

(Urban Renewal Plan for Middle East – Amendment 8)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following changes in the Urban Renewal Plan for Middle East are approved:

. . . .

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1 (2) In the Plan, replace Appendix E Design Guidelines with “[Exhibit A] APPENDIX
2 E, New East Baltimore Community Design Guidelines”, dated March 30, 2005.

3

4 (4) In the Plan, amend B.(1)h. to read as follows:

5 h. PUD Standards and Controls

6 The development of the East Baltimore Biotech Center and the surrounding
7 area ([Collectively] COLLECTIVELY, the “East Baltimore Development Project
8 Area”, described in [Exhibit B] APPENDIX F) shall require the preparation of a
9 comprehensive plan of development that is approved through a process that
10 has substantial community involvement. “Substantial [Community
11 Involvement] COMMUNITY INVOLVEMENT” means: Community participation
12 that is consistent with the required approval of the Planned Unit
13 Developments (PUDs).

14 In addition, PUDs shall be encouraged (and for any phase after the initial
15 phase, required) or, per Section 9-105(b) of the Zoning Code or as otherwise
16 permitted by law, initiated by the Planning Commission itself to:

- 17 (1) establish unitary control over the East Baltimore Development Project
18 Area, rather than lot-by-lot regulation;
- 19 (2) achieve maximum coordination between or among each PUD and
20 neighboring land uses;
- 21 (3) provide greater flexibility to the redeveloper;
- 22 (4) allow for greater involvement by the impacted community;
- 23 (5) ensure that significant housing resources are made available to
24 households of varying income levels, specifically, low income (50% or
25 less of the median income applicable to Baltimore City as published
26 and annually updated by the United States Department of Housing and
27 Urban Development), moderate income (making more than 50% of
28 median income applicable to Baltimore City but less than 100% of
29 median income, using a combination of price adjustments and buyer
30 financing assistance programs, sponsored by the State of Maryland
31 and other sources), and market rate without regard to income;
- 32 (6) in accordance with subparagraph (5), ensure that the Development
33 Project Area provides (excluding student housing) one-third low
34 income housing, one-third moderate income housing, and one third
35 market rate housing; and
- 36 (7) optimize the preservation of existing historic buildings and the unique
37 historic character of the East Baltimore Development Project Area for
38 Baltimore residents and visitors.

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1 In the event that a PUD is not utilized, there shall be no significant
2 development within the East Baltimore Development Project Area or the
3 completion of a comprehensive plan development for the East Baltimore
4 Development Project Area without substantial community involvement, as
5 defined above.

6 The Development Project Area shall be developed in accordance with the
7 “Land Disposition and Development Agreement” between the Mayor and City
8 Council of Baltimore and East Baltimore Development, Inc., effective April
9 28, 2004, as amended from time to time.

10 (5) In the Plan, add “[Exhibit B] APPENDIX F, Project Area Description”.

11 **COMMENT:** Corrects references to appendices, capitalization errors, and
12 paragraphing.

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

16 **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
17 is enacted.