

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor  
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Baltimore, Maryland 21202

February 6, 2014

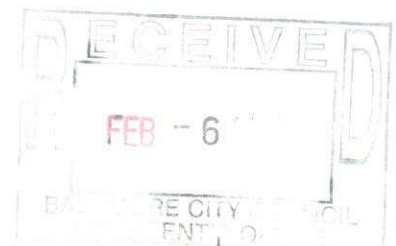
The Honorable President and Members  
of the Baltimore City Council  
Attn: Karen Randle, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 14-0304 – Floodplain Management Code – Cross-References and Corrections

Dear President and City Council Members:

The Law Department has reviewed, for form and legal sufficiency, City Council Bill 14-0304, which has as its purpose conforming certain Baltimore City Code provisions to provisions of the Baltimore City Floodplain Management Code (Article 7, Division I), as amended by companion Bill 14-0303. Specifically, the bill repeals, and reordains with amendments, provisions of the Housing and Urban Renewal Article and the Zoning Code and Building, Fire, and Related Codes. The bill corrects certain errors and omissions relating to floodplain management and the design and construction of structures within the Floodplain District and clarifies the application of certain provisions. It deletes certain redundant, obsolete, and otherwise superfluous provisions, and corrects and conforms certain obsolete nomenclature. It also provides for a special effective date.

This bill is a proper exercise of the power of the Mayor and City Council to regulate “storm water courses and flood areas,” as provided by Article II, Section 32 of the City Charter. *See also* City Charter, Art. II, §47 (general welfare power); Art. III, §11 (“The Mayor and City Council of Baltimore shall have power to pass all ordinances, not inconsistent with the Charter, necessary to give effect and operation to all powers vested in the City.”). Additionally, the bill is in accordance with state and federal law concerning flood hazard management. *See* Md. Environment Code Ann., § 5-803 (Baltimore City shall implement a flood management plan for its watershed); *See also* the National Flood Insurance Act of 1976 and Flood Disaster Protection Act of 1973 (Baltimore City has the responsibility under these acts to adopt and enforce floodplain management regulations which meet federal standards).



F/Comment

Further, the amendments to the Building, Fire and Related Codes reflect updates necessary to comply with the state, federal and international codes of which it is comprised. The bill is a proper exercise of the power of the Mayor and City Council "to regulate the location, construction, use, operation, maintenance and removal of buildings and structures, or any part thereof, of every kind" as provided by Article II, Section 1 of the City Charter. *See also* City Charter, Art. II, §47 (general welfare power); Art. III, §11 ("The Mayor and City Council of Baltimore shall have power to pass all ordinances, not inconsistent with the Charter, necessary to give effect and operation to all powers vested in the City."). Additionally, the bill is in accordance with state law concerning certain safety standards. *See* Md. Pub. Safety Code, Title 12.

Finally, since this bill encompasses zoning legislation, *see* ZC §16-101(d), certain procedural requirements must be met. *See* ZC §16-301 *et. seq.* (referral to certain City agencies, which are obligated to review the bill in a specified manner); ZC §16-401 (prerequisites for second reading); ZC §16-402 (notice and posting requirements); ZC §16-403 (limitations on the City Council's ability to amend the bill); *see also* Md. Land Use Code Ann., §10-303. Assuming these procedural requirements have been met, the Law Department approves the bill for form and legal sufficiency.

Very truly yours,



Jennifer Landis  
Assistant Solicitor

cc: George Nilson, City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor  
Hilary Ruley, Chief Solicitor  
Victor Tervalá, Chief Solicitor