

**CITY OF BALTIMORE
COUNCIL BILL 12-0069
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Planning)
Introduced and read first time: April 30, 2012
Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Real Estate, Planning
Commission

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Real Estate Transactions – Disclosure of Heavy-Industrial and Railroad Operations**

3 FOR the purpose of requiring the seller of real property to disclose to the buyer certain
4 information about the possibility of nearby heavy-industrial and railroad operations; defining
5 certain terms; conforming, correcting, and clarifying certain related provisions; and providing
6 for a special effective date.

7 BY repealing and reordaining, without amendments

8 Article 2 - Consumer Protections

9 Section(s) 14-1(a)

10 Baltimore City Code

11 (Edition 2000)

12 BY adding

13 Article 2 - Consumer Protections

14 Section(s) 14-1(e)

15 Baltimore City Code

16 (Edition 2000)

17 BY repealing

18 Article 2 - Consumer Protections

19 Section(s) 14-5(a)

20 Baltimore City Code

21 (Edition 2000)

22 BY relettering

23 Article 2 - Consumer Protections

24 Section(s) 14-5(b), (c), and (d)

25 to be

26 Section(s) 14-5(a), (b), and (c)

27 Baltimore City Code

28 (Edition 2000)

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

Council Bill 12-0069

1 BY adding
2 Article 2 - Consumer Protections
3 Section(s) 14-6
4 Baltimore City Code
5 (Edition 2000)

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

8 **Baltimore City Code**

9 **Article 2. Consumer Protections**

10 **Subtitle 14. Real Estate Practices – Disclosures**

11 **§ 14-1. Definitions.**

12 (a) *In general.*

13 In this subtitle, the following terms have the meanings indicated.

14 (E) *SELLER.*

15 “SELLER” MEANS:

16 (1) THE OWNER OF REAL PROPERTY BEING OFFERED FOR SALE; OR

17 (2) A REAL ESTATE AGENT, ATTORNEY, LENDER, OR OTHER PERSON ACTING ON BEHALF
18 OF THE OWNER OF THE PROPERTY BEING OFFERED FOR SALE.

19 **§ 14-5. Property tax.**

20 [(a) “*Seller*” *defined.*

21 In this section, “seller” means:

22 (1) the owner of real property being offered for sale; or

23 (2) a real estate agent, attorney, lender, or other person acting on behalf of the owner
24 of the property being offered for sale.]

25 **§ 14-6. HEAVY-INDUSTRIAL AND RAILROAD OPERATIONS.**

26 ON OR BEFORE ENTERING INTO A CONTRACT FOR THE SALE OF ANY REAL PROPERTY, THE
27 SELLER MUST PROVIDE THE BUYER WITH THE FOLLOWING DISCLOSURE:

28 **DISCLOSURE OF HEAVY- INDUSTRIAL AND RAILROAD OPERATIONS**

29 BUYER IS ADVISED THAT THE PROPERTY MAY BE LOCATED NEAR HEAVY-
30 INDUSTRIAL OPERATIONS (THAT IS, LAND USES LIMITED TO AN M-3 INDUSTRIAL

Council Bill 12-0069

1 ZONING DISTRICT UNDER ZONING CODE TITLE 7, SUBTITLE 4) OR NEAR RAILROAD
2 OPERATIONS.

3 THESE OPERATIONS MAY INVOLVE THE USE OF MACHINERY, TRUCKS, OR TRAINS,
4 24 HOURS A DAY, 7 DAYS A WEEK, AND MAY CREATE OR CAUSE NOISES, ODORS,
5 FUMES, BRIGHT LIGHTS, VIBRATIONS, AND SAFETY HAZARDS.

6 DETAILED INFORMATION ON THE LOCATION OF HEAVY-INDUSTRIAL (M-3) ZONES
7 AND ON THE LOCATION OF RAILROAD TRACKS CAN BE FOUND ON THE "BALTIMORE
8 CITYVIEW" WEBSITE, AT [HTTP://CITYVIEW.BALTIMORECITY.GOV](http://cityview.baltimorecity.gov).

9 **SECTION 2. AND BE IT FURTHER ORDAINED**, That City Code Article 2, § 14-5(b), (c), and (d)
10 are relettered to be City Code Article 2, § 14-5(a), (b), and (c).

11 **SECTION 3. AND BE IT FURTHER ORDAINED**, That if any provision of this ordinance or
12 the application of this ordinance to any person or circumstance is held invalid for any
13 reason, the invalidity does not affect any other provision or any other application of this
14 Ordinance, and for this purpose the provisions of this ordinance are declared severable.

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

18 **SECTION 5. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on October 1,
19 2012.