

**CITY OF BALTIMORE
COUNCIL BILL 14-0377
(Resolution)**

Introduced by: The Council President

At the request of: The Administration (Department of Transportation/Department of General Services)

Introduced and read first time: May 12, 2014

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Transportation, Department of General Services, Department of Finance

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Transfer of Powers and Duties**

3 FOR the purpose of transferring from the Department of General Services to the Department of
4 Transportation certain Charter powers and duties relating to streets and rights-of-way,
5 including the approval of new streets, the naming or renaming of streets, the opening and
6 closing of streets, the numbering of buildings, the preparation of street plats and plans, and
7 the maintenance of plats and records of all parcels of real property and underground
8 structures, and the maintenance a system of uniform property identification; and submitting
9 this amendment to the qualified voters of the City for adoption or rejection.

10 BY proposing to repeal

11 Article VII - Executive Departments
12 Sections 132(d)-(f) and 133
13 Baltimore City Charter
14 (1996 Edition)

15 BY proposing to amend

16 Article VII - Executive Departments
17 Section 116(b)(2) and (5)
18 Baltimore City Charter
19 (1996 Edition)

20 BY proposing to add

21 Article VII - Executive Departments
22 Section 116(e)-(k)
23 Baltimore City Charter
24 (1996 Edition)

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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1 BY proposing to reletter
2 Article VII - Executive Departments
3 Section 116(e)
4 to be
5 Section 116(i)
6 Baltimore City Charter
7 (1996 Edition)

8 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
9 City Charter is proposed to be amended to read as follows:

10 **Baltimore City Charter**

11 **Article VII. Executive Departments**

12 *Department of General Services*

13 **§ 132. Powers and duties of Department.**

14 [(d) *System of uniform property identification.*

15 (1) The Department shall maintain a system for the uniform identification of all real
16 property within Baltimore City.

17 (2) The system shall identify each parcel of real property by a symbol. That symbol shall
18 be used by every municipal agency to identify that parcel, until it is subdivided or the
19 symbol is changed by the Department.

20 (3) The failure of the Department or of any other municipal agency to identify a parcel of
21 property by its symbol does not affect the validity of any assessment or charge
22 otherwise properly made.

23 (e) *Plats and records – properties.*

24 (1) The Department shall maintain adequate plats and other records of all parcels of real
25 property within Baltimore City.

26 (2) These plats and records shall include:

27 (i) the ownership of each parcel; and

28 (ii) the symbol by which each parcel is identified.

29 (3) These plats and records shall be the official plats and records to be used by all
30 municipal agencies to identify and determine the location of every parcel of real
31 property within Baltimore City.

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1 (f) *Plats and records – underground structures.*

2 The Department shall maintain plats and records of tunnels, pipes, mains, sewers,
3 conduits, and other underground structures, both public and private.]

4 **[§ 133. Streets.**

5 (a) *Approval of new streets.*

6 (1) Any person who, in connection with any real estate development, wants to lay out,
7 locate, or construct a street, public or private, within Baltimore City shall, before
8 beginning construction and before selling any land abutting on the street, present to
9 the Department of General Services a copy of the plat for the proposed development,
10 as approved by the Planning Commission, showing in detail the proposed streets.

11 (2) If the plat is approved by the Department, the person shall:

12 (i) record a copy of the plat, with the endorsements of the Planning Commission
13 and the Department on it, with the Clerk of the Circuit Court of Baltimore
14 City; and

15 (ii) a certified copy of the recorded plat with the Department.

16 (b) *Street names.*

17 (1) New public streets may not be designated by names until the names have been
18 approved by the Department and entered on the appropriate plats and records of the
19 Department.

20 (2) If a private street is dedicated for public purposes and the dedication is accepted, or if
21 the title to a private street is conveyed to the City, the Department shall give the street
22 a name, by which it shall be known on all official records of the City.

23 (3) The name of a public street may not be changed except by ordinance or resolution of
24 the Mayor and City Council

25 (c) *Building numbers.*

26 (1) The Department:

27 (i) shall determine and fix the number of every new building; and

28 (ii) may change existing numbers.

29 (2) The Department shall report each new number or change of number to the owner or
30 occupant of the building.

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1 (d) *Street plats and plans.*

2 The Department shall:

3 (1) adopt rules and regulations regarding plats and plans relating to the location of
4 streets; and

5 (2) shall prepare these plats and plans as required by the Board of Estimates or by
6 ordinance.]

7 **SECTION 2. AND BE IT FURTHER RESOLVED,** That the City Charter is proposed to be further
8 amended to read as follows:

9 **Baltimore City Charter**

10 **Article VII. Executive Departments**

11 ***Department of Transportation***

12 **§ 116. Powers and duties of Department.**

13 (b) *Street construction and maintenance.*

14 (2) The Department shall:

15 (I) prepare the plans and perform the work required by Ordinances [that open,
16 extend, widen, straighten, close, or grade] FOR OPENING, EXTENDING,
17 WIDENING, STRAIGHTENING, GRADING, AND CLOSING any street in the City[.];
18 AND

19 (II) [However, the Department of General Services shall] prepare all Ordinances
20 for the opening and closing of streets, attend the hearings on [the] THOSE
21 Ordinances, and perform all administrative functions related to [these] THOSE
22 Ordinances.

23 (5) No pavement laid after the publication of the notice may be dug up by any person
24 without a permit issued by the Director [of General Services]. The Director [of
25 General Services] has discretion to issue or withhold this permit, and may attach
26 appropriate conditions and charges to the permit.

27 (E) *APPROVAL OF NEW STREETS.*

28 (1) ANY PERSON WHO, IN CONNECTION WITH ANY REAL ESTATE DEVELOPMENT, WANTS TO
29 LAY OUT, LOCATE, OR CONSTRUCT A STREET, PUBLIC OR PRIVATE, WITHIN BALTIMORE
30 CITY SHALL, BEFORE BEGINNING CONSTRUCTION AND BEFORE SELLING ANY LAND
31 ABUTTING ON THE STREET, PRESENT TO THE DEPARTMENT A COPY OF THE PLAT FOR
32 THE PROPOSED DEVELOPMENT, AS APPROVED BY THE PLANNING COMMISSION,
33 SHOWING IN DETAIL THE PROPOSED STREETS.

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1 (2) IF THE PLAT IS APPROVED BY THE DEPARTMENT, THE PERSON SHALL:

2 (I) RECORD A COPY OF THE PLAT, WITH THE ENDORSEMENTS OF THE PLANNING
3 COMMISSION AND THE DEPARTMENT ON IT, WITH THE CLERK OF THE CIRCUIT
4 COURT OF BALTIMORE CITY; AND

5 (II) A CERTIFIED COPY OF THE RECORDED PLAT WITH THE DEPARTMENT.

6 (F) *STREET NAMES.*

7 (1) NEW PUBLIC STREETS MAY NOT BE DESIGNATED BY NAMES UNTIL THE NAMES HAVE
8 BEEN APPROVED BY THE DEPARTMENT AND ENTERED ON THE APPROPRIATE PLATS AND
9 RECORDS OF THE DEPARTMENT.

10 (2) IF A PRIVATE STREET IS DEDICATED FOR PUBLIC PURPOSES AND THE DEDICATION IS
11 ACCEPTED, OR IF THE TITLE TO A PRIVATE STREET IS CONVEYED TO THE CITY, THE
12 DEPARTMENT SHALL GIVE THE STREET A NAME, BY WHICH IT SHALL BE KNOWN ON ALL
13 OFFICIAL RECORDS OF THE CITY.

14 (3) THE NAME OF A PUBLIC STREET MAY NOT BE CHANGED EXCEPT BY ORDINANCE OR
15 RESOLUTION OF THE MAYOR AND CITY COUNCIL

16 (G) *BUILDING NUMBERS.*

17 (1) THE DEPARTMENT:

18 (I) SHALL DETERMINE AND FIX THE NUMBER OF EVERY NEW BUILDING; AND

19 (II) MAY CHANGE EXISTING NUMBERS.

20 (2) THE DEPARTMENT SHALL REPORT EACH NEW NUMBER OR CHANGE OF NUMBER TO THE
21 OWNER OR OCCUPANT OF THE BUILDING.

22 (H) *STREET PLATS AND PLANS.*

23 THE DEPARTMENT SHALL:

24 (1) ADOPT RULES AND REGULATIONS REGARDING PLATS AND PLANS RELATING TO THE
25 LOCATION OF STREETS; AND

26 (2) SHALL PREPARE THESE PLATS AND PLANS AS REQUIRED BY THE BOARD OF
27 ESTIMATES OR BY ORDINANCE.

28 (I) *PLATS AND RECORDS – UNDERGROUND STRUCTURES.*

29 THE DEPARTMENT SHALL MAINTAIN PLATS AND RECORDS OF TUNNELS, PIPES, MAINS,
30 SEWERS, CONDUITS, AND OTHER UNDERGROUND STRUCTURES, BOTH PUBLIC AND PRIVATE.

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1 (J) *PLATS AND RECORDS – PROPERTIES.*

2 (1) THE DEPARTMENT SHALL MAINTAIN ADEQUATE PLATS AND OTHER RECORDS OF ALL
3 PARCELS OF REAL PROPERTY WITHIN BALTIMORE CITY.

4 (2) THESE PLATS AND RECORDS SHALL INCLUDE:

5 (I) THE OWNERSHIP OF EACH PARCEL; AND

6 (II) THE SYMBOL BY WHICH EACH PARCEL IS IDENTIFIED.

7 (3) THESE PLATS AND RECORDS SHALL BE THE OFFICIAL PLATS AND RECORDS TO BE USED
8 BY ALL MUNICIPAL AGENCIES TO IDENTIFY AND DETERMINE THE LOCATION OF EVERY
9 PARCEL OF REAL PROPERTY WITHIN BALTIMORE CITY.

10 (K) *SYSTEM OF UNIFORM PROPERTY IDENTIFICATION.*

11 (1) THE DEPARTMENT SHALL MAINTAIN A SYSTEM FOR THE UNIFORM IDENTIFICATION OF
12 ALL REAL PROPERTY WITHIN BALTIMORE CITY.

13 (2) THE SYSTEM SHALL IDENTIFY EACH PARCEL OF REAL PROPERTY BY A SYMBOL. THAT
14 SYMBOL SHALL BE USED BY EVERY MUNICIPAL AGENCY TO IDENTIFY THAT PARCEL,
15 UNTIL IT IS SUBDIVIDED OR THE SYMBOL IS CHANGED BY THE DEPARTMENT.

16 (3) THE FAILURE OF THE DEPARTMENT OR OF ANY OTHER MUNICIPAL AGENCY TO
17 IDENTIFY A PARCEL OF PROPERTY BY ITS SYMBOL DOES NOT AFFECT THE VALIDITY OF
18 ANY ASSESSMENT OR CHARGE OTHERWISE PROPERLY MADE.

19 (L) [(e)] *Additional powers and duties.*

20 The Department has the additional powers and duties relating to the construction,
21 reconstruction, and maintenance of streets, to transportation, and to traffic, including
22 powers and duties transferred from other municipal agencies, as are prescribed by law.

23 **SECTION 3. AND BE IT FURTHER RESOLVED,** That this proposed amendment to the City
24 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
25 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
26 City Solicitor.