

CITY OF BALTIMORE
RESOLUTION _____
Council Bill 08-0108

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: April 28, 2008
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: August 11, 2008

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

1 Charter Amendment – Department of General Services

2 FOR the purpose of establishing a Department of General Services among the Executive
3 Departments; providing for the powers and duties of the Department of General Services;
4 transferring certain powers and duties from the Department of Public Works to the
5 Department of General Services and the Department of Transportation; repealing certain
6 obsolete provisions; requiring obstructions to the work of the Department of Transportation
7 or the Department of General Services to be removed; conforming, correcting, and clarifying
8 related provisions; and submitting this amendment to the qualified voters of the City for
9 adoption or rejection.

10 BY proposing the repeal of
11 Article VII - Executive Departments
12 Sections 32, 36, 38, 39, 40, and 43 through 46
13 Baltimore City Charter
14 (1996 Edition)

15 BY proposing the amendment of
16 Article VII - Executive Departments
17 Sections 30, 31, 37, 41, 42, 61(f), 78, 85, and 116
18 Baltimore City Charter
19 (1996 Edition)

20 BY proposing the addition of
21 Article VII - Executive Departments
22 Section 116A and 116B
23 Baltimore City Charter
24 (1996 Edition)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 BY proposing the addition of
2 Article VII - Executive Departments
3 Sections 130 through ~~138~~ 134, to be under the new subheading,
4 “Department of General Services”
5 Baltimore City Charter
6 (1996 Edition)

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

9 **Baltimore City Charter**

10 **Article VII. Executive Departments**

11 *Department of Public Works*

12 **§ 30. Department of Public Works: supervision of public [improvements] WORKS.**

13 The Director shall supervise all public [improvements] WORKS in Baltimore City[,] or
14 elsewhere, made by or for the City or any municipal agency, THAT RELATE TO THE
15 DEPARTMENT’S POWERS UNDER THIS CHARTER ~~OR ANY OTHER POWERS PROVIDED BY LAW TO~~
16 ~~THE DEPARTMENT.~~ All plans and specifications for [such] THESE public [improvements]
17 WORKS, including those involving engineering questions, shall be submitted to the Director
18 for approval.

19 **§ 31. Department of Public Works: construction, maintenance, and repair.**

20 [(a) *Public works.*]

21 [The] UNLESS OTHERWISE PROVIDED BY THIS CHARTER, THE Department[, as prescribed
22 by the Board of Estimates, shall have] HAS charge of the construction, demolition,
23 alteration, operation and maintenance of all [municipal buildings and other] public
24 works[, unless otherwise provided by the Charter] THAT RELATE TO THE DEPARTMENT’S
25 POWERS UNDER THIS CHARTER ~~OR ANY OTHER POWERS PROVIDED BY LAW TO THE~~
26 ~~DEPARTMENT.~~

27 [To carry out these activities the Director may enter and occupy any municipal property
28 after giving due notice to the agency having control of the property. The Director shall
29 restore any property, so entered to the condition in which it was before the entry.]

30 [(b) *Machinery and equipment.*]

31 The Department shall repair and maintain the City’s machinery and equipment, unless
32 otherwise prescribed by the Board of Estimates.]

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[§ 32. Department of Public Works: private construction.]

[(a) Permits, supervision, and inspection.

The Department shall issue permits for, and shall supervise and inspect, private construction, demolition and installations, the use of land and buildings, the alteration, relocation, repair, reconstruction and change of occupancy of buildings and the number of families housed in buildings in the City.]

[(b) Repair, demolition, and removal.

The City shall have powers and duties to inspect, repair, condemn, demolish and remove private property in Baltimore City at the expense of the owner thereof, as provided by law.]

[(c) Reassignment of powers and duties.

The powers and duties in this section may be transferred or assigned, in whole or in part, by ordinance, to an existing department or to a new department that may be created by ordinance.]

[§ 36. Department of Public Works: lighting.]

[The Department shall have charge of the lighting of the City, shall exercise all the powers and perform all the duties relating to the conduit system, and shall have charge of all property and equipment pertaining to that system.]

§ 37. Department of Public Works: testing.

[The] AT THE REQUEST OF A MUNICIPAL AGENCY, THE Department shall [keep and maintain a laboratory and equipment for testing] TEST materials and supplies purchased or used by the [City and shall test such materials and supplies when requested by any municipal] agency.

[§ 38. Department of Public Works: transportation.]

[(a) In general.

The Department shall have such powers and duties relating to the construction, reconstruction, and maintenance of streets, to transportation, and to traffic as provided by law.]

[(b) City vehicles.

The Department also shall be responsible for the maintenance, repair, and operation of all motor vehicles owned by the City, whether held for general service or assigned for the use of a particular office or agency, and for the maintenance and operation of related garages, depots, and shops; for the inspection of all City vehicles and related equipment and the keeping of proper records about how these vehicles and equipment are handled and operated; for the assignment of these vehicles and related equipment for the use of officers and other agencies of the City; for the supervision of all allowances made for the operation of privately owned vehicles used by City employees on City work; and for the

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1 maintenance or the hiring of such hauling and passenger service as may be needed by any
2 municipal agency; provided, however, that the provisions of this subsection shall not
3 apply to the motor vehicles and related equipment of the Education, Fire or Police
4 Departments, except to the extent requested by any such department and agreed to by the
5 Department of Public Works.]

6 **[§ 39. Department of Public Works: street paving.]**

7 [(a) *In general.*

8 The Department shall have charge of constructing and maintaining the streets of the City.
9 The Department shall prepare the plans and perform the work required by ordinances that
10 open, extend, widen, straighten, close or grade any street in the City.]

11 [(b) *Public notice.*

12 Before paving or repaving a street, the Director shall give notice in one or more daily
13 City newspapers that, not less than six weeks from the first publication date, the
14 Department will proceed with the paving or repaving and warning all persons to obtain
15 permits for and to complete before that day all work that might involve the digging up of
16 the street. The Director shall send a copy of this notice to all persons who the Director
17 may have reason to believe would be interested in receiving it, but failure to send the
18 notice shall not affect the validity of any action taken by the Mayor and the Director to
19 pave or repave a street. No pavement laid after the publication of the notice shall be dug
20 up by any person without a permit issued by the Director. The Director has absolute
21 discretion to issue or withhold such a permit, and may attach to a permit appropriate
22 conditions and charges.]

23 [(c) *Assessments against property owners.*

24 Whenever an assessment or charge is to be made against a property for paving a street,
25 alley or sidewalk, the Department, after giving the owner of the property involved due
26 notice and an opportunity to be heard, shall fix the amount of the assessment or charge;
27 this provision shall apply to the assessment of benefits or of damages in connection with
28 the opening of new streets or alleys or parts thereof.]

29 **[§ 40. Department of Public Works: identification of real property.]**

30 [(a) *Street plats and plans.*

31 The Department shall make rules and regulations regarding plats and plans relating to the
32 location of streets and shall prepare such plats and plans as may be required by the Board
33 of Estimates or by ordinance.]

34 [(b) *System of uniform property identification.*

35 The Department shall establish and maintain a system for the uniform identification of all
36 real property within Baltimore City that identifies each parcel of real property by a
37 symbol, which also shall be used by every other municipal agency to identify that parcel
38 until it is subdivided or until the symbol is changed by the Department. Failure by the

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1 Department or by any other municipal agency so to identify a parcel of property shall not
2 affect the validity of any assessment or charge otherwise properly made.]

3 [(c) *Plats and records of properties, tunnels, utilities, etc.*

4 The Department shall keep and currently maintain adequate plats and other records,
5 including records of ownership of all parcels of real property within Baltimore City,
6 showing the symbol by which each parcel is identified. These plats and records shall be
7 the official plats and records to be used by all municipal agencies to identify and
8 determine the location of every parcel of real property within Baltimore City.

9 The Department shall also keep plats and records regarding tunnels, pipes, mains, sewers,
10 conduits and other underground structures, both public and private.]

11 [(d) *Approval of new streets or alleys.*

12 Any person desiring to lay out, locate or construct a street or alley, public or private,
13 within Baltimore City in connection with any real estate development, before beginning
14 construction and before selling any land abutting on the street or alley, shall present to
15 the Department a copy of the plat of the proposed development with the approval of the
16 Planning Commission endorsed thereon, giving in detail the proposed streets and alleys;
17 when also approved by the Department, such person shall record a copy thereof with the
18 approval of the Department endorsed thereon, in the Clerk’s office of the Circuit Court of
19 Baltimore City and shall file a certified copy of the recorded plat with the Department.]

20 [(e) *Building numbers.*

21 The Department shall determine and fix the number of every new building and shall have
22 power to change existing numbers. Each new number or change of number shall be
23 reported to the owner or occupant of the building.]

24 [(f) *Street names.*

25 New public streets shall not be designated by names until the names have been approved
26 by the Department, and entered upon its proper plate and records. Whenever any private
27 street is dedicated for public purposes and the dedication is accepted, or whenever the
28 title to any private street is conveyed to the City, the Department shall give the street a
29 name by which it shall be known thereafter on all official records of the City. The
30 Department shall recommend to the City Council changes in the names of existing public
31 streets so that duplication of names may be avoided.]

32 **§ 41. Department of Public Works: [correction of] CORRECTING physical obstruction.**

33 (A) *CORRECTION REQUIRED.*

34 Any person [having] WHO HAS, IN, OVER, OR UNDER A PUBLIC STREET IN BALTIMORE
35 CITY, any [buildings, structures, works, conduits, drains, mains, pipes, tracks or other
36 physical obstructions in, over or under the public streets in Baltimore City which shall
37 block or impede] BUILDING, STRUCTURE, CONDUIT, DRAIN, MAIN, PIPE, TRACK, WORK, OR
38 OTHER PHYSICAL OBSTRUCTION THAT BLOCKS OR IMPEDES the work of the Department[,
39 when under way,] shall, on reasonable notice from the Department, promptly shift,

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1 adjust, or remove [them] IT, at that person's expense, to [meet] fully MEET the exigencies
2 DESCRIBED in the notice. [Any person refusing or falling, after the reasonable notice, to
3 discharge any duty imposed by this section, shall, in addition to any other remedy the
4 City may have, be subject to a fine as provided by law.]

5 (B) *CONDEMNATION.*

6 [If required by law, the] THE City [shall be] IS empowered, when the exigencies of the
7 Department's work require, to secure the condemnation of [any such] THE physical
8 obstruction [in the manner] AS provided [for] in Article II OF THIS CHARTER.

9 **§ 42. Department of Public Works: assistance to other agencies.**

10 [Upon] ON the request of the head of [any] A municipal agency, the Director shall:

- 11 (1) supply estimates of the cost of work proposed to be done [by] FOR that agency during
12 the next fiscal year; and
- 13 (2) perform services for the municipal agency of the same general character as those
14 carried on by the Department, the cost of which shall be charged to the agency
15 requesting the services and shall be paid out of the funds appropriated to it.

16 **[§ 43. Department of Public Works: assessment of benefits and damages.]**

17 [Any ordinance to open, extend, widen, straighten, close or grade any street in Baltimore
18 City may provide that the assessments of benefits may be made payable in not more than five
19 annual installments, with interest at such rate as may be deemed just and proper by the
20 Director with the concurrence of the Board of Estimates on the deferred installments,
21 accounting from the date on which the first installment becomes in arrears.]

22 [Upon the completion of the physical work required by the ordinance to be done, it shall be
23 the duty of the Department of Public Works, or any other municipal officer who may be
24 charged with the duty of performing the work, to notify the Director of Finance that the work
25 has been completed.]

26 [If the ordinance does not provide otherwise as to the time of payment of benefits, then all
27 benefits assessed thereunder shall be payable, at the option of the person assessed, either at
28 once or in five equal annual installments, the first of which shall be due when the Director of
29 Finance is notified that the physical work required by the ordinance to be done has been
30 completed and has given notice thereof to the property owner; and the other installments
31 shall be due and payable, respectively, one, two, three and four years thereafter with interest
32 on each installment accounting from the date on which the installment becomes in arrears;
33 provided, however, that no benefit assessments shall be due prior to notification that the
34 work has been completed, and provided further that if in any such proceedings the same
35 person is assessed for benefits and also awarded damages, the damages shall be deducted
36 from the benefits to the extent of the damages, and the provision of this section as to payment
37 of the benefits shall apply only to the excess of the benefits over the damages.]

38 [The Department of Public Works, in its final return, shall state whether or not benefits may
39 be paid in installments, and, if so, in what installments.]

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1 [The damages awarded to any person in connection with the project shall be payable at such
2 time or times as provided in the ordinance.]

3 **[§ 44. Department of Public Works: lien for benefits.]**

4 [All sums of money assessed by the Department of Public Works, upon property deemed by
5 it to be benefited, shall be a lien on each piece of property so assessed, in the amount of the
6 particular assessment, from the date the Department of Public Works shall notify the Director
7 of Finance that the physical work required to be done by the ordinance has actually been
8 completed until the assessments shall be paid to the Director of Finance; but no part of any
9 street or square shall be physically opened, extended, widened or straightened on or over the
10 ground of any person adjudged by the Department of Public Works to be entitled to damages
11 for the alteration without the written consent of the person so entitled, until such damages
12 shall have been paid to the persons entitled or paid into a special account to the credit of such
13 persons.]

14 [Benefits assessed, or the first installment thereof as the case may be, shall become due and
15 payable on the date of notification by the Director of Finance to the property owner above
16 provided for, and shall be in arrears at the expiration of six months from that date.]

17 **[§ 45. Department of Public Works: sale to enforce lien.]**

18 [If the sums assessed upon a property shall not be paid within the time above limited, the
19 Director of Finance is hereby directed to sell the property, or any part thereof, on which the
20 assessment has been laid, giving thirty days’ notice of the sale in two daily newspapers
21 published in Baltimore City, the first insertion of the notice to be made promptly after the
22 expiration of the time limited in the Charter for payment of the benefits.]

23 [In making any such sale, it shall be the duty of the Director of Finance to sell the property to
24 the extent and subject to the same conditions which are provided by law for the sale of real
25 estate in Baltimore City charged with the payment of taxes imposed by the City.]

26 [In the event the purchaser fails forthwith to comply with the terms of the sale, the Director
27 of Finance shall resell the property at the risk of the former purchaser, giving not less than
28 ten days’ notice in two daily newspapers published in Baltimore City.]

29 **[§ 46. Department of Public Works: refunds of assessment.]**

30 [Whenever any ordinance providing for the condemnation and opening, extending, widening,
31 grading, or closing of any street in Baltimore City shall be invalidated by a court of
32 competent jurisdiction, or upon the repeal of any such ordinance, it shall be the duty of the
33 Director of Finance immediately thereafter to refund to all persons, or their legal
34 representatives, the sums they may have paid to the City by reason of the assessment of
35 benefits by virtue of the invalidated ordinance. The Director of Finance shall likewise pay
36 all expenses which may have been incurred by virtue of any such ordinance in carrying out
37 the provisions thereof, for which the City may be liable.]

38 *Department of Education*

39 **§ 61. Department of Education: Board of School Commissioners – powers and duties.**

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1 (f) *Site selection, school buildings, etc.*

2 (1) Subject to the provisions of [the] THIS Charter relating to the Planning Commission,
3 the Board [shall have] HAS the authority to select sites.

4 (2) All plans and specifications for school buildings, including changes in plans and
5 specifications, shall be prepared under the direction of and approved by the Board[,
6 provided, however, that the plans and specifications also shall be submitted to the
7 Director of Public Works for the Director’s approval]. HOWEVER, THE PLANS AND
8 SPECIFICATIONS SHALL ALSO BE SUBMITTED TO THE DIRECTOR OF GENERAL SERVICES
9 FOR THE DIRECTOR’S APPROVAL.

10 (3) The Board [shall] also [have] HAS THE authority to maintain and repair all school
11 buildings.

12 *Department of Planning*

13 **§ 78. Department of Planning: subdivision regulation – recording.**

14 Every plat showing a subdivision plan shall be filed among the Land Records of Baltimore
15 City and with the Department of Legislative Reference, but not until after THE PLAN HAS
16 BEEN ENDORSED WITH THE approval of the Commission and of the Department of [Public
17 Works] GENERAL SERVICES [shall have been endorsed thereon].

18 *Department of Municipal and Zoning Appeals*

19 **§ 85. Board of Municipal and Zoning Appeals: paving assessments.**

20 (A) *APPEAL TO BOARD.*

21 Whenever the Department of [Public Works] TRANSPORTATION [shall levy] LEVIES an
22 assessment or charge for the paving of a street, alley, or sidewalk [pursuant to the power
23 conferred upon it in Section 39 of this Article VII] UNDER § 116 OF THIS ARTICLE, the
24 owner of the property [upon] ON which the assessment or charge [in question] is levied
25 may, within [thirty] 30 days of the mailing to [him] THE OWNER of A notice of [such] THE
26 assessment or charge, bring [such] THE assessment or charge to the Board for ITS review
27 [by it].

28 (B) *DECISION.*

29 [Upon] ON reasonable notice in accordance with its rules and [the provisions of the] THIS
30 Charter, the Board shall:

31 (1) determine whether [or not] the assessment or charge is proper[.]; and

32 (2) if not, [shall] set it at [an] THE amount [which] THAT the Board [shall deem]
33 DETERMINES TO BE proper.

34 *Department of Transportation*

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§ 116. Powers and duties of Department.

(a) In general.

Notwithstanding anything to the contrary in this Charter, the Department has the following powers and duties.

(b) Street construction and maintenance.

- (1) The Department has charge of constructing and maintaining the streets of the City.
- (2) The Department shall prepare the plans and perform the work required by Ordinances that open, extend, widen, straighten, close, or grade any street in the City. However, the Department of [Public Works] GENERAL SERVICES shall prepare all Ordinances for the opening and closing of streets, attend the hearings on the Ordinances, and perform all administrative functions related to these Ordinances.
- (3) Before paving or repaving a street, the Director of Transportation shall give notice in one or more daily City newspapers that, not less than 90 days from the first publication date, the Department will proceed with the paving or repaving and warning all persons to obtain permits for and to complete before that day all work that might involve the digging up of the street.
- (4) The Director shall send a copy of this notice to all persons who the Director has reason to believe would be interested in receiving it, but failure to send the notice does not affect the validity of any action taken by the Mayor and the Director of to pave or repave a street.
- (5) No pavement laid after the publication of the notice may be dug up by any person without a permit issued by the Director of [Public Works] GENERAL SERVICES. The Director of [Public Works] GENERAL SERVICES has ~~absolute~~ discretion to issue or withhold this permit, and may attach appropriate conditions and charges to the permit.
- (6) Whenever an assessment or charge is to be made against a property for paving a street, alley, or sidewalk, the Department after giving the owner of the property involved due notice and an opportunity to be heard, shall fix the amount of the assessment or charge. [This provision applies to the assessment of benefits or damages in connection with the opening of new streets or alleys or parts of new streets or alleys.]

(c) Lighting.

The Department has charge of the lighting of the City.

(d) Conduit system.

The Department may exercise all the powers and shall perform all the duties relating to the conduit system, and has charge of all property and equipment pertaining to that system.

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1 (e) *Additional powers and duties.*

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

5 **§ 116A. ASSESSMENT OF BENEFITS AND DAMAGES.**

6 (A) ELEMENTS OF ENABLING ORDINANCE.

7 AN ORDINANCE TO OPEN, EXTEND, WIDEN, STRAIGHTEN, CLOSE, OR GRADE ANY STREET,
8 ALLEY, OR FOOTWAY IN BALTIMORE CITY MAY PROVIDE THAT THE BENEFITS ASSESSED
9 MAY BE PAID IN NOT MORE THAN 5 ANNUAL INSTALLMENTS, WITH INTEREST AT A RATE
10 DETERMINED JUST AND PROPER BY THE DIRECTOR OF TRANSPORTATION, WITH THE
11 CONCURRENCE OF THE BOARD OF ESTIMATES, ON ALL DEFERRED INSTALLMENTS,
12 ACCOUNTING FROM THE DATE THAT, UNDER SUBSECTION (E) OF THIS SECTION, THE FIRST
13 ANNUAL INSTALLMENT WOULD BECOME IN ARREARS IF UNPAID.

14 (B) NOTICE TO FINANCE, OWNER.

15 WHEN THE PHYSICAL WORK REQUIRED BY THE ORDINANCE IS COMPLETED:

16 (1) THE DEPARTMENT OF TRANSPORTATION SHALL NOTIFY THE DIRECTOR OF
17 FINANCE THAT THE WORK HAS BEEN COMPLETED; AND

18 (2) THE DEPARTMENT OF FINANCE SHALL GIVE WRITTEN NOTICE TO THE PROPERTY
19 OWNER:

20 (I) THAT THE WORK HAS BEEN COMPLETED;

21 (II) THAT THE BENEFITS ASSESSED FOR THE WORK ARE DUE; AND

22 (III) HOW THE OWNER MAY OBTAIN A HEARING ON THE ASSESSMENT.

23 (C) PAYMENT FOR BENEFITS.

24 IF THE ORDINANCE DOES NOT PROVIDE OTHERWISE, ALL BENEFITS ASSESSED SHALL BE
25 PAYABLE, AT THE OPTION OF THE PROPERTY OWNER, EITHER AT ONCE OR IN 5 EQUAL
26 ANNUAL INSTALLMENTS.

27 (D) DAMAGES.

28 (1) IF, IN ANY PROCEEDINGS, THE SAME PERSON IS ASSESSED FOR BENEFITS AND ALSO
29 AWARDED DAMAGES, THE DAMAGES SHALL BE DEDUCTED FROM THE BENEFITS, AND
30 THE PROVISIONS OF THIS SECTION AS TO PAYMENT OF BENEFITS APPLY ONLY TO THE
31 EXCESS OF THE BENEFITS OVER THE DAMAGES.

32 (2) THE DAMAGES AWARDED TO ANY PERSON IN CONNECTION WITH THE PROJECT SHALL
33 BE PAYABLE AT THE TIME OR TIMES PROVIDED IN THE ORDINANCE.

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1 (3) NO PART OF ANY STREET, ALLEY, OR FOOTWAY MAY BE PHYSICALLY OPENED,
2 EXTENDED, WIDENED, OR STRAIGHTENED ON OR OVER THE GROUND OF ANY PERSON
3 DETERMINED BY THE DEPARTMENT OF TRANSPORTATION TO BE ENTITLED TO
4 DAMAGES FOR THE ALTERATION WITHOUT THE WRITTEN CONSENT OF THAT PERSON,
5 UNLESS THE DAMAGES HAVE BEEN PAID TO THAT PERSON OR PAID INTO A SPECIAL
6 ACCOUNT TO THE CREDIT OF THAT PERSON.

7 (E) LIEN FOR BENEFITS; ARREARAGE.

8 (1) AN ASSESSMENT BY THE DEPARTMENT OF TRANSPORTATION ON BENEFITTED
9 PROPERTY IS A LIEN ON THAT PROPERTY, IN THE FULL AMOUNT OF THE ASSESSMENT,
10 FROM THE DATE THE DEPARTMENT OF TRANSPORTATION NOTIFIES THE DIRECTOR OF
11 FINANCE THAT THE PHYSICAL WORK REQUIRED HAS BEEN COMPLETED UNTIL THE
12 ASSESSMENT IS PAID TO THE DIRECTOR OF FINANCE.

13 (2) BENEFITS ASSESSED OR, IF PAYABLE IN INSTALLMENTS, THE FIRST INSTALLMENT, ARE
14 DUE AND PAYABLE ON THE DATE WHEN THE DIRECTOR OF FINANCE NOTIFIES THE
15 PROPERTY OWNER OF THE ASSESSMENT, AND ARE IN ARREARS 6 MONTHS FROM THAT
16 DATE.

17 (F) SALE ON DEFAULT.

18 IF THE ASSESSMENT ON A PROPERTY IS IN ARREARS, THE DIRECTOR OF FINANCE SHALL
19 PROCEED TO SELL THAT PROPERTY IN ACCORDANCE WITH AND SUBJECT TO THE SAME
20 CONDITIONS IMPOSED BY THE LAWS GOVERNING THE SALE OF REAL ESTATE CHARGED
21 WITH THE PAYMENT OF CITY TAXES.

22 (G) RESALE ON PURCHASER'S DEFAULT.

23 IF THE TAX-SALE PURCHASER FAILS TO COMPLY WITH THE TERMS OF THE SALE, THE
24 DIRECTOR OF FINANCE SHALL RESELL THE PROPERTY AT THE RISK OF THE FORMER
25 PURCHASER.

26 (H) REFUNDS OF ASSESSMENT.

27 IF AN ORDINANCE PROVIDING FOR THE OPENING, EXTENDING, WIDENING, GRADING, OR
28 CLOSING OF A STREET, ALLEY, OR FOOTWAY IS INVALIDATED BY A COURT OF COMPETENT
29 JURISDICTION OR IS REPEALED, THE DIRECTOR OF FINANCE SHALL PROMPTLY:

30 (1) REFUND ALL ASSESSMENTS PAID UNDER THE INVALIDATED ORDINANCE; AND

31 (2) PAY ALL EXPENSES INCURRED, INCLUDING REASONABLE ATTORNEY'S FEES, AND
32 FOR WHICH THE CITY IS LIABLE IN CARRYING OUT THE ORDINANCE.

33 **§ 116B. § 116A. CORRECTING PHYSICAL OBSTRUCTION.**

34 (A) CORRECTION REQUIRED.

35 ANY PERSON WHO HAS, IN, OVER, OR UNDER A PUBLIC STREET IN BALTIMORE CITY, ANY
36 BUILDING, STRUCTURE, CONDUIT, DRAIN, MAIN, PIPE, TRACK, WORK, OR OTHER PHYSICAL
37 OBSTRUCTION THAT BLOCKS OR IMPEDES THE WORK OF THE DEPARTMENT SHALL, ON

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1 REASONABLE NOTICE FROM THE DEPARTMENT, PROMPTLY SHIFT, ADJUST, OR REMOVE IT,
2 AT THAT PERSON'S EXPENSE, TO FULLY MEET THE EXIGENCIES DESCRIBED IN THE NOTICE.

3 (B) *CONDEMNATION.*

4 THE CITY IS EMPOWERED, WHEN THE EXIGENCIES OF THE DEPARTMENT'S WORK REQUIRE,
5 TO SECURE THE CONDEMNATION OF THE PHYSICAL OBSTRUCTION AS PROVIDED IN
6 ARTICLE II OF THIS CHARTER.

7 ***DEPARTMENT OF GENERAL SERVICES***

8 **§ 130. DEPARTMENT ESTABLISHED.**

9 THERE IS A DEPARTMENT OF GENERAL SERVICES, THE HEAD OF WHICH IS THE DIRECTOR OF
10 GENERAL SERVICES.

11 **§ 131. DIRECTOR OF GENERAL SERVICES.**

12 (A) *DUTIES; QUALIFICATIONS.*

13 (1) THE DIRECTOR SHALL SUPERVISE AND DIRECT THE DEPARTMENT.

14 (2) THE DIRECTOR MUST HAVE:

15 (I) SUBSTANTIAL EXPERIENCE IN THE CONSTRUCTION AND MAINTENANCE OF PUBLIC
16 WORKS AND IMPROVEMENTS AND IN THE DELIVERY OF RELATED PUBLIC
17 SERVICES; OR

18 (II) 10 YEARS EXPERIENCE AS AN ENGINEER.

19 (B) *APPOINTMENT; TERM.*

20 THE DIRECTOR SHALL BE APPOINTED, MUST BE CONFIRMED, AND SERVES PURSUANT TO
21 ARTICLE IV, § 6 OF THIS CHARTER.

22 (C) *SALARY.*

23 THE DIRECTOR'S SALARY SHALL BE SET IN THE ORDINANCE OF ESTIMATES.

24 (D) *EMPLOYEES.*

25 THE DIRECTOR MAY APPOINT THE EMPLOYEES PROVIDED FOR IN THE ORDINANCE OF
26 ESTIMATES.

27 **§ 132. POWERS AND DUTIES OF DEPARTMENT.**

28 (A) *IN GENERAL.*

29 THE DEPARTMENT HAS THE POWERS AND DUTIES SPECIFIED IN THIS SECTION.

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1 (B) *SUPERVISION OF MUNICIPAL BUILDINGS, RELATED IMPROVEMENTS.*

2 (1) ~~THE UNLESS OTHERWISE PROVIDED BY THIS CHARTER, THE DIRECTOR SHALL SUPERVISE~~
3 ALL MUNICIPAL BUILDINGS AND RELATED IMPROVEMENTS MADE IN BALTIMORE CITY OR
4 ELSEWHERE BY OR FOR THE CITY OR ANY MUNICIPAL AGENCY.

5 (2) ALL PLANS AND SPECIFICATIONS FOR THESE MUNICIPAL BUILDINGS AND RELATED
6 IMPROVEMENTS, INCLUDING THOSE INVOLVING ENGINEERING QUESTIONS, SHALL BE
7 SUBMITTED TO THE DIRECTOR FOR APPROVAL.

8 (C) *CONSTRUCTION, MAINTENANCE, ETC., OF BUILDINGS, RELATED IMPROVEMENTS.*

9 (1) UNLESS OTHERWISE PROVIDED BY THIS CHARTER, THE DEPARTMENT HAS CHARGE OF
10 THE CONSTRUCTION, DEMOLITION, ALTERATION, OPERATION AND MAINTENANCE OF ALL
11 MUNICIPAL BUILDINGS AND RELATED IMPROVEMENTS.

12 (2) TO CARRY OUT THESE ACTIVITIES, THE DIRECTOR MAY ENTER AND OCCUPY ANY
13 MUNICIPAL PROPERTY AFTER GIVING DUE NOTICE TO THE AGENCY HAVING CONTROL OF
14 THE PROPERTY. THE DIRECTOR SHALL RESTORE ANY PROPERTY SO ENTERED TO THE
15 CONDITION IN WHICH IT WAS BEFORE THE ENTRY.

16 (D) *SYSTEM OF UNIFORM PROPERTY IDENTIFICATION.*

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

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

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

25 (E) *PLATS AND RECORDS – PROPERTIES.*

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

28 (2) THESE PLATS AND RECORDS SHALL INCLUDE:

29 (I) THE OWNERSHIP OF EACH PARCEL; AND

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

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

34 (F) *PLATS AND RECORDS – UNDERGROUND STRUCTURES.*

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

3 (G) *FLEET MANAGEMENT.*

4 (1) THE DEPARTMENT IS RESPONSIBLE FOR:

5 (I) THE MAINTENANCE, REPAIR, AND OPERATION OF ALL MOTOR VEHICLES AND
6 RELATED EQUIPMENT OWNED BY THE CITY, WHETHER HELD FOR GENERAL
7 SERVICE OR ASSIGNED FOR THE USE OF A PARTICULAR OFFICE OR AGENCY,

8 (II) THE MAINTENANCE AND OPERATION OF RELATED GARAGES, DEPOTS, AND SHOPS;

9 (III) THE INSPECTION OF ALL CITY VEHICLES AND RELATED EQUIPMENT AND THE
10 KEEPING OF PROPER RECORDS ABOUT HOW THESE VEHICLES AND EQUIPMENT ARE
11 HANDLED AND OPERATED;

12 (IV) THE ASSIGNMENT OF THESE VEHICLES AND RELATED EQUIPMENT FOR THE USE OF
13 OFFICERS AND OTHER AGENCIES OF THE CITY; AND

14 (V) THE MAINTENANCE OR THE HIRING OF ANY HAULING OR PASSENGER SERVICE
15 NEEDED BY ANY MUNICIPAL AGENCY.

16 (2) THIS SUBSECTION DOES NOT APPLY TO MOTOR VEHICLES AND RELATED EQUIPMENT OF
17 THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM, ~~THE FIRE DEPARTMENT, OR THE POLICE~~
18 ~~DEPARTMENT~~, EXCEPT TO THE EXTENT REQUESTED BY THAT DEPARTMENT AND AGREED
19 TO BY THE DEPARTMENT OF GENERAL SERVICES.

20 (H) *ASSISTANCE TO OTHER AGENCIES.*

21 ON THE REQUEST OF THE HEAD OF A MUNICIPAL AGENCY, THE DIRECTOR SHALL:

22 (1) SUPPLY ESTIMATES OF THE COST OF WORK FOR BUILDING IMPROVEMENTS AND
23 VEHICLES TO BE DONE FOR THAT AGENCY DURING THE NEXT FISCAL YEAR; AND

24 (2) PERFORM SERVICES FOR THE MUNICIPAL AGENCY OF THE SAME GENERAL
25 CHARACTER AS THOSE CARRIED ON BY THE DEPARTMENT, THE COST OF WHICH
26 SHALL BE CHARGED TO THE AGENCY REQUESTING THE SERVICES AND SHALL BE PAID
27 OUT OF THE FUNDS APPROPRIATED TO IT.

28 (I) *ADDITIONAL POWERS AND DUTIES.*

29 THE DEPARTMENT HAS THE ADDITIONAL POWERS AND DUTIES AS ARE PRESCRIBED BY LAW.

30 **§ 133. STREETS = ~~GENERAL.~~**

31 (A) *APPROVAL OF NEW STREETS.*

32 (1) ANY PERSON WHO, IN CONNECTION WITH ANY REAL ESTATE DEVELOPMENT, WANTS TO
33 LAY OUT, LOCATE, OR CONSTRUCT A STREET, PUBLIC OR PRIVATE, WITHIN BALTIMORE
34 CITY SHALL, BEFORE BEGINNING CONSTRUCTION AND BEFORE SELLING ANY LAND

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1 ABUTTING ON THE STREET, PRESENT TO THE DEPARTMENT OF GENERAL SERVICES A
2 COPY OF THE PLAT FOR THE PROPOSED DEVELOPMENT, AS APPROVED BY THE PLANNING
3 COMMISSION, SHOWING IN DETAIL THE PROPOSED STREETS.

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

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

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

9 (B) *STREET NAMES.*

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

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

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

19 (C) *BUILDING NUMBERS.*

20 (1) THE DEPARTMENT:

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

22 (II) MAY CHANGE EXISTING NUMBERS.

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

25 (D) *STREET PLATS AND PLANS.*

26 THE DEPARTMENT SHALL:

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

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

31 ~~§ 134. STREETS — ASSESSMENT OF BENEFITS AND DAMAGES.~~

32 ~~(A) ELEMENTS OF ENABLING ORDINANCE.~~

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1 AN ORDINANCE TO OPEN, EXTEND, WIDEN, STRAIGHTEN, CLOSE, OR GRADE ANY STREET IN
2 BALTIMORE CITY MAY PROVIDE THAT THE BENEFITS ASSESSED MAY BE PAID IN NOT MORE
3 THAN 5 ANNUAL INSTALLMENTS, WITH INTEREST AT A RATE DETERMINED JUST AND PROPER
4 BY THE DIRECTOR OF GENERAL SERVICES, WITH THE CONCURRENCE OF THE BOARD OF
5 ESTIMATES, ON ALL DEFERRED INSTALLMENTS, ACCOUNTING FROM THE DATE THAT, UNDER
6 § 135 OF THIS CHARTER, THE FIRST ANNUAL INSTALLMENT WOULD BECOME IN ARREARS IF UNPAID.

7 ~~(B) NOTICE TO FINANCE, OWNER:~~

8 ~~WHEN THE PHYSICAL WORK REQUIRED BY THE ORDINANCE IS COMPLETED:~~

9 ~~(1) THE DEPARTMENT OF GENERAL SERVICES SHALL NOTIFY THE DIRECTOR OF FINANCE~~
10 ~~THAT THE WORK HAS BEEN COMPLETED; AND~~

11 ~~(2) THE DEPARTMENT OF FINANCE SHALL GIVE WRITTEN NOTICE TO THE PROPERTY~~
12 ~~OWNER:~~

13 ~~(i) THAT THE WORK HAS BEEN COMPLETED;~~

14 ~~(ii) THAT THE BENEFITS ASSESSED FOR THE WORK ARE DUE; AND~~

15 ~~(iii) HOW THE OWNER MAY OBTAIN A HEARING ON THE ASSESSMENT.~~

16 ~~(C) PAYMENT FOR BENEFITS:~~

17 ~~IF THE ORDINANCE DOES NOT PROVIDE OTHERWISE, ALL BENEFITS ASSESSED SHALL BE~~
18 ~~PAYABLE, AT THE OPTION OF THE PROPERTY OWNER, EITHER AT ONCE OR IN 5 EQUAL~~
19 ~~ANNUAL INSTALLMENTS.~~

20 ~~(D) DAMAGES:~~

21 ~~(1) IF, IN ANY PROCEEDINGS, THE SAME PERSON IS ASSESSED FOR BENEFITS AND ALSO~~
22 ~~AWARDED DAMAGES, THE DAMAGES SHALL BE DEDUCTED FROM THE BENEFITS, AND THE~~
23 ~~PROVISIONS OF THIS SECTION AS TO PAYMENT OF BENEFITS APPLY ONLY TO THE EXCESS~~
24 ~~OF THE BENEFITS OVER THE DAMAGES.~~

25 ~~(2) THE DAMAGES AWARDED TO ANY PERSON IN CONNECTION WITH THE PROJECT SHALL BE~~
26 ~~PAYABLE AT THE TIME OR TIMES PROVIDED IN THE ORDINANCE.~~

27 ~~(3) NO PART OF ANY STREET MAY BE PHYSICALLY OPENED, EXTENDED, WIDENED, OR~~
28 ~~STRAIGHTENED ON OR OVER THE GROUND OF ANY PERSON DETERMINED BY THE~~
29 ~~DEPARTMENT OF GENERAL SERVICES TO BE ENTITLED TO DAMAGES FOR THE~~
30 ~~ALTERATION WITHOUT THE WRITTEN CONSENT OF THAT PERSON, UNLESS THE DAMAGES~~
31 ~~HAVE BEEN PAID TO THAT PERSON OR PAID INTO A SPECIAL ACCOUNT TO THE CREDIT OF~~
32 ~~THAT PERSON.~~

33 **§ 135. STREETS = LIEN FOR BENEFITS; ARREARAGE.**

34 ~~(A) IN GENERAL:~~

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1 ~~AN ASSESSMENT BY THE DEPARTMENT OF GENERAL SERVICES ON BENEFITTED PROPERTY IS~~
2 ~~A LIEN ON THAT PROPERTY, IN THE FULL AMOUNT OF THE ASSESSMENT, FROM THE DATE THE~~
3 ~~DEPARTMENT OF GENERAL SERVICES NOTIFIES THE DIRECTOR OF FINANCE THAT THE~~
4 ~~PHYSICAL WORK REQUIRED HAS BEEN COMPLETED UNTIL THE ASSESSMENT IS PAID TO THE~~
5 ~~DIRECTOR OF FINANCE.~~

6 ~~(B) ARREARAGE.~~

7 ~~BENEFITS ASSESSED OR, IF PAYABLE IN INSTALLMENTS, THE FIRST INSTALLMENT, ARE DUE~~
8 ~~AND PAYABLE ON THE DATE WHEN THE DIRECTOR OF FINANCE NOTIFIES THE PROPERTY~~
9 ~~OWNER OF THE ASSESSMENT, AND ARE IN ARREARS 6 MONTHS FROM THAT DATE.~~

10 **~~§ 136. STREETS — SALE TO ENFORCE LIEN.~~**

11 ~~(A) SALE ON DEFAULT.~~

12 ~~IF THE ASSESSMENT ON A PROPERTY IS IN ARREARS, THE DIRECTOR OF FINANCE SHALL~~
13 ~~PROCEED TO SELL THAT PROPERTY IN ACCORDANCE WITH AND SUBJECT TO THE SAME~~
14 ~~CONDITIONS IMPOSED BY THE LAWS GOVERNING THE SALE OF REAL ESTATE CHARGED WITH~~
15 ~~THE PAYMENT OF CITY TAXES.~~

16 ~~(B) RESALE ON PURCHASER'S DEFAULT.~~

17 ~~IF THE TAX-SALE PURCHASER FAILS TO COMPLY WITH THE TERMS OF THE SALE, THE~~
18 ~~DIRECTOR OF FINANCE SHALL RESELL THE PROPERTY AT THE RISK OF THE FORMER~~
19 ~~PURCHASER.~~

20 **~~§ 137. STREETS — REFUNDS OF ASSESSMENT.~~**

21 ~~IF AN ORDINANCE PROVIDING FOR THE OPENING, EXTENDING, WIDENING, GRADING, OR~~
22 ~~CLOSING OF A STREET IS INVALIDATED BY A COURT OF COMPETENT JURISDICTION OR IS~~
23 ~~REPEALED, THE DIRECTOR OF FINANCE SHALL PROMPTLY:~~

24 ~~(1) REFUND ALL ASSESSMENTS PAID UNDER THE INVALIDATED ORDINANCE; AND~~

25 ~~(2) PAY ALL EXPENSES INCURRED AND FOR WHICH THE CITY IS LIABLE IN CARRYING OUT~~
26 ~~THE ORDINANCE.~~

27 **~~§ 134. § 138. CORRECTING PHYSICAL OBSTRUCTION.~~**

28 ~~(A) CORRECTION REQUIRED.~~

29 ~~ANY PERSON WHO HAS, IN, OVER, OR UNDER A PUBLIC STREET IN BALTIMORE CITY, ANY~~
30 ~~BUILDING, STRUCTURE, CONDUIT, DRAIN, MAIN, PIPE, TRACK, WORK, OR OTHER PHYSICAL~~
31 ~~OBSTRUCTION THAT BLOCKS OR IMPEDES THE WORK OF THE DEPARTMENT SHALL, ON~~
32 ~~REASONABLE NOTICE FROM THE DEPARTMENT, PROMPTLY SHIFT, ADJUST, OR REMOVE IT,~~
33 ~~AT THAT PERSON'S EXPENSE, TO FULLY MEET THE EXIGENCIES DESCRIBED IN THE NOTICE.~~

34 ~~(B) CONDEMNATION.~~

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1 THE CITY IS EMPOWERED, WHEN THE EXIGENCIES OF THE DEPARTMENT'S WORK REQUIRE,
2 TO SECURE THE CONDEMNATION OF THE PHYSICAL OBSTRUCTION AS PROVIDED IN ARTICLE
3 II OF THIS CHARTER.

4 **SECTION 2. AND BE IT FURTHER RESOLVED,** That, if adopted by the voters, this proposed
5 amendment becomes effective July 1, 2009.

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

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City

