

**CITY OF BALTIMORE  
ORDINANCE \_\_\_\_\_  
Council Bill 05-0023**

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Introduced by: President Dixon, Councilmembers Kraft, D’Adamo, Harris, Curran, Reisinger  
Introduced and read first time: January 24, 2005  
Assigned to: Urban Affairs Committee  
Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: August 15, 2005

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**AN ORDINANCE CONCERNING**

**Commission for Historical and Architectural Preservation –  
Reconstitution**

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3 FOR the purpose of reconstituting the Commission for Historical and Architectural Preservation  
4 as a an independent unit of the Planning Department; modifying the composition of the  
5 Commission; imposing certain term limits on appointed members of the Commission;  
6 ~~abolishing the position of Executive Director and providing, instead, for the appointment of a~~  
7 ~~Division Chief for Historical and Architectural Preservation~~; increasing the penalties for  
8 violations; correcting, conforming, and clarifying certain language; and generally relating to  
9 the administration of the laws governing historical and architectural preservation.

10 BY repealing and reordaining, with amendments  
11 Article 6 - Historical and Architectural Preservation  
12 Section(s) 2-1, 2-2, 2-3, 4-5, and 5-3  
13 Baltimore City Code  
14 (Edition 2000)

15 BY adding  
16 Article 6 - Historical and Architectural Preservation  
17 Section(s) 5-4  
18 Baltimore City Code  
19 (Edition 2000)

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

**Baltimore City Code**

**Article 6. Historical and Architectural Preservation**

**Subtitle 2. Commission for Historical and Architectural Preservation**

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**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.

1 § 2-1. Commission [created] ESTABLISHED.

2 [(a) *In general.*]

3 ~~[(1) There is hereby created a commission to be known as the “Commission for Historical~~  
4 ~~and Architectural Preservation”] COMMISSION FOR HISTORICAL AND ARCHITECTURAL~~  
5 ~~PRESERVATION IN THE DEPARTMENT OF PLANNING.~~

6 THERE IS AN INDEPENDENT UNIT IN THE DEPARTMENT OF PLANNING KNOWN AS THE  
7 COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION.

8 § 2-2. MEMBERS.

9 (A) *COMPOSITION – GENERAL.*

10 [(2)] The Commission [shall consist] CONSISTS of 11 members [to be appointed by the  
11 Mayor].

12 (B) *COMPOSITION – APPOINTED MEMBERS.*

13 (1) ~~8~~ 9 11 MEMBERS ARE APPOINTED BY THE MAYOR, IN ACCORDANCE WITH CITY  
14 CHARTER ARTICLE IV, § 6, AS FOLLOWS:

15 (I) 1 TO BE NOMINATED BY THE GREATER BALTIMORE COMMITTEE.

16 (II) 1 TO BE NOMINATED BY BALTIMORE HERITAGE.

17 (III) 1 TO BE NOMINATED BY THE ~~CITIZENS PLANNING AND HOUSING ASSOCIATION~~  
18 BOARD OF DIRECTORS OF PRESERVATION MARYLAND.

19 (IV) 1 TO BE NOMINATED BY THE BOARD OF THE BALTIMORE HISTORIC SOCIETY.

20 (V) ~~(IV)~~ 1 WHO IS AN HISTORIAN KNOWLEDGEABLE IN THE AFRICAN-AMERICAN  
21 HISTORY AND CULTURE OF BALTIMORE CITY.

22 (VI) ~~(V)~~ 1 WHO IS A LICENSED REAL ESTATE BROKER DOING BUSINESS IN  
23 BALTIMORE CITY.

24 (VI) ~~1 WHO IS A LICENSED IN THIS STATE AS AN ARCHITECT KNOWLEDGEABLE IN~~  
25 ~~ARCHITECTURAL PRESERVATION.~~

26 (VII) 2 WHO ARE LICENSED ARCHITECTS KNOWLEDGEABLE IN ARCHITECTURAL  
27 PRESERVATION.

28 (VIII) ~~(VII) 2 WHO OWN AND OCCUPY RESIDENCES~~ 1 WHO OWNS AND OCCUPIES A  
29 CONTRIBUTING RESIDENCE IN AN HISTORICAL AND ARCHITECTURAL  
30 PRESERVATION DISTRICT.

31 (IX) 1 WHO OWNS AND OPERATES A CONTRIBUTING COMMERCIAL PROPERTY IN AN  
32 HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT.  
33

1                    (X) 1 WHO IS AN HISTORIAN KNOWLEDGEABLE IN THE ARCHITECTURE, HISTORY,  
2                    AND CULTURE OF BALTIMORE CITY.

3                    (2) 1 MEMBER IS A COUNCILMEMBER APPOINTED BY THE PRESIDENT OF THE CITY  
4                    COUNCIL.

5                    (C) *COMPOSITION – AGENCY REPRESENTATIVES.*

6                    ~~(1) 1 MEMBER IS THE PRESIDENT OF THE BALTIMORE DEVELOPMENT CORPORATION OR~~  
7                    ~~THE PRESIDENT’S DESIGNEE.~~

8                    (2) 1 MEMBER IS THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT OR  
9                    THE COMMISSIONER’S DESIGNEE.

10                   (D) [(b)] *General qualifications.*

11                   [All members] EACH MEMBER:

12                   (1) must be [residents] A RESIDENT of Baltimore City; and

13                   (2) must demonstrate a special interest, knowledge, or training in such fields as  
14                   history, architecture, preservation, AFRICAN-AMERICAN HISTORY, or urban  
15                   design.

16                   [(c)] *Specific qualifications.*

17                   (1) 1 member is to be chosen from a list of 2 nominated by the Board of Trustees of the  
18                   Baltimore Museum of Art;

19                   (2) 1 from a list of 2 nominated by the Board of Trustees of the Municipal Museum of  
20                   Baltimore;

21                   (3) 1 from a list of 2 nominated by the Board of Trustees of the Walters Art Gallery;

22                   (4) 1 from a list of 2 nominated by the Council of the Maryland Historical Society;

23                   (5) 1 to be a member of the Baltimore City Council nominated by the President of that  
24                   body;

25                   (6) 1 to be an architect registered to practice his profession in the State of Maryland and  
26                   actually practicing as such in the City of Baltimore;

27                   (7) 1 to be a teacher of history in a recognized college or university located in the State  
28                   of Maryland or an individual engaged as an historian by a nonprofit organization  
29                   devoted to matters of historic interest; and

30                   (8) 4 to be citizens actively interested in civic improvement.]

1        [(d) *Definitions.*

2            (1) The term “teacher of history” for the purposes of, and as used in, this article shall  
3            mean “a person experienced as a teacher in the field of history or related fields  
4            appropriate to the intent of this ordinance”.

5            (2) The term “historian” for the purposes of, and as used in, this article shall mean “a  
6            person experienced in the field of history or related fields appropriate to the intent of  
7            this ordinance”.]

8        **[§ 2-2. Appointment; terms; vacancies.**

9            (a) *Appointment.*

10            The several members of the Commission shall be appointed by the Mayor of Baltimore  
11            City under the provision of Article IV, § 6 of the City Charter.]

12        (E) [(b)] *Term OF APPOINTED MEMBERS.*

13            (1) Each of the [Commissioners] MEMBERS APPOINTED BY THE MAYOR serves for a term  
14            of 4 years, concurrent with the Mayor’s term of office, [or ] AND until [his] A  
15            successor IS APPOINTED AND qualifies [and takes office].

16            (2) THE MEMBER APPOINTED BY THE CITY COUNCIL PRESIDENT SERVES A TERM OF 4  
17            YEARS, CONCURRENT WITH THAT APPOINTEE’S SERVICE ON THE COUNCIL, AND UNTIL  
18            A SUCCESSOR IS APPOINTED AND QUALIFIES.

19            (3) A MEMBER MAY NOT BE APPOINTED BY THE MAYOR OR THE PRESIDENT TO SERVE  
20            MORE THAN 2 CONSECUTIVE TERMS.

21        [(c) *Removal.*

22            Any Commissioner may be removed by the Mayor as provided in Article IV, § 6 of the  
23            City Charter.]

24        [(d) *Vacancies.*

25            (1) Any vacancy in the membership of the Commission caused by the expiration of a  
26            term or by the resignation removal, death, or permanent absence from the City of  
27            Baltimore of an incumbent or by a superseding incapacity on his part, whether  
28            physical or mental, to discharge his duties, or by any other cause creating such a  
29            vacancy, either actual or in effect, shall be filled for a new term or for the remainder  
30            of the term of such incumbent, as the case may be, in the same manner as provided  
31            herein for the nomination and appointment of the first members of the Commission.

32            (2) Any member of the Commission shall be eligible for renomination and  
33            reappointment.

34            (3) All vacancies shall be filled within 60 days.]

1 (F) REMOVAL ON FAILURE TO ATTEND MEETINGS.

2 (1) ANY MEMBER OF THE COMMISSION WHO FAILS TO ATTEND AT LEAST 75% OF THE  
3 COMMISSION'S MEETINGS DURING ANY PERIOD OF 12 CONSECUTIVE MONTHS IS  
4 CONSIDERED TO HAVE RESIGNED.

5 (2) THE CHAIR OF THE COMMISSION SHALL CAUSE THE MEMBER'S NAME TO BE  
6 FORWARDED TO THE MEMBER'S APPOINTING AUTHORITY NO LATER THAN JANUARY 15  
7 OF THE YEAR FOLLOWING NONCOMPLIANCE.

8 (3) THE APPOINTING AUTHORITY SHALL THEN APPOINT A SUCCESSOR FOR THE REST OF  
9 THE TERM.

10 **§ 2-3. Officers; staff; compensation.**

11 (a) *Chair and Vice-Chair.*

12 ~~The Commission shall annually elect one of its members as Chairman and another as~~  
13 ~~Vice-Chairman.~~

14 (1) THE MAYOR SHALL SELECT ONE OF THE COMMISSION MEMBERS TO SERVE AS CHAIR.

15 (2) THE COMMISSION SHALL BIENNIALLY ELECT ONE OF ITS MEMBERS TO SERVE AS  
16 VICE-CHAIR.

17 (b) *Executive Director.*

18 ~~(1) The DIRECTOR OF PLANNING, WITH THE APPROVAL OF THE Commission, shall [also]~~  
19 ~~appoint [an individual, not a member of the Commission, as] AN Executive Director~~  
20 ~~[of] FOR the Commission.~~

21 (1) THE COMMISSION SHALL APPOINT AN EXECUTIVE DIRECTOR FOR HISTORICAL AND  
22 ARCHITECTURAL PRESERVATION FROM AT LEAST THREE CANDIDATES PROVIDED BY  
23 THE DIRECTOR OF PLANNING. IF THE LIST IS NOT SATISFACTORY TO THE COMMISSION,  
24 THE DIRECTOR SHALL PROVIDE A NEW LIST UNTIL SUCH TIME AS A SATISFACTORY LIST  
25 OF CANDIDATES IS SUBMITTED. THE COMMISSION AND THE DIRECTOR OF PLANNING  
26 SHALL CONSIDER THE EXECUTIVE DIRECTOR AS DIVISION CHIEF FOR THE HISTORICAL  
27 AND ARCHITECTURAL PRESERVATION DIVISION OF THE DEPARTMENT OF PLANNING.  
28 THE QUALIFICATIONS OF THE CANDIDATES MUST BE IN ACCORDANCE WITH THE  
29 POSITION DESCRIPTION DEVELOPED BY THE COMMISSION THAT MEETS PROFESSIONAL  
30 HISTORICAL PRESERVATION PLANNING STANDARDS. THE EXECUTIVE DIRECTOR  
31 SHALL NOT BE A MEMBER OF THE COMMISSION.

32 (2) [to] THE EXECUTIVE DIRECTOR SHALL perform [such] THE duties [as] set forth  
33 [hereinafter] IN THIS ARTICLE or otherwise required by the Commission.

34 (3) THE DIRECTOR OF PLANNING, WITH THE APPROVAL OF A MAJORITY OF THE  
35 COMMISSION, MAY SUSPEND OR DISMISS THE EXECUTIVE DIRECTOR.

1 [(2) The Executive Director shall serve at the pleasure of the Commission and if such  
2 Executive Director is not otherwise an employee of the City, shall receive such  
3 compensation, if any, as may be approved by the Board of Estimates and provided for  
4 in the annual Ordinance of Estimates.]

5 (c) [*Consultants*] *STAFF and [other personnel] CONSULTANTS.*

6 ~~(1) THE DIRECTOR OF PLANNING SHALL ASSIGN STAFF FROM THE PLANNING~~  
7 ~~DEPARTMENT TO ASSIST THE COMMISSION AND EXECUTIVE DIRECTOR.~~

8 (1) THE DEPARTMENT OF PLANNING SHALL SERVE AS STAFF TO THE COMMISSION.

9 (2) The Commission may employ [or hire, from time to time, such] CONSULTANTS AND  
10 other personnel [and consultants as is] necessary for the proper performance of [the]  
11 ITS duties,[ powers and functions of the Commission, said personnel and consultants  
12 to receive such compensation] as [may be] provided [for] in the [annual] Ordinance  
13 of Estimates.

14 (3) STAFF SERVING IN THE DIVISION OF HISTORICAL AND ARCHITECTURAL PRESERVATION  
15 MUST MEET THE QUALIFICATIONS OF A POSITION DESCRIPTION THAT INCLUDES  
16 PROFESSIONAL HISTORIC PRESERVATION PLANNING STANDARDS.

17 (d) *Compensation.*

18 The members of the Commission [shall] serve without compensation, but [they shall]  
19 ARE ENTITLED TO be reimbursed for their expenses necessarily incurred in the  
20 performance of their duties [as such].

21 **Subtitle 4. Alterations, etc., to Properties**

22 **§ 4-5. Certificate of Appropriateness or Notice to Proceed.**

23 (a) *Issuance.*

24 If the Commission determines that the proposed excavation, construction or erection,  
25 reconstruction, alteration, removal of an exterior architectural feature, change in exterior  
26 color, or demolition of [any structures within said] A STRUCTURE IN A District, [or] on  
27 [said] Landmark List, or on the Special List [will be] IS appropriate[,] or, although  
28 inappropriate, without substantial detriment to the public welfare and without substantial  
29 derogation from the intent and purposes of this [ordinance as aforesaid] ARTICLE, the  
30 [Executive Director of the] Commission shall [cause] forthwith [to be forwarded] DIRECT  
31 THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE TO FORWARD to the  
32 Commissioner of Housing and Community Development a Certificate of Appropriateness  
33 or a Notice to Proceed, as applicable, along with the RELATED application, plans, and  
34 specifications [relative thereto].

**Subtitle 5. Judicial Review and Enforcement**

**§ 5-3. Penalties.**

(A) *IN GENERAL.*

Whoever excavates, constructs or erects, reconstructs, alters, removes any exterior architectural feature, changes the exterior color, or demolishes any [buildings] BUILDING or [structures] STRUCTURE[, now or hereafter,] in any Historical and Architectural Preservation District, [or any building] on the Landmark List, or on the Special List, in violation of [the provisions of] this article[,], IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, [shall be punished by] IS SUBJECT TO a fine of [not less than \$50 and] NOT LESS THAN \$500 AND not more than [\$500] \$1,000 [and/or] OR imprisonment for not more than 12 months OR BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

(B) *EACH DAY A SEPARATE OFFENSE.*

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

**§ 5-4. ENFORCEMENT.**

THE CODE ENFORCEMENT DIVISION OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL BE RESPONSIBLE FOR ENFORCEMENT OF THIS ARTICLE.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day after the date it is enacted.

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City