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CITY OF BALTIMORE

BRANDON M. SCOTT,  
Mayor



DEPARTMENT OF LAW  
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May 21, 2024

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

Re: City Council Bill 24-0491 – Footway Repairs – Citations and Billing

Dear President and City Council Members:

The Law Department reviewed City Council Bill 24-0491 for form and legal sufficiency. The bill would alter the notice and appeal times for certain footway improvements, grading, paving, repaving, or repairs; except an assessment from bearing interest under certain circumstances; and make conforming changes to existing Code provisions. The ordinance would take effect 30 days after its enactment.

Certain Charter provisions are applicable to footway repairs.

Charter Art. VII, § 116(b)(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.

Charter Art. VII, § 85. Board of Municipal and Zoning Appeals: Paving assessments:

(a) Appeal to Board.

Whenever the Department of Transportation levies an assessment or charge for the paving of a street, alley, or sidewalk under § 116 of this article, the owner of the property on which the assessment or charge is levied may, within 30 days of the mailing to the owner of a notice of the assessment or charge, bring the assessment or charge to the Board for its review.

(b) Decision.

On reasonable notice in accordance with its rules and this Charter, the Board shall:

- (1) determine whether the assessment or charge is proper; and
- (2) if not, set it at the amount that the Board determines to be proper.

Code provisions have been enacted in Art. 26, Subtitle 10 regarding the process for notice and assessments to abutting property owners when repairs are made to footways. Council Bill 24-0491 clarifies to whom notice must be given of proposed repairs and increases the time to 30 days for an owner to show cause to the Department of Transportation (“DOT”) as to why the repair should not be made and increases the time to 30 days to appeal to the BMZA if the abutting property owner is dissatisfied with DOT’s decision. The time during which the property owner may choose

to privately improve, grade, pave, repave, or repair a footway after receiving notice of impending repairs by the City is also increased. Certain sections for Article 26, Subtitle 10 are renumbered for clarity.

The Law Department recommends an amendment to the bill to clarify that the property owner may appeal the assessment to the Director of Transportation within 10 days of receipt of the notice of assessment from the Director of Finance. Furthermore, the property owner may appeal the assessment to the BMZA in accordance with § 10-9. The recommended amendment is attached.

For the reasons stated above, if the amendments suggested by the Law Department are adopted, we can approve Council Bill 24-0491 for form and legal sufficiency.

Very truly yours

A handwritten signature in cursive script, appearing to read "Michele M. Toth".

Michele M. Toth  
Assistant Solicitor

cc: Stephen Salsbury  
Nina Themelis  
Tiffany Maclin  
Elena DiPietro  
Hilary Ruley  
Ashlea Brown