
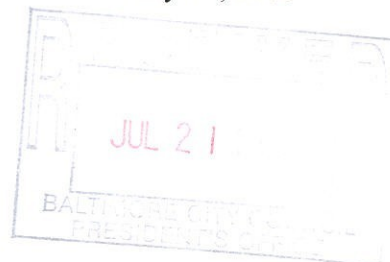


<b>FROM</b>	NAME & TITLE	David E. Scott, P.E., Director	<b>CITY of</b> <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	<b>CITY COUNCIL BILL 09-0343</b>		

**TO**

The Honorable President and Members  
of the Baltimore City Council  
c/o Karen Randle  
Room 400 - City Hall

DATE: July 17, 2009



I am herein reporting on City Council Bill 09-0343 introduced by Council President Rawlings Blake on behalf of the Department of Legislative Reference.

The purpose of the Bill is to correct certain technical errors and omissions in the City Code; repeal certain obsolete or otherwise unnecessary provisions; and correct, clarify, and conform certain language.

Legislation is introduced from time to time to correct errors, omissions, and obsolete references in the Baltimore City Code. The last corrective measures were adopted under Ordinance 08-63. City Council Bill 09-0343, if approved, would correct certain errors and omissions, and would repeal certain obsolete or unnecessary provisions in the Code resulting from subsequent legislative additions and deletions. This Bill makes corrections to the following areas of the Code:

- Health Article – A listing of the notice of suspensions of food service facilities is to be posted on the Health Department’s website and distributed to neighborhood associations potentially served by the establishments. The list of neighborhood associations is incorrectly attributed to the Department of Housing and Community Development. The correct reference to the Department of Planning is proposed.
- Zoning Article – The Board of Municipal Zoning Appeals or the Mayor and City Council, through an ordinance, may grant a Zoning variance and may impose certain conditions or restrictions as part of the variance. An obsolete reference to “special exception” is proposed to be deleted as this term is no longer used in the Zoning Code.
- Article 1 (Mayor, City Council, and Municipal Agencies) – Certain obsolete requirements pertaining to the printing and distributing of ordinances under Subtitle 1 (City Council) that provide for a penalty by fine or imprisonment or the exercising of police powers, are proposed to be deleted. Portions of this subsection pertaining to producing these ordinances in court are retained, but would be moved and consolidated under another subsection of this Subtitle. Under Subtitle 40 of this Article 1, Ordinance 09-113 added a reference to Article 26 Subtitle 6, a fine of \$25 for lack of building address numbers on a structure. To conform with the language of this Ordinance, it is proposed to add the word “address” to the Subtitle 6 reference, so that it reads “Building Address Numbers.”

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- Article 2 (Consumer Protections) – The entire Subtitle 3 (Debt Management Businesses) of this Article is proposed to be deleted, as certain State and federal laws preempt the City’s ability to prohibit these businesses in Baltimore City. Subtitle 12 (Second-Hand Property, Antiques, and Consignment Goods) of this Article is proposed to be modified to conform with a similar provision for pawnshops governing a dealer’s requirement to release an item in their possession to the Police Department, by recognizing a previously filed police report of a theft as a condition to comply.
- Article 13 (Housing and Urban Renewal) – Under Subtitle 8B (Foreclosure Chattels) of this Article, the Sheriff is required to stay a writ of possession for a certain period if the foreclosure purchaser did not provide proper notice to the tenant. The cross-reference to the notice requirement needs to be corrected from § 8A-2 to § 8B-2.
- Article 14 (Special Benefits Districts) – Subtitle 1 (Downtown Management District) of this Article, as part of the renewal process, provides for the Board of Estimates to conduct a referendum should opposition to the renewal exists. The cross-reference to the referendum process needs to be corrected from § 1-20 to § 1-19.
- Article 19 (Police Ordinances) – Subtitle 40 (Unregistered Motorcycles and Similar Vehicles) includes a definition of “Dirt bike”. That definition states what vehicles are not considered dirt bikes, according to certain definitions contained in the State Transportation Article. A reference to the State definition of a motor scooter needs to be corrected from § 11-134.4 to § 11-134.5.
- Article 28 (Taxes) – The State enabling law which allowed for a research and development tax credit was repealed, thus requiring the deletion of this credit from the City’s tax article.
- Article 31 (Transit and Traffic) – Subtitle 10 (Residential Permit Parking Program) of this Article refers to Parking Management Plans that were formerly managed by the Director of Public Works, but now are managed by the Executive Director of the Parking Authority. Four references to the “Director” need to be corrected to “Executive Director”.
- Subtitle 9 (Landlord and Tenant), Code of Public Local Laws of Baltimore City – Ordinance 42-769 amended a section concerning misrepresentations by any person to tenants that could result in a fine or imprisonment, or both, if found guilty of a misdemeanor. The amendment process inadvertently changed “member of a firm” to “member or firm”. This error would be corrected.

Since this legislation was introduced, it is this Department’s understanding that the Department of Legislative Reference is recommending additional corrections to the Code in the form of amendments. Those amendments would affect the following: