

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 26-0192

Introduced by: The Council President
Cosponsored by: Councilmembers Dorsey, Bullock, Porter, Blanchard, Jones, and Ramos
At the request of: Charter Review Special Committee
Introduced and read first time: May 11, 2026
Assigned to: Charter Review Special Committee
Committee Report: Favorable
Council action: Adopted
Read second time: June 8, 2026

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Charter Amendment – Minor Privileges

FOR the purpose of providing for the grant of certain minor privilege rights under a process established by ordinance; removing certain improper, non-essential, obsolete, and redundant provisions; setting a special effective date; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing to amend
Article VIII – Franchises
Sections 1 and 2
Baltimore City Charter
(1996 Edition)

BY proposing to repeal
Article VIII – Franchises
Sections 4 through 9
Baltimore City Charter
(1996 Edition)

BY proposing to amend and renumber
Article VIII – Franchises
Section 3
to be
Section 4
Baltimore City Charter
(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.

RULE 12-2 ** THIRD READER PREPARED AND REVIEWED DEPARTMENT OF LEGISLATIVE REFERENCE
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BY proposing to add
Article VIII – Franchises
Section 3
Baltimore City Charter
(1996 Edition)

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

Baltimore City Charter

Article VIII. Franchises

§ 1. Authority to grant.

(A) TITLE IS INALIENABLE.

The title of the City in and to its waterfront, wharf property, land under water, public landings, wharves and docks, streets, lanes, and parks, its sewer system and water-supply system, as described in Article VII, §§ 33 and 34 of this Charter, ITS STORMWATER SYSTEM, and its underground conduit system for cables, wires, and similar facilities is hereby declared to be inalienable.

(B) GRANT OF FRANCHISES.

(1) With the exception of the City's [sewer system, water-supply system, and underground conduit system for cables, wires, and similar facilities,] SEWER, WATER-SUPPLY, AND STORMWATER SYSTEMS, the City may grant for a limited time and subject to the limitations and conditions contained in the Charter, specific franchises or rights in or relating to any of the public property or places mentioned in [the preceding sentence;] SUBSECTION (A) OF THIS SECTION; provided that such grant is in compliance with the requirements of the Charter, and that the terms and conditions of the grant shall have first been authorized and set forth in an ordinance duly adopted.

(2) THE CITY MAY NOT, BY GRANT OR ORDINANCE, DIVEST ITSELF OF THE RIGHT OR POWER TO REGULATE THE EXERCISE OF A FRANCHISE OR A RIGHT.

(C) REQUIRED PROVISIONS.

[Every such grant shall specifically set forth and define the nature, extent and duration of the franchise or right thereby granted, and no franchise or right shall pass by implication under any such grant; and, notwithstanding any such grant the City shall at all times have and retain the power and right to reasonably regulate in the public interest the exercise of the franchise or right so granted; and the City shall not have the power by grant or ordinance to divest itself of the right or power so to regulate the exercise of such franchise or right.]

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EACH FRANCHISE AGREEMENT OR GRANT SHALL:

(1) SPECIFY THE NATURE, SCOPE, AND DURATION OF THE FRANCHISE OR RIGHT BEING GRANTED;

(2) NOT TRANSFER ANY FRANCHISE OR RIGHT BY IMPLICATION; AND

(3) PRESERVE THE CITY'S CONTINUING AUTHORITY TO REASONABLY REGULATE THE EXERCISE OF THE GRANTED FRANCHISE OR RIGHT IN THE PUBLIC INTEREST.

§ 2. [Procedures; Compensation; Minor privileges.] PROCEDURE; COMPENSATION.

Whenever an ordinance is introduced into the City Council pursuant to the provisions of Section 1 of this Article VIII, which ordinance shall contain all the terms and conditions of the proposed grant, including a provision as to the rates, fares and charges, if the grant provides for the charging of rates, fares or charges, and a provision that the franchise or right shall be executed and enjoyed within six months after the grant, it shall, after the first reading, be referred forthwith to the Board of Estimates. The said Board shall make diligent inquiry as to the money value of said franchise or right proposed to be granted and the adequacy of the proposed compensation to be paid therefor to the City as offered in said ordinance, and the propriety of the terms and conditions of said ordinance, and said board is empowered to increase the compensation to be paid therefor to the City and to alter the terms and conditions of said ordinance, including the space in or over which the franchise or right is proposed to be granted and the person to whom the franchise or right shall be granted, provided such alterations are not inconsistent with the requirements and provisions of the Charter, and it shall be the duty of said Board to fix in said ordinance the said compensation at the largest amount it may be able to obtain, by advertising or otherwise, for said franchise or right, and no grant thereof by the City Council shall be made except for the compensation and on the terms approved by vote or resolution of the said Board, entered in the minutes or records of said Board and attached to said ordinance with the signature of a majority of said Board signed thereto, and in the absence of such vote or resolution of said Board said proposed ordinance may not be passed but shall lapse and be void.

§ 3. MINOR PRIVILEGES.

(A) *DEFINITIONS.*

(1) *IN GENERAL.*

IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

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1 (2) *MINOR PRIVILEGE.*

2 “MINOR PRIVILEGE” MEANS A RIGHT GRANTED BY THE CITY TO A PERSON TO USE A
3 PORTION OF PUBLIC PROPERTY FOR PRIVATE PURPOSES AS IDENTIFIED AND DEFINED BY
4 ORDINANCE.

5 (3) *PERMANENT MINOR PRIVILEGE.*

6 “PERMANENT MINOR PRIVILEGE” MEANS A MINOR PRIVILEGE THAT CANNOT BE
7 REMOVED WITHOUT MATERIALLY ALTERING THE ~~PUBLIC~~ PROPERTY WHERE IT IS
8 LOCATED.

9 (4) *TEMPORARY MINOR PRIVILEGE.*

10 “TEMPORARY MINOR PRIVILEGE” MEANS A MINOR PRIVILEGE THAT CAN BE REMOVED
11 WITHOUT MATERIALLY ALTERING THE ~~PUBLIC~~ PROPERTY WHERE IT IS LOCATED.

12 (B) *TEMPORARY AND PERMANENT MINOR PRIVILEGES*

13 [Provided, that the] THE right to use the streets, or other public property, by any person
14 for [steps, porticoes, bay windows, bow windows, show windows, signs, columns, piers,
15 or other projections or structural ornaments of any character except so far as the same
16 may be prohibited by law, and covered vaults, covered areaways, drains, drainpipes,] A
17 TEMPORARY OR PERMANENT MINOR PRIVILEGE or any other private purpose not prohibited
18 by law or ordinance and not being a franchise or right requiring a formal grant by
19 ordinance, may be granted by [the Board of Estimates for such an amount of money and
20 upon such terms as the said Board may consider right and proper without the necessity of
21 an ordinance or advertising.] AN EXECUTIVE AGENCY UNDER A PROCESS ESTABLISHED BY
22 ORDINANCE.

23 [The applicant for any such right shall make written application therefor to the Board of
24 Estimates, stating therein the use desired and the amount he proposes to pay therefor.
25 Before filing the application with the Board of Estimates, the applicant shall serve copies
26 thereof on the owners of the adjoining properties. The use applied for shall be enjoyed
27 only on the payment of the consideration fixed by said Board and on the terms and
28 conditions prescribed by it in writing, which terms and conditions, including the
29 consideration charged therefor, may be changed from time to time by the Board — but
30 with respect to “permanent” minor privileges, as defined in Section 9 of this Article VIII
31 of the Charter, only after reasonable notice to the holder of the privilege and opportunity
32 to him to be heard before the Board or its designated representative — and provided
33 further, that all grants of minor privileges shall also be subject to the provisions of said
34 Section 9 of this Article VIII.]

35 [The Board of Estimates may delegate to any department or other municipal agency, and
36 such department or other municipal agency shall exercise, any administrative powers and
37 duties relating to minor privileges.]

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§ 4. [3. Duration.] TERM; RENEWAL; TRANSFER ON TERMINATION.

No franchise or right in relation to any street, either on, above or below the surface of the same, or franchise or right with respect to any other public property, shall be granted by the City to any person for a longer period than twenty-five years, but such grant may, at the option of the City, provide for giving to the grantee the right (on fair revaluation, including in such revaluation the value derived from the said franchise or right) to renewals not exceeding in the aggregate twenty-five years.

Regardless of the number of previous grants of a given franchise to its holder, or the number of years such holder may have held the same, the City may renew the same to him on the same or different terms from that theretofore granted, including an increase or decrease of the consideration or charge therefor, provided always, no grant by the City of a franchise or right in, over or under any part of its public property, whether an original grant or a renewal thereof, shall (save for a possible provision for renewals in accordance with the first sentence of this section) create a term therefor or a right to obtain a renewal of said term extending more than twenty-five years from the date of the ordinance granting or renewing the same, as the case may be.

Any grant of a franchise may provide that upon the termination of the said franchise or right granted by the City, the plant, as well as the property of the grantee situated in, above or under the streets or other public property aforesaid with its appurtenances, shall thereupon be and become the property of the City, without further or other compensation to the grantee; or such grant may provide that upon such determination, there shall be a fair valuation of the plant and property, which shall be and become the property of the City at its election, on paying the grantee said valuation. If, by virtue of the grant, the plant and property are to become the property of the City without money payment therefor, the City shall have the option either to take and operate the said property on its own account, or to renew the said grant for not exceeding twenty-five years on a revaluation or sell the same to the highest bidder at public sale. If the original grant shall prescribe that the City shall at its election make payment for such plant and property, such payment shall be at a fair valuation of the same as property, excluding any value derived from the franchise or right and if the City shall make payment for such plant and property, it may, in that event, operate the plant and property on its own account for five years, after which it may determine either to continue such operation on its own account or to lease the said plant and property and the said franchise or right to use the streets, or other public property in connection therewith, for limited periods, not to exceed twenty-five years from the date of the grant, under such rules and regulations as it may prescribe, or to sell the plant and property to the highest bidder at public sale.

Every grant of any such franchise or right shall make provision, by way of forfeiture or otherwise, for the purpose of compelling compliance with the terms of the grant, and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition, throughout the full term of the grant. The grant shall also specify the mode of determining the valuations and revaluations which may be provided for therein.

SECTIONS 1, 2, AND 4 OF THIS ARTICLE VIII SHALL APPLY TO ANY RENEWAL OR EXTENSION OF A FRANCHISE, WHETHER TO THE SAME GRANTEE OR TO OTHERS.

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[§ 4. Street railways.]

[The Board of Estimates, subject to ratification and approval by ordinance, is empowered to agree with any street railway company for the surrender of any of its franchises, easements or rights-of-way, and in substitution for the franchise, easement or right-of-way so surrendered to grant a new franchise, easement or right-of-way on any street, and which may be for the same duration as the franchise, easement or right-of-way surrendered; and to provide, in appropriate cases, for a graduated park tax, as prescribed by Chapter 566 of the Acts of the General Assembly of 1906.]

[§ 5. Trackless trolleys.]

[The City may, by ordinance, permit any street railway company to operate under its existing franchises vehicles propelled by electricity furnished by overhead wires but not operated upon rails, and any such grant heretofore made is hereby ratified and confirmed.]

[§ 6. Advertising.]

[Before any grant of the franchises or right to use any street, or other public property, either on, above or below the surface of the same shall be made, the proposed specific grant, except as provided in the second paragraph of Section 2 of this Article VIII, embodied in the form of a brief advertisement, prepared by the Board of Estimates, at the expense of the applicant, shall be published by the Comptroller for at least three days in one daily newspaper published in Baltimore City to be designated by the Board of Estimates, and all the provisions of the first paragraph of Section 2 of this Article VIII shall be complied with.]

[§ 7. Reservation of rights.]

[When the grant of a franchise or right is made in compliance with the foregoing sections, the City shall not part with, but shall expressly reserve the right and duty at all times to exercise in the interest of the public full municipal superintendence, regulation and control in respect to all matters connected with said grant and not inconsistent with the terms thereof.]

[§ 8. Renewals.]

[Sections 1, 2,[3, 6, and 7 of this Article VIII shall apply to any renewal or extension of a franchise, whether to the same grantee or to others.]

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[§ 9. Minor privileges.]

[(a) *Temporary minor privilege charges.*]

[Beginning with the year 1935, the amount of the lien of the City for charges for temporary minor privileges, as hereinafter defined, shall be limited to the amount of the charge therefor for the last calendar year for which made. The person to whom such temporary minor privilege is granted shall be personally liable to the City for the amount of such charges. If any such charge is not paid by April 1st of the year succeeding that in respect of which the charge was made, the Department of Finance shall record the lien for such previous year's charge in the tax lien record, where it shall continue to be a lien, until paid, upon the property on which such minor privilege is located. The Department of Finance may proceed to enforce the liability above provided for or to sell the property in satisfaction of such lien under the provisions of Article 81 of the Code of Public General Laws of Maryland.]

[(b) *"Temporary" and "permanent" defined; Procedures.*]

[Temporary minor privileges are those in the nature of awnings, barber poles, signs, skids, clothes racks, sidewalk displays and vending machines and the like, which can be removed without a material alteration of the property where the said privilege is located.]

[Permanent minor privileges are those in the nature of steps, porticoes, bay windows, bow windows, show windows, columns, tiers, covered vaults, covered areaways, drains or drainpipes, and the like which cannot be removed without a material alteration of the property where the said privilege is located.]

[The procedure for granting minor privileges is set forth in Section 2 of this Article VIII.]

[(c) *Savings clause.*]

[Nothing contained in this section shall affect the payment or collection of any minor privilege charges, temporary, or permanent, accruing before the year 1935 or the payment or collection of charges for permanent minor privileges during and after the year 1935. As to any of such charges which are not paid when due, the Department of Finance may institute suit against the holder of the privilege and the owner of the property at the time the charge arose, and shall record them in the tax lien record, and they shall remain a lien until paid and may sell the property at which the privilege is located under the provisions of said Article 81.]

[(d) *Designation by Board of Estimates.*]

[In issuing minor privileges the Board of Estimates shall designate the same as being "temporary" or "permanent" as defined in this section.]

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1 **SECTION 2. AND BE IT FURTHER RESOLVED,** That each provision repealed by this Resolution
2 shall, upon approval by the legal and qualified voters of Baltimore City, become fully effective
3 upon the date of the next General Election conducted in Baltimore City or upon passage of an
4 ordinance or promulgation of a regulation governing the subject matter of the repealed provision,
5 whichever is sooner. To the extent of any inconsistency or conflict between such ordinance or
6 regulation and the repealed provision, the ordinance shall prevail.

7 **SECTION 3. AND BE IT FURTHER RESOLVED,** That all provisions of this amendment to the
8 City Charter not contemplated by Section 2 shall, upon approval by the legal and qualified voters
9 of Baltimore City, become effective in accordance with Article XI-A, § 5 of the Maryland
10 Constitution from and after the 30th day after the General Election on November 3, 2026.

11 **SECTION 4. AND BE IT FURTHER RESOLVED,** That this proposed amendment to the City
12 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
13 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
14 City Solicitor.

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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