

**CITY OF BALTIMORE  
COUNCIL BILL 16-0613  
(First Reader)**

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Introduced by: The Council President

At the request of: The Administration (Department of Legislative Reference)

Introduced and read first time: January 11, 2016

Assigned to: Judiciary and Legislative Investigations Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Department of Public Works, Department of Planning, Department of Finance

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Corrective Bill 2016**

3 FOR the purpose of correcting certain technical errors and omissions in the City Code; repealing  
4 certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions;  
5 correcting, clarifying, and conforming certain language; and providing for a special effective  
6 date.

7 BY repealing and reordaining, with amendments

8 Article - Health

9 Section(s) 12-701(c)

10 Baltimore City Revised Code

11 (Edition 2000)

12 BY repealing and reordaining, with amendments

13 Article 1 - Mayor, City Council, and Municipal Agencies

14 Section(s) 20-2(b), 22-6(b), 40-1(c), 40-2(e), 40-7(c)(1), 41-14(2)(§50-56), 51-4(b), 52-3(b),  
15 and 55-4(b)

16 Baltimore City Code

17 (Edition 2000)

18 BY repealing

19 Article 1 - Mayor, City Council, and Municipal Agencies

20 Section(s) 41-14(2)(§50-26)

21 Baltimore City Code

22 (Edition 2000)

23 BY repealing

24 Article 2 - Consumer Protections

25 Subtitle 15. Weights and Measures

26 Baltimore City Code

27 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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- 1 BY repealing and reordaining, with amendments  
2 Article 4 - Community Relations  
3 Section(s) 2-2(c)  
4 Baltimore City Code  
5 (Edition 2000)
- 6 BY repealing and reordaining, with amendments  
7 Article 5 - Finance, Property, and Procurement  
8 Section(s) 21-8(a), 29-10(c) and 30-2(a)(1)  
9 Baltimore City Code  
10 (Edition 2000)
- 11 BY repealing and reordaining, with amendments  
12 Article 7 - Natural Resources  
13 Section(s) 1-3(j)(3)  
14 Baltimore City Code  
15 (Edition 2000)
- 16 BY repealing and reordaining, with amendments  
17 Article 8 - Ethics  
18 Section(s) 3-5(c) and (d) and 6-27(5)  
19 Baltimore City Code  
20 (Edition 2000)
- 21 BY repealing and reordaining, with amendments  
22 Article 11 - Labor and Employment  
23 Section(s) 17-1(c)  
24 Baltimore City Code  
25 (Edition 2000)
- 26 BY repealing and reordaining, with amendments  
27 Article 13 - Housing and Urban Renewal  
28 Section(s) 2B-13(b) and 18-3(d)  
29 Baltimore City Code  
30 (Edition 2000)
- 31 BY repealing and reordaining, with amendments  
32 Article 15 - Licensing and Regulation  
33 Section(s) 10-1(b), (c), and (d), 10-2, 10-6(a)(1) and (c), and 15-5(b)  
34 Baltimore City Code  
35 (Edition 2000)
- 36 BY repealing and reordaining, with amendments  
37 Article 19 - Police Ordinances  
38 Section(s) 40-1(d)(2)(ii)  
39 Baltimore City Code  
40 (Edition 2000)

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- 1 BY repealing and reordaining, with amendments
- 2 Article 22A - Retirement Savings Plan
- 3 Section(s) 2-7(a)(2) and (c)(2) and 2-10(c)
- 4 Baltimore City Code
- 5 (Edition 2000)
  
- 6 BY repealing and reordaining, with amendments
- 7 Article 28 - Taxes
- 8 Section(s) 10-19(e)(1) and (g)(2)(ii)(B) and 10-30(a)(4) and (c)
- 9 Baltimore City Code
- 10 (Edition 2000)
  
- 11 BY repealing and reordaining, without amendment
- 12 Article 28 - Taxes
- 13 Section(s) 10-19(h)(1)
- 14 Baltimore City Code
- 15 (Edition 2000)
  
- 16 BY repealing and reordaining, with amendments
- 17 Article 31 - Transit and Traffic
- 18 Section(s) 13-7(f), 13-9(b) and (c), 15-13(b), and 31-1(d)(1)
- 19 Baltimore City Code
- 20 (Edition 2000)
  
- 21 BY repealing and reordaining, with amendments
- 22 Ordinance 15-326
- 23 Short Title, First Recital Paragraph, and Section 2

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

26 **Baltimore City Revised Code**

27 **Article – Health**

28 **Title 12. Tobacco Products**

29 **Subtitle 7. Smoking in Vendor Trucks**

30 **§ 12-701. Definitions.**

31 (c) *Smoke*.

32 [“Smoke” means to inhale, burn, or carry any lighted cigarette, cigar, pipe tobacco, or  
33 other tobacco, weed, or plant product of any kind.] “SMOKE” HAS THE MEANING STATED  
34 IN § 12-101 {“DEFINITIONS”} OF THIS TITLE.

35 **COMMENT:** Conforms this subtitle to the changes made by Ord. 14-310 to Subtitle 1  
36 {“Indoor Smoking”}, Subtitle 4 {“Placement of Tobacco Products and Smoking

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1 Devices”}, Subtitle 5 {“Distribution to Minors”}, and Subtitle 8 {“Smoking Near  
2 Playgrounds”} of this title – each of which were amended by Ord. 14-310 to equate the  
3 use of so-called “electronic cigarettes” to the smoking of tobacco products. Ord. 14-310  
4 and the ordinance that enacted this subtitle (Ord. 14-237) were contemporaneous  
5 legislative enactments, but with different purposes and assigned to different committees.  
6 The failure of Ord. 14-310 to amend this subtitle was evidently an inadvertent oversight.

7 **Baltimore City Code**

8 **Article 1. Mayor, City Council, and Municipal Agencies**

9 **Subtitle 20. Baltimore City Commission for Women**

10 **§ 20-2. Terms, compensation, vacancies.**

11 (b) *Compensation; expenses.*

12 [Members] THE MEMBERS of the Commission:

13 (1) [are not entitled to] SERVE WITHOUT compensation [for their services]; but

14 (2) are entitled to reimbursement for REASONABLE expenses incurred IN THE  
15 PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

16 **COMMENT:** Conforms subsection to the standard locution recently recommended by the  
17 Law Department and adopted by Ordinance. (*Cf.* Article 6, § 2-5(b), as enacted by Ord.  
18 15-408.)

19 **Subtitle 22. Children, Youth, and Families**

20 **§ 22-6. Terms, organization, meetings, etc.**

21 (b) *Compensation; EXPENSES.*

22 [Members] THE MEMBERS of the Commission:

23 (1) [are not entitled to] SERVE WITHOUT compensation [for service on the  
24 Commission]; but

25 (2) are entitled to reimbursement for REASONABLE expenses incurred IN THE  
26 PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

27 **COMMENT:** Conforms subsection to the standard locution recently recommended by the  
28 Law Department and adopted by Ordinance. (*Cf.* Article 6, § 2-5(b), as enacted by Ord.  
29 15-408.)

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**Subtitle 40. Environmental Control Board**

**§ 40-1. Definitions.**

(c) *Code Enforcement Officer.*

“Code Enforcement Officer” means:

- (1) A BALTIMORE CITY POLICE OFFICER;
- (2) A SPECIAL ENFORCEMENT OFFICER APPOINTED UNDER CITY CODE ARTICLE 19, § 71-1 {“SPECIAL ENFORCEMENT OFFICERS: APPOINTMENT; DUTIES”}; OR
- (3) [a] ANY City employee who:

- (I) [(1)] is in a position of trust, as defined by the Administrative Manual AM-237-1; and

- (II) [(2)] has been authorized by his or her agency head to issue environmental citations under this subtitle.

**COMMENT:** For clarity – and to conform with the similar usage elsewhere (*see* § 41-1(c) {“Civil Citations: Enforcement officer”} of this article) – this amendment identifies, under the collective term “Code Enforcement Officer”, *all* of the persons expressly authorized by law to issue environmental citations. Special Enforcement Officers were so authorized by Ord. 98-359, City police officers by Ord. 12-084.

**§ 40-2. Board established.**

(e) *Compensation; EXPENSES.*

The members appointed under subsection (b)(3) of this section:

- (1) [are not entitled to] SERVE WITHOUT compensation; but
- (2) are entitled to reimbursement for REASONABLE expenses incurred IN THE PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

**COMMENT:** Conforms subsection to the standard location recently recommended by the Law Department and adopted by Ordinance. (*Cf.* Article 6, § 2-5(b), as enacted by Ord. 15-408.)

**§ 40-7. Environmental Citations.**

(c) *Service of citations.*

An environmental citation must be:

- (1) issued by a [Sanitary Enforcement Officer or other City employee who has been authorized to act as a Special Enforcement Officer under Article 19, § 71-1 of the City Code, by a] Code Enforcement Officer[, or by a Baltimore City Police Officer]; and

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1 . . . .

2 **COMMENT:** Deletes repetition of the various persons who are now encompassed by  
3 the all-inclusive definition of “Code Enforcement Officer”. See § 41-1(c) above.

4 **Subtitle 41. Civil Citations**

5 **§ 41-14. Offenses to which subtitle applies – Listing.**

6 (2) *Article 19. Police Ordinances*

7 . . .

8 § 50-56[, § 50-57, or § 50-58]. Soliciting customers \$100

9 . . .

10 [§ 50-26. Fires in street, lane, or alley. \$ 50]

11 . . .

12 . . . .

13 **COMMENT:** Art. 19, §§ 50-57 and 50-58 were repealed by Ord. 09-149. Art. 19, § 50-26  
14 was repealed by Ord. 15-435.

15 **Subtitle 51. Baltimore City Veterans Commission**

16 **§ 51-4. Terms, compensation, vacancies.**

17 (b) *Compensation; expenses.*

18 [Members] THE MEMBERS of the Commission:

19 (1) [are not entitled to] SERVE WITHOUT compensation [for their services]; but

20 (2) are entitled to reimbursement for REASONABLE expenses incurred IN THE  
21 PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

22 **COMMENT:** Conforms subsection to the standard locution recently recommended by the  
23 Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord.  
24 15-408.)

25 **Subtitle 52. Baltimore City Hispanic Commission**

26 **§ 52-3. Terms, compensation, vacancies.**

27 (b) *Compensation; expenses.*

28 [Members] THE MEMBERS of the Commission:

29 (1) [are not entitled to] SERVE WITHOUT compensation [for their services]; but

30 (2) are entitled to reimbursement for REASONABLE expenses incurred IN THE  
31 PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

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1           **COMMENT:** Conforms subsection to the standard locution recently recommended by the  
2 Law Department and adopted by Ordinance. (*Cf.* Article 6, § 2-5(b), as enacted by Ord.  
3 15-408.)

4                   **Subtitle 55. Mayor’s Anti-Animal Abuse Advisory Commission**

5           **§ 55-4. Terms, compensation, vacancies.**

6           (b) *Compensation; expenses.*

7           [Members] THE MEMBERS of the Advisory Commission:

8                   (1) [are not entitled to] SERVE WITHOUT compensation [for their services]; but

9                   (2) are entitled to [timely] reimbursement for REASONABLE expenses incurred IN THE  
10 PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

11           **COMMENT:** Conforms subsection to the standard locution recently recommended by the  
12 Law Department and adopted by Ordinance. (*Cf.* Article 6, § 2-5(b), as enacted by Ord.  
13 15-408.)

14                                   **Article 2. Consumer Protections**

15                                   **[Subtitle 15. Weights and Measures]**

16           **[§ 15-1. National standards adopted.]**

17           [The standards for weights and measures in the City of Baltimore, except as may be  
18 otherwise provided by law, shall be the same as the standards for weights and measures of the  
19 United States of America.]

20           **[§ 15-2. Sets of weights and measures.]**

21           [(a) *Office standards.*]

22                   [A complete set of standards of weights and measures, certified in accordance with the  
23 Agriculture Article, Annotated Code of Maryland, shall be procured by the Mayor and  
24 City Council of Baltimore and shall be kept at all times in the offices of the Department  
25 of Public Works, and said set of standards shall be known as “office standards”.]

26           [(b) *Working standards.*]

27                   [(1) In addition, the Mayor and City Council of Baltimore shall procure such other  
28 weights, measures, and apparatus as may be found necessary, from time to time, to  
29 carry out the provisions of this subtitle, and these weights, measures, and apparatus  
30 shall be in conformity with the office standards and shall be known as “working  
31 standards”.]

32                   [(2) The working standards shall be compared with the office standards at least once in  
33 each year.]

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1 [(c) *Use of either set authorized.*]

2 [Either the office or working standards shall be used in making comparisons of weights,  
3 measures, and weighing or measuring devices submitted for test or comparison at the  
4 offices of the Department of Public Works.]

5 **[§ 15-3. Rules and regulations.]**

6 [(a) *Public Works to adopt; compliance required.*]

7 [(1) The Director of Public Works is hereby authorized and empowered to adopt and  
8 promulgate rules and regulations in connection with, and in order to properly enforce,  
9 the provisions of this subtitle.]

10 [(2) Every person, firm, or corporation shall comply with such rules and regulations.]

11 [(b) *Filing with Legislative Reference.*]

12 [Copies of such rules and regulations shall be filed with the Baltimore City Department of  
13 Legislative Reference.]

14 [(c) *Scope.*]

15 [(1) Such rules and regulations may include specifications and tolerances for all weights,  
16 measures, weighing and measuring devices, which shall be designed to eliminate from  
17 use, without prejudice to apparatus which conforms as lawfully as practicable to the  
18 official standards, apparatus which are not accurate, or which are of such construction  
19 that they are not reasonably permanent in their adjustment, or which will not repeat  
20 their indications correctly, or which facilitate the perpetration of fraud.]

21 [(2) For the purposes of this subtitle, apparatus shall be deemed to be correct when it  
22 conforms to all applicable requirements promulgated or specified in this section. All  
23 other apparatus shall be deemed to be incorrect.]

24 **[§ 15-4. Supervision by Public Works; new or altered devices.]**

25 [(a) *Public Works to supervise; exception.*]

26 [The Department of Public Works shall have and maintain general supervision over all  
27 weights and measures and weighing and measuring devices offered for sale, sold, or in  
28 use in the City of Baltimore, except with respect to the weighing and measuring of milk  
29 and fluid dairy products as provided in the Agriculture Article of the Annotated Code of  
30 Maryland.]

31 [(b) *Notice to Public Works of new or altered devices.*]

32 [(1) Any person who is responsible for the final stages of introducing a new device, or  
33 reintroducing any repaired, rebuilt, or altered device, into the channels of trade or  
34 service shall furnish the Director of Public Works a notice in writing prior to the use  
35 of such device in the City of Baltimore.]



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1 [(2) The notice shall contain:

- 2 (i) the names and addresses of all persons involved in the transaction;
- 3 (ii) the place of installation of the device;
- 4 (iii) a description of the device; and
- 5 (iv) the model and serial number of the device if obtainable.]

6 **[\§ 15-5. Inspection service fees.]**

7 [(a) *In general.*]

8 [It shall be unlawful for any person, firm, association, or corporation to operate a  
9 measuring or weighing device, as defined in this subtitle, without first having paid certain  
10 charges, as established herein, for the inspection service provided by the Bureau of  
11 Construction Management.]

12 [(b) *Annual fees.*]

13 [The annual charge imposed hereunder for the inspection services of each weighing or  
14 measuring device shall be as follows:

- 15 (1) \$4.50 for scales of nominal capacity to weigh items up to 31 pounds, sometimes  
16 referred to as spring balance scales or huckster scales.
- 17 (2) \$15 for scales of nominal capacity to weigh items up to 61 pounds, such as  
18 computing scales, counter scales, personal weighing scales, and spring balance  
19 scales.
- 20 (3) \$30 for scales of a nominal capacity to weigh items up to 7,500 pounds, such as  
21 platform scales, beam scales, truck scales, and hopper scales.
- 22 (4) \$75 for scales of a nominal capacity to weigh items of a weight above 7,500  
23 pounds, such as vehicular scales.
- 24 (5) \$37.50 for tank trucks and tank truck meters or tank truck liquid measuring  
25 devices.
- 26 (6) \$7.50 for retail or commercial fuel pumps or liquid fuel measuring devices, such  
27 as commercial gasoline pumps and pumps for kerosene or diesel fuel.
- 28 (7) \$150 for wholesale liquid measuring devices, such as bulk meters.]

29 [(c) *Penny scales excepted.*]

30 [Notwithstanding other provisions of this section, no inspection service fee shall be  
31 imposed with respect to weighing devices activated by insertion of a single penny.]

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1 [(d) *Operator liable for fee.*]

2 [The operator of any measuring or weighing device shall be liable for the payment of any  
3 and all charges imposed under this subtitle.]

4 [(e) *Collection; proration.*]

5 [(1) All charges imposed under this subtitle shall be collected by the Director of Finance.]

6 [(2) Such annual charges shall be due on January 1 of each year, provided, however, that  
7 any weighing or measuring device placed in service after January 1, 1972, shall be  
8 charged inspection fees as follows:

9 (i) for a weighing and measuring device placed in service after January 1 and  
10 before April 1 of any year, the charge shall be that prescribed for the entire  
11 year;

12 (ii) for a weighing and measuring device placed in service after March 31 and  
13 before July 1 of any year, the charge shall be  $\frac{3}{4}$  of that prescribed for the entire  
14 year;

15 (iii) for a weighing and measuring device placed in service after June 30 and  
16 before October 1 of any year, the charge shall be  $\frac{1}{2}$  of that prescribed for the  
17 entire year; and

18 (iv) for a weighing and measuring device placed in service after September 30 of  
19 any year, the charge shall be  $\frac{1}{4}$  of that prescribed for the entire year.]

20 [(3) All inspection charges shall be due and payable as of the date of the weighing and  
21 measuring device is placed in service.]

22 [(4) In the event any payment is not made in full within 30 days after it becomes due and  
23 payable:

24 (i) the operator of such measuring or weighing device shall be assessed by the  
25 Director of Finance:

26 (A) the amount of the charge due;

27 (B) interest at the rate of  $\frac{1}{2}\%$  per month or any fraction thereof; and

28 (C) a penalty of 10% of the charge due; and

29 (ii) the interest and penalty shall be collected as a part of the charge itself.]

30 [(f) *Rules and regulations.*]

31 [In order to properly carry and enforce the provisions of this subtitle and to collect the  
32 charges imposed under this subtitle, the Director of Finance is hereby authorized and

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1 empowered to promulgate, from time to time, such rules and regulations as he may deem  
2 necessary or proper:

3 (1) to carry out and enforce the provisions of this subtitle;

4 (2) to fully collect the charges imposed under this subtitle; and

5 (3) to define or construe any of the terms and provisions used in this subtitle in  
6 connection with the imposition or collection of said charges.]

7 [(g) *Powers of Director of Finance.*]

8 [In addition to the powers granted to the Director of Finance in subsection (f), he is  
9 hereby authorized and empowered:

10 (1) to compromise disputed claims in connection with the charges imposed by this  
11 subtitle, and for good and sufficient cause shown to remit interest and penalties;

12 (2) to refund the amount of any overcharge or any charge paid in error, upon receipt  
13 of an application indicating such overcharge or error within 3 years from the date  
14 the charge is paid and in such form as may be required or approved by the  
15 Director of Finance; and

16 (3) to extend, for good cause shown, the time for remitting any charges required to be  
17 paid under this subtitle for such period of time as he may deem reasonable.]

### 18 [§ 15-6. Public Works to enforce State provisions.]

19 [When not otherwise provided by law, the Department of Public Works shall have, enforce,  
20 exercise and abide by all the conditions, powers, penalties, stipulations, orders, and directions  
21 set forth in the Agriculture Article of the Annotated Code of Maryland with respect to the  
22 Weights and Measures Law of Maryland.]

23 **COMMENT:** This subtitle is obsolete. It has long been superseded (if not outright  
24 preempted) by the provisions of what is now State Agriculture Article, Title 11 {"Weights  
25 and Measures"}. That title governs the standards for and the sale, use, and supervision of  
26 weights and measures statewide.

27 Some 40 years ago, when these City provisions were last amended (Ord. 76-066), State  
28 law expressly recognized the authority of Baltimore City to administer and enforce its  
29 own regulatory program (*cf.* former State Code Art. 97, § 36; later former State Ag. Art.  
30 § 11-204). The State law also then authorized certain of the State's larger counties to  
31 enforce the State law concurrently with the State Secretary of Agriculture (*cf., e.g.,* former  
32 State Code Art. 97, §§ 6, 13, and 17; later former State Ag. Art. §§ 11-202, 11-203,  
33 and 11-205).

34 In 1983, however, the General Assembly repealed then State Ag. Art. § 11-204, returning  
35 governance of weights and measures in Baltimore City to the plenary authority of the  
36 State (Ch. 619, Acts of 1983). And, 3 years later, the General Assembly repealed the then  
37 remaining provisions of Title 11 that authorized concurrent enforcement by certain larger  
38 subdivisions (Ch. 182, Acts of 1986).

39 In the end, the governing State law no longer refers, expressly or implicitly, to any  
40 possible role that Baltimore City (or any other local jurisdiction) can play in the

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1 regulation of weight and measures. Nor, as a practical matter, is the City's Department of  
2 Public Works currently aware of any such role for it to play.

### 3 Article 4. Community Relations

#### 4 Subtitle 2. Community Relations Commission

##### 5 § 2-2. Organization.

6 (c) *Compensation; EXPENSES.*

7 The members OF THE COMMISSION:

8 (1) serve without compensation[,]; but

9 (2) are entitled to reimbursement for [all] REASONABLE expenses [necessarily]  
10 incurred IN THE PERFORMANCE OF THEIR DUTIES, AS PROVIDED IN THE ORDINANCE  
11 OF ESTIMATES.

12 **COMMENT:** Conforms subsection to the standard locution recently recommended by the  
13 Law Department and adopted by Ordinance. (*Cf.* Article 6, § 2-5(b), as enacted by Ord.  
14 15-408.)

### 15 Article 5. Finance, Property, and Procurement

#### 16 Subtitle 21. Public Art

##### 17 § 21-8. Compensation and expenses; staff.

18 (a) *Compensation; expenses.*

19 The members of the Commission:

20 (1) [receive no] SERVE WITHOUT compensation [for their service on the Commission];  
21 but

22 (2) are entitled to reimbursement for [necessary and proper] REASONABLE expenses  
23 incurred in [performing] THE PERFORMANCE OF their duties, [on the Commission]  
24 AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

25 **COMMENT:** Conforms subsection to the standard locution recently recommended by the  
26 Law Department and adopted by Ordinance. (*Cf.* Article 6, § 2-5(b), as enacted by Ord.  
27 15-408.)

### 28 Subtitle 29. Commercial Non-Discrimination Policy

##### 29 § 29-10. Hearings.

30 (c) Consistent with the [Maryland] STATE Public Information Act, TITLE 4 OF THE STATE  
31 GENERAL PROVISIONS ARTICLE, and WITH the State Open Meetings Act, TITLE 3 OF THE

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1 STATE GENERAL PROVISIONS ARTICLE, the hearing examiner may issue protective orders  
2 for good cause for the following reasons:

3 (1) to limit, or otherwise impose conditions on, access by any person to any document  
4 in the possession of a party, including [an] A document in the City’s possession or  
5 in the record of the hearing that is not a public record; or

6 (2) to close all or any portion of the hearing, or otherwise impose conditions on  
7 access to the hearing by any person.

8 **COMMENT:** Inserts statutory citations for the two referenced Acts, and corrects a  
9 typographical error.

10 **Subtitle 30. Health Care Services Providers**

11 **§ 30-2. Prequalification requirements.**

12 (a) *Prequalification criteria.*

13 (1) Any person who submits to the City a bid or who contracts with the City to be a  
14 health care carrier or to provide health care services to Baltimore City employees or  
15 persons receiving health care through any entity funded by the City [shall] MUST  
16 prequalify pursuant to [the terms of] CITY CHARTER Article VI, [§ 11(f)] § 11(G) [of  
17 the City Charter,] and [such] THE rules, regulations, and standards [as are established,  
18 maintained, and modified] ADOPTED by the Board of Estimates [of the City of  
19 Baltimore].

20 **Comment:** Corrects an erroneous cross-reference and deletes surplusage.

21 **Article 7. Natural Resources**

22 **Division I: Floodplain Management**

23 **Subtitle 1. Definitions; General Provisions**

24 **§ 1-3. Definitions – “Floodproofing” to “Wet floodproofing”.**

25 (j) *New construction.*

26 (3) *“Permanent construction”.*

27 As used in paragraph (2) of this subsection, “permanent construction” does not  
28 include:

29 (i) land preparation, such as clearing, grading, and filling;

30 (ii) the installation of streets and walkways;

31 (iii) excavation for basements, footings, piers, or foundations; [or]

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1 (iv) the erection of temporary forms; or

2 (v) the installation on the property of accessory structures.

3 **Comment:** Deletes an extraneous conjunction.

4 **Article 8. Ethics**

5 **Subtitle 3. Administration**

6 **§ 3-5. Meetings; compensation.**

7 (c) *Open meetings.*

8 All meetings of the Ethics Board must be conducted in accordance with the State Open  
9 Meetings Act, [Title 10, Subtitle 5, of the State Government Article of the Maryland  
10 Code] TITLE 3 OF THE STATE GENERAL PROVISIONS ARTICLE.

11 **COMMENT:** Corrects an outdated statutory citation.

12 (d) *Compensation; EXPENSES.*

13 [Members] THE MEMBERS of the Ethics Board:

14 (1) serve without compensation; but

15 (2) are entitled to reimbursement [of] FOR reasonable expenses incurred IN THE  
16 PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

17 **COMMENT:** Conforms subsection to the standard locution recently recommended by the  
18 Law Department and adopted by Ordinance. (*Cf.* Article 6, § 2-5(b), as enacted by Ord.  
19 15-408.)

20 **§ 6-27. Acceptance prohibited.**

21 Except as otherwise provided in this Part IV, a public servant may not knowingly accept any  
22 gift, directly or indirectly, from any person that the public servant knows or has reason to  
23 know:

24 . . .

25 (5) is an owner, partner, officer, director, trustee, employee, or agent of any person  
26 described in items (1) through (4) of this [subsection] SECTION.

27 **Comment:** Corrects erroneous nomenclature.

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**Article 11. Labor and Employment**

**Subtitle 17. Retaliation for Human Trafficking Reports**

**§ 17-1. Definitions.**

(c) *Human trafficking.*

“Human trafficking” means:

- (1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform [such] A COMMERCIAL SEX act has not attained 18 years of age; or
- (2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

COMMENT: Translates vague indirect reference into clear direct reference.

**Article 13. Housing and Urban Renewal**

**Subtitle 2B. Inclusionary Housing Requirements**

**§ 2B-13. Board officers; expenses.**

(b) *Compensation; EXPENSES.*

The members of the Board:

- (1) [receive no] SERVE WITHOUT compensation [for services rendered as members of the Board]; but
- (2) are entitled to reimbursement for [necessary and proper] REASONABLE expenses incurred in [performing] THE PERFORMANCE OF their duties, [as a member] AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord. 15-408.)

**Subtitle 18. On-Site Utility Contractors**

**§ 18-3. On-Site Utility Contractors Board.**

(d) *Compensation; expenses.*

The appointed members OF THE BOARD:

- (1) serve without compensation[,]; but

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1 (2) [they] are entitled to reimbursement for REASONABLE expenses [necessarily]  
2 incurred in the performance of their duties, AS PROVIDED IN THE ORDINANCE OF  
3 ESTIMATES.

4 **COMMENT:** Conforms subsection to the standard locution recently recommended by the  
5 Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord.  
6 15-408.)

7 **Article 15. Licensing and Regulation**

8 **Subtitle 10. Hotels**

9 **§ 10-1. Definitions.**

10 (B) [(d)] *Hotel*.

11 “Hotel” means any building, including any motel, [containing] THAT CONTAINS sleeping  
12 accommodations for more than 5 persons and IS open to the transient public.

13 (c) *Housing Department; Department*.

14 “Housing Department” or “Department” means the [Baltimore] City Department of  
15 Housing AND COMMUNITY DEVELOPMENT.

16 (D) [(b)] *Human trafficking*.

17 “Human trafficking” means:

18 (1) sex trafficking in which a commercial sex act is induced by force, fraud, or  
19 coercion, or in which the person induced to perform [such] A COMMERCIAL SEX  
20 act has not attained 18 years of age; or

21 (2) the recruitment, harboring, transportation, provision, or obtaining of a person for  
22 labor or services, through the use of force, fraud, or coercion for the purpose of  
23 subjection to involuntary servitude, peonage, debt bondage, or slavery.

24 **COMMENT:** Reorganizes definitions into alphabetical order; clarifies syntax; corrects  
25 reference to the regulatory agency; and translates a vague indirect reference into a clear  
26 direct reference.

27 **§ 10-2. Registration required.**

28 No person may operate a hotel in Baltimore City without first registering the hotel with the  
29 HOUSING Department [of Housing] on the form required by [the] THAT Department.

30 **COMMENT:** Conforms textual terminology to that of the applicable definition.



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**§ 10-6. Anti-trafficking training required.**

(a) *Hotel employees to be trained.*

(1) Any person who owns or operates a hotel within the City must provide [training to] all new hotel employees, within 30 days of hire, TRAINING on how to identify human trafficking activities and human trafficking victims.

**COMMENT:** Places noun and applicable modifier in closer proximity, for clarity of meaning.

(c) *Certification required.*

Beginning in calendar year 2016, any person who owns or operates a hotel within the City must annually certify to the Housing Commissioner, no later than August 1 of each year, that all [of their] HOTEL employees have completed the training required by this section.

**COMMENT:** Corrects noun-pronoun disagreement.

**Subtitle 15. Street Entertainers**

**§ 15-5. Board officers; expenses.**

(b) *Compensation; EXPENSES.*

The members of the Board:

(1) [receive no] SERVE WITHOUT compensation [for services rendered as members of the Board]; but

(2) are entitled to reimbursement for [necessary and proper] REASONABLE expenses incurred in [performing] THE PERFORMANCE OF their duties, [as a member] AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

**COMMENT:** Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord. 15-408.)

**Article 19. Police Ordinances**

**Subtitle 40. Unregistered Motorcycles and Similar Vehicles**

**§ 40-1. Definitions.**

(d) *Minibike.*

(2) “Minibike” does not include:

...

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1 (ii) a motor scooter, as defined in State Transportation Article [§ 11-134.4]  
2 § 11-134.5.

3 **COMMENT:** Corrects mistaken cross-reference, conforming to the correct reference that  
4 appears in the otherwise identical subsection (c)(3)(ii) of this section.

5 **Article 22A. Retirement Savings Plan**

6 **Subtitle 2. Administration**

7 **§ 2-7. Meetings; Voting; Records.**

8 (a) *Meetings.*

9 (2) All meetings of the Board must be conducted in accordance with the State Open  
10 Meetings Act, [(State Government Article, Title 10, Subtitle 5)] TITLE 3 OF THE  
11 STATE GENERAL PROVISIONS ARTICLE.

12 (c) *Records.*

13 (2) These records are open to public inspection in accordance with the State Public  
14 Information Act, [(State Government Article, Title 10, Subtitle 6, Part III)] TITLE 4 OF  
15 THE STATE GENERAL PROVISIONS ARTICLE.

16 **COMMENT:** Corrects outdated statutory citations.

17 **§ 2-10. Compensation; Expenses.**

18 (c) *Expenses*

19 All voting and non-voting [trustees] TRUSTEES are entitled to reimbursement [of] FOR  
20 reasonable [and necessary] expenses incurred [through their service on the Board] IN THE  
21 PERFORMANCE OF THEIR DUTIES.

22 **COMMENT:** Conforms these provision to the applicable elements of the standard locution  
23 recently recommended by the Law Department and adopted by Ordinance. (*Cf.* Article 6,  
24 § 2-5(b), as enacted by Ord. 15-408.)

25 **Article 28. Taxes**

26 **Subtitle 10. Credits**

27 **§ 10-19. Urban agricultural property.**

28 (e) *Application and certification.*

29 (1) A property owner seeking to obtain and annually maintain a credit under this section  
30 must:

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1 (i) at LEAST 90 days before the 1<sup>st</sup> tax year for which the credit is sought, file an  
2 application for the credit with the Sustainability Office; and

3 (ii) at least 90 days before each subsequent tax year during the term of the credit,  
4 file with the Sustainability Office a certification that the property continues to  
5 be used for urban agricultural purposes and to meet all other qualification for  
6 the credit.

7 (g) *Continuous agricultural use required.*

8 (2) *Good-cause waiver of interest and penalties.*

9 (ii) The property owner has the burden to demonstrate that:

10 . . .  
11 (B) the owner otherwise meets the requisite criteria for a waiver, as  
12 established in the rules and regulations adopted under subsection  
13 [(h)(1)(i)] (H)(1)(II) of this section.

14 (h) *Administration.*

15 The Director of Finance, after consultation with the Sustainability Office:

16 (1) shall adopt rules and regulations to carry out this section, including:

17 (i) the procedures, forms, and documentation required to apply for the credit  
18 and to periodically evidence continuing eligibility for the credit; and

19 (ii) the procedures and governing criteria for obtaining a surcharge waiver  
20 under subsection (g)(2) of this section;

21 . . . .

22 **COMMENT:** Inserts a word inadvertently omitted from subsection (e)(1)(i); and  
23 corrects an erroneous cross-reference in subsection (g)(2)(ii)(B). (Subsection (h)(1)  
24 shown for context of corrected cross-reference.)

25 **§ 10-30. Food Desert Incentive Areas (Personal Property Tax Credit).**

26 (a) *Definitions.*

27 (4) *Food Retail Incentive Area.*

28 “Food Desert Incentive Area” means any area that is:

29 (i) a food desert; or

30 (ii) within ¼ mile of a food desert[; or

31 (iii) Any area that would be a food desert but for the presence of a qualified  
32 supermarket].

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1 (c) *Qualifications for credit.*

2 To qualify for the credit granted by this section, a qualified supermarket must:

3 (1) be located either:

4 (i) in a Food Desert Incentive Area; or

5 (ii) IN AN AREA THAT WOULD BE A FOOD DESERT INCENTIVE AREA BUT FOR  
6 THE PRESENCE OF THAT QUALIFIED SUPERMARKET;

7 (2) have expended on new personal property an amount equal to the greater of:

8 (i) \$150,000; or

9 (ii) \$25 per square foot of total floor space;

10 (3) have at least 500 square feet of total floor space dedicated to the sale of fruits and  
11 vegetables; and

12 (4) have at least 500 square feet of total floor space dedicated to the sale of other  
13 perishable goods, including meat, seafood, and dairy products[; and].

14 **COMMENT:** Corrects ambiguities and other errors made by incomplete and otherwise  
15 poorly drafted amendments to Ord. 15-434, amendments that were submitted to and  
16 adopted by Committee (and, then, by the Council) without prior submission to or vetting  
17 by the Department of Legislative Reference.

18 **Article 31. Transit and Traffic**

19 **Subtitle 13. Baltimore City Parking Authority**

20 **§ 13-7. Board of Directors — In general.**

21 (f) Compensation; expenses.

22 THE MEMBERS OF THE BOARD:

23 (1) [A member may not receive] SERVE WITHOUT compensation[.]; BUT

24 (2) [The Board may establish rules governing payment of or] ARE ENTITLED TO  
25 reimbursement for REASONABLE expenses incurred [by a member in the discharge  
26 of his or her duties] IN THE PERFORMANCE OF THEIR DUTIES, AS PROVIDED IN THE  
27 BOARD'S RULES GOVERNING EXPENSES.

28 **COMMENT:** Conforms these provision to the applicable elements of the standard locution  
29 recently recommended by the Law Department and adopted by Ordinance. (*Cf.* Article 6,  
30 § 2-5(b), as enacted by Ord. 15-408.)

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**§ 13-9. Board of Directors — Quorum; open meetings; public records.**

(b) *Open meetings.*

All meetings of the Board must be conducted in accordance with the State Open Meetings Act, TITLE 3 OF THE STATE GENERAL PROVISIONS ARTICLE.

(c) *Public records.*

All records of the Authority must be open to public inspection in accordance with the State Public Information Act, TITLE 4 OF THE STATE GENERAL PROVISIONS ARTICLE.

COMMENT: Inserts the newly modified statutory citations for the two referenced Acts.

**Subtitle 15. BMore Streets for People**

**§ 15-13. Terms; Compensation; Vacancies.**

(b) *Compensation; expenses.*

[Members] THE MEMBERS of the Advisory Board:

(1) [are not entitled to] SERVE WITHOUT compensation [for their services]; but

(2) are entitled to reimbursement for REASONABLE expenses incurred IN THE PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord. 15-408.)

**Subtitle 31. Clear Streets and Impoundment**

**§ 31-1. Definitions.**

(d) *Private property.*

(1) “Private property” shall include all property not included within subsection [(f)] (E) where the owner can be readily ascertained by reference to the records of the Bureau of Assessments or elsewhere.

COMMENT: Corrects an erroneous cross-reference.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the Short Title, First Recital Paragraph, and Section 2 of Ordinance 15-326 are amended to read as follows:

*{Short Title:}*

**Urban Renewal – Coldspring Neighborhood Development Program –  
Amendment [10] 11**

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1        *{First Recital Paragraph:}*

2                The Urban Renewal Plan for Coldspring Neighborhood Development Program  
3                was originally approved by the Mayor and City Council of Baltimore by Ordinance  
4                73-242 and last amended by Ordinance [97-175] 07-385.

5        *{Section 2:}*

6                **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan  
7                for Coldspring Neighborhood Development Program, as amended by this  
8                Ordinance and identified as “Urban Renewal Plan, Coldspring Neighborhood  
9                Development Program, revised to include Amendment [10] 11, dated October 27,  
10               2014”, is approved. The Department of Planning shall file a copy of the amended  
11               Urban Renewal Plan with the Department of Legislative Reference as a permanent  
12               public record, available for public inspection and information.

13               **COMMENT:** In assigning an amendment number to Ord. 15-326, the latest formal  
14               amendment to the Urban Renewal Plan for the Coldspring Neighborhood Development  
15               Program, the Department of Planning failed to account for a preceding amendment (Ord.  
16               07-385), which was already, and properly so, designated as “Amendment 10”. This  
17               corrects the numbering sequence.

18               **SECTION 3. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
19               are not law and may not be considered to have been enacted as a part of this or any prior  
20               Ordinance.

21               **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect when it is  
22               enacted.