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CITY OF BALTIMORE

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Mayor



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June 12, 2026

The Honorable President and Members  
of the Baltimore City Council  
Room 409, City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 26-0178 – Baltimore Harbor – Transfer of Authority to Department  
of Transportation

Dear President and City Council Members:

The Law Department reviewed City Council Bill 26-0178 for form and legal sufficiency. The bill would repeal obsolete provisions of Subtitle 5 {"Harbor"} of the Public Local Laws of Baltimore City and Article 10 {"Harbors, Docks, and Wharves"} of the Baltimore City Code regarding the Baltimore Harbor; transfer authority to regulate Baltimore Harbor from the Department of Housing and Community Development to the Department of Transportation; establish the Office of the Harbormaster with attendant authorities and duties under the Department of Transportation; and otherwise relate to the use and management of Baltimore Harbor. The ordinance would take effect on the 30<sup>th</sup> day after its enactment.

Council Bill 26-0178 seeks repeal of the public local law regarding a vessel causing obstruction to the free passage of other vessels in the Inner Harbor. Baltimore City Code of Public Local Laws, § 5-2. That provision is contained in Section 1-15 of Article 10 of the current City Code. Council Bill 26-0178 renumbers and amends this provision as Section 1-5 of Article 10. In repealing Section 5-2 of the Public Local Laws, the City Council is exercising its authority under the police powers grant pursuant to the City's express powers. Baltimore City Charter Art. II, §§ 10, 27; *see also Pressman v. Barnes*, 209 Md. 544, 556-57 (1956) (Baltimore City has the power under its Charter "to enact local laws of said City, including the power to repeal or amend local laws enacted by the General Assembly, upon all matters covered by the express powers granted. Md. Constitution, art. 11A, § 3.").

The Law Department has the following comments and required amendments to Council Bill 26-0178:

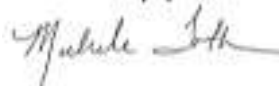
- Page 5, lines 25-26 state that the provisions of the law may be enforced by way of a civil citation under Article 1, Subtitle 41 of the City Code. Enforcement by way of environmental citation under Article 1, Subtitle 40 of the City Code is also authorized on pages 20-21 of Council Bill 26-0178. Accordingly, on page 5 in line 26 delete the period

at the end of the sentence and insert the words “or by issuance of an environmental citation under City Code Article 1, Subtitle 40 {Environmental Control Board}.”

- Page 5, line 33 insert “a” before the word “fine.”
- Page 6, line 10 insert the word “Harbor” after the word “the” and before the word “shown.”
- Page 9, line 28 add “pier, wharf, dock, or bulkhead” and insert the word “piling,” before the word “or”.
- Page 11, line 4 strike the “s” from the end of the word “authorizations.”
- Page 14, line 22 delete the words “for private enjoyment.” This needs to be deleted because the term “private enjoyment” could be read to be use for a purpose that this inalienable property was not intended, which would require a franchise under Section 1 of Article VIII of the City Charter. Removing this phrase allows the Charter’s franchise provisions to govern and thereby allows the leasing or permitting of this inalienable land for the purpose it was intended while not permitting it to be used for other purposes without a franchise.
- Page 14, line 34 delete the word “rates” and insert the word “fees” in its place.
- Page 17, lines 29-30 the language in Section 4-6(b) of Article 10 in Council Bill 26-0178 sets a penalty for any person who takes an affirmative action to cast, set adrift, or place an obstructing object into the Patapsco River and its tributaries. The language is not broad enough to cover the situation where a person negligently permits their property to deteriorate causing pieces to break off and become obstructions in the Patapsco River and its tributaries. Section 3-2 of Article 10 on page 9 of Council Bill 26-0178 requires private piers, bulkheads, docks, pilings, or wharves to be rebuilt if they are in disrepair and likely to be injurious to navigation. Under Section 3-2(d) on page 10 of the bill a property owner who fails to rebuild a deteriorating structure is guilty of a violation. Section 4-6 on page 17 imposes a separate violation from the one specified in Section 3-2 on page 10. Accordingly, if the intent of Section 4-6 is for the violation to also apply to a person who by failing to act permits an obstruction to become adrift in the Patapsco River or its tributaries then the language in this section should be modified to reflect that. A draft amendment would be to add “, allow to deteriorate,” before the “or” in line 29 on page 17.
- Page 18, line 6 it is unnecessary to include the words “company or” because the definition of person in Section 1-107(a)(3) of the General Provisions Article of the City Code is broad enough to encompass a company, as well as other entities. The inclusion of the word “company” does not affect the legal sufficiency of the bill.

The Department of Transportation, the Department of Legislative Reference, and the Law Department worked in conjunction on drafting this bill. Accordingly, if the required amendments are made the Law Department can approve the bill for form and legal sufficiency.

Sincerely yours,



Michele M. Toth  
Assistant Solicitor

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