

**CITY OF BALTIMORE
COUNCIL BILL 19-0424
(First Reader)**

Introduced by: President Scott
At the request of: Department of Legislative Reference
Introduced and read first time: August 19, 2019
Assigned to: Judiciary Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Mayor's Office of Minority and Women Owned Business Development, Board of Ethics, Department of Housing and Community Development, Employees' Retirement System, Fire and Police Employees' Retirement System, Department of Finance, Police Department, Baltimore City Parking Authority Board, Environmental Control Board, Department of Transportation, Board of Municipal and Zoning Appeals

A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**Corrective Bill 2019 – General**

3 FOR the purpose of correcting various errors and omissions in the City Code; correcting,
4 clarifying, and conforming certain inconsistent, superfluous, vague, and other unclear
5 language; and providing for a special effective date.

6 BY repealing and reordaining, with amendments
7 Article 1 - Mayor, City Council, and Municipal Agencies
8 Section 40-10(a)
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and reordaining, with amendments
12 Article 2 - Consumer Protections
13 Sections 1-11(b)(1) and 6-14(a)
14 Baltimore City Code
15 (Edition 2000)

16 BY repealing and reordaining, with amendments
17 Article 4 - Community Relations
18 Section 4-4(a)
19 Baltimore City Code
20 (Edition 2000)

21 BY repealing and reordaining, with amendments
22 Article 5 - Finance, Property, and Procurement
23 Section 29-14(a)
24 Baltimore City Code
25 (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 6 - Historical and Architectural Preservation
3 Section 9-1(a)
4 Baltimore City Code
5 (Edition 2000)
- 6 BY repealing and reordaining, with amendments
7 Article 7 - Natural Resources
8 Sections 8-7(a), 28-5(a), 28-11(a), and 35-11(a)
9 Baltimore City Code
10 (Edition 2000)
- 11 BY repealing and reordaining, with amendments
12 Article 8 - Ethics
13 Sections 2-22, 5-8(a), and 7-8(34)
14 Baltimore City Code
15 (Edition 2000)
- 16 BY adding
17 Article 8 - Ethics
18 Section 7-8(5)
19 Baltimore City Code
20 (Edition 2000)
- 21 BY repealing and reordaining, with amendments
22 Article 11 - Labor and Employment
23 Sections 4-8(a), 15-12(a), 16-26(a), and 18-7(j)(1)
24 Baltimore City Code
25 (Edition 2000)
- 26 BY repealing and reordaining, with amendments
27 Article 13 - Housing and Urban Renewal
28 Sections 4-1(f)(3), 4-8(a)(2), (b)(2), and (c), 5-6(5) and (6), and 7-3(c)(2)
29 Baltimore City Code
30 (Edition 2000)
- 31 BY repealing and reordaining, with amendments
32 Article 14 - Special Benefits Districts
33 Sections 16-6(3), 16-9(a)(3)(iv), and 16-12(c)
34 Baltimore City Code
35 (Edition 2000)
- 36 BY repealing and reordaining, with amendments
37 Article 15 - Licensing and Regulation
38 Sections 1-31(a), 9-19(a), 10-1(b), 11-10(b), 12-4(a)(1), (b)(1), and (c)(1), 22-16(a),
39 41-10(a), 42-2(b)(2) and (c), and 42-8
40 Baltimore City Code
41 (Edition 2000)

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1 BY repealing and reordaining, with amendments

2 Article 19 - Police Ordinances
3 Section 59-5(b)(2) and (3)
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing and reordaining, with amendments

7 Article 25 - Sewers
8 Section 21-7(b)
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and reordaining, with amendments

12 Article 26 - Surveys, Streets, and Highways
13 Sections 8-6(a-1), 8A-8(c)(2), 10-8(a-1), 40-6, 40-17(b), 40-28(b), 40-29(b) and (c)(1),
14 40-31, 40-36, 40-39(b), 40-43(c), 40-50
15 Baltimore City Code
16 (Edition 2000)

17 BY repealing and reordaining, with amendments

18 Article 28 - Taxes
19 Sections 10-30(b) and 17-13(c)
20 Baltimore City Code
21 (Edition 2000)

22 BY repealing and reordaining, with amendments

23 Article 31 - Transit and Traffic
24 Section 22-31(b)
25 Baltimore City Code
26 (Edition 2000)

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

29 **Baltimore City Code**

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

31 ***Subtitle 40. Environmental Control Board***

32 **§ 40-10. Judicial and appellate review.**

33 (a) *Judicial review.*

34 [Any] A person who, after having exhausted all administrative remedies available, is
35 aggrieved by a final decision of the Board UNDER THIS SUBTITLE may seek judicial review
36 of that decision by petition to the Circuit Court for Baltimore City in accordance with the
37 Maryland Rules of Procedure.

38 **COMMENT:** Clarifies scope of authorization.

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Article 2. Consumer Protections

Subtitle 1. Auctions

§ 1-11. License suspension or revocation.

(b) Judicial and appellate review.

(1) An auctioneer whose license is suspended or revoked UNDER THIS SUBTITLE may seek judicial review of that action by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

Subtitle 6. "Going Out of Business" Sales

§ 6-14. Judicial and appellate review.

(a) Judicial review.

A person aggrieved by the denial or revocation of a license UNDER THIS SECTION may seek judicial review of that action by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

Article 4. Community Relations

Subtitle 4. Enforcement

§ 4-4. Judicial and appellate review.

(a) Judicial review.

In a contested case, a respondent AGGRIEVED BY A FINAL DECISION OF THE COMMISSION may seek judicial review of [a final] THAT decision [of the Commission] by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization and otherwise conforms subsection to the locution of like provisions elsewhere.

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Article 5. Finance, Property, and Procurement

Subtitle 29. Commercial Non-Discrimination Policy

§ 29-14. Judicial and appellate review.

(a) *Judicial review.*

A party aggrieved by a final decision of the Board of Estimates UNDER THIS SUBTITLE may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

Article 6. Historical and Architectural Preservation

Subtitle 9. Judicial Review and Enforcement

§ 9-1. Judicial and appellate review.

(a) *Judicial review.*

Within 30 days after the Building Official has approved, disapproved, or delayed an application for a permit, a person aggrieved by any decision of the Commission UNDER THIS ARTICLE may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

Article 7. Natural Resources

Division I. Floodplain Management

Subtitle 8. Administrative and Judicial Review

§ 8-7. Judicial and appellate review.

(a) *Judicial review.*

A party aggrieved by a final decision of the Planning Department UNDER THIS DIVISION I may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

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Division II. Stormwater Management

Subtitle 28. Enforcement; Reviews; Penalties

§ 28-5. Administrative review – In general.

(a) *Right of appeal.*

Any person aggrieved by the action of any official charged with the enforcement of this Division II, whether as the result of the disapproval of an application, the issuance of a violation notice, an alleged failure to properly enforce this Division II, or otherwise:

(1) may appeal the action to the Director of Public Works; and

(2) on timely request, is entitled to a [gearing] HEARING on that appeal.

COMMENT: Corrects transcription error.

§ 28-11. Judicial and appellate review.

(a) *Judicial review.*

A party aggrieved by a final decision of the Department UNDER THIS DIVISION II may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

Division III. Soil Erosion and Sediment Control

Subtitle 35. Enforcement; Reviews; Penalties

§ 35-11. Judicial and appellate review.

(a) *Judicial review.*

A party aggrieved by a final decision of the Department UNDER THIS DIVISION III may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

Article 8. Ethics

Subtitle 2. Definitions; General Provisions

§ 2-22. “Person”.

“Person” means:

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- 1 (1) an individual;
- 2 (2) a partnership, firm, association, corporation, or other entity of any kind;
- 3 (3) a receiver, trustee, guardian, personal representative, fiduciary, or representative of
4 any kind; [and] OR
- 5 (4) except as used in Subtitle 9 {"Enforcement"} of this article for the imposition of
6 criminal penalties, a governmental entity or an instrumentality or unit of a
7 governmental entity.

8 **COMMENT:** Amends the conjunction between items (3) and (4) for clarity and to
9 conform to standard usage in like definitions elsewhere.

10 *Subtitle 5. Complaints*

11 **§ 5-8. Judicial and appellate review.**

12 (a) *Judicial review.*

13 [If the] A respondent [is] aggrieved by [the Ethics Board's] A final decision OF THE
14 ETHICS BOARD UNDER THIS SUBTITLE[, the respondent] may seek judicial review of that
15 decision by petition to the Circuit Court for Baltimore City in accordance with the
16 Maryland Rules of Procedure.

17 **COMMENT:** Clarifies scope of authorization and otherwise conforms subsection to the
18 locution of like provisions elsewhere.

19 *Subtitle 7. Financial Disclosure*

20 **§ 7-8. Persons required to file – Agency officials and staff.**

21 The following officials and employees must file the financial disclosure statements required
22 by this subtitle:

23 (5) *CIVILIAN REVIEW BOARD.*

24 (I) MEMBERS OF BOARD.

25 (II) BOARD ADMINISTRATOR.

26 **COMMENT:** (1) The Civilian Review Board is transferred from § 7-8(34) {"Police
27 Department"} to this stand-alone listing. The Board is not a unit of the Police
28 Department, nor is its jurisdiction limited to police officers of that Department. Rather,
29 as stated in Public Local Law § 16-42(a), the Board is established to as an "agency ...
30 through which ... complaints lodged ... regarding [certain alleged abuses] by *police*
31 *officers of a law enforcement unit* shall be processed, investigated ..., and evaluated; and
32 ... policies of a *law enforcement unit* may be reviewed". The term "law enforcement
33 unit", in turn, is broadly defined in PLL § 16-41(g) to encompass a number of local police
34 units other than the Police Department – e.g., "the Housing Authority of Baltimore
35 City Police", "the Baltimore City Sheriff's Department", and "the "Police Department
36 of Morgan State University".

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1 (2) “Board Administrator” is added to conform to PLL § 16-43(f)(2), current
2 practice of this Board, and the universal inclusion elsewhere in this § 7-8 of the
3 “Director”, “Administrator”, “Executive Secretary”, or similar staff official of all other
4 listed boards and commissions.

5 (34) *Police Department.*

6 (i) Commissioner.

7 (ii) Deputy Commissioners.

8 (III) [(iv)] Commanding Officers.

9 [(v) Members of Civilian Review Board.]

10 (IV) [(vi)] All officers with rank of [Command Staff I] CAPTAIN or above.

11 (V) [(iii)] ALL CIVILIAN EMPLOYEES SERVING AS Section Directors OR ABOVE.

12 **COMMENT:** Reorganizes and amends list, for clarity and to conform to administratively
13 modified rank designations. As to the deletion here of “Members of Civil Review
14 Board”, *see* proposed new item (5) of this section and accompanying Comment.

15 **Article 11. Labor and Employment**

16 ***Division I. Minimum Wage Law***

17 ***Subtitle 4. Enforcement Procedures***

18 **§ 4-8. Judicial and appellate review.**

19 (a) *Judicial review.*

20 A respondent aggrieved by an order of the Commission UNDER THIS DIVISION I may seek
21 judicial review of that order by petition to the Circuit Court for Baltimore City in
22 accordance with the Maryland Rules of Procedure.

23 **COMMENT:** Clarifies scope of authorization.

24 ***Division II. Miscellaneous Regulations***

25 ***Subtitle 15. Fair Criminal-Record Screening Practices***

26 **§ 15-12. Judicial and appellate review.**

27 (a) *Judicial review.*

28 A party aggrieved by [the] A final decision of the Community Relations Commission
29 UNDER THIS SUBTITLE may seek judicial review of that decision by petition to the Circuit
30 Court for Baltimore City in accordance with the Maryland Rules of Procedure.

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1 COMMENT: Clarifies scope of authorization.

2 *Subtitle 16. Lactation Accommodations in the Workplace*

3 **§ 16-26. Judicial and appellate review.**

4 (a) *Judicial review.*

5 A party aggrieved by [the] A final decision of the Community Relations Commission
6 UNDER THIS SUBTITLE may seek judicial review of that decision by petition to the Circuit
7 Court for Baltimore City in accordance with the Maryland Rules of Procedure.

8 COMMENT: Clarifies scope of authorization.

9 *Subtitle 18. Displaced Service Workers Protection*

10 **§ 18-7. Enforcement procedures.**

11 (j) *Judicial and appellate review.*

12 (1) A respondent aggrieved by an order of the Commission UNDER THIS SUBTITLE may
13 seek judicial review of that order by petition to the Circuit Court for Baltimore City
14 in accordance with the Maryland Rules of Procedure.

15 COMMENT: Clarifies scope of authorization.

16 **Article 13. Housing and Urban Renewal**

17 *Subtitle 4. Registration of Non-Owner-Occupied Dwellings,* 18 *Rooming Houses, and Vacant Structures*

19 **§ 4-1. Definitions.**

20 (f) *Person.*

21 (2) *Inclusions.*

22 “Person” includes, except as used in [§ 4-13] § 4-14 {“Penalties”} of this subtitle, a
23 governmental entity or an instrumentality or unit of a governmental entity.

24 COMMENT: Conforms to recent renumbering of cited section.

25 **§ 4-8. Registration fees.**

26 (a) *Rooming houses.*

27 (2) *Increased fee.*

28 For any rooming house that has had the term of its rental dwelling license reduced
29 under § 5-9(c) or (d) {“Rental dwellings: Tiered license terms”} of this article to a

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1 1-year term, the annual registration fee under PARAGRAPH (1) OF this [section]
2 SUBSECTION for each succeeding registration year beginning after the start of each
3 1-year rental dwelling license term is increased by an additional \$15 per rooming
4 unit, which additional amount shall be deposited in the continuing, nonlapsing fund
5 created by City Charter Article I, § 14 {"Affordable Housing Trust Fund"}.

6 (b) *Non-owner-occupied dwelling units.*

7 (2) *Increased fee.*

8 For any dwelling that has had the term of its rental dwelling license reduced under
9 § 5-9(c) or (d) {"Rental dwellings: Tiered license terms"} of this article to a 1-year
10 term, the annual registration fee under PARAGRAPH (1) OF this [section] SUBSECTION
11 for each succeeding registration year beginning after the start of each 1-year rental
12 dwelling license term is increased by an additional \$15 per dwelling or rooming unit,
13 which additional amount shall be deposited in the continuing, nonlapsing fund
14 created by City Charter Article I, § 14 {"Affordable Housing Trust Fund"}.

15 (c) *Vacant structures.*

16 Except as otherwise specified in this section, an annual registration fee, in addition to any
17 fee that might also be required by subsection (a) OR (B) of this section, must be paid for
18 vacant structures at the following rates:

19 (1) for residential structures – \$100 per
20 structure.

21 (2) for all other structures – \$250 per
22 structure.

23 COMMENT: In subsections (a)(2) and (b)(2), clarifies the cross-reference. In subsection
24 (c), inserts inadvertently omitted cross-reference to subsection (b).

25 ***Subtitle 5. Licensing of Rental Dwellings***

26 **§ 5-6. Prerequisites for new or renewal license – In general.**

27 A rental dwelling license may be issued or renewed under this subtitle only if:

28 ...
29 (5) for premises that include a hotel or motel subject to City Code Article 15 {"Licensing
30 and Regulation"}, Subtitle 10 {"Hotels"}, the hotel or motel is in compliance with
31 the training, certification, and posting requirements of that subtitle; AND

32 (6) the premises are not subject to any violation notice or order that:

33 (i) has been issued under the Baltimore City Building, Fire, and Related
34 Codes Article; and

35 (ii) notwithstanding the passage of more than 90 days since its issuance,
36 has not been abated before the license issuance or renewal.

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1 COMMENT: Inserts inadvertently omitted conjunction between items (5) and (6).

2 ***Subtitle 7. Residential Lease Requirements***

3 **§ 7-3. Information required.**

4 (c) *Additional required disclosures.*

5 (2) A tenant must also be given a copy of the brochure required by paragraph (1) of this
6 subsection [at the time that]:

7 (i) AT THE TIME THAT a lawsuit is commenced by the owner or landlord against
8 the tenant; and

9 (ii) if the Baltimore City Sheriff’s Office is used to serve a summary ejectment
10 notice, at the time that notice is sent to the tenant.

11 COMMENT: Moves misplaced phrase.

12 **Article 14. Special Benefits Districts**

13 ***Subtitle 16. Bmore Safe Areas {a/k/a “Neighborhood Watch Areas”}***

14 **§ 16-6. General duties.**

15 The Board shall:

16 . . .
17 (3) approve the design and specifications of the signs that the Department of
18 Transportation [must provide] PROVIDES in accordance with § 16-12(f)
19 {“Operation[s]: Signage”} of this subtitle.

20 COMMENT: Amends language to conform with that of § 16-12(f).

21 **§ 16-9. Applications for designation.**

22 (a) *Applications by residents.*

23 (3) In addition, the residents must certify in the application which of the following they
24 are able to provide:

25 . . .
26 (iv) a commitment that they will trim back – and keep trimmed – any privately
27 owned greenery [which] THAT might interfere with either public or private
28 lighting of the neighborhood.

29 COMMENT: Grammatical correction.

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1 **§ 16-12. Operation of Program.**

2 (c) *Privately owned greenery.*

3 The City Forester will inspect greenery on private property and make recommendations
4 to the owners for trimming any privately owned greenery [which] THAT might interfere
5 with either public or private lighting of the neighborhood.

6 COMMENT: Grammatical correction.

7 **Article 15. Licensing and Regulation**

8 ***Subtitle 1. Adult-Entertainment Business***

9 **§ 1-31. Judicial and appellate review.**

10 (a) *Judicial review.*

11 A person aggrieved by a decision of the Board UNDER THIS SUBTITLE may seek judicial
12 review of that decision by petition to the Circuit Court for Baltimore City in accordance
13 with the Maryland Rules of Procedure.

14 COMMENT: Clarifies scope of authorization.

15 ***Subtitle 9. Late-Night Commercial Operations***

16 **§ 9-19. Judicial and appellate review.**

17 (a) *Judicial review.*

18 A person aggrieved by a decision of the Finance Director UNDER THIS SUBTITLE may seek
19 judicial review of that decision by petition to the Circuit Court for Baltimore City in
20 accordance with the Maryland Rules of Procedure.

21 COMMENT: Clarifies scope of authorization.

22 ***Subtitle 10. Hotels***

23 **§ 10-1. Definitions.**

24 (b) *Hotel.*

25 “Hotel” means any building, including any motel, that:

26 (1) contains sleeping accommodations for more than 5 persons; and

27 (2) IS open to the transient public.

28 COMMENT: Tabulates definition and inserts missing verb, for clarity.

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Subtitle 11. Massage Establishments

§ 11-10. Denials; appeals.

(b) *Judicial and appellate review.*

(1) *JUDICIAL REVIEW.*

[The] AN applicant AGGRIEVED BY A DECISION UNDER THIS SUBTITLE may seek judicial review of [the] THAT decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(2) *APPELLATE REVIEW.*

A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization and otherwise conforms subsection (a) to the location of like provisions elsewhere.

Subtitle 12. Commercial Parking Facilities

§ 12-4. License required; fee.

(a) *In general.*

(1) No person may operate a COMMERCIAL parking facility in the City of Baltimore unless the person has first obtained an annual license for the facility and has paid the annual fee for the license.

(b) *Fee.*

(1) The annual fee for a COMMERCIAL parking facility license is \$5.10 for every 100 square feet (or fraction of 100 square feet) of the gross area used for parking facility purposes, including all parking spaces, offices, ramps, driveways, aisles, toilets, car washing, greasing, or other facilities used in connection with the operation of the parking facility.

(c) *Partial-year license.*

(1) Any person desiring to operate a COMMERCIAL parking facility for an aggregate of no more than 6 months in any 1 license year may obtain a special partial-year license.

COMMENT: Inserts adjective inadvertently omitted when subtitle renamed.

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1 ***Subtitle 22. Towing Services – Trespass Towing***

2 **§ 22-16. Judicial and appellate review.**

3 (a) *Judicial review.*

4 [Any] A person aggrieved by a decision of the Board UNDER THIS SUBTITLE may seek
5 judicial review of the decision by petition to the Circuit Court for Baltimore City in
6 accordance with the Maryland Rules of Procedure.

7 **COMMENT:** Clarifies scope of authorization.

8 ***Subtitle 41. Licensing of Convicted Drug Offenders***

9 **§ 41-10. Judicial and appellate review.**

10 (a) *Judicial review.*

11 An applicant or licensee aggrieved by [the] A decision of [the] A licensing authority
12 UNDER THIS SUBTITLE may seek judicial review of the decision by petition to the Circuit
13 Court for Baltimore City in accordance with the Maryland Rules of Procedure.

14 **COMMENT:** Clarifies scope of authorization.

15 ***Subtitle 42. Human-Trafficking Notice Requirements***

16 **§ 42-2. Human trafficking prevention signs to be posted.**

17 (b) *In general.*

18 (3) The owner of a business [as provided] DESCRIBED in subsection (a) of this section
19 may meet the requirements of this subsection:

20 (i) by creating their own signs, using a font size of not less than 30 points for the
21 hotline numbers and a font size of not less than 12 points for the body text[.];
22 or

23 (ii) BY using copies of the signs created and made available online by the
24 Maryland Department of Labor, Licensing, and Regulation under Maryland
25 Business Regulation Article § 15-207, if the signs are altered to indicate that
26 they are required by Baltimore City law rather than State law.

27 **COMMENT:** Corrects language in this paragraph’s intro to conform to the more accurate
28 locution used in paragraph (1) of this section, and tabulates the rest of the paragraph for
29 clarity.

30 (c) *Sign location.*

31 (1) Adult-entertainment businesses and food service facilities must post a sign required
32 [under] BY this section in a conspicuous place in clear view of the public and

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1 employees where similar notices are customarily posted and on the back of the door
2 at the entrance to each restroom.

3 (2) Permit holders must post the sign required [under] BY this section in a conspicuous
4 place in clear view of the public.

5 (3) Hotels must post the sign required [under] BY this section on the back of each hotel
6 room entry door.

7 COMMENT: Corrects misuse of the term "under".
8

9 § 42-8. Criminal penalties.

10 Any person who violates any [provisions] PROVISION of this subtitle is guilty of a
11 misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each
12 offense.

13 COMMENT: Corrects language to conform to standard usage.

14 Article 19. Police Ordinances

15 Subtitle 59. Weapons

16 § 59-5. Illegal carrying, etc., of handguns.

17 (b) *Carrying prohibited.*

18 A person may not:

19 . . .

20 (2) wear, carry, or knowingly transport a handgun, whether concealed or open, in a
21 vehicle traveling on a road within 100 yards of a:

22 (i) park;

23 (ii) church;

24 (iii) school;

25 (iv) public building; or

26 (v) other place of public assembly; OR

27 (3) wear, carry, or knowingly transport a handgun in connection with the commission
28 of a crime against a person or property, within 100 yards of, or in, a:

29 (i) park;

30 (ii) church;

31 (iii) school;

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1 (iv) public building; or

2 (v) other place of public assembly.

3 COMMENT: Inserts inadvertently omitted conjunction between items (2) and (3).

4 **Article 25. Sewers**

5 ***Subtitle 21. General Administration of Article***

6 **§ 21-7. Administrative and judicial review.**

7 (b) *Judicial and appellate review.*

8 (1) *JUDICIAL REVIEW.*

9 A person aggrieved by [the] A final decision of the Director or hearing officer UNDER
10 THIS SECTION may seek judicial review of the decision by petition to the Circuit Court
11 for Baltimore City in accordance with the Maryland Rules of Procedure.

12 (2) *APPELLATE REVIEW.*

13 A party to the judicial review may appeal the court’s final judgment to the Court of
14 Special Appeals in accordance with the Maryland Rules of Procedure.

15 COMMENT: Clarifies scope of authorization.

16 **Article 26. Surveys, Streets, and Highways**

17 ***Subtitle 8. Alleys***

18 **§ 8-6. Appeals.**

19 (a-1) *Judicial and appellate review.*

20 (1) *JUDICIAL REVIEW.*

21 A person aggrieved by [the] A decision of the Board OF MUNICIPAL AND ZONING
22 APPEALS UNDER THIS SECTION may seek judicial review of that decision by petition to
23 the Circuit Court for Baltimore City in accordance with the Maryland Rules of
24 Procedure.

25 (2) *APPELLATE REVIEW.*

26 A party to the judicial review may appeal the court’s final judgment to the Court of
27 Special Appeals in accordance with the Maryland Rules of Procedure.

28 COMMENT: Clarifies scope of authorization.

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Subtitle 8A. Gating and Greening Alleys

§ 8A-8. Petition required.

(c) *Accompanying statement and consents.*

The petition must be accompanied by:

- ...
- (2) the signed consents of abutting owners, as required by [§ 8A-5] § 8A-9 {"Consents ... – Gating only"} or [§ 8A-6] § 8A-10 {"Consents ... – Greening"} of this subtitle, as the case may be.

COMMENT: Corrects cross-references.

Subtitle 10. Footways – Along Paved Streets

§ 10-8. Appeals.

(a-1) *Judicial and appellate review.*

(1) *JUDICIAL REVIEW.*

A person aggrieved by [the] A decision of the Board OF MUNICIPAL AND ZONING APPEALS UNDER THIS SECTION may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(2) *APPELLATE REVIEW.*

A party to the judicial review may appeal the court’s final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

Subtitle 40. Complete Streets

§ 40-6. Department to construct and operate system.

The Department [shall] MUST construct and operate a comprehensive Complete Streets Transportation System that enables access, mobility, economic development, attractive public spaces, health, and well-being for all people.

COMMENT: Substitutes the preferred “must” for “shall”, to conform to usage in bulk of subtitle.

§ 40-17. Composition.

(b) *Participation by and collaboration with Maryland Transit Administration.*

- (1) The Chair of the Committee [shall] MUST include and extend to the Maryland Transit Administration (MTA) all invitations and opportunities for participation with the

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1 Advisory Committee as would be extended to any statutory member, exactly as if
2 MTA were a member of the Committee.

3 (2) Further, the Chair [shall] MUST, to the greatest extent possible, foster the strongest
4 possible collaboration with MTA to pursue the goals of this [Ordinance] SUBTITLE.

5 COMMENT: Substitutes “must” for “shall”; and corrects misuse of “this Ordinance”.

6 § 40-28. Design speed.

7 (b) *Standard.*

8 The design speed [shall] MUST be equal to the target speed and posted speed limit on any
9 local, collector, and non-interstate arterial.

10 COMMENT: Substitutes “must” for “shall”.

11 § 40-29. Lane widths.

12 (b) *In general.*

13 Except as provided in this section or otherwise required by law, the lanes of any street
14 may not be more than 10 feet wide, but 9 feet [shall be] IS the preferred width.

15 (c) *Exceptions.*

16 (1) *Local streets.*

17 On a street designated on the Baltimore City Roadway Functional Classification Map
18 as “local”, lanes [shall not] MAY NOT be more than 9 feet wide.

19 COMMENT: Corrects misuse of “shall be” in subsection (b) and misuse of “shall not” in
20 subsection (c)(1).

21 § 40-31. Compliance with State and Federal funding requirements.

22 The technical design standards required for state or federally funded projects will supersede
23 local requirements in this [legislation] SUBTITLE and the Complete Streets Manual if there is
24 an actual conflict between the local and state or federal standards and if funding will be
25 impacted by adherence to the local standard.

26 COMMENT: Corrects misuse of “this legislation”.

27 § 40-36. Director to adopt Complete Streets Manual.

28 The Transportation Director, in consultation with the Complete Streets Advisory Committee,
29 [shall] MUST adopt and may amend from time to time a Complete Streets Manual to carry out
30 this subtitle.

31 COMMENT: Substitutes “must” for “shall”.

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1 § 40-39. Project prioritization process.

2 (b) *Process to include equity assessment.*

3 This project prioritization process [shall] MUST include an equity assessment. The equity
4 assessment [shall] MUST consider transportation disparity trends based on race, gender,
5 sexual orientation, age, disability, ethnicity, national origin, or income and recommend
6 ways to reverse these trends. It [shall] MUST assess and recommend ways to eliminate
7 structural and institutional discrimination in transportation based on immutable
8 characteristics.

9 COMMENT: Substitutes “must” for “shall”.

10 § 40-43. Final adoption.

11 (c) *Complete Streets Manual compliance.*

12 DOT guidelines, policies, and procedures [shall] MUST be updated for compliance with
13 the Complete Streets Manual.

14 COMMENT: Substitutes “must” for “shall”.

15 § 40-50. Accountability to communities.

16 The Transportation Department, in consultation with the Complete Streets Advisory
17 Committee, [shall] MUST conduct public meetings and other community engagement and
18 outreach activities to present the Complete Streets annual report to the public and solicit
19 public input.

20 COMMENT: Substitutes “must” for “shall”.

21 Article 28. Taxes

22 Subtitle 10. Credits

23 § 10-30. Food Desert Incentive Areas (Personal Property Tax Credit)

24 (b) *Credit granted.*

25 In accordance with State Tax-Property Article [§ 9–304(h)] § 9-304(G), a tax credit is
26 granted against the City personal property tax imposed on qualified supermarkets.

27 COMMENT: Amends cross-reference to reflect change in codification.

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Subtitle 17. Transfer Tax

§ 17-13. Appeals.

(c) *Judicial and appellate review.*

(1) *JUDICIAL REVIEW.*

A person aggrieved by a determination of the Board of Municipal and Zoning Appeals UNDER THIS SECTION may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(2) *APPELLATE REVIEW.*

A party to the judicial review may appeal the court’s final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

Article 31. Transit and Traffic

Subtitle 22. Towing Services – Accidental Towing

§ 22-31. Denial, suspension, etc., of licenses.

(b) *Judicial and appellate review.*

(1) *JUDICIAL REVIEW.*

A person whose license has been denied, refused renewal, revoked, or suspended by the Police Commissioner UNDER THIS SECTION may seek judicial review of that action by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(2) *APPELLATE REVIEW.*

A party to the judicial review may appeal the court’s final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect when it is enacted.