

CITY OF BALTIMORE
COUNCIL BILL 24-0491
(First Reader)

Introduced by: Councilmember Dorsey, Bullock, Ramos, Cohen, Torrence

Introduced and read first time: February 12, 2024

Assigned to: Public Safety and Government Operations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of Public Works, Department of Transportation, Board of Municipal and Zoning Appeals

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Footway Repairs – Citations and Billing**

3 FOR the purpose of altering the notice and appeal time lines for certain footway improvements,
4 gradings, pavings, repavings, or repairs; excepting an assessment from bearing interest under
5 certain circumstances; making conforming changes; and generally relating to the citation and
6 billing process for footway repairs.

7 BY repealing and re-ordaining, with amendments

8 Article 26 - Surveys, Streets, and Highways

9 Sections 10-1 to 10-3, 10-5, and new sections 10-8(b) and 10-9

10 Baltimore City Code

11 (Edition 2000)

12 By renumbering

13 Article 26 - Surveys, Streets, and Highways

14 Sections 10-8 and 10-9

15 to be

16 New sections 10-9 and 10-8

17 Baltimore City Code

18 (Edition 2000)

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

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

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Baltimore City Code

Article 26. Surveys, Streets, and Highways

Subtitle 10. Footways – Along Paved Streets

§ 10-1. Notice to property owners.

(a) *Scope.*

This section applies whenever the Director of Transportation:

(1) finds that any footway, in whole or in part, of any paved street, lane, or alley of the City:

(i) is not properly graded and paved;

(ii) is in bad repair;

(iii) is otherwise in a defective condition; or

(iv) is inconsistent with a streetscape plan approved in accordance with Subtitle 10A of this article; and

(2) determines, in his or her judgment, that the footway:

(i) needs grading, paving, repaving, or repairing; or

(ii) otherwise needs to be brought into compliance with the approved streetscape plan.

(b) *Notice.*

(1) The Director must:

(i) [serve] PROVIDE each person whose property binds or abuts on the footway with a written notice of the Director's intention to improve, grade, pave, repave, or repair it; and

(ii) give all persons [interested] WHOSE PROPERTY BINDS OR ABUTS ON THE FOOTWAY an opportunity [5] 30 days after the date of notice to show cause, if any, why the footway should not be improved, graded, paved, repaved, or repaired.

(c) *Service alternatives.*

(1) The Director of Transportation must cause the notice provided for in this section to be given to the [proprietor] OWNER of each lot adjacent to which a footway is required to be improved, graded, paved, repaved, or repaired.

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1 (2) For this purpose, [a copy of the order] NOTICE may be:

2 (i) left at any house on the lot;

3 (ii) served personally on the [proprietor or on his, her, or its] OWNER OR THE
4 OWNER'S tenant, agent, or guardian;

5 (iii) left at [his, her, or its] THE OWNER'S residence;

6 (iv) published in 1 or more newspapers of the City; or

7 (v) posted or set up on the premises.

8 (3) Notice given in any of these ways suffices for the purposes of this section and §§ 11-1
9 and 17-4 of this article.

10 **§ 10-2. Appeal of proposed work.**

11 (a) *Appeal to BMZA.*

12 Within [2] 30 days from the date of the hearing by the Director of Transportation, any
13 person WHOSE PROPERTY BINDS OR ABUTS ON THE FOOTWAY AND WHO IS dissatisfied with
14 the Director's decision on the need for improving, grading, paving, repaving, or repairing
15 any [footway] FOOTWAY, may appeal to the Board of Municipal and Zoning Appeals.

16 (b) *BMZA's decision final.*

17 That Board must hear the appeal, and its decision is final.

18 **§ 10-3. By whom work to be done.**

19 (a) *Director.*

20 If no appeal is taken from the Director's decision or if, after appeal, the Director's
21 decision is affirmed by the Board of Municipal and Zoning Appeals, the Director must
22 then have the footway properly improved, graded, paved, repaved, or repaired.

23 (b) *Owner.*

24 [However, within 15 days after the notice or, if an appeal is taken, within 15 days after
25 the decision of the Board of Municipal and Zoning Appeals, the owner of the property has
26 the option of having the footway improved, graded, paved, repaved, or repaired.]

27 THE OWNER OF THE PROPERTY MAY PRIVATELY IMPROVE, GRADE, PAVE, REPAVE, OR
28 REPAIR THE FOOTWAY EITHER:

29 (1) WITHIN 45 DAYS AFTER THE NOTICE DESCRIBED UNDER § 10-1(B) IS PROVIDED TO
30 THE OWNER; OR

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1 (2) IF AN APPEAL IS TAKEN, WITHIN 15 DAYS AFTER THE DECISION OF THE BOARD OF
2 MUNICIPAL AND ZONING APPEALS.

3 **§ 10-5. Assessments of costs.**

4 [(a) *Record.*]

5 When work under this subtitle is [completed,] COMPLETED BY THE DEPARTMENT OF
6 TRANSPORTATION, the Director of Transportation must determine and record in [his or
7 her office:] THE DIRECTOR'S OFFICE:

8 (1) the fact that the work has been done;

9 (2) the date the work was completed;

10 (3) the total expense of doing the work, including expenses reasonably incurred to
11 ascertain the names of abutting property owners;

12 (4) the names of the abutting property owners;

13 (5) the scope of the work done at each property for which the property or its owner is
14 to be assessed; and

15 (6) the total amount proposed to be assessed against each of the abutting properties
16 and their owners.

17 [(b) *Publication of notice.*]

18 [(1) The Director of Transportation must then publish a notice in 2 of the daily
19 newspapers of Baltimore City.]

20 [(2) The notice must:]

21 [(i) state that the footway has been improved, graded, paved, repaved, or repaired,
22 as the case may be;]

23 [(ii) give the location of the footway; and]

24 [(iii) state that, within 10 days of the notice, the Director of Transportation will
25 hear any owner of property abutting on the footway in reference to his, her, or
26 its liability for all or part of the cost of the work.]

27 [(c) *Issuance of assessment.*]

28 [(1) Within 10 days of the notice, the Director of Transportation must hear any aggrieved
29 owner who wants to be heard.]

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1 [(2) After the 10 days have expired, the Director of Transportation must assess the entire
2 cost incurred by the Director in doing the work, together with the expense of the
3 notice by publication, on all owners of property abutting on the footway, in proportion
4 to the amount of work done at each property.]

5 **§ 10-8. [10-9.] Collections.**

6 (a) *Director of Finance to collect.*

7 [After the 30-day appeal period has expired,] ONCE MADE, the Director of Transportation
8 must report the assessments [made] to the Director of Finance, who must proceed to
9 collect them in the same manner that real estate taxes are collected.

10 (b) *When payable; election to defer.*

11 (1) All assessments are due as soon as reported to the Director of Finance.

12 (2) Assessments may be paid:

13 (i) pursuant to an election to be made before the interest date, in deferred
14 payments as provided in § 10-7 of this subtitle; or

15 (ii) in full, without interest, at any time prior to 30 days after the 1st of the
16 month succeeding the date of the report to the Director of Finance.

17 (3) [Unless paid on time, all] ALL assessments bear interest from the date due until paid
18 in [full.] FULL, UNLESS:

19 (1) THE ASSESSMENT IS PAID ON TIME; OR

20 (2) THE ASSESSMENT IS PENDING APPEAL.

21 (c) *Assessment as lien.*

22 The assessments are liens on the property from the date the work is completed, subject, as
23 to any party who has appealed, to the final decision on appeal.

24 (d) *Remedies.*

25 (1) The Director of Finance:

26 (i) has the same remedies for the collection of assessments, interest, and penalties
27 as those provided by law for the collection of ordinary taxes on real estate; and

28 (ii) may use these remedies on default of any 1 annual payment.

29 (2) A default causes all of the amount assessed and yet unpaid to be due and payable.

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1 **§ 10-9. [10-8.] Appeals.**

2 (a) *Administrative appeal.*

3 Within 30 days of the mailing of a notice of assessment, the owner of the property on
4 which the assessment is levied may appeal the assessment to the Board of Municipal and
5 Zoning Appeals in accordance with the City Charter.

6 (B) [(a-1)] *Judicial and appellate review.*

7 (1) A person aggrieved by a decision of the Board of Municipal and Zoning Appeals
8 under this section may seek judicial review of that decision by petition to the Circuit
9 Court for Baltimore City in accordance with the Maryland Rules of Procedure.

10 (2) A party to the judicial review may appeal the court's final judgment to the [Court of
11 Special Appeals] APPELLATE COURT OF MARYLAND in accordance with the Maryland
12 Rules of Procedure.

13 (C) [(b)] *Relation back.*

14 If, on appeal, an assessment is sustained in whole or in part, the lien relates back to the
15 time the work was completed.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
17 after the date it is enacted.