


<b>FROM</b>	NAME & TITLE	Theodore Atwood, Director	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Department of General Services 800 Abel Wolman Municipal Building		
	SUBJECT	<b>CITY COUNCIL BILL 10-0657</b>		

**TO**

DATE: March 30, 2011

The Honorable President and Members  
of the Baltimore City Council  
c/o Karen Randle  
Room 400 - City Hall



I am herein reporting on City Council Bill 11-0657 introduced by the Council President and Council Members Welch, Spector and Reisinger on behalf of the Department of Legislative Reference.

The purpose of the Bill is to correct certain technical errors and omissions in the City Code; repeal certain obsolete or otherwise unnecessary provisions; and correct, clarify, and conform certain language.

Legislation is introduced from time to time to correct errors, omissions, and obsolete references in the Baltimore City Revised Code (Edition 2000). The last corrective measures were adopted under Ordinance 08-63. City Council Bill 11-0657, if approved, would correct certain errors and omissions, and would clarify language in the Code that resulted from subsequent legislative additions and deletions. This Bill makes corrections to the following areas of the Code:

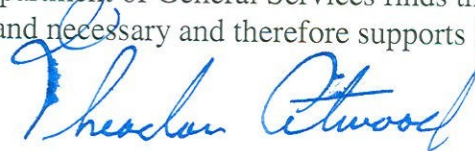
- Building, Fire, and Related Codes – Ordinance 11-419 incorporated the most recent iteration of the Building, Fire and Related Codes. As part of that adoption, the International Building Code (IBC) listed § 1810 - Deep Foundations as an element of the new Building Code, but did not indicate whether the section was being adopted. Adding the reference “as in IBC” to this section heading clarifies its adoption into the City Code. Similarly, under the newly adopted International Fire Code (IFC), Chapter 45 – Marinas, also needs the reference “as in IFC” to clarify its adoption. Finally, the newly adopted International Residential Code needs to correct two places where the references to the National Fuel Gas Code and National Standard Plumbing Code encompass their respective 2009 editions (§ 4401.2).
- Health Article – Under Title 2 Subtitle 1 (Organization and General Authority), § 2-106 authorizes the Commissioner of Health to adopt and enforce rules and regulations to carry out this Article. The filing of rules and regulations with the Department of Legislative Reference was meant to direct this agency to provide appropriate copies for centralized public access, but was not to be considered mandatory; therefore correction to the wording is necessary. Similarly, under Title 10 Subtitle 7 (Vicious Dogs), § 10-707 the filing of rules and regulations adopted by the Vicious Dog Hearing Board with the Department of Legislative Reference is corrected to be directive, not mandatory.

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- Zoning Article – As in the proposed correction to the Health Article, § 2-111 gives authority to the Board of Municipal and Zoning Appeals to adopt rules and regulations for the conduct of its proceedings and as otherwise directed or authorized in this Article. The filing of these rules and regulations with the Department of Legislative Reference needs to be corrected to be directive, not mandatory. In addition, a correction to § 10-405 (Schedule of required spaces) removes the reference to Health care clinics from M-1-3 Zoning Districts, as they are not allowed in M-1 districts.
- Article 8 (Ethics) – In addition to removing the redundant word “appointed” from § 3-4 (Officers) and correcting a Subtitle reference from Subtitle 19 to Subtitle 9 in § 5-7 (Disposition), the officials and employees of the Department of General Services are added to § 7-8 (Persons required to file – Agency officials and staff), the list of entities and employees required to file Financial Disclosure Statements. The listing of officials and employees follows the Departments of Public Works and Transportation model.
- Article 15 (Licensing and Regulation) – As in the proposed correction to the Health Article, § 1-3 authorizes the Board of Liquor License Commissioners for Baltimore City to adopt rules and regulations to carry out provisions of Subtitle 1 (Adult Entertainment Businesses) and the filing of these rules and regulations with the Department of Legislative Reference needs to be corrected to be directive, not mandatory.
- Article 22 (Retirement Systems) – The Subtitle concerning Employees’ Retirement System, § 6 (Benefits for Class A and Class B members), corrects various typographical errors and omissions. The § 7 (Management of funds) deletes reference to the defunct “Municipal Journal” and clarifies the language. The Subtitle concerning Fire and Police Employees’ Retirement System, § 34 (Benefits), replaces the reference to “special” disability retirement with “line-of-duty” disability retirement, to conform to language adopted under Ordinance 09-209. The § 35 (Management of funds) also deletes reference to the defunct “Municipal Journal” and clarifies the language. The § 36A (Post-retirement benefit increases to certain retirees and beneficiaries) inserts an omitted word; § 36B (Deferred Retirement Option Plan) corrects a date changed by Ordinance 09-209 but which was inadvertently not corrected here, as well as corrects an erroneous cross-reference. The § 36C (Deferred Retirement Option Plan 2) also corrects a date changed by Ordinance 09-209 but which was inadvertently not corrected.

Having reviewed City Council Bill 11-0657, the Department of General Services finds the proposed changes and corrections to be reasonable and necessary and therefore supports its passage.



Theodore Atwood  
Director