

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

October 5, 2011

The Honorable President and Members
of the Baltimore City Council
Attn: Karen Randle, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 11-0778 – Natural Resources – Floodplain Management

Dear President and City Council Members:

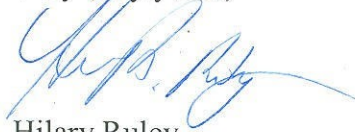
The Law Department has reviewed City Council Bill 11-0778 for form and legal sufficiency. The bill would modify sections of Article 7 (Natural Resources) of the City Code and sections in the Zoning Code concerning floodplain management. Although some changes clarify existing language, most are necessary to conform to federal and state requirements. If the City fails to adopt these code changes and the corresponding maps and plans, the City will be dropped from the National Flood Insurance Program. *See* 44 CFR 60.2(a), 60.3, 67.11. The federal laws do not provide for any extension or waiver. *See* 44 CFR 59.24. This bill is the appropriate mechanism for the City to conform its laws to the state and federal requirements and to adopt the necessary maps and plans.

To this end, the phrase “elevated and anchored” in line 6 on page 12 and line 26 on page 14 must be amended to conform with both the state’s model ordinance and 44 CFR 60.3(c), which further define how recreational vehicles need to be elevated and anchored. Although the City can be more restrictive than state or federal laws on floodplains (44 CFR 60.1(b)), leaving this term vague allows it to be read more expansively, which would be in violation of state and federal laws. One solution would be to replace the term “elevated and anchored” with the phrase, “elevated and anchored as required under applicable state and federal laws.”

Additionally, it should be noted that because this bill modifies language in the Zoning Code, it must be referred to the BMZA for comment and be published in a newspaper of general circulation in the City for 15 days prior to the hearing. *See* Zoning Code, §§16-101(d), 16-301, 16-402. Assuming this was done, and subject to the aforementioned amendment, the Law Department approves this bill for form and legal sufficiency.



Very truly yours,



Hilary Ruley
Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Victor Tervalva, Assistant Solicitor