

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 07-0610

Introduced by: Councilmembers Kraft, Young, D'Adamo, Mitchell, Spector, Holton
Introduced and read first time: February 26, 2007
Assigned to: Urban Affairs and Aging Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: October 29, 2007

AN ORDINANCE CONCERNING

Historical and Architectural Preservation – Interior Protections – Special List

~~FOR the purpose of extending certain historical and architectural preservation procedures and protections to apply to the interiors of covered structures; conforming related references; correcting and clarifying certain language; and generally relating to historical and architectural preservation.~~

FOR the purpose of extending historical and architectural preservation procedures and protections to certain interior structures; providing for the establishment and maintenance of separate lists for exterior structures and interior structures; imposing certain safeguards on structures being considered for the Special List; imposing a deadline for the Commission's making a decision; correcting, clarifying, and conforming certain language; defining certain terms; repealing certain obsolete provisions; conforming related references; conforming, correcting and clarifying related language; and generally relating to historical and architectural preservation.

BY repealing and reordaining, with amendments

Article 6 - Historical and Architectural Preservation

Section(s) ~~1-1(a)1-1, 2-5(b)(1), 3-1(a), 3-2, 3-3, 4-1, 4-2(b) and (c), 4-4(a) and (b)(1), 4-5(a) and (b)(1), 4-6, 4-7(a) and (b), 4-11(a), 5-2, and 5-3(a)~~

Baltimore City Code
(Edition 2000)

By repealing

Article 6 - Historical and Architectural Preservation

Section(s) 3-4

Baltimore City Code
(Edition 2000)

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

Baltimore City Code

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

Council Bill 07-0610

Article 6. Historical and Architectural Preservation

§ 1-1. Definitions.

~~(a) Demolition.~~

~~The term “demolition” for the purposes of and as used in this article includes “demolition by neglect”, which term means willful neglect in the maintenance or repair of a building or structure, resulting in any of the following conditions:~~

~~(1) the deterioration of any [exterior] architectural feature so as to create or permit the creation of a hazardous or unsafe condition;~~

~~(2) the deterioration of [exterior] walls or other vertical supports;~~

~~(3) the deterioration of roofs or other horizontal members;~~

~~(4) the deterioration of [exterior] chimneys;~~

~~(5) the deterioration or crumbling of [exterior] plaster or mortar; or~~

~~(6) the ineffective waterproofing of [exterior] walls, roofs, and foundations, including broken windows and doors.~~

§ 1-1. Definitions.

(A) IN GENERAL.

IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) [(a)] Demolition.

[The term “demolition” for the purposes of and as used in this article] “DEMOLITION” includes “demolition by neglect”, which [term] means willful neglect in the maintenance or repair of a [building or] structure, resulting in any of the following conditions:

(1) the deterioration of any [exterior] architectural feature so as to create or permit the creation of a hazardous or unsafe condition;

(2) the deterioration of [exterior] walls or other vertical supports;

(3) the deterioration of roofs or other horizontal members;

(4) the deterioration of [exterior] chimneys;

(5) the deterioration or crumbling of [exterior] plaster or mortar; or

(6) the ineffective waterproofing of [exterior] walls, roofs and foundations, including broken windows and doors.

Council Bill 07-0610

1 (C) EXTERIOR STRUCTURE.

2 “EXTERIOR STRUCTURE” MEANS THE EXTERIOR OF ANY STRUCTURE.

3 (D) [(b)] Historical and Architectural Preservation District; DISTRICT.

4 [The phrase or clause] “Historical and Architectural Preservation District” OR “DISTRICT”
5 [, for the purposes of, and as used in, this article shall mean] MEANS [“]an area [in
6 Baltimore City wherein there are located structures which have historical, cultural,
7 educational, and/or architectural value, the preservation of which is deemed to be for the
8 educational, cultural, economic, and general welfare of the inhabitants of Baltimore
9 City”] DESIGNATED IN ACCORDANCE WITH THIS ARTICLE AS AN HISTORICAL AND
10 ARCHITECTURAL PRESERVATION DISTRICT.

11 (E) INTERIOR STRUCTURE.

12 “INTERIOR STRUCTURE” MEANS THE INTERIOR OF A STRUCTURE, ANY PART OF WHICH
13 INTERIOR IS CUSTOMARILY OPEN OR ACCESSIBLE TO THE PUBLIC.

14 (F) INTERIOR ARCHITECTURAL FEATURE.

15 “INTERIOR ARCHITECTURAL FEATURE” MEANS THE ARCHITECTURAL STYLE, DESIGN,
16 GENERAL ARRANGEMENT AND COMPONENTS OF AN INTERIOR, INCLUDING THE KIND,
17 COLOR, AND TEXTURE OF THE BUILDING MATERIAL AND THE TYPE AND STYLE OF
18 WINDOWS, DOORS, LIGHTS, SIGNS, PLAQUES, DECORATIVE FINISHES, MURALS, ART WORK,
19 FLOOR PLAN, AND OTHER FIXTURES APPURTENANT TO THE INTERIOR.

20 (G) LANDMARK LIST.

21 “LANDMARK LIST” MEANS EITHER OR BOTH OF THE FOLLOWING, AS ESTABLISHED AND
22 MAINTAINED UNDER THIS ARTICLE:

23 (1) THE LANDMARK LIST: EXTERIORS; AND

24 (2) THE LANDMARK LIST: PUBLIC INTERIORS.

25 (H) PERSON.

26 (1) IN GENERAL.

27 “PERSON” MEANS:

28 (I) AN INDIVIDUAL;

29 (II) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
30 KIND; OR

31 (III) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY,
32 OR REPRESENTATIVE OF ANY KIND.

Council Bill 07-0610

1 (2) INCLUSIONS.

2 “PERSON” INCLUDES, EXCEPT AS USED IN § 5-3 {“PENALTIES”} OF THIS ARTICLE, A
3 GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL
4 ENTITY.

5 (i) SPECIAL LIST

6 “SPECIAL LIST” MEANS EITHER OR BOTH OF THE FOLLOWING, AS ESTABLISHED AND
7 MAINTAINED UNDER THIS ARTICLE:

8 (1) THE SPECIAL LIST: EXTERIORS; AND

9 (2) THE SPECIAL LIST: PUBLIC INTERIORS.

10 (j) [(c)] [Structures] STRUCTURE.

11 [The term “structures” for the purpose of, and as used in, this article shall mean]
12 “STRUCTURE” MEANS [“]any creation of man or nature[”].

13 **§ 2-5. Funding; incentive improvement program.**

14 (b) *Annual appropriation; incentive improvement program.*

15 (1) There shall be appropriated in the annual Ordinance of Estimates a sum of money
16 which may be expended by the Commission for Historical and Architectural
17 Preservation for or in connection with:

- 18 (i) the preparation of surveys of buildings and structures in Baltimore City;
- 19 (ii) the acquisition [and/or] AND restoration of buildings or structures of historical
20 or architectural significance; or
- 21 (iii) an incentive improvement program under which the Commission may
22 contract with the owner or lessee of a building or structure located in an
23 Historical and Architectural Preservation District or on ~~either the Landmark~~
24 ~~List or Special List~~ A LANDMARK LIST OR A SPECIAL LIST to reimburse [such]
25 THAT owner or lessee up to 20% of the actual cost incurred by HER OR him in
26 the reconstruction, alteration, removal, repairs, or painting of an [exterior]
27 architectural feature in furtherance of the purposes of this article, as
28 determined by the Commission.

29 ~~§ 4-1. HCD permit required:~~

30 ~~Before any person or other legal entity commences any excavation, or the construction or~~
31 ~~erection of any building, fence, wall, or other structure of any kind, or commences any~~
32 ~~reconstruction, alteration, or removal of any exterior OR INTERIOR architectural feature, or~~
33 ~~commences any change in [the exterior] color by painting or other means, or commences any~~
34 ~~demolition of any structures now or hereafter in any Historical and Architectural~~
35 ~~Preservation District, or commences any reconstruction, alteration, or removal of any~~
36 ~~exterior OR INTERIOR architectural feature, or commences any change in [the exterior] color~~

Council Bill 07-0610

1 ~~by painting or other means, or commences any demolition of any structures now or hereafter~~
2 ~~appearing on the Landmark List or the Special List, [such] THE person or other legal entity~~
3 ~~shall submit an application for a permit to the Commissioner of Housing and Community~~
4 ~~Development, and no work contemplated [herein] IN THIS SECTION [shall] MAY commence~~
5 ~~before the issuance of [such] THAT permit.~~

6 **§ 3-1. Designation of Districts.**

7 (a) Commission may propose.

8 On recommendation of the BALTIMORE CITY Planning Commission [of the Mayor and
9 City Council of Baltimore], and after making a full and proper study, the Commission
10 may:

11 (1) [designate any area within the limits of Baltimore City (except the Mount Vernon
12 Historical and Architectural Preservation District as provided for in this article) as
13 a proposed] PROPOSE AS AN Historical and Architectural Preservation District ANY
14 AREA IN BALTIMORE CITY IN WHICH ARE LOCATED STRUCTURES THAT HAVE
15 HISTORICAL, CULTURAL, EDUCATIONAL, OR ARCHITECTURAL VALUE, THE
16 PRESERVATION OF WHICH IS CONSIDERED TO BE FOR THE EDUCATIONAL,
17 CULTURAL, ECONOMIC, AND GENERAL WELFARE OF THE INHABITANTS OF THE
18 CITY; and

19 (2) determine the boundary lines of [any such] THAT District.

20 **§ 3-2. Establishment of Landmark [List] LISTS.**

21 (a) Commission to propose.

22 (1) LANDMARK LIST: EXTERIORS.

23 The Commission shall compile and maintain a list of THOSE EXTERIOR structures,
24 both public and private, in the City of Baltimore ([hereinafter referred to as] the
25 “Landmark List: EXTERIORS”) [which] THAT the Commission [deems] CONSIDERS TO
26 BE of such special historical or architectural significance, whether or not [such
27 structures are] within [any] AN Historical or Architectural Preservation District, that
28 [the Commission shall give the same priority to] THESE EXTERIOR STRUCTURES
29 SHOULD BE EXTENDED THE SAME PROTECTIONS AS APPLY to structures in [an
30 Historical and Architectural Preservation] A District [in the exercise of its powers to
31 the preservation and restoration of those structures appearing on such Landmark
32 List].

33 (2) LANDMARK LIST: PUBLIC INTERIORS.

34 THE COMMISSION SHALL COMPILE AND MAINTAIN A LIST OF THOSE INTERIOR
35 STRUCTURES, BOTH PUBLIC AND PRIVATE, IN THE CITY OF BALTIMORE (THE
36 “LANDMARK LIST: PUBLIC INTERIORS”) THAT THE COMMISSION CONSIDERS TO BE OF
37 SUCH SPECIAL HISTORICAL OR ARCHITECTURAL SIGNIFICANCE, WHETHER OR NOT
38 WITHIN AN HISTORICAL OR ARCHITECTURAL PRESERVATION DISTRICT, THAT THESE
39 INTERIOR STRUCTURES SHOULD BE EXTENDED THE SAME PROTECTIONS AS APPLY TO
40 STRUCTURES IN A DISTRICT.

Council Bill 07-0610

1 (b) [Procedure to adopt] PLANNING COMMISSION TO REVIEW.

2 [(1) Commission to propose; Planning Commission to review.] The Landmark [List]
3 LISTS, as compiled by the Commission, and any subsequent additions to [it] EITHER, shall
4 be:

5 (1) forwarded to the Planning Commission; and[,]

6 (2) on recommendation of the Planning Commission, [shall be] submitted to the City
7 Council for approval.

8 (c) [(2)] Hearing.

9 (1) [This approval] APPROVAL may not be given by the City Council until the City
10 Council has given notice that the proposal is pending and has held a hearing on it.

11 (2) For this purpose, the Commission shall comply with the notice and hearing
12 requirements of Zoning Code Title 16 {"Legislative Authorizations and
13 Amendments"} for proposed changes in zoning classifications.

14 (D) (3) Council approval required.

15 No structure may be included in [the] A Landmark List unless it has been so designated
16 by approval of the City Council.

17 **§ 3-3. Establishment of Special [List] LISTS.**

18 (a) Commission to propose.

19 (1) SPECIAL LIST: EXTERIORS.

20 The Commission shall compile and maintain a list of THOSE EXTERIOR structures,
21 both public and private, in the City of Baltimore ([hereinafter referred to as] the
22 "Special List: EXTERIORS") [which] THAT the Commission [deems] CONSIDERS TO BE
23 of such historical or architectural significance, whether or not [such structures are]
24 within [any] AN Historical or Architectural Preservation District, that [the
25 Commission shall give second priority] THESE EXTERIOR STRUCTURES SHOULD BE
26 EXTENDED THE SECONDARY PROTECTIONS OF § 4-7 {"POSTPONEMENT OF PERMIT"} OF
27 THIS ARTICLE [in the exercise of its powers to the preservation or restoration of those
28 structures appearing on such Special List].

29 (2) SPECIAL LIST: PUBLIC INTERIORS.

30 THE COMMISSION SHALL COMPILE AND MAINTAIN A LIST OF INTERIOR STRUCTURES,
31 BOTH PUBLIC AND PRIVATE, IN THE CITY OF BALTIMORE (THE "SPECIAL LIST: PUBLIC
32 INTERIORS") THAT THE COMMISSION CONSIDERS TO BE OF SUCH HISTORICAL OR
33 ARCHITECTURAL SIGNIFICANCE, WHETHER OR NOT WITHIN AN HISTORICAL OR
34 ARCHITECTURAL PRESERVATION DISTRICT, THAT THESE INTERIOR STRUCTURES
35 SHOULD BE EXTENDED THE SECONDARY PROTECTIONS OF § 4-7 {"POSTPONEMENT OF
36 PERMIT"} OF THIS ARTICLE.

Council Bill 07-0610

(b) Procedure to adopt.

(1) The Special [List] LISTS, as compiled by the Commission, and any subsequent additions [thereto] TO EITHER, shall be designated in the following manner.

(2) The Commission shall cause a conspicuous sign to be posted on each structure [appearing] PROPOSED TO BE PLACED on [the] A Special List, giving notice:

(i) THAT THE STRUCTURE HAS BEEN PROPOSED FOR INCLUSION IN THE SPECIAL LIST: EXTERIORS OR THE SPECIAL LIST: PUBLIC INTERIORS, AS THE CASE MAY BE;

(ii) [of a public hearing to be held by] THAT the Commission WILL HOLD A PUBLIC HEARING on whether [such building or] THE structure should appear on the Special List[.]; AND

(iii) OF THE TIME AND PLACE OF THE HEARING.

(3) [such] THE public hearing [to] SHALL be held no sooner than 10 days[,] nor later than 20 days from the time the [said] sign is posted.

[(3) Said sign is to apprise the public of the time and place of such hearing, and that the building or structure has been proposed for inclusion in the Special List.]

(4) THE COMMISSION SHALL MAKE A FINAL DECISION ON WHETHER TO INCLUDE A STRUCTURE ON A SPECIAL LIST WITHIN 30 DAYS FROM THE DATE OF THE PUBLIC HEARING.

(c) ACTIONS PENDING DECISION.

FROM THE TIME NOTICE IS POSTED UNTIL THE COMMISSION MAKES ITS FINAL DECISION, THE STRUCTURE IS SUBJECT TO THE REQUIREMENTS AND PROCEDURES OF SUBTITLE 4 {"ALTERATIONS, ETC., TO PROPERTIES"} OF THIS ARTICLE.

§ 3-4. Lists to be open to public inspection.

Copies of the Landmark List and Special List shall be available for public inspection in the Department of Housing and Community Development, the Department of Planning, the Department of Legislative Reference, and in the office of the Commission.]

§ 4-1. HCD permit required.

(A) EXTERIOR STRUCTURES.

[Before any person or other legal entity commences any excavation, or the construction or erection of any building, fence, wall, or other structure of any kind, or] NO PERSON MAY UNDERTAKE ANY OF THE FOLLOWING ACTIONS FOR OR WITH RESPECT TO ANY STRUCTURE IN AN HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT OR ON THE LANDMARK LIST: EXTERIORS OR THE SPECIAL LIST: EXTERIORS WITHOUT FIRST

Council Bill 07-0610

1 OBTAINING A PERMIT DO SO FROM THE DEPARTMENT OF HOUSING AND COMMUNITY
2 DEVELOPMENT:

3 (1) [commences] any reconstruction, alteration, or removal of any exterior
4 architectural feature[,]; [or]

5 (2) [commences] any change in the exterior color by painting or other means[,]; [or]

6 (3) ANY EXCAVATION;

7 (4) THE CONSTRUCTION OR ERECTION OF ANY BUILDING, FENCE, WALL, OR OTHER
8 STRUCTURE OF ANY KIND; OR

9 (5) [commences] any EXTERIOR demolition of [any structures] A STRUCTURE [now or
10 hereafter in any Historical and Architectural Preservation District, or].

11 [commences any reconstruction, alteration, or removal of any exterior
12 architectural feature, or commences any change in the exterior color by painting
13 or other means, or commences any demolition of any structures now or hereafter
14 appearing on the Landmark List or the Special List, such person or other legal
15 entity shall submit an application for a permit to the Commissioner of Housing
16 and Community Development, and no work contemplated herein shall commence
17 before the issuance of such permit.]

18 (B) INTERIOR STRUCTURES.

19 NO PERSON MAY UNDERTAKE ANY OF THE FOLLOWING ACTIONS FOR OR WITH RESPECT TO
20 ANY STRUCTURE ON THE LANDMARK LIST; PUBLIC INTERIORS OR THE SPECIAL LIST;
21 PUBLIC INTERIORS WITHOUT FIRST OBTAINING A PERMIT DO SO FROM THE DEPARTMENT
22 OF HOUSING AND COMMUNITY DEVELOPMENT:

23 (1) ANY RECONSTRUCTION, ALTERATION, OR REMOVAL OF ANY INTERIOR
24 ARCHITECTURAL FEATURE;

25 (2) ANY CHANGE IN THE INTERIOR COLOR BY PAINTING OR OTHER MEANS;

26 (3) ANY EXCAVATION;

27 (4) THE CONSTRUCTION OR ERECTION OF ANY BUILDING, WALL, OR OTHER STRUCTURE
28 OF ANY KIND; OR

29 (5) ANY INTERIOR DEMOLITION OF A STRUCTURE.

30 **§ 4-2. Commission to review.**

31 (b) *Plans, etc., to be provided.*

32 (1) All plans, elevations and other information deemed necessary by the Commission to
33 determine the appropriateness of the proposed excavation, construction or erection,
34 reconstruction, alteration, removal of any ~~exterior or interior~~ architectural feature,

Council Bill 07-0610

1 change in [the exterior] color by painting or other means, or demolition of any
2 structures shall be made available to the Commission.

3 (2) The Commission [shall] MAY take no action until it determines that any application is
4 complete and includes all necessary plans, elevations, and other information as
5 specified above.

6 (c) *Commission action prerequisite for permit.*

7 The Commissioner of Housing and Community Development [shall] MAY not issue a
8 permit for any excavation, any construction, or erection of any building, fence, wall, or
9 other structure of any kind; or for any removal of any ~~[external] EXTERIOR OR INTERIOR~~
10 AN architectural feature, or for any reconstruction, alteration, change of [any exterior]
11 color by painting or other means, or for any demolition of any building or structure now
12 or hereafter OF A STRUCTURE in any Historical and Architectural Preservation District or
13 on the ~~Landmark List or the Special List~~ ANY LANDMARK LIST OR SPECIAL LIST, until the
14 Commission either [shall issue] ISSUES a Certificate of Appropriateness or a Notice to
15 Proceed, or [shall proceed] PROCEEDS as hereinafter provided IN THIS ARTICLE.

16 **§ 4-4. Commission determination.**

17 (a) *In general.*

18 As soon as convenient after the final conclusion of [such] THE public hearing, but in any
19 event within 15 days (Saturdays, Sundays, and legal holidays excluded), or within such
20 further time as the applicant for [said] THE permit approves in writing, the Commission
21 shall determine:

22 (1) whether the proposed excavation, construction, or erection, reconstruction,
23 alteration, removal of an ~~exterior OR INTERIOR~~ architectural feature, change in
24 [exterior] color, or demolition will be appropriate to the preservation of the
25 particular Historical and Architectural Preservation District or to the preservation
26 of the structure appearing on the ~~Landmark List or on the Special List~~ A
27 LANDMARK LIST OR A SPECIAL LIST and a Certificate of Appropriateness may be
28 issued; or

29 (2) whether, notwithstanding that [such] THE proposed excavation, construction, or
30 erection, reconstruction, alteration, removal of an ~~exterior OR INTERIOR~~
31 architectural feature, change in [exterior] color, or demolition, in the opinion of
32 the Commission, is inappropriate but is without substantial detriment to the public
33 welfare and without substantial derogation from the intents and purposes of this
34 [ordinance] ARTICLE, and denial of the application will result in substantial
35 hardship to the applicant, then the Commission, in lieu of a Certificate of
36 Appropriateness, may issue a Notice to Proceed.

37 (b) *Factors to be considered.*

38 (1) In passing upon the appropriateness, the Commission shall consider, in addition to
39 any other pertinent factors, the historic or architectural value and significance,
40 architectural style, general design, arrangement, texture, material, and color of the

Council Bill 07-0610

1 ~~exterior AND INTERIOR~~ architectural features of other structures in the immediate
2 neighborhood.

3 **§ 4-5. Certificate of Appropriateness or Notice to Proceed.**

4 (a) *Issuance.*

5 If the Commission determines that the proposed excavation, construction, or erection,
6 reconstruction, alteration, removal of an ~~exterior OR INTERIOR~~ architectural feature,
7 change in [exterior] color, or demolition of a structure in a District, on ~~the Landmark~~
8 ~~List, or on the Special List~~ A LANDMARK LIST, OR ON A SPECIAL LIST is appropriate or,
9 although inappropriate without substantial detriment to the public welfare and without
10 substantial derogation from the intent and purposes of this article, the Commission shall
11 forthwith direct the Executive Director or the Executive Director’s designee to forward to
12 the Commissioner of Housing and Community Development a Certificate of
13 Appropriateness or a Notice to Proceed, as applicable, along with the related application,
14 plans, and specifications.

15 (b) *Denial.*

16 (1) If the Commission determines that neither a Certificate of Appropriateness nor a
17 Notice to Proceed [shall] SHOULD be issued, the Commission shall ~~forthwith spread~~
18 ~~upon its records~~ PROMPTLY SPECIFY IN WRITING the reason for [such] THAT
19 determination and may include a recommendation respecting the proposed
20 excavation, construction, or erection, reconstruction, alteration, removal of an
21 ~~exterior OR INTERIOR~~ architectural feature, change in [exterior] color, or demolition.

22 (2) [Thereupon, the] THE Commission shall THEN cause the applicant and the
23 Commissioner of Housing and Community Development to be notified of [such] ITS
24 determination, transmitting to each of them an attested copy of [the] ITS reasons and,
25 IF ANY, OF ITS recommendations[, if any, spread upon the records of the Commission].

26 **§ 4-6. HCD bound by Commission decision.**

27 The Commissioner of Housing and Community Development, upon the return to him of the
28 application, plans, and specifications [relative thereto] by the Commission, [shall be] IS
29 bound by the determination of the Commission and SHALL approve, if in conformance with
30 other provisions of the Building Code, or disapprove any application for the proposed
31 excavation, construction, or erection, reconstruction, alteration, removal of an ~~exterior OR~~
32 ~~INTERIOR~~ architectural feature, change in [exterior] color, or demolition of any ~~building or~~
33 structure, in an Historical and Architectural Preservation District or on ~~the Landmark List~~ A
34 LANDMARK LIST in accordance with [said] THAT determination.

35 **§ 4-7. Postponement of permit.**

36 (a) *Commission to notify HCD.*

37 If the Commission [shall determine] DETERMINES that the proposed excavation,
38 construction, or erection, reconstruction, alteration, removal of an ~~exterior OR INTERIOR~~

Council Bill 07-0610

1 architectural feature, change in [exterior] color, or demolition of any ~~buildings or~~
2 structures on ~~the Special List~~ A SPECIAL LIST [shall be] IS inappropriate, the Commission
3 shall notify the Commissioner of Housing and Community Development in writing to
4 postpone the issuance of the permit.

5 (b) HCD to postpone.

6 If the Commissioner of Housing and Community Development is so notified to postpone
7 the issuance of the permit, [he] THE COMMISSIONER shall DO so [postpone] for [a period
8 not to exceed] 6 months from the date of the notification [of the determination by the
9 Commission,] or until notified by the Commission to issue the permit, whichever [shall]
10 OCCURS first [occur].

11 **§ 4-11. Permissible maintenance and repair.**

12 (a) *No change in design, etc.*

13 Nothing in this article shall be construed to prevent any ordinary maintenance or repair of
14 an [exterior] architectural feature ~~now or hereafter~~ in any Historical or Architectural
15 Preservation District or on any ~~building~~ STRUCTURE on ~~the Landmark List or on the~~
16 ~~Special List~~ A LANDMARK LIST OR A SPECIAL LIST, [which] IF THE MAINTENANCE OR
17 REPAIR involves no change in design, material, color, or [outward] appearance [thereof]
18 OF THE STRUCTURE.

19 **§ 5-2. Injunctions.**

20 On application of the Commission, the Circuit Court for Baltimore City may:

21 (1) restrain or enjoin the excavation, construction, or erection, reconstruction, alteration,
22 removal of any ~~exterior or interior~~ architectural feature, change in [exterior] color,
23 or demolition of any ~~building or~~ structure[,]in an Historical and Architectural
24 Preservation District, on ~~the Landmark List, or on the Special List~~ A LANDMARK
25 LIST, OR ON A SPECIAL LIST, in violation of this article; and

26 (2) [may] order the removal of any [exterior] architectural feature constructed or
27 reconstructed in violation of this article and the substantial restoration of any
28 [exterior] architectural feature altered or demolished in violation of this article or the
29 [exterior] color of which is changed in violation of this article.

30 **§ 5-3. Penalties.**

31 (a) *In general.*

32 ~~Whoever~~ ANY PERSON WHO excavates, constructs, or erects, reconstructs, alters, removes
33 ~~any exterior or interior~~ AN architectural feature, changes [the] ~~exterior or interior~~
34 [color] COLORS, or demolishes any ~~building or~~ structure in any Historical and
35 Architectural Preservation District, on ~~the Landmark List, or on the Special List~~ A
36 LANDMARK LIST, OR ON A SPECIAL LIST, in violation of this article, is guilty of a
37 misdemeanor and, on conviction, is subject to a fine of not less than \$500 and not more
38 than \$1,000 or imprisonment for not more than 12 months or both fine and imprisonment
39 for each offense.

Council Bill 07-0610

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

4 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th day
5 after the date it is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City