

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 07-0633**

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Introduced by: The Council President  
At the request of: The Department of Legislative Reference  
Introduced and read first time: April 16, 2007  
Assigned to: Judiciary and Legislative Investigations Committee

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Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: August 13, 2007

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**AN ORDINANCE CONCERNING**

**Corrective Bill 2007**

- 1
- 2 FOR the purpose of correcting certain technical errors and omissions in the City Code and other  
3 enactments; repealing certain obsolete provisions; correcting, clarifying, and conforming  
4 certain language; and providing for a special effective date.
- 5 BY repealing
- 6 Article 1 - Mayor, City Council, and Municipal Agencies  
7 Section(s) 5-1 through 5-5, inclusive, and the subtitle designation  
8 "Subtitle 5. Compensation Commission for Elected Officials"  
9 Baltimore City Code  
10 (Edition 2000)
- 11 BY repealing and reordaining, with amendments
- 12 Article - Building, Fire, and Related Codes  
13 Section(s) 2-103 (IBC § 34A05.1)  
14 Baltimore City Revised Code  
15 (Edition 2000)
- 16 BY repealing and reordaining, with amendments
- 17 Article - Health  
18 Section(s) 3-101(a)  
19 Baltimore City Revised Code  
20 (Edition 2000)
- 21 BY repealing and reordaining, with amendments
- 22 Article 13 - Housing and Urban Renewal  
23 Section(s) 2-7(f)(1)  
24 Baltimore City Code  
25 (Edition 2000)

**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.

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1 BY repealing and reordaining, with amendments

2 Article 19 - Police Ordinances  
3 Section(s) 40-1 and 43-8  
4 Baltimore City Code  
5 (Edition 2000)

6 BY repealing and reordaining, with amendments

7 Article 31 - Transit and Traffic  
8 Section(s) 31-106(a)  
9 Baltimore City Code  
10 (Edition 2000)

11 BY repealing and reordaining

12 Ordinance 05-124  
13 Section(s) 1(2), (4), and (5)

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
15 following provisions of the Code are repealed:

16 Article 1 - Mayor, City Council, and Municipal Agencies  
17 Section(s) 5-1 through 5-5, inclusive, and the subtitle designation  
18 "Subtitle 5. Compensation Commission for Elected Officials"

19 **COMMENT:** Repeals provision made obsolete by ratification of new Charter  
20 Article VII, §§ 117 to 125.

21 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Laws of Baltimore City read as  
22 follows:

23 **Baltimore City Revised Code**

24 **Article – Building, Fire, and Related Codes**

25 **Part II. International Building Code**

26 **§ 2-103. City modifications.**

27 The additions, deletions, amendments, and other modifications adopted by the City are as  
28 follows:

29 **Chapter 34A. Visitability Requirements for Publicly Assisted Dwellings**

30 **Section 34A05 Relationship to other laws.**

31 **34A05.1 Federal and state laws.** Federal and state laws also govern multiple-family  
32 dwellings and public accommodations. Newly constructed multiple-family DWELLINGS may  
33 also be subject to the federal Americans with Disabilities Act and the federal Fair Housing  
34 Act and their respective guidelines.

35 **COMMENT:** Corrects inadvertent omission.

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**Article – Health**

**Title 3. Health Facilities**

***Subtitle 1. Ordinance Required to Establish***

**§ 3-101. “Health facility” defined.**

*(a) In general.*

In this subtitle, “health facility” means:

- (1) any hospital or similar facility for the care, custody, or treatment of 2 or more unrelated patients suffering mental or physical ailments; AND
- (2) any home for the rehabilitation of non-bedridden alcoholics, as that term is used in the Zoning Code of Baltimore City[; and
- (3) any substance abuse treatment center, as defined in the Zoning Code of Baltimore City].

**COMMENT:** Ord. 06-342 {Bill 05-220} repealed the separate Zoning Code classification for (and definition of) “substance abuse treatment center”. It also broadened the classification for clinics to encompass treatment centers and the like. Under the Zoning Code, these clinics do not require an ordinance for approval. The residual reference here is thus obsolete.

**Baltimore City Code**

**Article 13. Housing and Urban Renewal**

**§ 2-7. Specific powers.**

*(f) Disposing of property.*

- (1) In accordance with applicable Renewal Plans or Conservation Plans, to sell at public or private sale, lease, convey, transfer, or otherwise dispose of any land or property, or any interest [therein] IN THEM, acquired by it regardless of whether or not it has been developed, redeveloped, altered, or improved and irrespective of the manner or means in or by which it may have been acquired, to the United States of America, the Housing Authority of Baltimore City, [or] the State of Maryland, or any department or agency [thereof] OF THEM, or [of] TO any private, public, or quasi-public corporation, partnership, association, person, or other legal entity, for conservation, development, or redevelopment, including but not limited to [the] renovation or rehabilitation [thereof].

**COMMENT:** Corrects a misleading preposition. Specifically, the phrase “of any private ... entity” should read “to any private ... entity”. Cf. Charter Article II, § 15(c) and § 15A(b). Also removes some archaisms.

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**Article 19. Police Ordinances**

**Subtitle 40. Unregistered Motorcycles and Similar Vehicles**

**§ 40-1. Definitions.**

(a) *In general.*

In this subtitle, the following words have the meaning indicated.

(b) *Department.*

“Department” means the [Mayor’s] Department of Transportation.

(c) *Dirt bike.*

(1) “Dirt bike” means any motorcycle or similar vehicle that is not registered under the Maryland Vehicle Law.

(2) “Dirt bike” includes:

(i) a minibike;

(ii) an all-terrain vehicle of either the 3- or 4-wheel variety; and

(iii) any other motorcycle or similar vehicle that is not eligible for registration under the Maryland Vehicle Law.

(d) *Minibike.*

“Minibike” means a motor vehicle that:

(1) has a saddle for the use of the rider;

(2) is designed to travel on not more than 3 wheels in contact with the ground;

(3) is not eligible for registration under the Maryland Vehicle Law [or this subtitle];  
and

(4) has:

(i) a 10-inch (254 mm) or less nominal wheel-rim diameter;

(ii) 40 inches or less wheel base;

(iii) 25 inches or less seat height, measured at the lowest point on the top of the seat cushion without rider; or

(iv) a propelling engine with piston displacement of 50 cc or less.

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1 (e) *Motorcycle or similar vehicle.*

2 (1) “Motorcycle or similar vehicle” means any motor vehicle that is designed to travel on  
3 not more than 3 wheels in contact with ground.

4 (2) “Motorcycle or similar vehicle” includes a minibike.

5 [(f) *Motor scooter.*

6 “Motor scooter” has the meaning stated in State Transportation Article § 11-134.4.]

7 (F) [(g)] *Unregistered motorcycle or similar vehicle.*

8 “Unregistered motorcycle or similar vehicle” means a motorcycle or similar vehicle that:

9 (1) is eligible for registration under the Maryland Vehicle Law; but

10 (2) is not in fact registered.

11 **COMMENT:** This section was enacted by Ord. 07-398, which rewrote much of  
12 the subtitle. During deliberations, proposed registration requirements, as well as  
13 references to “motor scooters”, were deleted. This clears up some of the  
14 consequent inconsistencies.

15 **Subtitle 43. Public Nuisances**

16 **§ 43-8. Termination of tenancy.**

17 [Upon] On a conviction [pursuant to § 43-9] UNDER § 43-1(G) of this subtitle or ON issuance  
18 of a closing order:

19 (1) the owner, lessor, or agent may immediately terminate the tenancy; and

20 (2) if the lessee [and] OR any other occupants of the property fail to vacate the premises,  
21 the owner, lessor, or agent may use the conviction order in an action [pursuant to]  
22 BROUGHT UNDER the LAWS GOVERNING tenant-holding-over, breach-of-lease, or  
23 tenant-at-will [provisions of law].

24 **COMMENT:** Corrects erroneous cross-reference and clarifies  
25 related language.

26 **Article 31. Transit and Traffic**

27 **Subtitle 31. Clear Streets and Impoundment**

28 **§ 31-106. Driveways, service drives, private ways.**

29 (a) *In general.*

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1 Within any zone marked as tow away, pursuant to [§ 6-2] § 6-12 of this article, so as to  
2 obstruct or impede egress or ingress to or from a driveway, service drive, or private way.

3 COMMENT: Corrects cross-reference.

4 **Uncodified Ordinances**

5 **Ordinance 05-124**  
6 **(Urban Renewal Plan for Middle East – Amendment 8)**

7 SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That  
8 the following changes in the Urban Renewal Plan for Middle East are approved:

9 . . . .

10 (2) In the Plan, replace Appendix E Design Guidelines with “[Exhibit A] APPENDIX  
11 E, New East Baltimore Community Design Guidelines”, dated March 30, 2005.

12 . . . .

13 (4) In the Plan, amend B.(1)h. to read as follows:

14 h. PUD Standards and Controls

15 The development of the East Baltimore Biotech Center and the surrounding  
16 area ([Collectively] COLLECTIVELY, the “East Baltimore Development Project  
17 Area”, described in [Exhibit B] APPENDIX F) shall require the preparation of a  
18 comprehensive plan of development that is approved through a process that  
19 has substantial community involvement. “Substantial [Community  
20 Involvement] COMMUNITY INVOLVEMENT” means: Community participation  
21 that is consistent with the required approval of the Planned Unit  
22 Developments (PUDs).

23 In addition, PUDs shall be encouraged (and for any phase after the initial  
24 phase, required) or, per Section 9-105(b) of the Zoning Code or as otherwise  
25 permitted by law, initiated by the Planning Commission itself to:

26 (1) establish unitary control over the East Baltimore Development Project  
27 Area, rather than lot-by-lot regulation;

28 (2) achieve maximum coordination between or among each PUD and  
29 neighboring land uses;

30 (3) provide greater flexibility to the redeveloper;

31 (4) allow for greater involvement by the impacted community;

32 (5) ensure that significant housing resources are made available to  
33 households of varying income levels, specifically, low income (50% or  
34 less of the median income applicable to Baltimore City as published  
35 and annually updated by the United States Department of Housing and  
36 Urban Development), moderate income (making more than 50% of

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1 median income applicable to Baltimore City but less than 100% of  
2 median income, using a combination of price adjustments and buyer  
3 financing assistance programs, sponsored by the State of Maryland  
4 and other sources), and market rate without regard to income;

5 (6) in accordance with subparagraph (5), ensure that the Development  
6 Project Area provides (excluding student housing) one-third low  
7 income housing, one-third moderate income housing, and one third  
8 market rate housing; and

9 (7) optimize the preservation of existing historic buildings and the unique  
10 historic character of the East Baltimore Development Project Area for  
11 Baltimore residents and visitors.

12 In the event that a PUD is not utilized, there shall be no significant  
13 development within the East Baltimore Development Project Area or the  
14 completion of a comprehensive plan development for the East Baltimore  
15 Development Project Area without substantial community involvement, as  
16 defined above.

17 The Development Project Area shall be developed in accordance with the  
18 “Land Disposition and Development Agreement” between the Mayor and City  
19 Council of Baltimore and East Baltimore Development, Inc., effective April  
20 28, 2004, as amended from time to time.

21 (5) In the Plan, add “[Exhibit B] APPENDIX F, Project Area Description”.

22 **COMMENT:** Corrects references to appendices, capitalization errors, and  
23 paragraphing.

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

27 **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it  
28 is enacted.

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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