

ENROLLED

**CITY OF BALTIMORE
ORDINANCE _____
Council Bill 15-0590**

Introduced by: Councilmember Henry, President Young, Councilmembers Middleton, Costello,
Kraft, Clarke, Reisinger, Spector, Welch, Scott, Mosby
Introduced and read first time: November 2, 2015
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable with amendments
Council action: Adopted, with additional amendments from the Floor
Read second time: December 10, 2015

AN ORDINANCE CONCERNING

Demolition, ~~etc.~~, of City Structures

1
2 FOR the purpose of ~~prohibiting the demolition or reconstruction of certain City-owned structures~~
3 ~~unless expressly authorized by an ordinance of the Mayor and City Council; requiring that~~
4 ~~certain procedures be followed, including notice to the City Council and, in certain situations,~~
5 ~~enactment of an Ordinance of the Mayor and City Council, before certain City-owned~~
6 ~~structures may be demolished; defining certain terms; providing for certain exceptions; and~~
7 requiring that, on introduction of a proposed authorizing ordinance, the bill be referred to
8 certain agencies for their reports and recommendations.

9 BY adding

10 Article 5 - Finance, Property, and Procurement
11 Sections 20A-1 through ~~20A-3~~ 20A-4, to be under the new subtitle designation,
12 “Subtitle 20A. Demolition, ~~etc.~~, of City Property”
13 Baltimore City Code
14 (Edition 2000)

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

17 **Baltimore City Code**

18 **Article 5. Finance, Property, and Procurement**

19 **SUBTITLE 20A. DEMOLITION, ~~ETC.~~, OF CITY PROPERTY**

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.
Underlined italics indicate matter added to the bill
by amendment after printing for third reading.

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1 § 20A-1. DEFINITIONS.

2 (A) *IN GENERAL.*

3 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

4 (B) *CITY STRUCTURE.*

5 (1) *IN GENERAL.*

6 “CITY STRUCTURE” MEANS, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
7 SUBSECTION, ANY BUILDING OR OTHER STRUCTURAL IMPROVEMENT TO REAL
8 PROPERTY THAT:

9 (I) ~~(1)~~ IS OWNED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE; AND

10 (II) ~~(2)~~ HAS BEEN OR IS BEING USED FOR A MUNICIPAL FUNCTION OR PUBLIC
11 PURPOSE, INCLUDING OFFICES, WORK PLACES, SCHOOLS, FIRE STATIONS, POLICE
12 STATIONS, MONUMENTS, RECREATION FACILITIES, NEIGHBORHOOD CENTERS,
13 AND THE LIKE.

14 (2) *EXCLUSIONS.*

15 “CITY STRUCTURE” DOES NOT INCLUDE:

16 (I) ANY SUBSURFACE INFRASTRUCTURE OR ITS APPURTENANCES;

17 (II) ANY OPERATIONAL FACILITY NOT ROUTINELY OPEN TO THE PUBLIC; OR

18 (III) ANY STRUCTURE (OTHER THAN A BUILDING), TO THE EXTENT THAT THE
19 STRUCTURE:

20 (A) IS LOCATED ON, OVER, OR UNDER A STREET, ALLEY, OR OTHER PUBLIC
21 WAY OR LAND, AND

22 (B) IS DESIGNED, CONSTRUCTED, CONTROLLED, AND MAINTAINED BY AND
23 UNDER THE AUTHORITY AND SUPERVISION OF THE DIRECTOR OF PUBLIC
24 WORKS, THE DIRECTOR OF GENERAL SERVICES, THE EXECUTIVE
25 DIRECTOR OF THE PARKING AUTHORITY OF BALTIMORE CITY, OR THE
26 DIRECTOR OF TRANSPORTATION, WHICHEVER HAS JURISDICTION, OR AN
27 AUTHORIZED REPRESENTATIVE OF THE APPLICABLE DIRECTOR.

28 (C) *INCLUDES; INCLUDING.*

29 “INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF
30 LIMITATION.

31 (D) *PERSON.*

32 “PERSON” MEANS:

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- 1 (I) AN INDIVIDUAL;
- 2 (II) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
3 KIND;
- 4 (III) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR
5 REPRESENTATIVE OF ANY KIND; OR.
- 6 (IV) A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A
7 GOVERNMENTAL ENTITY.

8 ~~§ 20A-2. ORDINANCE REQUIRED FOR DEMOLITION, ETC.~~

9 ~~NO CITY OFFICIAL, EMPLOYEE, OR CONTRACTOR, NOR ANY OTHER PERSON MAY UNDERTAKE,~~
10 ~~APPROVE, OR ALLOW THE DEMOLITION OR RECONSTRUCTION, IN WHOLE OR SUBSTANTIAL~~
11 ~~PART, OF ANY CITY STRUCTURE UNLESS THE DEMOLITION OR RECONSTRUCTION HAS BEEN~~
12 ~~EXPRESSLY AUTHORIZED BY AN ORDINANCE OF THE MAYOR AND CITY COUNCIL.~~

13 **§ 20A-2. EXCLUSIONS FROM SUBTITLE.**

14 THIS SUBTITLE DOES NOT APPLY TO A CITY STRUCTURE FOR WHICH THE BUILDING OFFICIAL OR
15 HIS OR HER DESIGNEE HAS CERTIFIED IN WRITING THAT ITS DEMOLITION IS AN EMERGENCY
16 MEASURE NECESSARY TO PROTECT LIFE, HEALTH, SAFETY, OR PROPERTY FROM IMMINENT
17 DANGER.

18 **§ 20A-3. NOTICE TO CITY COUNCIL.**

19 (A) IN GENERAL.

20 NO CITY AGENCY, OFFICIAL, EMPLOYEE, OR CONTRACTOR, NOR ANY OTHER PERSON MAY
21 UNDERTAKE, APPROVE, OR ALLOW THE DEMOLITION, IN WHOLE OR SUBSTANTIAL PART, OF
22 ANY CITY STRUCTURE UNLESS THE AGENCY PROPOSING THE ACTION FIRST SUBMITS TO
23 THE PRESIDENT OF THE CITY COUNCIL, FOR PUBLICATION IN THE COUNCIL JOURNAL, A
24 NOTICE DESCRIBING THE STRUCTURE AND PROPOSED ACTION.

25 (B) IF NO OBJECTION RECEIVED.

26 IF, WITHIN 30 DAYS OF THE NOTICE'S PUBLICATION IN THE JOURNAL, THE PRESIDENT HAS
27 RECEIVED NO OBJECTION TO THE PROPOSAL FROM ANY COUNCILMEMBER:

28 (1) THE PRESIDENT SHALL SO NOTIFY THE AGENCY THAT SUBMITTED THE NOTICE; AND

29 (2) WITHOUT NEED FOR FURTHER ACTION BY THE CITY COUNCIL, THE AGENCY MAY
30 PROCEED WITH THE PROPOSED DEMOLITION.

31 (C) IF OBJECTION RECEIVED.

32 IF A TIMELY OBJECTION IS RECEIVED FROM A COUNCILMEMBER:

33 (1) THE PRESIDENT SHALL SO NOTIFY THE AGENCY THAT SUBMITTED THE NOTICE; AND

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1 (2) THE DEMOLITION MAY NOT PROCEED UNLESS:

2 (I) EXPRESSLY AUTHORIZED BY AN ORDINANCE OF THE MAYOR AND CITY
3 COUNCIL; OR

4 (II) THE STRUCTURE REMAINS UNOCCUPIED FOR ~~5 YEARS~~ 3 YEARS OR MORE
5 FOLLOWING THE PUBLICATION OF NOTICE UNDER SUBSECTION (A) OF THIS
6 SECTION.

7 **§ 20A-4. ~~§ 20A-3.~~ COUNCIL ACTION ON PROPOSED ORDINANCE.**

8 (A) *AGENCY REFERRALS.*

9 ON INTRODUCTION OF ANY PROPOSED ORDINANCE TO AUTHORIZE THE DEMOLITION ~~OR~~
10 ~~RECONSTRUCTION~~ OF A CITY STRUCTURE, THE CITY COUNCIL SHALL REFER THE BILL TO
11 THE FOLLOWING FOR THEIR WRITTEN REPORTS AND RECOMMENDATIONS:

12 (1) THE PLANNING DEPARTMENT;

13 (2) THE AGENCY OR PUBLIC OFFICIAL THAT HAS OR WILL HAVE CONTROL OVER THE
14 CITY STRUCTURE; AND

15 (3) ~~THE DEPARTMENT OF REAL ESTATE; AND~~

16 ~~(4)~~ ANY OTHER AGENCY THAT THE COUNCIL PRESIDENT DESIGNATES.

17 (B) *REPORTS, ETC., FOR SECOND READING.*

18 THE CITY COUNCIL MAY NOT PLACE THE BILL ON THE COUNCIL'S SECOND READING
19 CALENDAR UNTIL THE PLANNING DEPARTMENT AND THE AGENCY OR OFFICIAL IN
20 CONTROL OF THE CITY STRUCTURE:

21 (1) SUBMIT THEIR REPORTS AND RECOMMENDATIONS TO THE COUNCIL; OR

22 (2) FAIL TO DO SO WITHIN 30 DAYS OF THE REFERRAL.

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

26 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
27 after the date it 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