

**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  
Read second time: December 10, 2015

---

**AN ORDINANCE CONCERNING**

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

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

BY adding

Article 5 - Finance, Property, and Procurement  
Sections 20A-1 through ~~20A-3~~ 20A-4, to be under the new subtitle designation,  
“Subtitle 20A. Demolition, ~~etc.~~, of City Property”  
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**

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

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

**§ 20A-1. DEFINITIONS.**

(A) *IN GENERAL.*

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

**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 15-0590**

1 (B) *CITY STRUCTURE*.

2 (1) *IN GENERAL*.

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

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

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

11 (2) *EXCLUSIONS*.

12 “CITY STRUCTURE” DOES NOT INCLUDE:

13 (I) ANY SUBSURFACE INFRASTRUCTURE OR ITS APPURTENANCES;

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

15 (III) ANY STRUCTURE (OTHER THAN A BUILDING), TO THE EXTENT THAT THE  
16 STRUCTURE:

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

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

25 (C) *INCLUDES; INCLUDING*.

26 “INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF  
27 LIMITATION.

28 (D) *PERSON*.

29 “PERSON” MEANS:

30 (I) AN INDIVIDUAL;

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

**Council Bill 15-0590**

1 (III) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR  
2 REPRESENTATIVE OF ANY KIND; OR.

3 (IV) A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A  
4 GOVERNMENTAL ENTITY.

5 ~~§ 20A-2. ORDINANCE REQUIRED FOR DEMOLITION, ETC.~~

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

10 **§ 20A-2. EXCLUSIONS FROM SUBTITLE.**

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

15 **§ 20A-3. NOTICE TO CITY COUNCIL.**

16 (A) IN GENERAL.

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

22 (B) IF NO OBJECTION RECEIVED.

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

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

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

28 (C) IF OBJECTION RECEIVED.

29 IF A TIMELY OBJECTION IS RECEIVED FROM A COUNCILMEMBER:

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

31 (2) THE DEMOLITION MAY NOT PROCEED UNLESS:

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

**Council Bill 15-0590**

1                    (II) THE STRUCTURE REMAINS UNOCCUPIED FOR 5 YEARS OR MORE FOLLOWING  
2                    THE PUBLICATION OF NOTICE UNDER SUBSECTION (A) OF THIS SECTION.

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

4            (A) *AGENCY REFERRALS.*

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

8            (1) THE PLANNING DEPARTMENT;

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

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

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

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

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

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

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

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

22            **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
23            after the date it is enacted.

**Council Bill 15-0590**

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