

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 16-0613

Introduced by: The Council President
At the request of: The Administration (Department of Legislative Reference)
Introduced and read first time: January 11, 2016
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: July 18, 2016

AN ORDINANCE CONCERNING

Corrective Bill 2016

- 1
- 2 FOR the purpose of correcting certain technical errors and omissions in the City Code; repealing
3 certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions;
4 correcting, clarifying, and conforming certain language; and providing for a special effective
5 date.
- 6 BY repealing and reordaining, with amendments
- 7 Article - Health
8 Section(s) 12-701(c)
9 Baltimore City Revised Code
10 (Edition 2000)
- 11 BY repealing and reordaining, with amendments
- 12 Article 1 - Mayor, City Council, and Municipal Agencies
13 Section(s) 20-2(b), 22-6(b), 40-1(c) and (f), 40-2(e), 40-7(c)(1), 41-14(2)(§50-56),
14 51-4(b), 52-3(b), and 55-4(b)
15 Baltimore City Code
16 (Edition 2000)
- 17 BY repealing
- 18 Article 1 - Mayor, City Council, and Municipal Agencies
19 Section(s) 41-14(2)(§50-26)
20 Baltimore City Code
21 (Edition 2000)
- 22 BY repealing
- 23 Article 2 - Consumer Protections
24 Subtitle 15. Weights and Measures
25 Baltimore City Code
26 (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 4 - Community Relations
3 Section(s) 2-2(c)
4 Baltimore City Code
5 (Edition 2000)
- 6 BY repealing and reordaining, with amendments
7 Article 5 - Finance, Property, and Procurement
8 Section(s) 21-8(a), 29-10(c) and 30-2(a)(1)
9 Baltimore City Code
10 (Edition 2000)
- 11 BY repealing and reordaining, with amendments
12 Article 7 - Natural Resources
13 Section(s) 1-3(j)(3)
14 Baltimore City Code
15 (Edition 2000)
- 16 BY repealing and reordaining, with amendments
17 Article 8 - Ethics
18 Section(s) 3-5(c) and (d), ~~and 6-27(5), and 6-38(a) and (b)~~
19 Baltimore City Code
20 (Edition 2000)
- 21 BY repealing and reordaining, with amendments
22 Article 11 - Labor and Employment
23 Section(s) 17-1(c)
24 Baltimore City Code
25 (Edition 2000)
- 26 BY repealing and reordaining, with amendments
27 Article 13 - Housing and Urban Renewal
28 Section(s) 2B-13(b) and 18-3(d)
29 Baltimore City Code
30 (Edition 2000)
- 31 BY repealing and reordaining, with amendments
32 Article 15 - Licensing and Regulation
33 Section(s) 10-1(b), (c), and (d), 10-2, 10-6(a)(1) and (c), and 15-5(b)
34 Baltimore City Code
35 (Edition 2000)
- 36 BY repealing and reordaining, with amendments
37 Article 19 - Police Ordinances
38 Section(s) 40-1(d)(2)(ii)
39 Baltimore City Code
40 (Edition 2000)

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1 BY repealing and reordaining, with amendments

2 Article 22 - Retirement Systems
3 Section(s) 9(a)(2)(i) and 9.2(m)(4)(v)(A)
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing and reordaining, with amendments

7 Article 22A - Retirement Savings Plan
8 Section(s) 2-7(a)(2) and (c)(2) and 2-10(c)
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and reordaining, with amendments

12 Article 28 - Taxes
13 Section(s) 10-8(e)(1), 10-19(e)(1) and (g)(2)(ii)(B), and 10-30(a)(4) and (c)
14 Baltimore City Code
15 (Edition 2000)

16 BY repealing and reordaining, without amendment

17 Article 28 - Taxes
18 Section(s) 10-19(h)(1)
19 Baltimore City Code
20 (Edition 2000)

21 BY repealing and reordaining, with amendments

22 Article 31 - Transit and Traffic
23 Section(s) 13-7(f), 13-9(b) and (c), and 15-13(b), ~~and 31-1(d)(1)~~
24 Baltimore City Code
25 (Edition 2000)

26 BY repealing and reordaining, with amendments

27 Ordinance 15-326
28 Short Title, First Recital Paragraph, and Section 2

29 BY repealing and reordaining, with amendments

30 Ordinance 14-257
31 Section 1(1) (Plan ¶B.2.a.(4)(f)(3rd par.)), Section 1(3) (Plan ¶B.2.b.(2)(c)),
32 and Section 1(7) (Plan Exhibit 3)

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

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Baltimore City Revised Code

Article – Health

Title 12. Tobacco Products

Subtitle 7. Smoking in Vendor Trucks

§ 12-701. Definitions.

(c) *Smoke.*

[“Smoke” means to inhale, burn, or carry any lighted cigarette, cigar, pipe tobacco, or other tobacco, weed, or plant product of any kind.] “SMOKE” HAS THE MEANING STATED IN § 12-101 {“DEFINITIONS”} OF THIS TITLE.

COMMENT: Conforms this subtitle to the changes made by Ord. 14-310 to Subtitle 1 {“Indoor Smoking”}, Subtitle 4 {“Placement of Tobacco Products and Smoking Devices”}, Subtitle 5 {“Distribution to Minors”}, and Subtitle 8 {“Smoking Near Playgrounds”} of this title – each of which were amended by Ord. 14-310 to equate the use of so-called “electronic cigarettes” to the smoking of tobacco products. Ord. 14-310 and the ordinance that enacted this subtitle (Ord. 14-237) were contemporaneous legislative enactments, but with different purposes and assigned to different committees. The failure of Ord. 14-310 to amend this subtitle was evidently an inadvertent oversight.

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 20. Baltimore City Commission for Women

§ 20-2. Terms, compensation, vacancies.

(b) *Compensation; expenses.*

[Members] THE MEMBERS of the Commission:

(1) [are not entitled to] SERVE WITHOUT compensation [for their services]; but

(2) are entitled to reimbursement for REASONABLE expenses incurred IN THE PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord. 15-408.)

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Subtitle 22. Children, Youth, and Families

§ 22-6. Terms, organization, meetings, etc.

(b) *Compensation; EXPENSES.*

[Members] THE MEMBERS of the Commission:

(1) [are not entitled to] SERVE WITHOUT compensation [for service on the Commission]; but

(2) are entitled to reimbursement for REASONABLE expenses incurred IN THE PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (*Cf.* Article 6, § 2-5(b), as enacted by Ord. 15-408.)

Subtitle 40. Environmental Control Board

§ 40-1. Definitions.

(c) *Code Enforcement Officer.*

“Code Enforcement Officer” means:

(1) A BALTIMORE CITY POLICE OFFICER;

(2) A SPECIAL ENFORCEMENT OFFICER APPOINTED UNDER CITY CODE ARTICLE 19, § 71-1 {“SPECIAL ENFORCEMENT OFFICERS: APPOINTMENT; DUTIES”}; OR

(3) [a] ANY City employee who:

(I) [(1)] is in a position of trust, as defined by the Administrative Manual AM-237-1; and

(II) [(2)] has been authorized by his or her agency head to issue environmental citations under this subtitle.

COMMENT: For clarity – and to conform with the similar usage elsewhere (*see* § 41-1(c) {“Civil Citations: Enforcement officer”} of this article) – this amendment identifies, under the collective term “Code Enforcement Officer”, *all* of the persons expressly authorized by law to issue environmental citations. Special Enforcement Officers were so authorized by Ord. 98-359, City police officers by Ord. 12-084.

(f) *Person.*

“Person” means:

(1) an individual;

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1 **COMMENT:** Art. 19, §§ 50-57 and 50-58 were repealed by Ord. 09-149. Art. 19, § 50-26
2 was repealed by Ord. 15-435.

3 **Subtitle 51. Baltimore City Veterans Commission**

4 **§ 51-4. Terms, compensation, vacancies.**

5 (b) *Compensation; expenses.*

6 [Members] THE MEMBERS of the Commission:

7 (1) [are not entitled to] SERVE WITHOUT compensation [for their services]; but

8 (2) are entitled to reimbursement for REASONABLE expenses incurred IN THE
9 PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

10 **COMMENT:** Conforms subsection to the standard locution recently recommended by the
11 Law Department and adopted by Ordinance. (*Cf.* Article 6, § 2-5(b), as enacted by Ord.
12 15-408.)

13 **Subtitle 52. Baltimore City Hispanic Commission**

14 **§ 52-3. Terms, compensation, vacancies.**

15 (b) *Compensation; expenses.*

16 [Members] THE MEMBERS of the Commission:

17 (1) [are not entitled to] SERVE WITHOUT compensation [for their services]; but

18 (2) are entitled to reimbursement for REASONABLE expenses incurred IN THE
19 PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

20 **COMMENT:** Conforms subsection to the standard locution recently recommended by the
21 Law Department and adopted by Ordinance. (*Cf.* Article 6, § 2-5(b), as enacted by Ord.
22 15-408.)

23 **Subtitle 55. Mayor’s Anti-Animal Abuse Advisory Commission**

24 **§ 55-4. Terms, compensation, vacancies.**

25 (b) *Compensation; expenses.*

26 [Members] THE MEMBERS of the Advisory Commission:

27 (1) [are not entitled to] SERVE WITHOUT compensation [for their services]; but

28 (2) are entitled to [timely] reimbursement for REASONABLE expenses incurred IN THE
29 PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

30 **COMMENT:** Conforms subsection to the standard locution recently recommended by the
31 Law Department and adopted by Ordinance. (*Cf.* Article 6, § 2-5(b), as enacted by Ord.
32 15-408.)

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Article 2. Consumer Protections

[Subtitle 15. Weights and Measures]

[§ 15-1. National standards adopted.]

[The standards for weights and measures in the City of Baltimore, except as may be otherwise provided by law, shall be the same as the standards for weights and measures of the United States of America.]

[§ 15-2. Sets of weights and measures.]

[(a) *Office standards.*]

[A complete set of standards of weights and measures, certified in accordance with the Agriculture Article, Annotated Code of Maryland, shall be procured by the Mayor and City Council of Baltimore and shall be kept at all times in the offices of the Department of Public Works, and said set of standards shall be known as “office standards”.]

[(b) *Working standards.*]

[(1) In addition, the Mayor and City Council of Baltimore shall procure such other weights, measures, and apparatus as may be found necessary, from time to time, to carry out the provisions of this subtitle, and these weights, measures, and apparatus shall be in conformity with the office standards and shall be known as “working standards”.]

[(2) The working standards shall be compared with the office standards at least once in each year.]

[(c) *Use of either set authorized.*]

[Either the office or working standards shall be used in making comparisons of weights, measures, and weighing or measuring devices submitted for test or comparison at the offices of the Department of Public Works.]

[§ 15-3. Rules and regulations.]

[(a) *Public Works to adopt; compliance required.*]

[(1) The Director of Public Works is hereby authorized and empowered to adopt and promulgate rules and regulations in connection with, and in order to properly enforce, the provisions of this subtitle.]

[(2) Every person, firm, or corporation shall comply with such rules and regulations.]

[(b) *Filing with Legislative Reference.*]

[Copies of such rules and regulations shall be filed with the Baltimore City Department of Legislative Reference.]

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1 [(c) *Scope.*]

2 [(1) Such rules and regulations may include specifications and tolerances for all weights,
3 measures, weighing and measuring devices, which shall be designed to eliminate
4 from use, without prejudice to apparatus which conforms as lawfully as practicable to
5 the official standards, apparatus which are not accurate, or which are of such
6 construction that they are not reasonably permanent in their adjustment, or which will
7 not repeat their indications correctly, or which facilitate the perpetration of fraud.]

8 [(2) For the purposes of this subtitle, apparatus shall be deemed to be correct when it
9 conforms to all applicable requirements promulgated or specified in this section. All
10 other apparatus shall be deemed to be incorrect.]

11 **[§ 15-4. Supervision by Public Works; new or altered devices.]**

12 [(a) *Public Works to supervise; exception.*]

13 [The Department of Public Works shall have and maintain general supervision over all
14 weights and measures and weighing and measuring devices offered for sale, sold, or in
15 use in the City of Baltimore, except with respect to the weighing and measuring of milk
16 and fluid dairy products as provided in the Agriculture Article of the Annotated Code of
17 Maryland.]

18 [(b) *Notice to Public Works of new or altered devices.*]

19 [(1) Any person who is responsible for the final stages of introducing a new device, or
20 reintroducing any repaired, rebuilt, or altered device, into the channels of trade or
21 service shall furnish the Director of Public Works a notice in writing prior to the use
22 of such device in the City of Baltimore.]

23 [(2) The notice shall contain:

24 (i) the names and addresses of all persons involved in the transaction;

25 (ii) the place of installation of the device;

26 (iii) a description of the device; and

27 (iv) the model and serial number of the device if obtainable.]

28 **[§ 15-5. Inspection service fees.]**

29 [(a) *In general.*]

30 [It shall be unlawful for any person, firm, association, or corporation to operate a
31 measuring or weighing device, as defined in this subtitle, without first having paid certain
32 charges, as established herein, for the inspection service provided by the Bureau of
33 Construction Management.]

34 [(b) *Annual fees.*]

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1 [The annual charge imposed hereunder for the inspection services of each weighing or
2 measuring device shall be as follows:

3 (1) \$4.50 for scales of nominal capacity to weigh items up to 31 pounds, sometimes
4 referred to as spring balance scales or huckster scales.

5 (2) \$15 for scales of nominal capacity to weigh items up to 61 pounds, such as
6 computing scales, counter scales, personal weighing scales, and spring balance
7 scales.

8 (3) \$30 for scales of a nominal capacity to weigh items up to 7,500 pounds, such as
9 platform scales, beam scales, truck scales, and hopper scales.

10 (4) \$75 for scales of a nominal capacity to weigh items of a weight above 7,500
11 pounds, such as vehicular scales.

12 (5) \$37.50 for tank trucks and tank truck meters or tank truck liquid measuring
13 devices.

14 (6) \$7.50 for retail or commercial fuel pumps or liquid fuel measuring devices, such
15 as commercial gasoline pumps and pumps for kerosene or diesel fuel.

16 (7) \$150 for wholesale liquid measuring devices, such as bulk meters.]

17 [(c) *Penny scales excepted.*]

18 [Notwithstanding other provisions of this section, no inspection service fee shall be
19 imposed with respect to weighing devices activated by insertion of a single penny.]

20 [(d) *Operator liable for fee.*]

21 [The operator of any measuring or weighing device shall be liable for the payment of any
22 and all charges imposed under this subtitle.]

23 [(e) *Collection; proration.*]

24 [(1) All charges imposed under this subtitle shall be collected by the Director of
25 Finance.]

26 [(2) Such annual charges shall be due on January 1 of each year, provided, however, that
27 any weighing or measuring device placed in service after January 1, 1972, shall be
28 charged inspection fees as follows:

29 (i) for a weighing and measuring device placed in service after January 1 and
30 before April 1 of any year, the charge shall be that prescribed for the entire
31 year;

32 (ii) for a weighing and measuring device placed in service after March 31 and
33 before July 1 of any year, the charge shall be $\frac{3}{4}$ of that prescribed for the
34 entire year;

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1 (iii) for a weighing and measuring device placed in service after June 30 and
2 before October 1 of any year, the charge shall be ½ of that prescribed for the
3 entire year; and

4 (iv) for a weighing and measuring device placed in service after September 30 of
5 any year, the charge shall be ¼ of that prescribed for the entire year.]

6 [(3) All inspection charges shall be due and payable as of the date of the weighing and
7 measuring device is placed in service.]

8 [(4) In the event any payment is not made in full within 30 days after it becomes due and
9 payable:

10 (i) the operator of such measuring or weighing device shall be assessed by the
11 Director of Finance:

12 (A) the amount of the charge due;

13 (B) interest at the rate of 1/2% per month or any fraction thereof; and

14 (C) a penalty of 10% of the charge due; and

15 (ii) the interest and penalty shall be collected as a part of the charge itself.]

16 [(f) *Rules and regulations.*]

17 [In order to properly carry and enforce the provisions of this subtitle and to collect the
18 charges imposed under this subtitle, the Director of Finance is hereby authorized and
19 empowered to promulgate, from time to time, such rules and regulations as he may deem
20 necessary or proper:

21 (1) to carry out and enforce the provisions of this subtitle;

22 (2) to fully collect the charges imposed under this subtitle; and

23 (3) to define or construe any of the terms and provisions used in this subtitle in
24 connection with the imposition or collection of said charges.]

25 [(g) *Powers of Director of Finance.*]

26 [In addition to the powers granted to the Director of Finance in subsection (f), he is
27 hereby authorized and empowered:

28 (1) to compromise disputed claims in connection with the charges imposed by this
29 subtitle, and for good and sufficient cause shown to remit interest and penalties;

30 (2) to refund the amount of any overcharge or any charge paid in error, upon receipt
31 of an application indicating such overcharge or error within 3 years from the date
32 the charge is paid and in such form as may be required or approved by the
33 Director of Finance; and

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(3) to extend, for good cause shown, the time for remitting any charges required to be paid under this subtitle for such period of time as he may deem reasonable.]

[§ 15-6. Public Works to enforce State provisions.]

[When not otherwise provided by law, the Department of Public Works shall have, enforce, exercise and abide by all the conditions, powers, penalties, stipulations, orders, and directions set forth in the Agriculture Article of the Annotated Code of Maryland with respect to the Weights and Measures Law of Maryland.]

COMMENT: This subtitle is obsolete. It has long been superseded (if not outright preempted) by the provisions of what is now State Agriculture Article, Title 11 {"Weights and Measures"}. That title governs the standards for and the sale, use, and supervision of weights and measures statewide.

Some 40 years ago, when these City provisions were last amended (Ord. 76-066), State law expressly recognized the authority of Baltimore City to administer and enforce its own regulatory program (cf. former State Code Art. 97, § 36; later former State Ag. Art. § 11-204). The State law also then authorized certain of the State’s larger counties to enforce the State law concurrently with the State Secretary of Agriculture (cf., e.g., former State Code Art. 97, §§ 6, 13, and 17; later former State Ag. Art. §§ 11-202, 11-203, and 11-205).

In 1983, however, the General Assembly repealed then State Ag. Art. § 11-204, returning governance of weights and measures in Baltimore City to the plenary authority of the State (Ch. 619, Acts of 1983). And, 3 years later, the General Assembly repealed the then remaining provisions of Title 11 that authorized concurrent enforcement by certain larger subdivisions (Ch. 182, Acts of 1986).

In the end, the governing State law no longer refers, expressly or implicitly, to any possible role that Baltimore City (or any other local jurisdiction) can play in the regulation of weight and measures. Nor, as a practical matter, is the City’s Department of Public Works currently aware of any such role for it to play.

Article 4. Community Relations

Subtitle 2. Community Relations Commission

§ 2-2. Organization.

(c) *Compensation; EXPENSES.*

The members OF THE COMMISSION:

- (1) serve without compensation[,]; but
- (2) are entitled to reimbursement for [all] REASONABLE expenses [necessarily] incurred IN THE PERFORMANCE OF THEIR DUTIES, AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord. 15-408.)

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Article 5. Finance, Property, and Procurement

Subtitle 21. Public Art

§ 21-8. Compensation and expenses; staff.

(a) *Compensation; expenses.*

The members of the Commission:

- (1) [receive no] SERVE WITHOUT compensation [for their service on the Commission];
but
- (2) are entitled to reimbursement for [necessary and proper] REASONABLE expenses incurred in [performing] THE PERFORMANCE OF their duties, [on the Commission] AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord. 15-408.)

Subtitle 29. Commercial Non-Discrimination Policy

§ 29-10. Hearings.

(c) Consistent with the [Maryland] STATE Public Information Act, TITLE 4 OF THE STATE GENERAL PROVISIONS ARTICLE, and WITH the State Open Meetings Act, TITLE 3 OF THE STATE GENERAL PROVISIONS ARTICLE, the hearing examiner may issue protective orders for good cause for the following reasons:

- (1) to limit, or otherwise impose conditions on, access by any person to any document in the possession of a party, including [an] A document in the City’s possession or in the record of the hearing that is not a public record; or
- (2) to close all or any portion of the hearing, or otherwise impose conditions on access to the hearing by any person.

COMMENT: Inserts statutory citations for the two referenced Acts, and corrects a typographical error.

Subtitle 30. Health Care Services Providers

§ 30-2. Prequalification requirements.

(a) *Prequalification criteria.*

- (1) Any person who submits to the City a bid or who contracts with the City to be a health care carrier or to provide health care services to Baltimore City employees or persons receiving health care through any entity funded by the City [shall] MUST prequalify pursuant to [the terms of] CITY CHARTER Article VI, [§ 11(f)] § 11(G) [of the City Charter,] and [such] THE rules, regulations, and standards [as are established,

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1 maintained, and modified] ADOPTED by the Board of Estimates [of the City of
2 Baltimore].

3 **Comment:** Corrects an erroneous cross-reference and deletes surplusage.

4 **Article 7. Natural Resources**

5 **Division I: Floodplain Management**

6 **Subtitle 1. Definitions; General Provisions**

7 **§ 1-3. Definitions – “Floodproofing” to “Wet floodproofing”.**

8 (j) *New construction.*

9 (3) *“Permanent construction”.*

10 As used in paragraph (2) of this subsection, “permanent construction” does not
11 include:

12 (i) land preparation, such as clearing, grading, and filling;

13 (ii) the installation of streets and walkways;

14 (iii) excavation for basements, footings, piers, or foundations; [or]

15 (iv) the erection of temporary forms; or

16 (v) the installation on the property of accessory structures.

17 **Comment:** Deletes an extraneous conjunction.

18 **Article 8. Ethics**

19 **Subtitle 3. Administration**

20 **§ 3-5. Meetings; compensation.**

21 (c) *Open meetings.*

22 All meetings of the Ethics Board must be conducted in accordance with the State Open
23 Meetings Act, [Title 10, Subtitle 5, of the State Government Article of the Maryland
24 Code] TITLE 3 OF THE STATE GENERAL PROVISIONS ARTICLE.

25 **COMMENT:** Corrects an outdated statutory citation.

26 (d) *Compensation; EXPENSES.*

27 [Members] THE MEMBERS of the Ethics Board:

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1 (1) serve without compensation; but

2 (2) are entitled to reimbursement [of] FOR reasonable expenses incurred IN THE
3 PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

4 **COMMENT:** Conforms subsection to the standard locution recently recommended by the
5 Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord.
6 15-408.)

7 **§ 6-27. Acceptance prohibited.**

8 Except as otherwise provided in this Part IV, a public servant may not knowingly accept any
9 gift, directly or indirectly, from any person that the public servant knows or has reason to
10 know:

11 ...
12 (5) is an owner, partner, officer, director, trustee, employee, or agent of any person
13 described in items (1) through (4) of this [subsection] SECTION.

14 **Comment:** Corrects erroneous nomenclature.

15 **§ 6-38. Participation in procurement.**

16 (a) Scope of section.

17 This section applies to:

18 (1) any individual who, for a proposed City procurement, assists a City agency in the
19 drafting, development, or issuance of specifications, an invitation for bids, a
20 request for proposals, a request for qualifications, or any other document related
21 to the procurement; and

22 (2) any person who employs that individual.

23 (b) Prohibited conduct.

24 A person described in subsection (a) of this section may not:

25 (1) submit a response for that procurement; or

26 (2) directly or indirectly, assist or represent another person [who is] IN submitting a
27 response for that procurement.

28 **COMMENT:** Clarifies, in conformity with the like prohibition in § 6-22 {“Post-
29 employment restrictions”}, that subsection (b)(2) of this section extends only to
30 assistance or representation in a specific matter that would itself constitute a conflict.

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Article 11. Labor and Employment

Subtitle 17. Retaliation for Human Trafficking Reports

§ 17-1. Definitions.

(c) *Human trafficking.*

“Human trafficking” means:

(1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform [such] A COMMERCIAL SEX act has not attained 18 years of age; or

(2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

COMMENT: Translates vague indirect reference into clear direct reference.

Article 13. Housing and Urban Renewal

Subtitle 2B. Inclusionary Housing Requirements

§ 2B-13. Board officers; expenses.

(b) *Compensation; EXPENSES.*

The members of the Board:

(1) [receive no] SERVE WITHOUT compensation [for services rendered as members of the Board]; but

(2) are entitled to reimbursement for [necessary and proper] REASONABLE expenses incurred in [performing] THE PERFORMANCE OF their duties, [as a member] AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord. 15-408.)

Subtitle 18. On-Site Utility Contractors

§ 18-3. On-Site Utility Contractors Board.

(d) *Compensation; expenses.*

The appointed members OF THE BOARD:

(1) serve without compensation[,]; but

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1 (2) [they] are entitled to reimbursement for REASONABLE expenses [necessarily]
2 incurred in the performance of their duties, AS PROVIDED IN THE ORDINANCE OF
3 ESTIMATES.

4 **COMMENT:** Conforms subsection to the standard locution recently recommended by the
5 Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord.
6 15-408.)

7 **Article 15. Licensing and Regulation**

8 **Subtitle 10. Hotels**

9 **§ 10-1. Definitions.**

10 (B) [(d)] *Hotel*.

11 “Hotel” means any building, including any motel, [containing] THAT CONTAINS sleeping
12 accommodations for more than 5 persons and IS open to the transient public.

13 (c) *Housing Department; Department*.

14 “Housing Department” or “Department” means the [Baltimore] City Department of
15 Housing AND COMMUNITY DEVELOPMENT.

16 (D) [(b)] *Human trafficking*.

17 “Human trafficking” means:

18 (1) sex trafficking in which a commercial sex act is induced by force, fraud, or
19 coercion, or in which the person induced to perform [such] A COMMERCIAL SEX
20 act has not attained 18 years of age; or

21 (2) the recruitment, harboring, transportation, provision, or obtaining of a person for
22 labor or services, through the use of force, fraud, or coercion for the purpose of
23 subjection to involuntary servitude, peonage, debt bondage, or slavery.

24 **COMMENT:** Reorganizes definitions into alphabetical order; clarifies syntax; corrects
25 reference to the regulatory agency; and translates a vague indirect reference into a clear
26 direct reference.

27 **§ 10-2. Registration required.**

28 No person may operate a hotel in Baltimore City without first registering the hotel with the
29 HOUSING Department [of Housing] on the form required by [the] THAT Department.

30 **COMMENT:** Conforms textual terminology to that of the applicable definition.

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1 **§ 10-6. Anti-trafficking training required.**

2 (a) *Hotel employees to be trained.*

3 (1) Any person who owns or operates a hotel within the City must provide [training to]
4 all new hotel employees, within 30 days of hire, TRAINING on how to identify human
5 trafficking activities and human trafficking victims.

6 **COMMENT:** Places noun and applicable modifier in closer proximity, for clarity of
7 meaning.

8 (c) *Certification required.*

9 Beginning in calendar year 2016, any person who owns or operates a hotel within the
10 City must annually certify to the Housing Commissioner, no later than August 1 of each
11 year, that all [of their] HOTEL employees have completed the training required by this
12 section.

13 **COMMENT:** Corrects noun-pronoun disagreement.

14 **Subtitle 15. Street Entertainers**

15 **§ 15-5. Board officers; expenses.**

16 (b) *Compensation; EXPENSES.*

17 The members of the Board:

18 (1) [receive no] SERVE WITHOUT compensation [for services rendered as members of
19 the Board]; but

20 (2) are entitled to reimbursement for [necessary and proper] REASONABLE expenses
21 incurred in [performing] THE PERFORMANCE OF their duties, [as a member] AS
22 PROVIDED IN THE ORDINANCE OF ESTIMATES.

23 **COMMENT:** Conforms subsection to the standard locution recently recommended by the
24 Law Department and adopted by Ordinance. (*Cf.* Article 6, § 2-5(b), as enacted by Ord.
25 15-408.)

26 **Article 19. Police Ordinances**

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

28 **§ 40-1. Definitions.**

29 (d) *Minibike.*

30 (2) “Minibike” does not include:
31 . . .

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1 (ii) a motor scooter, as defined in State Transportation Article [§ 11-134.4]
2 § 11-134.5.

3 **COMMENT:** Corrects mistaken cross-reference, conforming to the correct reference that
4 appears in the otherwise identical subsection (c)(3)(ii) of this section.

5 Article 22. Retirement Systems

6 Subtitle – Employees’ Retirement System

7 § 9. Class C membership.

8 (a) General provisions.

9 (2) Commencement of membership.

10 (i) In general.

11 [An] EXCEPT AS PROVIDED IN §§ 9.1 AND 9.2 OF THIS SUBTITLE, AN employee
12 whose employment with the City begins on or after July 1, 1979, with the
13 exception of an employee who is required to join another City retirement plan,
14 will become a Class C member of this System on the 1st annual anniversary of the
15 date on which his or her employment began.

16 **COMMENT:** Under §§ 9.1 and 9.2, persons first employed or reemployed on or after July
17 1, 2014, are not eligible to become Class C members, though they do have the option of
18 becoming Class D members. This amendment, then, is to provide a clarifying cross-
19 reference.

20 § 9.2. Class D membership.

21 (m) Non-line-of-duty death benefit.

22 (4) 40% survivorship death benefit.

23 (v) Qualifications and priorities of potential beneficiaries.

24 (A) The benefit shall be paid as follows:

25 1. to the member’s designated beneficiary, if that designated beneficiary
26 is:

27 a. the member’s surviving spouse, to continue for the spouse’s
28 lifetime or until the spouse remarries before age 70; or

29 b. the member’s minor children, to be paid to each child, in equal
30 shares, until that child is no longer a minor, as defined in
31 § 47(h) of this article;

32 2. if the designated beneficiary is not one of the persons listed in [sub-
33 subparagraph (A) of this subparagraph] ITEM 1. OF THIS SUB-

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1 SUBPARAGRAPH and that beneficiary predeceases the member, or if
2 there is no designated beneficiary, then to the member’s surviving
3 spouse, to continue for the spouse’s lifetime or until the spouse
4 remarries before age 70; or

5 3. if there is no qualifying surviving spouse under [sub-subparagraph (A)
6 or (B) of this subparagraph] ITEM 1. OR 2. OF THIS SUB-
7 SUBPARAGRAPH, or if the surviving spouse remarries before age 70 or
8 dies, then to the member’s minor children, to be paid to each child in
9 equal shares until that child is no longer a minor, as defined in § 47(h)
10 of this article.

11 COMMENT: Corrects internal cross-references.

12 **Article 22A. Retirement Savings Plan**

13 **Subtitle 2. Administration**

14 **§ 2-7. Meetings; Voting; Records.**

15 (a) *Meetings.*

16 (2) All meetings of the Board must be conducted in accordance with the State Open
17 Meetings Act, [(State Government Article, Title 10, Subtitle 5)] TITLE 3 OF THE
18 STATE GENERAL PROVISIONS ARTICLE.

19 (c) *Records.*

20 (2) These records are open to public inspection in accordance with the State Public
21 Information Act, [(State Government Article, Title 10, Subtitle 6, Part III)] TITLE 4 OF
22 THE STATE GENERAL PROVISIONS ARTICLE.

23 COMMENT: Corrects outdated statutory citations.

24 **§ 2-10. Compensation; Expenses.**

25 (c) *Expenses*

26 All voting and non-voting [trustees] TRUSTEES are entitled to reimbursement [of] FOR
27 reasonable [and necessary] expenses incurred [through their service on the Board] IN THE
28 PERFORMANCE OF THEIR DUTIES.

29 COMMENT: Conforms these provision to the applicable elements of the standard locution
30 recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6,
31 § 2-5(b), as enacted by Ord. 15-408.)

32 **Article 28. Taxes**

33 **Subtitle 10. Credits**

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1 **§ 10-8. Historic improvements, restorations, and rehabilitations.**

2 (e) *Amount of credit – In general.*

3 (1) *Calculation adjustments.*

4 The calculations specified in paragraphs (2) and (3) of this subsection are subject to:

5 (i) the reduction required by paragraph (5) of this subsection; and

6 (ii) the limitations imposed by[: (A) paragraph (6) of this subsection; and (B)
7 subsection (f) of this section] SUBSECTIONS (F) AND (F-2) OF THIS SECTION.

8 COMMENT: Ordinance 16-454 amended this section to, among other things, substitute a
9 new subsection (f-2) for the like provisions of former subsections (e)(6) and (f)(5). This
10 amendment corrects an overlooked (and now obsolete) cross-reference to former
11 subsection (e)(6).

12 **§ 10-19. Urban agricultural property.**

13 (e) *Application and certification.*

14 (1) A property owner seeking to obtain and annually maintain a credit under this section
15 must:

16 (i) at LEAST 90 days before the 1st tax year for which the credit is sought, file an
17 application for the credit with the Sustainability Office; and

18 (ii) at least 90 days before each subsequent tax year during the term of the credit,
19 file with the Sustainability Office a certification that the property continues to
20 be used for urban agricultural purposes and to meet all other qualification for
21 the credit.

22 (g) *Continuous agricultural use required.*

23 (2) *Good-cause waiver of interest and penalties.*

24 (ii) The property owner has the burden to demonstrate that:

25 . . .

26 (B) the owner otherwise meets the requisite criteria for a waiver, as
27 established in the rules and regulations adopted under subsection
28 [(h)(1)(i)] (H)(1)(II) of this section.

29 (h) *Administration.*

30 The Director of Finance, after consultation with the Sustainability Office:

31 (1) shall adopt rules and regulations to carry out this section, including:

32 (i) the procedures, forms, and documentation required to apply for the credit
33 and to periodically evidence continuing eligibility for the credit; and

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(ii) the procedures and governing criteria for obtaining a surcharge waiver under subsection (g)(2) of this section;

.....

COMMENT: Inserts a word inadvertently omitted from subsection (e)(1)(i); and corrects an erroneous cross-reference in subsection (g)(2)(ii)(B). (Subsection (h)(1) shown for context of corrected cross-reference.)

§ 10-30. Food Desert Incentive Areas (Personal Property Tax Credit).

(a) *Definitions.*

(4) *Food Retail Incentive Area.*

“Food Desert Incentive Area” means any area ~~that is:~~

- (i) ~~THAT IS~~ a food desert; ~~or~~
- (ii) ~~THAT IS~~ within ¼ mile of a food desert~~}; or~~
- (iii) ~~Any area~~ that would be a food desert but for the presence of a qualified supermarket~~};~~

(c) *Qualifications for credit.*

To qualify for the credit granted by this section, a qualified supermarket must:

- (1) be located ~~either:~~
 - ~~(i) in a Food Desert [Retail] Incentive Area; or~~
 - ~~(ii) IN AN AREA THAT WOULD BE A FOOD DESERT INCENTIVE AREA BUT FOR THE PRESENCE OF THAT QUALIFIED SUPERMARKET;~~
- (2) have expended on new personal property an amount equal to the greater of:
 - (i) \$150,000; or
 - (ii) \$25 per square foot of total floor space;
- (3) have at least 500 square feet of total floor space dedicated to the sale of fruits and vegetables; and
- (4) have at least 500 square feet of total floor space dedicated to the sale of other perishable goods, including meat, seafood, and dairy products~~}; and~~].

COMMENT: ~~Corrects ambiguities and other errors made by incomplete and otherwise poorly drafted amendments to Ord. 15-434, amendments that were submitted to and adopted by Committee (and, then, by the Council) without prior submission to or vetting by the Department of Legislative Reference.~~

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COMMENT: Corrects ambiguities and other errors in Ord. 15-434, for the most part generated by improperly drafted amendments submitted to and adopted by Committee (and, then, by the Council) without prior vetting by the Department of Legislative Reference.

Article 31. Transit and Traffic

Subtitle 13. Baltimore City Parking Authority

§ 13-7. Board of Directors — In general.

(f) *Compensation; expenses.*

THE MEMBERS OF THE BOARD:

(1) [A member may not receive] SERVE WITHOUT compensation[.]; BUT

(2) [The Board may establish rules governing payment of or] ARE ENTITLED TO reimbursement for REASONABLE expenses incurred [by a member in the discharge of his or her duties] IN THE PERFORMANCE OF THEIR DUTIES, AS PROVIDED IN THE BOARD’S RULES GOVERNING EXPENSES.

COMMENT: Conforms these provision to the applicable elements of the standard location recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord. 15-408.)

§ 13-9. Board of Directors — Quorum; open meetings; public records.

(b) *Open meetings.*

All meetings of the Board must be conducted in accordance with the State Open Meetings Act, TITLE 3 OF THE STATE GENERAL PROVISIONS ARTICLE.

(c) *Public records.*

All records of the Authority must be open to public inspection in accordance with the State Public Information Act, TITLE 4 OF THE STATE GENERAL PROVISIONS ARTICLE.

COMMENT: Inserts the newly modified statutory citations for the two referenced Acts.

Subtitle 15. BMore Streets for People

§ 15-13. Terms; Compensation; Vacancies.

(b) *Compensation; expenses.*

[Members] THE MEMBERS of the Advisory Board:

(1) [are not entitled to] SERVE WITHOUT compensation [for their services]; but

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(2) are entitled to reimbursement for REASONABLE expenses incurred IN THE PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord. 15-408.)

Subtitle 31. ~~Clear Streets and Impoundment~~

~~§ 31-1. Definitions.~~

~~(d) Private property.~~

~~(1) “Private property” shall include all property not included within subsection [(f)] (E) where the owner can be readily ascertained by reference to the records of the Bureau of Assessments or elsewhere.~~

~~**COMMENT:** Corrects an erroneous cross-reference.~~

SECTION 2. AND BE IT FURTHER ORDAINED, That the Short Title, First Recital Paragraph, and Section 2 of Ordinance 15-326 are amended to read as follows:

{Short Title:}

Urban Renewal – Coldspring Neighborhood Development Program – Amendment [10] 11

{First Recital Paragraph:}

The Urban Renewal Plan for Coldspring Neighborhood Development Program was originally approved by the Mayor and City Council of Baltimore by Ordinance 73-242 and last amended by Ordinance [97-175] 07-385.

{Section 2:}

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Coldspring Neighborhood Development Program, as amended by this Ordinance and identified as “Urban Renewal Plan, Coldspring Neighborhood Development Program, revised to include Amendment [10] 11, dated October 27, 2014”, is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

COMMENT: In assigning an amendment number to Ord. 15-326, the latest formal amendment to the Urban Renewal Plan for the Coldspring Neighborhood Development Program, the Department of Planning failed to account for a preceding amendment (Ord. 07-385), which was already, and properly so, designated as “Amendment 10”. This corrects the numbering sequence.

SECTION 3. AND BE IT FURTHER ORDAINED, That Sections 1(1), 1(3), and 1(7) of Ordinance 14-257 {“Urban Renewal - Jonestown - Amendment 9”} are amended to read as follows:

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{Section 1(1) - Plan ¶B.2.a.(4)(f)(3rd par.), as amended by Ord. 14-257:}

The Floor Area Ratio (FAR) for Disposition Lots 33, 34, and 35 shall be 3.5. Building height for Disposition Lots 16, 36, and [59] 60 shall not exceed 95 feet, including mechanical equipment and all permitted appurtenances. Disposition Lot 37, original Hendler Building, is for rehabilitation only.

{Section 1(3) - Plan ¶B.2.b.(2)(c), as added by Ord. 14-257:}

The building height of the properties known as 1100 East Baltimore Street, 1110-1112 East Baltimore Street, 1101-1105 East Fayette Street, 1107-1133 East Fayette Street (Disposition Lot 36), the bed of Fairmount Avenue (Disposition Lot 16), and the bed of Aisquith Street (Disposition Lot [59] 60) shall not exceed 95 feet, including mechanical equipment and all permitted appurtenances.

{Section 1(7) - As amended by Ord. 14-257 to revise Plan Exhibit 3:}

(7) In the Plan, revise Exhibit 3, “Disposition”, to reflect change in the Disposition Lots. This Exhibit is also revised to add new Disposition Lot [59] 60, for a partial right-of-way of Aisquith, to the list of Disposition Lots as follows:

| <u>LOT NO.</u> | <u>LAND USE</u> | <u>AREA SQ. FT.</u> |
|----------------|-------------------|---------------------|
| <u>[59] 60</u> | <u>COMMERCIAL</u> | <u>+/- 2,200</u> |

COMMENT: Among other things, Ordinance 14-257 {“Urban Renewal - Jonestown - Amendment 9”} added a new Disposition Lot for a partial right-of-way of Asquith Street. In assigning number “59” to that Lot, however, the Department of Planning failed to account for an already existing Disposition Lot with the same number, previously added by Ordinance 99-567 {“Urban Renewal - Jonestown - Amendment 4”}. This amendment corrects the numbering sequence.

SECTION 4. 3. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 5. 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect when 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