

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, CITY SOLICITOR  
100 N. Holliday Street  
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Baltimore, Maryland 21202

November 15, 2017

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna B. Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 17-0144– Discounted City Services and Equipment for  
Nonprofit Events

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0144 for form and legal sufficiency. It adds “Subtitle 37. Nonprofit Event Discount” to Article 1 of the Code for the purpose of requiring that the City grant a 50% discount for City services and equipment used to support a nonprofit event.

Pursuant to its police powers, the City may charge regulatory fees provided that the amount charged is reasonable and no more than necessary to carry out the provisions of the regulation. *Ocean City v. Purnell-Jarvis, Ltd.*, 86 Md. App. 390, 404-06 (1991). The fees to which this bill’s discount apply, however, are only those which the City Council has the authority to enact by ordinance. It would not apply to fees set and charged by the Police Department, an agency and instrumentality of the State of Maryland. *See* Code of Public Local Laws of Baltimore City, Section 16-2. *See also*, Baltimore City Charter (Charter), Article II, § 27 (“... no ordinance of the City or act of a municipal officer, other than an act of the Mayor pursuant to Article IV of this Charter, shall conflict, impede, obstruct, hinder or interfere with the powers of the Police Commissioner.”). It would also be inapplicable to fees set pursuant to power conferred under the City Charter, such as fees which the Department of Recreation and Parks and the Board of Estimates have the authority to set. *See* Charter, Article VII, § 67(e) (Department of Recreation and Parks has power “to charge and collect fees for admission, services and the use of facilities, and rentals for the use of property controlled by the Department”); *see also*, Charter, Art. III, § 11 (Charter power cannot be modified by a provision in the City Code). To the extent that other fees for City services or equipment are set by the City Charter or by State law, they likewise are not required to be discounted pursuant to this bill. With this caveat, the Law Department approves the bill for form and legal sufficiency.

The Law Department notes, however, that it appears from a 2015 “Special Event Guidelines & FAQ” sheet prepared by the Department of General Services, that past administrative

practice has been to offer a 50% discount for City equipment items for special events which are sponsored by a Baltimore City based nonprofit and are free and open to the public. The discount did not apply to public safety services such as Fire and Police. If the intent of this bill is to exclude a discount for equipment or other services delivered by the Fire Department, it should be stated in the bill. As noted above, the discount is not applicable to Police services in any event.

Sincerely,



Jennifer Landis  
Assistant Solicitor

cc: Andre M. Davis, City Solicitor  
Karen Stokes, Director, Mayor's Office of Government Relations  
Kyron Banks, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Victor Tervalá, Chief Solicitor  
Hilary Ruley, Chief Solicitor