

**CITY OF BALTIMORE
COUNCIL BILL 19-0353
(Resolution)
(Charter Amendment)**

Introduced by: President Young, Councilmembers Middleton, Schleifer, Stokes, Scott, Cohen,
Burnett, Henry, Pinkett, Dorsey, Bullock, Reisinger, Clarke, Costello

Introduced and read first time: March 18, 2019

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of
Transportation, Baltimore City Information Technology, Baltimore Development Corporation

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

2 **Charter Amendment – Underground Conduit System –**
3 **Sale, Transfer, or Franchise Prohibited**

4 FOR the purpose of prohibiting the sale, transfer, or franchising of the City's underground conduit
5 system for cables, wires, and similar facilities; excepting this underground conduit system, its
6 operations and uses, from the Charter provisions otherwise authorizing the grant of franchises
7 or rights relating to the operation or use of public property or places; and submitting this
8 amendment to the qualified voters of the City for adoption or rejection.

9 BY proposing to amend

10 Article VIII - Franchises
11 Section 1
12 Baltimore City Charter
13 (1996 Edition)

14 **SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
15 City Charter is proposed to be amended to read as follows:

16 **Baltimore City Charter**

17 **Article VIII. Franchises**

18 **§ 1. Authority to grant.**

19 The title of the City in and to its waterfront, wharf property, land under water, public
20 landings, wharves and docks, streets, lanes, and parks, [and] its sewer system and water
21 supply system, as described in Article VII, §§ 33 and 34 of this Charter, AND ITS
22 UNDERGROUND CONDUIT SYSTEM FOR CABLES, WIRES, AND SIMILAR FACILITIES is hereby
23 declared to be inalienable.

24 With the exception of the City's sewer system [and], water-supply system, AND
25 UNDERGROUND CONDUIT SYSTEM FOR CABLES, WIRES, AND SIMILAR FACILITIES, the City may

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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1 grant for a limited time and subject to the limitations and conditions contained in the Charter,
2 specific franchises or rights in or relating to any of the public property or places mentioned in
3 the preceding sentence; provided that such grant is in compliance with the requirements of
4 the Charter, and that the terms and conditions of the grant shall have first been authorized and
5 set forth in an ordinance duly adopted.

6 Every such grant shall specifically set forth and define the nature, extent and duration of the
7 franchise or right thereby granted, and no franchise or right shall pass by implication under
8 any such grant; and, notwithstanding any such grant the City shall at all times have and retain
9 the power and right to reasonably regulate in the public interest the exercise of the franchise
10 or right so granted; and the City shall not have the power by grant or ordinance to divest itself
11 of the right or power so to regulate the exercise of such franchise or right.

12 **SECTION 2. AND BE IT FURTHER RESOLVED,** That this proposed amendment to the City
13 Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection,
14 in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the
15 City Solicitor.