

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 19-0424

Introduced by: President Scott
At the request of: Department of Legislative Reference
Introduced and read first time: August 19, 2019
Assigned to: Judiciary Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: December 5, 2019

AN ORDINANCE CONCERNING

Corrective Bill 2019 – General

- 1
- 2 FOR the purpose of correcting various errors and omissions in the City Code; correcting,
3 clarifying, and conforming certain inconsistent, superfluous, vague, and other unclear
4 language; and providing for a special effective date.
- 5 BY repealing and reordaining, with amendments
6 Article 1 - Mayor, City Council, and Municipal Agencies
7 ~~Section~~ Sections 8-3(b)(3 and 40-10(a)
8 Baltimore City Code
9 (Edition 2000)
- 10 BY repealing and reordaining, with amendments
11 Article 2 - Consumer Protections
12 Sections 1-11(b)(1) and 6-14(a)
13 Baltimore City Code
14 (Edition 2000)
- 15 BY repealing and reordaining, with amendments
16 Article 4 - Community Relations
17 Section 4-4(a)
18 Baltimore City Code
19 (Edition 2000)
- 20 BY repealing and reordaining, with amendments
21 Article 5 - Finance, Property, and Procurement
22 Section 29-14(a)
23 Baltimore City Code
24 (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 6 - Historical and Architectural Preservation
3 Section 9-1(a)
4 Baltimore City Code
5 (Edition 2000)
- 6 BY repealing and reordaining, with amendments
7 Article 7 - Natural Resources
8 Sections 8-7(a), 28-5(a), 28-11(a), and 35-11(a)
9 Baltimore City Code
10 (Edition 2000)
- 11 BY repealing and reordaining, with amendments
12 Article 8 - Ethics
13 Sections 2-22, 5-8(a), and 7-4(a)(2), 7-8(34), and 9-5.1(a), (b), (c), (d), and (e)(1)
14 Baltimore City Code
15 (Edition 2000)
- 16 BY adding
17 Article 8 - Ethics
18 Section 7-8(5)
19 Baltimore City Code
20 (Edition 2000)
- 21 BY repealing and reordaining, with amendments
22 Article 11 - Labor and Employment
23 Sections 4-8(a), 15-12(a), 16-26(a), and 18-7(j)(1)
24 Baltimore City Code
25 (Edition 2000)
- 26 BY repealing and reordaining, with amendments
27 Article 13 - Housing and Urban Renewal
28 Sections 4-1(f)(3), 4-8(a)(2), (b)(2), and (c), 5-6(5) and (6), and 7-3(c)(2)
29 Baltimore City Code
30 (Edition 2000)
- 31 BY repealing and reordaining, with amendments
32 Article 14 - Special Benefits Districts
33 Sections 16-6(3), 16-9(a)(3)(iv), and 16-12(c)
34 Baltimore City Code
35 (Edition 2000)
- 36 BY repealing and reordaining, with amendments
37 Article 15 - Licensing and Regulation
38 Sections 1-31(a), 9-19(a), 10-1(b), 11-10(b), 12-4(a)(1), (b)(1), and (c)(1), and (d), 12-10(b),
39 22-16(a), 41-10(a), ~~42-2(b)(2)~~ 42-2(b)(3) and (c), and 42-8
40 Baltimore City Code
41 (Edition 2000)

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- 1 BY repealing and reordaining, with amendments
- 2 Article 19 - Police Ordinances
- 3 Section 59-5(b)(2) and (3)
- 4 Baltimore City Code
- 5 (Edition 2000)

- 6 By repealing and reordaining, with amendments
- 7 Article 24 - Water
- 8 Section 2-21(i) {as amended by Ord. 19-308}
- 9 Baltimore City Code
- 10 (Edition 2000)

- 11 BY repealing and reordaining, with amendments
- 12 Article 25 - Sewers
- 13 Section 21-7(b)
- 14 Baltimore City Code
- 15 (Edition 2000)

- 16 BY repealing and reordaining, with amendments
- 17 Article 26 - Surveys, Streets, and Highways
- 18 Sections 8-6(a-1), 8A-8(c)(2), 10-8(a-1), 40-6, 40-17(b), 40-28(b), 40-29(b) and (c)(1),
- 19 40-31, 40-36, 40-39(b), 40-43(c), 40-50
- 20 Baltimore City Code
- 21 (Edition 2000)

- 22 BY repealing and reordaining, with amendments
- 23 Article 28 - Taxes
- 24 Sections ~~10-30(b)~~ 10-18.1(d)(intro) and 17-13(c)
- 25 Baltimore City Code
- 26 (Edition 2000)

- 27 BY repealing and reordaining, with amendments
- 28 Article 31 - Transit and Traffic
- 29 Section 22-31(b)
- 30 Baltimore City Code
- 31 (Edition 2000)

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

34 **Baltimore City Code**

35 **Article 1. Mayor, City Council, and Municipal Agencies**

36 **Subtitle 8. Whistleblower Rights and Responsibilities**

37 **§ 8-6. Complaint process.**

38 **(b) Supervisor responsibilities.**

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1 (3) Within 60 days after the supervisor received the complaint, the supervisor must
2 conduct an investigation and provide WRITTEN FINDINGS TO the whistleblower [with
3 written findings, as well as] AND TO the agency head or the appropriate appointing
4 authority.

5 COMMENT: Transfers a misplaced clause for clarity.

6 ***Subtitle 40. Environmental Control Board***

7 **§ 40-10. Judicial and appellate review.**

8 (a) *Judicial review.*

9 [Any] A person who, after having exhausted all administrative remedies available, is
10 aggrieved by a final decision of the Board UNDER THIS SUBTITLE may seek judicial review
11 of that decision by petition to the Circuit Court for Baltimore City in accordance with the
12 Maryland Rules of Procedure.

13 COMMENT: Clarifies scope of authorization.

14 **Article 2. Consumer Protections**

15 ***Subtitle 1. Auctions***

16 **§ 1-11. License suspension or revocation.**

17 (b) *Judicial and appellate review.*

18 (1) An auctioneer whose license is suspended or revoked UNDER THIS SUBTITLE may seek
19 judicial review of that action by petition to the Circuit Court for Baltimore City in
20 accordance with the Maryland Rules of Procedure.

21 COMMENT: Clarifies scope of authorization.

22 ***Subtitle 6. “Going Out of Business” Sales***

23 **§ 6-14. Judicial and appellate review.**

24 (a) *Judicial review.*

25 A person aggrieved by the denial or revocation of a license UNDER THIS SECTION
26 SUBTITLE may seek judicial review of that action by petition to the Circuit Court for
27 Baltimore City in accordance with the Maryland Rules of Procedure.

28 COMMENT: Clarifies scope of authorization.

29 COMMENT: Corrects misnomer in bill.

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Article 4. Community Relations

Subtitle 4. Enforcement

§ 4-4. Judicial and appellate review.

(a) *Judicial review.*

In a contested case, a respondent AGGRIEVED BY A FINAL DECISION OF THE COMMISSION may seek judicial review of [a final] THAT decision [of the Commission] by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization and otherwise conforms subsection to the locution of like provisions elsewhere.

Article 5. Finance, Property, and Procurement

Subtitle 29. Commercial Non-Discrimination Policy

§ 29-14. Judicial and appellate review.

(a) *Judicial review.*

A party aggrieved by a final decision of the Board of Estimates UNDER THIS SUBTITLE may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

Article 6. Historical and Architectural Preservation

Subtitle 9. Judicial Review and Enforcement

§ 9-1. Judicial and appellate review.

(a) *Judicial review.*

Within 30 days after the Building Official has approved, disapproved, or delayed an application for a permit, a person aggrieved by any decision of the Commission UNDER THIS ARTICLE may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

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Article 7. Natural Resources

Division I. Floodplain Management

Subtitle 8. Administrative and Judicial Review

§ 8-7. Judicial and appellate review.

(a) Judicial review.

A party aggrieved by a final decision of the Planning Department UNDER THIS DIVISION I may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

Division II. Stormwater Management

Subtitle 28. Enforcement; Reviews; Penalties

§ 28-5. Administrative review – In general.

(a) Right of appeal.

Any person aggrieved by the action of any official charged with the enforcement of this Division II, whether as the result of the disapproval of an application, the issuance of a violation notice, an alleged failure to properly enforce this Division II, or otherwise:

(1) may appeal the action to the Director of Public Works; and

(2) on timely request, is entitled to a [gearing] HEARING on that appeal.

COMMENT: Corrects transcription error.

§ 28-11. Judicial and appellate review.

(a) Judicial review.

A party aggrieved by a final decision of the Department UNDER THIS DIVISION II may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

Division III. Soil Erosion and Sediment Control

Subtitle 35. Enforcement; Reviews; Penalties

§ 35-11. Judicial and appellate review.

(a) Judicial review.

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1 A party aggrieved by a final decision of the Department UNDER THIS DIVISION III may
2 seek judicial review of that decision by petition to the Circuit Court for Baltimore City in
3 accordance with the Maryland Rules of Procedure.

4 COMMENT: Clarifies scope of authorization.

5 **Article 8. Ethics**

6 ***Subtitle 2. Definitions; General Provisions***

7 **§ 2-22. “Person”.**

8 “Person” means:

- 9 (1) an individual;
- 10 (2) a partnership, firm, association, corporation, or other entity of any kind;
- 11 (3) a receiver, trustee, guardian, personal representative, fiduciary, or representative of
12 any kind; [and] OR
- 13 (4) except as used in Subtitle 9 {“Enforcement”} of this article for the imposition of
14 criminal penalties, a governmental entity or an instrumentality or unit of a
15 governmental entity.

16 COMMENT: Amends the conjunction between items (3) and (4) for clarity and to
17 conform to standard usage in like definitions elsewhere.

18 ***Subtitle 5. Complaints***

19 **§ 5-8. Judicial and appellate review.**

20 (a) *Judicial review.*

21 [If the] A respondent [is] aggrieved by [the Ethics Board’s] A final decision OF THE
22 ETHICS BOARD UNDER THIS SUBTITLE[, the respondent] may seek judicial review of that
23 decision by petition to the Circuit Court for Baltimore City in accordance with the
24 Maryland Rules of Procedure.

25 COMMENT: Clarifies scope of authorization and otherwise conforms subsection to the
26 locution of like provisions elsewhere.

27 ***Subtitle 7. Financial Disclosure***

28 **§ 7-4. Public inspections.**

29 (a) *In general.*

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1 (2) The Ethics Board may not provide public access to a portion of a statement that IS
2 FILED ON OR AFTER JANUARY 1, 2019, AND THAT expressly identifies an individual’s
3 home address.

4 COMMENT: In paragraph (2), an inadvertently omitted limitation is inserted, conforming
5 this provision to the State law that mandated this paragraph’s initial enactment by
6 Ord. 19-239. (Cf., State General Provisions Article § 5-606(a)(3).) Absent this
7 limitation, the paragraph’s “shielding” requirement would apply to all of the thousands
8 of statements previously filed online over the past 5 years. And, given the practical
9 inability to “mask” each home address in those myriad statements, complying with the
10 “shielding” requirement would likely necessitate a complete shut down of any further
11 public viewing of the preexisting filings.

12 **§ 7-8. Persons required to file – Agency officials and staff.**

13 The following officials and employees must file the financial disclosure statements required
14 by this subtitle:

15 (5) *CIVILIAN REVIEW BOARD.*

16 (I) MEMBERS OF BOARD.

17 (II) BOARD ADMINISTRATOR.

18 **COMMENT:** (1) The Civilian Review Board is transferred from § 7-8(34) {“Police
19 Department”) to this stand-alone listing. The Board is not a unit of the Police
20 Department, nor is its jurisdiction limited to police officers of that Department. Rather,
21 as stated in Public Local Law § 16-42(a), the Board is established to as an “agency ...
22 through which ... complaints lodged ... regarding [certain alleged abuses] by *police*
23 *officers of a law enforcement unit* shall be processed, investigated ..., and evaluated; and
24 ... policies of a *law enforcement unit* may be reviewed”. The term “law enforcement
25 unit”, in turn, is broadly defined in PLL § 16-41(g) to encompass a number of local police
26 units other than the Police Department – e.g., “the Housing Authority of Baltimore
27 City Police”, “the Baltimore City Sheriff’s Department”, and “the “Police Department
28 of Morgan State University”.

29 (2) “Board Administrator” is added to conform to PLL § 16-43(f)(2), current
30 practice of this Board, and the universal inclusion elsewhere in this § 7-8 of the
31 “Director”, “Administrator”, “Executive Secretary”, or similar staff official of all other
32 listed boards and commissions.

33 (34) *Police Department.*

34 (i) Commissioner.

35 (ii) Deputy Commissioners.

36 (III) [(iv)] Commanding Officers.

37 [(v) Members of Civilian Review Board.]

38 (IV) [(vi)] All officers with rank of [Command Staff I] CAPTAIN or above.

39 (V) [(iii)] ALL CIVILIAN EMPLOYEES SERVING AS Section Directors OR ABOVE.

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1 COMMENT: Reorganizes and amends list, for clarity and to conform to administratively
2 modified rank designations. As to the deletion here of “Members of Civil Review
3 Board”, see proposed new item (5) of this section and accompanying Comment.

4 Subtitle 9. Enforcement

5 § 9-5.1. Overdue financial disclosure statements.

6 (a) Late fee.

7 (1) The ETHICS Board may assess a late fee of \$10 per day, up to an aggregate maximum
8 of \$1,000 per overdue statement, on any public servant who does not file a complete
9 financial disclosure statement on or before the date it is due.

10 (2) Within 30 days after any late fee is assessed under this subsection, a public servant
11 may file a written request with the ETHICS Board to reduce or waive the fee for good
12 cause.

13 (b) Notice to public servant.

14 If a public servant has failed to file a complete financial disclosure statement within 5
15 days of the date required under this article, the ETHICS Board must notify the public
16 servant in writing of the public servant’s noncompliance and of the potential
17 consequences under this section for continued noncompliance.

18 (c) 15-day notice.

19 (1) If a public servant has failed to file a complete financial disclosure statement within
20 15 days of the date required under this article, the ETHICS Board must notify the
21 public servant in writing of the public servant’s continued noncompliance and the
22 potential consequences of further continued noncompliance.

23 (2) A copy of the notice sent under this subsection must be sent to:

24 (I) the public servant’s agency head[.];

25 (II) THE Director of Human Resources[.]; and

26 (III) the City Solicitor.

27 (d) Referral to the Office of the Inspector General.

28 (1) If a public servant has failed to file a complete financial disclosure statement within
29 30 days of the date required under this article, the ETHICS Board must refer the matter
30 in writing to the Office of the Inspector General for investigation.

31 (2) A copy of the Board’s referral made under this subsection must be sent to:

32 (i) the public servant;

33 (ii) the public servant’s agency head;

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1 (iii) the Director of Human Resources; and

2 (iv) the City Solicitor.

3 (e) Referral for suspension.

4 (1) If a public servant has failed to file a complete financial disclosure statement within
5 60 days of the date required under this article, the ETHICS Board may refer the matter
6 to the public servant’s agency head, the Director of Human Resources, and the City
7 Solicitor, with a recommendation that the public servant be suspended from office
8 without pay until the financial disclosure statement is filed.

9 COMMENT: Corrects several incomplete references to the Baltimore City Board of Ethics.
10 (Note the difference between the standard “Ethics Board”, as defined in Art. 8, § 2-10,
11 and “Board”, as defined in Art, 8, § 2-3.) Also, in subsection (c)(2), conforms the
12 formatting to that in subsection (d)(2) and, for picturesqueness, inserts a missing “the”.

13 **Article 11. Labor and Employment**

14 ***Division I. Minimum Wage Law***

15 ***Subtitle 4. Enforcement Procedures***

16 **§ 4-8. Judicial and appellate review.**

17 (a) *Judicial review.*

18 A respondent aggrieved by an order of the Commission UNDER THIS DIVISION I may seek
19 judicial review of that order by petition to the Circuit Court for Baltimore City in
20 accordance with the Maryland Rules of Procedure.

21 COMMENT: Clarifies scope of authorization.

22 ***Division II. Miscellaneous Regulations***

23 ***Subtitle 15. Fair Criminal-Record Screening Practices***

24 **§ 15-12. Judicial and appellate review.**

25 (a) *Judicial review.*

26 A party aggrieved by [the] A final decision of the Community Relations Commission
27 UNDER THIS SUBTITLE may seek judicial review of that decision by petition to the Circuit
28 Court for Baltimore City in accordance with the Maryland Rules of Procedure.

29 COMMENT: Clarifies scope of authorization.

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Subtitle 16. Lactation Accommodations in the Workplace

§ 16-26. Judicial and appellate review.

(a) *Judicial review.*

A party aggrieved by [the] A final decision of the Community Relations Commission UNDER THIS SUBTITLE may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

Subtitle 18. Displaced Service Workers Protection

§ 18-7. Enforcement procedures.

(j) *Judicial and appellate review.*

(1) A respondent aggrieved by an order of the Commission UNDER THIS SUBTITLE may seek judicial review of that order by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

Article 13. Housing and Urban Renewal

Subtitle 4. Registration of Non-Owner-Occupied Dwellings, Rooming Houses, and Vacant Structures

§ 4-1. Definitions.

(f) *Person.*

(2) *Inclusions.*

“Person” includes, except as used in [§ 4-13] § 4-14 {“Penalties”} of this subtitle, a governmental entity or an instrumentality or unit of a governmental entity.

COMMENT: Conforms to recent renumbering of cited section.

§ 4-8. Registration fees.

(a) *Rooming houses.*

(2) *Increased fee.*

For any rooming house that has had the term of its rental dwelling license reduced under § 5-9(c) or (d) {“Rental dwellings: Tiered license terms”} of this article to a 1-year term, the annual registration fee under PARAGRAPH (1) OF this [section]

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SUBSECTION for each succeeding registration year beginning after the start of each 1-year rental dwelling license term is increased by an additional \$15 per rooming unit, which additional amount shall be deposited in the continuing, nonlapsing fund created by City Charter Article I, § 14 {"Affordable Housing Trust Fund"}.

(b) *Non-owner-occupied dwelling units.*

(2) *Increased fee.*

For any dwelling that has had the term of its rental dwelling license reduced under § 5-9(c) or (d) {"Rental dwellings: Tiered license terms"} of this article to a 1-year term, the annual registration fee under PARAGRAPH (1) OF this [section] SUBSECTION for each succeeding registration year beginning after the start of each 1-year rental dwelling license term is increased by an additional \$15 per dwelling or rooming unit, which additional amount shall be deposited in the continuing, nonlapsing fund created by City Charter Article I, § 14 {"Affordable Housing Trust Fund"}.

(c) *Vacant structures.*

Except as otherwise specified in this section, an annual registration fee, in addition to any fee that might also be required by subsection (a) OR (B) of this section, must be paid for vacant structures at the following rates:

- (1) for residential structures – \$100 per structure.
- (2) for all other structures – \$250 per structure.

COMMENT: In subsections (a)(2) and (b)(2), clarifies the cross-reference. In subsection (c), inserts inadvertently omitted cross-reference to subsection (b).

Subtitle 5. Licensing of Rental Dwellings

§ 5-6. Prerequisites for new or renewal license – In general.

A rental dwelling license may be issued or renewed under this subtitle only if:

(5) for premises that include a hotel or motel subject to City Code Article 15 {"Licensing and Regulation"}, Subtitle 10 {"Hotels"}, the hotel or motel is in compliance with the training, certification, and posting requirements of that subtitle; AND

(6) the premises are not subject to any violation notice or order that:

- (i) has been issued under the Baltimore City Building, Fire, and Related Codes Article; and
- (ii) notwithstanding the passage of more than 90 days since its issuance, has not been abated before the license issuance or renewal.

COMMENT: Inserts inadvertently omitted conjunction between items (5) and (6).

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Subtitle 7. Residential Lease Requirements

§ 7-3. Information required.

(c) *Additional required disclosures.*

(2) A tenant must also be given a copy of the brochure required by paragraph (1) of this subsection [at the time that]:

(i) AT THE TIME THAT a lawsuit is commenced by the owner or landlord against the tenant; and

(ii) if the Baltimore City Sheriff's Office is used to serve a summary ejection notice, at the time that notice is sent to the tenant.

COMMENT: Moves misplaced phrase.

Article 14. Special Benefits Districts

Subtitle 16. Bmore Safe Areas {a/k/a "Neighborhood Watch Areas"}

§ 16-6. General duties.

The Board shall:

(3) approve the design and specifications of the signs that the Department of Transportation [must provide] PROVIDES in accordance with § 16-12(f) {"Operation[s]: Signage"} of this subtitle.

COMMENT: Amends language to conform with that of § 16-12(f).

§ 16-9. Applications for designation.

(a) *Applications by residents.*

(3) In addition, the residents must certify in the application which of the following they are able to provide:

(iv) a commitment that they will trim back – and keep trimmed – any privately owned greenery [which] THAT might interfere with either public or private lighting of the neighborhood.

COMMENT: Grammatical correction.

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1 **§ 16-12. Operation of Program.**

2 (c) *Privately owned greenery.*

3 The City Forester will inspect greenery on private property and make recommendations to
4 the owners for trimming any privately owned greenery [which] THAT might interfere with
5 either public or private lighting of the neighborhood.

6 **COMMENT:** Grammatical correction.

7 **Article 15. Licensing and Regulation**

8 ***Subtitle 1. Adult-Entertainment Business***

9 **§ 1-31. Judicial and appellate review.**

10 (a) *Judicial review.*

11 A person aggrieved by a decision of the Board UNDER THIS SUBTITLE may seek judicial
12 review of that decision by petition to the Circuit Court for Baltimore City in accordance
13 with the Maryland Rules of Procedure.

14 **COMMENT:** Clarifies scope of authorization.

15 ***Subtitle 9. Late-Night Commercial Operations***

16 **§ 9-19. Judicial and appellate review.**

17 (a) *Judicial review.*

18 A person aggrieved by a decision of the Finance Director UNDER THIS SUBTITLE may seek
19 judicial review of that decision by petition to the Circuit Court for Baltimore City in
20 accordance with the Maryland Rules of Procedure.

21 **COMMENT:** Clarifies scope of authorization.

22 ***Subtitle 10. Hotels***

23 **§ 10-1. Definitions.**

24 (b) *Hotel.*

25 “Hotel” means any building, including any motel, that:

26 (1) contains sleeping accommodations for more than 5 persons; and

27 (2) IS open to the transient public.

28 **COMMENT:** Tabulates definition and inserts missing verb, for clarity.

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Subtitle 11. Massage Establishments

§ 11-10. Denials; appeals.

(b) Judicial and appellate review.

(1) JUDICIAL REVIEW.

[The] AN applicant AGGRIEVED BY A DECISION UNDER THIS SUBTITLE may seek judicial review of [the] THAT decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(2) APPELLATE REVIEW.

A party to the judicial review may appeal the court’s final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization and otherwise conforms subsection (a) to the location of like provisions elsewhere.

Subtitle 12. Commercial Parking Facilities

§ 12-4. License required; fee.

(a) In general.

(1) No person may operate a COMMERCIAL parking facility in the City of Baltimore unless the person has first obtained an annual license for the facility and has paid the annual fee for the license.

(b) Fee.

(1) The annual fee for a COMMERCIAL parking facility license is \$5.10 for every 100 square feet (or fraction of 100 square feet) of the gross area used for parking facility purposes, including all parking spaces, offices, ramps, driveways, aisles, toilets, car washing, greasing, or other facilities used in connection with the operation of the parking facility.

(c) Partial-year license.

(1) Any person desiring to operate a COMMERCIAL parking facility for an aggregate of no more than 6 months in any 1 license year may obtain a special partial-year license.

COMMENT: Inserts adjective inadvertently omitted when subtitle renamed.

(d) Online licensee list.

The Director of Finance shall maintain and post ON THE DEPARTMENT’S WEBSITE a current list of all commercial parking facilities licensed under this subtitle [on the Department of of Finance’s website].

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1 COMMENT: In subsections (a) - (c), “parking facility” is corrected to “commercial
2 parking facility”, conforming to the subtitle’s new name and general usage, as defined
3 in § 12-1. Subsection (d) is modestly restructured for clarity.

4 **§ 12-10. Proof-of-payment required.**

5 (b) *Form.*

6 The proof of payment required [under] BY this section may be provided in either paper or
7 electronic form.

8 COMMENT: Substitutes a more precise “by” for the vaguer and potentially misleading
9 “under”.

10 ***Subtitle 22. Towing Services – Trespass Towing***

11 **§ 22-16. Judicial and appellate review.**

12 (a) *Judicial review.*

13 [Any] A person aggrieved by a decision of the Board UNDER THIS SUBTITLE may seek
14 judicial review of the decision by petition to the Circuit Court for Baltimore City in
15 accordance with the Maryland Rules of Procedure.

16 COMMENT: Clarifies scope of authorization.

17 ***Subtitle 41. Licensing of Convicted Drug Offenders***

18 **§ 41-10. Judicial and appellate review.**

19 (a) *Judicial review.*

20 An applicant or licensee aggrieved by [the] A decision of [the] A licensing authority
21 UNDER THIS SUBTITLE may seek judicial review of the decision by petition to the Circuit
22 Court for Baltimore City in accordance with the Maryland Rules of Procedure.

23 COMMENT: Clarifies scope of authorization.

24 ***Subtitle 42. Human-Trafficking Notice Requirements***

25 **§ 42-2. Human trafficking prevention signs to be posted.**

26 (b) *In general.*

27 (3) The owner of a business [as provided] DESCRIBED in subsection (a) of this section
28 may meet the requirements of this subsection:

- 29 (i) by creating their own signs, using a font size of not less than 30 points for the
30 hotline numbers and a font size of not less than 12 points for the body text[.];
31 or

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(ii) BY using copies of the signs created and made available online by the Maryland Department of Labor, Licensing, and Regulation under Maryland Business Regulation Article § 15-207, if the signs are altered to indicate that they are required by Baltimore City law rather than State law.

COMMENT: Corrects language in this paragraph’s intro to conform to the more accurate location used in paragraph (1) of this section, and tabulates the rest of the paragraph for clarity.

(c) Sign location.

(1) Adult-entertainment businesses and food service facilities must post a sign required [under] BY this section in a conspicuous place in clear view of the public and employees where similar notices are customarily posted and on the back of the door at the entrance to each restroom.

(2) Permit holders must post the sign required [under] BY this section in a conspicuous place in clear view of the public.

(3) Hotels must post the sign required [under] BY this section on the back of each hotel room entry door.

COMMENT: Corrects misuse of the term “under”.

§ 42-8. Criminal penalties.

Any person who violates any [provisions] PROVISION of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 for each offense.

COMMENT: Corrects language to conform to standard usage.

Article 19. Police Ordinances

Subtitle 59. Weapons

§ 59-5. Illegal carrying, etc., of handguns.

(b) Carrying prohibited.

A person may not:

(2) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road within 100 yards of a:

(i) park;

(ii) church;

(iii) school;

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1 (iv) public building; or

2 (v) other place of public assembly; OR

3 (3) wear, carry, or knowingly transport a handgun in connection with the commission
4 of a crime against a person or property, within 100 yards of, or in, a:

5 (i) park;

6 (ii) church;

7 (iii) school;

8 (iv) public building; or

9 (v) other place of public assembly.

10 **COMMENT:** Inserts inadvertently omitted conjunction between items (2) and (3).

11 **Article 24. Water**

12 **Subtitle 2. Bills**

13 **§ 2-21. Office of Customer Advocacy . . . – Appeals.**

14 (i) Judicial and appellate review.

15 (1) Judicial review.

16 A customer or other party aggrieved by a final decision under this section may seek
17 judicial review of that decision by petition to the Circuit Court for Baltimore City in
18 accordance with the Maryland Rules OF PROCEDURE.

19 (2) Appellate review.

20 A party to the judicial review may appeal the Circuit Court’s final judgment TO THE
21 COURT OF SPECIAL APPEALS in accordance with the Maryland Rules OF PROCEDURE.

22 **COMMENT:** Restores clarifying phrases that were unnecessarily stricken by amendment to
23 Ord. 19-308. As corrected, the language of this section is consistent with scores of like
24 provisions found throughout the City Code.

25 **Article 25. Sewers**

26 ***Subtitle 21. General Administration of Article***

27 **§ 21-7. Administrative and judicial review.**

28 (b) *Judicial and appellate review.*

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1 (1) *JUDICIAL REVIEW.*

2 A person aggrieved by [the] A final decision of the Director or hearing officer UNDER
3 THIS SECTION may seek judicial review of the decision by petition to the Circuit Court
4 for Baltimore City in accordance with the Maryland Rules of Procedure.

5 (2) *APPELLATE REVIEW.*

6 A party to the judicial review may appeal the court’s final judgment to the Court of
7 Special Appeals in accordance with the Maryland Rules of Procedure.

8 **COMMENT:** Clarifies scope of authorization.

9 **Article 26. Surveys, Streets, and Highways**

10 ***Subtitle 8. Alleys***

11 **§ 8-6. Appeals.**

12 (a-1) *Judicial and appellate review.*

13 (1) *JUDICIAL REVIEW.*

14 A person aggrieved by [the] A decision of the Board OF MUNICIPAL AND ZONING
15 APPEALS UNDER THIS SECTION may seek judicial review of that decision by petition to
16 the Circuit Court for Baltimore City in accordance with the Maryland Rules of
17 Procedure.

18 (2) *APPELLATE REVIEW.*

19 A party to the judicial review may appeal the court’s final judgment to the Court of
20 Special Appeals in accordance with the Maryland Rules of Procedure.

21 **COMMENT:** Clarifies scope of authorization.

22 ***Subtitle 8A. Gating and Greening Alleys***

23 **§ 8A-8. Petition required.**

24 (c) *Accompanying statement and consents.*

25 The petition must be accompanied by:

- 26 . . .
27 (2) the signed consents of abutting owners, as required by [§ 8A-5] § 8A-9
28 {“Consents ... – Gating only”} or [§ 8A-6] § 8A-10 {“Consents ... – Greening”}
29 of this subtitle, as the case may be.

30 **COMMENT:** Corrects cross-references.

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Subtitle 10. Footways – Along Paved Streets

§ 10-8. Appeals.

(a-1) *Judicial and appellate review.*

(1) *JUDICIAL REVIEW.*

A person aggrieved by [the] A decision of the Board OF MUNICIPAL AND ZONING APPEALS UNDER THIS SECTION may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(2) *APPELLATE REVIEW.*

A party to the judicial review may appeal the court’s final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

Subtitle 40. Complete Streets

§ 40-6. Department to construct and operate system.

The Department [shall] MUST construct and operate a comprehensive Complete Streets Transportation System that enables access, mobility, economic development, attractive public spaces, health, and well-being for all people.

COMMENT: Substitutes the preferred “must” for “shall”, to conform to usage in bulk of subtitle.

§ 40-17. Composition.

(b) *Participation by and collaboration with Maryland Transit Administration.*

(1) The Chair of the Committee [shall] MUST include and extend to the Maryland Transit Administration (MTA) all invitations and opportunities for participation with the Advisory Committee as would be extended to any statutory member, exactly as if MTA were a member of the Committee.

(2) Further, the Chair [shall] MUST, to the greatest extent possible, foster the strongest possible collaboration with MTA to pursue the goals of this [Ordinance] SUBTITLE.

COMMENT: Substitutes “must” for “shall”; and corrects misuse of “this Ordinance”.

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1 § 40-28. Design speed.

2 (b) *Standard.*

3 The design speed [shall] MUST be equal to the target speed and posted speed limit on any
4 local, collector, and non-interstate arterial.

5 COMMENT: Substitutes “must” for “shall”.

6 § 40-29. Lane widths.

7 (b) *In general.*

8 Except as provided in this section or otherwise required by law, the lanes of any street
9 may not be more than 10 feet wide, but 9 feet [shall be] IS the preferred width.

10 (c) *Exceptions.*

11 (1) *Local streets.*

12 On a street designated on the Baltimore City Roadway Functional Classification Map
13 as “local”, lanes [shall not] MAY NOT be more than 9 feet wide.

14 COMMENT: Corrects misuse of “shall be” in subsection (b) and misuse of “shall not” in
15 subsection (c)(1).

16 § 40-31. Compliance with State and Federal funding requirements.

17 The technical design standards required for state or federally funded projects will supersede
18 local requirements in this [legislation] SUBTITLE and the Complete Streets Manual if there is
19 an actual conflict between the local and state or federal standards and if funding will be
20 impacted by adherence to the local standard.

21 COMMENT: Corrects misuse of “this legislation”.

22 § 40-36. Director to adopt Complete Streets Manual.

23 The Transportation Director, in consultation with the Complete Streets Advisory Committee,
24 [shall] MUST adopt and may amend from time to time a Complete Streets Manual to carry out
25 this subtitle.

26 COMMENT: Substitutes “must” for “shall”.

27 § 40-39. Project prioritization process.

28 (b) *Process to include equity assessment.*

29 This project prioritization process [shall] MUST include an equity assessment. The equity
30 assessment [shall] MUST consider transportation disparity trends based on race, gender,
31 sexual orientation, age, disability, ethnicity, national origin, or income and recommend
32 ways to reverse these trends. It [shall] MUST assess and recommend ways to eliminate

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1 structural and institutional discrimination in transportation based on immutable
2 characteristics.

3 COMMENT: Substitutes “must” for “shall”.

4 **§ 40-43. Final adoption.**

5 (c) *Complete Streets Manual compliance.*

6 DOT guidelines, policies, and procedures [shall] MUST be updated for compliance with
7 the Complete Streets Manual.

8 COMMENT: Substitutes “must” for “shall”.

9 **§ 40-50. Accountability to communities.**

10 The Transportation Department, in consultation with the Complete Streets Advisory
11 Committee, [shall] MUST conduct public meetings and other community engagement and
12 outreach activities to present the Complete Streets annual report to the public and solicit
13 public input.

14 COMMENT: Substitutes “must” for “shall”.

15 **Article 28. Taxes**

16 ***Subtitle 10. Credits***

17 **§ 10-18.1. High-performance newly constructed dwellings.**

18 (d) *Amount of credit.*

19 A property tax credit granted under this section shall equal the amount of property tax
20 imposed on the real property, less the amount [on] OF any other credit applicable in that
21 year, multiplied by:

22

23 COMMENT: Corrects typographical error.

24 **~~§ 10-30. Food Desert Incentive Areas (Personal Property Tax Credit)~~**

25 (b) ~~*Credit granted.*~~

26 ~~In accordance with State Tax-Property Article [§ 9-304(h)] § 9-304(G), a tax credit is~~
27 ~~granted against the City personal property tax imposed on qualified supermarkets.~~

28 COMMENT: Amends cross-reference to reflect change in codification.

29 COMMENT: This last direction deletes from the bill a proposed “correction” to a section
30 (Art. 28, § 10-30(b)) that, in the end, does not require correction.

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Subtitle 17. Transfer Tax

§ 17-13. Appeals.

(c) *Judicial and appellate review.*

(1) *JUDICIAL REVIEW.*

A person aggrieved by a determination of the Board of Municipal and Zoning Appeals UNDER THIS SECTION may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(2) *APPELLATE REVIEW.*

A party to the judicial review may appeal the court’s final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

Article 31. Transit and Traffic

Subtitle 22. Towing Services – Accidental Towing

§ 22-31. Denial, suspension, etc., of licenses.

(b) *Judicial and appellate review.*

(1) *JUDICIAL REVIEW.*

A person whose license has been denied, refused renewal, revoked, or suspended by the Police Commissioner UNDER THIS SECTION may seek judicial review of that action by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(2) *APPELLATE REVIEW.*

A party to the judicial review may appeal the court’s final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

COMMENT: Clarifies scope of authorization.

SECTION 2. 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 3. 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 His Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City