

Introduced by: The Council President
At the request of: Department of Legislative Reference

Prepared by: Department of Legislative Reference

Date: August 13, 2019

Referred to: _____ **JUDICIARY** _____ Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19 - 0424

A BILL ENTITLED

AN ORDINANCE concerning

Corrective Bill 2019 – General

FOR the purpose of correcting various errors and omissions in the City Code; correcting, clarifying, and conforming certain inconsistent, superfluous, vague, and other unclear language; and providing for a special effective date.

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies
Section 40-10(a)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 2 - Consumer Protections
Sections 1-11(b)(1) and 6-14(a)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 4 - Community Relations
Section 4-4(a)
Baltimore City Code
(Edition 2000)

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

Department of Public Works	Baltimore City Public School System
Department of Real Estate	Baltimore Development Corporation
Department of Recreation and Parks	City Solicitor
Department of Transportation	Comptroller's Office
Fire Department	Department of Audits
Health Department	Department of Finance
Mayor's Office of Employment Development	Department of General Services
Mayor's Office of Human Services	Department of Housing and Community Development
Mayor's Office of Information Technology	Department of Human Resources
Office of the Mayor	Department of Planning
Police Department	Other: <i>Mayor's Office of Minority Affairs</i>
Other:	Other: <i>Board Business Development</i>
Other:	Other:
Other:	Other:
Department of Public Works	Baltimore City Public School System
Department of Real Estate	Baltimore Development Corporation
Department of Recreation and Parks	City Solicitor
Department of Transportation	Comptroller's Office
Fire Department	Department of Audits
Health Department	Department of Finance
Mayor's Office of Employment Development	Department of General Services
Mayor's Office of Human Services	Department of Housing and Community Development
Mayor's Office of Information Technology	Department of Human Resources
Office of the Mayor	Department of Planning
Police Department	Other: <i>Mayor's Office of Minority Affairs</i>
Other:	Other: <i>Board Business Development</i>
Other:	Other:
Other:	Other:
Other:	Other:
Environmental Control Board	Board of Estimates
Fire & Police Employees' Retirement System	Board of Ethics
Labor Commissioner	Board of Municipal and Zoning Appeals
Parking Authority Board	Comm. for Historical and Architectural Preservation
Planning Commission	Commission on Sustainability
Wage Commission	Employees' Retirement System
Other:	Other:
Other:	Other:
Other:	Other:
Other:	Other:

Boards and Commissions

CITY OF BALTIMORE
ORDINANCE **19-332**
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

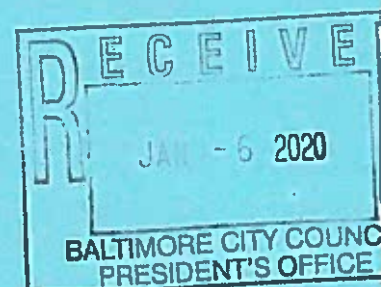
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: December 5, 2019

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 location 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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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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1 SUBSECTION for each succeeding registration year beginning after the start of each
2 1-year rental dwelling license term is increased by an additional \$15 per rooming unit,
3 which additional amount shall be deposited in the continuing, nonlapsing fund created
4 by City Charter Article I, § 14 {"Affordable Housing Trust Fund"}.

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

6 (2) *Increased fee.*

7 For any dwelling that has had the term of its rental dwelling license reduced under
8 § 5-9(c) or (d) {"Rental dwellings: Tiered license terms"} of this article to a 1-year
9 term, the annual registration fee under PARAGRAPH (1) OF this [section] SUBSECTION
10 for each succeeding registration year beginning after the start of each 1-year rental
11 dwelling license term is increased by an additional \$15 per dwelling or rooming unit,
12 which additional amount shall be deposited in the continuing, nonlapsing fund created
13 by City Charter Article I, § 14 {"Affordable Housing Trust Fund"}.

14 (c) *Vacant structures.*

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

- | | | |
|----|----------------------------------|------------|
| 18 | (1) for residential structures – | \$100 per |
| 19 | | structure. |
| 20 | (2) for all other structures – | \$250 per |
| 21 | | structure. |

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

24 ***Subtitle 5. Licensing of Rental Dwellings***

25 **§ 5-6. Prerequisites for new or renewal license – In general.**

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

27 ...
28 (5) for premises that include a hotel or motel subject to City Code Article 15 {"Licensing
29 and Regulation"}, Subtitle 10 {"Hotels"}, the hotel or motel is in compliance with the
30 training, certification, and posting requirements of that subtitle; AND

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

32 (i) has been issued under the Baltimore City Building, Fire, and Related
33 Codes Article; and

34 (ii) notwithstanding the passage of more than 90 days since its issuance,
35 has not been abated before the license issuance or renewal.

36 **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 ejectment 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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1 *Subtitle 11. Massage Establishments*

2 **§ 11-10. Denials; appeals.**

3 (b) *Judicial and appellate review.*

4 (1) *JUDICIAL REVIEW.*

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

8 (2) *APPELLATE REVIEW.*

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

11 **COMMENT:** Clarifies scope of authorization and otherwise conforms subsection (a) to the
12 locution of like provisions elsewhere.

13 *Subtitle 12. Commercial Parking Facilities*

14 **§ 12-4. License required; fee.**

15 (a) *In general.*

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

19 (b) *Fee.*

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

25 (c) *Partial-year license.*

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

29 **COMMENT:** ~~Inserts adjective inadvertently omitted when subtitle renamed.~~

30 (d) *Online licensee list.*

31 The Director of Finance shall maintain and post ON THE DEPARTMENT'S WEBSITE a
32 current list of all commercial parking facilities licensed under this subtitle [on the
33 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

Council Bill 19-0424

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

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

8 (c) *Sign location.*

- 9 (1) Adult-entertainment businesses and food service facilities must post a sign required
10 [under] BY this section in a conspicuous place in clear view of the public and
11 employees where similar notices are customarily posted and on the back of the door at
12 the entrance to each restroom.
- 13 (2) Permit holders must post the sign required [under] BY this section in a conspicuous
14 place in clear view of the public.
- 15 (3) Hotels must post the sign required [under] BY this section on the back of each hotel
16 room entry door.

17 **COMMENT:** Corrects misuse of the term "under".
18

19 **§ 42-8. Criminal penalties.**

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

23 **COMMENT:** Corrects language to conform to standard usage.

24 **Article 19. Police Ordinances**

25 ***Subtitle 59. Weapons***

26 **§ 59-5. Illegal carrying, etc., of handguns.**

27 (b) *Carrying prohibited.*

28 A person may not:

29 . . .
30 (2) wear, carry, or knowingly transport a handgun, whether concealed or open, in a
31 vehicle traveling on a road within 100 yards of a:

- 32 (i) park;
33 (ii) church;
34 (iii) school;

Council Bill 19-0424

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.

Council Bill 19-0424

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.

Council Bill 19-0424

Subtitle 10. Footways – Along Paved Streets

1

2 **§ 10-8. Appeals.**

2

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

3

4 (1) *JUDICIAL REVIEW.*

4

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

5

6

7

8

9 (2) *APPELLATE REVIEW.*

9

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

10

11

12 COMMENT: Clarifies scope of authorization.

12

13 ***Subtitle 40. Complete Streets***

13

14 **§ 40-6. Department to construct and operate system.**

14

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

15

16

17

18 COMMENT: Substitutes the preferred "must" for "shall", to conform to usage in bulk of
19 subtitle.

18

19

20 **§ 40-17. Composition.**

20

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

21

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

22

23

24

25

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

26

27

28 COMMENT: Substitutes "must" for "shall"; and corrects misuse of "this Ordinance".

28

Council Bill 19-0424

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

Council Bill 19-0424

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.

Council Bill 19-0424

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.

Council Bill 19-0424

DEC 16 2019

Certified as duly passed this _____ day of _____, 20__



President, Baltimore City Council

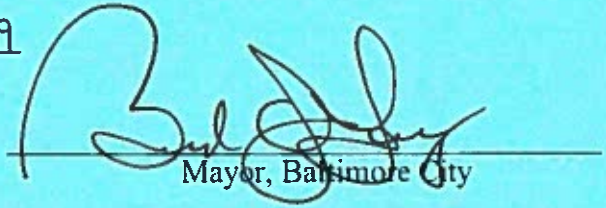
Certified as duly delivered to His Honor, the Mayor,

this _____ day of DEC 16 2019



Chief Clerk

Approved this 18th day of Dec., 2019



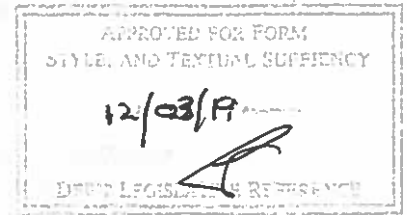
Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 17th Day of December 2019

Elene DiPietro

Chief Solicitor



AMENDMENTS TO COUNCIL BILL 19-424
(1st Reader Copy)

By: Judiciary Committee
{To be offered on the Council Floor}

Amendment No. 1 {Art. 1 ("Mayor...")}

On page 1, in line 8, strike "Section" and substitute "Sections 8-3(b)(3 and"; and, on page 3, after line 30, insert:

"Subtitle 8. Whistleblower Rights and Responsibilities

§ 8-6. Complaint process.

(b) Supervisor responsibilities.

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

COMMENT: Transfers a misplaced clause for clarity.

Amendment No. 2 {Art. 2 ("Consumer Protections")}

On page 4, in line 12, strike "SECTION" and substitute "SUBTITLE".

COMMENT: Corrects misnomer in bill.

Amendment No. 3 {Art. 8 ("Ethics")}

On page 2, in line 13, after the second comma, strike "and" and substitute "7-4(a)(2)."; and, in the same line, after "7-8(34)", insert ", and 9-5.1(a). (b). (c). (d). and (e)(1)"; and, on page 7, before line 20, insert:

"§ 7-4. Public inspections.

(a) In general.

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



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

and, on page 8, after line 14, insert:

"Subtitle 9. Enforcement

§ 9-5.1. Overdue financial disclosure statements.

(a) Late fee.

- (1) The ETHICS Board may assess a late fee of \$10 per day, up to an aggregate maximum of \$1,000 per overdue statement, on any public servant who does not file a complete financial disclosure statement on or before the date it is due.
- (2) Within 30 days after any late fee is assessed under this subsection, a public servant may file a written request with the ETHICS Board to reduce or waive the fee for good cause.

(b) Notice to public servant.

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

(c) 15-day notice.

- (1) If a public servant has failed to file a complete financial disclosure statement within 15 days of the date required under this article, the ETHICS Board must notify the public servant in writing of the public servant's continued noncompliance and the potential consequences of further continued noncompliance.
- (2) A copy of the notice sent under this subsection must be sent to:
 - (I) the public servant's agency head[.];
 - (II) THE Director of Human Resources[.]; and
 - (III) the City Solicitor.

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

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

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

(i) the public servant;

(ii) the public servant's agency head;

(iii) the Director of Human Resources; and

(iv) the City Solicitor.

(c) Referral for suspension.

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

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

Amendment No. 4 {Art. 15 ("Licensing and Regulation")}

On page 2, in line 38, before "(c)(1)", strike "and"; and, in the same line, after "(c)(1).", insert "and (d). 12-10(b)."; and, in line 39, strike "42-2(b)(2)" and substitute "42-2(b)(3)"; and, on page 13, strike line 29, in its entirety, and substitute:

"(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].

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

§ 12-10. Proof-of-payment required.

(b) Form.

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

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

Amendment No. 5 {Art. 24 (“Water”)}

On page 3, after line 5, insert:

“By repealing and reordaining, with amendments
Article 24 - Water
Section 2-21(i) {as amended by Ord. 19-308}
Baltimore City Code
(Edition 2000)”;

and, on page 16, after line 3, insert:

**“Article 24. Water
Subtitle 2. Bills**

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

(i) Judicial and appellate review.

(1) Judicial review.

A customer or other party aggrieved by a final decision 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 Circuit Court’s final judgment TO THE COURT OF SPECIAL APPEALS in accordance with the Maryland Rules OF PROCEDURE.

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

Amendment No. 6 {Art. 28 ("Taxes")}

On page 3, in line 19, after "Sections", strike "10-30(b) and" and, in the same line, after "17-13(c)", insert "and 10-18.1(d)(intro)."; and, on page 19, after line 22, insert:

"§ 10-18.1. High-performance newly constructed dwellings.

(d) Amount of credit.

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

....

COMMENT: Corrects typographical error."

and, on page 19, strike lines 23 through 27.

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

BY repealing and reordaining, with amendments
Article 5 - Finance, Property, and Procurement
Section 29-14(a)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 6 - Historical and Architectural Preservation
Section 9-1(a)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 7 - Natural Resources
Sections 8-7(a), 28-5(a), 28-11(a), and 35-11(a)
Baltimore City Code
(Edition 2000)

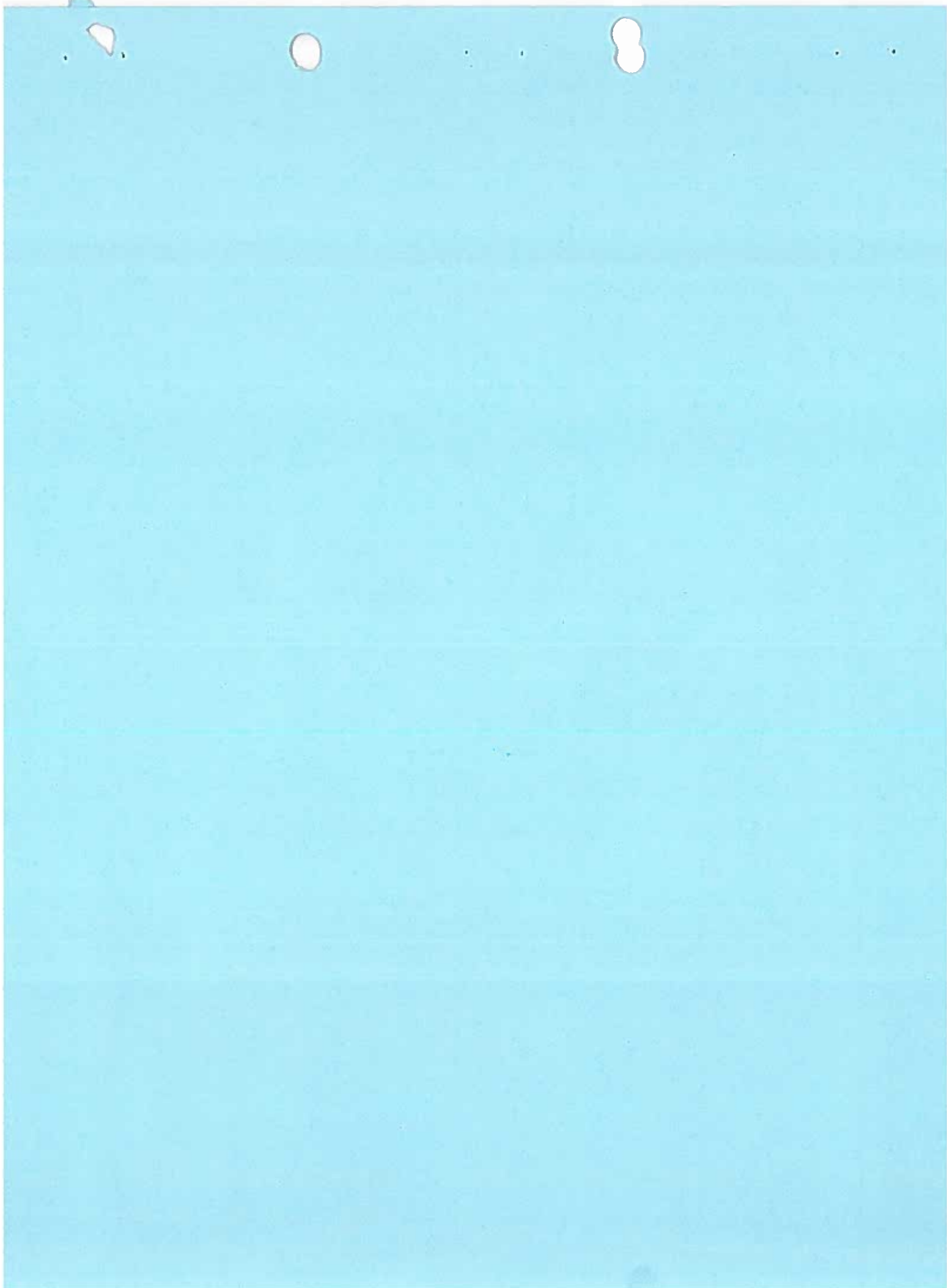
BY repealing and reordaining, with amendments
Article 8 - Ethics
Sections 2-22, 5-8(a), and 7-8(34)
Baltimore City Code
(Edition 2000)

BY adding
Article 8 - Ethics
Section 7-8(5)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 11 - Labor and Employment
Sections 4-8(a), 15-12(a), 16-26(a), and 18-7(j)(1)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 13 - Housing and Urban Renewal
Sections 4-1(f)(3), 4-8(a)(2), (b)(2), and (c), 5-6(5) and (6), and 7-3(c)(2)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 14 - Special Benefits Districts
Sections 16-6(3), 16-9(a)(3)(iv), and 16-12(c)
Baltimore City Code
(Edition 2000)



BY repealing and reordaining, with amendments

Article 15 - Licensing and Regulation

**Sections 1-31(a), 9-19(a), 10-1(b), 11-10(b), 12-4(a)(1), (b)(1), and (c)(1), 22-16(a),
41-10(a), 42-2(b)(2) and (c), and 42-8**

**Baltimore City Code
(Edition 2000)**

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances

Section 59-5(b)(2) and (3)

**Baltimore City Code
(Edition 2000)**

BY repealing and reordaining, with amendments

Article 25 - Sewers

Section 21-7(b)

**Baltimore City Code
(Edition 2000)**

BY repealing and reordaining, with amendments

Article 26 - Surveys, Streets, and Highways

**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),
40-31, 40-36, 40-39(b), 40-43(c), 40-50**

**Baltimore City Code
(Edition 2000)**

BY repealing and reordaining, with amendments

Article 28 - Taxes

Sections 10-30(b) and 17-13(c)

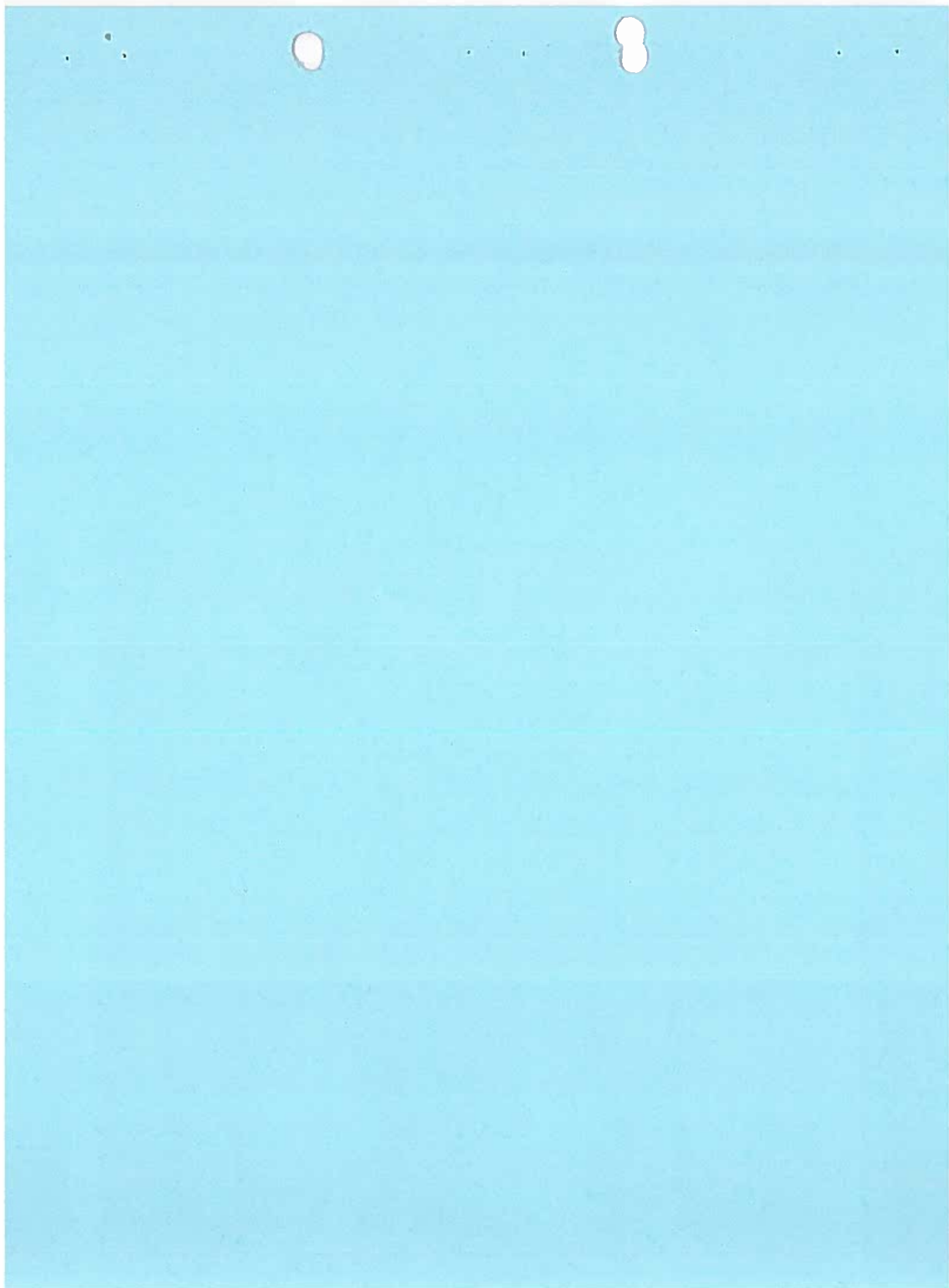
**Baltimore City Code
(Edition 2000)**

BY repealing and reordaining, with amendments

Article 31 - Transit and Traffic

Section 22-31(b)

**Baltimore City Code
(Edition 2000)**



**BALTIMORE CITY COUNCIL
JUDICIARY COMMITTEE
VOTING RECORD**

BILL#: CC-19-0424

DATE: 12/3/19

TITLE: Corrective Bill 2019 - General

MOTION BY: Clarke

SECONDED BY: Stokes

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Costello, E., Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, M., Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullock, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, L.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, E.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sneed, S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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TOTALS	<u>6</u>	<u>0</u>	<u>1</u>	<u>0</u>

CHAIRPERSON: C. T. Clark

COMMITTEE STAFF: Matthew L. Peters, Initials: MLP



BALTIMORE CITY
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner *MB*

Date: November 27, 2019

Re: **City Council Bill 19-0424 Corrective Bill 2019 – General**

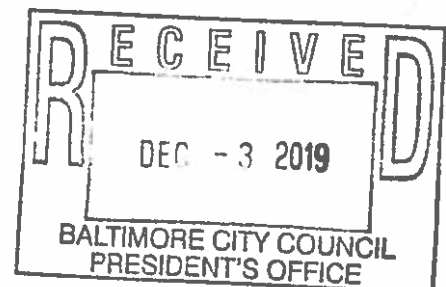
The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 19-0424 for the purpose of correcting various errors and omissions in the City Code; correcting, clarifying, and conforming certain inconsistent, superfluous, vague, and other unclear language; and providing for a special effective date.

This bill; clarifies the scope of various authorizations, conforms subsections to the location of like provisions elsewhere in the code, amends conjunctions between items, conforms to renumbering of cited sections, clarifies cross references, moves misplaced phrases, corrects grammatical errors, inserts missing verbs, adjectives and conjunctions for clarity, corrects language to conform to standard usage and substitutes “must” for “shall” for conformity.

This Bill does not change the substance of Code sections relevant to DHCD and will not have a fiscal or operational impact on agency functions. DHCD has **no objection** to City Council Bill 19-0424.

MB:sm

cc: Mr. Blendy, Nicholas, *Mayor's Office of Government Relations*



no obj.

TRANSMITTAL MEMO

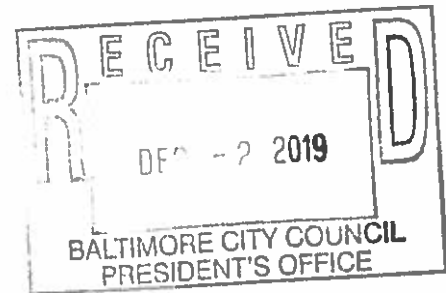
TO: Council President Brandon M. Scott
FROM: Peter Little, Executive Director *Peter Little*
DATE: September 11, 2019
RE: Council Bill 19-0424



I am herein reporting on City Council Bill 19-0424 introduced by Council President Scott, at the request of the Department of Legislative Reference.

The purpose of this bill is to correct various errors and omissions in the City Code; correct, clarify, and conform certain inconsistent, superfluous, vague and other unclear language; and provide for a special effective date

The Parking Authority of Baltimore City supports the passage of City Council Bill 19-0424.



Handwritten mark resembling a stylized 'E' or a checkmark.

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

December 2, 2019

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 19-0424- Corrective Bill 2019 -General

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0424 for form and legal sufficiency. The bill corrects various errors and omissions in the City Code as well as clarifies and conforms inconsistent, superfluous, vague, and other unclear language. The bill provides for a special effective date.

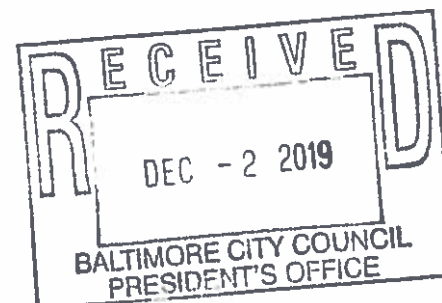
The Law Department notes that the correction on page 4, line 12 refers to the "denial or revocation of a license UNDER THIS SECTION." The term "SECTION" is incorrect in the context in which it is used and should be revised to read "SUBTITLE."

We also note that Amendment No.2 appearing on page 1 of the amendments offered by the Department of Legislative Reference uses the phrase "FILED ON OR AFTER JANUARY 1, 2020...." The comment accompanying the proposed amendment states that the change is required by State General Provision Article § 5-5606(a)(3). That section, however, prohibits disclosure of an individual's home address on or after January 20, 2019. For this reason, the Amendment No.2 should be revised to conform to State law.

With the adoption of these amendments, the Law Department is prepared to approve the bill for form and legal sufficiency.

Sincerely,

Victor K. Tervala
Chief Solicitor



For w/ Amendments

**cc: Andre M. Davis, City Solicitor
Nicholas Blendy, MOGR
Matt Stegman, Mayor's Legislative Liaison
Caylin Young, President's Legislative Director
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant Solicitor**

CITY OF BALTIMORE

BERNARD C "JACK" YOUNG, Mayor



BOARD OF MUNICIPAL AND ZONING APPEALS

DEREK J. BAUMGARDNER, Executive Director
417 E. Fayette Street, Suite 922
Baltimore, Maryland 21202

November 26, 2019

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

Re: **CC Bill #19-0424 Corrective Bill 2019 – General**

Ladies and Gentlemen:

City Council Bill No. 19-0424 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of CCB#19-424 is to correct various errors and omissions in the City Code; correcting, clarifying, and conforming certain inconsistent, superfluous, vague, and other unclear language; and providing for a special effective date.

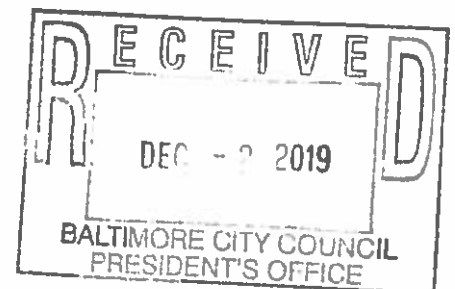
The BMZA has reviewed the legislation as it pertains to the Board of Municipal & Zoning Appeals and has no objection to its passage.

Sincerely,

Derek J. Baumgardner
Executive Director

CC: Mayor's Office of Council Relations
City Council President
Legislative Reference

no obj.



CITY OF BALTIMORE



BOARD OF ETHICS
OF BALTIMORE CITY

LINDA B. "LU" PIERSON, Chair
AVERY AISENSTARK, Director
626 City Hall
Baltimore, Maryland 21202

December 2, 2019

The Honorable President and Members
of the Baltimore City Council
Fourth Floor, City Hall
Baltimore, Maryland 21202
c/o Natawna Austin, Executive Secretary

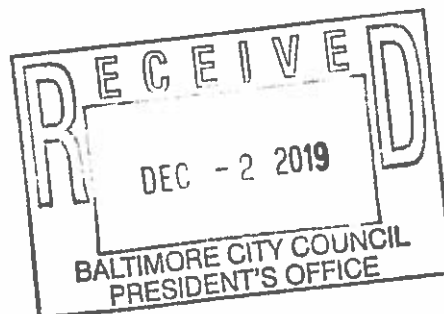
Re: Council Bill 19-0424 {"Corrective Bill 2019 - General"}

You have referred Council Bill 19-0424 to the Ethics Board for its report and comments. This bill and its companion amendments would modify and correct two provisions of the Ethics Code, Sections 7-4 and 7-8. The Ethics Board supports these modifications for the reasons stated in the bill's and the amendment's comments.

Very truly yours,


Tony DeFranco
Deputy Ethics Counsel

cc: the Honorable Eric Costello, Chair of the Judiciary Committee
Matthew Peters





e

F R O M	NAME & TITLE	Steve Sharkey, Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 19-0424		

TO: Mayor Bernard C. "Jack" Young
TO: Judiciary Committee
FROM: Department of Transportation
POSITION: No Objection
RE: Council Bill – 19-0424

DATE: 10/21/19

INTRODUCTION – Corrective Bill 2019 - General

PURPOSE/PLANS – For the purpose of correcting various errors and omissions in the City Code; correcting, clarifying, and conforming certain inconsistent, superfluous, vague, and other unclear language; and providing for a special effective date.

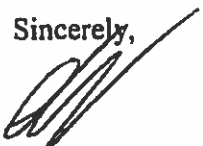
COMMENTS – Council Bill 19-0424 aims to correct a variety of errors, omissions, and typos located within the City’s Code. Specifically in relation to the Baltimore City of Department of Transportation, this bill includes minor changes to the recently passed Complete Streets Ordinance.

The Baltimore City Department of Transportation does not foresee any fiscal or operational impacts associated with the passage of this bill.

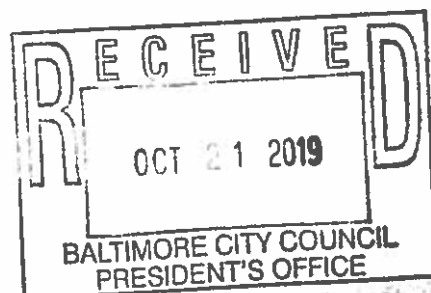
AGENCY/DEPARTMENT POSITION – The Department of Transportation has **no objection** to City Council Bill 19-0424.

If you have any questions, please do not hesitate to contact Liam Davis via email at Liam.Davis@baltimorecity.gov or by phone (410) 545-3207.

Sincerely,



Steve Sharkey
Director



no obj.



en

RWtaC

FROM	NAME & TITLE	Robert Cenname, Chief	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4774		
	SUBJECT	City Council Bill 19-0424—Corrective Bill 2019-General		

DATE

TO

The Honorable President and
Members of the City Council
City Hall, Room 400

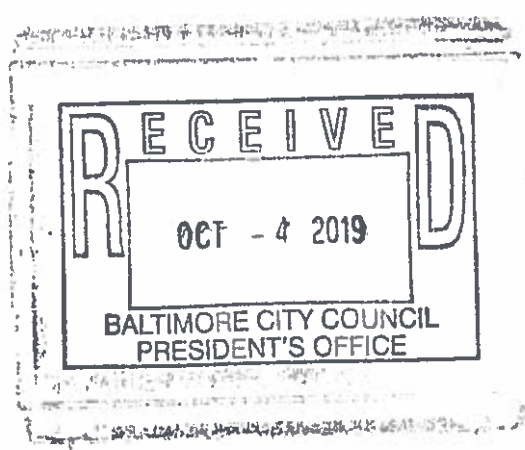
September 27, 2019

Position: Does Not Oppose

City Council Bill 19-0424 seeks to correct various errors and omissions in the City Code; correct, clarify, and conform inconsistent, superfluous, vague, and unclear language; and provide for a special effective date.

The Department of Finance has reviewed the proposed changes in City Council Bill 19-0424 and does not oppose any of the changes.

cc: Henry Raymond
Matthew Stegman
Nina Themelis



Does not oppose



BALTIMORE POLICE DEPARTMENT



BEARNARD C. "JACK" YOUNG
Mayor

MICHAEL S. HARRISON
Police Commissioner

September 6, 2019

Honorable President and Members of the Baltimore City Council
Room 400, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

**RE: City Council Bill #19-0424
Corrective Bill 2019 – General**

Dear Council President Scott and Members of the City Council:

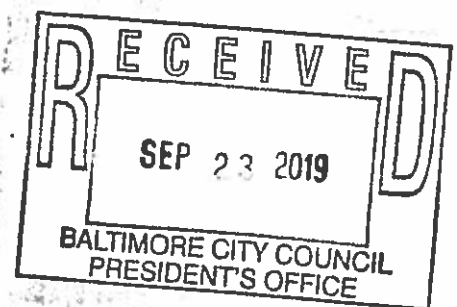
The Baltimore Police Department (BPD) has reviewed Council Bill 19-0424. The bill corrects various errors and omissions in the City Code; corrects, clarifies, and conforms certain inconsistent, superfluous, vague, and other unclear language; and provide for a special effective date.

The Baltimore Police Department has no objection to this bill. Thank you for the opportunity to comment.


Sincerely,

Michelle Wirzberger, Esq.
Director of Government Affairs

cc: Natwana Austin, Executive Secretary
Matt Stegmand, Mayor's Legislative Liaison
Eric Melancon, BPD Chief of Staff
Andrew Smullian, BPD Deputy Chief of Staff



*No
objection*

FROM	NAME & TITLE	Rebecca Woods, Esq., Executive Director <i>RW</i>	CITY OF BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Environmental Control Board 1 North Charles Street, 13 th Floor, Baltimore, Maryland 21201		
	SUBJECT	City Council Bill # 19-0424 Corrective Bill 2019 – General		

TO

DATE:

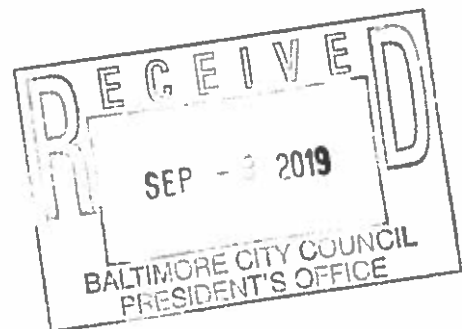
The Honorable President and Members
of the Baltimore City Council

September 3, 2019

The Baltimore City Environmental Control Board (ECB) has been requested to review City Council Bill # 19-0424, Corrective Bill 2019 – General. The purpose of the bill is to correct various errors and omissions in the City Code, correct, clarify, and conform certain inconsistent, superfluous, vague, and other unclear language, and provide for a special effective date.

Specific to the ECB, City Council Bill # 19-0424 clarifies the scope of authorization for judicial review in Art. 1, § 40-10(a). The subject bill does not change the substance of the relevant Code section and will not have an impact on ECB operations. For this reason, ECB has no objections to the passage of this bill.

No obj.



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Minutes - Final

Judiciary Committee

Tuesday, December 3, 2019

10:00 AM

Du Burns Council Chamber, 4th floor, City Hall

19-0424

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 6 - Eric T. Costello, Mary Pat Clarke, John T. Bullock, Leon F. Pinkett III, Shannon Sneed, and Robert Stokes Sr.

Absent 1 - Edward Reisinger

ITEM SCHEDULED FOR PUBLIC HEARING

19-0424

Corrective Bill 2019 - General

For the purpose of correcting various errors and omissions in the City Code; correcting, clarifying, and conforming certain inconsistent, superfluous, vague, and other unclear language; and providing for a special effective date.

Sponsors: President Brandon M. Scott

A motion was made by Clarke, seconded by Stokes, Sr., that this Ordinance be Recommended Favorably with Amendment. The motion carried by the following vote:

Yes: 6 - Costello, Clarke, Bullock, Pinkett III, Sneed, and Stokes Sr.

Absent: 1 - Reisinger

ADJOURNMENT

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 19-0424

Corrective Bill 2019 – General

Committee: Judiciary
Chaired by: Councilmember Eric T. Costello

Hearing Date: December 3, 2019
Time (Beginning): 10:30 a.m.
Time (Ending): 10:35 a.m.
Location: Clarence "Du" Burns Council Chamber
Total Attendance: Approximately 35 people
Committee Members in Attendance:
Eric Costello Mary Pat Clarke John Bullock Leon Pinkett
Shannon Sneed Robert Stokes

Bill Synopsis in the file? [X] YES [] NO [] N/A
Attendance sheet in the file? [X] YES [] NO [] N/A
Agency reports read? [X] YES [] NO [] N/A
Hearing televised or audio-digitally recorded? [] YES [X] NO [] N/A
Certification of advertising/posting notices in the file? [] YES [] NO [X] N/A
Evidence of notification to property owners? [] YES [] NO [X] N/A
Final vote taken at this hearing? [X] YES [] NO [] N/A
Motioned by: Councilmember Clarke
Seconded by: Councilmember Stokes
Final Vote: Fav. with Amendments

Major Speakers
(This is not an attendance record.)

Avery Aisenstark, Department of Legislative Reference
Victor Tervalá, Law Department

Major Issues Discussed

- 1. Chairman Costello called the hearing to order.
2. Agency representatives confirmed the recommendations in their written reports.

3. Avery Aisenstark explained the Department of Legislative Reference's suggested amendments (in file).
4. Victor Tervalva explained the amendments suggested in the Law Department's written report.
5. The Committee considered and adopted all of the proposed amendments.

Further Study

Was further study requested?

Yes No

If yes, describe.

Committee Vote:

E. Costello: **Yea**
M. Clarke: **Yea**
J. Bullock: **Yea**
L. Pinkett: **Yea**
E. Reisinger: **Absent**
S. Sneed: **Yea**
R. Stokes: **Yea**

Matthew Peters

Matthew L. Peters, Committee Staff

Date: December 3, 2019

Cc: Bill File
OCS Chrono File



Baltimore City Council Committee Hearing Attendance Record

Subject: Ordinance - Corrective Bill 2019 - General	Bill #: 19-0424
Committee: Judiciary	Chair: Eric Costello
Date: Tuesday, December 3, 2019	Time: 10:00 AM
Location: Clarence "Du" Burns Council Chamber	

PLEASE PRINT CLEARLY			What is your position on this bill?		Lobbyist: Are you registered in the City?*		
<u>CHECK HERE TO TESTIFY</u>			Testify	For	Against	Yes	No
First Name	Last Name	Address / Organization / Email					
John	Doe	400 N. Holliday St. Johndoenbmore@yahoo.com	✓	✓	✓	✓	✓
Avery	Aisenstark	DLR	✓	✓			

*NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD AS A LOBBYIST. REGISTRATION CAN BE DONE ONLINE AND IS A SIMPLE PROCESS. FOR INFORMATION VISIT: [HTTPS://ETHICS.BALTIMORECITY.GOV/](https://ethics.baltimorecity.gov/) OR CALL: 410-396-4730

FROM

NAME & TITLE	Avery Aisenstark, Director
AGENCY NAME & ADDRESS	Department of Legislative Reference
SUBJECT	Report on Bill 19-0424 {Corrective Bill 2019 - Gen'l}

CITY of
BALTIMORE
MEMO



DATE:

TO

The Honorable President and Members
of the Baltimore City Council
Fourth Floor, City Hall
Baltimore, Maryland 21202
c/o: Natawna Austin, Executive Secretary

November 27, 2019

Bill 19-0424 is the latest in a series of periodic corrective bills intended, as stated in its title, to “correc[t] various [technical] errors and omissions in the City Code; [and to] correc[t], clarif[y], and corfor[m] certain inconsistent, superfluous, vague, and other unclear language”.

For each correction made, a “COMMENT” is appended to explain the reason for that correction. In all cases, care has been taken to assure that a correction made does not implicate substantive policy decisions of the Mayor and City Council.

As is often the case, between the introduction of a corrective bill and the time of its hearing, additional statutory “glitches” are reported to or discovered by us. This season is no exception: Attached is a set of proposed amendments to add those discoveries and their corrections to the Bill 19-0424.

The Department of Legislative Reference respectfully recommends the approval of the amendments accompanying this report and the passage of Bill 19-0424 as so amended.

xc: The Honorable Eric Costello
Matthew Stegman, Mayor’s Legislative Liaison
Matthew L. Peters, Legislative Services Analyst

Tel: (410) 396-4730 ☎ Fax: (410) 396-8483
✉ E-mail: averya@baltimorecity.gov ✉

AMENDMENTS TO COUNCIL BILL 19-424
(1st Reader Copy)

Proposed by: Department of Legislative Reference
{To be offered to the Judiciary Committee}

Amendment No. 1 {Art. 1 (“Mayor...”)}

On page 1, in line 8, strike “Section” and substitute “Sections 8-3(b)(3 and)”; and, on page 3, after line 30, insert:

“Subtitle 8. Whistleblower Rights and Responsibilities

§ 8-6. Complaint process.

(b) Supervisor responsibilities.

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

COMMENT: Transfers a misplaced clause for clarity.”.

Amendment No. 2 {Art. 8 (“Ethics”)}

On page 2, in line 13, after the second comma, strike “and” and substitute “7-4(a)(2).”; and, in the same line, after “7-8(34)”, insert “, and 9-5.1(a), (b), (c), (d), and (e)(1)”; and, on page 7, before line 20, insert:

“§ 7-4. Public inspections.

(a) In general.

(2) The Ethics Board may not provide public access to a portion of a statement that IS FILED ON OR AFTER JANUARY 1, 2020, AND THAT expressly identifies an individual’s home address.

COMMENT: In paragraph (2), an inadvertently omitted limitation is inserted, conforming this provision to the State law that mandated this paragraph’s initial enactment by Ord. 19-239. (Cf. State General Provisions Article § 5-606(a)(3).) Absent this limitation, the paragraph’s “shielding” requirement would apply to all of the thousands of statements previously filed online over the past 5 years. And, given the practical

inability to “mask” each home address in those myriad statements, complying with the “shielding” requirement would likely necessitate a complete shut down of any further public viewing of the preexisting filings.”;

and, on page 8, after line 14, insert:

“Subtitle 9. Enforcement

§ 9-5.1. Overdue financial disclosure statements.

(a) Late fee.

- (1) The ETHICS Board may assess a late fee of \$10 per day, up to an aggregate maximum of \$1,000 per overdue statement, on any public servant who does not file a complete financial disclosure statement on or before the date it is due.**
- (2) Within 30 days after any late fee is assessed under this subsection, a public servant may file a written request with the ETHICS Board to reduce or waive the fee for good cause.**

(b) Notice to public servant.

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

(c) 15-day notice.

- (1) If a public servant has failed to file a complete financial disclosure statement within 15 days of the date required under this article, the ETHICS Board must notify the public servant in writing of the public servant’s continued noncompliance and the potential consequences of further continued noncompliance.**
- (2) A copy of the notice sent under this subsection must be sent to:**
 - (i) the public servant’s agency head[.];**
 - (ii) THE Director of Human Resources[.]; and**
 - (iii) the City Solicitor.**

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

- (1) If a public servant has failed to file a complete financial disclosure statement within 30 days of the date required under this article, the ETHICS Board must**

refer the matter in writing to the Office of the Inspector General for investigation.

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

(i) the public servant;

(ii) the public servant's agency head;

(iii) the Director of Human Resources; and

(iv) the City Solicitor.

(e) Referral for suspension.

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

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

Amendment No. 3 {Art. 15 ("Licensing and Regulation")}

On page 2, in line 38, before "(c)(1)", strike "and"; and, in the same line, after "(c)(1)", insert "and (d), 12-10(b),"; and, in line 39, strike "42-2(b)(2)" and substitute "42-2(b)(3)"; and, on page 13, strike line 29, in its entirety, and substitute:

"(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].

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

§ 12-10. Proof-of-payment required.

(b) Form.

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

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

Amendment No. 4 {Art. 24 (“Water”)}

On page 3, after line 5, insert:

“By repealing and reordaining, with amendments

Article 24 - Water

Section 2-21(i) {as amended by Ord. 19-_____ (Bill 18-0307, Enrolled)}

Baltimore City Code

(Edition 2000)”;

and, on page 16, after line 3, insert:

“Article 24. Water

Subtitle 2. Bills

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

(i) Judicial and appellate review.

(1) Judicial review.

A customer or other party aggrieved by a final decision 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 Circuit Court’s final judgment TO THE COURT OF SPECIAL APPEALS in accordance with the Maryland Rules OF PROCEDURE.

COMMENT: Restores clarifying phrases that were unnecessarily omitted by Ord. 19-_____ {Bill 18-0307, Enrolled}. As corrected, the language of this section is consistent with scores of like provisions found throughout the City Code.”.

Amendment No. 5 {Art. 28 ("Taxes")}

On page 3, in line 19, after "Sections", strike "10-30(b) and" and, in the same line, after "17-13(c)", insert "and 10-18.1(d)(intro)."; and, on page 19, after line 22, insert:

"§ 10-18.1. High-performance newly constructed dwellings.

(d) Amount of credit.

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

.....

COMMENT: Corrects typographical error.;

and, on page 19, strike lines 23 through 27, in their entireties.

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

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Agenda - Final

Judiciary Committee

Tuesday, December 3, 2019

10:00 AM

Du Burns Council Chamber, 4th floor, City Hall

19-0424

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEM SCHEDULED FOR PUBLIC HEARING

19-0424

Corrective Bill 2019 - General

For the purpose of correcting various errors and omissions in the City Code; correcting, clarifying, and conforming certain inconsistent, superfluous, vague, and other unclear language; and providing for a special effective date.

Sponsors:

President Brandon M. Scott

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Judiciary

Bill 19-0424

Corrective Bill 2019 – General

Sponsor: City Council President (Department of Legislative Reference)

Introduced: August 19, 2019

Purpose:

For the purpose of correcting various errors and omissions in the City Code; correcting, clarifying, and conforming certain inconsistent, superfluous, vague, and other unclear language; and providing for a special effective date.

Effective: The date it is enacted

AGENCY REPORTS

Environmental Control Board	No Objection
Police Department	No Objection
Dept. of Finance	Does Not Oppose
Dept. of Transportation	No Objection
City Solicitor	Favorable with Amendment
Board of Municipal and Zoning Appeals	No Objection
Parking Authority Board	Favorable
Fire and Police Employees' Retirement System	
Employees' Retirement System	
Board of Ethics	Favorable
Dept. of Housing and Community Development	
Minority and Women's Business Opportunity Office	

ANALYSIS

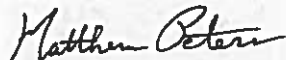
The bill corrects various errors and omissions in the Baltimore City Code and clarifies and conforms inconsistent, superfluous, vague, and other unclear language. Comments in the bill provide additional explanation for each correction. The corrections are not intended to make any substantive policy changes.

After the introduction of the bill additional errors in the Code were reported to or discovered by the Department of Legislative Reference. The Department prepared the attached amendments to the bill that will correct those additional errors.

ADDITIONAL INFORMATION

Fiscal Note: None

Information Source(s): Baltimore City Code, Department of Legislative Reference, Reporting Agencies, Bill 19-0424.



Analysis by: Matthew L. Peters
Analysis Date: December 2, 2019

Direct Inquiries to: (410) 396-1268

**CITY OF BALTIMORE
COUNCIL BILL 19-0424
(First Reader)**

Introduced by: President Scott
At the request of: Department of Legislative Reference
Introduced and read first time: August 19, 2019
Assigned to: Judiciary Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Mayor's Office of Minority and Women Owned Business Development, Board of Ethics, Department of Housing and Community Development, Employees' Retirement System, Fire and Police Employees' Retirement System, Department of Finance, Police Department, Baltimore City Parking Authority Board, Environmental Control Board, Department of Transportation, Board of Municipal and Zoning Appeals

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Corrective Bill 2019 – General**

3 FOR the purpose of correcting various errors and omissions in the City Code; correcting,
4 clarifying, and conforming certain inconsistent, superfluous, vague, and other unclear
5 language; and providing for a special effective date.

6 BY repealing and reordaining, with amendments

7 Article 1 - Mayor, City Council, and Municipal Agencies
8 Section 40-10(a)
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and reordaining, with amendments

12 Article 2 - Consumer Protections
13 Sections 1-11(b)(1) and 6-14(a)
14 Baltimore City Code
15 (Edition 2000)

16 BY repealing and reordaining, with amendments

17 Article 4 - Community Relations
18 Section 4-4(a)
19 Baltimore City Code
20 (Edition 2000)

21 BY repealing and reordaining, with amendments

22 Article 5 - Finance, Property, and Procurement
23 Section 29-14(a)
24 Baltimore City Code
25 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 19-0424

- 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 7-8(34)
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), 22-16(a),
39 41-10(a), 42-2(b)(2) 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 25 - Sewers
8 Section 21-7(b)
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and reordaining, with amendments
12 Article 26 - Surveys, Streets, and Highways
13 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),
14 40-31, 40-36, 40-39(b), 40-43(c), 40-50
15 Baltimore City Code
16 (Edition 2000)

17 BY repealing and reordaining, with amendments
18 Article 28 - Taxes
19 Sections 10-30(b) and 17-13(c)
20 Baltimore City Code
21 (Edition 2000)

22 BY repealing and reordaining, with amendments
23 Article 31 - Transit and Traffic
24 Section 22-31(b)
25 Baltimore City Code
26 (Edition 2000)

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

29 **Baltimore City Code**

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

31 ***Subtitle 40. Environmental Control Board***

32 **§ 40-10. Judicial and appellate review.**

33 **(a) *Judicial review.***

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

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

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Article 2. Consumer Protections

Subtitle 1. Auctions

§ 1-11. License suspension or revocation.

(b) Judicial and appellate review.

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

COMMENT: Clarifies scope of authorization.

Subtitle 6. "Going Out of Business" Sales

§ 6-14. Judicial and appellate review.

(a) Judicial review.

A person aggrieved by the denial or revocation of a license 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.

COMMENT: Clarifies scope of authorization.

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 location of like provisions elsewhere.

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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.

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.

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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.*

A party aggrieved by a final decision of the Department UNDER THIS DIVISION III 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 8. Ethics

Subtitle 2. Definitions; General Provisions

§ 2-22. “Person”.

“Person” means:

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

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

10 ***Subtitle 5. Complaints***

11 **§ 5-8. Judicial and appellate review.**

12 (a) *Judicial review.*

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

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

19 ***Subtitle 7. Financial Disclosure***

20 **§ 7-8. Persons required to file – Agency officials and staff.**

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

23 (5) *CIVILIAN REVIEW BOARD.*

24 (I) MEMBERS OF BOARD.

25 (II) BOARD ADMINISTRATOR.

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

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

5 (34) *Police Department.*

6 (i) Commissioner.

7 (ii) Deputy Commissioners.

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

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

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

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

12 **COMMENT:** Reorganizes and amends list, for clarity and to conform to administratively
13 modified rank designations. As to the deletion here of "Members of Civil Review
14 Board", see proposed new item (5) of this section and accompanying Comment.

15 **Article 11. Labor and Employment**

16 *Division I. Minimum Wage Law*

17 *Subtitle 4. Enforcement Procedures*

18 **§ 4-8. Judicial and appellate review.**

19 (a) *Judicial review.*

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

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

24 *Division II. Miscellaneous Regulations*

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

26 **§ 15-12. Judicial and appellate review.**

27 (a) *Judicial review.*

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

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1 COMMENT: Clarifies scope of authorization.

2 ***Subtitle 16. Lactation Accommodations in the Workplace***

3 **§ 16-26. Judicial and appellate review.**

4 (a) *Judicial review.*

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

8 COMMENT: Clarifies scope of authorization.

9 ***Subtitle 18. Displaced Service Workers Protection***

10 **§ 18-7. Enforcement procedures.**

11 (j) *Judicial and appellate review.*

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

15 COMMENT: Clarifies scope of authorization.

16 **Article 13. Housing and Urban Renewal**

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

19 **§ 4-1. Definitions.**

20 (f) *Person.*

21 (2) *Inclusions.*

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

24 COMMENT: Conforms to recent renumbering of cited section.

25 **§ 4-8. Registration fees.**

26 (a) *Rooming houses.*

27 (2) *Increased fee.*

28 For any rooming house that has had the term of its rental dwelling license reduced
29 under § 5-9(c) or (d) {“Rental dwellings: Tiered license terms”} of this article to a

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1 1-year term, the annual registration fee under PARAGRAPH (1) OF this [section]
2 SUBSECTION for each succeeding registration year beginning after the start of each
3 1-year rental dwelling license term is increased by an additional \$15 per rooming
4 unit, which additional amount shall be deposited in the continuing, nonlapsing fund
5 created by City Charter Article I, § 14 {"Affordable Housing Trust Fund"}.

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

7 (2) *Increased fee.*

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

15 (c) *Vacant structures.*

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

- | | |
|-------------------------------------|------------|
| 19 (1) for residential structures – | \$100 per |
| 20 | structure. |
| 21 (2) for all other structures – | \$250 per |
| 22 | structure. |

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

25 ***Subtitle 5. Licensing of Rental Dwellings***

26 **§ 5-6. Prerequisites for new or renewal license – In general.**

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

28 ...
29 (5) for premises that include a hotel or motel subject to City Code Article 15 {"Licensing
30 and Regulation"}, Subtitle 10 {"Hotels"}, the hotel or motel is in compliance with
31 the training, certification, and posting requirements of that subtitle; AND

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

33 (i) has been issued under the Baltimore City Building, Fire, and Related
34 Codes Article; and

35 (ii) notwithstanding the passage of more than 90 days since its issuance,
36 has not been abated before the license issuance or renewal.

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

2 ***Subtitle 7. Residential Lease Requirements***

3 **§ 7-3. Information required.**

4 (c) *Additional required disclosures.*

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

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

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

11 COMMENT: Moves misplaced phrase.

12 **Article 14. Special Benefits Districts**

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

14 **§ 16-6. General duties.**

15 The Board shall:

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

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

21 **§ 16-9. Applications for designation.**

22 (a) *Applications by residents.*

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

25 ...
26 (iv) a commitment that they will trim back – and keep trimmed – any privately
27 owned greenery [which] THAT might interfere with either public or private
28 lighting of the neighborhood.

29 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
4 to the owners for trimming any privately owned greenery [which] THAT might interfere
5 with 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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1 *Subtitle 11. Massage Establishments*

2 **§ 11-10. Denials; appeals.**

3 (b) *Judicial and appellate review.*

4 (1) *JUDICIAL REVIEW.*

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

8 (2) *APPELLATE REVIEW.*

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

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

13 *Subtitle 12. Commercial Parking Facilities*

14 **§ 12-4. License required; fee.**

15 (a) *In general.*

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

19 (b) *Fee.*

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

25 (c) *Partial-year license.*

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

29 COMMENT: Inserts adjective inadvertently omitted when subtitle renamed.

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Subtitle 22. Towing Services – Trespass Towing

§ 22-16. Judicial and appellate review.

(a) *Judicial review.*

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

COMMENT: Clarifies scope of authorization.

Subtitle 41. Licensing of Convicted Drug Offenders

§ 41-10. Judicial and appellate review.

(a) *Judicial review.*

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

COMMENT: Clarifies scope of authorization.

Subtitle 42. Human-Trafficking Notice Requirements

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

(b) *In general.*

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

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

(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

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1 employees where similar notices are customarily posted and on the back of the door
2 at the entrance to each restroom.

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

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

7 COMMENT: Corrects misuse of the term "under".
8

9 **§ 42-8. Criminal penalties.**

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

13 COMMENT: Corrects language to conform to standard usage.

14 **Article 19. Police Ordinances**

15 ***Subtitle 59. Weapons***

16 **§ 59-5. Illegal carrying, etc., of handguns.**

17 (b) *Carrying prohibited.*

18 A person may not:

19 ...
20 (2) wear, carry, or knowingly transport a handgun, whether concealed or open, in a
21 vehicle traveling on a road within 100 yards of a:

22 (i) park;

23 (ii) church;

24 (iii) school;

25 (iv) public building; or

26 (v) other place of public assembly; OR

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

29 (i) park;

30 (ii) church;

31 (iii) school;

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(iv) public building; or

(v) other place of public assembly.

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

Article 25. Sewers

Subtitle 21. General Administration of Article

§ 21-7. Administrative and judicial review.

(b) *Judicial and appellate review.*

(1) *JUDICIAL REVIEW.*

A person aggrieved by [the] A final decision of the Director or hearing officer UNDER THIS SECTION may seek judicial review of the 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 26. Surveys, Streets, and Highways

Subtitle 8. Alleys

§ 8-6. 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.

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Subtitle 8A. Gating and Greening Alleys

§ 8A-8. Petition required.

(c) *Accompanying statement and consents.*

The petition must be accompanied by:

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

COMMENT: Corrects cross-references.

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

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1 Advisory Committee as would be extended to any statutory member, exactly as if
2 MTA were a member of the Committee.

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

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

6 **§ 40-28. Design speed.**

7 (b) *Standard.*

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

10 **COMMENT:** Substitutes “must” for “shall”.

11 **§ 40-29. Lane widths.**

12 (b) *In general.*

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

15 (c) *Exceptions.*

16 (1) *Local streets.*

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

19 **COMMENT:** Corrects misuse of “shall be” in subsection (b) and misuse of “shall not” in
20 subsection (c)(1).

21 **§ 40-31. Compliance with State and Federal funding requirements.**

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

26 **COMMENT:** Corrects misuse of “this legislation”.

27 **§ 40-36. Director to adopt Complete Streets Manual.**

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

31 **COMMENT:** Substitutes “must” for “shall”.

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1 **§ 40-39. Project prioritization process.**

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

3 This project prioritization process [shall] **MUST** include an equity assessment. The equity
4 assessment [shall] **MUST** consider transportation disparity trends based on race, gender,
5 sexual orientation, age, disability, ethnicity, national origin, or income and recommend
6 ways to reverse these trends. It [shall] **MUST** assess and recommend ways to eliminate
7 structural and institutional discrimination in transportation based on immutable
8 characteristics.

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

10 **§ 40-43. Final adoption.**

11 **(c) Complete Streets Manual compliance.**

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

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

15 **§ 40-50. Accountability to communities.**

16 The Transportation Department, in consultation with the Complete Streets Advisory
17 Committee, [shall] **MUST** conduct public meetings and other community engagement and
18 outreach activities to present the Complete Streets annual report to the public and solicit
19 public input.

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

21 **Article 28. Taxes**

22 **Subtitle 10. Credits**

23 **§ 10-30. Food Desert Incentive Areas (Personal Property Tax Credit)**

24 **(b) Credit granted.**

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

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

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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.*

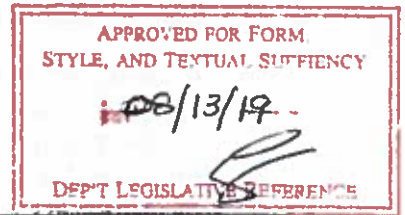
A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

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.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: The Council President
At the request of: Department of Legislative Reference

A BILL ENTITLED

AN ORDINANCE concerning

Corrective Bill 2019 – General

FOR the purpose of correcting various errors and omissions in the City Code; correcting, clarifying, and conforming certain inconsistent, superfluous, vague, and other unclear language; and providing for a special effective date.

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies
Section 40-10(a)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 2 - Consumer Protections
Sections 1-11(b)(1) and 6-14(a)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 4 - Community Relations
Section 4-4(a)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 5 - Finance, Property, and Procurement
Section 29-14(a)
Baltimore City Code
(Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law
[Brackets] indicate matter deleted from existing law.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

BY repealing and reordaining, with amendments
Article 6 - Historical and Architectural Preservation
Section 9-1(a)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 7 - Natural Resources
Sections 8-7(a), 28-5(a), 28-11(a), and 35-11(a)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 8 - Ethics
Sections 2-22, 5-8(a), and 7-8(34)
Baltimore City Code
(Edition 2000)

BY adding
Article 8 - Ethics
Section 7-8(5)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 11 - Labor and Employment
Sections 4-8(a), 15-12(a), 16-26(a), and 18-7(j)(1)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 13 - Housing and Urban Renewal
Sections 4-1(f)(3), 4-8(a)(2), (b)(2), and (c), 5-6(5) and (6), and 7-3(c)(2)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 14 - Special Benefits Districts
Sections 16-6(3), 16-9(a)(3)(iv), and 16-12(c)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 15 - Licensing and Regulation
Sections 1-31(a), 9-19(a), 10-1(b), 11-10(b), 12-4(a)(1), (b)(1), and (c)(1), 22-16(a),
41-10(a), 42-2(b)(2) and (c), and 42-8
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances
Section 59-5(b)(2) and (3)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 25 - Sewers
Section 21-7(b)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 26 - Surveys, Streets, and Highways
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),
40-31, 40-36, 40-39(b), 40-43(c), 40-50
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 28 - Taxes
Sections 10-30(b) and 17-13(c)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 31 - Transit and Traffic
Section 22-31(b)
Baltimore City Code
(Edition 2000)

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

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-10. Judicial and appellate review.

(a) Judicial review.

[Any] A person who, after having exhausted all administrative remedies available, is aggrieved by a final decision of the Board 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 2. Consumer Protections

Subtitle 1. Auctions

§ 1-11. License suspension or revocation.

(b) *Judicial and appellate review.*

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

COMMENT: Clarifies scope of authorization.

Subtitle 6. "Going Out of Business" Sales

§ 6-14. Judicial and appellate review.

(a) *Judicial review.*

A person aggrieved by the denial or revocation of a license 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.

COMMENT: Clarifies scope of authorization.

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.

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.*

A party aggrieved by a final decision of the Department UNDER THIS DIVISION III 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 8. Ethics

Subtitle 2. Definitions; General Provisions

§ 2-22. "Person".

"Person" means:

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

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

Subtitle 5. Complaints

§ 5-8. Judicial and appellate review.

(a) *Judicial review.*

[If the] A respondent [is] aggrieved by [the Ethics Board's] A final decision OF THE ETHICS BOARD UNDER THIS SUBTITLE[, the respondent] 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 and otherwise conforms subsection to the location of like provisions elsewhere.

Subtitle 7. Financial Disclosure

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

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

(5) *CIVILIAN REVIEW BOARD.*

(I) MEMBERS OF BOARD.

(II) BOARD ADMINISTRATOR.

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

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

(34) *Police Department.*

(i) Commissioner.

(ii) Deputy Commissioners.

(III) [(iv)] Commanding Officers.

[(v) Members of Civilian Review Board.]

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

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

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

Article 11. Labor and Employment

Division I. Minimum Wage Law

Subtitle 4. Enforcement Procedures

§ 4-8. Judicial and appellate review.

(a) *Judicial review.*

A respondent aggrieved by an order of the Commission UNDER THIS DIVISION I 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.

Division II. Miscellaneous Regulations

Subtitle 15. Fair Criminal-Record Screening Practices

§ 15-12. 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 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.*

(I) 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] 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).

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 ejectment 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.

§ 16-12. Operation of Program.

(c) *Privately owned greenery.*

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

COMMENT: Grammatical correction.

Article 15. Licensing and Regulation

Subtitle 1. Adult-Entertainment Business

§ 1-31. Judicial and appellate review.

(a) *Judicial review.*

A person aggrieved by a decision of the Board 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 9. Late-Night Commercial Operations

§ 9-19. Judicial and appellate review.

(a) *Judicial review.*

A person aggrieved by a decision of the Finance Director 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 10. Hotels

§ 10-1. Definitions.

(b) *Hotel.*

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

- (1) contains sleeping accommodations for more than 5 persons; and
- (2) IS open to the transient public.

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

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.

Subtitle 22. Towing Services – Trespass Towing

§ 22-16. Judicial and appellate review.

(a) *Judicial review.*

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

COMMENT: Clarifies scope of authorization.

Subtitle 41. Licensing of Convicted Drug Offenders

§ 41-10. Judicial and appellate review.

(a) *Judicial review.*

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

COMMENT: Clarifies scope of authorization.

Subtitle 42. Human-Trafficking Notice Requirements

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

(b) *In general.*

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

- (i) by creating their own signs, using a font size of not less than 30 points for the hotline numbers and a font size of not less than 12 points for the body text[,];
or
- (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 locution 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;
 - (iv) public building; or
 - (v) other place of public assembly; OR
- (3) wear, carry, or knowingly transport a handgun in connection with the commission of a crime against a person or property, within 100 yards of, or in, a:
 - (i) park;
 - (ii) church;
 - (iii) school;

(iv) public building; or

(v) other place of public assembly.

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

Article 25. Sewers

Subtitle 21. General Administration of Article

§ 21-7. Administrative and judicial review.

(b) *Judicial and appellate review.*

(1) *JUDICIAL REVIEW.*

A person aggrieved by [the] A final decision of the Director or hearing officer UNDER THIS SECTION may seek judicial review of the 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 26. Surveys, Streets, and Highways

Subtitle 8. Alleys

§ 8-6. 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 8A. Gating and Greening Alleys

§ 8A-8. Petition required.

(c) Accompanying statement and consents.

The petition must be accompanied by:

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

COMMENT: Corrects cross-references.

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".

§ 40-28. Design speed.

- (b) *Standard.*

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

COMMENT: Substitutes "must" for "shall".

§ 40-29. Lane widths.

- (b) *In general.*

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

- (c) *Exceptions.*

- (1) *Local streets.*

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

COMMENT: Corrects misuse of "shall be" in subsection (b) and misuse of "shall not" in subsection (c)(1).

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

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

COMMENT: Corrects misuse of "this legislation".

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

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

COMMENT: Substitutes "must" for "shall".

§ 40-39. Project prioritization process.

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

This project prioritization process [shall] **MUST** include an equity assessment. The equity assessment [shall] **MUST** consider transportation disparity trends based on race, gender, sexual orientation, age, disability, ethnicity, national origin, or income and recommend

ways to reverse these trends. It [shall] **MUST** assess and recommend ways to eliminate structural and institutional discrimination in transportation based on immutable characteristics.

COMMENT: Substitutes "must" for "shall".

§ 40-43. Final adoption.

(c) *Complete Streets Manual compliance.*

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

COMMENT: Substitutes "must" for "shall".

§ 40-50. Accountability to communities.

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

COMMENT: Substitutes "must" for "shall".

Article 28. Taxes

Subtitle 10. Credits

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

(b) *Credit granted.*

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

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

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.

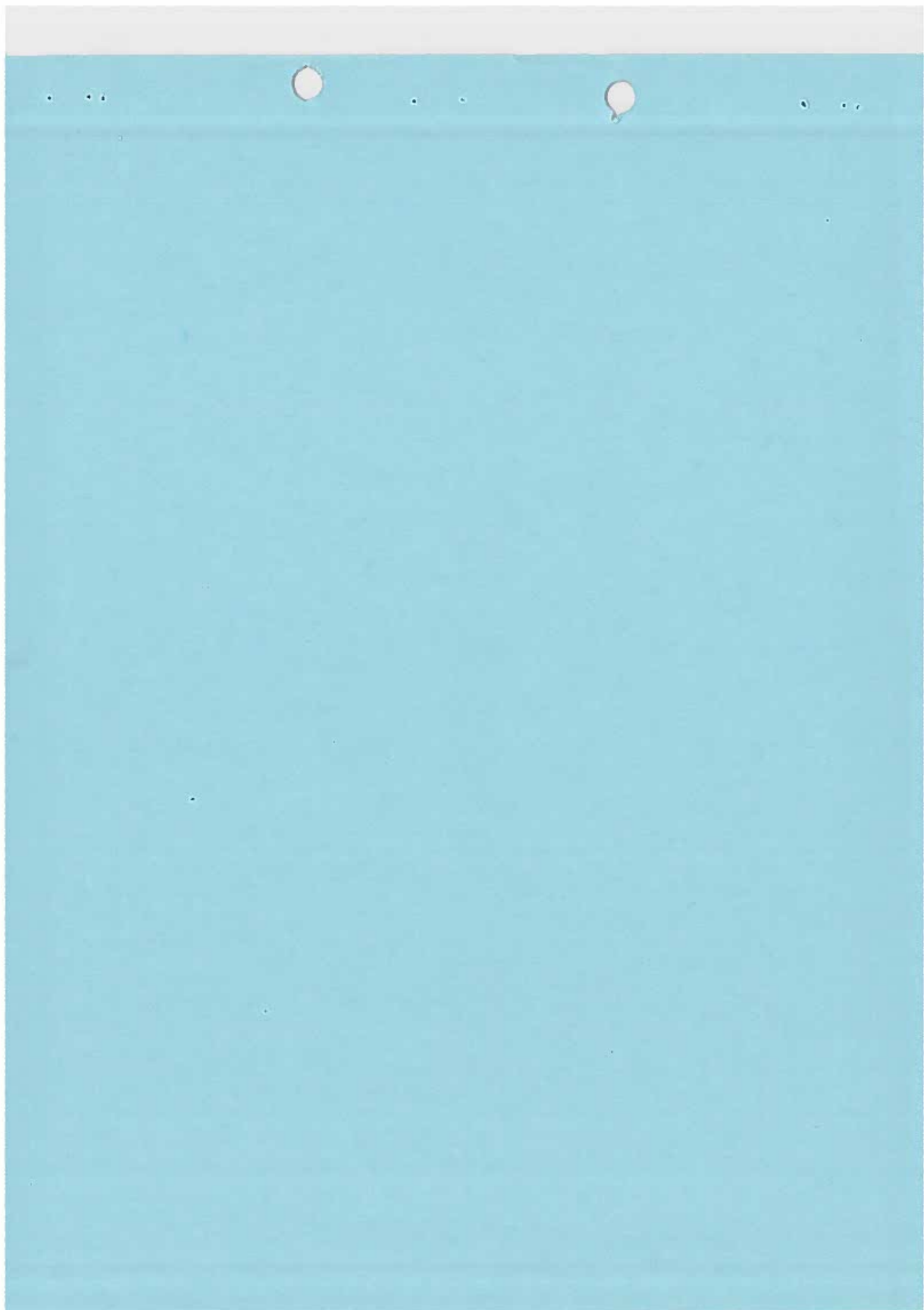
(2) *APPELLATE REVIEW.*

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.



ACTION BY THE CITY COUNCIL

AUG 19 2019
20

FIRST READING (INTRODUCTION) _____

PUBLIC HEARING HELD ON Dec. 3, 2019 _____ 20 _____

COMMITTEE REPORT AS OF Dec. 5, 2019 _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

C. V. [Signature]

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

DEC 05 2019
20

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

DEC 16 2019
20

THIRD READING _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk