

CITY OF BALTIMORE
COUNCIL BILL 20-0573
(First Reader)

Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

Introduced and read first time: August 17, 2020

Assigned to: Housing and Urban Affairs Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Housing and Community Development, Department of Transportation, Fire Department, Board of Estimates

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Franchise – Electric Vehicle Charging Stations**

3 FOR the purpose of granting a franchise to the Baltimore Gas and Electric Company to install,
4 operate, and maintain electric vehicle charging stations on City right-of-way and Park
5 Properties, subject to certain terms, conditions, and reservations; and providing for a special
6 effective date.

7 BY authority of
8 Article VIII - Franchises
9 Baltimore City Charter
10 (1996 Edition)

11 **Recitals**

12 The City desires to promote the use of electric vehicles in the City and to
13 improve the City's electric vehicle charging infrastructure through installation of
14 publicly-available electric vehicle charging stations and related equipment
15 (collectively, "EV Stations") at various locations in Baltimore; and

16 The Baltimore Gas and Electric Company ("BGE") has implemented the
17 Evsmart Program to encourage the usage of electric vehicles in the City and
18 elsewhere throughout BGE's electric distribution service territory.

19 BGE owns EV Stations and wishes to install them in City-approved locations,
20 which includes public right-of-way and Park Properties, and in accordance with
21 the directives of the Maryland Public Service Commission and the terms of this
22 Ordinance and the attached Memorandum of Understanding between the City and
23 BGE.

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

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SECTION 1. DEFINITIONS.

“Park Properties” means the real property controlled by the Department of Recreation and Parks pursuant to the provisions of Article VII of the City Charter, which includes parks, zoos, squares, athletic and recreational facilities.

SECTION 2. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to BGE, its tenants, successors, and assigns (collectively, the “Grantee”) to install, operate, maintain, repair, replace, and remove electric vehicle charging stations at City-approved locations on City right-of-way and on Park Properties, subject to the terms and conditions of this Ordinance and the Memorandum of Understanding between the Mayor and City Council of Baltimore and the Grantee, which is attached as Attachment I and made part of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That to become effective, the franchise or right granted by this Ordinance (the “Franchise”) must be executed and enjoyed by the Grantee within 6 months after the effective date of this Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That as compensation for the Franchise, the Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$_____ a year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise charge must be paid annually, at least 30 days before the initial and each renewal term of the Franchise.

SECTION 5. AND BE IT FURTHER ORDAINED, That:

(a) The initial term of the Franchise is 1 year, commencing on the effective date of this Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will automatically renew, without any action by either the Mayor and City Council of Baltimore or the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this Ordinance, each renewal term will be on the same terms and conditions as the initial term. The maximum duration for which the Franchise may operate, including the initial and all renewal terms, is 25 years.

(b) Either the Mayor and City Council of Baltimore, acting by and through the Directors of Transportation and Recreation and Parks, or the Grantee may cancel the Franchise as at the end of the initial or any renewal term by giving written notice of cancellation to the other at least 90 days before the end of that term.

SECTION 6. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore, acting by and through the Board of Estimates, may increase or decrease the annual franchise charge by giving written notice of the increase or decrease to the Grantee at least 150 days before the end of the original or renewal term immediately preceding the renewal term to which the increase or decrease will first apply. The new franchise charge will apply to all subsequent annual renewal terms, unless again increased or decreased in accordance with this section.

SECTION 7. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore expressly reserves the right at all times to exercise, in the interest of the public, full municipal superintendence, regulation, and control over and in respect to all matters connected with the Franchise and not inconsistent with the terms of this Ordinance.

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1 **SECTION 8. AND BE IT FURTHER ORDAINED,** That the Grantee, at its own cost and expense,
2 shall maintain in good condition and in compliance with all applicable laws and regulations of
3 Baltimore City, all structures for which the Franchise is granted. The maintenance of these
4 structures shall be at all times subject to the regulation and control of the Directors of the
5 Department of Transportation and the Department of Recreation and Parks. If any structure for
6 which the Franchise is granted must be readjusted, relocated, protected, or supported to
7 accommodate a public improvement, the Grantee shall pay all costs and expenses in connection
8 with the readjustment, relocation, protection, or support.

9 **SECTION 9. AND BE IT FURTHER ORDAINED,** That at the option of the Mayor and City
10 Council of Baltimore, acting by and through the Directors of Transportation and Recreation and
11 Parks, the Grantee's failure to comply with any term or condition of this Ordinance or the
12 Memorandum of Understanding between the Mayor and City Council of Baltimore and the
13 Grantee constitutes a forfeiture of the Franchise. Immediately on written notice to the Grantee of
14 the exercise of this option, the Franchise terminates. Once so terminated, only an ordinance of
15 the Mayor and City Council of Baltimore may waive the forfeiture or otherwise reinstate the
16 Franchise.

17 **SECTION 10. AND BE IT FURTHER ORDAINED,** That at any time and without prior notice, the
18 Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public
19 interest, welfare, safety, or convenience so requires. Immediately on written notice to the
20 Grantee of the exercise of this right, the Franchise terminates.

21 **SECTION 11. AND BE IT FURTHER ORDAINED,** That on cancellation, expiration, forfeiture,
22 revocation, or other termination of the Franchise for any reason, the Grantee shall remove all
23 structures for which the Franchise is granted. The removal of these structures shall be
24 (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor
25 and City Council of Baltimore, (ii) made in a manner satisfactory to the Directors of the
26 Department of Transportation and the Department of Recreation and Parks, and (iii) completed
27 within the time specified in writing by the Directors of the Department of Transportation and the
28 Department of Recreation and Parks.

29 **SECTION 12. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
30 is enacted.