

CITY OF BALTIMORE
RESOLUTION _____
Council Bill 19-0353
(Charter Amendment)

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

Introduced and read first time: March 18, 2019

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable

Council action: Adopted

Read second time: November 2, 2020

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

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

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

BY proposing to amend
Article VIII - Franchises
Section 1
Baltimore City Charter
(1996 Edition)

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

Baltimore City Charter

Article VIII. Franchises

§ 1. Authority to grant.

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

With the exception of the City's sewer system [and], water-supply system, AND UNDERGROUND CONDUIT SYSTEM FOR CABLES, WIRES, AND SIMILAR FACILITIES, the City may grant for a limited time and subject to the limitations and conditions contained in the Charter,

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

Council Bill 19-0353

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

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

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

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

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this _____ day of _____, 20____

Chief Clerk

Approved this _____ day of _____, 20____

Mayor, Baltimore City