



Legislation Details (With Text)

File #: 19-0424 **Version:** 0 **Name:** Corrective Bill 2019 - General
Type: Ordinance **Status:** Enacted
File created: 8/19/2019 **In control:** City Council
On agenda: **Final action:** 12/18/2019
Enactment date: **Enactment #:** 19-332

Title: 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: Mayor Brandon M. Scott

Indexes: Corrective Bill, General

Code sections:

Attachments: 1. 19-0424 - 1st Reader, 2. ECB 19-0424, 3. BPD 19-0424, 4. Finance 19-0424, 5. DOT 19-0424, 6. Ethics Board 19-0424, 7. Law 19-0424, 8. BMZA 19-0424, 9. Parking 19-0424, 10. DHCD 19-0424, 11. 2nd Reader Committee Floor Amendments 19-0424, 12. 19-0424~3rd Reader, 13. 19-0424 complete bill file

Date	Ver.	Action By	Action	Result
1/13/2020	0	Mayor	Signed by Mayor	
12/16/2019	0	City Council	Approved and Sent to the Mayor	
12/5/2019	0	City Council	3rd Reader, for final passage	
12/5/2019	0	Judiciary Committee	Recommended Favorably with Amendment	
12/3/2019	0	Judiciary Committee	Recommended Favorably with Amendment	Pass
12/2/2019	0	Judiciary Committee	Scheduled for a Public Hearing	
8/22/2019	0	The City Council	Refer to Board of Municipal and Zoning Appeals	
8/22/2019	0	The City Council	Refer to Environmental Control Board	
8/22/2019	0	The City Council	Refer to Dept. of Transportation	
8/22/2019	0	The City Council	Refer to Police Department	
8/22/2019	0	The City Council	Refer to Parking Authority Board	
8/22/2019	0	The City Council	Refer to Fire and Police Employees' Retirement System	
8/22/2019	0	The City Council	Refer to Dept. of Finance	
8/22/2019	0	The City Council	Refer to Employees' Retirement System	
8/22/2019	0	The City Council	Refer to Board of Ethics	
8/22/2019	0	The City Council	Refer to Dept. of Housing and Community Development	
8/22/2019	0	The City Council	Refer to Minority and Women's Business Opportunity Office	

8/22/2019	0	The City Council	Refer to City Solicitor
8/19/2019	0	City Council	Assigned
8/19/2019	0	City Council	Introduced

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.

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)

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.*

(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] 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 ejection notice, at the time that notice is sent to the tenant.

Comment: Moves misplaced phrase.

Article 14. Special Benefits Districts

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

§ 16-6. General duties.

The Board shall:

...

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

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

§ 16-9. Applications for designation.

(a) *Applications by residents.*

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

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

Comment: Grammatical correction.

§ 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(g), 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.