



Legislation Text

File #: 12-0069, **Version:** 0

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: The Council President
At the request of: The Administration (Department of Planning)

A BILL ENTITLED

AN ORDINANCE concerning
Real Estate Transactions - Disclosure of Heavy-Industrial and Railroad Operations

FOR the purpose of requiring the seller of real property to disclose to the buyer certain information about the possibility of nearby heavy-industrial and railroad operations; defining certain terms; conforming, correcting, and clarifying certain related provisions; and providing for a special effective date.

BY repealing and reordaining, without amendments

Article 2 - Consumer Protections
Section(s) 14-1(a)
Baltimore City Code
(Edition 2000)

BY adding

Article 2 - Consumer Protections
Section(s) 14-1(e)
Baltimore City Code
(Edition 2000)

BY repealing

Article 2 - Consumer Protections
Section(s) 14-5(a)
Baltimore City Code
(Edition 2000)

BY relettering

Article 2 - Consumer Protections
Section(s) 14-5(b), (c), and (d)

to be
Section(s) 14-5(a), (b), and (c)
Baltimore City Code
(Edition 2000)

BY adding
Article 2 - Consumer Protections
Section(s) 14-6
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 2. Consumer Protections

Subtitle 14. Real Estate Practices - Disclosures

§ 14-1. Definitions.

(a) In general.

In this subtitle, the following terms have the meanings indicated.

(E) SELLER.

“SELLER” MEANS:

- (1) THE OWNER OF REAL PROPERTY BEING OFFERED FOR SALE; OR
- (2) A REAL ESTATE AGENT, ATTORNEY, LENDER, OR OTHER PERSON ACTING ON BEHALF OF THE OWNER OF THE PROPERTY BEING OFFERED FOR SALE.

§ 145. Property tax.

[(a) “Seller” defined.

In this section, “seller” means:

- (1) the owner of real property being offered for sale; or
- (2) a real estate agent, attorney, lender, or other person acting on behalf of the owner of the property being offered for sale.]

§ 14-6. HEAVY-INDUSTRIAL AND RAILROAD OPERATIONS.

ON OR BEFORE ENTERING INTO A CONTRACT FOR THE SALE OF ANY REAL PROPERTY, THE

SELLER MUST PROVIDE THE BUYER WITH THE FOLLOWING DISCLOSURE:

DISCLOSURE OF HEAVY- INDUSTRIAL AND RAILROAD OPERATIONS

BUYER IS ADVISED THAT THE PROPERTY MAY BE LOCATED NEAR HEAVY-INDUSTRIAL OPERATIONS (THAT IS, LAND USES LIMITED TO AN M-3 INDUSTRIAL ZONING DISTRICT UNDER ZONING CODE TITLE 7, SUBTITLE 4) OR NEAR RAILROAD OPERATIONS.

THESE OPERATIONS MAY INVOLVE THE USE OF MACHINERY, TRUCKS, OR TRAINS, 24 HOURS A DAY, 7 DAYS A WEEK, AND MAY CREATE OR CAUSE NOISES, ODORS, FUMES, BRIGHT LIGHTS, VIBRATIONS, AND SAFETY HAZARDS.

DETAILED INFORMATION ON THE LOCATION OF HEAVY-INDUSTRIAL (M-3) ZONES AND ON THE LOCATION OF RAILROAD TRACKS CAN BE FOUND ON THE "BALTIMORE CITYVIEW" WEBSITE, AT [HTTP://CITYVIEW.BALTIMORECITY.GOV](http://CITYVIEW.BALTIMORECITY.GOV).

SECTION 2. AND BE IT FURTHER ORDAINED, That City Code Article 2, § 14-5(b), (c), and (d) are relettered to be City Code Article 2, § 14-5(a), (b), and (c).

SECTION 3. AND BE IT FURTHER ORDAINED, That if any provision of this ordinance or the application of this ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this ordinance are declared severable.

SECTION 4. 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 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on October 1, 2012.

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