



City of Baltimore

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

Legislation Text

File #: 16-0613, **Version:** 0

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: The Administration (Department of Legislative Reference)

A BILL ENTITLED

AN ORDINANCE concerning
Corrective Bill 2016

FOR the purpose of correcting certain technical errors and omissions in the City Code; repealing certain obsolete, obsolescent, or otherwise preempted, superseded, or superfluous provisions; correcting, clarifying, and conforming certain language; and providing for a special effective date.

BY repealing and reordaining, with amendments

Article - Health
Section(s) 12-701(c)
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 20-2(b), 22-6(b), 40-1(c), 40-2(e), 40-7(c)(1), 41-14(2)(◆50-56), 51-4(b), 52-3(b),
and 55-4(b)
Baltimore City Code
(Edition 2000)

BY repealing

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 41-14(2)(◆50-26)
Baltimore City Code
(Edition 2000)

BY repealing

Article 2 - Consumer Protections
Subtitle 15. Weights and Measures
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 4 - Community Relations
Section(s) 2-2(c)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 5 - Finance, Property, and Procurement
Section(s) 21-8(a), 29-10(c) and 30-2(a)(1)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 7 - Natural Resources
Section(s) 1-3(j)(3)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 8 - Ethics
Section(s) 3-5(c) and (d) and 6-27(5)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 11 - Labor and Employment
Section(s) 17-1(c)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 13 - Housing and Urban Renewal
Section(s) 2B-13(b) and 18-3(d)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 15 - Licensing and Regulation
Section(s) 10-1(b), (c), and (d), 10-2, 10-6(a)(1) and (c), and 15-5(b)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances

Section(s) 40-1(d)(2)(ii)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 22A - Retirement Savings Plan

Section(s) 2-7(a)(2) and (c)(2) and 2-10(c)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 28 - Taxes

Section(s) 10-19(e)(1) and (g)(2)(ii)(B) and 10-30(a)(4) and (c)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, without amendment

Article 28 - Taxes

Section(s) 10-19(h)(1)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 31 - Transit and Traffic

Section(s) 13-7(f), 13-9(b) and (c), 15-13(b), and 31-1(d)(1)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Ordinance 15-326

Short Title, First Recital Paragraph, and Section 2

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

Baltimore City Revised Code

Article ♦ Health

Title 12. Tobacco Products

Subtitle 7. Smoking in Vendor Trucks

♦ 12▲701. Definitions.

(c) Smoke.

[Smoke means to inhale, burn, or carry any lighted cigarette, cigar, pipe tobacco, or other tobacco, weed, or plant product of any kind.] SMOKE HAS THE MEANING STATED IN 12-101 DEFINITIONS OF THIS TITLE.

COMMENT: Conforms this subtitle to the changes made by Ord. 14-310 to Subtitle 1 {Indoor Smoking}, Subtitle 4 {Placement of Tobacco Products and Smoking Devices}, Subtitle 5 {Distribution to Minors}, and Subtitle 8 {Smoking Near Playgrounds} of this title each of which were amended by Ord. 14-310 to equate the use of so-called electronic cigarettes to the smoking of tobacco products. Ord. 14-310 and the ordinance that enacted this subtitle (Ord. 14-237) were contemporaneous legislative enactments, but with different purposes and assigned to different committees. The failure of Ord. 14-310 to amend this subtitle was evidently an inadvertent oversight.

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 20. Baltimore City Commission for Women

202. Terms, compensation, vacancies.

(b) Compensation; expenses.

[Members] THE MEMBERS of the Commission:

- (1) [are not entitled to] SERVE WITHOUT compensation [for their services]; but
- (2) are entitled to reimbursement for REASONABLE expenses incurred IN THE PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, 2-5(b), as enacted by Ord. 15-408.)

Subtitle 22. Children, Youth, and Families

226. Terms, organization, meetings, etc.

(b) Compensation; EXPENSES.

[Members] THE MEMBERS of the Commission:

- (1) [are not entitled to] SERVE WITHOUT compensation [for service on the Commission]; but
- (2) are entitled to reimbursement for REASONABLE expenses incurred IN THE PERFORMANCE

OF THEIR DUTIES, as provided in the Ordinance of Estimates.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord. 15-408.)

Subtitle 40. Environmental Control Board

§ 40-1. Definitions.

(c) Code Enforcement Officer.

§ Code Enforcement Officer § means:

(1) A BALTIMORE CITY POLICE OFFICER;

(2) A SPECIAL ENFORCEMENT OFFICER APPOINTED UNDER CITY CODE ARTICLE 19, § 71-1 {§ SPECIAL ENFORCEMENT OFFICERS: APPOINTMENT; DUTIES §}; OR

(3) [a] ANY City employee who:

(I) [(1)] is in a position of trust, as defined by the Administrative Manual AM-237-1; and

(II) [(2)] has been authorized by his or her agency head to issue environmental citations under this subtitle.

COMMENT: For clarity § and to conform with the similar usage elsewhere (see § 41-1(c) {§ Civil Citations: Enforcement officer §} of this article) § this amendment identifies, under the collective term § Code Enforcement Officer §, all of the persons expressly authorized by § law to issue environmental citations. Special Enforcement Officers were so authorized by Ord. 98-359, City police officers by Ord. 12-084.

§ 40-2. Board established.

(e) Compensation; EXPENSES.

The members appointed under subsection (b)(3) of this section:

(1) [are not entitled to] SERVE WITHOUT compensation; but

(2) are entitled to reimbursement for REASONABLE expenses incurred IN THE PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord. 15-408.)

§ 40-7. Environmental Citations.

(c) Service of citations.

An environmental citation must be:

(1) issued by a [Sanitary Enforcement Officer or other City employee who has been authorized to act as a Special Enforcement Officer under Article 19, ~~41~~71▲1 of the City Code, by a] Code Enforcement Officer[, or by a Baltimore City Police Officer]; and

....

COMMENT: Deletes repetition of the various persons who are now encompassed by the ~~all-~~ inclusive definition of ~~Code Enforcement Officer~~. See ~~41~~41▲1(c) above.

Subtitle 41. Civil Citations

~~41~~ 41-14. Offenses to which subtitle applies ~~Listing~~.

(2) Article 19. Police Ordinances

...

~~50~~ 50-56[, ~~50~~ 50-57, or ~~50~~ 50-58]. Soliciting customers \$100

...

[~~50~~ 50-26. Fires in street, lane, or alley. \$ 50]

...

....

COMMENT: Art. 19, ~~50~~ 50-57 and 50-58 were repealed by Ord. 09-149. Art. 19, ~~50~~ 50-26 was repealed by Ord. 15-435.

Subtitle 51. Baltimore City Veterans Commission

~~51~~▲4. Terms, compensation, vacancies.

(b) Compensation; expenses.

[Members] THE MEMBERS of the Commission:

(1) [are not entitled to] SERVE WITHOUT compensation [for their services]; but

(2) are entitled to reimbursement for REASONABLE expenses incurred IN THE PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, ~~2~~ 2-5(b), as enacted by Ord. 15-408.)

Subtitle 52. Baltimore City Hispanic Commission

~~52~~▲3. Terms, compensation, vacancies.

(b) Compensation; expenses.

[Members] THE MEMBERS of the Commission:

- (1) [are not entitled to] SERVE WITHOUT compensation [for their services]; but
- (2) are entitled to reimbursement for REASONABLE expenses incurred IN THE PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord. 15-408.)

Subtitle 55. Mayor's Anti-Animal Abuse Advisory Commission

§ 55-4. Terms, compensation, vacancies.

(b) Compensation; expenses.

[Members] THE MEMBERS of the Advisory Commission:

- (1) [are not entitled to] SERVE WITHOUT compensation [for their services]; but
- (2) are entitled to [timely] reimbursement for REASONABLE expenses incurred IN THE PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord. 15-408.)

Article 2. Consumer Protections

[Subtitle 15. Weights and Measures]

§§ 15-1. National standards adopted.]

[The standards for weights and measures in the City of Baltimore, except as may be otherwise provided by law, shall be the same as the standards for weights and measures of the United States of America.]

§§ 15-2. Sets of weights and measures.]

[(a) Office standards.]

[A complete set of standards of weights and measures, certified in accordance with the Agriculture Article, Annotated Code of Maryland, shall be procured by the Mayor and City Council of Baltimore and shall be kept at all times in the offices of the Department of Public Works, and said set of standards shall be known as § office standards §.]

[(b) Working standards.]

[(1) In addition, the Mayor and City Council of Baltimore shall procure such other weights, measures, and apparatus as may be found necessary, from time to time, to carry out the provisions of this subtitle, and these weights, measures, and apparatus shall be in conformity with the office standards and shall be known as ♦working standards♦.]

[(2) The working standards shall be compared with the office standards at least once in each year.]

[(c) Use of either set authorized.]

[Either the office or working standards shall be used in making comparisons of weights, measures, and weighing or measuring devices submitted for test or comparison at the offices of the Department of Public Works.]

[♦♦15▲3. Rules and regulations.]

[(a) Public Works to adopt; compliance required.]

[(1) The Director of Public Works is hereby authorized and empowered to adopt and promulgate rules and regulations in connection with, and in order to properly enforce, the provisions of this subtitle.]

[(2) Every person, firm, or corporation shall comply with such rules and regulations.]

[(b) Filing with Legislative Reference.]

[Copies of such rules and regulations shall be filed with the Baltimore City Department of Legislative Reference.]

[(c) Scope.]

[(1) Such rules and regulations may include specifications and tolerances for all weights, measures, weighing and measuring devices, which shall be designed to eliminate from use, without prejudice to apparatus which conforms as lawfully as practicable to the official standards, apparatus which are not accurate, or which are of such construction that they are not reasonably permanent in their adjustment, or which will not repeat their indications correctly, or which facilitate the perpetration of fraud.]

[(2) For the purposes of this subtitle, apparatus shall be deemed to be correct when it conforms to all applicable requirements promulgated or specified in this section. All other apparatus shall be deemed to be incorrect.]

[♦♦15▲4. Supervision by Public Works; new or altered devices.]

[(a) Public Works to supervise; exception.]

[The Department of Public Works shall have and maintain general supervision over all weights and measures and weighing and measuring devices offered for sale, sold, or in use in the City of Baltimore, except with respect to the weighing and measuring of milk and fluid dairy products as provided in the Agriculture Article of the Annotated Code of Maryland.]

[(b) Notice to Public Works of new or altered devices.]

[(1) Any person who is responsible for the final stages of introducing a new device, or reintroducing any repaired, rebuilt, or altered device, into the channels of trade or service shall furnish the Director of Public Works a notice in writing prior to the use of such device in the City of Baltimore.]

[(2) The notice shall contain:

- (i) the names and addresses of all persons involved in the transaction;
- (ii) the place of installation of the device;
- (iii) a description of the device; and
- (iv) the model and serial number of the device if obtainable.]

[◆◆15▲5. Inspection service fees.]

[(a) In general.]

[It shall be unlawful for any person, firm, association, or corporation to operate a measuring or weighing device, as defined in this subtitle, without first having paid certain charges, as established herein, for the inspection service provided by the Bureau of Construction Management.]

[(b) Annual fees.]

[The annual charge imposed hereunder for the inspection services of each weighing or measuring device shall be as follows:

- (1) \$4.50 for scales of nominal capacity to weigh items up to 31 pounds, sometimes referred to as spring balance scales or huckster scales.
- (2) \$15 for scales of nominal capacity to weigh items up to 61 pounds, such as computing scales, counter scales, personal weighing scales, and spring balance scales.
- (3) \$30 for scales of a nominal capacity to weigh items up to 7,500 pounds, such as platform scales, beam scales, truck scales, and hopper scales.
- (4) \$75 for scales of a nominal capacity to weigh items of a weight above 7,500 pounds, such as vehicular scales.
- (5) \$37.50 for tank trucks and tank truck meters or tank truck liquid measuring devices.

(6) \$7.50 for retail or commercial fuel pumps or liquid fuel measuring devices, such as commercial gasoline pumps and pumps for kerosene or diesel fuel.

(7) \$150 for wholesale liquid measuring devices, such as bulk meters.]

[(c) Penny scales excepted.]

[Notwithstanding other provisions of this section, no inspection service fee shall be imposed with respect to weighing devices activated by insertion of a single penny.]

[(d) Operator liable for fee.]

[The operator of any measuring or weighing device shall be liable for the payment of any and all charges imposed under this subtitle.]

[(e) Collection; proration.]

[(1) All charges imposed under this subtitle shall be collected by the Director of Finance.]

[(2) Such annual charges shall be due on January 1 of each year, provided, however, that any weighing or measuring device placed in service after January 1, 1972, shall be charged inspection fees as follows:

(i) for a weighing and measuring device placed in service after January 1 and before April 1 of any year, the charge shall be that prescribed for the entire year;

(ii) for a weighing and measuring device placed in service after March 31 and before July 1 of any year, the charge shall be $\frac{1}{2}$ of that prescribed for the entire year;

(iii) for a weighing and measuring device placed in service after June 30 and before October 1 of any year, the charge shall be $\frac{1}{4}$ of that prescribed for the entire year; and

(iv) for a weighing and measuring device placed in service after September 30 of any year, the charge shall be $\frac{1}{4}$ of that prescribed for the entire year.]

[(3) All inspection charges shall be due and payable as of the date of the weighing and measuring device is placed in service.]

[(4) In the event any payment is not made in full within 30 days after it becomes due and payable:

(i) the operator of such measuring or weighing device shall be assessed by the Director of Finance:

(A) the amount of the charge due;

(B) interest at the rate of 1/2% per month or any fraction thereof; and

(C) a penalty of 10% of the charge due; and

(ii) the interest and penalty shall be collected as a part of the charge itself.]

[(f) Rules and regulations.]

[In order to properly carry and enforce the provisions of this subtitle and to collect the charges imposed under this subtitle, the Director of Finance is hereby authorized and empowered to promulgate, from time to time, such rules and regulations as he may deem necessary or proper:

(1) to carry out and enforce the provisions of this subtitle;

(2) to fully collect the charges imposed under this subtitle; and

(3) to define or construe any of the terms and provisions used in this subtitle in connection with the imposition or collection of said charges.]

[(g) Powers of Director of Finance.]

[In addition to the powers granted to the Director of Finance in subsection (f), he is hereby authorized and empowered:

(1) to compromise disputed claims in connection with the charges imposed by this subtitle, and for good and sufficient cause shown to remit interest and penalties;

(2) to refund the amount of any overcharge or any charge paid in error, upon receipt of an application indicating such overcharge or error within 3 years from the date the charge is paid and in such form as may be required or approved by the Director of Finance; and

(3) to extend, for good cause shown, the time for remitting any charges required to be paid under this subtitle for such period of time as he may deem reasonable.]

[◆◆15▲6. Public Works to enforce State provisions.]

[When not otherwise provided by law, the Department of Public Works shall have, enforce, exercise and abide by all the conditions, powers, penalties, stipulations, orders, and directions set forth in the Agriculture Article of the Annotated Code of Maryland with respect to the Weights and Measures Law of Maryland.]

COMMENT: This subtitle is obsolete. It has long been superseded (if not outright preempted) by the provisions of what is now State Agriculture Article, Title 11 {◆Weights and Measures◆}. That title governs the standards for and the sale, use,◆and supervision of weights and measures statewide.

Some 40 years ago, when these City provisions were last amended (Ord. 76-066), State law◆expressly recognized the authority of Baltimore City to administer and enforce its own regulatory program (cf. former State Code Art. 97, ◆ 36; later former State Ag. Art. ◆◆11▲204). The State law also then authorized certain of the State◆s larger counties to enforce the State law concurrently with

the State Secretary of Agriculture (cf., e.g., former State Code Art. 97, §§6, 13, and 17; later former State Ag. Art. §§ 11-202, 11-203, and 11-205).

In 1983, however, the General Assembly repealed then State Ag. Art. § 11-204, returning governance of weights and measures in Baltimore City to the plenary authority of the State (Ch. 619, Acts of 1983). And, 3 years later, the General Assembly repealed the then remaining provisions of Title 11 that authorized concurrent enforcement by certain larger subdivisions (Ch. 182, Acts of 1986).

In the end, the governing State law no longer refers, expressly or implicitly, to any possible role that Baltimore City (or any other local jurisdiction) can play in the regulation of weight and measures. Nor, as a practical matter, is the City's Department of Public Works currently aware of any such role for it to play.

Article 4. Community Relations

Subtitle 2. Community Relations Commission

§§2-2. Organization.

(c) Compensation; EXPENSES.

The members OF THE COMMISSION:

- (1) serve without compensation[,]; but
- (2) are entitled to reimbursement for [all] REASONABLE expenses [necessarily] incurred IN THE PERFORMANCE OF THEIR DUTIES, AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord. 15-408.)

Article 5. Finance, Property, and Procurement

Subtitle 21. Public Art

§ 21-8. Compensation and expenses; staff.

(a) Compensation; expenses.

The members of the Commission:

- (1) [receive no] SERVE WITHOUT compensation [for their service on the Commission]; but
- (2) are entitled to reimbursement for [necessary and proper] REASONABLE expenses incurred in [performing] THE PERFORMANCE OF their duties, [on the Commission] AS PROVIDED IN THE

ORDINANCE OF ESTIMATES.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord. 15-408.)

Subtitle 29. Commercial Non-Discrimination Policy

§ 29-10. Hearings.

(c) Consistent with the [Maryland] STATE Public Information Act, TITLE 4 OF THE STATE GENERAL PROVISIONS ARTICLE, and WITH the State Open Meetings Act, TITLE 3 OF THE STATE GENERAL PROVISIONS ARTICLE, the hearing examiner may issue protective orders for good cause for the following reasons:

- (1) to limit, or otherwise impose conditions on, access by any person to any document in the possession of a party, including [an] A document in the City's possession or in the record of the hearing that is not a public record; or
- (2) to close all or any portion of the hearing, or otherwise impose conditions on access to the hearing by any person.

COMMENT: Inserts statutory citations for the two referenced Acts, and corrects a typographical error.

Subtitle 30. Health Care Services Providers

§§30▲2. Prequalification requirements.

(a) Prequalification criteria.

(1) Any person who submits to the City a bid or who contracts with the City to be a health care carrier or to provide health care services to Baltimore City employees or persons receiving health care through any entity funded by the City [shall] MUST prequalify pursuant to [the terms of] CITY CHARTER Article VI, [§ 11(f)] § 11(G) [of the City Charter,] and [such] THE rules, regulations, and standards [as are established, maintained, and modified] ADOPTED by the Board of Estimates [of the City of Baltimore].

Comment: Corrects an erroneous cross-reference and deletes surplusage.

Article 7. Natural Resources

Division I: Floodplain Management

Subtitle 1. Definitions; General Provisions

§ 1-3. Definitions § Floodproofing to Wet floodproofing.

(j) New construction.

(3) ♦Permanent construction♦.

As used in paragraph (2) of this subsection, ♦permanent construction♦ does not include:

- (i) land preparation, such as clearing, grading, and filling;
- (ii) the installation of streets and walkways;
- (iii) excavation for basements, footings, piers, or foundations; [or]
- (iv) the erection of temporary forms; or
- (v) the installation on the property of accessory structures.

Comment: Deletes an extraneous conjunction.

Article 8. Ethics

Subtitle 3. Administration

♦ 3-5. Meetings; compensation.

(c) Open meetings.

All meetings of the Ethics Board must be conducted in accordance with the State Open Meetings Act, [Title 10, Subtitle 5, of the State Government Article of the Maryland Code] TITLE 3 OF THE STATE GENERAL PROVISIONS ARTICLE.

COMMENT: Corrects an outdated statutory citation.

(d) Compensation; EXPENSES.

[Members] THE MEMBERS of the Ethics Board:

- (1) serve without compensation; but
- (2) are entitled to reimbursement [of] FOR reasonable expenses incurred IN THE PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, ♦ 2-5(b), as enacted by Ord. 15-408.)

♦ 6-27. Acceptance prohibited.

Except as otherwise provided in this Part IV, a public servant may not knowingly accept any gift, directly or indirectly, from any person that the public servant knows or has reason to know:

(5) is an owner, partner, officer, director, trustee, employee, or agent of any person described in items (1) through (4) of this [subsection] SECTION.

Comment: Corrects erroneous nomenclature.

Article 11. Labor and Employment

Subtitle 17. Retaliation for Human Trafficking Reports

◆ 17-1. Definitions.

(c) Human trafficking.

◆Human trafficking◆ means:

(1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or◆in which the person induced to perform [such] A COMMERCIAL SEX act has not attained 18 years of age; or

(2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or◆services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

COMMENT: Translates vague indirect reference into clear direct reference.

Article 13. Housing and Urban Renewal

Subtitle 2B. Inclusionary Housing Requirements

◆ 2B-13. Board officers; expenses.

(b) Compensation; EXPENSES.

The members of the Board:

(1) [receive no] SERVE WITHOUT compensation [for services rendered as members of the Board]; but

(2) are entitled to reimbursement for [necessary and proper] REASONABLE expenses incurred in [performing] THE PERFORMANCE OF their duties, [as a member] AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, ♦ 2-5(b), as enacted by Ord. 15-408.)

Subtitle 18. On-Site Utility Contractors

♦ 18-3. On▲Site Utility Contractors Board.

(d) Compensation; expenses.

The appointed members OF THE BOARD:

- (1) serve without compensation[,]; but
- (2) [they] are entitled to reimbursement for REASONABLE expenses [necessarily] incurred in the performance of their duties, AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, ♦ 2-5(b), as enacted by Ord. 15-408.)

Article 15. Licensing and Regulation

Subtitle 10. Hotels

♦ 10-1. Definitions.

(B) [(d)] Hotel.

♦Hotel♦ means any building, including any motel, [containing] THAT CONTAINS sleeping accommodations for more than 5 persons and IS open to the transient public.

(c) Housing Department; Department.

♦Housing Department♦ or ♦Department♦ means the [Baltimore] City Department of Housing AND COMMUNITY DEVELOPMENT.

(D) [(b)] Human trafficking.

♦Human trafficking♦ means:

- (1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform [such] A COMMERCIAL SEX act has not attained 18 years of age; or
- (2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

COMMENT: Reorganizes definitions into alphabetical order; clarifies syntax; corrects reference to the regulatory agency; and translates a vague indirect reference into a clear direct reference.

◆ 10-2. Registration required.

No person may operate a hotel in Baltimore City without first registering the hotel with the HOUSING Department [of Housing] on the form required by [the] THAT Department.

COMMENT: Conforms textual terminology to that of the applicable definition.

◆◆10▲6. Anti-trafficking training required.

(a) Hotel employees to be trained.

(1) Any person who owns or operates a hotel within the City must provide [training to] all new hotel employees, within 30 days of hire, TRAINING on how to identify human trafficking activities and human trafficking victims.

COMMENT: Places noun and applicable modifier in closer proximity, for clarity of meaning.

(c) Certification required.

Beginning in calendar year 2016, any person who owns or operates a hotel within the City must annually certify to the Housing Commissioner, no later than August 1 of each year, that all [of their] HOTEL employees have completed the training required by this section.

COMMENT: Corrects noun-pronoun disagreement.

Subtitle 15. Street Entertainers

◆ 15-5. Board officers; expenses.

(b) Compensation; EXPENSES.

The members of the Board:

(1) [receive no] SERVE WITHOUT compensation [for services rendered as members of the Board]; but

(2) are entitled to reimbursement for [necessary and proper] REASONABLE expenses incurred in [performing] THE PERFORMANCE OF their duties, [as a member] AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, ◆ 2-5(b), as enacted by Ord. 15-408.)

Article 19. Police Ordinances

Subtitle 40. Unregistered Motorcycles and Similar Vehicles

◆ 40-1. Definitions.

(d) Minibike.

(2) ◆Minibike◆ does not include:

. . .

(ii) a motor scooter, as defined in State Transportation Article [◆ 11-134.4] ◆◆11▲134.5.

COMMENT: Corrects mistaken cross-reference, conforming to the correct reference that appears in the otherwise identical subsection (c)(3)(ii) of this section.

Article 22A. Retirement Savings Plan

Subtitle 2. Administration

◆ 2-7. Meetings; Voting; Records.

(a) Meetings.

(2) All meetings of the Board must be conducted in accordance with the State◆Open Meetings Act, [(State Government Article, Title 10, Subtitle 5)] TITLE 3 OF THE STATE GENERAL PROVISIONS ARTICLE.

(c) Records.

(2) These records are open to public inspection in accordance with the State Public Information Act, [(State Government Article, Title 10, Subtitle 6, Part III)] TITLE 4 OF THE STATE GENERAL PROVISIONS ARTICLE.

COMMENT: Corrects outdated statutory citations.

◆ 2-10. Compensation; Expenses.

(c) Expenses

All voting and non-voting [trustees] TRUSTEES are entitled to reimbursement [of] FOR reasonable [and necessary] expenses incurred [through their service on the Board] IN THE PERFORMANCE OF THEIR DUTIES.

COMMENT: Conforms these provision to the applicable elements of the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, ◆ 2-5(b), as enacted by Ord. 15-408.)

Article 28. Taxes

Subtitle 10. Credits

◆ 10▲19. Urban agricultural property.

(e) Application and certification.

(1) A property owner seeking to obtain and annually maintain a credit under this section must:

(i) at LEAST 90 days before the 1st tax year for which the credit is sought, file an application for the credit with the Sustainability Office; and

(ii) at least 90 days before each subsequent tax year during the term of the credit, file with the Sustainability Office a certification that the property continues to be used for urban agricultural purposes and to meet all other qualification for the credit.

(g) Continuous agricultural use required.

(2) Good-cause waiver of interest and penalties.

(ii) The property owner has the burden to demonstrate that:

...

(B) the owner otherwise meets the requisite criteria for a waiver, as established in the rules and regulations adopted under subsection [(h)(1)(i)] (H)(1)(II) of this section.

(h) Administration.

The Director of Finance, after consultation with the Sustainability Office:

(1) shall adopt rules and regulations to carry out this section, including:

(i) the procedures, forms, and documentation required to apply for the credit and to periodically evidence continuing eligibility for the credit; and

(ii) the procedures and governing criteria for obtaining a surcharge waiver under subsection (g)(2) of this section;

....

COMMENT: Inserts a word inadvertently omitted from subsection (e)(1)(i); and corrects◆an erroneous cross-reference in subsection (g)(2)(ii)(B). (Subsection (h)(1) shown◆for context of corrected cross-reference.)

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

(a) Definitions.

(4) Food Retail Incentive Area.

◆Food Desert Incentive Area◆ means any area that is:

- (i) a food desert; or
 - (ii) within ◆ mile of a food desert[; or
 - (iii) Any area that would be a food desert but for the presence of a qualified supermarket].
- (c) Qualifications for credit.

To qualify for the credit granted by this section, a qualified supermarket must:

- (1) be located either:
 - (i) in a Food Desert Incentive Area; or
 - (II) IN AN AREA THAT WOULD BE A FOOD DESERT INCENTIVE AREA BUT FOR THE PRESENCE OF THAT QUALIFIED SUPERMARKET;
- (2) have expended on new personal property an amount equal to the greater of:
 - (i) \$150,000; or
 - (ii) \$25 per square foot of total floor space;
- (3) have at least 500 square feet of total floor space dedicated to the sale of fruits and vegetables; and
- (4) have at least 500 square feet of total floor space dedicated to the sale of other perishable goods, including meat, seafood, and dairy products[; and].

COMMENT: Corrects ambiguities and other errors made by incomplete and otherwise poorly drafted amendments to Ord. 15-434, amendments that were submitted to and adopted by Committee (and, then, by the Council) without prior submission to or vetting by the Department of Legislative Reference.

Article 31. Transit and Traffic

Subtitle 13. Baltimore City Parking Authority

◆ 13▲7. Board of Directors ◆ In general.

- (f) Compensation; expenses.

THE MEMBERS OF THE BOARD:

- (1) [A member may not receive] SERVE WITHOUT compensation[.]; BUT
- (2) [The Board may establish rules governing payment of or] ARE ENTITLED TO reimbursement for REASONABLE expenses incurred [by a member in the discharge of his or her duties] IN THE PERFORMANCE OF THEIR DUTIES, AS PROVIDED IN THE BOARD'S RULES GOVERNING EXPENSES.

COMMENT: Conforms these provision to the applicable elements of the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord. 15-408.)

§ 13A9. Board of Directors § Quorum; open meetings; public records.

(b) Open meetings.

All meetings of the Board must be conducted in accordance with the State Open Meetings Act, TITLE 3 OF THE STATE GENERAL PROVISIONS ARTICLE.

(c) Public records.

All records of the Authority must be open to public inspection in accordance with the State Public Information Act, TITLE 4 OF THE STATE GENERAL PROVISIONS ARTICLE.

COMMENT: Inserts the newly modified statutory citations for the two referenced Acts.

Subtitle 15. BMore Streets for People

§ 15A13. Terms; Compensation; Vacancies.

(b) Compensation; expenses.

[Members] THE MEMBERS of the Advisory Board:

- (1) [are not entitled to] SERVE WITHOUT compensation [for their services]; but
- (2) are entitled to reimbursement for REASONABLE expenses incurred IN THE PERFORMANCE OF THEIR DUTIES, as provided in the Ordinance of Estimates.

COMMENT: Conforms subsection to the standard locution recently recommended by the Law Department and adopted by Ordinance. (Cf. Article 6, § 2-5(b), as enacted by Ord. 15-408.)

Subtitle 31. Clear Streets and Impoundment

§§31A1. Definitions.

(d) Private property.

(1) ♦Private property♦ shall include all property not included within subsection [(f)] (E) where the owner can be readily ascertained by reference to the records of the Bureau of Assessments or elsewhere.

COMMENT: Corrects an erroneous cross-reference.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Short Title, First Recital Paragraph, and Section 2 of Ordinance 15-326 are amended to read as follows:

{Short Title:}

Urban Renewal ♦ Coldspring Neighborhood Development Program ♦
Amendment [10] 11

{First Recital Paragraph:}

The Urban Renewal Plan for Coldspring Neighborhood Development Program was originally approved by the Mayor and City Council of Baltimore by Ordinance 73-242 and last amended by Ordinance [97-175] 07-385.

{Section 2:}

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Coldspring Neighborhood Development Program, as amended by this Ordinance and identified as ♦Urban Renewal Plan, Coldspring Neighborhood Development Program, revised to include Amendment [10] 11. dated October 27, 2014♦, is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

COMMENT: In assigning an amendment number to Ord. 15-326, the latest formal amendment to the Urban Renewal Plan for the Coldspring Neighborhood Development Program, the Department of Planning failed to account for a preceding amendment (Ord. 07-385), which was already, and properly so, designated as ♦Amendment 10♦. This corrects the numbering sequence.

SECTION 3. 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 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect when it is enacted.

dlr15-1142(2)~intro/06Jan16
misc/corrective/aa:me

dlr15-1142(2)~intro/06Jan16
??21??
misc/corrective/aa:me