



Legislation Details (With Text)

File #: 14-0377 **Version:** 0 **Name:** Charter Amendment - Transfer of Powers and Duties
Type: Mayor and City Council Res. **Status:** Enacted
File created: 5/12/2014 **In control:** City Council
On agenda: **Final action:** 7/25/2014
Enactment date: **Enactment #:** 14-16
Title: Charter Amendment - Transfer of Powers and Duties

FOR the purpose of transferring from the Department of General Services to the Department of Transportation certain Charter powers and duties relating to streets and rights-of-way, including the approval of new streets, the naming or renaming of streets, the opening and closing of streets, the numbering of buildings, the preparation of street plats and plans, and the maintenance of plats and records of all parcels of real property and underground structures, and the maintenance a system of uniform property identification; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Sponsors: City Council President (Administration)

Indexes: Charter Amendment, Powers, Transfer

Code sections:

Attachments: 1. 14-0377 - 1st Reader.pdf, 2. Transportation - 14-0377.pdf, 3. Law - 14-0377.pdf, 4. 14-0377 - DGS.pdf, 5. 14-0377 - Finance.pdf, 6. 14-0377~3rd Reader.pdf

Date	Ver.	Action By	Action	Result
7/25/2014	0	Mayor	Signed by Mayor	
7/17/2014	0	Judiciary and Legislative Investigations	Recommended Favorably	
7/17/2014	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
7/17/2014	0	City Council	Approved and Sent to the Mayor	
6/2/2014	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
5/15/2014	0	The City Council	Referred for a Report	
5/15/2014	0	The City Council	Referred for a Report	
5/15/2014	0	The City Council	Referred for a Report	
5/15/2014	0	The City Council	Referred for a Report	
5/12/2014	0	City Council	Assigned	
5/12/2014	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
5/12/2014	0	City Council	Introduced	

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

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THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL
(Charter Amendment)

Introduced by: The Council President

At the request of: The Administration (Department of Transportation/Department of
General Services)

A RESOLUTION ENTITLED

A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning
Charter Amendment - Transfer of Powers and Duties

FOR the purpose of transferring from the Department of General Services to the Department of Transportation certain Charter powers and duties relating to streets and rights-of-way, including the approval of new streets, the naming or renaming of streets, the opening and closing of streets, the numbering of buildings, the preparation of street plats and plans, and the maintenance of plats and records of all parcels of real property and underground structures, and the maintenance a system of uniform property identification; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing to repeal
Article VII - Executive Departments
Sections 132(d)-(f) and 133
Baltimore City Charter
(1996 Edition)

BY proposing to amend
Article VII - Executive Departments
Section 116(b)(2) and (5)
Baltimore City Charter
(1996 Edition)

BY proposing to add
Article VII - Executive Departments
Section 116(e)-(k)
Baltimore City Charter
(1996 Edition)

BY proposing to reletter
Article VII - Executive Departments
Section 116(e)
to be
Section 116(i)
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 VII. Executive Departments

Department of General Services

§ 132. Powers and duties of Department.

[(d) System of uniform property identification.

- (1) The Department shall maintain a system for the uniform identification of all real property within Baltimore City.
- (2) The system shall identify each parcel of real property by a symbol. That symbol shall be used by every municipal agency to identify that parcel, until it is subdivided or the symbol is changed by the Department.
- (3) The failure of the Department or of any other municipal agency to identify a parcel of property by its symbol does not affect the validity of any assessment or charge otherwise properly made.

(e) Plats and records - properties.

- (1) The Department shall maintain adequate plats and other records of all parcels of real property within Baltimore City.
- (2) These plats and records shall include:
 - (i) the ownership of each parcel; and
 - (ii) the symbol by which each parcel is identified.
- (3) These plats and records shall be the official plats and records to be used by all municipal agencies to identify and determine the location of every parcel of real property within Baltimore City.

(f) Plats and records - underground structures.

The Department shall maintain plats and records of tunnels, pipes, mains, sewers, conduits, and other underground structures, both public and private.]

[§ 133. Streets.

(a) Approval of new streets.

- (1) Any person who, in connection with any real estate development, wants to lay out, locate, or construct a street, public or private, within Baltimore City shall, before beginning construction and before selling any land abutting on the street, present to the Department of General Services a copy of the plat for the proposed development, as approved by the Planning Commission, showing in detail the proposed streets.
- (2) If the plat is approved by the Department, the person shall:

(i) record a copy of the plat, with the endorsements of the Planning Commission and the Department on it, with the Clerk of the Circuit Court of Baltimore City; and

(ii) a certified copy of the recorded plat with the Department.

(b) Street names.

(1) New public streets may not be designated by names until the names have been approved by the Department and entered on the appropriate plats and records of the Department.

(2) If a private street is dedicated for public purposes and the dedication is accepted, or if the title to a private street is conveyed to the City, the Department shall give the street a name, by which it shall be known on all official records of the City.

(3) The name of a public street may not be changed except by ordinance or resolution of the Mayor and City Council

(c) Building numbers.

(1) The Department:

(i) shall determine and fix the number of every new building; and

(ii) may change existing numbers.

(2) The Department shall report each new number or change of number to the owner or occupant of the building.

(d) Street plats and plans.

The Department shall:

(1) adopt rules and regulations regarding plats and plans relating to the location of streets; and

(2) shall prepare these plats and plans as required by the Board of Estimates or by ordinance.]

SECTION 2. AND BE IT FURTHER RESOLVED, That the City Charter is proposed to be further amended to read as follows:

Baltimore City Charter

Article VII. Executive Departments

Department of Transportation

§ 116. Powers and duties of Department.

(b) Street construction and maintenance.

(2) The Department shall:

(I) prepare the plans and perform the work required by Ordinances [that open, extend, widen, straighten, close, or grade] FOR OPENING, EXTENDING, WIDENING, STRAIGHTENING, GRADING, AND CLOSING any street in the City[.]; AND

(II) [However, the Department of General Services shall] prepare all Ordinances for the opening and closing of streets, attend the hearings on [the] THOSE Ordinances, and perform all administrative functions related to [these] THOSE Ordinances.

(5) No pavement laid after the publication of the notice may be dug up by any person without a permit issued by the Director [of General Services]. The Director [of General Services] has discretion to issue or withhold this permit, and may attach appropriate conditions and charges to the permit.

(E) APPROVAL OF NEW STREETS.

(1) ANY PERSON WHO, IN CONNECTION WITH ANY REAL ESTATE DEVELOPMENT, WANTS TO LAY OUT, LOCATE, OR CONSTRUCT A STREET, PUBLIC OR PRIVATE, WITHIN BALTIMORE CITY SHALL, BEFORE BEGINNING CONSTRUCTION AND BEFORE SELLING ANY LAND ABUTTING ON THE STREET, PRESENT TO THE DEPARTMENT A COPY OF THE PLAT FOR THE PROPOSED DEVELOPMENT, AS APPROVED BY THE PLANNING COMMISSION, SHOWING IN DETAIL THE PROPOSED STREETS.

(2) IF THE PLAT IS APPROVED BY THE DEPARTMENT, THE PERSON SHALL:

(I) RECORD A COPY OF THE PLAT, WITH THE ENDORSEMENTS OF THE PLANNING COMMISSION AND THE DEPARTMENT ON IT, WITH THE CLERK OF THE CIRCUIT COURT OF BALTIMORE CITY; AND

(II) A CERTIFIED COPY OF THE RECORDED PLAT WITH THE DEPARTMENT.

(F) STREET NAMES.

(1) NEW PUBLIC STREETS MAY NOT BE DESIGNATED BY NAMES UNTIL THE NAMES HAVE BEEN APPROVED BY THE DEPARTMENT AND ENTERED ON THE APPROPRIATE PLATS AND RECORDS OF THE DEPARTMENT.

(2) IF A PRIVATE STREET IS DEDICATED FOR PUBLIC PURPOSES AND THE DEDICATION IS ACCEPTED, OR IF THE TITLE TO A PRIVATE STREET IS CONVEYED TO THE CITY, THE DEPARTMENT SHALL GIVE THE STREET A NAME, BY WHICH IT SHALL BE KNOWN ON ALL OFFICIAL RECORDS OF THE CITY.

(3) THE NAME OF A PUBLIC STREET MAY NOT BE CHANGED EXCEPT BY ORDINANCE OR RESOLUTION OF THE MAYOR AND CITY COUNCIL

(G) BUILDING NUMBERS.

(1) THE DEPARTMENT:

(I) SHALL DETERMINE AND FIX THE NUMBER OF EVERY NEW BUILDING; AND

(II) MAY CHANGE EXISTING NUMBERS.

(2) THE DEPARTMENT SHALL REPORT EACH NEW NUMBER OR CHANGE OF NUMBER TO THE OWNER OR OCCUPANT OF THE BUILDING.

(H) STREET PLATS AND PLANS.

THE DEPARTMENT SHALL:

(1) ADOPT RULES AND REGULATIONS REGARDING PLATS AND PLANS RELATING TO THE LOCATION OF STREETS; AND

(2) SHALL PREPARE THESE PLATS AND PLANS AS REQUIRED BY THE BOARD OF ESTIMATES OR BY ORDINANCE.

(I) PLATS AND RECORDS - UNDERGROUND STRUCTURES.

THE DEPARTMENT SHALL MAINTAIN PLATS AND RECORDS OF TUNNELS, PIPES, MAINS, SEWERS, CONDUITS, AND OTHER UNDERGROUND STRUCTURES, BOTH PUBLIC AND PRIVATE.

(J) PLATS AND RECORDS - PROPERTIES.

(1) THE DEPARTMENT SHALL MAINTAIN ADEQUATE PLATS AND OTHER RECORDS OF ALL PARCELS OF REAL PROPERTY WITHIN BALTIMORE CITY.

(2) THESE PLATS AND RECORDS SHALL INCLUDE:

(I) THE OWNERSHIP OF EACH PARCEL; AND

(II) THE SYMBOL BY WHICH EACH PARCEL IS IDENTIFIED.

(3) THESE PLATS AND RECORDS SHALL BE THE OFFICIAL PLATS AND RECORDS TO BE USED BY ALL MUNICIPAL AGENCIES TO IDENTIFY AND DETERMINE THE LOCATION OF EVERY PARCEL OF REAL PROPERTY WITHIN BALTIMORE CITY.

(K) SYSTEM OF UNIFORM PROPERTY IDENTIFICATION.

(1) THE DEPARTMENT SHALL MAINTAIN A SYSTEM FOR THE UNIFORM IDENTIFICATION OF ALL REAL PROPERTY WITHIN BALTIMORE CITY.

(2) THE SYSTEM SHALL IDENTIFY EACH PARCEL OF REAL PROPERTY BY A SYMBOL. THAT SYMBOL SHALL BE USED BY EVERY MUNICIPAL AGENCY TO IDENTIFY THAT PARCEL, UNTIL IT IS SUBDIVIDED OR THE SYMBOL IS CHANGED BY THE DEPARTMENT.

(3) THE FAILURE OF THE DEPARTMENT OR OF ANY OTHER MUNICIPAL AGENCY TO IDENTIFY A PARCEL OF PROPERTY BY ITS SYMBOL DOES NOT AFFECT THE VALIDITY OF ANY ASSESSMENT OR CHARGE OTHERWISE PROPERLY MADE.

(L) [(e)] Additional powers and duties.

The Department has the additional powers and duties relating to the construction, reconstruction, and maintenance of streets, to transportation, and to traffic, including powers and duties transferred from other municipal agencies, as

are prescribed by law.

SECTION 3. AND BE IT FURTHER RESOLVED, That this proposed amendment to the City Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection, in accordance with Article XI -A, § 5 of the Maryland Constitution, in the form specified by the City Solicitor.

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